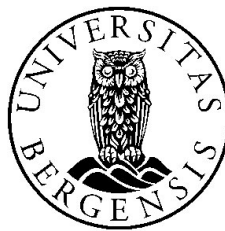# International Protection of Refugees and the UN Global Compacts

A Case Study of Governance and Non-State Actors in Greece

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Abstract

The research of this thesis is guided by a curiosity to understand the soft law non-binding framework of the 2018 UN Global Compacts on Refugees and for Migration, and its significance for the international protection of refugees in a South-eastern European border zone. This thesis explores the challenges of international protection of refugees in relation to the UN Global Compacts, through a qualitative case study. The relationship between multilevel governance and refugees and migrants' rights is of central concern.

Main research question: How has the global norms manifested in the UN Global Compacts (and regional European policies) influenced Greece, to make right-based changes for refugees and migrants and allowed non-governmental actors to advocate refugees and migrants' rights?

The number of irregular migrants that crossed the Greek borders in 2020 and 2021 was just a bit more than 20 000 people each year respectively. The significant low numbers made central Greek politicians declare the 'migration crisis' as over, and that the focus now should instead be on prevent a new crisis from happening. However, there are major concerns, first and foremost related to pushback operations. There are also major concerns with access to asylum applications and shrinking space for NGOs with criminalisation of humanitarian actors and other who do search and rescue operations.

Acknowledgements

I would like to thank my supervisor Professor Hakan G. Sicakkan from the University of Bergen, who is head of the research project PROTECT The Right to International Protection. I would like to express my gratitude to him for inviting me to join the research project's digital seminars and conferences, and the projects' kick-off conference that was conducted in person in Brussels. The kick-off happened just in time when the Covid-19 pandemic was understood to be a serious threat in Europe, and national borders closed, and international travel became more restricted.

I am grateful for what I have learned from the researchers connected to the project, with their various academic backgrounds and connection to different universities and research milieus. While attending PROTECT's seminars and conferences, they showed how refugee and migration research can be done within law studies, sociology, anthropology, political economy, media studies and in comparative politics, followed by interdisciplinary discussions of international protection of refugees. In addition, I have gotten some insight in how a EU Horizon 2020 project is run, which I found very interesting.

I would also like to thank fellow master student Runa Aarset. She has also been connected to this research project, and she has both a similar work background and academic interest as me. We have had meaningful discussions throughout this period, while going for long walks during lockdown and quarantine in Bergen.

My parents, Lise and Odd; I want to thank them both for passing on a humanitarian engagement. I want to thank my father for being the well-informed activist when often causing quite a stir amongst family and friends while arguing for open borders over dinner. In addition, he took on the role as a journalist by asking me questions of the real-world relevance of the Global Compacts. And I want to thank my mother for her encouragement to make me narrow down the scope of the thesis and for asking me to have the guts to reach out to researchers and ask them questions.

Lastly, I want to thank my partner Miguel Freitas, for whom I am forever grateful.

All errors and shortcomings are my own.

Abbreviations

AIDA The Asylum Information Database
ARSIS Association for the Social Support of the Youth (Greek NGO)
CEAS Common European Asylum System
CJEU Court of Justice of the European Union
CPT European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSO Civil Society Organisation
DESA United Nations Department of Economic and Social Affairs, Population Division
EASO The European Asylum Support Office
EC The European Commission ("The Commission")
ECHR European Convention on Human Rights
ECRE European Council on Refugees and Exiles
ECtHR European Court of Human Rights
EEC European Economic Community (Predecessor to the EU)
EP European Parliament
EU European Union ("The Union")
EUMS European Union Member State
EUROSUR The European Border Surveillance system
FRONTEX The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU
GCM United Nations Global Compact for Safe, Orderly and Regular Migration
GCR United Nations Global Compact on Refugees
GRF Global Refugee Forum
IRC International Rescue Committee
IDP Internally Displaced Persons
IFRC International Federation of Red Cross and Red Crescent Societies
IMF International Monetary Foundation
IO International Organisation
IOM International Organization for Migration
MENA Middle East and North Africa

NFI Non-Food Items
NGO Non-Governmental Organisation
OECD The Organisation for Economic Co-operation and Development
SaR Search and Rescue
UN United Nations
UNGA United Nations General Assembly
UNHCR United Nations High Commissioner for Refugees
TCNs Third-country nationals
"The Compacts" The United Nations Global Compact for Safe, Orderly and Regular Migration *and* the United Nations Global Compact on Refugees
WASH Water, Sanitation and Hygiene

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Chapter 1 Introduction – Destination Europe

In 2015, more than 1 million people were reported by the International Organization for Migration (IOM) to have arrived in the EU via Mediterranean maritime routes, of these, 3771 people were reported dead or missing (IOM, 2016). IOM reported that 845 852 people arrived in Greece that year. "This disorderly, dangerous and mass movement of people and its associated horrifying death toll opened the eyes of many people to the tragic effects of conflict and economic inequalities that underpin much international migration." (Geddes and Scholten, 2016, 1-2).

The European Refugee Crisis of 2015 is known for its mass arrivals of people crossing the European land and sea borders. These people were both economic migrants coming from poorer countries of the world and people who were considered refugees according to the Refugee Convention of 1951's criteria of persecution. Seen together the people on the move were what some researchers and policymakers call a "mixed migration flow" (see e.g., Van Hear et al, 2009).

Greece is at the same time a country of origin, a country of transit and a country of destination for migration (Geddes and Scholten, 2016). For most of the refugees and migrants seeking Europe, Greece is not their preferred destination country, still many of them end up being stuck there, in transit, meaning that they are not able to reach where they initially wanted to go, be that Sweden or Germany.

An increased proportion of the total global migration is people leaving from poorer countries in the world to richer ones: although there are more refugees in the devolving world, than in the developed world. Still, most migration happens within regions, not between them. For example, most of the Syrian refugees have migrated to the neighbouring countries Turkey, Lebanon and Jordan. In addition to these dimensions, one of the trends that signify migration of today is the blurring trend between countries of origin, transit and destination; and the Mediterranean countries well illustrates this dynamic.

The direction that many migration routes take today, from the global south to the global north is a response to geographical differences in development and history. An important difference

between migration before, i.e., early 1900s, and more contemporary times, is that at least for European immigrants to new settler colonies, migration was fairly free, compared to the more constrained migration of today (Grugel and Piper, 2007, 25). Migration flows are to a large degree determined by the destination country's immigration policies, which in recent years have become increasingly restrictive. From the 1990s onwards, many of the world's developed states' immigration policies can best be characterised as restrictive, using deterrence strategies and policies that in practice limit access to asylum application (Grugel and Piper, 2007).

The international community has decided to ensure refugees their right to protection based on the principles in international law and international humanitarian law confirmed in the Refugee Convention and in the Human Rights Convention. These norms can be tried for an international or a national court. Refugees and migrants invoke the human rights norms to enter, stay and be free in Europe (see Castello, 2016). The norms have been developed over time through international cooperation and states are dependent on that other states are loyal to what they have agreed upon.

Recent examples of such international norms are the UN Global Compact on Refugees (GCR) and the UN Global Compact for Safe, Orderly and Regular Migration (GCM), both agreed upon in 2018. Unlike the binding Refugee Convention, these compacts are non-binding frameworks, soft law instruments, for the relationship between states, migrants and refugees. The GCR and GCM are the first new largely accepted normative frameworks for migration and on refugees since the ratification of the 1951 Refugee Convention and its 1967 Protocol (Ferris and Martin, 2019, 5).

International refugee law, including the norm framework in the two Compacts, face numerous challenges when implemented, from states, organizations and opposing citizen's sentiments. In addition, the politicization of the international right to protection has been "further exacerbated by financial crises, refugee crises, and the recent public health crisis brought by the Covid-19 pandemic" (Sicakkan, 2021, 1). Greece is a prominent case of this, as the state has been through a financial crisis from 2009 onwards, a refugee crisis from 2015 onwards, and the Covid-19 pandemic from 2020 to 2022.

Zolberg et al's book from 1989: *Escape from violence: Conflict and the refugee crisis in the developing world,* is a classic example of a historical and descriptive study of the global refugee regime and its relationship with states. Other studies draw upon theories of international cooperation, exploring how power, interests and norms affect states responses to refugees (Betts, 2009, 16). This can be done in a global, regional context or a national context, as it is done in this thesis.

Thesis Objective/Problem

The research done in this thesis is based on a review of the literature on multilevel governance and non-state actors in relationship to protection of refugees in Greece. Specifically, the study investigates through a qualitative content analysis how the international soft law instrument in the UN Global Compacts on Refugees and for Migration have possibly affected protection of refugees in the country.

Research Questions

Main research question: How has the global norms manifested in the UN Global Compacts and regional European policies, influenced Greece, to make right-based changes for refugees and migrants, and allowed non-governmental actors to advocate refugees and migrants' rights?

Sub question: What kind of changes has there been in Greece policies and practices towards refugees after adhering to the UN Global Compact on Refugees and for Migration in 2018?

Sub question: What is the role of non-state actors in refugee protection in Greece today? How has the role of the NGOs changed after Greece signed the GCR?

To answer the research questions this thesis investigates refugee protection in Greece through different angles. This is done because of the assumption, based on a vast amount of existing literature, that multiple factors contribute to explaining refugee protection. Therefore, an interpretative case study is done, aiming at describing and hopefully explaining why particular outcomes happened in this certain context at that specific time. This is discussed

further in the second chapter on research methods. Because a major part of refugee protection in Greece in practice is done by non-governmental organisations the thesis also explores the role of NGOs as key governance actors in refugee protection. This is related to the multi-stakeholder and partnership approach described in the Global Compact of Refugees (part 3.2).

Thesis Structure

This thesis consists of 9 chapters, structured as follows: Chapter 1 introduces the entire thesis and presents the thesis objective and the research question.

The second chapter concerns the research methods utilised for answering the research question. In this chapter strengths and limitations concerning qualitative methods are discussed. In addition, the methodology used in this thesis; case study research and qualitative content analysis are presented, along with the research design and notes on data collection and sources. A discussion on how to include refugee voices, i.e. lived experiences is also included in this chapter.

Chapter 3 offers conceptualisations and theoretical background information, on how migration status is constructed and the international principle of refugee protection, and states obligation to so. The terms 'migrant' and 'refugee' are discussed on how the two concepts are understood differently by various scholars in the field. The UNHCR, including a short history of the formation of the organisation is also presented in this chapter. Finally, this chapter presents the UN Global Compacts on Refugees and for Migration.

The fourth chapter outline the theoretical framework. The chapter review relevant governance literature and literature on non-state actors such as NGOs and civil society organisations in relation to refugees and forced migrants. Finally, the chapter review theory on humanitarian action. The fifth and sixth chapter concerns empirical information about the case; chapter 5 is about the regional governance level; i.e., European migration and asylum policies, chapter 6 concern the national governance level; with a primary focus on the Greek migration and asylum system. Chapter 7 is an empirical mapping of the key non-state actors for protection of refugees that are active in this field in Greece today (2021). The mapping is included because of the important role civil society groups and NGOs play for the protection of

refugees at the local and national governance level. Chapter 8 is an analysis of the findings followed by discussion in relation to the research questions. The final chapter 9 gives a conclusion of the thesis.

Chapter 2 Research Methods

The research question of this thesis is guided by a curiosity to understand the soft law non-binding framework the UN Global Compact for Refugees and its significance for the international protection of refugees in a South-eastern European border zone. The thesis is abductive - it aims at understanding and partly explaining the protection of refugees, or the lack thereof, in the case of Greece. It is abductive in the sense that it starts with what we know (lack of protection of refugees in Greece), but the minor premise (the potential influence of the GCR and GCM) is only probable and therefore the conclusion of this thesis is as well probabilistic.

Bearing in mind Gerring's (2012) argument that one need to differentiate between descriptive arguments and causal arguments, and that description is part of the causal argument; the research in this thesis does not aim to draw any causal conclusions but hopefully the descriptions and potential explanations given can be of use in further research.

Numerous sources from well-established NGOs such as Amnesty International (AI, no date), Human Rights Watch (HRW, no date), and broad networks of specialised rule of law NGOs (FIDH, 2020) UN agencies (OHCHR, 2020) and institutions such as The European Committee on Social Rights (ECSR), an expert Committee of the Council of Europe (ECRE, 2021), have for a long time reported and documented the violations of human rights of refugees and migrants in Greece, including continued violations of the non-refoulement principle from the Refugee Convention. Starting with what we know, these violations are something we do know of, and this thesis is therefore not questioning whether rights violations happen. Instead, this thesis investigates whether the international soft law norm framework in the GCM and GCR have led to any changes for refugee protection in Greece.

For this thesis, I decided to use a qualitative research approach. The case study is conducted mainly through literary review and qualitative secondary data content analysis, to help better understand the case. Yin (2009, 4) argues that case study is suitable when one wants to answer "how" or "why". This is typical for qualitative research, focusing on research questions that are explanatory, that yields at least descriptive findings, and which sometimes finds causal relations, rather than research questions that can be answered through methods of numeric countable data observations as is done in quantitative research.

To attempt to answer the research questions, an assessment of current theory (forced migration and refugee studies and literature on multilevel governance theory) and an evaluation of that theory within a specific context (Greece, understood within the European asylum and migration context) a qualitative research approach seemed appropriate. The available statistical data in this field of research is arguably of best use for getting an overview about the case. I have therefore referred to some statistics as background information to give facts and figures concerning the case. The ability of the qualitative research approach to study a concrete case in depth, while consider the experiences of the people involved in the case, as well as necessary historic contextual background information on to which the theory is applied makes it well suited for this thesis.

Qualitative Research Methods

The research methods in social science can be divided into quantitative studies and qualitative studies, the simplest way to differentiate between the two is regarding the number of observations. Quantitative studies often have many observations in big datasets that is statistically analysed. Whereas qualitative studies typically have smaller number of observations and does not use the same stringent logic as quantitative studies and are often, but not always, historical, richly descriptive, and focusing on the observation of causal processes (Gerring, 2012, 362).

Ragin argues that the point of qualitative research is to generate "limited historical generalizations that are both objectively possible and cognizant of enabling conditions and limiting means – of context" (Ragin, 1987, 3). Note that even though he argues to limit the meaning of context, he does not argue to omit context all together. In relation to this, he also argues that the key advantage of qualitative studies vis-à-vis quantitative research is when the researcher is interested in" questions about empirically defined, historically concrete, large-scale social entities and processes" (Ragin, 1987, 13).

In sum, qualitative research methods can be either or both descriptive and causal, often looking at historical context, and can be an in-depth study. Qualitative studies are often interpretive case studies, such as this one, which seek to shed light on why particular outcomes happened in a specific time and space, in other words looking at certain conditions in specific contexts.

How to Ensure Quality in Qualitative Research?

To help ensure the quality of the research it is important to understand the limitations ingrained in this research approach. There are four aspects that are particularly noteworthy. These are issues of generalisation and replicability, of which the latter is connected to the subjectivity of the researcher and lack of transparency (Bryman and Bell 2019, 211-212).

1. Generalisation

The issue of generalisation, understood as" the potential for drawing causal inferences from a single study to a wider population, contexts or social theory" (Ritchie et al, 2014, 365), is important and contested. Ritchie et al (2014) includes three separated but connected concepts in qualitative generalisation; representational - can the findings be found to be true in the population from where the sample was drawn, inferential – can the findings from the study be generalised to another setting or context, and theoretical generalisation – can the findings from the study have a wider application.

There is not a commonly agreed set of principles among researchers for the conditions under which qualitative research findings can be generalised and how this process should be conducted. This depends on "how the 'meaning' attached to research data is conceived and understood, in particular whether it is seen to have any 'reality' beyond the context in which it was derived" (Ritchie et al, 2014, 348). In sum, there is an enduring trade off in qualitative studies between precision and looking at the big picture.

The concern for generalizability rests on a concern that qualitative studies typically include few observations and individuals, and focus on a single, or few cases. Consequently, this means that, due to its small sample size, the research might not be applicable for generalizing across lager populations. While this certainly is a valid concern, generalizability is not necessarily the main purpose of all research. Although, qualitative research can be beneficial for generalizability by developing knowledge and producing theory that might be utilized in further studies (Bryman and Bell 2019, 211-212).

2. Validity and Replicability

Reliability and validity are central concepts in the discussion of generalisation. Reliability refers to the "replicability" of a study's research findings whereas validity refers to "the extent to which a finding is well-founded and accurately reflects the phenomena being

studied" (Ritchie et al, 2014, 354). However, since quantitative research and qualitative studies are two set of research designs with major differences, some researchers argues that the terms' 'reliability' and 'validity', with its foundation in natural sciences, are perhaps not the best terms for qualitative studies. Some researchers even argue to replace 'reliability' and 'validity' with other terms they consider better for qualitative research e.g., replacing the concept 'generalisation' with external validity'. Then 'external validity' comes in a conceptual pair with 'internal validity' (whether the researcher observes and measures what they intend).

3 and 4. Subjectivity and Transparency

Replicability, subjectivity, and transparency are all primarily tied to the role of the researcher conducting the research. Since the qualitative process is one where all parts of the research process inform the other respective parts of the research, the researcher plays a central role, and despite the researchers well-documented process the in-flux approach might be difficult to replicate. This is made even more challenging due to the researcher's subjectivity, meaning the researchers impressions, inferences and interpretation which might be prone to bias and misinterpretation. Therefore, the researcher needs to be conscious of these vulnerabilities to ensure that they are not detrimental to the quality of the data and eventual findings of the research (Bryman and Bell 2019, 211-212; Grønmo 2016, 180-181). As such, it is important that the researcher attempts to make the research process as transparent as possible. Documenting why data and participants were chosen, as well as making the research easy to follow by documenting the research process itself can do this. By explaining how data led the conclusion, the researcher makes to study more transparent and easier to replicate (Bryman and Bell 2019, 211-212; Gerring 2012, 94-95).

