



## Kiriakos Mitsotakis: 'credit' for 'reducing flows' on the Aegean Sea: Part four – 'Irregular arrivals' and 'border protection'



Late last week (20 May 2021), some 23 months into his tenure as Greece's Prime Minister, Kiriakos Mitsotakis announced his pride that:

***'In the last two years, with the active support of Frontex, we have managed to reduce flows by almost 80% in 2020 and by an additional 72% from the beginning of the year until today.'***

He added:

***'I would like to warmly congratulate the Greek Armed Forces, the Greek Police, and especially the Greek Coast Guard and my colleagues in the government for the results they have achieved. I would also like to congratulate the Coast Guard and FRONTEX for the protection they provide against the risk of loss of human life at sea. The protection of our borders not only prevents irregular arrivals, but also protects human lives.'***

We have seen no analysis of this claim, or indeed of whether such a development could be considered desirable or even legal. As a result, we have compiled our own 'review', within which we conclude:

- Mitsotakis' claim could only be considered accurate if one accepts a definition of the term 'flow' which equates to 'the number of people the Greek government has registered as arrivals in Greece'. This definition is used by absolutely nobody, and would reduce the term to practical uselessness even if Greece and the wider EU were not





breaking the law to prevent people being registered as ‘new arrivals’, which in fact they are

- Bearing in mind the first point, **the figures ‘almost 80%’ and ‘72%’ must be dismissed as inaccurate**: in fact, ‘flow’ has ‘reduced’ by 67.6% and 49.4%, respectively
- This **reduction has been achieved by an enormous increase in illegal pushbacks** carried out by the Greek government – and according to Mitsotakis’ statement, also Frontex – since 1 March 2020: this is the **sole** factor for which he and/or the wider EU can claim *any* responsibility
- Greece (and perhaps Frontex) **illegally pushed back at least 14,324 people in 2020 – 94.9 per cent** as many as the 15,087 men, women and children it registered as new arrivals that year. From 1 January to 19 May 2021, it registered 2,786 people as having arrived: from **1 January to 30 April 2021, it had illegally pushed back at least 3,286 men, women and children: 18 per cent more people (118 per cent) than it registered**
- The Greek government has in fact **reduced the number of people it has registered as ‘new arrivals’** – and thus allowed to enter the legal system and apply for asylum, as is their right – **to just 25 per cent** of people who have attempted to or managed to, reach Greece: **it has denied a staggering 75 per cent of people this right** from 1 January to 30 April this year
- Mitsotakis has **misused the terms ‘irregular arrivals’ and ‘border protection’**: neither have any legal relevance to the conversation he wishes to have, and both should therefore be dismissed and ignored
- Far from ‘safeguarding human lives’, as he claims, Mitsotakis and his government have overseen the single greatest proportion of deaths per safe arrival of people crossing the Aegean Sea in recorded history
- While Greece (and according to his statement, also Frontex) absolutely *has* reduced the number of people registered as new arrivals in Greece since 1 January 2020, by breaking international law and denying men, women and children their fundamental human rights, by far the greatest factor in the reduction on ‘flow’ appears to have been the onset of the global COVID pandemic

This review has proven to be considerably longer than we first imagined. As a result, we have divided it into five parts, of which this: ‘Irregular arrivals’ and ‘border protection’, is the fourth.

You can [access the whole review](#), or [download it as a pdf](#).

The other four parts are also available online or as pdfs:

Part one – The Data

Part two – Registered arrivals

Part three – Deaths

Part five – [Change in ‘flow’ – Greece and the EU, or other factors? \(pdf\)](#)





## **‘Irregular arrivals’ and ‘border protection’**

*‘The protection of our borders not only prevents irregular arrivals...’*

We don’t need to say very much here, except to note that Mitsotakis has once again – and we must conclude deliberately as he is the Prime Minister of a developed nation-state, with expert advisors and assistance, rather than a man who was unable to attend school and has no awareness whatsoever of international law – misrepresented the meaning of the terms he has chosen to use.

