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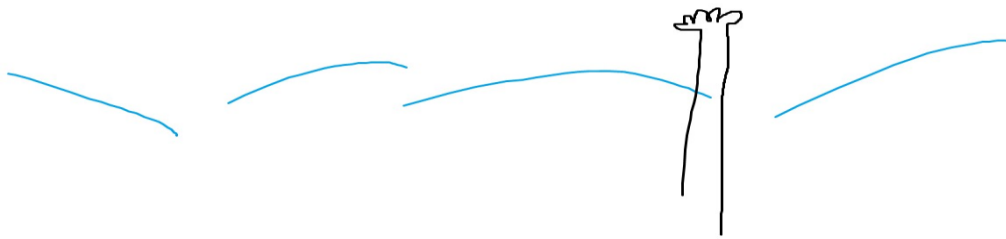
The State pushes back: The moral and legal obligations towards asylum seekers in the Aegean Sea

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Abstract: In recent years, the Aegean Sea has been an area of political tension due to the undermining of human rights. Particularly after 2015 refugee crisis, Europe was found in an unprecedented position, unable to manage the flows arriving from the East. Today the pushbacks of asylum seekers have become a daily practice of Greece's foreign agenda and a tool of political expediency. States have moral and legal responsibilities towards refugees with regard to their treatment and refoulements are contrary to these duties, as they violate the principle of non-refoulement and disrespect human dignity. This paper examines the phenomenon of pushbacks as a state practice within the European Union and the ethical and legal concerns they raise as a challenge to safeguarding human rights. The management of the refugee issue calls into question the moral objectives manifested by the European Union and undermines the validity of international law. The mass expulsions in the Aegean Sea are a plague on the realization of a society of solidarity and make it necessary to mobilize both the European Union and the international humanitarian community to deal with them.



To those who never reached their destination...

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1. INTRODUCTION

The political debate around the process of asylum seeking is one of the biggest weaknesses in the European continent and beyond. It can easily become the cause of tension between states and the protagonist of a continuous cycle of political disagreements. The complications related to asylum seekers take time and many efforts, as modern societies are unable to deal with them in a short time due to their complexity and controversial interests. The process of asylum seeking is a major human rights issue, as there are regions around the world where the right to asylum is constantly violated by state policies. People are suffering and the international community is failing to take decisive actions to solve the difficulties of movement of people across borders, to the point where the issue is even taking on the dimensions of a humanitarian crisis. Almost ten years after the 2015 crisis in Southeast Europe and the cooperation between the EU and Turkey to deal with the huge refugee flows to the West, people are still dying at land and water borders. The Aegean Sea has become a graveyard for refugees and the problem seems to be unconquerable as Greece and Turkey blame each other creating a dysfunctional atmosphere on the issue. The practice of refoulement of refugees by the state apparatus and the competent national institutions is a daily practice that is contrary to international law and human rights, violating fundamental freedoms. Pushbacks cause fear among asylum seekers, leading them to choose even more risky routes in their attempt to reach Europe. As long as the EU does not provide safe routes for refugees to Europe, the problem will be perpetuated, and the number of victims will increase daily. The year 2023 has brought new tragedies in Mediterranean waters, as the deadly incident in Pylos, while at the same time the Greek government is upgrading its border security on land and sea in the name of its right to protect the national borders from “invaders”, indifferent to people seeking protection.

Refoulement raises concerns related not only to the violation of international legal texts. This paper will raise ethical issues and philosophical considerations regarding state policy of pushbacks. Through political philosophy, it will analyze ways of treating the “foreigner” by the social construct of reception and whether pushbacks challenge a country's moral obligations. In addition, the existing legal framework around asylum policy will be illustrated and there will be an examination, through facts and incidents, the extent to which international law and human rights are respected in the wider Aegean Sea

region. The thesis analyses collective expulsions in the Aegean Sea from the perspective of States' moral and legal obligations towards refugees, with a focus on the principle of non-refoulement. It answers the following sub-questions: What are the moral obligations of a state towards refugees? How do pushbacks transgress these norms? What is the law on non-refoulement? How do pushbacks in the Aegean Sea violate the principle of non-refoulement?

Despite the extent of the refugee crisis in recent years, the media coverage of the phenomenon is not such as to reflect the importance of the problem. People of all ages are drowning every day within European borders in their search for a better future. It is important that the relevant actors, such as NGOs, activists, and scholars, put pressure on the EU and the states involved to put an end to the suffering of these people. The contribution of this research is aimed at the broader effort of publicizing the Aegean Sea refoulements and criticizing them as a state's tool with ethical and legal violations. The importance of this thesis lies in the presentation of the moral obligation of the state apparatus to manage asylum seekers fairly and to respect their rights, as well as in highlighting the policy of pushbacks as reprehensible from both a philosophical and a legal point of view. Public debates on refugees are extremely polarized, with distinct reactions of either xenophobia or solidarity. In Greece and other EU countries, asylum seekers are presented exclusively as a security threat and concern. Liberal-conservative governments in Greece adopt policies such as pushbacks that endanger human rights. It is vital to safeguard fundamental freedoms and rights to highlight the situation in the Aegean Sea in order to raise awareness in solidarity and to have a comprehensive caricature of government policies.

The paper will specialize on issues concerning the tactic of repulsion by setting some limits to the research. Thus, the questions it will answer will be related to specific areas and will be within a defined framework which will help to achieve clearer results by achieving its purpose. In particular, the paper will focus on the ethical and legal obligations that the state has towards asylum seekers and will not include broader intergovernmental actors. However, where appropriate, it will refer to supranational cooperation or the role and directives of the European Union in the refugee phenomenon but will be content to focus on decisions taken or to be taken from a national perspective. Greece may be a member of the EU led by a supranational cooperation of countries, but it is important to set some limits in order to have better results in dealing with the practices adopted by the

state. In addition, the research mainly concerns the water borders between Greece and Turkey without extending to the land borders and focuses on the criticism of the Greek state. The main issue at stake is the question of refoulement as an action-policy of the state apparatus and its consequences in terms of its moral and legal dimension.

In order to give an answer to the concerns mentioned, the research follows an interdisciplinary approach to respond to the complex nature of the refugee experience in the Aegean Sea and to analyze pushbacks as a violation of human rights. The research will be drawn on the fields of political philosophy and political science which allows to examine the ethics surrounding the state-refugee relationship. In addition, the legal part of the paper will examine refoulement as a common phenomenon at Europe's south-eastern maritime borders and assess state management of refugee flows under international law. In the first part are stated the moral obligations of the state in relation to the concept of the alien through philosophical theories and the ethical obligations towards the state's choice to push them back. Sources from the relevant literature and ethical theories from expert scholars are used to analyze the data in depth to help draw conclusions. The comparison of different philosophical approaches to the moral duty of the state aims to bring out more valid and comprehensible results. Moreover, the moral purpose of a society to include a person from another place in its mechanisms will be analyzed and concepts such as citizenship, borders, asylum, and solidarity will be explored, contributing to the presentation of the broader framework around the ethics of the state-refugee relationship. The importance of coexistence between the state mechanism and the asylum seeker will be stressed, as the state respects its responsibility towards the refugee and protect them. The research will then set out contemporary opposing views on the duty of the state towards these individuals, as well as policies that use asylum seeking and the tactic of pushbacks as political means to achieve specific interests. In the second part of the paper, the Common European Asylum System is presented, followed by an analysis of the practice of refoulement based on international legal texts. In addition, the paper will quote the EU-Turkey agreement and criticize its main points. It will then present the policy of refoulement as a violation of human rights, analyzing and describing testimonies of refugees who have been victims of ill-treatment by the authorities in the past. In addition, it will mention Greece as a respondent before the European Court of Justice, the new investigations that must bring those responsible to justice and the recent tragedies in the wider Aegean region that show that the situation is unstable and must be urgently

addressed. At the end of the second chapter, the Hellenic Coast Guard will be referred to as the competent body or the implementation of refoulement, playing an essential role as a tool to perpetuate the problem, sometimes with the complicity of international assistance. At the end of the paper the above questions will be answered with additional commentary, some remarks and suggestions will be made for the solution of the problem, outlining also personal ideas.

2. ETHICS ON ASYLUM SEEKING PROCEDURE

2.1 INTRODUCTION

The language of human rights is widely used and recognized in our modern society. Interestingly, although human rights have gained significant political influence, their underlying philosophical basis has become increasingly debated. This discussion draws upon the concepts of discourse ethics and communicative rationality to explore the intersection of politics, philosophy, and human rights, considering their relevance within the context of the broader social changes that are molding our contemporary world (Benhabib, 2011). The socio-political tensions in the wider Aegean region in the last decade have gathered the attention of international politics. The dimensions taken by the refugee issue in the waters between the Greece-Turkey border raised the alarm bells of both the European Union and the states involved. The practices used by states in managing the crisis proved to be problematic and inadequate, resulting in the problem still existing today. Human lives are lost every day in the waters of the Aegean Sea in their attempt to cross the path that will lead them to Europe and avoid the dangers they face in their homeland. The incidents and revelations that have come to light especially since the mid-2010s have prompted scholars and experts to engage more with the issue, as it is essentially a humanitarian crisis.

The choice of a governmental apparatus to insist on immigration policies that lead to more and more deaths may mean that its moral concept does not value human life. In the past, the majority of philosophers believed that liberal states have the moral

authority to control refugee flows according to their own judgment, with only a few exceptions. However, there is now a growing movement among liberal egalitarians to challenge this traditional perspective through two different arguments. The first argument supports that restrictions on asylum seeking go against fundamental liberal Egalitarian principles such as freedom and moral equality. The second argument argues that prosperous, democratic societies have a moral duty to accept refugees as a partial solution to global injustices such as poverty and human rights violations (Wilcox, 2009).

In this first chapter the paper will include the ethical problems raised by the mistreatment or exclusion faced by refugees and how this contradicts the moral obligation of the state towards them. Theories of political philosophy will be presented to explain the concept of global citizenship as a norm as opposed to the bureaucratic requirements needed to be considered a refugee nowadays. Through stoicism and Kant's theory, the relationship between the state and the “stranger” will be illustrated, where the state as a mechanism has a moral obligation towards all human beings. Exclusion will then be analyzed from the perspective of Christopher Heath Wellman and Phillip Cole stating two different approaches to its moral value. In addition, the weaponization of refoulement and the theory of Securitization will explain how society can be manipulated for political gain. Pushback will be seen as a central pillar of the Aegean region's migration policy and the moral significance of this practice in terms of the refugee and the process of achieving a more pluralistic society will be highlighted.

2.2. REFUGEES & MOVEMENT

Migration, either individually or in groups, from place to place is not a new phenomenon. Individuals have always been moving from one region to another depending on their needs and conditions of each era. Already from ancient times, human mobility was very common either because this was due to a lack of food and fertile soil or due to some siege by conquerors. Although there were still no states in their present form nor any kind of national evidence that would bureaucratically certify the status of each citizen, such as an identity card or a passport, there was a need for alienation from the rest of the world. This could be achieved either in the form of artificial means such as a wall or a fort or with the help of the natural formation of the terrain and happened mainly for security

reasons creating at the same time borders that excluded people who were not part of that community. Nowadays the states have borders that are entitled to defend and can exclude people through bureaucratic means such as obtaining citizenship, visas and other documents that deny an alien equal treatment with a local citizen. Moreover, the state apparatus can exclude immigrants through refoulements, as we will analyze later in this paper, even though they are illegal according to international law they are a common phenomenon in areas that receive large flows of refugees.

Some theorists blame liberalism of moral apathy towards refugees supporting that there is a neoliberal “imperial” drive for world power has been evident since the last century, with conservative objections to legal cosmopolitanism as encroachments on democratic sovereignty and an obstacle to human rights (Benhabib, 2011). It is believed that border controls, as restrictions on moving, go against the core ethical principle of moral equality. This indicates that immigration controls do not pass a fundamental moral assessment and reflect a moral deficiency in the liberal pursuit of moral equality. Any liberal argument attempting to morally justify immigration controls is destined to fail by committing the logical fallacy of “begging the question” (Cole, 2012). Egalitarians frequently argue that immigration restrictions imposed by wealthy nations contribute to or perpetuate undesirable forms of inequality. The common justification for this argument is based on the distributive outcomes resulting from exclusionary policies. According to this perspective, immigration restrictions by affluent nations are problematic because they grant citizens of these nations a form of disproportionate power over disadvantaged individuals. This leads to an inequitable relationship between the citizens of affluent states and disadvantaged immigrants, which is deemed objectionable (Sharp, 2022).

States have an obligation rooted in legitimacy to grant refugees the status of citizenship. This argument is based on a normative approach to refugeehood proposed by David Owen, which views the refugee protection system as a means to restore legitimacy to the international order of states. However, because membership is closely tied to the ability to claim fundamental rights, the refugee protection system can truly fulfill its purpose only when states are required to offer citizenship to refugees. The fundamental condition of being an asylum seeker is the breakdown of membership, which hinders individuals from asserting their basic rights as a matter of course. Therefore, the legitimacy-restoring function of refugee protection is only achieved when such

membership is reinstated. This perspective highlights that state's obligations towards refugees extend beyond granting temporary entry and providing basic rights protection. Instead, refugees deserve to be granted citizenship in their country of asylum (Buxton, 2021). Globalization and technological modernization, despite the progress they have made in various fields, in some cases are unable to deal with the asylum-seeking procedure. The anti-liberal theory argues that this is not due to weakness but to a political plan aimed at state interests. Thus, as we will analyze later in this paper, refugee flows can be instrumentalized playing a key-role in the ruler-ruled relationship.

