Pushbacks, Procedures, and Power: Constructing Legitimacy and Accountability in EU and Greek Responses to Human Rights Allegations at Sea

- Thesis Report -

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Abstract:

At the edges of Europe, where the Aegean Sea separates Greece from Turkey, a quiet but relentless crisis unfolds. Migrants and refugees, fleeing danger in search of safety, are often met not with rescue but with resistance, pushed back from EU shores in violation of international law. These actions, though widely reported by journalists and human rights organizations, are met with carefully crafted responses from the institutions involved. It is within these responses — their silences, justifications, and narratives — that this thesis finds its focus. This thesis examines how EU institutions and Greek authorities construct public discourses of legitimacy and accountability in the face of mounting human rights allegations. Using critical discourse analysis and a close reading of official communications and NGO reports from 2020 to 2022, it explores how language becomes a tool of power, shaping not only perceptions of legality and responsibility but also the visibility of those affected. What emerges is a picture of institutional self-preservation. Legality is presented as procedure, humanitarianism is framed through the lens of security, and accountability is diffused across bureaucratic lines. At the same time, human rights organizations respond with counter-narratives built on testimony, legal norms, and moral urgency. This thesis argues that what is at stake is not just the fate of those at sea but the credibility of the values the EU claims to uphold. At Europe's borders, legitimacy is not simply held. It is performed, contested, and often, quietly denied.

Foreword

This thesis represents the culmination of my academic journey as a student of International Relations at Aalborg University. Guided by my supervisor, Susi Meret, I have spent the past months immersed in the complex and often unsettling realities unfolding at Europe's external borders.

What began as an interest in EU migration policy evolved into a deeper exploration of how institutions communicate legitimacy in the face of human rights concerns. The language used by authorities, the silence between statements, and the counter-narratives of civil society all became central to my investigation.

This work is not only an academic exercise but also a personal effort to understand the dissonance between stated values and lived realities. It is my hope that the following pages contribute to a more critical and humane reflection on Europe's role in the world.

Reading guide
Tables are indicated with a number referring to the chapter, in which they are presented, and their order. The APA referencing system is used for citation. A bibliography is given after the conclusion and is followed by an appendix.

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Acronyms

CDA Critical Discourse Analysis.
CJEU Court of Justice of the European Union.

ECRE European Council on Refugees and Exiles.
EU European Union.

HRW Human Rights Watch.

IR International Relations.

NGO Non-Governmental Organization.
NSA Non-State Actor.
NTA National Transparency Authority.

OLAF European Anti-Fraud Office.

SAR Search and Rescue.

TAN Transnational Advocacy Network.

UNCLOS United Nations Convention on the Law of the Sea.

Introduction

> "No one puts their children in a boat unless the water is safer than the land."
>
> — Warsan Shire (1988)

Over the past decade, the Mediterranean has become one of the most contested and tragic sites of European border control. The maritime zone between Greece and Turkey, in particular, has drawn international attention due to persistent allegations of illegal pushbacks, obstruction of rescue operations, and broader failures to uphold human rights at sea (Carrera and Hertog 2015; Kasparek 2016; Tazzioli and Garelli 2018). As border enforcement intensifies, the European Union's efforts to balance security with legal and moral responsibility face growing scrutiny (Strik 2019).

In this context, this thesis examines how EU institutions and Greek state authorities construct public discourses of legitimacy and accountability in response to allegations of human rights violations at the EU's external borders. Specifically, it focuses on the narratives these actors construct to justify or deflect responsibility, and how these narratives compete with those produced by international human rights organizations such as Amnesty International, Human Rights Watch, and the European Council on Refugees and Exiles (ECRE) (Amnesty International 2021; ECCHR 2021; Forensic Architecture 2020; Human Rights and Equality Institution of Turkiye 2022).

Rather than evaluating legal outcomes or operational effectiveness, this study adopts a critical approach to how meaning is produced and contested in public statements. It asks how institutions construct legitimacy, how accountability is framed or avoided, and how NGOs use language to re-centre migrant rights and expose systemic abuse.

To investigate these questions, the research draws on qualitative content analysis and Critical Discourse Analysis (CDA). The primary data includes press releases, policy documents, and public reports from both institutional and non-governmental actors, produced between 2020 and 2022—a period marked by growing public concern over Frontex's activities and high-profile resignations.

Theoretically, the study is grounded in framing theory and Foucauldian discourse analysis. Framing theory helps to understand how actors present problems, assign blame, and shape public perception. Foucauldian discourse theory offers tools to analyze how language functions as a form of power, revealing how institutions sustain authority through legalistic and procedural rhetoric (Foucault 2007). Concepts such as *governmentality* and the *humanitarian border* are especially relevant in this context,

where security and care are frequently intertwined (Walters 2011; Pallister-Wilkins 2018).

The Aegean Sea case offers a revealing lens into these dynamics. During the period under study, competing narratives emerged from EU agencies, the Greek state, and human rights organizations. While institutional actors emphasized legality and operational complexity, NGOs responded with legal argumentation, emotional testimony, and moral critique. These discursive clashes illustrate that legitimacy and accountability are not fixed but actively negotiated in public discourse (Rozakou 2017; Tazzioli 2020).

This thesis argues that language plays a central role in shaping how responsibility is understood and how border practices are justified or resisted. Institutional narratives are not neutral; they function as strategic responses to reputational risk, while NGO discourses aim to expose, confront, and reframe these narratives through appeals to justice and transparency.

The chapters that follow reflect this approach. Chapter 1 presents the theoretical background, including work on transnational advocacy, securitization, and discourse. Chapter 2 outlines the methodology and data selection process. Chapter 3 analyzes the findings, focusing on the dominant patterns in institutional and NGO discourse. Chapter 4 concludes with reflections on the broader implications for EU migration governance and future research.

At a time when the European Union's commitment to human rights is increasingly called into question, this thesis seeks to illuminate how institutions manage their image and authority in the face of critique—and how other actors fight to hold them accountable.

Obligations, Advocacy, and Power: Theoretical Reflections on Human Rights NGOs and Their Interaction with EU and State Institutions

1

1.1 Introduction

From the standpoint of International Relations (IR) theory, a traditional distinction is drawn between state actors —historically the focus of IR— and Non-State Actor (NSA), including Non-Governmental Organization (NGO). Over the past five decades, scholarship has increasingly questioned the limitations of traditional state-centric models in explaining the evolving landscape of international governance, highlighting the growing role of NSA in shaping international norms, policies, and responses to crises, particularly in the areas of human rights and migration governance.

As supranational bodies, like the European Union (EU), gain prominence and NGO proliferate, the boundaries between state and non-state actors have become more porous and dynamic. This increasingly interconnected landscape is particularly evident in the context of EU migration and border governance, where international human rights organizations such as Amnesty International and Human Rights Watch operate across national jurisdictions. These actors advocate for the upholding of international and supranational obligations of protecting human rights —including the right to life and the duty to rescue persons in distress at sea— primarily through legal monitoring, public advocacy, and documentation of state practices.

Human rights organizations frequently confront the tension between human rights and legal frameworks and the securitized logic of state and EU-level responses to migration. Their interaction with state and supranational institutions is shaped by fluctuating degrees of cooperation, contestation, and legal–political negotiation.