With relation to transparency, one should note that a risk in both quantitative and qualitative research is the risk of confirmation bias, meaning "the general cognitive tendency to disproportionately search for information that confirms one's prior beliefs and to interpret information in ways favourable to those beliefs" (Büthe and Jacobs, 2015, 5).

Research Design
In order to answer the research questions in this thesis, a research design was chosen for the purpose of gathering and analysing data. As noted by Bryman and Bell (2019, 27), a well-designed research framework is crucial in order to avoid measurement errors, insufficient observations and biased samples.

Case Study

This thesis is a qualitative case study of international protection of refugees in Greece, in relation to the soft law framework GCR and GCM, and non-state governance actors.

As mentioned, Yin (2009, 4) argues that case study is suitable when one wants to answer "how" or "why" research questions, he also argues that case studies are suitable when one is studying contemporary events, rather than historical ones. George and Bennett (2005, 5) on the other hand, specifically refer to historical events in their definition of a case study and they include a purpose of the case to be somewhat generalizable: "[a] detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events".

Gerring (2004, 341) gives two similar minimal definitions of a case study, focusing on its in-depth ability and possibility of generalizable results, defining it respectively as an "in-depth study of a single unit (a relatively bounded phenomenon) where the scholar's aim is to elucidate features of a larger class of similar phenomena", and a "case study is an intensive study of a single case (or a small set of cases) with an aim to generalise across a larger set of cases of the same general type" (2007, 65).

Swanborn (2010, 14) offers a wider definition than Gerring; he too refers to the case study as the *intensive* study (not *extensive*, as a survey e.g.) of a social phenomenon, and includes other traits that define case studies: that the case(s) are within the boundaries of either one or a few social systems (i.e. individuals, people, groups, organisations, local communities, nation states), that it is studied in its natural context, over a specific period of time (either monitored while events taking place or afterwards), that the research should be guided by broad research question, before she/he after time formulate more precise questions, while being open to unexpected aspects in the process, and that the researcher use several data sources, first and foremost available documents (Swanborn, 2010, 13).

The case study's in-depth collecting of data (Bryman and Bell 2019, 44) narrows the scope for which the analysis can prove or demonstrate causal arguments, that Gerring (2004, 347) articulates as a method that enables the researcher to learn "more about less". Even though case studies are *interpretive*, i.e., they "seek to tell us why particular outcomes happened in specific cases" (Mahoney, 2010, 141), the method still considers the case as a *whole* (Ragin,

1985, 3)

Advantages of Case Studies

George and Bennett (2005, 19) argue that case studies sometimes are better equipped for achieving conceptual validity, because of the way they measure cause and effects of actions taken within a phenomenon while at the same time avoiding conceptual stretching.

In addition, they (George and Bennett, 2005, 19-22) highlight four strengths of case studies vis-à-vis statistical research that are considerably beneficent for theory development and hypothesis testing. The first is their potential for establishing high levels of conceptual validity on the chosen indicators that can best measure and/or represent different theoretical concepts. Secondly, case study fieldwork, whether it is interviews or archive studies, can reveal new causal variables that the researcher might not have come up with on their own. Such new findings make case studies particularly good at deriving new hypotheses for further research.

Thirdly, the analytical ability of case studies to look at the causal mechanisms within a single case allows the researcher to explore causal mechanisms. Case study research allows for the possibility that the researcher inductively can identify new conditions in a case, which might activate a causal mechanism. This in turn can further theories on causal mechanisms. The fourth strength of case studies that George and Bennett (2005, 19-22) list, is that case studies can provide models and assess complex causal relations while accommodating for equifinality, complex interaction effects and path dependency. The authors argue that the case-study advantage here is relative, they can allow for equifinality by producing "narrower and more contingent" generalizations in more "middle-range theories". Further, extensive process-tracing evidence is needed for case studies to document complex historical interactions.

Limitations of Case Studies

All methods have its disadvantages, and the most common limitation for case studies is selection bias, meaning: "researchers sometimes deliberately choose cases that share a particular outcome" (George and Bennett, 2005, 23). To avoid selection bias Collier and Mahoney (1996, 66-67) suggest an appropriate frame of comparison in the analysis of the case study, and by that avoiding making the scope too narrow or too wide. With a too narrow

scope of analysis the researcher can miss out on crucial information, and with a too wide scope, the case study might risk losing its in-depth abilities (where another research method would be more suitable). Case studies have in other words the same enduring trade off as other qualitative research methods (precision versus looking at the big picture). Some case studies research design, therefore, might lack wider representativeness as they "are necessarily unrepresentative of wider populations" (George and Bennett, 2005, 32), if they do not meet certain criteria (George and Bennett, 2005, 32-33).

Literature Review

To review existing theory on a research field helps the researcher establish what has already been well documented, and potentially highlight what part of the theory that need further exploration. Ideally a literature review helps the researcher understand which knowledge gaps exist where the research conducted ideally can tribute to new knowledge.

When conducting a literature review Bryman and Bell identify key issues that should be considered: to find already existing results and what is yet to be analysed; to avoid making the same mistakes as previous researchers, to discover methodological and theoretical approaches that have previously been used, to develop a framework for data collection, to find possible new variables for examination and potential future research question, and finally to compare your results to others (Bryman and Bell, 2019, 366).

Qualitative Content Analysis

Krippendorff (2004, 18) defines qualitative content analysis as: "a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use". Qualitative content analysis is in other words the process of identifying an occurrence of certain themes or concepts in text, but without necessarily quantifying the results. It is researcher's interpretation of the collected data that determines how the data is coded (Bryman and Bell, 2019, 305-306). In this thesis I have collected and analysed *secondary data,* meaning already existing qualitative research data (Ritchie et al, 2014, 53).

One distinguishes between manifest and latent analysis in qualitative content analysis. When doing a manifest analysis, the researcher "stays very close to the to the text, uses the words themselves, and describes the visible and obvious in the text" (Bengtsson 2016, 10). Whereas in a latent content analysis, the researcher interprets the texts and "seeks to find the

underlying meaning of the text: what is the text talking about" (ibid.). In this thesis, I use a manifest content analysis for the mapping and analysing of non-state actors that are actively involved in refugee protection in Greece that is related to my second research sub question. In other words, I rely on what is clearly manifested in the written material to map the activities they do, who their target group is, whether they actively include refugees in their activities (or act as service providers), the duration of their engagement in Greece, what kind of actor it is (national, bilateral, international, NGO/CS group/local citizen initiative/informally organised group of activists) which locations they are active in (mainland/islands/refugee camps/big cities/local communities), the formalised cooperation and network they form with other actors (be that governmental, other NGOs, and other partners), and finally whether they specifically refer to the UN Global Compacts in their work.

Bengtsson (2016, 9) draws a distinction between deductive and inductive qualitative content analysis research designs. Krippendorf (2004, 36) argues that the nature of qualitative content analysis is abductive. Kennedy (2018) shows how in grounded theory there is interplay between the three of them, that the researcher uses deductive, inductive, and abductive logics in the data collection and analysis. She understands abduction as:

> selecting or inventing a provisional hypothesis to explain a particular empirical case or data set better than any other candidate hypotheses, and pursuing this hypothesis through further investigation. Abduction is about discovering new concepts, ideas and explanations by finding surprising phenomena, data, or events that cannot be explained by pre-existing knowledge. (Kennedy, 2018)

On Selecting Non-State Actors

I have drawn on previous research, reports and specific online searches when selecting and identifying the relevant non-state actors I have included in my mapping. When I first started the mapping, I investigated which organisations the large actors such as the UNHCR and IOM cooperated with. In addition, I read multiple new articles, blogs and social media posts to get an overview over the NGOs active in Greece today. I already had a relatively good overview before I started the mapping drawing on my insight from when I lived and worked in Athens in 2015, and I have tried to be open and curious during the process bearing in mind that it may well be actors I have overlooked. As I outline in chapter seven, I do not aim to

include all organisations that are actively involved in refugee protection in Greece in 2021, instead I have identified some of them, these actors have in other words been selected non-randomly.

Lived Experiences – On the Inclusion of Refugee Voices

In qualitative research, the hypothesis is often derived from analysing the data, and not the other way around (Ritchie et al. 2014, 3). In other words, the research interprets the available knowledge on a field of study while take into consideration peoples "lived experiences" within a historical and social context as important for understanding the social phenomenon and values the interpretations of the participants being studied (Ritchie et al. 2014, 11). In relation to this, in the field of refugee and forced migration studies there is an on-going debate on how to include refugee voices (see Sigona, 2014). Multiple NGOs in the field have for a long time advocated for refugee voices to be heard, and they have done so with specific reference to the Global Compact for Refugees (see Drozdowski and Yarnell, 2019; Alio and Gardi, 2021). The NGO advocates not only for refuges voices to be heard, but also to "have a seat at the table (…) [that] can add our expertise and lived experience to a system we depend on for protection and that we know inside and out" (Alio and Gardi, 2021). Drozdowski and Yarnell (2019), argues for what they call "meaningful participation" at the Global Refugee Forum (GRF).[1]

> The notion of "nothing about us without us" is not only ethically appropriate. Those with lived refugee experience – whether still in displacement, resettled, or returned – offer necessary perspectives to inform smart, practical, and sustainable programs. That refugee participation was not always prioritized, at both the local and global level, is a detriment to the international system. (Drozdowski and Yarnell, 2019)

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[1] The GCR called the UNHCR and other actors to co-host together with a member state the Global Refugee Forum every fourth year, as a follow up of the GCR.

Even though the NGO advocates Drozdowski and Yarnell (2019) and Alio and Gardi (2021) first and foremost are concerned with refugee participation in policy development, implementation and evaluation, both set of authors advocate that refugees should be given a voice to express their lived experiences. In other words, 'voice' lies as a premise for 'participation', with the underlining thought that people are experts on their own lives. For more on voice see Hirschman's classic definition (1970, 3), where he defines 'voice' as any attempt at to change a situation, whether through individual or collective petition, appeal, or action and protests, including those that are meant to mobilize public opinion.

To include refugee voices and participation relates to the multi-stakeholder and partnership approach described in the Global Compact of Refugees (part 3.2). Since we know from earlier research that non-state actors do a lot of refugee protection in Greece in practice, this thesis also explores the role of NGOs as key governance actors in refugee protection. To include these actors is in line with Ritchie et al (2014, 13) argument that including participants views and actions is a way to acquire a holistic understanding of the world.

Sources and Data Collection

The data material is primarily secondary data sources from a literary review of existing theory on multilevel governance, and forced migration and refugee studies, in addition to a review of case relevant literature on EU migration and asylum policies and Greece, in a recent historical context. To this I apply the soft law international legal framework GCR, asking whether Greece adhering to these norms made any changes for the protection of refugees in the country. To answer the research question, I rely on all this material, including academic articles based on field studies in Greece, where researchers has interviewed refugees and observed the situation on ground. In addition, I analyse reports and so forth from NGOs, news articles from serious media outlets, and other material that is openly online available. In this interpretive research, with reference to the discussion on inclusion of refugee voices, the secondary storytelling through researchers, professional journalists and advocacy from NGOs are thought to include their voices.

I am aware of the risk of NGO reports being biased, as news articles, and policy papers are. As any other actor NGOs have interests that may influence how the portray events i.e., what they decide to highlight in their reports and what they leave out. I have carefully read the material, while taken into consideration that neither policy papers, news articles nor NGO

advocacy or reports, meet scientific standards as peer-reviewed published research articles do. Therefore, I have consulted multiple sources on contested issues, such as pushback operations.

Regarding Sources and Language

Given the political nature of the refugee and forced migration discourse, I have aimed to be highly attentive to what kind language is used (i.e., which words are chosen) when reviewing the literature used in this thesis. An example of this, is the use of the term "illegal migration", that is deemed derogatory by many from a human right perceptive ("no one is illegal"), versus the terms "irregular migration" or "undocumented migration". Another example is the use of the words "burden sharing" versus "responsibility sharing", with regards to the international solidarity principle in the GCR, and regional solidarity principle in New EU Pact on Migration. Both terms include "sharing" (i.e., of refugees); hence the "solidarity", but "burden" and "responsibility" has quite different normative connotations. I have also encountered the discussion on whether it is better to use the term "most at risk" instead of "most vulnerable" or "particular vulnerable", when humanitarian actors and researchers identify and refers to the groups *or* individuals of refugees whom they identify as such (see e.g., Witcher 2020; Welfens and Yasemin, 2021).

Another issue in the data collection is that I do not understand or speak, read or write Greek besides the most elementary phrases; hence I have encountered a language barrier in the research of the thesis. However, most of the NGOs publish in English, and the Greek NGOs often publish some material in English. With the aid of Google, I was able to quite easily navigate Greek websites. Regarding the official Greek government websites, I found that the Asylum and Migration Ministry often published press releases and so forth both in English and Greek.

In addition, reports aimed at European policymakers are often written in English. English is also the preferred advocacy language of most of the NGOs, unless the target group of the advocacy is the Greek opinion (or other language group, while the material directly targeted at refugees is often transferred into Arabic and other languages). Academic articles are predominantly written in English, and I have included several Greek forced migration researchers among my sources who publishes in English. Many news articles from serious

media houses are also published in English; in addition, some of the largest Greek newspapers have English editions[2].

Chapter 3 Concepts: Migration Status and International Protection of Refugees, and the UN Global Compacts

This chapter commence with some statistical figures of global migration, followed by a short note on the history of migration in the Mediterranean. After that, theoretical background information on how migration status is constructed and the international principle of refugee protection and states obligation to so is presented. The conceptualisation of 'migrant' and 'refugee' ends with a short discussion on how the two concepts are understood differently by various researchers, where some see that the terms overlap whereas other understand them as two distinctive categories.

In addition, there is a description of the role of the UNHCR, including a short history of the formation of the organisation with critical assessments.

Finally, this chapter presents the contents of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees with its Multi-Stakeholder Approach.

Constructing Migration Status and Defining Protection

Unequal Global Distribution of Migrants and Refugees

In 2020, refugees and asylum seekers accounted for only 12 per cent of the total number of international migrants. However, humanitarian crises contributed to an increase of 17 million

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[2] These are *Ta Nea;* often publishing in English, *Kathimerini;* comes with a daily English edition in cooperation with the New York Times International Edition, and *To Vima*; some articles written in English. However, a large newspaper such as *Ethnos* does not publish in English. Amongst the Greek newspapers I have read *Kathimerini* most frequently throughout the period writing this thesis.

asylum seekers and refugees between 2000 and 2020 (DESA, 2020, 6). This made the total number of people forcibly displaced to 82, 4 million. They are forcibly displaced as a result of persecution, war, conflict, violence, human rights violations, ethnic strife, weak governmental institutions, and sharp socioeconomic inequalities or a combination of one or several these factors (Loescher, 2016). UNHCR (2021b) divide the forcibly displaced into the following categories: 26, 4 million refugees, 48 million internally displaced persons and 4,1 million asylum seekers.

65 per cent of the world's international migrants lived in high-income countries in 2020, and the wealthy countries of the world have attracted the largest number of international migrants for the last two decades. In addition, migration usually happens within regions, and Europe had in 2020 the largest share of intra-regional migration; 70 per cent of migrants born in Europe reside in another European country (DESA, 2020, 2). Moreover, low- and middle-income countries hosted the majority of the international forcibly displaced people, whom are migrants or refugees because of conflict, persecution, violence or human rights violations. Globally, the low- and middle-income countries hosted over four fifths of the world's refugees and asylum seekers in 2020 (DESA, 2020, 7). Other drivers of migration, such as labour, education and family reunification were the reason for most of the growth in the total migrant population during the past two decades in high-income countries (OECD, 2021).

Migration in the Mediterranean Region

As mentioned in the introduction there is a blurring trend between countries of origin, transit and destination, and the Mediterranean countries well illustrates this dynamic (Koser, 2016; Geddes and Scholten, 2016). Around 5o years ago the countries of Northern Africa and Southern Europe were countries of origin of migrants who went to Northern Europe for work. Approximately 20 years ago Southern Europe shifted to a region of immigration with an increasing number of immigrants from Northern Africa who arrived for work in the Southern European countries. North Africa also turned into a region of transit for people on the move towards Europe, and destination, with an increasing number of migrants from sub-Sahara, yet remained a region of origin with people from North Africa migrating to Europe (Koser, 2016, 8). The so-called 'Eastern Mediterranean corridor' links countries in Asia (i.e., Afghanistan), to countries in the Middle East and Horn of Africa towards the South-eastern European countries Turkey and Greece (Geddes and Scholten, 2016, 216).

Migrants – Conceptualisation and Human Rights

As the numbers from DESA (2020), UNHCR (2021) and OECD (2020) shows, the numbers of migrants and refugees are high worldwide, and in 2015 they were record high in Greece.

The following sections will elaborate on the categories 'migrant' and 'refugees'. International law does not define who a migrant is, however, IOM ("The UN Migration Agency") defines a migrant as

> "any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is" (UN, 2021).