The moral definition of a refugee emphasizes the importance of protecting individuals who are most vulnerable to harm and injustice. It recognizes that people who are fleeing their homes are doing so because they have been targeted or marginalized in some way, whether because of their race, religion, nationality, political beliefs, or membership in a particular social group. As such, refugees are often the victims of injustice and oppression. Our obligation to protect asylum seekers arises from the recognition that every human being is entitled to certain fundamental rights and freedoms, including the right to life, liberty, and security of person. When individuals are forced to flee their homes due to violence or persecution, their basic human rights are violated. As a global community, we have a moral obligation to ensure that these rights are upheld and that refugees are able to find safety and security. Asylum seekers are in need to be heard from the host country and treated as a local citizen. Their desire to be admitted from the state apparatus, following a safe path crossing the borders, will be the start point of their new beginning. The national machinery must gradually take all appropriate measures for their inclusion in its social structure.

Moreover, in this point it is essential to emphasize the morality required for the recognition of providing assistance and protection to asylum seekers. It is not just a matter of fulfilling our obligations but is also a reflection of our shared humanity. All these people trying to escape from their homeland in terrible conditions face multiple struggles which lead them risk their lives in a rusty boat. When we recognize these hardships faced by refugees, we are better equipped to respond in ways that are compassionate, supportive, and just. Our obligation to protect them arises from the recognition of the inherent value and dignity of every human being, and our shared responsibility to promote justice, fairness, and solidarity.

Cosmopolitan thinkers espouse the belief that every person has equal moral worth and argue that our obligations to others extend beyond national borders. Different cosmopolitan perspectives offer different interpretations of how we should understand the implications of this equal moral value and the responsibilities we have towards each other in order to truly uphold equality. Two concepts, namely “the principle of global difference” and “the principle of global equality of opportunity”, present possible foundations for a new global framework on how we perceive migration (Brock, 2005).

2.3. WORLD CITIZEN & COSMOPOLITANISM

Most moral and political philosophers, irrespective of their stance on border controls, agree that states have a duty to offer asylum to refugees facing persecution or serious human rights violations. However, this consensus obscures a number of thorny ethical issues raised by the plight of the displaced as well as the abject conditions faced by refugees raise many complex moral weaknesses between state-refugee relation that need to be specifically addressed arising from the broader norm of deporting vulnerable groups (Gibney, 2018). The moral discussion around the ethics of global movement and fundamental freedoms topics can be broad. It is true that there is no fully worked out theoretical account of the ideal democracy that everyone would accept. However, it is possible to demonstrate that any reasonable version of basic democratic ideas, such as freedom of movement, has concrete and important implications for global movement and can contribute to its evolution into a simpler and friendlier process than how it is today. Border controls, scholars believe, can be an affront to the dignity of people on the move, and the way states handle refugee issues is an obstacle to global prosperity, cosmopolitanism.

Modern states are an edifice of a type of society that has come to dominate the world. A state does not exist without the individuals, i.e., the citizens, as it cannot stand by itself since humans invented the concept of the state in order to coexist as a social entity. Thus, whenever we refer to the way a state should treat a refugee, we essentially mean the way a person or a group of people should treat one or more individuals. In other words, we need to consider the relation between state and asylum seekers as a relation between human beings. Thus, the state itself, when it comes to dealing with a foreign person, should

act and treat them with all those values and ideals that should govern an interaction between a group of people.

Kant, as early as 1795, in his essay “Perpetual Peace: A Philosophical Sketch”, refers to the right of the stranger. According to him, every foreigner “has the right not to be treated hostilely during his stay in a region by the locals. They can be deported, but they must not be treated badly. Also, the stranger has a right to appear in a society, like all humans, since they have common possession of the surface of the earth, and no one has more right to be in a particular part of the earth than another” (Kant, 1939). After all, according to the German philosopher, people cannot spread out indefinitely, but should coexist side by side. Aristotle also argues that human is by nature a political being. This well-known phrase does not mean that human by nature is politically active, but that they naturally exercise political activity. The human’s nature is such that they can achieve their fulfillment only in a social entity in which they interact with other people and that intercourse contributes to their completion. However, Kant clarifies that the right of hospitality should never exceed the limits and conditions set by the oldest inhabitants of a place. In other words, as far as the current era is concerned, one's right to host is not above the laws and rules of the host country.

Based on the above theory, the rights, and obligations that refugees have today when they enter a country are clear. However, this theory has much in common with the theory of “Cosmopolitanism” as seen in Stoic philosophy and Martha Nussbaum. Nussbaum presents the image of the “world citizen”, that is, the person who considers themselves as a “citizen of the world”, according to Stoic philosophy (Patseli, 2022). This person is a member of two communities at the same time: the local, where they were born, and “the society of human arguments and aspirations”. This society, according to Nussbaum, is the source of everyone’s moral obligations regarding moral values such as justice (Nussbaum, 2001). Diogenes believed that we should escape from the comfort and feelings that patriotism evokes and see our own way of life from the point of view of justice and goodness, since where one is born is nothing but a random event. The stoic followers of Diogenes believed that the individual differences of people, such as national, religious, etc., should not be an obstacle for the relations between humans. As, according to Nussbaum, we humans should be able to recognize humanity wherever it appears and show its fundamental characteristics, logic and moral ability, trust, and respect.

This idea states that citizens should not believe in a common form of government, nor in some transitory secular power, but in the moral community, which consists of all human beings. Furthermore, the individual as a universal citizen should behave in such a way as to treat with equal respect the way of life and the moral choices of every human being. This argument is what the Stoics named “universal identity”. For the Stoics, as Nussbaum supports, good political education is what prepares people for their universal identity (Nussbaum, 2001). The Stoics use and recommend political education for three reasons. First, it is important to study humanity since this helps us learn more about ourselves. Humans understand more about themselves when they compare to other people. Second, in this way, it is possible to solve everyone's problems more effectively if we face them free from the local commitments of each human group and commit ourselves to the universal community of justice and reason, avoiding the dangers of factionalism and local commitments. Third, this cosmopolitan attitude is valuable because it recognizes in people their essential characteristics: their hope for justice and goodness and their ability to reason in this direction. These three reasons also constitute the qualities of the cosmopolitan (ibid.).

According to the Stoics, to be a citizen of the world one should not abandon whatever local identities one possesses, but one should consider oneself surrounded by a series of concentric circles¹. It is not necessary for each of us to give up our particular preferences since these are an element of our identity (Patseli, 2022). Education should give great importance to these elements. But we should try and get all people to participate in the dialogue. Let our political discussions proceed in dialogue and in the stoic circle, which defines our humanity with special attention and respect. Based on this argument, the refugee coming from another part of the world should be considered neither a foreigner nor an invader. These are people who, by chance, had until recently been living in another part of the world, until the moment came when, for some life-threatening reasons, they decided to leave one society and enter another, hoping to find more affordable living conditions. It is a moral duty for the society they enter to include them as its citizens and provide them with the same goods and comforts as the natives.

¹ This Stoic theory says that we are all surrounded by a series of concentric circles. The first includes ourselves, the second our closest relatives i.e., our family, the third our extended family, the fourth our neighbors, then there are local groups, fellow citizens, compatriots etc. The last circle refers to humanity including anything else.

Thus, if the above is accepted, it fully justifies the view that providing hospitality and shelter to every asylum seeker entering a country is a moral obligation and not charity, as it is occasionally presented by the political leadership or the media. Another interesting point, both in Stoic philosophy and in the German philosopher's theory, is that a citizen of the world considers all parts of the world as his homeland and all populations as his fellow human beings, so that it is not necessary to have an army and borders in every state, nor to choose sides in favor of another state. Kant also argues that with the passage of time the regular army should disappear because it is a cause of competition between states as well as a cause of wars of aggression (Kant, 1939). Furthermore, he believes that “the existence of men for the purpose of killing or being killed is incompatible with human’s purpose of eternal peace”.

According to the Stoics, what binds all people in a universal community, among other things, is nature, which is guided and governed by the universal law of reason, which is powerful and immutable. People are connected to each other by common sense, which is their nature and, at the same time, an important first step of their love and contribution to humanity and, by extension, to the universe. The universe is governed by eternal and immutable natural laws, which people accept instinctively. In this way, law is identified with nature and life. The universe could be identified with a supernatural power, such as God or a deity. Kant says that nature is a guarantee of eternal peace. Nature's purpose is to revive unity among people, even if unintentionally, on the basis of some laws unknown to them, this is what he calls “well-being”. For the German philosopher, human is an integral part of the mechanism of nature, the creator of the world. Also, according to him, human’s reason presupposes as a duty - and by extension as a moral end - how they will do what is necessary according to the laws of their freedom and the laws of nature, so that there may be eternal peace. On this basis, immigration could be a starting point for the creation of a peaceful society with the right to freedom of movement, since nowadays this subject is a subject full of disputes and rivalries. The state apparatus and its foreign policy have a key role to play in this endeavor, which should coincide with an international effort of state cooperation.

Human by nature can set aside their individual differences with other people and live in a community of principles and values in order to achieve peace and justice. Foreigners should not be seen as a threat to the existing social structure of the community, but as a promising prospect that will contribute to the prosperity of the region. The theory

of Cosmopolitanism and citizens of the world help us to understand and justify our moral obligations to other people. Cosmopolitanism, its moral obligations, and its ethical basis, provide answers to a very challenging problem of our time, such as that of the refugee movement. All these theories, although first formulated centuries ago, will always be relevant because of the continuing failure of our civilization to achieve its highest good, peace, which is the only solid foundation for a human world, a peaceful community.

2.4. EXCLUSION: A STATE'S RIGHT OR A CRIME?

A common debate related to asylum and the stringency of border controls is whether, from an ethical perspective, the state can or cannot exclude. On the one hand, authors such as Joseph Carens stress that open borders should only be pursued in ideal circumstances and that, at present, the claim of “open borders” does not justify the implementation of a political agenda. On the other hand, authors such as Andreas Cassee and Kieran Oberman argue for the direct and effective opening of borders by states (Hoesch & Kleinschmidt). Christopher Heath Wellman and Phillip Cole were particularly concerned with the debate on whether a state can exclude people and the moral perspective of excluding someone from entering a country. Wellman argues that legitimate states have considerable power to reject asylum seekers, even those in desperate need, by invoking the right to freedom of association. In contrast, Cole argues that the commitment to the moral equality of all individuals, which legitimate states are expected to uphold, necessitates the existence of open national borders. According to Cole, equal respect requires equal access to both territory and members, and the concept of open borders is not as radical as it may initially appear, given that there are many territorial and community borders that are already open in nature or as with the Schengen Treaty which has largely abolished internal border controls².

² The Schengen Agreement is a pact among European countries that resulted in the establishment of a unified travel zone with minimal internal border controls. It derives its name from the town of Schengen in Luxembourg, where representatives from five out of the ten member states of the European Economic Community (EEC) signed the agreement. The treaty suggested a series of measures aimed at progressively eliminating border checks at shared borders, such as significantly reducing vehicle inspections, granting freedom for individuals to cross borders, and aligning visa policies.

Wellman has stated that legitimate nations have the power to prevent unwanted refugees from entering their borders and that there is a moral right to do so. He defends this view not on the basis of the consequences it may entail, but through a moral narrative that makes this right immune from competing considerations. Wellman begins with three fundamental assumptions: first, legitimate nations have the right to self-determination; second, self-determination entails freedom of association; and third, freedom of association includes the right not to associate (Wellman & Cole, 2011). If a nation has fulfilled its obligations under international justice, it can deny entry to any asylum seeker to cross its borders. Legitimate nations have the right to regulate their own internal affairs and, even if a country has an imperfect criminal justice system, it should not be subject to takeover or control by an outside entity.

The principle of self-determination dictates that legitimate states should not be subject to the decisions of others when it comes to determining their participation. Therefore, Wellman's argument supports a country's right to reject non-members, even if those non-members have urgent needs. While wealthy countries have obligations to assist individuals living under illegal regimes and residents of poorer states, these obligations do not extend to the obligation to grant those individuals membership. Instead, Wellman argues that the obligations of richer countries can take one of two forms: either they should help prevent the conditions that lead to such asylum seekers through intervention and institution building, or they should admit these refugees to some form of membership within their borders. The principle of self-determination underscores the right of legitimate states to be free of unwanted members, even if such members would benefit significantly from being members of such a society (ibid.).

Wellman's work includes a rebuttal to various theorists who advocate looser border policies, a concise examination of the exit rights and responsibilities of nations accepting highly skilled migrants from developing countries, and an assessment of the ethical shortcomings of guest worker programs. Nevertheless, Wellman's basic argument remains unchanged: while a legitimate country may have numerous obligations to the world's impoverished populations, the obligation to allow their migration is not among them. Wellman acknowledges that the right he proposes is not without exceptions, but it is noteworthy that his example includes an extreme situation such as a nuclear war. His argument suggests that individuals who are legitimate members of a group genuinely care

about its future course, and the inclusion of new members alters the essence of the group and its potential policies (Blake, 2012).

Instead, Cole argues for the existence of a universal moral right to border crossing, which implies that states do not have the moral right to restrict entry to any refugee because of the almost absolute unacceptability of closed borders. His negative argument is intended to demonstrate that the arguments in favor of the right to exclude are morally unconvincing. Its affirmative conclusion is intended to demonstrate that the moral right to international mobility is an integral part of any justifiable and internally consistent form of liberalism. According to Cole, liberalism's failure to uphold open borders is both a theoretical and moral dilemma for liberalism's theorists. Theoretically, it highlights our inability to support the moral universalism that we claim underlies our theories. Morally, it reveals our unwillingness to embrace the radical changes that liberalism should instigate in our privileged and affluent lives (Wellman & Cole, 2011).

