Article

Surveillance and Drones at Greek Borderzones: Challenging Human Rights and Democracy

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Abstract

The aim of this paper is to examine the issues created by the planned intensification of surveillance, including the use of drones, at Greek borderzones. I argue that the forthcoming surveillance measures will increase uncertainty in these areas as regards the protection of human rights, which are already under threat due to the existing high levels of surveillance. This includes both the human rights of migrants and refugees as well as the right to privacy of the populations already resident in these areas. The curtailment of these rights constitutes a threat to individuals' liberties and democratic values. This further problematizes the situation in Greece, where the popularity of far-right has risen, while anti-immigrant rhetoric has been diffused in the practices and policies of border surveillance.

Introduction

In this paper, I focus on how the planned intensification of border surveillance, including the use of drones, in Greece affects the status of borderzones, the rights of migrants and refugees trying to cross them and the privacy of the populations living in them. The Greek Deputy Minister of Citizen Protection recently stated that the drones acquired by the Greek police will be used for police and border surveillance operations,¹ while the European Maritime Safety Agency (EMSA) acquired drones that will be made available to Frontex and Member States like Italy and Greece for border surveillance purposes (EMSA 2017). This comes on top of the call for the installation of CCTV systems at Greek ports, the procurement of additional naval units by the Greek Coast Guard, and a general intensification of surveillance at the borders with Turkey (EU Council 2017). After providing some background context on the socio-political environment and the rise of the far-right in Greece, I focus on how visual means of surveillance and drones have the capacity to increase the uncertainty within and the size of Greek borderzones. Uncertainty here refers to the detrimental effects of the already high levels of surveillance on the lives of migrants and refugees following the unprecedented number of deaths in the recent years and the ongoing migration crisis; crisis that reached its highest levels after the summer of 2015. It is my contention that the forthcoming developments in terms of border surveillance can only exacerbate these effects, while they will also have a high impact on the privacy of the resident populations of the borderzones, which include not only asylum seekers and activists but also supporters of xenophobic groups. All these developments challenge the protection of human rights in a way

¹ <http://www.tovima.gr/society/article/?aid=863640>, accessed June 15, 2017.

that should not be acceptable in a democratic society and are more reminiscent of far-right narratives and governmental rationales.

Greece, Surveillance and the Far-right

Contemporary Greece needs to be understood as a “post-authoritarian surveillance society with a painful surveillance history,” where members of certain minority groups or perceived terrorists are considered threats to public order and national security (Samatas 2014: 49, 50). In the meantime, during the unfolding of the economic crisis, the far-right rose to prominence in Greece. The far-right political party ‘LAOS’ participated in the Coalition Cabinet in 2011-2012, while the neo-Nazi group ‘Golden Dawn’ entered parliament for the first time in 2012 and became Greece’s third largest party in 2015. This rise was based on an anti-immigrant rhetoric focusing on two interrelated issues. First, they framed migrants as threats for the security of Greece, not only as potential criminals but also as the ones to blame for the increasing rates of unemployment and the struggling economy. Second, this blaming of migrants and refugees justified their call for the closure of the Greek borders through the increase of surveillance measures aimed at monitoring and intercepting migrant mobilities.

The platform of LAOS, for example, included the party’s policy for controlling migration summarized as follows: “ban the entry of immigrants from non-European Union countries and deport all illegal immigrants from Greece” (Bistis 2013: 39). It is evident that such a closure of the borders requires the intensification of surveillance, especially at sea borders that are harder to control. Therefore, Golden Dawn is calling not only for an intensification, but also for the deployment of the military for border surveillance purposes currently conducted by the coast guard and the police.² While this argument for the militarization and increase of border surveillance has always been included in Golden Dawn’s political narratives, in the past it has even made more radical suggestions such as the placement of landmines at the land borders with Turkey (Lowen 2012). Thus, it is not surprising that they consider as a good example the immigration policy of Donald Trump, especially his plans to build a wall and to increase surveillance in the border between Mexico and the USA.³ And although these political views do not comply with the human rights of migrants and refugees, Golden Dawn considers them just a propaganda tool that should not apply in this context.