To investigate this relationship, the chapter draws on theoretical approaches from International Relations and political sociology, including constructivism, securitization theory, humanitarian governance, and theories of human rights advocacy, discourse and power, and framing. These perspectives enable a critical analysis of how norms of rescue and accountability are constructed, challenged, and institutionalized in EU migration discourse. Rather than approaching NGO as isolated actors, this framework situates them within a broader field of power relations —where moral, legal, and political claims intersect with state sovereignty and supranational governance. This theoretical lens supports an investigation into how institutional actors respond discursively to human rights allegations, illuminating the interplay of normative and securitized frames in EU border governance.

1.2 Transnational Advocacy and Human Rights NGOs

Within IR, the rise of non-state actors—particularly human rights NGO—has significantly reshaped the traditional, state-centric model of global governance. Nowhere is this shift more visible than in the EU, where human rights NGO operate as political agents and advocates capable of challenging and shaping supranational policy frameworks (Keck and K. A. Sikkink 1998; Thiel and Uçarer 2014). To understand how human rights NGO shape EU migration governance, this thesis begins with the concept of Transnational Advocacy Network (TAN), which explains their cross-border strategies and institutional leverage.

The concept of TAN, as developed by Keck and K. A. Sikkink (1998), offers a foundational lens to analyse the role of human rights NGO in EU migration governance. TAN are coalitions of NGO, international bodies, and sympathetic state actors bound by shared values, information flows, and coordinated tactics. They often use what Keck and Sikkink term the "Boomerang Pattern," a strategy applied when local actors unable to influence their own governments appeal to international non-governmental organizations and/or activist groups to seek support, generate external pressure, and enact policy change at home. This pattern has been widely documented in the field of human rights, particularly in restrictive migration contexts (Bassano 2014). This framework directly informs the study's case selection, focusing on moments when TAN mobilized international scrutiny to exert pressure on EU institutions.

In the EU, TAN have become instrumental in spotlighting human rights violations at sea and at external borders (Lindner 2021). Through strategic litigation, naming and shaming, media campaigns, and collaborative research, these networks seek to hold institutions accountable. Organizations such as Amnesty International, Human Rights Watch, and the European Council on Refugees and Exiles (European Council

on Refugees and Exiles (ECRE))[1] exemplify such transnational advocacy. These NGO do not merely provide services; they engage in advocacy to promote compliance with international and European human rights law—including the principle of non-refoulement—and ensure access to justice and rights such as the right to seek asylum (Carrera, Mitsilegas, et al. 2019).

The capacity of NGO to act as norm entrepreneurs—actors that introduce and institutionalize new norms that favour people's rights—is central to their function in EU migration governance (Schrover, Vosters, and Glynn 2019; Strik 2019). Their advocacy efforts often combine legal tactics with discursive strategies, such as reframing migrants as rights-holders or emphasizing state obligations under international law. This is particularly evident in sea rescue contexts. NGO challenge the framing of Search and Rescue (Search and Rescue (SAR)) activities as "pull factors"[2] for irregular migration, offering instead a human rights-based discourse of state obligation and humanitarian necessity (Mainwaring and DeBono 2021; Salvagno and Jachetti 2024).

Furthermore, the EU is a fertile ground for what Guiraudon (2000) calls "venue shopping."[3] Venue shopping, described as "the move by policy-makers to an EU policy venue in order to avoid national constraints" (Kaunert and Léonard 2012), can also be used by NGO to shift their advocacy to the most responsive or sympathetic institutional arena, especially when national governments adopt hostile stances. This strategy enables NGO to bypass national restrictions by targeting EU courts or international monitoring bodies. It reflects the complex multi-level governance system of the EU, where transnational NGO can use supranational venues to advance human rights agendas.

In recent years, scholars have observed a shift in NGO practices toward documentation and evidence-based activism[4]. As state access is reduced, NGO are developing new methods for testimony gathering, remote monitoring, and forensic archiving to substantiate claims of abuse and bring cases before supranational bodies (Al-Billeh et al. 2024; Koettl, Murray, and Dubberley 2020). These methods not only enhance

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[1]ECRE is an alliance of 128 NGO based in 40 European countries. It was established in 1974 and has grown rapidly in recent years, reflecting European civil society's continued commitment to the right to asylum" (ECRE, n.d.).

[2]Factors which initiate and influence the decision to migrate by attracting them to another country (European Commission Migration and Home Affairs, n.d.).

[3]Venue shopping refers to the strategic practice by policy actors, including NGO, of choosing the institutional setting (e.g., courts, international organizations, EU institutions) that is most likely to support their policy goals or normative claims (Guiraudon, 2000). It highlights how actors shift between governance levels —national, supranational, or transnational—in search of favourable legal, political, or discursive opportunities.

[4]Evidence-based or evidentiary activism can be described as the practice of collecting, curating, and disseminating material evidence—such as videos, satellite imagery, testimonies, and open-source intelligence—to challenge dominant narratives, support victims, and influence public opinion, policymaking, or judicial processes (Koettl et al., 2020; Kurasawa et al., 2021).

the credibility of NGO but also position them as key players in global human rights accountability structures.

In conclusion, TAN provide a powerful framework for understanding how human rights NGO penetrate—or circumvent—national and EU-level barriers. These organizations act as hybrid actors, navigating between formal institutional engagement and oppositional resistance to exclusionary migration regimes. Their use of transnational advocacy strategies—including legal action, reframing, and venue shopping—allows them to reshape and sometimes challenge the mechanisms of EU migration governance. This dual role positions them as indispensable yet contested actors in a landscape marked by securitization and humanitarian crisis, particularly in matters of migration and maritime rescue, where state and supranational policies often fall short of international legal obligations.

The following section turns to the framework of humanitarian governance, where the entangled imperatives of care and control further illuminate NGO–state dynamics. While TAN theory highlights the transnational strategies NGO use to challenge institutional power, the framework of humanitarian governance deepens this analysis by examining how NGO operate within—and are shaped by—the very logics of care and control they often seek to resist.

1.3 Humanitarian Governance and the Politics of Care

The concept of humanitarian governance has emerged as a critical lens through which scholars examine the complex entanglement of care, control, and politics in humanitarian action. The literature on humanitarian governance highlights how NGOs operate in an increasingly ambiguous space: while their work is often legitimized through moral and legal narratives, it is simultaneously undermined by criminalization, surveillance, and bureaucratic barriers (Feldman and Ticktin 2010; Gordon 2020). It is thus crucial to recognize that care and control are not mutually exclusive. NGOs engage in a balancing act between humanitarian action and political resistance, often forced to justify their presence and legitimacy in securitized environments. Humanitarian actors—particularly international human rights NGOs—do not operate under a neutral moral mandate. Instead, they unfold in spaces governed by securitization, externalization, and deterrence strategies.

Tazzioli (2018) underscores how humanitarian actors—particularly in the Mediterranean context—are intertwined in state-led bordering practices, navigating between aid and control. Her work illustrates how NGOs are often co-opted into systems of surveillance and migration management, even as they attempt to resist them. In European Union migration policy, humanitarian governance unfolds within a fragmented landscape of responsibility, in which state and supranational institutions increasingly

delegate humanitarian functions to non-state actors (Cuttitta 2020; Sahin-Mencutek et al. 2022). This is especially evident in SAR operations, humanitarian aid provision, care infrastructures for refugees and unaccompanied minors, and human rights advocacy along EU borders. NGOs step in to provide aid and bear witness to human rights violations, yet their actions are often embedded within broader logics of border control and migration deterrence (Pallister-Wilkins 2017).