Cole's argument can be divided into three main aspects. The first aspect criticizes the moral fallacy of analogy-based arguments, which often dominate defenses of the legality of closed borders. For example, Wellman compares the right to exit to the right to marry, suggesting that one can only marry someone who reciprocates the desire to marry, and similarly, one can only leave a country if another country is willing to accept them (Blake, 2012). In response, Cole points out that these analogies conveniently assume that membership is similar to marriage or other voluntary relationships, which is not the case. Unlike marriage, one can live comfortably without a spouse, but it is impossible to exist safely without being protected by some form of state. Analogy-based arguments tend to overlook the unique characteristics of states as separate entities, making them inadequate to capture the intricacies of the immigration debate.

The second aspect revolves around the historical context in which these debates take place. We often overlook the fact that the borders separating rich and poor nations were created primarily by the rich themselves, driven by a sense of entitlement to cross the world in search of profit. In this context, arguments against the rights of the poor to cross these borders not only seem unfair, but also reflect a failure to recognize historical reality. We often treat these borders as morally sacred and inviolable, overlooking the fact that they are remnants of undoubtedly unjust patterns of exploitation and enslavement.

The third aspect focuses on the claim that closed borders are morally unacceptable because they contradict the basic principle of equality inherent in liberalism itself. In this context, Cole makes several arguments aimed at demonstrating the incompatibility of closed borders with moral equality. One such argument is that membership in a political community is a valuable resource that is distributed among individuals. This distribution assigns some people to wealthy democratic states, while others are allocated to unrepresentative regimes with limited protection of basic human rights. According to Cole, this practice of arbitrary allocation raises important issues that need to be addressed within our theories of justice. A “just” domestic political community cannot be considered fully justified if the distribution of the members of that community is arbitrary across the world population. By analogy, just as we would criticize a group of racists who marginalize people of other races while treating each other fairly, we have reason to condemn any distribution of membership that provides greater life opportunities, resources, and protections based on arbitrary factors and then justifies that distribution by granting states unilateral control over members. Insisting that the distribution of primary goods within a country should not be determined by arbitrary facts, but allowing arbitrary facts to determine who can be a member of that country, leads to a contradiction within our argument (Blake, 2012).

Cole argues that the liberal stance that allows states to block the entry of foreigners while prohibiting them from preventing their own members from leaving is logically inconsistent. According to Cole, if immigration is morally important enough to warrant the strong moral defense it receives in liberal theory and international law, then immigration should be considered equally important (Wellman & Cole, 2011). The two concepts are inherently interrelated because one cannot migrate without having a state to which one is entitled to be admitted. In other words, if the right to leave has any meaning, it must inherently include the right to enter another place. Our failure to recognize this connection has led us to become hopelessly inconsistent in our reasoning about the right of exit (Blake, 2012).

2.5. WEAPONIZATION OF PUSHBACKS

Over the last decade, there has been a practice of political instrumentalization of refoulement for governmental interests around the Aegean policy. Despite the appeals of the U.N the asylum application process has been used as a tool of political influence or as a means of exerting pressure (UNHCR, 2021). These tactics include manipulating or facilitating the cross-border movement of asylum seekers to achieve specific goals and deliberately worsening the overall situation for political gain. Refugee flows are opportunistically used by states to achieve “closed borders”, the militarization of islands and to stimulate a sense of national security and state sovereignty by reinforcing nationalist and far-right ideas. The state as a political mechanism aims to strengthen itself and to maintain and protect its internal wholeness. Governments always try to claim as many goods and resources as possible that will help to increase and upgrade their power. However, the fulfilment of this purpose is not consistent with its moral obligations or the preservation of human rights and fundamental freedoms of people outside this social entity. The modern neoliberal type of state especially after the terrorist attacks in central Europe by extremists uses a rhetoric of ensuring national security. It presents borders as the first line of defense against invaders regardless of color, language, or nationality since they are foreigners. This hate rhetoric has had the direct effect of stimulating nationalist sentiment, the rise of the far right both in everyday life and in parliamentary representation.

The 2015 crisis in the Aegean Sea put considerable pressure on Greek-Turkish relations, which have long been characterized by tensions. Greece has accused Turkey of facilitating the flow of refugees to Europe by encouraging or allowing an increased number of refugees to cross into Greece. This influx of asylum seekers has put pressure on Greece and the EU, creating a humanitarian and political crisis by using the route that was supposed to lead them to EU countries. On the other hand, Turkey accuses Greece of mistreating refugees and violating their human rights (Kostidis, 2022). One of the main sources of tension between Greece and Turkey regarding the refugee crisis has been the issue of territorial waters and maritime borders. Greece claims that several islands in the Aegean Sea, such as Lesbos, Chios, and Samos, are entitled to their own territorial waters and exclusive economic zones (EEZs) under international law. Turkey disputes these claims, arguing that the islands are too close to the Turkish coast to be entitled to their own

EEZs. This confrontation between the two states is particularly ironic at a time when thousands of people are drowning in these waters. Governments seem to care more about their border line than about human lives. This kind of thinking is certainly an open wound to the promotion of human rights and the ethics of the two states' foreign obligations.

In February 2020, Turkey announced that it was opening its borders with Greece, encouraging refugees to cross into Europe. The move was widely seen as an attempt by Turkey to pressure the European Union to provide greater support for its efforts to accommodate millions of Syrian refugees. However, Greece responded by closing its borders and deploying its military to prevent refugees from entering the country. This decision to close the borders and deport asylum seekers was obviously not made peacefully or with instructions to prevent the situation from escalating (Tanea team, 2020). Instead, the refugees were forcibly removed either at the land border or at sea by the Hellenic Coast Guard, the police, and the army. The move sparked a tense confrontation between the two countries, with both sides accusing the other of violating international law. All this tension has led to numerous human rights violations, including government crimes against asylum seekers by both Greece and Turkey. Cases of violence, abuse, and neglect in refugee camps on the Greek islands, where tens of thousands of asylum seekers are currently living in overcrowded and unsanitary conditions. Similarly, Turkey has been criticized for its treatment of refugees, especially those living outside official camps.

The debate on the refugee issue focuses every day on ensuring border protection. New recruitments of police officers and border guards are announced, and militarization and a sense of national preparedness for the external “enemy” are promoted. In this way the government is reviving the national, conservative sense of citizenship. The average conservative Greek citizen, hearing about the construction of a larger border fence on Evros and the strengthening of the Hellenic Coast Guard in the Aegean Sea, feels secure and satisfied. Later in the paper, it will be analyzed the theory of Securitization in more detail. The projection of the refugee issue as a national security threat involves social consequences and political expediency. A typical example is the rise of the now condemned as a criminal organization, the Nazi party “Golden Dawn” and its activities over the last fifteen years, spreading hate, xenophobia, and racism inside and outside the Greek parliament. Despite the condemnation of this party, the 2023 national elections show that the far-right nationalist element is once again present.

The Greek parliament will now be represented by three far-right parties, while the neoliberal conservative “New Democracy” was re-elected with an independent majority (Demetis, 2023). The cruel and inhumane attitude of the government in recent years towards refugees seems to strengthen the voting intention and the nationalist-xenophobic sentiment of the public opinion, which is justified by the recent results of the Greek national elections. Greek Prime Minister Kyriakos Mitsotakis denies all accusations of pushbacks and stresses that his country has the right to ensure the security of its national borders from “illegal migrants” by reinforcing the Greek-Turkish border fence on Evros and continuing the sea repatriations (Documento, 2023). This “national security” rhetoric seems to be paying off, as his party was re-elected and came first in the May 2023 elections. The pervasive conservative model alienates the moral obligation of solidarity between peoples and infiltrates individuals with the idea of national pride, increasing rates of xenophobia and racism (UNHCR, 2023).

The repeated tactic of presenting asylum seekers as a threat and intruders has managed to legitimize a policy of interception applied on the ground through the pushbacks. Despite the reactions of activists, NGOs and citizens in solidarity, events show that a large part of society accepts and welcomes the state's management of the refugee issue. This has resulted in the disappearance of a sense of solidarity with the refugees and the birth of a conservative-xenophobic impulse. The belief that national integrity comes as a priority over hospitality and helping desperate people risking their lives for a better future entrenches the conservative society. Clearly the two states are adopting competing foreign policies by looking after their own interests and using refugees as if they were pawns in a game of chess. As a result, asylum seekers are at the center of a political conflict and the number of victims is increasing daily. Human life is being undermined on the altar of state agencies and their foreign policy, while the sacred duty of the state is not moved by human suffering.

2.6. THE THEORY OF SECURITIZATION

In the 21st century, understanding security and migration has become more complex and challenging. The traditional view of security in terms of war, peace, international relations, and foreign affairs, which prevailed during the Cold War era, has been replaced by a multitude of competing concepts. These include internal security, human security, and even social security. At the same time, migration has become a highly debated issue, characterized by significant differences of opinion and objectives. It is an issue that emerges daily in political debates and affects international relations. Therefore, it is vital to examine what security and migration mean in the contemporary world through the lens of the individual and the interconnectedness of security and movement (Guild, 2009).

Describing the refugee phenomenon as a “problem” or “crisis” is not enough to deal with the phenomenon with repressive practices. The state had to use a different theory that would be easily accepted by citizens. The theory of titling clearly highlights the way in which refugees were constructed by the ruling elites in conjunction with the state apparatus not only as a problem, but also as a security threat. These threats to national security do not come from objective assessments of their risk. Instead, they emerge and are promoted through their verbal representation and signification as existential threats with ulterior political purposes, a process defined as Securitization (Weaver, 1996). It is worth highlighting the fact that security and the more general process of securitization is a structural field, as only those with knowledge, power, or a particular position in the structure of society can adopt policies to use to their advantage such as the state (Bourdieu, 1992).

According to the above, Securitization can be seen as the result of a top-down process, where political elites present an issue as an existential threat and dramatize the need for immediate intervention by any means. Then, if this move of titillation is accepted by the public, i.e. the rest of society, then extraordinary and extreme measures can be adopted where these violate existing rules (Buzan et al., 1998). According to this, violent pushbacks are legitimized in the minds of citizens as forced self-defense of the state, ignoring international law. It is important to emphasize at this point the degree of ease with

which a state's violation of asylum seekers' human rights is morally sanctioned by society in the name of national security and state sovereignty. Thus, refoulements are socially accepted as a solution for the benefit of the country and as a means of protection from outside “dangers”.

Moreover, according to the Chicago School, Securitization can be considered an art of rhetoric. Of course, for it to succeed, the most important factor is the public, the community. Citizens can accept or reject the declaration of a state of emergency on a particular issue. However, as it was stated previously, the example of Greece shows how easily this practice can succeed. More specifically, the social context is crucial, as the very notions of Securitization can provoke very different reactions in different social and historical contexts (Salter, 2008). These practices are not only verbal. Rather, non-verbal practices include institutional design, the use of regulatory tools and media influence. In other words, it is a well-planned political project that will attempt to manipulate public opinion in order to achieve its goal.

The institutional design includes the management of migration by the police and the army and their subsequent emergence as key actors in Greek migration policy in cooperation with supranational EU organizations (Balzacq, 2011). This militarization is a powerful symbolic action, which provokes a massive social reaction as a result of a seemingly serious threat. In this way, the institutional complex for managing migration not only reflects but also reinforces the securitization process and public opinion justifies the brutality of the government in the way it handles refugee flows (Elderman, 1964). Regulatory tools, such as legal reforms and amendments, aim to influence the behavior of social actors by prohibiting or allowing certain types of actions in a way that promotes the perception of an issue as a threat (Balzacq, 2011). Finally, the media can influence and spread a particularly resounding message about the existential threats posed by refugees by projecting the phenomenon from the government's perspective by overwhelmingly propagating the origins of the problem and the practices adopted (Williams, 2003). It is an undeniable fact that today public opinion is very much influenced by the media. Although it is widely known that they are a common manipulation tactic and an instrument of political interests, there are social groups that are content to form political opinion based solely on specific media. Apart from the individual effects, such as the inertia of critical thinking, this phenomenon is also reflected in society with any socio-political consequences.

Examining the refugee phenomenon in Greece from the perspective of securitization, it becomes clear that the offensive language towards refugees and their characterization as a security risk was the Trojan horse and the main legitimizing factor for the repressive and xenophobic reactions by the Greek state. The analysis of the securitization of immigration leads to the conclusion that the social construction of immigration as a threat was driven by the domestic elite through a top-down process that develops through a network of verbal and non-verbal practices. In order to understand the broader motivations behind the elite's strategic attempt to convince the native population of the apparent threat posed by asylum seekers, as well as the reasons that led the public to accept the securitization movement, we need to explore the social context in which it took place the securitization process has taken place.

The myth of Greek homogeneity and the social construction of national identity were some of the reasons why Securitization in Greece was successful. As a result, the choice of pro-security policies legitimizes any practice to stem the flow of refugees to Europe, despite the fact that every day human lives are lost, the right to asylum is nullified and the principle of non-refoulement is violated. Thus, the state adopts a policy that undermines their existence and neglects any moral duty towards refugees, forcing them to take more dangerous and longer routes through Italy for fear of being sent back by the Greek authorities, increasing the number of victims.