This definition in other words includes both people on the move in their home country and abroad, i.e., crossing a state border, whether it is a permanent or temporary move, and for a whole variety of reasons, such as people who are abroad for work, studies, to reunite with family or because of poverty, conflict, war or persecution. Borders are what Zolberg (1989, 405-406) calls "barriers to movement"; states' control over borders; territorial, organisational and conceptual, defines international migration as a social and political issue that maintain global inequality.

When the United Nations was created it affirmed the universal principles of human rights and rule of law as the key components of international order. Every human being is at the center of these universal principles, with the guidelines of equal respect and equal concern for everyone, and for the vital needs of everyone to be prioritized (Hale et al, 2013). When creating the UN charter following the Second World War, the view was that human wellbeing applies regardless of the person's location. Furthermore, the international community rejected the idea that belonging to a specific national or ethnic group could determine the limits of these *human* rights, or responsibilities for the fulfilment of basic *individual* needs. Moreover, that belonging to a given community must not limit and determine the freedom of individuals (Hale et al, 2013). In sum, any person, whether that person is a migrant, a refugee, an asylum

seeker or not, has human rights. Human rights are legally enforceable rights, and have its limits, both jurisdictional and practical ones (Costello, 2016, 1). On the European regional level human rights are legally enforceable protected under the European Convention on Human Rights (ECHR) and in European Union (EU) law, which has its own Charter on Fundamental Rights (Castello, 2016).

Forced migrants who cross an international border but do not satisfy the legal definition of 'refugee' under the 1951 Refugee Convention (or regional counterparts, such as ECHR) have rights of complimentary protection meaning protection granted by states, "based on a human rights treaty, such as the International Covenant on Civil and Political Rights (ICCPR) or the Convention against Torture (CAT), or on more general humanitarian principles, such as assisting those fleeing generalized violence" (McAdam, 2014, 204-205). Complimentary protection is premised on the *expanded* principle of non-refoulement under human rights law, which at a *minimum* "prohibits states from returning people to situations where they would face a real risk of being arbitrarily deprived of life or subjected to the death penalty; torture; cruel, inhuman, or degrading treatment or punishment; or enforced disappearance" (ibid).

Migration Status and Migration Control

Migration status refers to the fact that migration and asylum law create certain statuses (or no status), meaning packages of rights for the individual and obligations for the state. When Costello (2016) refers to 'migration control', she refers to the system of enforcement surrounding migration and asylum that takes place within the state and beyond (European) states.

'Migration status' and 'migration control', is what she explains as what determines the legal predicament "in which migrants and refugees finds themselves" (Castello, 2016, 1). The status and control determine a person's access to the state's territory and whether the presence in the state is authorised, and if the person has legal residency and with that the security as a resident of the state.

Defining Protection – Who qualify as a refugee? And the principle of non-refoulement

International protection of refugees concerns a wide range of norm related issues such as human rights protection and violations, the principle of non-refoulement, access to a safe destination country, responsibility sharing between states (be that on an international level

through UN agencies, or a regional level, such as the EU), and the inclusion of new groups of forcibly displaced groups into the refugee definition, i.e., climate refugees. Refugee protection also raises discussions on global governance and policy issues.

One way to understand 'refugees' (as opposed to economic migrants) is that they are "people fleeing danger", not like migrants moving for gain, but because they have no choice (Betts and Collier, 2017, 1). Refugees are seeking safety outside of their own country (i.e., excluding internally displaced people), and normally in neighbouring countries.

From a legal perspective, refugees' rights are set out in the Refugee Convention and are supplemented by human rights law. The legal definition of who is a refugee reflects the historic legal intention, argues Betts and Collier (2017, 4).

The United Nation's 1951 Geneva Convention relating to the Status of Refugees and its 1967-Protocol are the two key documents legally defining the term refugee, outlining the rights of refugees and the legal obligations states must protect. The United Nations High Commissioner for Refugees is supposed to serve as 'guardian' of the 1951 Convention and the 1967 Protocol. 149 states parties have signed either or both the Convention and the Protocol (UNHCR, 2021).

Arguably the most important right granted to refugees in the 1951 Refugee Convention is the principle of non-refoulement; the right of refugees not to be returned to a country where they risk their lives. Non refoulement is considered a part of customary international law, and it is a binding principle even for states that did not sign the 1951 Convention. Another connected principle is the later principle of voluntary repatriation; states are not allowed to repatriate refugees until the causes of what lead to the refuge have ended and that refugees themselves are to decide whether they want to stay in exile or return voluntary (Betts et al, 2013).

The discourse on the refugee definition today relates to the debate on whether the Refugee Convention is still valid for the global situation of forced migration now, or whether it is outdated, given its 70 years' anniversary in 2021. As is elaborated on in the section on the international refugee regime, it was agreed upon in a European context following Second World War, and it is questioned whether it is the best-suited framework for an international context today. Some argue it is not politically possible or even necessary to dismiss the Convention despite its shortcomings, but rather that the definition of refugees should be

expanded to include other ("new") groups of forced migrants. Like those who are forcibly displaced due to changes in climate and environment, or severe poverty, or other grounds for persecution than those listed in the Convention, such as sexual orientation, and other actors than states as persecuting actors, "and inclusion of subsidiary and constitutional asylum norms as grounds for granting people refugee status" (Sicakkan, 2021, 12). In addition, the norm of international solidarity or at least regional solidarity has become more prominent with the GCR, and The New European Asylum and Migration Pact from the EU Commission, argues Sicakkan (2021).

The International Refugee Regime and the UNHCR

The international refugee regime we have today is from the end of the 1940s. In the beginning the refugee regime focused on integrating refugees in Europe after the Second World War. Through a treaty – the 1951 Refugee Convention, and an organisation – the UNHCR, state governments were "committed to reciprocally allow people fleeing persecution onto their territories" (Betts and Collier, 2017, 4). The 1951 Geneva Convention is the most central legal instrument in this regime, and among the UN agencies that are concerned with refugee and forced migration issues, UNHCR is due to its mandate the foremost UN body on the subject (Grugel and Piper, 2007, 26).

When the United Nations General Assembly established the UNHCR in 1950, it was initially created as a temporary organisation with the responsibility of assisting displaced refugees in Europe after the Second World War. Over time the agency has extended its geographical focus beyond Europe and has become an international organisation with a global focus (Betts et al, 2013).

The Statue of the UNHCR sets out a mandate for the organisation; first the agency was created to cooperate with states on securing refugees' access to protection (Betts et al, 2013). Keeping in mind that the humanitarian mandate of UNHCR is reactive i.e., the high commissioner is to deal with migration *after* it has occurred (Grugel and Piper, 2007, 26).

Forsythe argues that here was a naïve understanding in the international community after the Second World War that the "problem of refugees" was a simply a remaining problem of the war that would soon disappear (2006, 78). Following the Cold War, practically all states, that

had over time been asylum states, implemented stricter policies regarding asylum seekers and refugees (Forsythe, 2006, 79).

The UNHCR started out as a protective agency that sought to represent refugees through law and diplomacy, taken into consideration that states have the authority to decide who are to be recognised a refugee, and who are to be given entrance and residency to and in a country, both temporary and permanent. Therefore, in the beginning UNHCR contacted state authorities on behalf of those being victims of persecution. More and more, UNHCR went into working with relief operations, and the agency had moral objections to disregard distinctions between different categories of refugees and internally displaced persons, all of them needed humanitarian support (Forsythe, 2006, 79).

Most of the world's migrants and refugees today are outside of Europe. Many refugees live in camps without basic rights, such as the right to work or the freedom of movement. The effectively ´warehousing´ of refugees have substantial implications for human rights violations and international security (Betts et al, 2017, 2). In particular for refugees in protracted situations, meaning groups of people who have been in exile for more than five years, after their initial displacement, without a durable solution (Betts et al, 2017, 1).

Even though the disaster of long-term encampment is well known and widely criticised it has become the global norm, and both the UNHCR and states have failed to come up with durable solutions and/or solve violent conflicts and wars, which are the root causes of refugee. Betts et al (2017, 5) argues for political solutions that addresses these root causes, and more engagement from the UN Security Council for "conflict resolutions, peace building and post-conflict reconstruction". In the meantime, the authors suggest self-reliance through access to work, freedom of movement, and facilitation of economic activities, in order to let refugees (in protracted situations) live dignified and independent lives (Betts et al, 2017).

Many scholars and practitioners within the refugee and migration field have for a long time called for reform of the international refugee regime. Betts et al (2017, 2) are amongst them, and suggest thinking of refugees' capabilities – their skills, aspirations and talents, in addition to consider their vulnerabilities. From this both economic and sociocultural perspective, refugees can contribute rather than to be a "burden" for host countries.

Migrant or Refugee?

As opposed to the legal definition of 'refugees' there is no corresponding international legal agreed definition of 'migrants'. With reference to the IOM definition, refugees are also migrants, as anyone who change their country of residence are migrants according to that definition. However, in the public discourse the term 'migrant' is also used in contrast with the term 'refugee'.

Some researchers prefer to use the term 'forced migration', as it refers to the involuntary aspect and includes people who do not legally qualify as refugees, following the Convention criteria. This view is inclusivist, it understands everyone who changes residency as migrants, regardless of the causes and circumstances (Carling, 2017) i.e., in this view migrants are not qualitative differently from asylum seekers or refugees.

Other refugee advocates and academics holds a residualist view proclaiming that refugees belong to a qualitative different category of migrants, and that migrants are a residual category – those who changes residency but do not qualify as refugees. Carling (2017) argues that this view is problematic as it has a potential of limiting who receives access to protection, whereas Ferris and Martin (2019, 14) argue that this view is useful for referring to people who not any longer receive protection from their national governments, and therefore qualify for international protection.

Regardless of one's positioning on how one understands these concepts, the status a person is given, usually by the destination state, is not set in stone, and may vary multiple times after the person's first arrival at the border. In addition, the status may also vary while the person is on the move, often transitioning through multiple states that may define or label the person's status in various ways.

Some of the key drivers of forced migration are war and oppression, but of course they are not the only ones. Another key driver of migration is poverty and global inequality (see e.g., Zolberg, 1989). Economic migration or labour migration, sometimes labelled voluntary migration, is often distinguished from forced migration or persecuted refugees and people seeking asylum. Economic hard times in origin countries cause more underemployed and unemployed people migrating. Governments in destination countries close their borders either

as response to or of a fear of political backlash, meaning anti-immigrant sentiments in the population linked to rising unemployment figures (Grugel and Piper, 2007, 25). In a globalised interconnected world as of today, with an interconnected economy and financial markets, foreign investments in the developing world determine much of the labour migration (ibid.). Sociocultural factors, such as migrants' family and relative's networks, are also important in determining migration flows, in addition to economic factors.

Researchers state that it is difficult to draw a clear line between voluntary and forced migration (Van Hear et al, 2009) because a lot of migration has elements of "coercion and violation and is likely to be motivated by a mixture of economic and political factors" (Betts, 2009, 4). With time, other groups than refugees have been legitimately considered forced migrants, such as conflict-induced internally displaced persons who have not crossed an international border (see Loescher, 2016). Nevertheless, Betts argues that the distinction between the two categories remains useful because of the right to protection that refugees are entitled to when their state of origin is not able to provide safety, and because existing migration policies are based on the distinction (Betts, 2009, 7-8). The two UN Global Compacts continues this division.

An Example of International Soft Law: The Global Compacts on Refugees and for Migration

In December 2018 the UN General Assembly (UNGA) adopted two compacts for migration management and refugee protection. These are The Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM). The category 'compact' indicates that these are not treaties nor conventions, meaning they are non-binding in international law, rather they are soft law instruments (Gammeltoft-Hansen, 2018). The term 'soft law' is disputed, but in general soft law refers to certain categories of norms, and some of these norms have an "impact on the interpretation, application, and development of international human rights law" (Cerone, 2016, 15). Cerone (2016, 16) argue an approach of not viewing soft law as law at all and that the term 'law' in the phrase refers to the origin of the rule "and may also reflect its relationship to and potential relevance in the international legal system". The rule may "still referred to as 'law' because it may exert an influence on law or may achieve some of the effects that law seeks to achieve" (ibid.). Even though soft law is not law, "it can and does have legal effects" (Cerone, 2016, 24). Soft law then refers to normative content in its form and origin as "rules (…) that are in the process of becoming,

though may not ultimately become, binding rules of international law, in the form of any of the established sources of international law (…)" (Gammeltoft-Hansen et al, 2016, 5).

Even though the GCR has a non-binding status it can have a normative influence on development of international refugee law. Soft law as the Compacts can be seen to form and influence hard international law in multiple ways: "from being a first step in a norm-making process to providing detailed rules and more technical standards required for the interpretation and implementation of existing bodies of international law" (Gammeltoft-Hansen, 2018, 306).

Soft law frameworks such as the Global Compacts are flexible as to include more actors in its accountability in addition to states (such as CSO and NGOs). As already touched upon the GCM enters a more fragmented and unknown part of international migration law whereas the GCR enters the well-established refugee law with its normative implications. Nonetheless, international refugee law has for many years now been under significant pressure (Gammeltoft-Hansen, 2018, 307).

The two compacts present the first widely accepted new normative frameworks on the migration and refugees since the ratification of the 1951 Refugee Convention and its 1967 Protocol (Ferris and Martin, 2019, 5). The European refugee crisis in 2015 largely paved the way for the Global Compacts when UNGA scheduled two plenary discussions on "refugees, irregular migrants, asylum-seekers and humanitarian crises", UNGA then decided to widen the scope to the international context, beyond the then on-going and immediate crisis in Europe (Ferris and Martin, 2019, 7).

Refugees have been protected by international law for a long time, migrants on the other hand had up until 2016 neither an internationally agreed upon on (consensus) definition nor an international migration system (Ferris and Donato, 2019). The change came in September 2016, when the members of the United Nations unanimously adopted the New York Declaration for Refugee and Migrants, which laid the groundwork for governance frameworks for refugees and migration internationally. The New York Declaration for Refugee and Migrants has two annexes, one is what leads the way to the GCR, namely the Comprehensive Refugee Response Framework (CRRF), the other annex is fittingly named "Towards a global compact for safe, orderly and regular migration" (UN, 2016). Sicakkan (2021, 2) argue it was hard to convince states to join the NY Declaration and then later the

GCR, and a partly solution to this was to make the "contribution to responsibility-sharing voluntary and by continuing to build the multi-stakeholder governance of international protection on the states' pre-existing institutional arrangements".

Keeping in mind points referred to in the previous section on the conceptualisation of the terms 'migrant' and or 'refugee', it is not easy to draw definite distinctions between the two categories, like the two compacts seemingly does, when treating global issues related to refugees and migration (note, not migrants) in two separate compacts (Ferris and Martin. 2019, 14, Ferris and Donato, 2021).

The Global Compact for Safe, Orderly and Regular Migration

The Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration, GCM) was adopted in Marrakesh (hence it is sometimes called "the Marrakesh Compact" in the literature). The compact is, as the Refugee Compact, a non-binding legal agreement, with 23 objectives concerning migration management, and the conditions and rights of migrants. The GCM is designed to support international cooperation on the governance of international migration, provide states with policy options, and is not rigid when it comes to states implementation of the compact. Preceding the formal adaptation of the migration compact there was political disorder amongst several of the countries that agreed to both the frameworks (Lavenex, 2020, 674).

The Global Compact on Refugees

The Global Compact on Refugees came out after 18 months of consultations, started by the New York Declaration on Refugees and Migrants. All 193 United Nations Member States adopted the Compact in September 2016. The GCR drew on the Comprehensive Refugee Response Framework (CRRF) from the New York Declaration and was concluded in December 2018.

Filippo Grandi, as acting UN High Commissioner for Refugees, highlights the importance of the Global Compact on Refugees when it comes to concrete arrangements for local responses and global solidarity and responsibility-sharing of refugees (Grandi, 2019). the pressure of forcibly displacement is most prominent in the neighbouring countries to conflict zones and internal local communities within the state borders that offer hospitality and resources to

people fleeing war, conflict and persecution. These neighbouring countries often have limited economic resources and weak government institutions, and the local communities (often in border areas) dealing with internally displaced persons often have limited capacity (Loescher, 2016). The perhaps most positive signal the Global Compacts send is that of multilateralism - with regards to international cooperation and unity on global issues (Grandi, 2019, 26).

Both the GCR and the New EU Pact on Asylum and Migration echoes the need for solidarity and responsibility-sharing between states, "for too long refugee hosting countries have borne the brunt of what is a collective responsibility, and too many refugees have had their lives on hold: confined to camps, just scraping by, unable to flourish or contribute" (Grandi, 2019, 26).

The four key objectives of the GCR:

1. Ease pressures on countries that host refugees
2. Build self-reliance of refugees
3. Expand access to third countries for refugees through resettlement and other pathways of admission
4. Support conditions that enable refugees voluntarily to return to their home countries (UNHCR, 2018)

Regarding the Multi-Stakeholder Approach in the GCR

In the GCR (UNGA, 2018 a) chapter 3 on the Programme of action, a multi-stakeholder and partnership approach is listed as number two of three "key tools for effecting burden- and responsibility-sharing". This subchapter is divided into 12 points, but in order to limit the scope of this thesis and to facilitate the analysis and discussion, out of the 12, I am mainly focusing on 5 points in this thesis; and these are number 33, 34, 35, 37 and 40 (my headlines in the sub-section).

A Multi–Stakeholder and Partnership Approach
While recognizing the primary responsibility and sovereignty of States, a multi–stakeholder and partnership approach will be pursued, in line with relevant legal frameworks and in close coordination with national institutions.

In addition to the exercise of its mandate responsibilities, UNHCR will play a supportive and catalytic role (GCR, chapter 3.2, 33).