For example, there is a complex and often contentious relationship between NGOs and state actors like Frontex in the context of SAR missions in the Mediterranean. NGOs have an ambiguous role: they deliver lifesaving assistance but are simultaneously constrained by the operational mandates and security protocols of Frontex and member states (Cusumano 2017; Franko 2021).

At the same time, human rights NGOs advocating for migrants and refugees operate within complex power structures that can simultaneously enable and constrain their efforts. While these organizations aim to challenge state practices and advocate for migrants' rights, their actions often occur within institutional frameworks that may co-opt or limit their impact. For instance, by collecting evidence of pushbacks or rights violations, NGOs seek to hold entities like Frontex or EU member states accountable. However, the legal and discursive strategies they employ can be constrained by the very institutional mechanisms they aim to contest. This dynamic illustrates the paradox wherein acts of resistance may inadvertently reinforce the structures they seek to dismantle (Andersson 2014).

The politics of care, as articulated by feminist and postcolonial scholars, further complicates this picture. It emphasizes how humanitarian action—especially when exercised by Western actors—can reproduce racialized, gendered, and geopolitical hierarchies (Ticktin 2011). In the EU context, this is manifested in the selective categorization and management of migrants: certain lives are rescued and offered protection, while others are abandoned to drown, be detained, or forcibly returned, depending on shifting geopolitical interests.

This theoretical lens positions international NGOs not as neutral intermediaries but as embedded political actors whose work is both shaped by and shaping EU migration governance. Their actions, discourses, and legal interventions do not simply "fill gaps" left by the state; they participate in constructing the very regimes that define which lives are protected, criminalized, or rendered invisible.

Drawing on Michel Foucault's concept of governmentality, Walters (2011) introduced the notion of the "humanitarian border," a space where security measures and humanitarian care converge. This framework elucidates how EU and member state actors intertwine humanitarian obligations with externalized border control strategies—such as delegating SAR responsibilities to NGOs—while simultaneously implementing policies that criminalize acts of maritime solidarity. Tazzioli (2020) further explores this dynamic in her analysis of Mediterranean border regimes,

illustrating how humanitarian actors become entangled in surveillance and control systems, often operating against their own aims.

This framework informs the empirical analysis in chapter 3 by guiding document selection and analytical focus. The study examines NGO reports, Frontex communications, and government press releases for evidence of delegated humanitarian functions and securitization narratives. In the planned coding scheme, thematic codes derived from this theoretical framework include: "delegation," "care/control tension," "ethical vs. political humanitarianism," "governmentality," and "venue shopping." The discourse analysis will trace how NGOs and institutions frame the duty to rescue and justify or contest border controls.

1.4 Securitization Theory and the Criminalization of Solidarity

Securitization theory, developed by the Copenhagen School, explains how certain issues are transformed into "security threats" that justify extraordinary political measures (Buzan, Wæver, and Wilde 1998). Within the European Union's migration governance, political leaders and institutional documents increasingly frame irregular migration—and even lifesaving Search-and-Rescue (SAR) operations—as existential threats to border integrity and social order (Huysmans 2006). For example, Frontex operational documents often include language suggesting that humanitarian SAR may function as a "pull factor," thereby legitimizing both rescue interventions and deterrence strategies within a single security logic (Cusumano and Villa 2019; Waerp 2024).

This securitized framing has paved the way for the criminalization of solidarity, whereby acts of humanitarian assistance are legally and discursively equated with human smuggling or the facilitation of irregular migration (Agustín and Jørgensen 2019). In Greece, official statements have portrayed NGO rescue vessels as complicit in smuggling networks, leading to vessel seizures, port denials, and prosecutions of aid workers (Carta 2025). A prominent case involves the NGO Emergency Response Centre International (ERCI), where aid workers such as Sarah Mardini and Sean Binder were arrested in 2018 on charges including human smuggling and espionage. Their rescue boats were confiscated, and they spent over three months in detention before being released on bail (Wallis 2020). Such measures not only constrain NGOs' operational capacity but also serve to shift public discourse—casting lifesaving interventions as lawbreaking and security threats, rather than humanitarian acts.

In response, human rights NGOs deploy counter-securitization strategies that reassert the legality and moral necessity of SAR under international conventions, including rulings from the Court of Justice of the European Union (CJEU), the United Nations Convention on the Law of the Sea (UNCLOS), and the Geneva Conventions. In

press releases and legal reports, organizations such as Amnesty International and Human Rights Watch emphasize the right to life and the duty to rescue, invoking binding legal norms to challenge the prevailing state and EU securitization narrative. For instance, Amnesty International has repeatedly emphasized the obligation of states to uphold international humanitarian law, particularly the Fourth Geneva Convention. In a March 2025 statement regarding the Occupied Palestinian Territory, Amnesty criticized states for failing to enforce the Geneva Conventions, highlighting the importance of legal obligations to protect civilians (Amnesty International 2025). This discursive struggle—between security-driven criminalization and rights-based counter-frames—will be studied in the discourse analysis of the two case studies, with coding for "security rhetoric" (e.g., pull factors, illegal facilitation) versus "rights rhetoric" (e.g., non-refoulement, human rights violations).

By applying securitization theory, the study can account for how migration is constructed as a threat, how that construction legitimizes restrictive or punitive measures, and how NGOs contest these narratives through legal and moral advocacy. This lens complements the broader theoretical framework of the study and directly informs both the coding scheme and the document selection in chapter 3.

1.4.1   Legal Obligations versus Securitized Narratives

While EU and Member State actors increasingly invoke security imperatives to restrict SAR operations, such actions often stand in tension with binding international and regional legal obligations. Under the UNCLOS (*United Nations Convention on the Law of the Sea (UNCLOS)* 1982) and the International Convention on Maritime Search and Rescue (SAR Convention) (*International Convention on Maritime Search and Rescue (SAR Convention)* 1979), all vessels and coastal states are legally obligated to "proceed with all possible speed" to rescue persons in distress at sea. Similarly, the 1951 Refugee Convention (*Convention Relating to the Status of Refugees* 1951) and the Charter of Fundamental Rights of the European Union (*Charter of Fundamental Rights of the European Union (2000/C 364/01)* 2000) enshrine the principle of non-refoulement, which prohibits the return of individuals to territories where they face serious harm.

Securitization discourses—portraying SAR as a "pull factor"—create a normative friction: states cite "border integrity" to justify pushbacks, yet such actions directly contravene UNCLOS obligations and the non-refoulement norm (Moreno-Lax 2017). In contrast, as described earlier, human rights NGOs strategically invoke international legal instruments—such as UNCLOS, the principle of non-refoulement, and rulings by supranational courts—to frame Search and Rescue (SAR) as both a legal duty and a moral imperative. Through litigation, press releases, and advocacy, organizations like Amnesty International and Human Rights Watch leverage these norms to challenge state practices and hold authorities accountable, exemplifying what De Coninck, Délano Alonso, and Gassama (2025) describe as the use of solidarity and legal mobilization as tools for systemic change.