2.7. CONCLUSION

Dealing with refugees brings with it a debate about the ethics of how states handle issues related to the movement of people. The ways in which the receiving state behaves should be governed by virtues associated with the democratic ideal. With regard to the ethics of migration, states should use a democratic normative framework, such as a moral compass. Respecting standards such as justice and reciprocity could elevate the state

to a safe haven (Carens, 2013). We have a duty to embrace the refugees who have already arrived and remain receptive to welcoming more. In general, asylum seekers are part of our society, and democratic nations and their peoples should adjust their policies and perceptions to ensure that this sense of belonging becomes a tangible social reality. From a philosophical point of view, human rights could be seen as a social contract between humanity in terms of fundamental individual freedoms. The asylum-seeking process raises a number of fundamental human rights issues and reflection on refugee status can challenge the morality of states.

As this first chapter argues, political philosophy aims to evolve our thinking on refugees and create a safe ground for change. Kant and the Stoics showed how Cosmopolitanism and the theory of “global citizenship” can increase the importance of solidarity with asylum seekers and that states through borders can easily violate their moral responsibility to protect these people. Moreover, refoulements contribute to exacerbating the vulnerability of refugees, leaving them exposed to further harm and risk. By denying people the right to seek asylum and access to protection, states are effectively “turning their backs” on those in need, ignoring their plight and putting their well-being at risk. Pushbacks perpetuate a cycle of marginalization and desperation, pushing refugees into even more desperate and precarious conditions. The moral duty of states towards refugees stems from their common humanity and the belief that people forced to flee their homes deserve compassion, empathy, and support. States have a duty to provide refugees with a safe haven, including physical safety and access to basic needs such as food, shelter, and health care. States demonstrate their commitment to protecting human dignity and upholding the ideals of justice and integrity by upholding these responsibilities.

In today's illiberal democracies, opinions are divided on whether the state has the right to exclude people arriving on its territory. However, the moral obligations of the state are affected when the refugee issue is instrumentalized and push-back tactics work both for political purposes and for the regression of society and the rise of the far-right and racism. Weaponization of pushbacks is a state method that reinforces the notion that anything that reaches national territory outside the borders is a threat and endangers the country. In this way, the militarization and strengthening of the means of interception of asylum seekers is legitimized and despite the brutality of the acts of repulsion there is a general acceptance of them by society. The ethical attitude towards the asylum application

process shows the quality of the intention of our actions and can evaluate the state's handling of refugee flows from a philosophical point of view. However, it is just as important a parameter as that of law and international agreements, which the paper will analyze in the next chapter to examine what is actually happening on the ground and how fundamental freedoms and the principle of non-refoulement are being violated by the state with collective expulsions.

3. PUSHBACKS & LEGAL IMPLICATIONS

3.1. INTRODUCTION

The Eastern Mediterranean and the wider area between the maritime and land borders of Greece and Turkey is one of the greatest challenges to international human rights law. The Aegean Sea has become a huge graveyard for thousands of people trying to cross from the East to the European continent and dying because of the difficulties of these journeys. Greece's geographical position makes it a crossroads of three continents as well as a passage to the Western World, as it is an EU Member State. The refugee issue, with millions of people trying to cross into Europe to escape mainly war conflicts, has been the phenomenon that possibly marked 2015. However, with the flows of people seeking a chance for a better life continuing unabated, the situation escalated further in early 2016, taking on crisis proportions that threatened the foundations of the European Union. Even external aid from the rest of the European Union was limited. There was no long-term planning and only immediate needs were addressed, i.e. rescue, first aid, food, clothing, finding shelter as much as possible. The services for registration, reception and processing of asylum applications collapsed under the volume of the population suddenly found in the country, while the ferry lines to and from the islands suffered under the burden (Tsevrenis, 2016). Greece was called upon to face a major challenge that was not only for itself, but for the entire EU.

The European asylum system faced a serious challenge that it has never faced before. The legal texts relating to refugee movement and asylum policy should have foreseen that the absolute emergency situation that prevailed in 2015 in particular required

the immediate reorganization of all actors involved, as well as rapid planning and reinforcement with human resources and new accommodation structures. Greece, after the closure of the corridor through the Balkans, found itself as a place to receive people who had already suffered a lot. Hot spots have been set up with the help of the army on five Greek islands in the Aegean Sea and, at the same time, supported by European mechanisms such as the European Support Service and Frontex.

As mentioned in the previous chapter, Greek-Turkish relations were further affected by the refugee crisis, as one side accused the other of perpetuating the problem. There are numerous testimonies and audiovisual material attesting to the repeated violations of fundamental human rights and the inhuman behavior of the authorities towards asylum seekers. NGOs active in the wider Aegean region have continuously denounced the Greek authorities, the Hellenic Coast Guard, and the police for dereliction of duty and illegal action in violation of international law. The situation has not changed to date, with more and more new complaints coming to light. Pushbacks in the Aegean Sea are today a central issue in the context of international law. Greek authorities are accused of pushing illegal asylum seekers back to the shores of Turkey, ignoring legal texts related to the right to asylum and the obligations of states to respect the principle of non-refoulement. This chapter will present the concept of refugee and asylum as a content of international law as well as the Common European Asylum System (CEAS) with the new challenges that have emerged. It will also illustrate the existing legal texts and the circumstances surrounding the movement of refugees as articulated in the legal articles. It will then analyze the EU-Turkey agreement as a solution to the Syrian refugee crisis in the Aegean Sea and critique its content. Furthermore, the tactic of refoulement will be presented as a recurrent practice of the Greek state that violates fundamental human rights, while complaints and testimonies of victims of such experiences will be mentioned. In addition Greece's responsibilities will be presented both to the European Court of Human Rights (ECtHR) and to the relevant investigations. Finally, the paper will liken the Hellenic Coast Guard with the main tool for achieving systematic refoulement.

3.2. REFUGEE AND ASYLUM IN INTERNATIONAL LAW

The definition of a refugee is outlined in the 1951 Geneva Convention relating to the Status of Refugees, which was created in response to the mass displacement of people during World War II and seeks to provide legal protection and assistance to refugees (United Nations, 1951). The concept of content outlined in that Convention remains the primary basis for determining who is entitled to refugee protection and assistance under international law. A refugee is defined as a person who has been forced to flee his or her country because of a well-founded fear of persecution, war, or violence. This definition is rooted in the principles of human rights and the recognition of the inherent worth and dignity of every human being.

Asylum means the form of protection that a person has, from the host country, because they are persecuted by their country of origin or another country. The 1951 Geneva Convention played a key role in the granting of asylum, which is a fundamental right, and in the protection of refugees. In essence, this Convention established the fundamental human rights that every refugee should enjoy and the basis of the treaty, which should be at least equal to those enjoyed by foreign nationals of the host country. Asylum can also refer to the place of refuge or shelter where people can seek protection from danger or persecution. For example, a political asylum seeker is someone who has fled their country because of a well-founded fear of persecution on account of their political opinion, religion, race, nationality, or membership of a particular social group. Asylum may also refer to the legal status granted by a government to a person who meets certain criteria and who cannot or does not wish to return to his or her country of origin for fear of persecution or treatment for mental illness in a mental health institution. Asylum status allows the person to live and work in the country where they have sought protection and gives them certain rights and benefits.

Article 14³ of the Universal Declaration of Human Rights recognizes that everyone has the right to seek and enjoy asylum in other countries in order to avoid persecution (United Nations General Assembly, 1948). This declaration was the first of its

³ Art. 14 (1) UDHR: Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

kind to recognize the universal right to asylum. The 1951 Convention reinforced this right and was the first legal instrument to establish the rights of specific groups in international law. The Convention deals specifically with the rights of refugees and was negotiated at the same time as the broader declaration of human rights (Hathaway, 1990). Negotiations around the Refugee Convention, particularly around the definition of refugee and its territorial application, were largely based on the IHL and existing IOM rules with a European focus. It is therefore necessary to analyze the Refugee Convention in relation to these broader debates. The human rights framework was created based on the idea that there may be a need for certain legal limitations on a state's sovereignty to prevent the repetition of atrocities such as those committed during Nazi Germany. The Geneva Convention was agreed at a United Nations conference on 25 July 1951, after three years of discussions. It was ratified in 1954, amended by a new protocol in 1967 and today 145 countries have signed it (Mayblin, 2014).

3.3. THE COMMON EUROPEAN ASYLUM SYSTEM (CEAS)

It follows from the above that asylum policy defines the international scope of decisions on asylum seekers, as well as an important provision stating that refugees should not be returned to the country of their persecution. The European Union has proceeded to formulate a policy for the management of its external and internal borders, while trying to create an appropriate legal framework that would better address the problem of the refugee crisis. Indeed, through this legal framework, government policies in EU countries have sought to respond to the obligation to safeguard and protect the human right to asylum. The EU, in its attempt to manage asylum seekers and international protection in general, has faced difficulties given the high volume of asylum applications received by its Member States and the pending disputes within their national jurisdictions. For these reasons, it was considered imperative to establish a common institutional framework within the Union, applicable to all Member States in the area of asylum and immigration, in order to harmonize national legislation and the treatment of asylum seekers and refugees in a manner consistent with the international obligations undertaken by the Union to protect

the rights of these persons. The EU has therefore sought to establish a Common European Asylum System (CEAS) to achieve all these objectives.

The European Asylum System has a long and complex history, shaped by both internal and external factors. As it was stated previously, the 1951 Refugee Convention provided a legal framework for the protection of refugees and set out the rights and obligations of both refugees and the countries that host them (Yabasun, 2014). Immigration and asylum policy was not an area in which the European Economic Unity (EEC), primarily an economic and monetary union, developed a specific and exclusive policy since any discussion of human rights did not take place until after the 1960s (Guild, 2006). During the 1980s and 1990s, Europe experienced an increase in asylum applications due to conflicts and instability in regions such as the Balkans, the Middle East and Africa. With the end of the Cold War and the consolidation of the globalization era, new strong migration flows were born due to the many conflicts that were created around the world (Marinho & Heinonen, 1998).

This led to the creation of the Common European Asylum System (CEAS) in 1999, with the aim of harmonizing asylum policies and procedures across the European Union (EU) and ensuring that asylum seekers receive fair and equal treatment regardless of where they apply for asylum. The CEAS consists of a series of EU directives and regulations setting common standards and procedures for asylum across the EU. These include the Dublin Regulation, which determines which EU Member State is responsible for processing an asylum application, and the Qualification Directive, which sets out the criteria for granting refugee and subsidiary protection status.

However, despite the creation of the CEAS, the EU has struggled to manage the influx of asylum seekers in recent years, especially after the Syrian refugee crisis. The system has been criticized as complex and inefficient, with significant differences in the way asylum applications are processed and granted in different EU Member States. Moreover, it has been accused of lack of coordination and uneven implementation across Member States, resulting in overcrowded and inhumane conditions in some reception centers, long processing times for asylum applications. In response to these challenges, the EU has sought to reform the CEAS, with proposals for a more centralized and modernized system that will ensure a fairer distribution of asylum seekers across the EU. However, these proposals have met resistance from some Member States, which argue that they should have more control over their own asylum policies. The European Asylum System

has evolved over time in response to changing political, social, and economic circumstances. While the creation of the CEAS was an important step towards the harmonization of asylum policies and procedures across the EU, the system has faced significant challenges in recent years, highlighting the need for continuous reform and improvement.

Under the CEAS, asylum seekers are entitled to certain rights, such as access to legal representation and medical treatment, and are protected from refoulement, which is the practice of returning people to a country where they may face persecution or serious harm. The system has been criticized applications, and inconsistent outcomes for asylum seekers. Efforts continue to reform and improve the European asylum system, with a focus on strengthening coordination and solidarity between Member States, improving reception conditions, and processing times, and addressing the root causes of displacement and migration. CEAS consists of a series of primary legislative acts (Article 67 Paragraph 2, Articles 78 and 80 of the Treaty on the Functioning of the European Union (TFEU), Article 18 of EU Charter of Fundamental Rights and derivative law (Treaties, Directives, Regulations, Decisions etc.) which define the individual “aspects” of management migration flows (Boeles et al, 2014).

The asylum application process has created difficulties for Member States in fulfilling their obligations to provide adequate reception conditions and procedural arrangements. This has particularly affected vulnerable asylum seekers, such as victims of torture and unaccompanied minors (Yabasun, 2019). Member States are finding it difficult to provide timely and efficient processing of asylum applications, access to legal and medical support and adequate living conditions due to the high demand on resources. COVID-19 has also compounded the challenges by requiring additional security measures and restrictions. Therefore, protecting the rights and well-being of vulnerable asylum seekers requires a coordinated and integrated response at the national and international level through funding, capacity building and cooperation between Member States, civil society organizations and other international instruments.

As mentioned above, the 1951 Refugee Convention is an international treaty that defines who is a refugee, what their rights are and the legal obligations of countries to protect them. The Convention has 46 articles, but Articles 31, 32 and 33 are more related to pushbacks. Refugees cannot be punished for crossing the border without proper documentation or for overstaying their visas. However, these articles do not prevent

countries from taking measures to control their borders as long as these measures are not punitive. According to Article 32⁴ of the Convention countries are not allowed to expel or return refugees to a territory where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion. This is known as the principle of non-refoulement. The article also prohibits countries from expelling refugees to a country where they would be at risk of persecution or serious harm. Article 33⁵ of the Convention states that countries should not expel or return refugees to a territory where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion. This is also known as the principle of non-refoulement. The article also prohibits countries from expelling refugees to a country where they would be at risk of persecution or serious harm. Unlike Article 32, which applies only to refugees who have entered a country illegally, Article 33 applies to all refugees, regardless of their status in the country. Taken together, these articles aim to protect the rights of asylum seekers and to prevent them from being returned to a place where they may face persecution or harm (United Nations, 1951). As will be developed later in this paper, despite the legal framework on the right to asylum and the principle of non-refoulement, pushbacks challenge human rights and refugee law in the Aegean Sea on a daily basis.