This far-right rhetoric that calls for the treatment of migrants as criminals, the deprivation of their human rights and the closure of borders through surveillance measures, has been diffused in the broader political and societal spectrum in Greece (Keith 2014). It has also been accompanied by increasing levels of surveillance, including the building of a wall along land borders with Turkey and several operations targeting migrants and refugees both at the external borders and in the mainland, either by the police or by far-right groups acting in a paramilitary fashion (HRW 2012). After 2015, when more than 850,000 thousand migrants and refugees entered Greece, a set of legal, political and surveillance measures were enacted by Greece and the EU in order to decrease these numbers. These measures included the deployment of a NATO operation and a Frontex joint operation at the Greek-Turkish-borders, the closure of the Western-Balkan route, as well as the return to Turkey of all irregular migrants crossing to the Greek islands, as provided by the recent EU-Turkey agreement. While Greece plans to install a surveillance system covering the entire sea border between Greece and Turkey⁴ and to deploy drones in the region, I have to point out

² See Golden Dawn’s website: <http://www.xryshaygh.com/kinima/thesis> (in Greek); <http://www.xryshaygh.com/en/view/illegal-immigration-a-ticking-time-bomb-for-greece>; <http://www.xryshaygh.com/en/view/interview-of-n.-g.-michaloliakos-at-deth-greek-nationalists-resist-to-memor>. Accessed June 15, 2017.

³ <http://www.xryshaygh.com/enimerosi/view/mathhmata-diplwmatias-apo-ton-tramp-gia-thn-patajh-ths-lathrometanasteushs> (in Greek). Accessed June 15, 2017.

⁴ <http://www.statewatch.org/news/2017/feb/eu-greece-coastal-surv-system..htm>. Accessed 15 June, 2017.

that the ongoing militarization of borderzones, the efforts to seal the borders through surveillance and the subsequent challenges to the rule of law, satisfy to a certain extent the aforementioned far-right rhetoric.

Technology, Surveillance, Borderzones

Apart from the inclusion of the existing and forthcoming surveillance measures within far-right narratives, it is important to understand the impact that they will have at the Greek borderzones. The deployment of new technologies, like drones, in the field of border security allows for the intensification and expansion of surveillance (Ball and Webster 2003), which is understood as the collection and analysis of personal information that enable the governing of the unruly and supposedly risky surveilled populations (Haggerty and Ericson 2006; Lyon 2007). The technologically enhanced monitoring of suspect populations lies at the heart of contemporary surveillance societies, where rights and freedoms, otherwise considered essential for liberal democracies, are challenged (Murakami Wood et al. 2006) and where surveillance techniques can potentially lead to the emergence of totalitarian regimes, especially when used for security purposes (Murakami Wood 2012: 341). While there is an ongoing discussion about the relationship between surveillance and democracy (Haggerty and Samatas 2010), I argue that more attention needs to be paid to borderzones which are increasingly transformed into spaces for the testing of new ‘smart’ technologies of control. It is at these territorial edges and ports of entry that the use of technologies of surveillance and control transform foreigners into docile subjects and have serious negative socio-political and legal implications (Guild and Bigo 2010: 277). Sophisticated technological devices that enhance the monitoring capacities of border security apparatuses, such as drones, aerial vehicles in general, and earth observation satellites, can create an exceptional level of security that goes beyond the normal politics and the rule of law, creating a constant state of emergency that threatens the values that constitute the cornerstone of democratic societies (Bigo 2012).

Therefore, it is instructive to focus on the intensification of surveillance currently taking place at the Greek borderzones. Although border surveillance techniques have generated arguments depicting borders as being on the move beyond and within state territories through the externalization and diffusion of border controls (Dijstelbloem and Meijer 2011; Parker and Vaughan-Williams 2012), “it is at the edges of states—borderzones—that their techniques and effects are concentrated” (Topak 2014: 816). I argue that, like borderlines, the boundaries of these borderzones are not clearly defined. It is not clear how far they extend inside and outside the territories of states. The sophisticated technology used for surveillance not only extends spatially the border in different directions but also expands the borderzone itself, putting increasingly larger areas under the lens of border surveillance. As in many border areas around the world, one can find in Greek borderzones various surveillance technologies that support a rhetoric and governance of control, suspicion, fear and (in)security (Bigo 2006; Lyon 2007). Therefore, borderzones have been described as liminal security-scapes where human rights are under threat and where there is uncertainty as regards the application of the rule of law (Wall and Monahan 2011). An expansion of the Greek borderzones through surveillance technologies means that ever larger areas enter this state of uncertainty of the borderzones.