Responses and Inclusion of Refugees in Host Communities

Responses are most effective when they actively and meaningfully engage those they are intended to protect and assist. Relevant actors will, wherever possible, continue to develop and support consultative processes that enable *refugees and host community members* to assist in designing appropriate, accessible and inclusive responses. States and relevant stakeholders will explore how best to include refugees and members of host communities (…) (GCR, chapter 3.2, 34).

The Complimentary Role of Humanitarian Organisations and Development Actors

Without prejudice to activities which humanitarian organizations carry out in line with their respective mandates, *humanitarian and development actors* will work together from the outset of a refugee situation and in protracted situations. They will develop means to ensure the effective complementarity of their interventions to support host countries and, where appropriate, countries of origin, including in those countries that lack the institutional capacities to address the needs of refugees (…) (GCR, chapter 3.2, 35).

Local Actors as First Responders and the Need to Strengthen the Local Level

Local authorities and other local actors in both urban and rural settings, including local community leaders and traditional community governance institutions, are often first responders to large-scale refugee situations, and among the actors that experience the most significant impact over the medium term. In consultation with national authorities and in respect of relevant legal frameworks, support by the international community as a whole may be provided to strengthen institutional capacities, infrastructure and accommodation at local level, including through funding and capacity development where appropriate (GCR, chapter 3.2, 37).

Partnerships with Civil Society Organisations

In recognition of their important work for refugees, as well as host States and communities, and in a spirit of partnership, *civil society organizations*, including those that are led by refugees (…) will contribute to assessing community strengths and needs, inclusive and accessible planning and programme implementation, and capacity development, as applicable (GCR, chapter 3.2, 40).

Chapter 4 Theoretical framework

The Global Political Cleavage System of International Protection

Stein Rokkan is known for coining the concept of political cleavages; Hooghe and Marks 2018; Sicakkan 2021 and others, utilise this concept on an international level as a theoretical tool for a model to analyse global political cleavages such as human rights, international migration, and refugee protection. Sicakkan (2021, 5) describes a system of global political cleavages as "a set of structural, resilient, and mutually reinforcing conflicts, contestations, and collaborations over a web of global political issues." Protection of refugees is contested both on national levels and internationally, and this conflict is related to actors political positioning. These actors can be IOs, states, political parties, NGOs, CSOs, private sector firms and corporations, and individuals. In this typology of the global cleavage system, the approaches to protection are divided into globalists, regionalists, nation-statists, and nativists.

The global political cleavage system					
N O R M S		**Nativists**	**Nation-Statists**	**Regionalists**	**Globalists**
	Political unit	People defined by ancestors historical ethnic, language, territorial belonging	Historically formed nation states	Supranational regional polity unit (i.e., EU).	International organisations/ community Global multilevel polity Humanity
	Who is worth protecting?	Individuals from the same ethnic/ language/territorial group	Citizens and their rights and duties, states interests, international order	Member states' rights and interests, estates in CS	Individuals' rights and interests and estates in a civil society
G O V E R N A N C	Role/power of political institutions	Exclusion of foreign actors, opposition to international obligations and cooperation	Exclusion of international organisations and foreign actors	More power to regional supranational institutions than international organizations	Increase power of international institutions (Human Rights-globalists) /Private sector involvement

E					(Market-Globalists)

Table 1. A simplified version of the typology of approaches to international protection (see Sicakkan, 2021, 6).

This typology of political cleavages is of interest to this thesis as an analytical tool, a model for analysing the diverting views on international protection in a multilevel governance context, the Greek case.

In this theoretical model globalists favour an international protection system that binds stakeholders, particularly states. This position can be found in some idealist non-state organisations, which works with human rights protection, and in some states with massive refugee flows. For globalists the right to international protection is an entitlement, and it is a duty of all to protect the refugees. This solidarity norm guides the design of the governance of protection as strengthening international institutions that safeguard the right to protection through binding international agreements and involvement of all types of stakeholders (Sicakkan, 2021, 5; 7).

Regionalists, that can be found e.g., within the supranational European Union, focus more on regional governance system to manage the migration flows. They may argue to replace the international solidarity norm by a regional solidarity norm, (as in the New Migration and Asylum Pact proposed by the European Commission). Regionalists share globalists' view that international protection of refugees is a human right (and that it is a duty of all to this provide protection). The international protection right in this view this may be regarded as contingent on conditions, like the number of asylum seekers and the capacity of states within the region.

Whereas nation-statists, regardless on their position on universal human rights and international refugee protection, will be opposed to the idea of a binding global protection system of refugees. The nation-statists will have their state's constitutional asylum status in their international protection schemes in addition to the Refugee Convention status. They oppose to the idea of a binding international protection system and are in favour of structure protection multilaterally, however on a voluntary basis (Sicakkan 2021, 9).

Finally, nativists will not distinguish between migrants and refugees and will call for abolishing all international protection initiatives. They will only call for protection of people

belonging to their ethnic, language or territorial group, including their own diaspora groups and emigrants (Sicakkan 2021, 5 -10).

Governance

Since 'governance' is a key concept in this thesis a conceptualisation of the term is needed. There is direct link between (global) governance and power: "Governance involves the rules, structures, and institutions that guide, regulate, and control social life, features that are fundamental elements of power" (Barnett and Duvall, 2004, 2). As Bevir (2010,1) explains: "governance refers to theories and issues of social coordination and the nature of all patterns of rule. More specifically, governance refers to various new theories and practices of governing and the dilemmas to which they give rise". Schmitter (2018, 3) holds that: "'governance' is not a goal in itself, but a method or mechanism for achieving a variety of goals that should be chosen independently by the actors involved and affected".

The concept of governance includes the changing nature and role of the state, how it has become more dependent on civil society organisations but also constrained by international obligations (Bevir, 2010). The governance concept is meant to capture ruling patterns in and through groups, both volunteer groups and in the private sector. And the term is intended to include how states have responded to internationalisation and globalisation. Internationalisation including multinational industries and a global finance sector and an interconnected economy, regionalism, and common global issues that need solving, such as protection of refugees and issues related to forced migration.

Multilevel Governance and Local Governance

Zürn (2010, 94) argue, that global governance can be described as a multilevel governance polity system. The term 'governance' can thus be used as a concept to describe both multi-actor and multilevel policymaking. In this thesis multiple actors on different policy levels are thought to play a role for the protection in practice of refugees in a European border zone. However, the scope of this thesis is limited to the case of the Greek border zones, so governance is looked at in this specific area, bearing in mind the multitude of actors influencing governance and the various levels of governance affecting the national level.

Following Denters (2010) 'local governance' is a fitting term for describing collective decision-making in a local political arena, meaning local policymaking and public service delivery. In his study he shows how local governance, has become increasingly polysentric, meaning that it involves a greater variety of policy actors. He found that in five Western European countries and the USA public decision-making concerning local issues happens in a context of multi-agencies, interconnected to other agencies in networks. And that these networks of agencies cross the traditional jurisdictional boundaries, both vertical, across levels of government, and horizontal, between different local governments, and that the agency-networks cut across the division of public and private (Denters, 2010).

Civil society

Civil society can be understood as the political arena outside of political parties where associations seek influence, in other words, efforts to affect governance (Scholte, 2010, 383). Various form of non-governmental organisations and social movements are included in what we call civil society associations. The activities of civil society associations are practices "through which people claim rights and fulfil responsibilities as members of a given polity" (Scholte, 2010, 384). And where individuals assembles and act as a collective, where they share concerns about, and mobilize around, distinctive problems of public affairs while aiming to influence "the ways that power in society is acquired, distributed and exercised" (ibid).

Non-Governmental Organisations and Governance

Haque (2010) describes a global massive increase, a proliferation, of NGOs operating on local, national and international levels with diverse missions for their organisations.

Much multi-level governance activity occurs through NGOs and many of the exchanges between governance agencies and civil society groups emerge via NGOs (Scholte, 2010, 384). NGOs and civil society groups can be more or less formally organised, their size varies, so does the duration of their activities, their geographical scope, and how much resources and funding they have, their ideological placement and the tactics they use in their work (Scholte, 2010, 385). NGOs often work in a transnational network context within a varied mix of other partners/parties/stakeholders ranging from local neighbourhood initiatives to governing elites and UN bodies. The reason for why civil society associations and NGOs organises

themselves across levels, from the local level to the national, regional and global level is to access the various tiers of governance (Scholte, 2010, 386).

Demars and Dijkzeul argues that NGOs together with partners and in networks bridges seven critical cleavages on the global level. Amongst these are the division between state and society and public and private, within society, between family and market, between conflict and cooperation and national and international (Demars and Dijkzeul, 2015, 5). They argue that NGOs bridges these divisions by their everyday "anchoring practises" and that these international institution networks, creates "complex power relationships".

In relation to Demars and Dijkzeul (2015) Mingst and Muldon (2015, 66) lists four perspectives that global governance offers. The first is a multi-actor framework that recognise non-state actors. The second is an inclusion of both transnational and international processes that engages with the various actors. The third focuses on power conceptualised as global governance or transnational outcomes. The fourth perspective is concepts for normative assessment of accountability, legitimacy and effectiveness of global government institutions. These four dimensions understand NGOs as significant actors in transnational institutions that exercise power and participate in the process of accountability.

States, often acting through international organisations, such as the UN, and regional supranational units, such as the EU, creates international human rights law through treaties and customary law, usually obligating states. Other non-state actors can also be important for these processes, affecting both human rights legislation and implementation (Forsythe, 2006, 188). As will be further elaborated on; Civil Society Organisations have played an increasing role in the international system of refugee protection since the end of the Cold War.

A Global Governance Gap?

Hale et al (2013), argue that states on numerous crucial issues (such as security, economy and environment) are unable to cooperate effectively, and that there is a growing need for global solutions to global problems, but the multilateral institutions are increasingly unable to come up with the needed solutions. The historical contingent explanation they offer, is that the institutionalization of global governance, which lead to previous successes of international cooperation, have deepened interdependence to the point where international cooperation is now more difficult. Within this context, they identify four roads that lead to institutional

global governance gridlock: growing multipolarity, harder problems, institutional inertia, and fragmentation (Hale et al, 2013).

Following the Second World War, the international community acted collectively to establish and maintain institutions to govern common affairs. The arguably by far most important ones of these have been formal international agreements through which countries bind themselves, under international law, to negotiated commitments (Hale et al, 2013). The agreements are often supported by the United Nations (acting as an interstate organisation), and the 1951 Refugee Convention is a typical example of such an agreement. The institutions and agreement that were created in the late 1940s and early 1950s are the same ones we have today, but they were created for a different world at a different time. Hale et al (2013) argues that the institutions have inbuilt dysfunctional decision-making processes and that the proliferation of organisations, which amongst others, Haque (2010) describe, makes the institutional architecture even more fragmented. They argue that these processes together block international cooperation and creates a "governance gap" where crucial needs are unmet.

Humanitarian Action and Space

Humanitarian action can be defined as follows: "the delivery of life-saving succour and the protection of the fundamental human rights of endangered populations" (Weiss, 2016, 304). He further elaborates humanitarian action as the "the global safety net" for the vulnerable who suffer from "human-made disasters" (ibid.) i.e., not natural disasters etc. Although Weiss' mostly give an overview of humanitarian actors and the history of humanitarianism in war zones, his conceptualisations of humanitarian actors and humanitarian space are applicable for this thesis as well, given the fact that it is concerned with people in distress in human made disasters and various actors such as nongovernmental organisations, UN agencies and governmental intuitions.

To conceptualise humanitarianism Weiss looks to the International Court of Justice (ICJ) reliance on the International Committee of the Red Cross' (ICRC) gold standard when asked to legally define humanitarian action. The seven defining principles for ICRC's efforts are: humanity, impartiality, neutrality, independence, voluntary service, unity, and universality. The first four of them constitute the core principles (Weiss, 2016, 304). Humanitarianism then

applies to all people i.e., the whole humanity, and for assistance to be provided based on need and for no one to be discriminated against, be that based on nationality, ethnicity, gender, religious or political affiliation (impartiality). Neutrality requires that humanitarian organisations refrain from taking part in hostilities or any actions in an armed conflict. And independence demands that assistance can't be connected to any of the participants, typically states, in war (Weiss, 2016, 305). These principles have shown to be useful for guiding humanitarian actors such as development aid agencies and first emergency responders when helping people in distress.

Humanitarian space can be conceptualised as "physically secure environment in which humanitarians can assist victims" (Weiss, 2016, 306). The image of the humanitarian space is that of a sanctuary that can open and close, where agencies can get access, and adjust to local customs and for the affected population to receive assistance and protection. When referring to "space" Weiss stresses that it is important to be clear about what exactly one is referring to; be that the objectives of the emergency and development aid agencies, their response abilities, the context and surroundings of the events, or the ability for the affected people to survive and live in safety.

Chapter 5 Empirical Case study: European Migration and Asylum Policy

The European borders does not stop at the respective nation states borders, but at the outer borders of the European Union. With regards to migration control, states' sovereignty is then understood in a different way. Both the recent modern European history with its transformations following the fall of the Soviet Union, and terrorist attacks, the financial crisis of 2008 onwards and the European refugee crisis of 2015-2016 has contributed to the process of transforming the European migration system (Lucarelli, 2021, 3).

This chapter is a review of the some of the empirical literature concerning the case European asylum and migration policies due to its relevance for international protection of refugees in Greece.

The chapter commence with a timeline that links the regional governance level, concerning European migration and asylum politics and policies, with the next chapter on the national governance level concerning Greece's connection to the legal and political framework. The timeline also includes some relevant international and national events. Following the timeline is a section on the Common European Asylum System, a short overview of the European Refugee Crisis of 2015, a section on the external migration and asylum policy dimension of the EU policies, and the incorporation of third countries into the EU's international protection efforts, looking into 2016 EU -Turkey deal as an example of the latter.

Timeline: Legal and Political Frameworks and Events

In the timeline legal and political frameworks are marked in black colour, and events are marked in blue colour. The framework consists of the agreements and convention implementations of key European migration and asylum policies. The events included are the years when some of the central international wars after 2000 started i.e., the countries were many of the refugees who have reached Greek borders originates, some of the major terrorist attacks in Europe[3] and selected political events in Greece up until 2014[4].

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[3] Terrorist attacks done by Islamist terrorists in Europe, and by that over time connecting migration from the MENA-region to the international protection of refuges, and to security concerns for European politicians.

[4] The timeline does not include legal/political framework or events directly related to the two other so-called Mediterranean corridors, i.e. 'The Western Corridor' between Morocco and

1945 – 1949 Greek civil war

1951 Geneva Convention on the Status of Refugees

1952 Greece and Turkey joins NATO as members

1956 Rome Treaty 6 EEC Countries, freedom of movement for workers

1967 Protocol for Refugees

1967 – 1974 Military dictatorship in Greece

1981 Greece joins the EEC

1985 Schengen agreement (implemented 1990) originally 5 member states. Internal Schengen Area of free movement. Adjournment of external borders controls

1986 Single European Act Free movement of people i.e., European citizens

1990 Dublin Convention signed (came to force in 1997 and was later replaced by two Dublin Regulations). Greece among the 12 first signatory states.

1991 First third-country readmission agreement. The Schengen member states sign a readmission agreement with Poland.

1992 Maastricht Treaty –establishes the "European Communities". Incorporates *migration* into EU's third pillar of justice and home affairs. Art 7a internal free movement of goods, capital and people.

1992 EU resolutions to harmonise asylum and immigration policies on "safe countries" and on "manifestly unfounded" asylum applications and "deliberate fraud" against asylum. Restricting family reunion and the entry of workers.

1992 Greece signs the Schengen agreement

1997 Amsterdam Treaty (signed, implemented 1999-2004) switches from inter-governmental cooperation to developing common EU policies over five years, on asylum and migration

1999 Tampere European Council Setting common norms by 2004 on: asylum, the movement of people, and the integration of migrants. Second goal: border controls.

Spain, 'The Central Corridor' between Libya and Italy, or other European states' refugee and migration related policies or events.

2001 June, EU Directive aimed at carriers travelling by air, sea and land. Financial penalties against carriers that transport people whose documents are not in order towards the EU

2001 September, Terrorist attacks in NY. From now on migration and terrorism are linked in Western public discourse.

2001 – 2014 Afghanistan War

2002 Seville Summit on Migration: "eternalized controls", EU launches plan for joint management of boarders. Developing aid is linked to migration, by demanding development aid receiving countries to show a will to prevent people to emigrate from their country in order to receive aid, and the migrant sending countries are also asked to readmit their national citizens.

2003 February, Dublin II Regulation Determines which European state that is responsible for handling the asylum application i.e., the first state reached by the asylum seeker. Several NGOs expresses concerns that Dublin II undermines rights.

2003 February, EU Reception Directive Sets minimum standards for receiving asylum seekers. Countries are free to limit applicants' movements and access to employment

2003 September, Family Reunion Directive

2003 – 2010 Iraq War

2004 January, Eurodac Regulations Unified database of asylum seekers fingerprints for the purpose of making the Dublin II Regulation enforceable

2004 March, Madrid Bombings, 193 people died when ten bombs exploded at commuter trains in Madrid

2004 October, Establishment of Frontex – The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (operational in 2005). The task of the agency is surveillance of EU borders in cooperation with third countries.