By positioning securitization theory alongside international legal mandates, the study highlights how NGOs utilize rights-based discourse to contest restrictive border policies, and how institutions attempt to reconcile—or subordinate—legal obligations to security imperatives. In chapter 3, the coding will therefore include a category for "legal norm invocation," flagging instances where NGOs or state actors explicitly reference legal frameworks such as UNCLOS, the SAR Convention, or non-refoulement to justify or oppose measures.

1.5 Framing Theory and Strategic Counter-Narratives

Framing theory provides a critical lens for examining how human rights actors construct narratives, mobilize support, and challenge dominant interpretations within migration politics. Originating from Erving Goffman's *Frame Analysis* (Goffman 1974), the concept of frames as interpretive schemas that organize experience has been widely expanded through media studies and social movement research. Entman (1993) interprets framing as the process of selecting and emphasizing certain aspects of reality to promote specific problem definitions, causal interpretations, moral evaluations, and treatment recommendations. In the context of social movements, Snow and Benford (1988) identify three core framing tasks: diagnostic framing (identifying problems and assigning blame), prognostic framing (proposing solutions), and motivational framing (providing a rationale for action). In humanitarian activism and migration governance, framing emerges not merely as a discursive act but also as an essential political strategy and form of resistance.

As previously discussed, at Europe's maritime borders, a range of actors—including NGOs, grassroots collectives, and solidarity networks—have become central in contesting both the criminalization of migration and the securitization of humanitarian efforts. Through strategic counter-framing, these actors challenge dominant representations of unauthorized migrants as threats or criminals, instead positioning them as rights-holding individuals, victims of structural violence, or legitimate subjects of international protection (Ataç, Rygiel, and Stierl 2016). These re-framings go beyond rhetorical opposition; they function as political acts aimed at transforming public sentiment and reshaping policy debates.

The criminalization of solidarity and humanitarian action, as explored in the previous section, underscores the contest over frames in the public sphere. While state and EU actors increasingly rely on securitized and criminalizing frames, civil society actors engage in counter-framing (Benford and Snow 2000), aiming to re-centre human rights discourse and international legal norms. For instance, activists often employ legalistic frames that invoke international obligations—such as the duty to rescue at sea or the right to seek asylum—to legitimize their actions and delegitimize state practices of

deterrence or punishment (Keady-Tabbal and Mann 2023).

Moreover, framing is essential to media advocacy, a key tool for NGOs and grassroots organizations. By crafting compelling narratives and visuals—such as images of overcrowded boats, shipwreck victims, or volunteer rescuers on trial—activists seek to mobilize empathy and stimulate public pressure. This links framing theory with emotional appeals and visual media (Chouliaraki and Stolic 2017), particularly in the digital age where visual framing circulates rapidly through social media.

At the same time, the effectiveness of activist frames depends on their resonance—both cognitive (fit with audience beliefs) and cultural (alignment with shared values) (Snow and Benford 1988). As Della Porta and Mattoni (2014) argue, successful framing must navigate complex socio-political terrains, balancing moral urgency with strategic pragmatism. In contexts where anti-immigrant sentiment dominates, this balancing act becomes especially challenging, compelling activists to continuously adapt their frames while defending the legitimacy of their cause.

A paradigmatic case is that of the Iuventa crew, a group of humanitarian workers from the NGO Jugend Rettet, who were charged in Italy with facilitating irregular migration for conducting sea rescue operations in the Central Mediterranean (Human Rights Watch 2022). In response, their legal defence and activist allies framed the charges as an assault on international maritime law and human rights obligations, emphasizing the duty to rescue codified in the SAR Convention and the right to asylum under European and international law. The frame of "criminalized solidarity" (Tazzioli 2018) circulated widely among solidarity networks and media outlets, helping shift public discourse from suspicion of rescuers to a focus on state accountability.

Similar framing strategies are evident in the campaigns of Sea-Watch, Mediterranea Saving Humans, and the Alarm Phone network (ECCHR n.d. Stierl 2018). These actors not only challenge the legality of non-assistance at sea but also articulate a broader moral and legal critique of "Fortress Europe" (Walters 2004). Their narratives frame the Mediterranean not as a neutral border space but as a politicized site of abandonment and necropolitics (Heller and Pezzani 2017), where state inaction and externalized border policies contribute to mass deaths.

While recent scholarship in social movement studies emphasizes the importance of framing contests—particularly the role of "contentious storytelling" in transnational activism (Polletta 2006)—it is also important to recognize the internal tensions within activist framing (Benford and Snow 2000). While the humanitarian frame of the "helpless refugee" has succeeded in mobilizing compassion, it also risks reinforcing victimization and stripping migrants of political agency (Chouliaraki and Stolic 2017; Ticktin 2011). In contrast, emerging activist frames focus on migrant resistance, grassroots solidarity, and interconnected struggles against racism, colonial legacies, and authoritarianism (Ataç, Rygiel, and Stierl 2016). These plural and intersectional framings are increasingly visible in the visual cultures and discursive practices of

grassroots collectives operating outside traditional NGO frameworks.

Framing theory thus not only explains the discursive battles over migration and solidarity. It illuminates how meaning itself becomes a site of political struggle in the fight for human rights, by shedding light on how narratives are crafted, contested, and reappropriated (Benford and Snow 2000).

These discursive interventions intersect with the study's empirical material in important ways. As the analysis of EU and Greek responses to NGOs after the 2022 Frontex resignation will show, framing conflicts lie at the heart of migration governance. On the one hand, institutional actors attempt to discredit humanitarian accounts by framing NGOs as "smugglers in disguise" or "interference factors"; on the other hand, NGOs invoke rights-based and evidentiary frames that expose the complicity of European authorities in human rights violations. These conflicting frames are visible in official reports, press releases, court proceedings, and advocacy materials, forming a discursive battlefield over legitimacy and legality.

While framing theory emphasizes strategic meaning-making by actors seeking to shape perceptions, Foucauldian discourse theory approaches meaning as embedded within power-knowledge regimes, where subjectivities and truths emerge not from intention but from structural conditions of possibility.

1.6 Discourse, Power, and Governmentality in Migration Governance

This section draws on Foucauldian discourse theory to clarify the epistemological and methodological lens of the study. While earlier sections explored the political positioning of NGOs within migration governance, here the focus shifts to how power operates through language, representation, and the constitution of subjects. Foucault's discourse theory—particularly his 1977–1978 Collège de France lectures, later published as *Security, Territory, Population*—offers a powerful analytic lens for understanding how humanitarianism, border control, and state sovereignty intersect within diffuse systems of power and knowledge (Foucault 2007). It encourages a departure from state-centric or actor-based models of analysis, focusing instead on how discourses constitute subjects, shape institutions, and sustain regimes of governance.

Rather than assessing whether NGOs succeed or fail in their humanitarian mission, this study asks how humanitarianism itself is rendered accessible, how authority is discursively legitimized or contested, and how particular subject identities—such as the "rescuer," the "illegal migrant," or the "border authority"—are produced and stabilized within broader regimes of power. Foucault's notion of *governmentality* offers a valuable framework for understanding these dynamics, particularly in the complex and securitized context of the Eastern Mediterranean.