While the current technologies used at the Greek-Turkish borders reflect these technology-led extensions of borderzones, drones can play a unique role in altering these areas as any other controlled sociotechnical environment (Bracken-Roche 2016: 168). Initially a military technology, drones at borders play an important role in the securitization of migration and in the militarization of borderzones. In this case, we cannot speak only about military urbanism (Graham 2010), since the “boomerang effects” (Jensen 2016: 7) of this technology are not confined to urban environments but also include rural areas of borderzones. This seems to be in accordance with the calls made by Golden Dawn for the militarization of border surveillance. Drones use a variety of sensors to collect information from unique vantage points, for long periods and on a continuous basis, while their mobility allows them to cover large areas and collect vast amounts of data without always being visible (Klauser and Pedrozo 2015: 289; Vergouw et al. 2016). Thus, drones enhance

the control capacities of security apparatuses by expanding the surveillant gaze beyond and before borders. This results in expanded borderzones; spatial expansion that is the effect generated by technologically enhanced practices of surveillance (Klauser 2013: 290).

Migrants and Refugees at Constant Risk

The expansion of borderzones and the intensification of surveillance limits the mobility chances of migrants and refugees, challenges their human rights, as well as the democratic values of Greece and the European Union in general. Together with critical scholars fathoming the socio-political and legal performative effects of border surveillance (see Bigo 2015; Topak 2014), I want to emphasize its negative implications concerning deaths at sea, fundamental rights, liberties and democratic values in general. In addition to this, I show that surveillance in Greece is not only targeting the individuals trying to cross the borderzones, but also the migrants and refugees within Greece in order to prevent them from continuing their journey to the more developed countries of the EU.

An effect of this excessive surveillance at the borderzones is that many refugees and migrants are trying to enter Europe through more precarious means that cannot be easily detected, such as smaller dinghies, and through more dangerous routes (UNHCR 2016). Therefore, although the number of deaths in the Aegean Sea has decreased from 806 in 2015 to 434 in 2016, this remains a substantial increase on the 59 deaths in 2014. More significantly, the death rate has increased dramatically, with 1 dead in every 400 migrants who tried to cross in 2016, while in 2015 the rate was 1 in 1060 (GMDAC 2017). While most of the deaths happened before the EU-Turkey agreement, they still cannot be prevented entirely and as recently as March⁵ and April 2017 there were another two shipwrecks with more than 25 dead in the Aegean Sea (UNHCR 2017a).

Moreover, instead of crossing the Greek-Turkish borders, many migrants and refugees try to enter Italy or the South of Greece through longer routes mainly from Libya and Egypt (UNHCR 2017b). It cannot be denied that this is related to the fact that in 2016 the deaths in the Central Mediterranean increased to an unprecedented level (GMDAC 2017). The use of drones is expected to make border-crossings even harder and more precarious, while monitoring the situation in the pre-frontier area will increase the stopping and exclusionary capacities of borders even before mobile bodies reach them. This has been already noted in the use of drones by Italy for border surveillance, where they primarily increased the intelligence dimension of border controls (Marin 2016). At the same time, issues of legal and democratic accountability arise in this context, since the EU and the Member States including Greece are trying to avoid responsibility for those deaths despite the extension of their border controls (Ryan and Mitsilegas 2010).

Another effect created by the recent developments in the field of border security is that large numbers of migrants and refugees are staying in or are returned to Turkey, which can hardly be considered a safe third country, and returns there may violate the non-refoulement principle. The latest developments in Turkey after the failed coup in 2016 raise particular concerns about a turn to authoritarianism and cooperating with Turkey questions the democratic sensitivities of Greece and the EU (Amnesty International 2017). These sensitivities are also challenged by the fact that although democratic states publicly support the principle of asylum, their intensified border controls have the opposite result and there are no legal ways for asylum seekers to enter the territory of Greece safely (Costello 2016: 231).

Paradoxically, surveillance does not target only the individuals who try to enter Greece, which after the economic crisis is mainly seen as a transit country, but also the migrants already resident in Greece by preventing them from fleeing the country. It is equally important for the EU that Greece keeps in its territory whoever manages to cross the borders and evade the border surveillance tools (Frontex 2017). The living

⁵ <http://www.bbc.co.uk/news/world-europe-39380048>. Accessed June 15, 2017.

conditions of asylum seekers in Greece, however, has always been problematic as was shown when a decision by the European Court of Human Rights stopped returns to Greece (*M.S.S. v. Belgium and Greece* 2011). The current situation is not any better with people living in hotspots in inadequate and below standard conditions without knowing when they are going to leave (DCR 2016). This must be emphasized once more, since there are concerns that returns of asylum seekers back to Greece will start happening again.