⁴ Art.32- Expulsion: (1) The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order. (2) The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority. (3) The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

⁵ Art.33- Prohibition of expulsion or return (“refoulement”): (1) No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. (2) The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.

3.4. EU-TURKEY AGREEMENT

The EU has signed a controversial agreement with Turkey to stem the flow of refugees to Europe. It was criticized by human rights organizations, which raised concerns about the treatment of refugees in Turkey and the possibility of refoulement. After six months of intensive consultations with Ankara, the agreement finally reached in Brussels had a “deterrent” perspective, underlining that refugee flows from Turkey to the EU needed to stop immediately. Thus, in 2016, despite the practical difficulties in implementing the agreement and the differences between the two sides, they agreed and signed a number of key points. The most important of these are the following:

1) All new irregular migrants arriving from Turkey to the Greek islands from 20 March onwards will be returned to Turkey. This will be done in full compliance with European and international law, thus excluding any kind of collective expulsion. All migrants will be protected in accordance with the relevant international standards and respecting the principle of non-refoulement. Greece and Turkey must proceed with the necessary bilateral agreements to ensure the swift implementation of the agreement.

2) For every Syrian returning from the Greek islands to Turkey, another Syrian will be resettled from Turkey to the EU. Priority will be given to migrants who have not attempted to enter illegally or have not previously entered the EU illegally. If the number of Syrian refugee returns reaches 72,000 (i.e. the number of places earmarked for resettlement from Turkey to EU countries), it will mean that this measure has failed, and its implementation will no longer continue. Besides, as far as the “28” conclusions on the comprehensive European strategy for dealing with the refugee issue are concerned, in order to allow the return of asylum seekers to Turkey, Greece should recognize the neighboring country as a safe third country.

3) If irregular flows between Turkey and the EU stop or at least significantly decrease, the voluntary humanitarian entry (resettlement) program will be activated. EU countries will contribute on a voluntary basis to this scheme.

4) On the issue of Turkey's accession negotiations with the EU, a compromise has finally been reached that satisfies all sides. The EU “reaffirms its commitment to reactivate Turkey's accession process” and stresses that it will review Chapter 33, which France had

blocked due to the budget, by the end of June 2016. Thus, the EU and Turkey agreed to accelerate the accession process to make Turkey an EU member.

5) The visa cancellation procedure for Turks will be accelerated for citizens travelling to the EU by the end of June 2016 at the latest.

6) The EU, in cooperation with Turkey, will accelerate the payment of the initial 3 billion euros grant for refugees in Turkey and ensure funding for people under temporary protection in Turkey before the end of March. The maximum amount that can be given to Turkey by the EU for refugees is another 3 billion euros by the end of 2018.

7) Turkey commits to take all necessary measures to prevent the creation of new sea or land migrant routes from Turkey to the EU and will cooperate with neighboring countries (such as Greece) and the whole EU to this end. Turkey agreed to take measures to prevent irregular migration from its territory to the EU, including the implementation of stricter border controls.

8) The EU and its members will work with Turkey in any case to improve humanitarian conditions inside Syria, which will allow the population and refugees to live in safer areas. Both sides agreed to intensify their cooperation in the fight against human trafficking.

9) Finally, the EU and Turkey will continue to upgrade the customs union.

The agreement was criticized by human rights organizations and activists, who argued that it violates international law by denying refugees the right to seek asylum. However, the EU argued that the agreement was necessary to help manage the crisis and prevent further loss of life in the Mediterranean Sea. Looking at the first point of the agreement we note, as argued in Collett's article, that “the agreement revealed a paradox due to the fact that on the one hand, the European Union has been promoting its own high asylum standards for many decades in neighboring countries, while on the other hand, today, to achieve its own goals, it is demanding a significant reduction in arrivals as well as an increase in returns to Turkey”. This can potentially be achieved by violating EU law on issues such as detention and the right of appeal, but if governments execute the agreement in line with international and European legal frameworks, there are likely to be few returns (Collett, 2016).

As far as legal issues go, the first article of the agreement leaned heavily worries. First and foremost, according to Article 19 of the Charter of EU Fundamental

Rights collective deportation of foreigners is prohibited⁶. Turkey's status as a “safe third country” is still disputed, but it is one of the main conditions of the agreement, as this principle is the reason for returning to Turkey without examining asylum applications on their merits. Only if Turkey is indeed a “safe third country” for returned refugees can a violation of the principle of non-refoulement be avoided. NGOs active in Turkey argue that “refugees are not always safe from mistreatment” there and that some people are returned to unsafe countries (Wahnberger, 2017). The concept of a safe third country presupposes that there is a link between the asylum seekers and that country, and that that country is willing to receive asylum seekers, which is not the case for the citizens of these five countries and Turkey. Turkey has refused to accept Greek asylum seekers since March 2021, which makes the decision to be designated as a safe third country absurd. This further puts the people affected by this decision in a precarious situation and makes them very vulnerable to poverty and social isolation (Relief Web, 2021). A crucial question is whether refugees have an “effective opportunity” to request asylum, as required by the EU Asylum Procedures Directive and jurisprudence of the European Court of Human Rights. The EU wished to emphasize the fact that applications will be considered on a case-by-case basis, in accordance with the requirements of EU and international law and the principle of non re promotion.

Regarding the second point it is stated that for every return of a Syrian to Turkey from Greek islands, another Syrian will be resettled by Turkey in EU[...] According to Carrera and Guild “for all Syrian refugees who returned to Turkey because they were caught traveling illegally, one another Syrian will be resettled from Turkey to the EU by air. This contradicts the principle of non-discrimination based on country of origin, no.3 of the Geneva Convention of 1951. The resettlement approach “1 to 1” is clearly a complex and troubling proposition as well as incompatible with EU law’ (Carrera & Guild, 2016). The idea that one Syrian can be replaced by another, through a plan, under which it is possible for one to be punished for seeking to reach the EU and at the same time to favor another who has not tried to do so, contradicts the EU's fundamental human rights principles (ibid.) Although this regime is aimed at “the rapid replacement of irregularities of refugee flows crossing the Aegean in dangerous conditions with a smooth

⁶ Art.19- Protection in the event of removal, expulsion, or extradition: (1) Collective expulsions are prohibited. (2) No one may be removed, expelled, or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

and legal resettlement process” (European Commission, 2016), we observe that in practice it raises many legal questions and doubts about the living conditions of the asylum seekers in hotspots. A crucial point in its application approach “1 to 1” is the conversion of RIC’S⁷ from open centers of registration in closed detention center type facilities (Peers, 2016). Already in May the “1-for-1” system was unnecessary and as Knauss (founder of the entire agreement): About eight times as many Syrians resettled from Turkey rather than reintroduced from Greece. As the number of arrivals in Greece continues to decrease, “this means that there will be almost no resettlement under this mechanism” (Wahnberger, 2017).

According to the third point and as proposed by the EU in December 2015, the Member States will participate on a voluntary basis in the system for the grant of subsidiary protection to persons displaced by the situation in Syria and have been registered by the Turkish authorities. Although the approach is aligned with the principle of international cooperation described in the preamble to the 1951 Convention, the Commission's decision to offer member states a choice makes it unlikely that all states will participate (Wahnberger, 2017).

The fourth point refers to the reactivation of the accession process as set out in their joint statement of 29 November 2015. The reality is that only one chapter has been opened after the signing of the agreement (Toygür & Benvenuti, 2017). According to an analysis by the International Strategy Agency Research “the opening of new chapters with Turkey should not take place in an exchange of cooperation in the refugee crisis” but, on the contrary, should be a means of achieving “more effective cooperation” in the crisis. Otherwise, the treatment of accession negotiations by the EU to achieve its realistic goals will cause damage in the very concept of Europe and its values (Erdogan & Unver, 2015).

The fifth point refers to the liberalization of the visa regime for Turkish citizens with the option that Turkey will comply with the criteria. However, Turkey did not fulfill 7 of the 72 conditions regarding anti-corruption, data protection, judicial cooperation with all EU member states, enhanced cooperation with Europol and the review of Turkish legislation and practices on terrorism. Turkey showed no intention of amending the law against terrorism [...] (Wahnberger, A. 2017). While this point is considered as the “key” part of the agreement, the Turkish side's refusal to revise the anti-terrorist law has

⁷ Reception and Identification Centers

led to a stalemate (Toygür & Benvenuti, 2017). Turkey in many cases uses this point of the agreement to blackmail the EU by threatening to terminate the agreement if the EU does not complete its promise to liberalize visas for Turkish citizens. The agreement increasingly depends on EU-Turkey relations, but also reveals the lack of trust between the signatories, as the Turkey accuses the Union of not respecting the part of liberation of visas, while the EU accuses Turkey of blackmailing refugees who could relocate to Europe (Martin & Pamuk, 2016; Shaheen et al., 2016).

The sixth point refers to the disbursement of 3 billion euros under the Mechanism for Refugees in Turkey. By the end of 2017, the EU had undertaken and fully contract the 3 billion euros within the context of the mechanism. At the same time, it mobilizes the second tranche of the 3-billion-euro mechanism, with 1 billion Euro from the EU budget and calls on the Member States to follow suit example quickly and contribute their share of 2 billion euros, for the mechanism to continue to operate successfully and efficiently. Regarding the seventh point, Peers suggests that this refers to the Bulgarian concerns that people might try to cross the Black Sea as a new route of entry. It is an indisputable fact that should they reach Bulgarian territory or Bulgarian territorial waters, EU asylum laws will again apply, as they do in the case of Greece (Peers, 2016) As the paper will show in the following chapters, the CEAS and the EU-Turkey agreement were not sufficient to solve the refugee issue in the Aegean. Although they achieved some success in normalizing the 2015-2016 refugee crisis, they failed to legally enshrine the principle of non-refoulement in the region. This agreement should cover the general refugee issue in the Aegean Sea and not be limited to the temporary treatment of Syrian refugees. The refugee flows at that time were indeed huge and daily, and as a result they were a major challenge for the EU and Greece. Today, however, we see that it has not included the issue of refoulement in the agreement to the extent that it could have done to stop them, with the result that every day we hear of new incidents of violence and violations of the right to asylum.

3.5. PUSHBACKS AS A VIOLATION OF HUMAN RIGHTS

Pushbacks refer to the practice of forcibly returning or rejecting individuals or groups who are attempting to enter a country or cross a border without proper authorization or documentation. This can involve physical force or the use of legal procedures to deny entry or deport individuals. Refoulements are often used by border authorities to maintain control over asylum seeking and border security policies, but they can also be controversial and raise human rights concerns, particularly if individuals are denied the opportunity to apply for asylum or other forms of protection. This tactic has become a daily means of pushing back asylum seekers thus violating one of the fundamental human rights. In areas that receive large refugee flows, it is customary to observe such practices which, as we mentioned above, are against international law and violate legal texts. The Aegean Sea, a crossroads of three continents and a path for the citizens of Eastern Third World countries bound for Europe, is one of the most well-known areas for pushing back asylum seekers in recent years.

The Mediterranean is the deadliest sea since human lives are lost every day in their attempt to cross the sea borders and seek a new, better life. The Greek police as well as the Hellenic Coast Guard (HCG) are now famous for the practice of repatriation. People of all ages from the shores of Turkey are attempting to cross the Aegean Sea and apply for asylum. However their attempt is at odds with the border policy adopted by the Greek state in recent years. As will be developed in more detail later in the chapter, there is audio-visual evidence of the inhumane treatment and torture of these helpless people by the authorities (The New York Times, 2023). Bearing in mind that the Hellenic Coast Guard will likely push them back to Asia Minor, helpless people try to cross the Aegean to the shores of Italy. They prefer to endanger themselves and the lives of their own people by traveling many more kilometers at sea. In this way, the deaths in this area do not stop increasing. Their fundamental human right to asylum is violated by state policy and this phenomenon leads to an endless tragedy.

The ongoing collective expulsions in the Aegean Sea are widely known by the asylum community, backed with extensive evidence in the public sphere, and yet disputed by authorities. The frequency and visibility of such violent pushbacks have increased dramatically since March of 2020, with numerous reports, reconstructions, and investigations. Based on videos and testimony from survivors showing the Hellenic Coast

Guard systematically expelling refugees and abandoning them at sea⁸ there is no question of credibility, pushbacks are happening in the Aegean waters. More than forty survivors of at least eighteen different expulsions, for which it can be corroborated the dates and locations, have been in contact with The Legal Center Lesvos (Cooper, 2020). These pushbacks have regularly occurred both on land and at sea. Hearing from someone who has gone through six, seven, or eight different instances is not unusual. It might be challenging for survivors to give specific details about each abuse due to the nature and frequency of these acts.

Expulsions can be broadly divided into two categories: those that take place exclusively at sea and those that happen after arriving at one of the islands. However, there are similar tactics between these two cases. When they are apprehended at sea, refugees frequently claim that fast boats sent by the Greek police approaches the dinghy they are in and threaten or destroy it by removing the gas tank, piercing the rubber, or producing deadly waves. Authorities will either order refugees to board their ship before carrying them further out to sea, putting them onto life rafts, and abandoning them, or they will attach the dinghy to their boat and tow it out toward Turkish waters.