In particular, the maritime zone between Greece and Turkey—unlike other contexts where humanitarian interventions are primarily understood as extensions of state control—is marked by ongoing geopolitical tensions and territorial disputes between Greek and Turkish governments (International Crisis Group 2021). The context is further complicated by longstanding culturalist binaries that frame the "Western" world as inherently humanitarian and lawful, while casting the "Eastern" other as lawless, irrational, or inferior—echoing colonial perspectives (De Genova and Tazzioli 2016). These representations do not simply reflect cultural assumptions; they actively structure how actors and events are understood and governed.

Crucially, humanitarianism in the Aegean is not exempt from the dynamics of securitization (Rozakou 2017). NGOs operating in the region are alternately positioned as lifesaving actors or as threats to national sovereignty and security, depending on prevailing political discourses (Rozakou 2017; Tazzioli 2020). Their actions are interpreted through a securitized lens that increasingly targets not only migrants but also those who assist them—a development that reflects what Walters (2011) has called the "birth of the humanitarian border." This notion captures the points of interaction between state and non-state actors in their ambiguity, heterogeneity, and polymorphism. Here, the logic of humanitarian action is entangled with the logic of control, producing new forms of governance in which morality, foreign policy, and security are inextricably linked (Pallister-Wilkins 2018).

These insights also respond to broader debates in critical migration studies about the role of transnational civil society—including NGOs and grassroots groups—in shaping global norms and narratives. While often framed as vehicles of global justice rooted in universal rather than state-based norms (Batliwala and Brown 2006), such actors also operate within discursive environments structured by state interests, funding constraints, and media logic. Scholarship has questioned whether rescue NGOs may inadvertently mitigate the visible costs of border violence and human rights violations perpetuated by state and supranational authorities (Pallister-Wilkins 2015). Discourse theory allows for an interrogation of this ambivalence: how solidarity and surveillance, resistance and regulation, are not opposing poles but co-constitutive forces.

These theoretical insights inform the methodological orientation of the present study. Drawing on Foucauldian discourse theory, the research does not seek to evaluate the material outcomes of humanitarian interventions per se. Instead, it investigates how these interventions are rendered intelligible—how specific narratives gain legitimacy, how subject positions (migrants, rescuers, state officials) are discursively constructed, and how language mediates the operation of power. Through a qualitative analysis of case studies, the study examines how Greek and EU authorities, as well as /acrshortNGOs, deploy competing discourses to claim legitimacy, discredit rivals, and shape public understanding.

By tracing these discursive formations across press releases, legal documents, policy

statements, and advocacy campaigns, the analysis reveals the contested terrain of meaning-making in migration governance. Ultimately, this approach remains attentive to Foucault's conceptualization of power as relational, productive, and deeply embedded in knowledge systems. It illuminates how the politics of migration is not only played out through physical borders or institutional mandates but also through the symbolic and discursive boundaries that define who is to be protected, who is to be excluded, and who gets to decide.

Methodology 2

2.1 Research Aims & Questions

This study examines how EU institutions and Greek state authorities construct public discourses of legitimacy and accountability in response to allegations of human rights violations at the EU's external borders, specifically in the maritime zone between Greece and Turkey. These allegations —concerning illegal pushbacks and failures to protect life at sea— were initially made by investigative journalists and later amplified by international human rights organizations. The research does not analyse media discourse but rather focuses on the discursive responses by EU institutions, Greek authorities, and human rights organisations such as Amnesty International, Human Rights Watch, and ECRE. Through a combination of qualitative content analysis and Critical Discourse Analysis (CDA), the study explores how institutional actors frame these allegations, how they assign or deflect responsibility, and how human rights organizations challenge dominant narratives. It aims to understand how legitimacy is constructed, contested, and stabilized within the context of EU migration governance. Using Greece as a case study —a key frontier in EU border policy— this research investigates how security concerns, humanitarian obligations, and reputational management intersect in public discourse during moments of heightened scrutiny.

Main Research Question:

> How do EU institutions and Greek authorities construct public discourses
> of legitimacy and accountability in response to human rights allegations of
> pushbacks and failures to protect life at sea at the EU's external borders?

Secondary Research Questions:

RQ1: What discursive and rhetorical strategies do these institutional actors use to assign, deflect, or obscure responsibility?

RQ2: How do international human rights organizations respond to these institutional narratives, and what counter-discourses of rights, responsibility, and accountability do they articulate?

2.2   Methodological Approach

The current study employs a qualitative case study methodology Yin 2018 to examine the discourse dynamics surrounding specific migration-related crises. The analysis draws primarily on qualitative content analysis and principles from critical discourse analysis to explore how institutional actors construct legitimacy and respond to accountability pressures.

A qualitative approach is appropriate given the research objective to examine the meanings, narratives, and justifications used by actors involved in migration governance. By focusing on discourse, the study seeks to uncover underlying themes, power relations, and the interplay between securitization and human rights claims in public statements and reports. The combined use of qualitative content analysis and critical discourse analysis (CDA) provides a robust framework for examining how institutional actors construct meaning, legitimacy, and responsibility in response to human rights allegations. Qualitative content analysis Mayring 2021 enables the study to identify the discursive patterns used by EU institutions, Greek authorities, and NGOs to define the issue, diagnose causes, make moral judgments, and suggest remedies. Simultaneously, CDA Fairclough 1995; Wodak 2001 facilitates the exploration of the power dynamics embedded in these discourses, particularly how language is used to assert institutional authority, resist blame, or redirect accountability. This approach is particularly suited to migration governance, where discourses around security, humanitarianism, and sovereignty intersect. Together, these methods allow the study to reveal the strategic discursive practices that shape public understanding of institutional responsibility during migration-related crises.

2.3   Case Study Selection & Description

The research focuses on a recent and highly visible sequence of events, which took place within the Greek territory. It generated substantial international attention and competing narratives from state, EU, and NGO actors. It has been selected using purposive sampling to serve as "typical" and information-rich examples Yin 2018 of how institutional actors engage in public discourse following allegations of human rights violations and in particular violations of international and European law on refugee rights and the responsibility to safeguard the right to life. Furthermore, it illustrates how practices in the EU borders can be attributed to security threats.

Pushback Allegations against Frontex (2020–2022) and the Resignation of its Executive Director. The case study examines the evolving narrative around the European Border and Coast Guard Agency (Frontex) from the initial revelations of its alleged involvement in illegal pushbacks at the Greek Turkish sea border in late 2020 to the resignation of its Executive Director in April 2022. The focus lies on institutional and discursive responses by EU institutions, Greek authorities, and

international human rights NGOs to growing allegations of human rights violations, particularly the breach of the principle of non-refoulement.

The 2020 joint investigation. In October 2020, a joint investigation by Bellingcat, Lighthouse Reports, Der Spiegel, ARD, and TV Asahi revealed that Frontex vessels were complicit in maritime pushbacks aimed at deterring refugees and migrants attempting to enter EU territory via Greek waters Waters, Freudenthal, and Williams 2020. According to journalist Giorgos Christides from Der Spiegel, "Between March 2020 and September 2021 Frontex was involved in 222 incidents in the Aegean, resulting in the summary expulsion of at least 957 and potentially 8,355 asylum seekers" ECRE 2022.

These findings triggered a wave of institutional reactions and public discourse involving the European Commission, the European Parliament, the Greek government, and various human rights organizations.