On top of that I want to stress that closing the borders and keeping the “Others” out of Greece or in restricted areas has always been the rhetoric of Golden Dawn and other far right groups of Greek society, but now it is being implemented by the EU and a Greek government that consider themselves far from this side of the political spectrum. Even the Greek Ombudsman has expressed his concerns about the Greek and the EU authorities treating the situation as exceptional and requiring constant measures such as those mentioned above (Pottakis 2017).

Challenging Privacy at the Greek Borderzones

Apart from the issues related to the human rights of migrants and refugees, I want to emphasize that the right of privacy, which is under threat from this level of surveillance, should be reinforced. It cannot be denied that we live in times when privacy is being eroded, especially when we refer to surveillance at borders. Border controls become more and more intrusive and it is commonly accepted that at the borders interference with our rights to privacy and to data protection is expected at certain check points (Kenk et al. 2013: 7). The use of drones and the deployment of various technologies at the borders as seen above have the potential to put larger areas under a situation where reduced privacy is the norm. And this is related not only to an individual value of privacy and to privacy equated only with data protection, but also to other types of privacy, such as the privacy of location, space and association (Finn, Wright and Friedewald 2013: 9). A social value (Hughes 2015) should be emphasized as well to resist such high levels of surveillance that can easily be associated with authoritarian regimes. Protecting privacy has been recognised as essential for a democratic society, since only then can citizens fully exercise their civil liberties and participate without fear in democratic activities (Boehme-Neßler 2016).

Surveillance of this intensity and especially the use of drones have been associated with the danger of creating a chilling effect to the societies under their gaze (Finn et al. 2014: 31). On the one hand, this can result in discouraging the surveilled populations from exercising their freedom of expression, of assembly and in general activities for the protection and enhancement of their human rights and the human rights of others. On the other hand, it can lead to what has been described as normalization of interference with human rights that otherwise would have been unacceptable in a democratic society (Finn and Wright 2012: 191). And this is exactly the case at borderzones, which are expanding by introducing levels of surveillance into the everyday lives of individuals that would have been accepted only in the very specific and confined locations of an airport or border checkpoint. Moreover, it has been observed that function creep is a threat when drones are used for surveillance (Barry 2013; Pedrozo 2017: 103), especially when interoperability is the goal regarding border surveillance and law enforcement in Europe.

This is of great significance in Greece and at the Greek borderzones, when there is a general turn to more surveillance, as evident also from the, previously rejected, installation of security cameras in the subway of Athens (Hellenic DPA 2015). The blurred distinction between surveillance for border security and for other purposes at these borderzones can result in excessive monitoring of the whole population and its daily activities that are not necessarily related to border crossings. It has already been recognized that Greeks are concerned about surveillance during demonstrations and riots, since there is a lack of trust of the surveillance authorities and the handling and storing of data (Mitrou, Drogkaris and Leventakis 2017: 126). This can act as an undesirable deterrent on the activities of populations at the Greek borderzones, activities that include demonstrations by locals and refugees for the improvement of their living conditions as well as the provision of solidarity and support to migrants and refugees. These actions are particularly important since the

competent authorities do not have the capacity to respect and enhance the fundamental rights of vulnerable populations in these areas.

More surveillance can hardly be expected not to target the same old targets (Wall and Monahan 2011). Drones could potentially serve the aim of the authorities to better control the resident populations of migrants and refugees within Greece. Such levels of discriminatory surveillance, however, should not be justified by the fact that foreigners are received with mixed feelings by Greek society, between solidarity and xenophobia, since the majority consider them a threat to the ongoing crisis. As long as third country nationals reside in Greek territory their human rights including privacy and the principle of non-discrimination shall be protected. There are many examples, however, of racist attacks on migrants and refugees in Greece by individuals or groups, sometimes associated with Golden Dawn, both in the mainland and the islands (see report by Racist Violent Recording Network 2017). Unfortunately, despite the high levels of surveillance against minority groups, the same does not apply to the activities of these racist groups whose actions are in many cases tolerated by the police.

Conclusion

The increased surveillance of the external borders of Greece that leads to their closure will have a further detrimental effect on the lives of migrants and refugees who are seeking a better future. This seems to be in accordance with the rhetoric of far-right groups that are rising in the years of economic crisis. On the contrary, the establishment of legal ways to enter the EU is the only acceptable solution in a democratic society. At the same time, claiming back our moribund right to privacy at the borderzones is a prerequisite in a democracy, especially when Orwellian types of surveillance are on their way. The expected use of drones can easily transfer the effects of this surveillance to larger areas inside and outside of the Greek territory that would not have previously been considered as borderzones.

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