2005 July, London Bombings, 56 people were killed including the four attackers on the London Underground.

2005 December, EU Directive on Asylum Procedures States may detain applicants in special facilities. Asylum requests may not result in the right to reside in the country (forced return, violating the non-refoulement principle). New procedures suggested: rejection of manifestly unfounded applications, fast-track and priority procedures. Among the criteria for rejection, notions of "safe countries of origin", "first countries of asylum" and "safe third countries". The right to appeal collides with the suggestion that an appeal does not suspend deportation in the Directive. The Directive receives numerous critics from the EP, the Council of Europe, UNHCR, and multiple NGOs. The EU member states fail to agree on a list of "safe countries".

2010 Mass influx on Greece – Turkey boarder, Frontex says that Greece is the leading European country for letting irregular migrants enter Europe. More than ¾ of the approximately 41 000 people that arrived in Europe the first six months of 2010 entered through Greece.

2010 May, Greece – Turkey Agreement. Irregular migrants are returned to Turkey.

2010 November, UNHCR in Athens uses the term "humanitarian crisis" to describe the situation for migrants and refugees in Greece. UNHCR notes that the Greek government claims it no longer has control over the situation, neither on the Greek mainland, nor on the Aegean islands

2011 January, EU – Turkey readmission agreement. Turkey agrees to send back irregular migrants ("illegals"), who have passed the state's territory. In return for this service to the EU Turkey demands visa liberations for Turkish citizens to the EU. (In relation to Greece this is arguably not a readmission strategy, but rather refoulement)

2011 January, The European Court on Human Rights condemns the state of Belgium for having expelled an Afghan refugee to Greece in application of Dublin II

2011 June and July. Greek police raids and destroys camps in Patras and Igoumenitsa, followed by deportations of people who stayed in the camps.

2011 "Arab Spring" Middle East and North African Uprisings

2011 – on-going, Syrian Civil War

2012 March, The Greek government announces the construction of 30 closed reception centers for irregular migrants

2012 July, The recognition rate of refugees in Greece is close to zero per cent.

2012 August, Greek police hold undocumented migrants in Athens, 1500 gets arrested. The operation coincides with a visit from "the Troika" - the EU, The European Central Bank and the IMF. The visitors understand the improvement of Greece's financial situation to be partly conditioned by migration management.

2012, The EP's Civil Liberties, Justice and Home affairs Committee agrees that law enforcement authorities may access Eurodac. Eurodac is the centralised data registry on undocumented migrants and asylum seekers. The CJEU rules that being an irregular migrant is not a crime per se.

2013 May, Outsourcing the Greek Minister of Public Order announces that the government plans to hire a private company for the security management of Greek camps.

2013 June, The European Parliament adopts the so-called "Asylum package". The package consists of four directives: Reception Directive, Procedure Directive, Dublin Regulation, Eurodac Regulation.

2013 Eurosur Regulation adopted by the EP and then the EC. Eurosur is a

European border surveillance system based on high-tech and data sharing adopted by the EP. Deemed "crucial" to "help detect illegal vessels and entries".

2013 EU-Turkey readmission agreement Turkey accepts the return of undocumented migrants of any origin who would have entered the EU through its territory.

Timeline sources: Morice et al, 2014; Andersson 2014; Kalyvas 2015; Pappas, 2014

European multilevel regional governance mechanisms for migration and asylum

In Europe there are several existing multilevel regional governance mechanisms for migration and asylum. Both the Council of Europe (CoE) and the EU has developed standards and laws for forced migration. The CoE has provided framework for both binding norms of international human rights law and a forum for soft law instruments (Bank, 2014, 691); 47 states are member of the CoE today and most adhere to its human rights instruments. The European Convention on Human Rights in its interpretation by the European Court of Human Rights has become a stronghold in the human rights of forced migrants: "It has substantially limited state parties' discretion in adopting migration policies, in particular through the court's jurisprudence on non-refoulement under ECHR Articles 2 and 3 (…)" (Bank, 2014, 696). Bank also notes that the reports of human rights institutions of the Council of Europe, in particular the Committee for the Prevention of Torture and the Commissioner for Human Rights, have become a highly relevant source of information on asylum relevant questions, regarding the detention and reception conditions for asylum seekers.[5]

The EU's Asylum and Migration Policies at Glance

The EU, as a supranational actor, has created binding norms in European law; a common framework for providing guarantees for asylum seekers and refugees who are in the Schengen territories. The significant increase of the numbers of migrants and refugees reaching Europe in the last years, with its definite height in numbers in 2015 (and then decreasing), was and still is a major challenge for the EU's asylum politics (Witkowski et al, 2019, 25).

The Schengen Agreement from 1985, implemented 1990, created an area for its then five members of the EEC. The agreement was added to EU's institutional architecture, with most EU member states joining the agreement, and the UK being its most prominent exceptions. In addition, four non-EU states joined the Schengen Area as member states. The agreement

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[5] See chapter eight of this thesis for the newest report on Greece on this matter.

removed internal border controls between its member states, allowing for free movement of people (mainly EU citizens) across the national borders. In the EU, the underlying logic has been that borders are barriers to trade, hence the guarantee of the free movement of gods, capital, services and people in the European Single Market (van Houtom and van Naerssen, 2002). The absence of internal borders gave positive economic outcomes and efficiency gains, by allowing for labour mobility and easing transportation between the countries (Ceccorulli, 2018, 303). While internal border control between its member states at least on paper were open, migration control shifted to the area's external borders.

Lavenex (2006, 334) labels the 'remote control' in the Schengen Agreement as the first milestone of EU externalization. Even though the agreement was the first policy with a clear externalizing effect, the 1999 Tampere European Council Summit was the first to formally institutionalize the externalization. The Tampere summit sat common norms by 2004 on asylum, movement of people, and integration of migrants and border controls.

The European Union's Common European Asylum System (CEAS) starting point was in 1999, and it was approved by all EU member states in 2013. Today it consists of three revised directives and two revised regulations: The Asylum Procedures Directive, The Reception Conditions Directive and The Qualification Directive, and The Dublin Regulation and The EURODAC Regulation (European Commission, no date). The CEAS created a joint framework for all EU member states on how to deal with asylum seekers arriving in the member states territories. However, its implementation was not a success (Witkowski et al, 2019, 26).

The 'safe third country rule' was introduced in the Dublin Convention of 1990. The safe third country rule is part of the Refugee Convention, stating that if a person that applies for asylum cannot be sent back (refoulement) to his or her home country, they may be sent to a safe third country where their application can be fairly processed, given that that country is party to international treaties and conventions related to human rights and refugees. In this way, the Dublin Regulation became one of the first EU migration policies to directly involve third countries, and the employment of the safe third country rule was an important step in mobilizing third countries in controlling migration flows into the EU (Lavenex, 2006, 334).

Another main provision of the Dublin Regulation is that a third country national can only apply for asylum in one Schengen country, and it's the first country of arrival that is responsible for processing the application. This has been one of the most controversial parts of the EU's asylum policies, given the highly uneven distribution of migrants and refugees within the Schengen zone. I.e., an external frontier state such a Greece will then be due to its geographical location process an un-proportionally large amount of asylum applications, hence the need for the solidarity mechanism at the European level of 'responsibility' sharing.

Externalization of EU's Migration Governance

Following the EU expansion in the early 2000s and the abolishment of internal borders with the Schengen agreement (for its citizens), the EU has become increasingly preoccupied with controlling and minimising irregular migration. A key part of the external dimension for the EU is to cooperate with third countries on readmission and return agreements.

The EU has incorporated its migration and asylum policies in the range of the Union's external relations policies, meaning that the external dimension is intended as the strategy to include countries of transit and countries of origin in the EU management of migration and asylum. The Union's migration policy has a strong emphasis on strengthening external borders, immigration control, and close cooperation with the EU's neighbouring states on border controls and security, and increased operational capacity (Geddes and Scholten, 2016). The safe third country policies are typically defended by EU officials for the need to better manage the surge in migration. As Catherine Costello (2016) and many others have documented does the European Union block access to protection for many refugees and fails to legally recognize many refugees.

Costello (2016) examines the rights of third-country nationals to enter and stay in the EU, and the EU's construction of "irregular" migration status, and one of the phenomenon she noticed was that of the 'disappearing' or 'vanishing' refugee, meaning that EU's migration controls prevented access for asylum seekers to Europe including those who would qualify as refugees following the Convention's criteria, would as a consequence not have their refugee status recognised in Europe.

The people drowning in the Mediterranean on their way to Europe is part of the wider discussion on the externalization of EU migration policies and securitization of migration, and it arguably points to the failure of EU migration management. The securitization of migration, rooted in the development of EU migration policies over the last twenty years, employs surveillance technologies and controls created to monitor and control movements passing the borders, as when people enter the outer borders of the EU.

Since 2015, it has been clear that "EU Member-states are unable or unwilling to sufficiently coordinate so as to better manage the movement of persons crossing the EU borders" (Martins and Strange, 2019, 196). The anti-migration policies in the EU the last years have violated rights of refugees and other migrants. Far right parties have increased their representation in European parliaments and governments with an anti-migration agenda have been elected.

Martin and Strange (2019, 200) argue that the lack of intra-EU solidarity has led to increased externalization of migration policies with the aim at involving third countries in the reinforcement of EU borders. The short-term goal of this policy is to reduce the numbers of migrants arriving; however, a long-term consequence of this policy is that not only is the European migration management and asylum institute undermined but also that it threatens common normative values and international obligations towards migrants and refugees. The New EU Pact on Migration can be understood as a response to this lack of internal solidarity in Europe and the difficulties with relocation of refugees between the member states.

The New EU Pact on Migration

In September 2020, the European Commission proposed a reform of CEAS, known as the New EU Pact on Migration. The policy reform is based on three pillars;" efficient asylum and return procedures, solidarity and fair share of responsibility and strengthened partnerships with third countries" (European Commission, no date).

In her first State of the Union speech held 16. September 2020, President of the European Commission Ursula von der Leyen, introduced the EC's New Pact on Migration. The new migration policy will:" take a human and humane approach. Saving lives at sea is not optional. And those countries who fulfil their legal and moral duties or are more exposed than others, must be able to rely on the solidarity of our whole European Union" (Leyen, 2020). In her speech she emphasised the need for clearer division between the right of asylum and of

those who are to be returned, action against human smugglers, strengthening of external borders, deepening of external partnerships and the creation of so-called legal pathways.

If the European Parliament and the European Council pass the New Pact as suggested by the Commission, it may contribute to a better situation in the 'frontier states' such as Greece, due to the suggested solutions in the pact, such as relocations. This may be in the interest of asylum seekers as well, since relocations may give them better conditions while waiting for their applications to be processed. At the same time, the EU may also end up letting migration policy goals affect the asylum handling process risking refugees right to seek asylum (Sicakkan, 2021, 4).

The New EU Pact on Migration and Asylum and the GCR

Both the GCR and the EU's New Pact on Migration and Asylum are norm frameworks, respectively an agreed upon and a proposed agreement, that refers to" solidarity" on an international level and on a European level. The New EU Pact also suggest a multi-stakeholder governance perspective, as in the GCR. Both the Pact and the GCR suggest supranational coordination, a single asylum procedure along with border screenings and common border management, regional relocation schemes, and third country agreements (Sicakkan, 2021, 2).

The New EU Pact addresses all the four main GCR objectives, and goes beyond the GCR frame, by requiring EUMS to responsibility-sharing, either by accepting relocations into their state's territory or by financing and facilitating rejected asylum seekers' returns and re-admissions. Sikaccan suggests that the mandatory and binding aspect of the New EU Pact will likely cause more states to oppose the agreement than the GCR, with its non-binding framework (Sicakkan, 2021, 3).

Short on the European Refugee Crisis of 2015

April 2015 marked the first time in history when Europe received a mass influx of refugees from outside of Europe (Betts and Collier, 2017, 2). Refugees moved in large numbers from a poorer region of the world, to a richer one. Most of the refugees came from Syria, where the civil unrest that started with the Arab Spring in 2011 was quickly followed by mass violence

and war. Still today, nearly two thirds of the refugees from Syria are in the neighbouring countries of Turkey, Jordan and Lebanon. The remaining one third of Syrian refugees are in Northern Africa and Western Asia, followed by Germany (DESA, 2020, 24). The mass movement of people after the Syrian civil war is described as the largest wave of migrants and refugees to Europe since World War II.

The three neighbouring countries are the same ones where the people fleeing Syria first sought help. It then took a few years from when the refugees from Syria moved further than Turkey, Lebanon and Jordan.

The other large groups of refugees reaching Europe came from war-ridden Afghanistan and Iraq, and fragile African states such as Eritrea. In the beginning of the European refugee crisis most people crossed the Central Mediterranean; crammed together in small dinghies dressed in orange life jackets, going from Libya to the Italian island Lampedusa. Then the main migration route shifted towards the east in the Western Balkans; the refugees crossed the Aegean Sea from Turkey to Greece, and then continued further north towards Germany and Sweden. The results of having to rely on human smugglers to cross the Mediterranean in a rubber dinghy are fatal; more than 3000 people who took this route drowned in 2015 (IOM no date).

As an entry point, Greece came under great pressure from the influx of migrants in 2015. Until the end of that year whoever that was able to reach the country's northern borders could easily continue their journey to Central and Western Europe. However, when the so-called Balkan corridor closed in the beginning of 2016, the question arose, Greece had to decide what to do with migrants and refugees in its territory (Vlachopoulos, 2021).

Third country agreements

The EU, acting alone or with (a) member state (s), has readmission agreements with third countries such as Turkey, Morocco and Libya, which function as an externalisation of the EU's asylum policies. These agreements imply that irregular migrants can be returned to where they departed from before they arrived at European borders, regardless of whether this is their country of origin. The agreement is usually conditioned by a reward to the third county by the EU such as visa facilitation or development aid.

EU -Turkey 2016 Migration Deal

In March 2016 the EU adopted an agreement with Turkey by which "All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey" (European Council, 2016). It is important to note that it was the EU Member States, not the EU institutions that were the signatory parties on the agreement with Turkey. The 2016 EU-Turkey deal gave Turkey concessions on visa requirements for travelling to Europe, and Turkey agreed to take back migrants, including refugees, who have crossed the Aegean from Turkey to Greece. The EU's ratification of third country agreements with neighbouring countries, such as the 2016 Turkey migration deal, aimed at externalising the arrival of migrants to the EU's outer borders and to 'save Schengen' (Lucarelli, 2021, 3)

Many CSOs and the Council of Europe called the forced return deal 'illegal', due to its collective expulsion of foreigners, thus violating both the European Convention on Human Rights, and the right to seek asylum in the 1948 Universal Declaration of Human Rights and the guarantees given in 1951 Refugee Convention (Muiznieks, 2016).

Another important aspect to consider is the capacity of a country such as Turkey to accept, process and integrate refugees before they come to Europe (see Oltean and Iov, 2017).

Chapter 6 Empirical Case study: Greece

Chapter 6 presents further empirical information about the case, consisting of information about Greece that is of relevance to the research question. The sections in the chapter are included in order to be able to give a better answer to the research questions concerning refugee protection in the country.

A Very Brief Greek Modern History

Kalyvas (2015) have identified a recurring pattern in Greek history, namely a succession of boom-and-bust cycles. He describes these cycles as beginning with "highly ambitious projects and produce in turn disastrous failures, extensive foreign bailouts, and ultimately positive outcomes" (Kalyvas, 2015, 2-3). The urban elites are the ones behind these grandiose modernizing projects, in conflict with the country's "underlying reality, overtaxing the country's human and material resources" (Kalyvas, 2015, 13). The busts Kalyvas describes causes international attention followed by a response by the international community, often in the form of foreign intervention. These interventions eases "the fallout from the bust, while preserving many of the gains that had accrued during the boom (…) from this perspective, the 2009 crisis is but the latest episode in a string of such cycles – the seventh in the country's history" (Kalyvas, 2015, 13). The resolutions to the boom do in other word facilitate the transition into the next cycle.

Greece was not a Western European state when it emerged as an independent state from the Ottoman Empire (Kalyvas, 2015, 10). The social organization in the Ottoman Empire known as the Millet-system, favoured religious affiliation over ethnic or linguistic identity. Both Muslim and non-Muslim rebel groups were active, but not with the intention of creating independent nation-states. It was not until end of the eighteenth century, that Greek nationalism emerged from an interaction of the Christian Orthodox Church, a group of Ottoman Christian elites (known as *Phanariots*), and Greek-speaking intellectuals and merchants living both in The Ottoman Empire in Europe and abroad (Kalyvas, 2015, 18-19).

At the time it was an agrarian society, and to create Western liberal and democratic institutions was not easy. Kalyvas (2015, 12) argues that Greece trajectory from East to West was an impressive achievement, being the first "new" sovereign nation-state to emerge out from the Ottoman Empire, and the first new European state gaining international recognition

in the nineteenth century. Regarding the question of who were to be included in the Greek nation, many nationalists believed that Ottoman Christian were Greeks or could become Greeks, while other nationalist were more concerned about ethnicity and the ethnic division of people of the Balkan Peninsula (Kalyvas, 2015, 23).

The new state's early democratic revolutionary transition was accompanied by a long period of stable parliamentary rule. Even though military coup d'état took place it was limited to three disruptions from 1864 until today: 1922-1929, 1936-1945 and 1967-1974.

The 1974 transition from an autocratic regime to a democratic one was peacefully conducted, and the country's former leaders were prosecuted. Kalyvas argues that the key explanations of the stability of democratic rule in Greece was an egalitarian social structure, itself an outcome of a broad, inclusive and highly successful land reform. Greece was the only Balkan state that did not have a communist rule (although it had for several decades a dominant socialist party - PASOK) and its economic success in the 1950s was called the "Greek economic miracle" (Kalyvas, 2015, 12). Despite all this, the country's political leadership and the economic state of Greece are repeatedly and continuously, after 2009, negatively associated by many (Kalyvas, 2015).