The 2022 joint investigation. On April 27, 2022, a new joint investigation by Lighthouse Reports, Der Spiegel, SRF Rundschau, Republik, and Le Monde revealed that Frontex between March 2020 and September 2021 had documented pushbacks in Greek waters in its own internal database, recording them as "operations to prevent departures (towards Europe), carried out in Turkish waters" Christides and Lüdke 2022; Fallon 2022.

Diverging responses from Greek and EU institutions. Just two days later, it was made public that Frontex's Executive Director, Fabrice Leggeri, had resigned following a months-long investigation by the European Anti-Fraud Office (OLAF) Rankin 2022. The resignation underscored the seriousness of the allegations and drew further attention to accountability gaps within EU border governance. Meanwhile, the findings of the Greek National Transparency Authority, which concluded that there was no evidence of pushbacks by Greek authorities MacGregor 2022, contrasted sharply with reports from NGOs and investigative journalists, exposing a fragmented landscape of conflicting narratives between national and EU actors.

Rather than analysing the journalistic investigations per se, the study focuses on their discursive aftermath—particularly the resignation of Frontex's executive director and the competing narratives that emerged around legality, border security, and human rights obligations. By analysing selected news & press releases, official statements, and institutional policy reports, the study investigates how each actor (EU institutions, Greek state authorities, and NGOs) framed the situation and attempted to manage public accountability. Greek authorities are studied complementary as a national actor whose narrative affects EU legitimacy debates.

This case thus reflects not only institutional accountability crises but also the complex interplay of denial, blame-shifting, and reformist rhetoric in EU migration governance. Furthermore, the case's events have a temporal proximity to current heated debates

and policies concerning the management of refugee and migrant flows in EU territory.

2.4   Data Collection

Documents were selected based on their relevance to the case study and their discursive richness, ensuring that the materials reflect official positions or responses to the events. They represent key interventions in the public and institutional framing of the pushback allegations by Frontex.

The date range was set between October 2020 (when the scandal broke out) and the end of 2022 (when Frontex concluded its internal investigation on corruption allegations and the illegal pushbacks). To keep the analysis concrete and manageable, the study focused on three main types of actors, enabling a comparative yet bounded discourse analysis of public narratives, statements, and institutional responses:

- **EU institutions:** European Commission, Frontex
- **Greek authority:** Greek National Transparency Authority
- **International Human Rights NGOs:** Amnesty International, Human Rights Watch, ECRE

Accordingly, the study collected and analysed publicly available documents in English, including:

- Frontex policy papers, notes, management board updates, and official communications
- EU Commission's press releases and social media posts
- Greek National Transparency Authority's press releases
- Human Rights NGO reports and press/news releases

The study focused on intra-EU accountability and legitimacy discourse, with Greek authorities in the background. As such, the analysis' focus was on the interplay between Frontex, the European Commission, international NGOs, and the Greek authority, allowing the study of institutional damage control, reform discourse, and external critique from NGOs.

Although a national entity, the Greek actor is included due to its discursive entanglement with EU-level accountability debates. The full list of the research material is illustrated in Appendix 1.

Source	Focus	Number of Documents
EU: Frontex – core institutional actor	Resignation, defence or reform narrative; accountability concerning the pushback allegations	5
EU: European Commission – secondary institutional actor	Institutional positioning or reforms; request for accountability and investigations	2
NGOs: Amnesty International, ECRE, Human Rights Watch	Human rights abuse critique; calls for accountability; critique on EU and Greek mechanisms	4
Greek Authorities	Acknowledgment of the alleged events and assumption of responsibility	1

Table 2.1   *Research Material*

2.5   Data Analysis

The data analysis employed a discourse analytic framework grounded in both theoretical and empirical considerations. It was guided by a set of theoretical frameworks, which are discussed in detail in the literature review —TAN, humanitarian governance, securitization theory, framing theory, and Foucauldian governmentality— and played a decisive role in the selection of data and the development of the coding scheme. The aim was to trace how key actors in EU migration governance construct, justify, and contest the allegations of human rights violations at sea and the relevant responsibilities, particularly during periods of public and institutional crisis.

This protocol aimed to answer the following questions:

- How are humanitarian practices at sea framed differently by NGOs, EU actors, and national governments?
- How do legal norms appear in these narratives, and to what ends are they mobilized?
- What patterns of discursive contestation and strategic framing emerge across the case study?
- How does language operate as a mechanism of governance, legitimation, and resistance?

As such, to analyse the collected public statements, press releases, and reports by the European Commission, the Greek government, and international NGOs, the study used a qualitative discourse analysis framework that draws on elements of thematic qualitative content analysis and the Critical Discourse Analysis (CDA).

The analysis was conducted manually to allow for close engagement with the texts, following a systematic coding protocol. The researcher applied a step-by-step analysis to identify recurring discursive patterns and strategies. First, she conducted a close reading of selected documents of the research material and manually coded excerpts based on key themes that appeared in the data, such as responsibility attribution, legality, human rights language, securitization rhetoric, moral legitimation. These codes were both deductively inspired by the literature on migration governance and inductively refined through engagement with the texts. Second, she organized the coded material according to the three institutional actors. In particular, she followed the procedure illustrated in detail on 2.5.1.

Lastly, the research analysed these findings through a three-level interpretative framework as suggested by CDA:

- Textual/Semantic Level: Analyse lexical choices, syntax, and rhetorical devices;
- Discursive Practice Level: Examine production, distribution, and consumption of the texts;
- Social Practice Level: Situate the discourse within broader socio-political and institutional contexts of EU migration governance.

The protocol of CDA analysis is further developed in 2.5.2. This methodological framework aligns with key principles of CDA, especially its focus on the power relations embedded in institutional discourse and the construction of legitimacy, blame, and responsibility in public communication. The triangulation between EU institutions, the Greek state, and NGOs offered insights into how migration governance is discursively shaped and contested.

2.5.1   Analytical Coding Strategy

Step 1: Open Coding (Inductive Phase).   The initial stage involved open coding allowing themes to emerge directly from the material without being constrained by predefined categories. Due to time constraints and the manageable scope of the dataset this stage was applied to a subset of the empirical data to identify recurring language patterns, rhetorical strategies, and narrative structures. This inductive approach ensured sensitivity to context-specific meanings and avoided prematurely imposing theoretical assumptions on the data. In particular, after applying open coding on six core documents and selective open coding on a strategic sample of additional four texts, the analysis reached a point of thematic saturation.

Examples of emerging codes from this stage included:

- "Human rights violations"
- "Accountability vacuum"
- "Venue shopping"
- "Geopolitical tensions"

These codes were then clustered and compared across sources to detect patterns and variations.

Step 2: Axial Coding and Theoretical Integration. Building on the open coding results, the second phase of axial coding was conducted to relate emergent themes to the theoretical frameworks underpinning the study. In this context, the study grouped open codes into broader thematic categories aligned with the study's analytical framework. This step allowed for a deeper examination of how competing narratives around migration, responsibility, and legality are constructed, challenged, and maintained in the case study. The analysis was informed by the transnational advocacy networks (TANs) framework, the humanitarian governance, the securitization theory, the governmentality, the framing theory and the legal framework.