For those intercepted after their arrival to a Greek island, survivors report that they are held under police surveillance or subjected to arbitrary detention, for a period that can last from a few hours to a few days. This can happen in unofficial sites, including port buildings and warehouses, and without access to adequate food, water, or sanitation facilities – much less the ability to register a claim for asylum. Personal possessions, including mobile phones, identity documents and large sums of money are usually confiscated, a case that is also in imitation of what is actually happening for the past years in Evros where, as it was revealed at the beginning of 2023, at the Greek-Turkish border in recent years the authorities have seized more than two million euros from asylum seekers (Malichoudis, 2023). They are then transferred to a ship belonging to the Greek authorities and driven towards Turkish waters, where they are subsequently forced on to the now- notorious orange life rafts, and subsequently abandoned at sea. On 29 June 2023 a new shocking video was recently uploaded to the media by the NGO Aegean Boat Report showing refugees in a van with bound hands and covered eyes. A group of 14 individuals, including children, who recently arrived on the island of Kos, had been apprehended by masked commandos. They were subjected to physical assault, forcibly confined in the back

⁸ usually in inflatable, orange life rafts

of a van, and had their hands bound with plastic handcuffs. Furthermore, their eyes were covered with tape. They were pleading for help, as they were aware of the imminent danger they faced unless local organizations or journalists intervene promptly in the vicinity. In fact, in this particular video a refugee asks to go to the toilet with someone from the Greek authorities replying in Greek to “shut up” (Infolibre, 2023). These incidents cannot represent an EU Member State. The values espoused by the Union stand in contrast to such atrocities and dark practices reminiscent of war scenes. This treatment of asylum seekers is an affront to human dignity and the fundamental freedoms of the individual as well as a step backwards in the protection of human rights.

Revelations from victims of such horrific experiences by the relevant agencies, whether the police or the Hellenic Coast Guard, are made public and reported to NGOs while the Greek government categorically denying the accusations. There are multiple survivors who have informed that, while on the vessel, Greek authorities instructed them to sit, heads down, with the threat of being hit in the face with a baton if they looked up. Many of them are subjected to physical violence, whether while boarding the ship, being transferred, or ultimately when they are forced from the ship on to the life-raft below. There are relevant incidents even more egregious when people have been forced or thrown from a height of approximately three meters, often out of the view of their loved ones or others travelling with them, in a situation reminiscent of a mock execution. In some cases, visibly vulnerable refugees – such as infants or persons with obvious physical disabilities – were given life vests, but no such precautions were taken for the others travelling with them (Cooper, 2020). Survivors of collective expulsions are being ultimately left adrift in open water, on damaged dinghies or on motor-less life rafts, without guarantee of rescue. There is unquestionable proof that pushbacks in Aegean Sea are not isolated occurrences but rather a common and organized practice.

Collective expulsions of this nature are in violation of migrants’ right to life, as protected by Article 2 of the European Convention on Human Rights, and the treatment that precedes or succeeds it frequently constitutes violations of Article 3 (the prohibition on torture) and Article 5 (the right to liberty and security) of the European Convention on Human Rights (ECHR). This widespread and systematic nature of the practice constitutes a crime against humanity from agencies that are supposed to have as purpose the managing and the cooperation in handling crisis as the one in Aegean Sea. The systematic practice

of refoulement demonstrates that refugee law as well as international human rights law can easily be violated in practice.

3.6. THE ACCOUNTABILITY OF GREECE IN PRACTICE

The systematic violation of human rights prompted various actors to take action, as it was necessary to take steps to address these injustices and hold those responsible accountable. The pushback policy and the lack of respect for the principle of non-refoulement led the Greek state to the European Court of Human Rights (ECtHR) where Greece was found guilty of several human rights abuses in a unanimous ruling in the case of *Safi and Others v. Greece*. The involvement of foreign nationals—people who are themselves on the move—in pushback operations by the Greek government has been confirmed by a month-long collaborative investigation by European media outlets. The probe has sparked a lot of discussion at the EU level, but the Greek government has continued to dodge and deny. Meanwhile, Greece continues to criminalize solidarity and disregards the ECtHR's interim measures. In the *Safi and Others v. Greece* case, which involved the sinking of a fishing boat carrying 27 foreign nationals in the Aegean Sea on January 20, 2014, which resulted in the deaths of 11 individuals, including relatives of the petitioners, the European Court of Human Rights issued a unanimous ruling on July 7th. The applicants claim that the fishing boat capsized as a result of a Greek coastguard vessel “traveling at very high speed in order to push the refugees back towards Turkish waters”. The court declares that it “held, unanimously, that there had been a violation of Article 2 (right to life) of the European Convention on Human Rights under its procedural head”.

The court denounces Greece for its numerous infractions. It determined that the proceedings had been flawed and concluded that the national authorities had not conducted a full and efficient inquiry that may have cast light on the reasons why the boat had sunk. a breach of the positive obligation imposed by Article 2 (the right to life) due to a failure to do so. The Greek government did not provide the petitioners and their relatives with the level of protection needed under Article 2 of the Convention, according to the Court's

findings. 12 of the petitioners who were on board the boat and who, after it sank, had been subjected to degrading treatment as a result of the body inspections they had undergone upon arrival in Farmakonisi were in violation of Article 3 (prohibiting inhuman or degrading treatment). A total of 330.000 euros in respect of the non-pecuniary damage sustained by the applicants was ordered as payment from Greece. The Greek Council for Refugees (GCR), an ECRE member, declares its “deep satisfaction” with the European Court of Human Rights’ historic decision, which vindicates the children and their mothers who lost their lives in the 2014 shipwreck of Farmakonisi” (GCR, 2022). GCR represented the tragic survivors before the ECtHR and stood by them during their darkest hours, working with the Network of Social Support to Refugees and Migrants, the Hellenic League for Human Rights, the Group of Lawyers for the Rights of Refugees and Migrants, and Refugee Support Aegean (RSA).

A collaborative investigation by Lighthouse Reports, The Guardian, Le Monde, Der Spiegel, and ARD Report München has confirmed the accounts from NGOs and survivors regarding the involvement of third-country nationals in pushback operations carried out by Greek authorities (Fallon et al., 2022). The investigation, conducted over several months, has made significant findings. It has identified and interviewed six individuals who refer to themselves as slaves, providing information on the police stations where they were held. These individuals, some of whom were forcibly recruited after crossing the border while others were enticed by smugglers in collaboration with a gang master residing in a container within a Greek police station's carpark, were given temporary papers allowing them to stay in Greece for 25 days in exchange for their participation in these operations. These six individuals, hailing from Syria and Morocco, took part in pushback operations along the Evros river. During these operations, they witnessed Greek police officers stripping, robbing, and assaulting asylum seekers, before forcing them onto overcrowded inflatable boats and instructing the men to transport them back across the deep and swiftly flowing river to the Turkish side.

The recent shipwreck off Pylos, which was bound for Italy with 81 confirmed dead and 500-600 missing (probably also dead) refugees, is one of the most catastrophic fatalities in the Mediterranean in recent years (Parker & Sands, 2023). The ship carrying around 750 people capsized without the cause being clarified yet. According to survivors' testimonies, the Hellenic Coast Guard approached the ship and towed it, later creating a

huge wave that was enough to capsize the vessel. The activists accuse the Greek authorities of escorting the refugees for hours without intervening and protecting them, as they allegedly pushed them forward until they left Greek waters. A new BBC research reveals that the Hellenic Coast Guard pressured some of the survivors to blame the Egyptian traffickers instead of the Greek authorities (Efsyn, 2023). As previously stated, it is common in recent years that boats carrying asylum seekers from Turkey or Africa try to escape the territory of Greece in fear of repatriation and try to travel directly to Italy. This has resulted in routes becoming more and more dangerous and increasing the chances of shipwreck. The Hellenic Coast Guard appears to have established fear of refoulement among asylum seekers who are willing to avoid the practices of the Greek authorities at all costs.

3.7. HELLENIC COAST GUARD & FOREIGN COLLABORATION

As demonstrated above, the Hellenic Coast Guard has been actively involved in conducting numerous search and rescue operations, which have successfully saved many lives. These operations often involve cooperation with other agencies, such as Frontex (the European Border and Coast Guard Agency) and non-governmental organizations. However, the Greek Coast Guard has faced allegations of human rights violations in connection with the management of refugee flows. These allegations include cases of using excessive force, carrying out refoulement and denying access to asylum procedures. These allegations have been reported by human rights organizations and the media, citing migrant and refugee testimonies. The Greek authorities, including the Greek Coast Guard, have denied the allegations of systematic refoulement and human rights violations. They maintain that their actions are in line with international law and established procedures. Nevertheless, there have been calls for independent investigations to address the allegations and ensure accountability.

Frontex, is an agency of the European Union (EU) responsible for managing the external borders of the EU. Its main role is to assist EU member states in managing their external borders by coordinating and facilitating the deployment of border guards and technical equipment. Regarding Aegean Sea being a route to Europe, Frontex has been

involved in various activities related to border management and migration since the crisis in 2015. Specifically, Frontex has been supporting the Greek authorities in managing the EU's external borders by deploying additional personnel, providing technical assistance and equipment, and coordinating joint operations with other EU member states. The purpose of their operations in the whole area are supposed to include border surveillance, search and rescue activities, and the interception and apprehension of migrant boats. Frontex's presence though in the Aegean Sea has been controversial, with criticism directed at the agency for its role in facilitating and participating in pushbacks of migrants and refugees attempting to cross the border (Vella, 2008). Together with both Greek and Turkish national coastguards' operations they are violating fundamental human rights. The agency has denied any involvement in illegal activities and has pledged to operate in compliance with international and EU law. It is not the only international agency that gets criticism from NGO'S and activists as NATO is also blamed for the same reason.

In March 2020, the Danish contingent of Frontex publicly reported that they refused an instruction from the Hellenic Coast Guard to tow a migrant boat out of Greek waters, which was since described by Frontex as a 'misunderstanding' (Frontex, 2021). Later, a report on the investigation showed that Frontex personnel had been directly involved in two collective expulsions and present at least in four more. Another research shows that Frontex was involved in the illegal pushbacks of at least 957 refugees between March 2020 and September 2021. In 22 of these cases, the availability of open-source intelligence like photos of the refugees in Greek life rafts, make it possible to define them as pushbacks without any doubt. The true number of pushbacks conducted with Frontex assistance is likely even higher (Christides & Ludke, 2022). In addition, a NATO ship flying the German flag has acknowledged in the German parliament that it has seen three collective deportations that were illegal. The ship is obligated to share its monitoring data with Frontex and the HCG. During one of these deportations, the ship not only observed the illegal disabling of a migrant boat, but also monitored the boat for several hours without attempting to rescue anyone. Alarm Phone, an organization that raises awareness for boats in distress, claims that it has repeatedly notified NATO forces and Frontex representatives when alerted to emergency situations in the Aegean Sea. However, Alarm Phone has not received a response or seen any of the vessels act on their request to perform a rescue (Cooper, 2020).

Despite the insurmountable elements of this practice, the national and regional reaction failed to hold the responsible authorities to account. Greek government officials move between outright denial of the mass deportations and celebration of their success in preventing refugee arrivals. European officials have called for more monitoring - even though existing observers have both documented and engaged in the pushbacks. The European Commission president herself has said she “had no opportunity to investigate” the reports - shifting responsibility for both the practice and the prospects for accountability away from the European institutions themselves. It is worth remembering at this point that when Greece suspended the right to apply for asylum and forcibly fortified its borders, the European Commission hailed it as a “shield” for Europe. The mass deportations in the Aegean are not just Greek policy. They are facilitated by and consistent with European border priorities and this fact makes the situation in the region even more problematic (Cooper, 2020).

The strengthening of repression to prevent and counter migration by institutions that proclaim that their mandate is to protect the human rights is not a symptom but a certain choice immigration policy. These illegal practices have been denounced by numerous legal and humanitarian organizations (Amnesty International, Pro Asyl)⁹, while in recent years reports with strong evidence have increased (organizations such as Border Violence Monitoring Network, Aegean Boat Report, Mare Liberum, etc.). In October 2015, following an investigation by the Department of Forensic Architecture into a shipwreck in the north of Lesbos, the ineffective participation of Frontex and the Greek Coast Guard in the “rescue effort” of people is demonstrated. Although refoulement is not a new practice, in recent years Greece has developed an increasingly repressive regime in cooperation with Frontex against people on the move, a phenomenon that has intensified particularly after the summer of 2019 and the formation of the government following the election victory of the conservative liberal New Democracy party.

The “new era” of refoulement is demonstrated in the Aegean border crossing, which lends itself to deterrence and refoulement practices, as the maritime borders are “unclear”. Data on Aegean refoulement for the first eight months of 2020, recorded and analyzed by the Border Violence Monitoring Network (BVMN), show an unprecedented

⁹ The reports of these organizations reveal that push backs from the Hellenic Coast Guard are a widespread practice in the Aegean as early as 2012.

increase in both the number of incidents, with 5,000 people being pushed 'out of Europe', and the violence inflicted on them (BVMN, 2020). These incidents include groups abandoned by the Hellenic Coast Guard and Frontex in inflatable boats without engines or fuel and pushed into Turkish territorial waters, as well as groups pushed back after setting foot on the territory of Greek islands. The increase in such violence and practices by the Greek authorities and the EU is aimed at deterring future refugee movements, promoting the message that “no one can cross the Greek border”. This message presupposes the position that refugees are a real threat to Europe and that Greece, as a “European shield”, must confront them.