Pappas (2014) offers some explanations for why the political leadership and the economic state of Greece are negatively associated by many. His analytic unit is the thirty-eight-year period from 1974 to 2012, a period Greeks refer to as *metapolitefsi,* meaning both regime change and post-authoritarianism (Pappas, 2014, 2). The period starts, according to Pappas, when the dictatorship ends and is replaced with political pluralism and finishes with the collapse of Greece's party system with the 2012 elections, and the economic, financial and social crisis at the time. During that period, the 1989 end of the Cold War caused an influx of migrants to Greece, and the country made a shift from being a migrant-sending country to a migrant-receiving country (Karamanidou, 2021, 91) like many other newly industrialized countries in southern Europe did during the 1980s and 1990s (Grugel and Piper, 2007, 24). The influx of migrants changed the demographic composition in the country "from an ethnically uniform to an increasingly multi-ethnic and multicultural society" (Pappas, 2014, 3).

Pappas further argues that the Greek society gave and "kept in the power to a political

class that promised to attend its particular interests against existing liberal institutions and at the expense of the public good" (Pappas, 2014, 6). This rent seeking created benefits for both the political class and most of the people in the short term but created long-term grounds for a crisis.

Greece 2009 and Onwards Economic Crisis

The issue of refugees and migration in Greece today is nested in the bigger debate about the negative social and economic consequences following the 2008 onward financial crisis (Geddes and Scholten, 2016, 218). When Greece entered the Eurozone in 2001, by joining the EU's Monetary Union, it helped lifting the country's economy to one of world's top economies (Pappas, 2014, 3). The 2008 US subprime crisis and following recession shook the entire global finance markets. In Europe, several southern European countries were hit hard; Portugal, Ireland, Greece, and Cyprus took the strongest hit, and Spain, Italy and France were also severely affected. During the 2008 and onwards Eurozone crisis the countries' problems with public finances erupted. Italy managed to some extent to reform its 'clientelist' system; Greece on the other hand did not (Fukuyama, 2015, 94). At the centre of the European financial crisis was the sovereign debt that Greece and other Eurozone countries had accumulated in the very beginning of the 21st century, which developed into a banking crisis for all the financial institutions in Europe (ibid).

The Maastricht Treaty gave a common currency and monetary policy, however without a corresponding fiscal policy. The treaty gave Greece, and the other EU member states the opportunity to borrow with low interest rates without reflecting the underlying risk. In 2010, the public debt reached 140 percent of Greece GDP (Fukuyama, 2015, 95). Two years after the financial crisis hit the US; Greece was no longer able to borrow enough euros to pay of the country's huge debt and was on the brink of default (even though a country arguably cannot default). Greece received the largest and most costly financial rescue of a country ever in IMF's entire history, at a price of 270 billion euros. The IMF's adjustment program for Greece entitled "Memorandum of Economic and Financial Policies" (MEFP) was one of IMF's one percent least successful performing programs regarding its outcomes (Kalyvas, 2015, 3). In addition, the economic and financial crisis in Greece led to the largest fiscal adjustment and debt reduction in modern history and the first one in Europe since the end of World War II (Kalyvas, 2015, 3).

Consequently, the European Union had to reform central institutions, including the monetary union overseeing the common currency. When Greece accepted the 2010 bailout from IMF, Greece had to undertake an enormous fiscal adjustment and restructuring of its state system. From then on it downward spiralled in a bewildering tempo; new bailout was agreed with foreign creditors, in the Greek streets people protested the cuts and austerity measures, three prime ministers came and left office in rapid succession, and the old political class was faced with a completely new scenery. By the two general elections in May and June 2012 the political system imploded (Pappas, 2014, 3). *Syriza* – the Coalition of the Radical Left, a leftist populist party, with its young charismatic leader Alexis Tsipras (later elected Prime Minister in 2015), resembling the old popular Andreas Papandreou from the Socialists, won 16, 8 per cent of the votes, whereas the two old ruling parties *Nea Demokratia* (conservative right) and *PASOK* (the Panhellenic Socialist Movement), garnered respectively 18,8 percent and only 13 per cent and "upended Greece's political order" (Donadio, 2012). On the other end of the political spectrum, the violent neo-Nazi group, turned political party, *Chrysi Avgi* – Golden Dawn in English, got close to 7 per cent in both general elections that summer and gained 18 seats in the Greek Parliament (Henley and Davies, 2012).

The 2010 economic crisis in Greece, followed by the 2012 elections, in other words marked an end to the effective two-party system in Greece, replacing it with a extremely polarized multiparty system, with nationalist xenophobia and leftist populist support. The old Greek political class was no longer able to hold on to its previous power, and the Greek state was due to harsh austerity measures no longer capable of handing out rents to the society (Pappas 2014; Kalyvas 2015).

On Greek Public Administration

Fukuyama (2015, 29-65, 94-107) describes Greece's, and other countries, such as Italy's, politics as clientelist with high levels of corruption and low levels of trust. The historical explanation Fukuyama offers was that the countries democratised early, before the strong state's modern administrations was established. This led to a development of clientelist public sectors with low quality bureaucratic administrations in Greece and Italy, he argues. In addition, Greece has among the highest shadow economies within the Eurozone; meaning economic activity not reported to the tax authorities (Fukuyama, 2015, 95).

Kostas does not agree Fukuyama's categorizing of the Greek public sector as "clientelist". He argues that clientelism as an explanatory factor "contributes nothing to our efforts at understanding the formation of the modern Greek state" (Kostas, 2018, 7).

Instead, Kostas refers to Max Weber's definition of a modern state i.e., that a political community can be considered such, if the administrative system and legal system can be changed by legislation, and that the bureaucracy administrates in accordance with the law (Kostas, 2018, 7-8).

Greece Migration and Asylum System

Of particular interest to this thesis is a specific part of the Greek public sector, namely the institutional architecture of the asylum determination procedure in the country i.e., decision-making and service provision. It is an individual who has the right to apply for asylum in the international protection system, and then in this case, the Greek state, process the claim from the individual based on the state's national governance procedures for handling asylum claims.

Greece, and the other Southern European countries, first became immigration countries at the beginning of the 1990s, when the Soviet Union fell, and with it an ideological, political and economic crisis and collapse for Soviet communism in Eastern Europe. The largest group of migrants that came to Greece in the 1990s were Albanian citizens. In addition, irregular migrants entered Greece from the borders with Turkey, Bulgaria and Macedonia. These migrants were first and foremost labour migrants, working in sectors such as agriculture, construction, tourism and health care. This group of an estimated half a million people migrants worked in Greece irregularly until 1998 (Maroukis, 2010).

As Maroukis notes in 2010, is the same as is reported more than a decade later, namely that the (irregular) migrants to Greece do not see the country as their destination country, but a transit one, before preferably heading further north.

Since 2004, Greece has had one of the highest rates of asylum application in Europe and among the lowest refugee recognition rates (Cabot, 2012), however both have changed in the last years.

In 2005 the Greek state implemented regularizations; the main legislative instrument on migration is Law 3386/2005, "Entry, residence and social integration of third country nationals into the Greek territory", providing for the unification of the residence and work permits (IOM, no date). This law promoted provisions regarding education, access to the labour market and general issues faced by immigrants legally residing in Greece.

From 2007, the number of irregular migrants and asylum seekers that arrived in Greece from the Aegean Sea increased significantly. However, from 2010, a shift from the sea to the land border took place, "resulting in increased illegal border-crossings at the Greek land border with Turkey, which constitute approximately 85% of all the detections of illegal border crossing at the EU level" (IOM, no date).

The asylum system in Greece has been treated as in a crisis since 2010 by the UNHCR (Karageorgiou, 2021, 48). That year the UNHCR recorded Greece with the highest number of backlogged cases in Europe, at a quantity of strikingly 48,201 cases (Cabot, 2012,11). In 2011 the European Court of Justice found that 90% of all irregular entry into Europe was through the Greek borders. Cabot (2012) has documented the practices and forms that both reinforce and undermine the attempts to make persons "governable" when they are in limbo in the Greek Asylum Procedure, arguing that the procedures govern themselves. As already referred to, in July 2012 the recognition rate of refugees in Greece was strikingly low at close to zero per cent (see Timeline). Cabot argues that the state of limbo in which refugees finds themselves is not only due to a suboptimal public administration but is explained with both Greek and EU policing and surveillance.

Bank (2014, 694) argue with reference to the Case European Court of Human Rights, M.S.S. v. Belgium and Greece from 2011, that Greece is the most prominent example of a failure to establish a functioning asylum system. In the Case ECtHR, M.S.S. v. Belgium and Greece from 2011, the court ruled out returns of asylum seekers from Belgium to Greece, due to severely poor living conditions for asylum seekers in Greece. The ECtHR acknowledged that poor living conditions might violate Article 3 of the ECHR if they reach a minimum level of severity; the court's decision in the case "suggests that asylum seekers must benefit from a minimum level of economic and social rights, irrespective of their formal recognition as refugees or beneficiaries of subsidiary protection" (McAdam, 2014, 208).

Bank notes in 2014, that Greece has faced particularly high numbers of arrivals which are routinely detained under harsh conditions. After release from detention, Greece does not provide access to an asylum procedure nor any kind of reception arrangements for most would-be asylum seekers (Bank, 2014, 695).

Throughout 2016 the asylum procedure in Greece underwent substantial reforms many of which driven by the adoption of the EU-Turkey statement in March 2016. Following the Parliamentary elections in July 2019, the new conversative government announced "a more restrictive policy on migration and asylum, with a view to reduce the number of arrivals, increase the number of returns to Turkey and strengthen border control measures "(AIDA, 2022). The International Protection Act entered into force on 1 January 2020 and replaced the previous legislation on asylum and reception.

The IPA has been strongly criticised by both Greek human rights organisations (including the Greek Ombudsman, the Greek National Commission for Human Rights) and international human rights bodies (including UNHCR), and several civil society organisations.

The UNHCR, consider that the IPA "reduces safeguards for people seeking international protection and creates additional pressure on the overstretched capacity of administrative and judicial authorities. (…) [the law] puts an excessive burden on asylum seekers and focuses on punitive measures. It introduces tough requirements that an asylum seeker could not reasonably be expected to fulfil" [[…] "As a result, asylum seekers may be easily excluded from the process without having their international protection needs adequately assessed. This may expose them to the risk of refoulement" (AIDA, 2022).

Another law that also was adopted in 2020, had the aim of speeding up asylum procedures, by increasing the number of applications which can be rejected as "manifestly unfounded and introduces a set of provisions that can lead to arbitrary detention of asylum seekers and third country nationals". The law was adopted despite concerns of human rights bodies, including the Council of Europe Commissioner for Human Rights and civil society organisations (AIDA, 2022).

Turkey and Greece

As mentioned, Greece emerged as an independent state from the Ottoman Empire. So besides being neighbouring countries today, modern Turkey and Greece have a shared history. The two countries share a land border and a sea border in the Aegean and both countries joined NATO as members in 1952. Further, the so-called Eastern Mediterranean route or corridor between the two countries is central in this thesis. As elaborated on in section on the EU-Turkey migration deal from 2016, to understand the role of Turkey in relation to the EU and Greece is key to explain refugee protection in Greece today. Both with reference to pushback operations and organised returns, and that it was the refugee flows in this part of the Mediterranean in 2015 that paved the way for the global Compacts.

Demographic and Economic Comparison of Greece and Turkey

The 1934 Balkan Pact was a treaty established between Greece and Turkey that shaped an economic and demographic balance between the two countries (Cagaptay, 2020, 69). More than 10 years later following World War II, Turkey had an enormous economic growth after finishing paying off Ottoman debt. In 1980 Turkey's population was 44 million people, its GDP nearly 69 billion dollars, the equivalent for Greece at the time was 10 million citizens, and a GDP close to 57 billion dollars (Cagaptay, 2020, 69). The population in Greece is approximately the same today with a population of 10,7 million people, and is on the decline, although the curve has flattened some in recent years (World Bank, 2021 a). In Turkey on the other hand, the population is rapidly growing and the population in 2021 is of more than 84 million people (World Bank, 2021 b). If one includes Turkey in Europe, Turkey is the biggest country population wise (excluding Russia). In other words, Turkey has continued both its population growth and economic growth since the 1980s, which becomes apparent when comparing the country to its neighbours. Important factors that have contributed to this comparative growth are the Eurozone crisis from 2008 onwards, the wars in Syria and Iraq, and Iran's economic stagnation (Cagaptay, 2020). Measured on Purchasing Power Capacity in 2018, Greece and Turkey had about the same income per capita, in contrast to the decades before when Greece had much more wealth (Cagaptay, 2020, 70). In sum, since the 2000s Turkey has experienced rapid economic growth and a demographic transition, from very high to low birth and mortality rates and the country experienced a migration transition in 2010, when the numbers of immigrants entering the country exceeded the number of emigrants leaving (Geddes and Scholten, 2016, 218)

Betts et al (2017, 14-15) argues, with reference to Skran (1985) and others, that the Greek – Ottoman refugee crisis or mass population displacement was one of the earliest and best documented examples of the concept of refugees as a humanitarian issue, the invention of refugee camps and the link between refugees and development. Kalyvas (2015, 9-10) describe the events similarly, that the mass population displacement in the two countries in the early 1920s was the largest organized movement of refugees in history up until then.

Nationalism in the early 20th century is a crucial factor for explaining the Greek - Turkish refugee crisis of 1922 – 1924. Greek irredentism, first formulated in the middle of the 19th century, was based on the ideas that the Greek state should become adjacent with the much greater Greek population, "and second, that the "unredeemed" Greeks expected and desired to be absorbed by the Greek state" (Kalyvas, 2015, 44).

After what is known as "The Turkish war of Independence" in Turkey, and the "Asia Minor Catastrophe" in Greece (Kalyvas, 2015, 73), the Lausanne Convention in 1923 established the Turkish state. Greece and Turkey made a bilateral agreement on a massive compulsory "population exchange" between the two states of Muslims of Greek nationality to be resettled in Turkey, and for Greek Orthodox Christians who lived in Turkey to be resettled in Greece. "This led to around 1,2 million Greek [Christian] refugees to enter Greece against a backdrop of a population of just 5,5 million (Skran 1985; Zürcher 2003)" (Betts et al, 2017, 15). Kalyvas sets the number slightly higher, 1, 3 million, Christians entering Greece, and 585 000 Muslims left Greece for Turkey (Kalyvas, 2015, 74). Around one million of the 1,2/3 millions arriving in Greece, arrived after the "population exchange". However, 150 000 people arrived during the First World War "in order to avoid the Ottoman Empire's mass persecutions during its attempts to 'Turkify' its population" (Kostas, 2018, 260). The pre-1922 refugees had enough resources to find urban housing, but they were not welcomed warmly by the local population. In Thessaloniki gangs were violent towards Muslim new citizens, kicking them out of the houses, which lead to 150 000 Muslim residences were displaced over a two-year period (Kostas, 2018, 261).

The impact of the resettlement of refugees in 1922-24 was both that of a humanitarian disaster, like the one in Europe following the end of World War II (Kalyvas, 2015, 9-10), but

at the same time probably better than its realistic alternatives, given that the Armenian genocide had just happened recently in the same region (Kalyvas, 2015, 74-75). Kalyvas argues that the bilateral agreement did contribute to a reduction of interstate conflict in the region, and that it normalized the relationship between the two states until 1950s due to the Cyprus conflict (Kalyvas, 2015, 76). Kostas (2018, 261) argues that the assimilation of the Turkish refugees was incomplete until the Second World War. On the local level, refugees reshaped political, social and economic dimensions of the city centers, and on state level the refugees influenced the relationship between the two countries.

Greece – Turkey Disputes Today

The main disputes between Greece and Turkey today are primarily related to the issue of Cyprus and disputes related to the Aegean Sea (Kalyvas, 2015; Kostas, 2018; Cagaptay, 2020). The Turkey and Greece dispute over the Aegean Sea began in the late 1960s or early 1970s (Kalyvas, 2015, 115). Today's conflicts are related; with disputes over territorial waters, the continental shelf, national airspace, demilitarization of Eastern Aegean islands, tensions over flight information and NATO control, the status of uninhabited islands and so forth (Kalyvas, 2015, 116). In sum, the conflicts continues because both of profound mistrust and competing territorial interests. More recently, oil and natural gas deposits has been discovered off the coast of the island, again putting the Cyprus issue back on the agenda (Cagaptay, 2020, 214).

Turkey's Ambivalent Relationship with the European Union

The focus of this thesis lies on migration and international protection of refugees in Greece. As explored in the section about the EU – Turkey migration deal from 2016, the issue of migration and refugees is very much a part of Turkey's ambivalent relationship with the EU and the Union's member states, Greece included. Looking at the historical timeline, Turkey started seeking EU membership in 1959, with membership negotiations commencing in 1963 (Geddes and Scolten, 2016, 218). Even though Brussels gave Turkey the green light to start EU accession talks, key countries such as France and Germany did not initially support the idea of a Turkish membership, the UK being among the exceptions. Greece on the other hand, agreed to start having membership talks with Turkey despite continuous military tensions in the Aegean Sea (Cagaptay, 2020, 78-79).