Through this integration, initial codes were grouped into broader conceptual categories that reflect recurring struggles over legitimacy, humanitarianism, and border control. Axial Categories that emerged this way were for example the "Accountability Avoidance and Discursive Evasion" and the "Human Rights Advocacy as Disruptive Narrative".

Step 3: Selective Coding and Final Coding Scheme. The final coding analysis step attempted a synthesis of the emergent data and theoretical insights and concluded on the main theme that emerged from the synthesis of data with the theory.

This three-step approach allowed the study to remain sensitive to the empirical material while remaining theoretically grounded, tracing how various actors frame their responsibilities, justify actions, contest legality, and claim legitimacy.

2.5.2 Critical Discourse Analysis Protocol/Steps.

Following the coding analysis, a more interpretive discourse analysis was conducted to examine how institutional and non-governmental actors construct meaning and legitimacy. Drawing on Foucauldian discourse theory, the analysis does not aim to assess the material effectiveness of humanitarian interventions. Instead, it investigates the symbolic and discursive processes through which actors frame crises, assign blame, construct subject positions (e.g., "victim," "rescuer," "illegal migrant"), and assert moral or legal authority.

This discursive layer of analysis focuses on:

- The rhetorical construction of legitimacy by different actors.
- Strategic framings deployed to justify action or inaction.
- The role of language in shaping public perception and institutional responsibility.

By integrating thematic coding with discourse analysis, the study aimed to capture both the recurring content of humanitarian and securitization narratives, and the deeper power dynamics embedded in how these narratives are produced, contested, and circulated. While qualitative content analysis was used to systematically code and categorize discursive themes, CDA enabled a critical examination of the power relations and ideological functions embedded in the language choices of institutional actors.

2.6 Methodological Limitations

This study is limited by its focus on a single case study, which restricts the scope for broader generalizations. While the case of Frontex pushbacks is rich and highly relevant, the exclusion of a second comparative case limits the ability to identify patterns across different contexts. Additionally, the study relies exclusively on document analysis and does not incorporate data triangulation methods such as interviews or participant observation. As such, the findings provide in-depth insights into public discourse but should be understood as analytically generalizable rather than statistically representative (Yin, 2009). The conclusions reflect the framing and accountability strategies observed in this specific institutional context and period.

Results & Discussion 3

3.1   Open Coding Analysis

This section presents the findings of the open coding process conducted on 12 key documents. These include policy papers, press releases, institutional statements, and internal reports from a variety of actors: EU institutions (Frontex, European Commission), Greek national bodies, and international human rights organizations (Amnesty International, Human Rights Watch, ECRE). The documents analysed address the issue of alleged pushbacks and violations of human rights at the EU's external borders, primarily in the Greek context.

The open coding process aimed to identify recurrent themes, discursive patterns, and institutional narratives regarding migration governance, human rights accountability, and EU border control practices. Through iterative readings and line-by-line coding, a wide range of codes were generated, reflecting both explicit statements and implicit discursive strategies.

Codes.   A total of 10 policy papers, press releases and reports were analysed, producing over 74 distinct codes, which were then grouped into 10 thematic categories. These themes capture the recurring discourses, silences, and contradictions in how Frontex and affiliated EU institutions represent and respond to allegations of human rights violations. The developed codes organized by theme are illustrated in Table 3.1.

Table 3.1   *Thematic Categories, Codes, and Main Actors*

#	Thematic Category	Codes	Main Actor(s)
1	Human Rights Language and External Pressure	Human rights violation, reform mechanism, visibility of suffering, violation of non-refoulement principle, legal norm invocation, legal activism, venue shopping, documentation of human rights violations, denial of due process, legal breaches, advocacy for accountability, enforcement of legal norms, human rights norm, complicity allegations, calls for transparency, external pressure	Human Rights Organizations
2	Critique of Practices and Policies	Normalization of illegal practices, institutionalization of pushbacks, lack of oversight	Human Rights Organizations
3	Democratic Constraints within EU and Critical Overview of EU Mechanisms	Democratic oversight limitations, operational immunity, structural constraints, lack of awareness on structural mechanisms, institutional inertia, resource constraints, monitoring limitations, accountability obstacles, delayed accountability, accountability vacuum, accountability avoidance	Human Rights Organizations
4	Lack of Transparency of Institutional Procedures	Institutional secrecy, lack of transparency	Human Rights Organizations

Table 3.1 – continued from previous page

#	Thematic Category	Codes	Main Actor(s)
5	Reputational Management and Self-Presentation	Transparency with EU bodies, state denial, human rights commitment, operational complexity, leadership accountability, damage control narrative, reform narrative, transparency of national authorities, acknowledgment of oversight, reputation management, institutional self-preservation over accountability, reactive transparency in response to reputational risk	Frontex, European Commission, Greek National Transparency Authority
6	Accountability Evasion and Discursive Legitimization	Legal compliance, organizational resilience, operational ambiguity used to justify inaction, legal denialism, deflection through legalistic framing, responsibility deflection via legal mandate limitation, passive knowledge of abuse without consequences, alleged misconduct, denial of pushback allegations, denial of legal obligation, denial of wrongdoing	Frontex, European Commission, Greek National Transparency Authority
7	Reactive and Procedural Responses	Institutional responses, acknowledgment of concerns, ongoing investigations, assertive EU oversight, fundamental rights monitoring system, institutional oversight, field research, stakeholder engagement, institutional scrutiny, commitment to reform	Frontex, European Commission, Greek National Transparency Authority
8	Securitization and Threat Framing of Border Governance	Geopolitical tensions, selective interpretation, individualized scrutiny, securitization and rights discourse in tandem, border control practices, bureaucratic logic overshadowing humanitarian concerns	Frontex, European Commission, Greek National Transparency Authority

Table 3.1 – continued from previous page

#	Thematic Category	Codes	Main Actor(s)
9	Positive and Transparent Collaboration between EU Institutions	Inter-institutional collaboration, external validation	Frontex, European Commission, Greek National Transparency Authority
10	National Control	Emphasis on Member State control	Frontex, European Commission, Greek National Transparency Authority

Patterns

Patterns. The open coding revealed several recurring discursive patterns across institutional documents:

- **Legal and bureaucratic language is used to deflect responsibility:** Many official communications, especially from Frontex and the European Commission, rely heavily on legal-technical vocabulary to minimize allegations and redirect attention to procedures rather than outcomes.
- **EU Institutions present themselves as compliant and transparent, while attributing responsibility for violations to national authorities:** This was visible in documents that emphasize respect for EU values and ongoing reforms, even when credible allegations were raised.
- **Human rights reports and NGO statements contrast sharply with institutional discourse:** These actors often frame events as clear violations of international law and call for accountability mechanisms. Their language includes direct testimonies, emotional appeal, and legal framing centred on rights and state obligations. They frame pushbacks as systemic violence requiring structural reform and legal accountability.

3.2   Preliminary Observations

The open coding phase uncovered a clear discursive gap between institutional and human rights narratives. Institutional actors prioritize procedural legality, reputation,

and internal inquiry, while human rights organizations highlight lived experiences, structural violence, and accountability deficits.

This gap will be explored further in the axial coding phase, where relations among codes will be analysed to identify higher-level categories and dominant narrative structures.