First of all, **‘irregular arrivals’**.

An ‘irregular arrival’ is a person who arrives within a state without paperwork (such as a passport or other recognised ID) and then attempts to live and work within that state without gaining the appropriate paperwork – visas, work permits, any other document peculiar to the state.

The *point* is that as all such phrases *must be* in an international legal structure in which travel is recognised as a fundamental human right, the *travel* itself is not *and cannot be* irregular, and neither can the person who travels.

The travel – and the person who travels – can only be considered ‘irregular’ *after* the person who has made the journey has arrived *and made their next step*.

This is of course not to say that international travel is *never* ‘irregular’. And indeed that ‘travel’ (or more accurately, what is done *after* that travel has ended) can result in some exceptionally difficult and negative outcomes for the ‘traveller’.

But – as Mitsotakis absolutely *must* know (unless he is unfit for his role) – an arrival is not ‘irregular’ if a ‘paperless’ person applies for asylum at the first available opportunity.

This *does not* mean that the state in which an application is made must *grant* asylum to the applicant, but it does mean that the person *must be allowed the opportunity to apply* and that if they do so, their ‘travel’ is by definition *not* ‘irregular’.

The use of the term ‘irregular’ here is therefore absolutely not applicable to the situation to which Mitsotakis has attempted to apply it: you may deal with people whose behaviour after they have arrived proves their arrival to have been ‘irregular’, but you simply cannot and must not pre-judge that, and prevent people having the opportunity to enter the asylum system in an orderly and legal fashion.

Mitsotakis, here, is misusing the phrase ‘irregular arrivals’, and seeking to claim one can ‘prevent’ ‘irregularity’ by preventing people from entering one’s country *at all*. You cannot, and should not. We can – and must – correct him, and are happy to do so here.

Secondly **‘protect our borders’**

Protecting one’s borders is of course allowed under international law.

Indeed, it is one of the major duties of a national government, though it would be perhaps more sensible and accurate to say that protecting the people who live in a state is the duty of a





government, rather than ‘protecting the borders’ of the state: the second is a means of performing the first, rather than an aim complete in and of itself.

But once again, Mitsotakis here has misused the phrase and in doing so has conjured an image which is misleading and unreasonable.

Because one can ‘defend one’s borders’ from an invading force: from a group of armed people acting on the behalf of another nation state (an army) or themselves (a militia) entering another country in order to kill and/or seize power and/or possessions from the people within.

What one cannot do, within a system in which travel – particularly travel for the purposes of finding safety from death, unfair imprisonment, chaos, victimisation or other oppression – is not simply legal but a fundamental human right, is ‘defend one’s borders’ from unarmed people seeking asylum.

One *may* if one decides it is correct to do so, deny an applicant the asylum they seek. But one cannot – literally by definition – legally ‘defend one’s border’ from unarmed civilians seeking safety and the right to live their lives as normal.

The most often cited ‘counter-argument’ to this is ‘but these people are not refugees’. But the point is, you do not know: you *cannot* know, until and unless you allow them to apply for asylum and consider their application when it is made.

You *can* check for weapons to ensure they are unarmed. You *can* deny them asylum once their application has been considered. And you *can* remove them from the country if they fail to apply for asylum at the first available opportunity after they arrive in their ‘destination’ state.

But you simply cannot claim the legal right to prevent unarmed civilians entering your country. That right *does not exist*. It is not legal to ‘protect one’s borders’ in this way, and it is not correct to describe such activity as ‘protecting our borders’.

It is extremely difficult to believe that Mitsotakis – and for that matter the EU, whose Commission President Ursula von der Leyen described Greece as ‘our shield’ in the wake of Greek police and soldiers opening fire on civilian men, women and children on its borders in March 2020 – does not know this.

Go to Part five - [Change in ‘flow’ – Greece and the EU, or other factors?](#)