The contested issue of Cyprus is one of the central issues related to Turkey's EU accession talks. Of the 35 'chapters' accession talks to be negotiated between Turkey and the EU, 33 of

them must be opened for talks and closed after satisfactory progress to move the country's accession process forward. So far, only the Science and Research chapter has been opened and closed, which allows the candidate state (Turkey) to participate in the EU's 'Framework Programs for Research and Technological Development' (Cagaptay, 2020, 81).

Chapter 7 Mapping: Key non-state actors for protection of refugees in Greece

Given the decisive role of civil society groups and NGOs for the protection of refugees at the local and national governance level, this chapter is an empirical mapping of some of the most relevant organisations that are active in this field in Greece today (2021).

Selection criteria

As mentioned in the methods chapter, the sample is non-randomly selected. It would have been far beyond the scope or purpose of this qualitative case study to include all relevant actors. Both Greek, bilateral and international NGOs are included, as are organisations with a varying degree of professionalism and funding, and CSOs that are active in various locations in the country, and organisations that do cooperate with government bodies and or receive governmental funding (or other state/public funding/EU-funding) and smaller groups of activists who do not do this. The kind of activities the organisations engages in have also been paid attention to when drawing the sample.

The mapping includes how 20 chosen CSOs are structured and what kind of function the organisation has, which is done through an overview over the activities the organisations provide. When applicable the mapping includes cooperation between the organisations, to show how the organisations form networks and share tasks with other organisations. This cooperation can be of various lengths and formalisation and to a varying degree centrally organised.

In order to limit the mapping some criteria needed to be met in order to be included in the list. One of them is that the CSO needs to be actively operating in 2021. CSOs that used to be active before 2021 e.g., the international NGO Care - present in Greece from 2016 to March 2018 (Care, no date) are not included in the mapping. Another criterion is that the CSO need to present in Greece. The NGO Human Rights Watch report extensively on human rights violations affecting refugees and migrants in Greece, however the NGO does not have offices in the country and is therefore not included in the list. Another criterion is size, i.e.., the Norwegian advocacy and communication NGO Aegean Boat Report is primarily run by one person and is therefore not included. However, the NGO draws on numerous local contacts in a large network to access information. The material he accesses (photos, videos, testimonies

and so on) he then distributes and publishes online on the organisation's website and social media (primarily Facebook). This online material is then the main source for multiple large media houses reports on pushbacks in Greece and is also a source of information for other NGOs. This kind of activity is an example of informal cooperation and information sharing between the actors.

Another criterion is the type of organisation, i.e., the European network alliance ECRE (European Council on Refugees in Exile) that offers legal support and litigation, and does advocacy and communication work, has three Greek member organisations. The most important Greek partner organisation for ECRE is the Greek Council for Refugees that is included in the list.

Another NGO network alliance is the Border Violence Network (active in Greece and the Western Balkans), do advocacy and communication on pushback operations and police violence, is cooperating with NGO that are present in Greece: Josoor (bridge in Arabic), the Mobile Info Team and Mare Liberum. The latter is included in this mapping.

Table 3. Mapping of NGOs and Civil Society Actors

Mapping of key NGOs concerned with migrants and refugees in Greece, active in 2021				
Name	**Year founded/ Established in Greece**	**Type – Level**	**Activities**	**Location(s)**
A Drop in the Ocean	2015	Norwegian NGO	Immediate and direct support of refugees in camps. Advocacy. Distribution of necessary items; food, clothes, hygiene articles. Non-formal education.	Mainland: Athens - Skaramagas Camp Islands: Lesvos – Kara Tepe Camp Northern Greece - Nea Kavala Camp Samos – Vathy Camp

			Psychosocial activities.	
Amnesty International	Established in Greece in 1975	International NGO	Advocacy. Reports human rights violations.	Athens
ARSIS - Association for the Social Support of Youth	1992	Greek NGO	Provides three shelters for unaccompanied minor asylum seekers. Partner: shelter for asylum seekers families, with Greek Council for Refugees, coordinated by Municipality of Thessaloniki. Protection of children (minor refugees) in camps.	Shelters: Oraiokastro, Makrinitsa in Volos, and Alexandroupoli Family shelter: Thessaloniki Camps in Northern Greece; Lagadikia Camp and Nea Kavala Camp Camps in Central Greece; Volos Camp, Thessaly Camp, Koutsochero Camp, Trikala Camp
Borderline Lesvos	2015	Bilateral NGO Greek – German	First reception/emergency response and more long-term integration projects with refugees in the local community.	Lesvos
Caritas Hellas & Caritas Athens	Established in Greece in 1976	International NGO	Support to refugee population in the center of Athens with food and non-food items. Accompaniment of families in efforts of integration and livelihoods. Assistance to families for	Mainland: Athens Northern mainland Islands: Chios Lesvos Samos

			children's enrolment in schools. Urban shelter Program with UNHCR and the Ministry of Migration.	
Doctors without borders – Médecins Sans Frontieres (MSF)	Present in Greece since 1991	International NGO	Permanent and mobile clinics on Lesvos. Permanent clinic (pre-Moria fires): providing sexual and reproductive healthcare, general healthcare and mental health support for children. Mobil clinics: urgent needs. Samos: in the camp (reception centre) assistance WASH. Day centre (town) mental health support and sexual reproductive healthcare. Athens: treating victims of torture, social and legal assistance. Supported refugee with (mental) health issues, facing possible house eviction.	Athens Lesvos – Outside former Moria Camp. Samos – Vathy Camp.
EuroRelief	2005 Lesvos from 2015	Greek NGO, Religious (Christian) organisation.	Direct supporting of refugees in camps, primarily distributing NFI. Social media awareness rising/advocacy.	Lesvos, Mavrouni camp Samos (since summer 2021), Vathy camp
Greek Council for Refugees	1989	Greek NGO	Partner with IOM in Helios – Integration through education.	Mainland: Athens Thessaloniki Ioannina

			First reception and interpretation. Human rights advocacy. Legal services. Psychosocial support. Social services (assistance in family and medical emergencies, management of vulnerable cases, access to food and housing, referrals to state services and organizations, as well as work counselling and job referrals) Integration promotion Runs an Intercultural Center (Pyxida)	Evros region: Orestiada, Alexandroupoli, Rodopi Islands: Chios Kos Leros Lesvos Rhodes Samos
HIAS Greece	Been in Greece since 2016	American NGO	Legal assistance i.e., individual legal representation of refugees. Advocacy, coordination, capacity building. Community based mental health and psychosocial support.	Athens Lesvos
International Federation of Red Cross and Red Crescent Societies (IFRC)		International NGO	Focus on migrants in (administrative) detention, this is done through – delivery of NFI and providing health	Athens

			care	
			ICRC also does outreach advocacy activities – they held sessions on international humanitarian law for military officers and students in law and IR, and workshops for Hellenic fire brigadiers, police and coastguard	
International Rescue Committee	Present in Greece since 2015	International humanitarian NGO	Economic programs for livelihoods to support integration, support self-employment and employment for refugees and residents. Runs information website for refugees in Greece (and Italy) refugee.info in Arabic, Farsi, French and English	Mainland: Athens Thessaloniki Islands: Lesvos Chios
IOM Greece	1952	International NGO	Integration support. Voluntary relocation scheme. Assisted voluntary returns. Supports Greek authorities with management of reception of asylum seekers. Children safeguarding. Operation of shelters. Knowledge and	Offices: Mainland: Athens Thessaloniki Patra Ioannina Island: Crete (Heraklion)

			experience sharing with other European societies. Social services for the socio-economic inclusion of migrants Unaccompanied minors alternative living arrangements (i.e. foster families). Health care services. Technical support for implementation of integration policies and programmes.	
Lighthouse Relief	2015	Greek NGO	Athens – "Street work Project". (Supporting homeless vulnerable asylum seekers in Athens). Psychosocial support in Ritsona Camp: "Child Friendly Space", "Youth Engagement Space" – the youths in this space also publish a journal, "Resident Volunteer Program" (various training), "Sports Programme".	Mainland Greece: Athens and Ritsona Refugee Camp.
Mare Liberum	2018	German association of activists, connected to SEA WATCH (SaR/monitoring vessels in other parts of the Mediterranean). Part of the	Monitors human rights violations in the Aegean Sea. SaR operations.	In the Aegean Sea, off coast of Lesvos, sails between Greece and Turkey.

		Border Violence Monitoring Network.		
Medical Volunteers International	2016	German NGO	Primary healthcare and minor surgery, referral services, emergency response, health education.	Mainland: Athens Thessaloniki

Island: Lesvos |
| METAdrasi – Action for Migration and Development | 2009 | Greek NGO | Supports unaccompanied, homeless children through day centre, hotline, mobile unit, placement in shelters/foster families

Safely escorts and relocates unaccompanied children

Supports independent living for unaccompanied teenagers

Legal assistance Victims of torture certification Vulnerability –visits from mother with children Distribution of NFI

Interpretation service facilitating communication for refugees, through various means.

Translation services –Covid 19 information

Language classes for adults. | Mainland: Athens Thessaloniki Ioannina

Islands: Lesvos Chios Kos Leros Samos

Interpretation services: a total of 125 different locations |

			Participated in Helios, funded by IOM. Job counselling and career orientation for adults – integration program. Online Greek language classes for children in Thessaloniki and Athens. Non-formal education of children in collaboration with the UNHCR (two centers in Lesvos, on in Chios, both close to, but not in camps). Facilitated an activity space for children in Kara Tepe (Lesvos).	
PRAKSIS – Programs of Development, Social Support and Medical Operation	2004	Greek NGO	A joint housing and integration program for vulnerable asylum seekers, and for unaccompanied minor asylum seekers.	Mainland: Athens Patras Thessaloniki Island: Lesvos
Refugee4Refugees	2017	Greek NGO	Lesvos: Free shop of NFI (arguing a more dignified method of distribution) Support teams for vulnerable people Workshops Warehouse	Mainland: Athens Islands: Lesvos Samos - Vathy Camp
Solidarity Now	2013	Greek NGO	Participates in the integration through education project	Three Integration Learning Centers in Athens,

			"Helios" (with IOM and others)	Ioannina and Thessaloniki.
UNHCR Greece	1952	International NGO	Institutional capacity building, in relation to the Greek state's asylum system, reception and solutions. Access to territory, by helping newly arrived at borders. Asylum procedures, UNHCR deploy experts to the asylum service and offers legal aid. Advocacy. Relocation of unaccompanied children. Integration of refugees. Assistance to those most at risk. Community empowerment and self-reliance. Emergency assistance after Moria camp September 2020 fires.	Mainland: Athens (Country Office) Sub Offices: Thessaloniki Lesvos Field Unit: Evros Islands: Field offices: Kos Chios Samos

Table 2. Mapping of NGOs and civil society actors

On Collecting Data for the Mapping – Online Presence

While collecting data on the NGOs that are actively involved with activities related to refugees and migrants in Greece today, it became apparent that there is great variety in both the amount and type of information published by different actors. Some NGOs write and publish a lot of online material describing and analysing both their own activities and specific themes and issues within their specialised sector, whereas other NGOs have a small, limited

online presence, and do not publish reports or articles about their activities. Of course, this does not necessarily reflect the situation on the ground but can be related to various reasons. One reason for the degree of online presence is related to what kind of activities the NGO do. For instance, some of the CSOs listed are NGOs that only do advocacy. On the other end of the scale are organisations that don't focus on advocacy but rather on concrete activities.

The type of activities done by the NGOs towards refugees seems to effect whether that activity is something the organisation chose to draw attention to in their communication material, or whether the activity is something the NGO goes more quietly about. This might be because the target group of the activity is small, and that they will not learn about the activity on the NGO's website anyhow. For example, the activity can be vocational training in a refugee camp, where the participants meet up at the designated place for the training in the camp. It can also be that the activity is not something the NGO wants to draw attention to in the national political context, as it might be contested, and the organisation can fear a political backlash from public opinion. However, it seems that the NGOs that do these kinds of activities (vocational training) does not limit the target group but include other groups of people in the local community who not necessarily are migrants (for the purpose of integration), or that do not specify who attend a "street project" in Athens in their reports. As discussed already there was an economic crisis in Greece that commenced around 2009, and consequently still today many are unemployed, or have low salaries, struggling in their private economic lives to make ends meet, there is also possibly a lot of stigmatisations connected to this. As referred to in chapter seven, right wing political parties and groups use this economic frustration in the population, connecting services offered to refugees with xenophobic rhetoric in the public discourse.

One possible explanation is that a relatively small Greek NGO, especially if it has close connections to government institutions (e.g., formalised cooperation with the government on activities, and financial dependence on the state due to the state as primary source of funding) adjusts its policies and advocacy to the political landscape. Whereas a small less formally organised and structured (international) civil society group is louder in its criticism of lack of protection of refugees and rights violations.

Another factor that can contribute to explaining variation in online presence is the financial resources and human recourses available in the organisation. The largest organisations that

are professionally staffed usually publish yearly or bi-annually reports where they in a various degree of detail describe their activities, services, funding sources, advocacy work and so on.

It should be noted that a limitation to the collected data in the mapping are what the civil society actors publish themselves on their websites. Reading, systemising and analysing online published material on social media by relevant NGO actors in this field in Greece is far beyond the scope of this thesis. Smaller Greek civil society groups: such as local initiative groups that only post on social media are therefore not included in this mapping.

Categorisation of the civil society actors

In addition to the more formalised and structured NGOs there are multiple active solidarity initiatives in the country, assisting both migrants, refugees and Greeks alike. In her extensive anthropological work in Greece, lasting for many years, Heath Cabot has well documented this. The resources provided by the solidarity initiatives are horizontally disturbed through "soup kitchens, pharmacies and clinics (…), groceries, time banks, and even education centers" (Cabot, 2018, 2).

Locations

The most covered locations of the NGOs included in this mapping are Athens and Thessaloniki on the mainland, and on the Aegean islands; Lesvos – near the old Moria Camp/ new Mavrouni Camp, and on Samos – old Vathy Camp/new detention center.

Activities: *The NGOs and CSOs included in the mapping perform the following activities with relation refugees and migrants:*

Advocacy, Assistance of families etc, Children safeguarding, Cultural centers, Distribution of non-food items, Economic support, Emergency response, Health Care provision (both clinics, general and sexual/reproductive healthcare, and mental health/psychosocial support) Human rights monitoring and reporting, Information channels, Integration through education,
Integration through housing projects, Interpretation services, Knowledge sharing,
Legal advocacy/ legal support services/assistance, Non-formal education, Provision of direct support of refugees in camps, Provision of shelters in camps, Social services, Supporting/protection of vulnerable groups, first and foremost unaccompanied children, Street Projects, Referrals, Voluntary Relocation assistance, Voluntary returns (assistance) WASH in Camps, Warehouses, Workshops

The funding of the CSOs included in the mapping varies to a great deal. Some of the NGOs receive public government funds from one or several countries, EU-funding and private donations. Some are only based on private donations, sometimes arguing a freer position without public government funding. The human resources and financial means available in the international highly professionalised NGOs are on the other end of the scale than the small civil society groups, often loosely organised international activists, who conduct voluntary work.

Identifying NGO Cooperation and Networks [6]

UNHCR Greece (2020) list many partner organisations on their online portal, amongst those listed there and included in this mapping are ARSIS, MDM, Hellenic/Greek Council for Refugees, IFRC, IRC and Solidarity[7]. Mare Liberum, is a group of primarily German activist who do human rights monitoring and search and rescue operations in the Aegean and is part of Sea Watch, which is a network of other vessels that do monitoring and SaR in other parts of the Mediterranean. The IRC, the Greek NGO Solidarity Now and the Greek Council for Refugees are key partners for IOM, implementing the large-scale program called Helios, an educational integration project. METAdrasi has since 2019 also participated in Helios. The Greek Council for Refugees is a key partner for the Greek government on a multitude of projects, as is the Greek NGO ARSIS - Association for the Social Support of Youth. METAdrasi informs that they in 2020 collaborated with the Portuguese Ministry for Integration and Migration, The Athens Municipality (signed a memorandum for a dormitory for unaccompanied children), The National and Kapodistrian University of Athens (master's

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[6] As mentioned, the mapping only includes formalised/clearly stated cooperation and networks, ad hoc/informal cooperation is not included here.

[7] The full list of UNHCR Partners: ARSIS, Doctors of the World – Médecins du Monde (MDM), several Greek Municipalities Network for the Rights of the Child, Diotima, Hellenic Council for Refugees, Company for Regional Development and Mental Health (EPAPSY), Sunflower, REACTION, Nostos, OMNES, Panhellenic Network for Theatre in Education, Departure, Catholic Relief Services, Faros, Internation Catholic Migration Commision, IFRC, IRC, INTERSOS, Practice, Solidarity Now, UNICEF and UNOPS

program on refugee communication) and joined the European Federation of National Organisations working with the Homeless. In addition, METAdrasi collaborated with various actors on interpretation services, and with the Appeals Authority, WHO, Arsis, IRC, DRC, IOM, psychosocial and support services, hospitals, police authorities, Athens municipality, and educational foundations. MdM is as METAdrasi also part of European Federation of National Organisations working with the Homeless.

Relationship with the Global Compacts

In Usherwood et al's (2022, 17 and 19) case study on six European civil society organisations' attitudes and activities to protection of refugees, including METAdrasi and the Greek Council for Refugees, they found that the only Greek actor which took part in the formulation of GCM and GCR was the Greek state, while the Greek CSOs did not have any involvement in any stage of it. Of the NGOs included in the mapping of this thesis I similarly could not find any mentioning of participating in preparing process of the Global Compacts amongst the Greek NGOs.