3.8. CONCLUSION

The refugee issue remains high in the news these days, as it stands out for its complexity and the conflicting opposing views surrounding it. This chapter described key concepts related to the movement of people, the pushback as a state policy, the principle of non-refoulement and the legal framework surrounding asylum and its violation in the Aegean Sea. In order to improve the asylum assessment process and to facilitate the resolution of obstacles that arise, CEAS was created. However, refoulement as a state policy contradicts this system and challenges human rights and the principle of non-refoulement. After the unprecedented humanitarian crisis of 2015-2016 and the countless refugee flows that wanted to enter Europe through the Aegean and the Evros, the EU-Turkey Pact for the management of the refugee crisis was signed. Despite what it achieved, this agreement has many weak points that can be seen in practice. Today, several years after this pact, the practice of refoulement still abandons people in the south-eastern waters of the Mediterranean, posing many obstacles to prevent human rights in the region. Pushing back is contrary to the right to asylum and violates the principle of non-refoulement, a practice which challenges the legal obligations of the EU since Greece is

part of it. Greece was found guilty of the death of 11 individuals in 2014 in the *Safi and Others v. Greece* case which it could be the starting point for many other cases since Greek governments keep adopting policies in order to keep asylum seekers out of their territory. There are many studies that prove that Greece is linked to collective displacement on its maritime borders and is a key point of its foreign policy violating the Articles 2,3 and 5 of ECHR and breaking the international legal texts. The Hellenic Coast Guard in cooperation with supranational bodies such as Frontex and NATO despite the main responsibilities they have been given for the management of refugee flows as required by international law have been targeted for refoulement and mistreatment of asylum seekers. There are many complaints from victims tried to cross the Aegean's borders and received inhuman treatment by the national and foreign authorities. Efforts to address these violations require international cooperation, humanitarian assistance, and addressing the root causes of migration to ensure the protection and well-being of refugees while maintaining border security and respecting the sovereignty of nations. Refoulements are against what EU's principles and do not follow the essential purposes of the ECHR.

4. CONCLUSIONS

Daily difficulties, such as the quest for belonging, alleviating suffering, nurturing meaningful relationships, and upholding dignity and faith, offer a new lens through which to approach discussions and controversies surrounding the vulnerability of the human body, transnationalism, care, and hospitality. These ordinary challenges shed light on these broader topics and provide a fresh perspective on understanding them. Caring for vulnerable strangers challenges the essence of a community. By reimagining the history of the modern hospice movement, exploring the global care chain, and recognizing the emotional and sensory aspects of intercultural care, we can understand how migration enriches and revitalizes national cultures and caregiving practices. Contrary to being a peripheral issue, the experience of transnational dying is a significant predicament in our current era (Gunaratnam, 2013). The Aegean Sea has become a focal point for the ongoing refugee problem, where the phenomenon of refoulement has raised

serious concerns about human rights violations. There have been reports and allegations of forcible refoulement of asylum seekers from Greek territory to Turkey, which is a cause for concern. The pushbacks - which are not an isolated incident as they occur on a daily basis - are contrary to the principle of non-refoulement, which is a crucial aspect of refugee protection and prohibits the return of persons to a country where they face persecution, torture, or serious harm. As a result, human rights organizations have become involved, sparking a wider debate about how asylum seekers are treated in the region. The right to asylum has raised questions about Greece's adherence to the principle of non-refoulement, as they violate international human right standards and put vulnerable people at risk. The situation between the Greek and Turkish maritime borders is an issue of concern to the European Union, which has so far failed to crack down on illegal refoulements, raising concerns about the promotion and safeguarding of human rights in the area.

The moral and legal responsibilities of the state towards refugees are of paramount importance for the defense of human rights and the promotion of global solidarity. The principle of non-refoulement, a cornerstone of international refugee law, prohibits the repatriation of persons to a country where they may face persecution, torture, or other serious human rights violations. It is vital to recognize the moral obligation of states to provide assistance and protection to refugees. These people, who flee their homelands due to conflict, persecution, or life-threatening circumstances, are often in desperate need of safety and shelter. Based on their common humanity, States have a moral responsibility to ensure that people seeking for asylum receive the necessary care and protection. This responsibility goes beyond mere tolerance and requires proactive measures to address the plight of refugees and safeguard their fundamental rights. Through political philosophy, concepts related to the principle of non-refoulement and, therefore, to the receptive attitude of the state towards refugees were identified. The movement of people is likened to a complex phenomenon with specific characteristics that change from time to time depending on prevailing circumstances, such as nationality, border controls or bureaucratic documents, but the moral duty of the state is linked to the refugee and, despite conflicting views, solidarity must prevail. Cosmopolitanism and the concept of universal citizenship offer a nature-driven world, as presented by Kant and the Stoics, where a sense of solidarity prevails and the “stranger” must be treated like the natives, since differences between people need not exclude, but instead it is a moral duty to integrate these “strangers” into society. Moreover, views on the right of the state to exclude

vary nowadays, with the Wellman-Cole controversy being a typical example, where the neoliberal position considers exclusion a right of state sovereignty and the anti-neoliberal position advocates a form of open borders. Furthermore, the weaponization of refoulement and the strategy of rejection of asylum seekers can become a tool to achieve political goals, also contributing to the creation of a more racist, conservative, and nationalist society, which contradicts the moral obligation towards refugees. Particular reference has been made above to the theory of Securitization and how the state legitimizes any brutality towards these people in the name of its right to protect its borders from external “threats”.

The legal framework of the repulsions in the Aegean is denounced as a normalized foreign policy that contradicts the legal obligation of the state towards human rights. States are bound by international legal instruments that guarantee the rights of refugees. There are instruments that provide the legal basis for the treatment of refugees, with the principle of non-refoulement being at the heart of these instruments. Despite the CEAS and the EU-Turkey agreement and the commitments imposed on states, the refugee issue in the north-eastern Mediterranean does not appear to be in decline. Despite the commitment of the international community to protect the most vulnerable people and to ensure the safety of those seeking asylum, legal texts are being violated on a daily basis. These refoulements involve the arrest and forcible return of refugees to their countries of origin or other places where they face imminent danger. They have characteristics that point to the activities of a paramilitary organization with masked faces and bullying techniques. Such actions not only violate international law but also expose refugees to life-threatening risks. By denying them access to protection and exposing them to grave danger, the states involved in these refoulements are undermining the very foundations of refugees' rights and failing to fulfil their legal duties. Today, complaints from NGOs, activists and other solidarity groups have taken Greece to the ECHR and new investigations are highlighting Greece's responsibility in this phenomenon. However, in the light of recent events, the complaints must be taken more seriously, and the international community must take more active means to investigate new cases, such as that of Pylos. The Hellenic Coast Guard and the way in which it is manipulated by the Greek state is the means to achieve the returns often with the direct or indirect cooperation of international organizations such as FRONTEX and NATO. These actions are not consistent with the tasks of international organizations in the region, which are aimed at monitoring and ensuring compliance with international law. These are bodies whose task

is to defend human rights and not to help violate them. Legal texts must be respected by public policy in order to ensure coordination and mutual assistance between Member States for the proper treatment of refugees. Thus, the State's immigration policy must be synchronized with the relevant international legal decrees.

The fluid borders of the Aegean Sea define states, continents, regions, and territorial waters, and are places of movement in multiple directions, with the sea as a means of connection and deterrence (Loyd & Mountz, 2015). Similarly, the islands of the northeastern Aegean, due to their geographical position, constitute a border between Turkey and the EU, places of interconnection and exclusion, and key entry points for recent movements. The policies implemented by Greece in the Aegean zone have been in line with European policies, as the country is the maritime border at the edges of the EU. Greece has used its national sovereignty as a means of strengthening control and deterring people seeking to reach Greek territory (Loyd & Mountz, 2014). The narrative of a united fortress Europe is demonstrated by the institutional, technological, and practical armoring of its borders, as well as by the necro-politics at its borders (Mbembe, 2003). The European Union has pursued a number of strategic technologies and policies, which mark a new period in the European policy to strengthen, secure and control borders, while at the same time investing extremely high amounts of money to “secure” them¹⁰. Under the banner of the fight against illegal immigration and trafficking in human beings, linked to the “policing and criminal treatment of trafficking in human beings, smuggling, terrorism, illegal work”, the mobility control policies and the “security” of the EU's borders established the militarization of border surveillance (Fotiadis, 2015).

It is essential to understand that pushing back as an EU member state means that there is a form of formal legalization between EU countries. Greece's foreign policy is supposed to be guided by EU principles and objectives. The Aegean crisis is an ongoing tragedy, and the EU seems unable or unwilling to address these challenges. The paper shows that the situation in the Aegean is urgent with more and more fatal accidents

¹⁰ The foundations for strengthening security and control at European borders are laid in 2004 with the emergence of the European Security Research Program (ESRP), which is shaped as a platform for the convergence of political and economic interests around the militarization of the border control. Fotiadis (2014), in A new architecture of surveillance and controls is emerging in the Europe's borders.

occurring in the Aegean Sea. The main purpose behind the treaties and conventions defined by international organizations is to form a framework of common partnership that sets the general rules between the participating states. In other words, legal international texts provide substantive moral limits to state discretion. The rules dictate what is right and wrong or what a state should and should not do. States must act in accordance with the law when their policies are contrary to what has been agreed upon between countries and must formulate other practices consistent with the relevant texts in order to follow and implement their commitments. The EU needs to guide the states and set the rules so that legal texts are respected, and daily tragedies are avoided. However, it is the Union's obligation to provide a safe route for asylum seekers to move safely. Until then, refugees will be drowning in the Aegean Sea, chased by Greece's pushbacks.

Pushbacks are closely linked to the political landscape around asylum seekers. Although the Greek government denies systematic collective expulsions, new investigations, allegations, and audiovisual footage contradict it. The point is that refoulements are not only contrary to the rights of refugees but are the pillar of a harsh neoliberal immigration policy that can only be used to protect those in need. Respecting the principle of non-refoulement and providing adequate protection to those in need should be the primary concern of any comprehensive strategy for managing the refugee crisis in the Aegean and surrounding regions. Expulsions have proven that apart from the direct consequences they can have on inflatable boats with their occupants, they also have indirect consequences, as it leads asylum seekers on longer and more dangerous journeys. Collaborative efforts between nations are essential to address the root causes of displacement and establish sustainable solutions to the refugee crisis. International organizations, civil society and humanitarian actors also play a critical role in defending the rights of asylum seekers and holding states accountable for their obligations. Moreover, addressing pushbacks requires integrated and multifaceted approaches. Strengthening search and rescue operations in the Aegean Sea, promoting enhanced cooperation between states, and creating safe and legal routes for refugees are urgent steps to be taken. States should invest in capacity building programs to ensure that their border control services comply with international refugee law and human rights standards. In addition, promoting public awareness, empathy and understanding is vital to combat xenophobia and promote an inclusive society. However, as long as a legal and safe route for asylum seekers to

Europe is not guaranteed, these people will resort to solutions that increase the degree of risk and are considered illegal in order to avoid state's brutality.

People are drowning, trying to save themselves from the difficulties they face in their homelands, because of repulsions that go against the duty of the state and the principles it stands for as an entity. The pushbacks do not represent a Western progressive state that upholds EU values and human rights. The ill-treatment of refugees, apart from being contrary to the legal texts of the European Union and international law in violation of fundamental human rights, is a plague on the moral obligations of the state towards foreign citizens and an obstacle to the achievement of a society of solidarity. Pushing people of all ages back every day without admitting this criminal practice, but instead refusing to consider your responsibility as a state by claiming that your immigration policy tactics are in accordance with the law and the right of state sovereignty is a political position with a certain moral authority, a disrespect for the human species with an illegal status. Hopefully the EU and Greece will reconsider their immigration policies so that we do not mourn any more victims in the waters of the Aegean Sea. It is the duty of the international human rights community to fight for the justice of these people and the end of their torture.

5. BIBLIOGRAPHY

Balzacq, T. (2011). "Securitization Theory: How Security Problems Emerge and Dissolve: A Theory of Securitization: Origins, Core Assumptions, and Variants". edited by Thierry Balzacq. New York: Routledge. Border, 40-62.

Benhabib, S. (2011). "Dignity in Adversity: Human Rights in Troubled Times", Polity Press, 12-15.

Blake M. (2012). “Debating the Ethics of Immigration: Is There a Right to Exclude?” University of Washington, Available at: <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

Boeles, P. Den Heijer, M., Lodder, G. Wouters, K. (2014). “European migration law”. 2nd edn. Antwerp, Belgium: *Intersentia (Ius Communitatis Series)*, 51-65.

Border Violence Monitoring Network (2020). “The Black Book of Pushbacks”, Volume 1, (ed.) Barker, H. and Zayovic, M., Belgium, 14-34.

Bourdieu, P. (1992). “The Logic of Practice”. Oxford: Polity Press.

Brock, G. (2005). “Egalitarianism, ideals, and cosmopolitan justice”, in *Philosophical Forum* 36 (1):1–30. Available at: <https://doi.org/10.1111/j.1467-9191.2005.00186.x>

Buxton, R. (2021). “The duty to naturalize refugees, Critical Review of International Social and Political Philosophy”, Available at: <https://doi.org/10.1080/13698230.2021.1880198>

Buzan, B., Wæver, O., & Wilde, J. (1998). “Security: A New Framework for Analysis”. Lynne Reiner: Boulder, 42-64.

Carens, J. (2013). “The Ethics of Immigration”, Oxford University Press, 35-52.