Chapter 8 Analysis and Discussion

Greece and the UN Global Compact on Refugees

A natural starting point for this analysis and discussion is the year 2015, when there was a massive increase in the numbers arriving in Greece from 50 834 in 2014, to 885 386 in 2015 (UNHCR). In 2016 there was a massive drop of people arriving in comparison to the year before, with 182 277 persons arriving. Frontex (no date) explains this drop in numbers with the EU-Turkey Statement from March 2016.

In 2017 these numbers were further reduced to 42 319, with a slight increase in 2018 and 2019, at respectively 56 561 and 83 333 persons arriving. The increase as according to Frontex (no date) due to land crossings from Turkey to Greece, most of the people Frontex registered as of Syrian, Afghan and Iraqi nationality. In addition, almost 8000 Turkish citizens arrived irregularly in 2018. In 2020 and 2021 only approximately a fourth of the number in 2019 arrived, with 20 280 arriving in 2020 and 20 373 persons crossing the borders in 2021 (Frontex, no date). Frontex, the European Border and Coast Guard Agency, label these arrivals as "*Illegal* border crossings on the Eastern Mediterranean" (my emphasize).

This thesis investigates how global norms manifested in the UN Global Compacts and regional European policies has influenced Greece with regards to protection of refugees, and non-governmental actors' possibilities to advocate refugees and migrants' rights.

To answer the main research question an analysis of relevant power relations for the case is needed, bearing in mind the link between power and governance. This analysis should include a consideration of "how, why, and when some actors have "power over" others" (Barnett and Duvall, 2004). Yet the structures and processes that enable and constrain actors must also be considered. The previous sections in this thesis are included with this in mind. The enablers and constraints operate on multi governance levels from the international law and norm framework in the UN Global Compacts, and regional European migration policies to the national Greek institutional architecture for asylum determination and service provision. Finally, refugees and migrants' human rights are advocated by NGOs who articulate human rights norms. The ideals manifested in the normative structures GCR and GCM are then considered within this governance analysis.

As Barnett and Duvall points out sometimes there is a "who" doing the governing, typically a state, or other actors as an international organisation or an international institution. However, sometimes there is not an actor but rather "a structure and discourse that constitute actors and define what are legitimate practices that steer global activities in particular directions" (Barnett and Duvall, 2004).

The Greek state has the sovereign power over the refugees and migrants who reside in the territory, but this power is both enabled and constrained by international agreements, such as the GCR that is most closely looked at in this thesis, and the regional European policy commitments. In addition, is the activities and advocacies of civil society actors in the country part of the governance practice for the refugees and migrants who are in Greece.

The International Norm Framework: Global Governance and Refugees and Migrants' Rights

The relationship between governance and refugees and migrants' rights is a central concern of this thesis, as is the relationship between their rights in practise versus in theory (legal rights).

The liberal defence of soft, norm-based global governance such as the UN Global Compact for Migration and on Refugees is critically explored in the thesis. What does a soft law framework mean for the governance of refugee protection? How do the global norms manifested in the UN Global Compacts and regional policies such as the EU's New Pact on Migration influence a European state; Greece, to make right-based changes for refugees and migrants and allow non-governmental actors to advocate refugees' rights? In general, while rights are defended by the UN system, states are often more reluctant to endorse them and tries to limit the reach and effectiveness of rights (Grugel and Piper, 2007). Is it possible to make refugees rights real through global soft legislation?

As mentioned in chapter 4 of this thesis, Hale et al (2013) argue that states on numerous crucial issues are unable to cooperate effectively, and that there is a growing need for international solutions to global problems such as protection of refugees, but the multilateral institutions are increasingly unable to come up with the needed solutions. The authors' explanation is that historical institutionalization (including formalized binding agreements) of global governance has deepened interdependence to the point where international cooperation is now very difficult and causes a "governance gridlock". The 1951 Refugee Convention is a

typical example of such a formal international agreement through which countries bind themselves, under international law, to negotiated commitments.

Critic of the Compacts

The Global Compacts on the other hand are non-binding and a seemingly positive result of states being able to come together and jointly agree on solutions to common problems. However, Sandra Lavenex (2020), nuances this impression a bit by arguing that the UN Global Compacts "set up a process for working toward commonly agreed objectives on a voluntary basis and refrain from setting new international norms" (Lavenex, 2020, 674).

Ferris and Martin summarize some of the critic against the Compacts:" While the GCR has been criticized for not going far enough in addressing the gaps in the refugee regime, the GCM has been criticized for suggesting so many actions that governments can pick and choose which measures to prioritize" (Ferris and Martin, 2019, 9). The global compacts are also criticised for its lack of mentioning of internal migrants and internally displaced persons (IDPs) (Ferris and Martin, 2019).

James Hathaway is one of the most vocal criticizers of the UN Global Compacts. As already mentioned, Grandi, the High Commissioner for Refugees argues that the most positive signal the Global Compacts send is that of multilateralism, a signal of international cooperation and unity (Grandi, 2019, 26). Hathaway argues contrary to Grandi, by stating that the GCR and GCM are the opposite of what the world really needs: "Persisting with the status quo ad hoc, State-by-State approach to implementing refugee protection obligations is not an option" (Hathaway, 2018, 592).

Sicakkan shows that there is room for improvement of the GCR "the GCR leaves much room to the choices, interpretations, and initiatives of stakeholders, and does not offer a clearly delineated global governance model" (Sicakkan, 2021, 2).

The Regional EU Governance Level: A promising internal Solidarity Mechanism and Worrisome External Border Security

The Role of the EU migration and asylum policies on Greece protection of refugees is both enabling and constraining. The EU Migration governance system has been characterised by a lack of solidarity between the member states to share responsibilities for the protection of

refugees (Fassi and Lucarelli, 2021). This became painfully evident for Greece and the other frontier countries after they experienced a lack of solidarity amongst the other EU for the voluntary responsibility sharing of refugees after the so-called European refugee crisis of 2015-2016. The relocation scheme that finally was agreed on was a failure with regards to numbers, still most of the migrants and refugees stayed in the border states (Greece, Italy etc),

As discussed earlier in this thesis, in recent years EU migration policies have grown increasingly focused on the management of the borders both at land and sea, on agreements with third countries, offering transit countries such as Turkey financial and visa incentives to retain and accept returned migrants (see e.g., Martins and Strange, 2019).

Advanced border technologies have become increasingly important for the EU for protecting the Union's outer borders against irregular migration. Both Frontex and member states are behind this increased securitisation and bordering. Despite this, refugees and other migrants still cross both land and sea borders going on dangerous journeys. The asylum seekers and other migrants trying to enter the EU are surveyed from air; Greece has airships on its border with Turkey. The air surveillance is accompanied by sensors and specialised thermal cameras, that Greece has on its land border with Turkey, used by border authorities to spot movements (Ahmed and Tondo, 2021). In addition, a sound cannon that can direct blasts of up to 162 decibels towards refugees trying to cross its border with Turkey has been deployed (Smith, 2021).

The securitisation of borders should be seen in relation to the current main concern in Greece with regards to the responsibility of protection of refugees and the non-refoulement principle in 1951 Convention, namely pushback operations.

Main concern: Pushback Operations

UNHCR reports that Greece's asylum and reception system has "progressed significantly" since 2015, and that now the need in Greece is to help the refugees integrate (UNHCR, 2021d). One example of a positive development is that Greece abolished the detention of unaccompanied minors as a means of protective custody in December 2020 (ibid).

The UNHCR has throughout 2020 been cooperating closely with many municipalities (see mapping) and offered advice to the Greek government, the agency considerers pushback operations at land and sea as the main concern in Greece (February 2021).

However, multiple human rights organisations and journalists have documented systematically pushbacks since March 2020 (see e.g., Fallon and Malichudis, 2021).

Pushback Operations

There is no internationally agreed definition on what pushback (operations) means but the UN Special Rapporteur on the human rights of migrants use the working definition of 'pushbacks' as:

> various measures taken by States, sometimes involving third countries or non-State actors, which result in migrants, including asylum seekers, being summarily forced back, without an individual assessment of their human rights protection needs, to the country or territory, or to sea, whether it be territorial waters or international waters, from where they attempted to cross or crossed an international border (Morales, 2021, 4).

As the UN Special Rapporteur Felipe González Morales, summarizes in the 2021 report on the human rights impact of pushbacks of migrants; is the practice of pushbacks widespread, it reveals prejudice against migrants and importantly "demonstrate a denial of
States' international obligations to protect the human rights of migrants at international Borders" (Morales, 2021, 1). He concludes that:

> in the absence of an individualized assessment for each migrant concerned and other procedural safeguards, pushbacks result in human rights violations incompatible with States' obligations under international human rights law, in particular, the prohibition of collective expulsion and refoulement.

Some of the NGOs included in the mapping of this thesis, either directly or by contributing to information sharing in NGO networks, document pushback operations in Greek territorial waters. The NGOs post these reports online and on social media. They provide documentation

along with their reports such as photos, videos, maps and screen shots of phone logs and messages. Their reports show people in great distress. They also document the answers and information they receive from the Hellenic Coast Guard regarding Search and Rescue Operations.

The EU agency Frontex main operation in the Aegean is called Poseidon, where the agency according to themselves supports the Greek state with border surveillance, search and rescue - saving lives at sea, registration and identification capacities, as well as cross border crime including human smuggling and other crimes. The agency also assists the Greek authorities in readmission operations (Frontex, no date) However, Frontex was involved in pushbacks of at least 957 asylum seekers in the Aegean Sea between March 2020 and September 2021, according to an investigation by a consortium of European news agencies (Fallon, 2022) . Frontex's Executive Director resigned following the publication of the allegations (Al Jazeera, 2022).

No Longer a Crisis?

The war in Syria has lasted for more than a decade, and more than half of the country's population continues to be forcibly displaced. More than 6,7 million Syrians are internally displaced, and 6,8 million Syrians are international refugees, together making that 13,5 million Syrians who are forcibly displaced (UNHCR, 2021b). By February 2021 there are according to the UNHCR (2021d) 91 945 refugees, 80 784 asylum seekers and 4734 persons of other concern in in Greece, the refugees and asylum seekers are overwhelmingly Afghans and Syrians. In comparison, in 2020 Turkey hosted nearly 3.7 million refugees, mostly Syrians (92 per cent), the refugees hosted by Turkey is by far the largest population of refugees hosted worldwide (UNHCR, 2021b).

"Greece is no longer experiencing a migration crisis," Greek Migration and Asylum Minister Notis Mitarachi said in August 2021 (Greek City Times, 2021). The reason behind this statement was the overall number of refugees and migrants who live in camps across Greece fell by 49 per cent, and the number of arrivals to the Aegean islands decreased 78 per cent, from August 2020 to August 2021. "The numbers reflect the fact that Greece will not be limited to the role of an observer of migration flows. It is not accidental, nor coincidental, that the total number of people living in the country from 82,119 in August 2020, is now 42,181," said Greece's Migration Minister Notis Mitarakis a year later (Ansamed, 2021).

On June 7. 2021 Greece decided that Turkey was a safe third country to "return" asylum seekers from the five countries Syria, Afghanistan, Pakistan, Bangladesh and Somalia to (Hellenic Republic, 2021 a). These five countries compose more than two thirds of all asylum applications in Greece (ECRE, 2021). Several established human rights organisations protested this decision by the Greek government.

Prevention of the Right to Seek Asylum

Multiple NGOs and other actors accuse Greece using a deterring strategy in order to prevent migrants and asylum seekers from coming to the country. An example of this is from April 2021 when the court in Mytiline, Lesvos, sentenced a Syrian refugee to 52 years in prison for "illegally" crossing into the country with his family. The refugee, identified as KS, came to the island Chios by boat from Turkey. KS was denied asylum upon arrival in Greece due to the reason that the Greek government temporarily blocked all new asylum applications a month after Turkish President Erdogan in the beginning of March 2020 wowed to "open the gates" for the refugees and migrants in the country to go to Europe (Silva, 2021). This move from Erdogan was a reaction to the killing of 33 Turkish soldiers in the Idlib province in Syria. Greece used tear gas and stun grenades to prevent people from crossing at the border. There is a typical information war in relation to the events; Turkey claims that 150 000 people were able to cross during this period, Greece sets the figures to less than 3500. The refugees on the border became "pawns in game" (Fallon and Boersma, 2020).

Criminalisation of Humanitarian Action

Greek police on the island of Lesvos have on several occasions drafted criminal cases against foreigners, including members of foreign nongovernmental aid organisations. The NGO workers have faced charges of facilitating illegal entry of migrants, espionage, charges of running a criminal organisation and violating laws covering state secrets. The Lesvos police said in a statement that the accused aid workers "providing essential assistance to organized networks for the illegal smuggling of migrants" by appearing as humanitarian aid workers (Kitsantonis, 2021 a). In 2018 there was similar case, four aid workers faced much the same charges, after more than three months in detention, they were released pending their trial, which has yet to take place. . Late in 2021 Amnesty International Europe runs an advocacy campaign titled "Sarah and Seán" to encourage the Greek state to drop the charges against

two of the "refugee rescuers" that Amnesty labels the duo.

As the NGO-workers refugees and other migrants, are as well faced with even more serious accusations of being human smugglers. This practice commenced with the European refugee crisis of 2015-2016 according to NGOs included in this mapping (Greek Council for Refugees and the Border Monitoring Network). In a case covered by the New York Times a man from Somalia identified as Mr. Mohammad was sentenced to142 year in prison for smuggling undocumented migrants into Greece (Kitsantonis, 2021b). This case is one of several migrants and asylum seekers who have received long prison terms for trafficking or facilitating illegal entry despite arguing that they were seeking safety. "The criminalization of migrants as a means of deterrence has been a strategy for a long time," François Crépeau (Kitsantonis, 2021b).

Inhumane detention facilities

In November 2020 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) concluded in a report that the conditions in which migrants and refugees are held in Greece's detention facilities are inhumane and degrading.

Five new so-called "Closed Controlled Access Centers" have opened or are planned to open soon. In November 2021, the Greek government opened closed facilities on the islands Leros and Kos. In September 2021, Greece (with EU funding) a closed center for refugees opened on the island of Samos, that has been described as prison-like by NGOs (Smith, 2021). And in the beginning of 2022 two centers are planned to open on Lesvos and Chios (Hellenic Republic, 2021 c).

The goal of the Greek Government: To Avoid a New Migration Crisis

On December 9. 2021, on the launch of the plan for continued EASO presence for migrant and refugee management in Greece from 2022 – 2024, Greece Minister of Migration and Asylum Mr Notis Mitarachi said that: "The new plan is part of the framework of European cooperation, and the coordination of actions of European countries so that the migratory challenge, faced not only by Greece, as a frontline country, but by Europe as a whole, does not turn again into a migration crisis." In his statement he argued for making European

legislation" stronger" through the New EU Migration and Asylum Pact, arguing for
"responsibility" and "solidarity" (Hellenic Republic, 2021b).

Chapter 9 Conclusion

The guiding research question of this thesis was how the global norms manifested in the UN
Global Compacts and regional European policies has influenced Greece, to make right-based
changes for refugees and migrants and allowed non-governmental actors to advocate refugees
and migrants' rights.

Following from the discussion and in line with other researchers who have studied the global
compacts on refugees and for migration (Gammeltoft-Hansen 2018; Garlick and Inder 2021;
Hathaway 2018; Lavenex 2020; Miller 2019) it might be too early to assess whether the
Global Compacts will make a significant difference in practice, meaning in the lives of
refugees and migrants, or whether the documents will be put in a drawer together with other
similar soft law instruments. The Global Compacts on Refugees and for Migration were from
the beginning supposed to be non-binding frameworks. As many of the researchers I drawn
upon in this thesis I am cautiously optimistic on behalf of the Global Compacts' positive
norm changing effects on refugee protection in the long run.

The number of irregular migrants that crossed the Greek borders in 2020 and 2021 was just a
bit more than 20 000 people each year respectively. The significant low numbers made central
Greek politicians declare the 'migration crisis' as over, and that the focus now should instead
be on prevent a new crisis from happening. However, as was just shed light on in the previous
chapter there are major concerns, first and foremost related to pushback operations. There are
also major concerns with access to asylum applications and shrinking space for NGOs with
criminalisation of humanitarian actors and other who do search and rescue operations.

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Appendix

Codebook: Mapping of non-state actors involved in refugee protection in Greece

1. Activities, target groups and inclusion

   What are the activities of the organization? What kind of services do they provide? Who are these activities aimed at? Does the organisation refer to any active inclusion and involvement of refugees and migrants in their activities? I.e., are refugees and migrants actively involved in determining or conducting activities or are they receivers of services?

2. Location and access

   What is the location for the activities? Is the organisation actively involved in refugee protection on the Aegean islands and/or on the mainland? Are the actives conducted in or in the outskirts of refugee camps or in other local communities?

   Sub questions:

   Cities: Which organisations provide services in other locations than the big cities (Athens and Thessaloniki) or in the camps (or in proximity)?

   Islands: Which organisations are active on other islands than Lesvos, Samos and Chios?

3. Type of organization

   Is the organisation an international organization, bilateral, or national non-governmental organisation? Or is it a more loosely and less centrally organised group of activists/local initiative/civil society group?

   When was it founded/how long has it been active in Greece?

   What kind of funding does it receive?

   Sub question: Is the funding information easily available?

4. Cooperation and networks

   Does the organisation have any formalised cooperation with other organisations, with national authorities or partners in other countries?

5. Global Compacts on Refugees and for Migration

   Does the organisation specifically refer to the GCR/GCM in its written material?