Carrera, S., & Guild, E. (2016). “EU-Turkey plan for handling refugees is fraught with legal and procedural challenges”. Available at: <https://www.ceps.eu/publications/eu-turkey-plan-handling-refugees-fraught-legal-and-procedural-challenges>

Christides, G. & Ludke, S. (2020). ‘Frontex Involved in Illegal Pushbacks of Hundreds of Refugees’, *Spiegel*, Available at: <https://www.spiegel.de/international/europe/frontex-involved-in-illegal-pushbacks-of-hundreds-of-refugees-a-9fe90845-efb1-4d91-a231-48efcfa53a0>

Cole, P. (2012). “Taking Moral Equality Seriously: Egalitarianism and Immigration Controls”, in *Journal of International Political Theory* 8(1-2):121-134.

Collett, E. (2016). “The Paradox of the EU-Turkey Refugee Deal”, Available at: <https://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>

Cooper, A. (2020). “Collective expulsions in the Aegean”. *Socialist Lawyer* 86, 32-33, Available at: <https://doi.org/10.13169/socialistlawyer.86.0032>

Demetis, C. (2023). “Τρία ακροδεξιά κόμματα στην Βουλή”, in *News 24*, Available at: <https://www.news247.gr/ekloges/exit-poll-tria-akrodexia-kommata-pros-ti-voyli.10092602.html>

Documento (2023). “Politico: Επιχειρήσεις διάσωσης στη Μεσόγειο ζητούν οι Ευρωβουλευτές ενώ ο Μητσοτάκης αρνείται τα pushbacks”, in *Documento*, Available at: <https://www.documentonews.gr/article/nea-epixeirisi-diasosis-sti-mesogeio-zitoun-oi-eyrovoyleytes-eno-o-mitsotakis-arneitai-ta-pushbacks/>

Edelman, M. (1964). “The Symbolic Uses of Politics”. Urbana: University of Illinois Press. 126-132.

Efsyn (2023). “BBC: Το Λιμενικό “πίεσε” τους επιζώντες να κατηγορήσουν τους Αιγύπτιους ως διακινητές”, in *Efsyn*, Available at: https://www.efsyn.gr/ellada/dikaiomata/397348_bbc-limeniko-piese-toys-epizontes-na-katigorisoun-toys-aigyptioys-os

Erdogan, M., & Unver, C. (2015). “Perspectives, expectations, and suggestions of the Turkish business sector on Syrians in Turkey”. Ankara: Turkish Confederation of Employer Associations, Available at: <http://tisk.org.tr/en/wp-content/uploads/2016/01/goc-rapor-ing.pdf>

European Commission (2016). “Communication from the Commission to the European Parliament, the European Council and the Council Next Operational Steps In EU-Turkey Cooperation in the Field of Migration”. Brussels: European Commission. Available at: <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-166-EN-F1-1.PDF>

Fallon et al. (2022). “Revealed: Greek police coerce asylum seekers into pushing fellow migrants back to Turkey.”, in *The Guardian*, Available at: <https://www.theguardian.com/global-development/2022/jun/28/greek-police-coerce-asylum-seekers-pushbacks-migrants-turkey>

Fotiadis, A. (2015). “Εμποροι των Συνόρων: Η Νέα Ευρωπαϊκή Αρχιτεκτονική Επιτήρησης”. Athens: Ποταμός, 22-35.

Frontex Management Board Working Group (2021). “Fundamental Rights and Legal Operational Aspects of Operations in the Aegean Sea-Final Report” Available at: [file:///C:/Users/apost/Downloads/Agenda_Point_WG_FRaLO_final_report\(1\).pdf](file:///C:/Users/apost/Downloads/Agenda_Point_WG_FRaLO_final_report(1).pdf)

Gibney, MJ. (2018). “The ethics of refugees”, in *Philosophy Compass*. 13: e12521. Available at: <https://doi.org/10.1111/phc3.12521>

Greek Council for Refugees, (2022). “Vindication by the ECHR for Farmakonisi: Press conference on Monday, 11 July 2022” in *GCR*, Available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/2006-dikaiosi-apo-to-edda-gia-to-farmakonisi-synentefksi-typou-tin-deftera-11-iouliou>

Guild, E. (2006). “The Europeanization of Europe’s Asylum Policy”, *International Journal of Refugee Law*, vol. 18 (3-4), 630-651.

Guild, E., (2009). “Security and Migration in the 21st Century”, *Polity*, 68-72.

Gunaratnam, Y. (2013). “Death, and the Migrant: Bodies, Borders, and Care”, Bloomsbury Publishing, 10-12.

Hathaway, J. C. (1990). “A Reconsideration of the Underlying Premise of Refugee Law” *Harvard International Law Journal*31(1):129–182.

Hidalgo, J. (2014). “Self-determination, immigration restrictions, and the problem of compatriot deportation”, in *Journal of International Political Theory*, 10(3), 261–282. Available at: <https://doi.org/10.1177/1755088214539414>

Hoesch, M., Kleinschmidt, N. (2020). “The Open Borders Claim in a Nonideal World”. In: Hoesch, M., Mooren, N. (eds) *Joseph Carens: Between Aliens and Citizens*. Münster Lectures in Philosophy, vol 6, in *Springer*, Available at: https://doi.org/10.1007/978-3-030-44476-1_11

Infolibre (2023). “Απαγωγή και κράτηση μεταναστών από μασκοφόρους καταγγέλλει η Aegean Boat Report”, in *Infolibre*, Available at:

<https://www.infolibre.gr/2023/06/26/apagogi-kai-kratisei-metanaston-apo-maskoforoys-kataggelei-i-aegean-boat-report/>

Kant, I. (1939). “Perpetual Peace” (ed. Butler, Nicholas Murray) Columbia University Press New York, NY, 27-35.

Kostidis, M. (2022). “Ερντογάν στον ΟΗΕ: Η Ελλάδα μετατρέπει το Αιγαίο σε νεκροταφείο προσφύγων”, in *Kathimerini*, Available at: <https://www.kathimerini.gr/politics/foreign-policy/562053319/erntogan-ston-oie-i-ellada-metatrapei-to-aigaio-se-nekrotafeio-prosfygon/>

Loyd, J. M. & Mountz, A. (2014). “Managing migration, scaling sovereignty on islands”, in *Island Studies Journal*, Vol. 9, No. 1, 2014, 23-42.

Loyd, J. M. & Mountz, A. (2015). “Constructing the Mediterranean Region: Obscuring Violence in the Bordering of Europe’s Migration Crises”. *ACME: An International Journal for Critical Geographies*, 13(2), 173–195. Available at: <https://acme-journal.org/index.php/acme/article/view/1003>

Malichoudis, S. (2023). “The Great Robbery: during illegal pushbacks in Greece, refugees are robbed by border guards”, in *Solomon*, Available at: <https://wearesolomon.com/mag/format/investigation/the-great-robbery-during-illegal-pushbacks-in-greece-refugees-are-robbed-by-border-guards/>

Marinho, C. & Heinonen M. (1998). “Dublin after Schengen: Allocating Responsibility for Examining Asylum Applications in Practice”, *EIPASCOPE*, 1-12.

Martin, M. & Pamuk, H. (2016). “Give us EU visa freedom in October or abandon migrant deal, Turkey says”, in *Reuters*, Available at: <https://www.reuters.com/article/us-europe-migrants-turkey-eu/give-us-eu-visa-freedom-in-october-or-abandon-migrant-deal-turkey-says-idUSKCN10Q0JB>

Mayblin, L. & Turner, J. (2021). “Putting Sovereignty, Citizenship and Migration in Dialogue with Past and Present Colonialisms,” in *Migration Studies and colonialism*. Cambridge, UK: *Polity Press*, 86–93.

Mayblin, L. (2014) “Colonialism, Decolonization, and the Right to be Human”, *Journal of Historical Sociology*, 27: 423-428 Available at: <https://doi.org/10.1111/johs.12053>

Mbembe, A. (2003). “Necropolitics”, *Public Culture*, Volume 15, Number 1, 11-40 Available at: <https://doi.org/10.1215/08992363-15-1-11>

Nussbaum, M. C. (2001). “The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy”. 2nd edn. Cambridge: Cambridge University Press. Available at: <https://doi.org/10.1017/CBO9780511817915>

Parker C. & Sands L. (2023). “At least 79 dead, hundreds missing in year’s deadliest wreck off Greece”, in *The Washington Post*, Available at: <https://www.washingtonpost.com/world/2023/06/14/greece-migrant-boat-sink-pylos/>

Patseli, E. (2022). “Ο Στωικός Πολίτης του κόσμου και ο ρόλος του στη σύγχρονη εποχή”, in *Ηθική: Περιοδικό φιλοσοφίας*, (15), 153–158. Available at: <https://doi.org/10.12681/ethiki.30744>

Peers, S. (2016). “The final EU/Turkey refugee deal: a legal assessment”. Available at: <http://eulawanalysis.blogspot.com/2016/03/the-final-euturkey-refugee-deal-legal.html>

Relief Web (2021). “Greece deems Turkey “safe”, but refugees are not: The substantive examination of asylum applications is the only safe solution for refugees”. Available at: <https://reliefweb.int/report/greece/greece-deems-turkey-safe-refugees-are-not-substantive-examination-asylum-applications>

Salter, M. (2008). “Securitization and desecuritization: a dramaturgical analysis of the Canadian Air Transport Security Authority”. *J Int Relat Dev* 11, 321–349. Available at: <https://doi.org/10.1057/jird.2008.20>

Shaheen, K., Wintour, P., & Rankin, J. (2016). “Turkey threatens to end refugee deal in row over EU accession”, in *The Guardian*. Available at: <https://www.theguardian.com/world/2016/nov/25/turkey-threatens-end-refugee-deal-row-eu-accession-erdogan>

Sharp, D. (2022). “Relational Equality and Immigration”, in *Ethics* 132 (3):644-679.

Tanea team (2020). “Εκλείσαν τα σύνορα στον Έβρο - Απωθούν με χημικά μετανάστες”, in *Nea.gr*, Available at: <https://www.tanea.gr/2020/02/28/greece/metanasteytiko-ekrythmi-i-katastasi-sta-synora-oi-energeies-tis-kyvernisis-gia-na-elegksoun-tis-ayksimenes-roes/>

The New York Times (2023). “Video Shows Greece Abandoning Migrants at Sea” Available at: <https://www.nytimes.com/2023/05/19/world/europe/greece-migrants-abandoned.html>

The Press Project (2023). “Ναυάγιο στην Πύλο: Πληθαίνουν οι μαρτυρίες για ρυμούλκηση του μοιραίου σκάφους από το Λιμενικό”, in *The Press Project*, Available at: <https://thepressproject.gr/navagio-stin-pylo-plithainoun-oi-martyries-gia-rymoukisi-tou-moiraiou-skafous-apo-to-limeniko/>

Toygür, İ., & Benvenuti, B. (2017). “One year on: an assessment of the EU-Turkey statement on refugees” Available at: http://www.realinstitutoelcano.org/wps/portal/rielcano_en/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/demografia+y+poblacion/ari21-2017-toygur-benvenuti-one-year-on-assessment-eu-turkey-statement-refugees

Tsevrenis, V. (2016). “Η προσφυγική και μεταναστευτική κρίση στα νησιά του Ανατολικού Αιγαίου” Προβλήματα και προοπτικές, 55-56.

UNHCR (2021). “Η Ύπατη Αρμοστεία καλεί τα κράτη να προστατεύσουν τα δικαιώματα των προσφύγων και να μην εργαλειοποιούν το δράμα τους”, Available at: <https://www.unhcr.org/gr/22777-%CE%B7-%CF%8D%CF%80%CE%B1%CF%84%CE%B7-%CE%B1%CF%81%CE%BC%CE%BF%CF%83%CF%84%CE%B5%CE%AF%CE%B1-%CE%BA%CE%B1%CE%BB%CE%B5%CE%AF-%CF%84%CE%B1-%CE%BA%CF%81%CE%AC%CF%84%CE%B7-%CE%BD%CE%B1-%CF%80%CF%81%CE%BF.html>

UNHCR, (2023). “Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας: Παρουσίαση της Ετήσιας Έκθεσης 2022” Available at: <https://www.unhcr.org/gr/32135-parousiasi-ekthesi-2022-ratsismos.html>

United Nations (1951). “Convention relating to the Status of Refugees” General Assembly, V Section, Geneva.

United Nations General Assembly (1948). “International Declaration of Human Rights”, Resolution 217A, Paris.

Vella, M. (2008). “Frontex: out of control?”, in *Malta Today*, Available at: <http://archive.maltatoday.com.mt/2008/07/20/n6.html>

Waever, O. (1996). “European Security Identities”, in *Journal of Common Market Studies*, Available at: <https://doi.org/10.1111/j.1468-5965.1996.tb00562.x>

Wahnberger, A. (2017). “The EU-Turkey Agreement on Migration: Objective and Reality” (1st ed.,45,46,55-59). Frankfurt: Europa-Universität Viadrina Frankfurt. Available at: https://opus4.kobv.de/opus4-euv/frontdoor/deliver/index/docId/259/file/MES_Perspektiven_02-2017_final.pdf

Wellman, C.H. and Cole, P. (2011). “Debating the ethics of immigration is there a right to exclude?” Oxford, *Oxford University Press*, Available at: <https://ndpr.nd.edu/reviews/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/>

Wilcox, S. (2009). “The Open Borders Debate on Immigration”, *Philosophy Compass*, 4: 813-821. Available at: <https://doi.org/10.1111/j.1747-9991.2009.00230.x>

Williams, M. C. (2003). “Words, Images, Enemies: Securitization and International Politics”, *International Studies Quarterly*, 47(4), 511–531. Available at: <http://www.jstor.org/stable/3693634>

Yabasun, D. (2019). “The Common European Asylum System: Vulnerable Asylum applicants”. Maastricht, The Netherlands: Wolf Legal Publishing, 35-57.