Axial Coding Analysis

This section presents the results of axial coding, where related codes were grouped into higher-level conceptual categories to identify the discursive mechanisms and relationships embedded in institutional and human rights organizations' discourses.

Six axial categories emerged, revealing key dynamics in how actors structure responsibility, legitimize governance practices, and frame accountability, and how human rights violations at the EU's borders — particularly pushbacks in the Greek context — are framed, defended, contested, and negotiated discursively.

1.   Procedural Legality as Defensive Strategy A significant cluster of documents employed legal language and procedural references to deflect or neutralize allegations of wrongdoing. This axis captures how, in particular, the European Commission, Frontex, and the Greek National Transparency Authority strategically invoke legal norms and procedures not to enable justice but to insulate themselves from critique.

This discursive strategy prioritizes procedural framing over substantive accountability and supports institutional resilience through the legitimizing aura of legalism.

- **Illustrative Quotes:** "We aim to uphold the highest border guarding standards in all of our operations and do not tolerate any violations of the fundamental rights in any of our activities."[1] "No third-country nationals were turned back in contravention of the principle of non-refoulement or otherwise in violation of Article 80(2) of Regulation (EU) 2019/1896." [2]
- **Relevant Codes:** Legal compliance, Legal norm invocation, Fundamental rights monitoring system.

2. "Accountability Avoidance and Discursive Evasion". This axis captures discursive tactics that evade direct attribution of responsibility, often through denial, legalistic framing, or narrative deflection. Institutions deploy these techniques to dilute public pressure and preserve internal legitimacy. This framing reveals how discursive

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[1]Frontex news release, "Frontex launches internal inquiry into incidents recently reported by media", (27/10/2020).

[2]Frontex report, "Final Report of the Frontex Management Board Working Group 1 March" (01/03/2021).

ambiguity functions as a protective mechanism in institutional discourse, particularly in contexts of international scrutiny and contested legitimacy.

Illustrative Quotes of this Category:

- "no documents or other materials have been found to substantiate any accusations of violations of the law or the Frontex Code of Conduct"[3].
- "in case of possible illegal immigration vessel is detected while still in the territory of Turkey, the national assets take over the responsibility of the incidents, as by general principle.[4]"
- Relevant Codes: Denial of wrongdoing, Responsibility deflection, Deflection through mandate limitation, Organizational resilience, Alleged misconduct

3. "Reputation Management through Reform Discourse". This axis reflects how institutions perform reform as a form of image control. Transparency, inquiry, and procedural adjustments are presented not as accountability outcomes but as strategic tools of reputational management. Rather than addressing systemic issues, these responses often function discursively to contain reputational damage — projecting the image of responsiveness without structural transformation.

- "Frontex, the European Border and Coast Guard Agency, announced [..] It has launched an internal inquiry into suspicious incidents.[5]"
  - "It is a priority for the Commission to have in place a strong, effective, and well-functioning European Border and Coast Guard."[6]
- Relevant Codes: Commitment to reform, Reform narrative, transparency of national authorities, Institutional response, Ongoing investigations.

4. "Human Rights Advocacy as Disruptive Narrative". In contrast to institutional discourse, NGO and watchdog organizations focus on the lived experiences of migrants and refugees, the violations of their rights and call for direct accountability, often using emotionally charged and human rights norms-rich language. This axis disrupts institutional narratives by emphasizing structural violence, legal violations, and moral urgency, embodying what critical IR scholars might call normative counter-discourse.

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[3] Frontex news release, "Frontex launches internal inquiry into incidents recently reported by media" (27/10/2020).

[4] Frontex Management Board Meeting Note, "Frontex Note Management Board meeting, 10 November (11/11/2020).

[5] Frontex news release, "Frontex launches internal inquiry into incidents recently reported by media", (27/10/2020).

[6] EU Commission Press Release, "Commission statement on the resignation of Fabrice Leggeri" (29/04/2022).

- Illustrative Quotes of this category: - "Our research shows that violent pushbacks have become the de facto Greek border control policy".[7]
  -"the Agency's involvement could amount to complicity by witnessing, witnessing and not reporting, and/or failing to prevent a violation committed by the host Member States or national staff deployed"[8].
  -"The European Union border guard agency's oversight mechanisms have failed to safeguard people against serious human rights violations at the EU's external borders"[9].
- Relevant Codes: Documentation of human rights violations, Advocacy for accountability, Legal activism, Complicity allegations, Calls for Transparency.

5. "Securitization of Migration Governance": This axis captures how migration is framed through the logic of security, threat, and geopolitical management, often justifying human rights compromises in the name of control and stability. Such framing repositions migration not as a humanitarian concern but as a strategic threat, supporting technocratic and militarized governance modes.

- Illustrative Quotes of this category: - "Frontex fulfils a critically important task to support Member States manage common European Union external borders, and to uphold fundamental rights in doing so"[10].
  - "management of migratory flows"[11].
- • Relevant Codes: Geopolitical tensions, Selective interpretation, Individualized scrutiny, Securitization and rights discourse in tandem, Border control practices.

6. NGO Critique of Institutional Opacity, Practices, and Dysfunction". This seventh and final axis draws attention to NGO critiques of structural dysfunction, lack of oversight, and opaqueness in the operations of Frontex and EU migration governance. It also highlights the problematic normalization of illegal practices by the institutions. These critiques resonate strongly with IR debates on democratic governance and the deficit of public accountability in supranational institutions.

- Illustrative Quotes of this category: - "interparliamentary cooperation could help close the accountability gap"[12].

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[7] Amnesty International Press Release, "Greece: Pushbacks and Violence Against Refugees and Migrants Are De Facto Border Policy" (23/06/2021).

[8] ECRE Policy Paper 7, "Holding Frontex to Account: ECRE's Proposal for Enhancing Nonjudicial Scrutiny Mechanisms" (May 2021).

[9] Human Rights Watch Report, "Frontex Failing to Protect People at EU Borders" (23/06/2021).

[10] EU Commission Press Release, "Commission statement on the resignation of Fabrice Leggeri" (29/04/2022).

[11] National Transparency Authority Press Release, "Completion of an investigation into the management of migratory flows in the Greek territory and claims made in a publication about informal forced repatriations" (29/03/2022).

[12] ECRE Policy Paper 7, "Holding Frontex to Account: ECRE's Proposal for Enhancing Nonjudicial Scrutiny Mechanisms" (May 2021).

-"Our research shows that violent pushbacks have become the de facto Greek border control policy"[13].

- Relevant Codes: Lack of transparency, Accountability vacuum, Monitoring limitations, Structural constraints, Institutional inertia, Accountability obstacles, Delayed accountability, Normalization of illegal practices.

The axial coding process demonstrated that institutional narratives are structured around legality, proceduralism, and self-preservation, while human rights NGOs challenge this discourse through appeals to human rights norms, transparency, and justice. The critical tensions within EU migration governance discourses it located are not merely linguistic but deeply political, revealing how institutional narratives are crafted to stabilize power, manage legitimacy, and contain critique in the face of growing international and civil society pressure.

The analysis further showed that dominant axes, such as *Procedural Legality as Defensive Strategy* and *Accountability Avoidance and Discursive Evasion*, demonstrate how institutions like Frontex and the European Commission mobilize discourse to assert legal conformity while avoiding substantive responsibility. This reflects a broader strategy of discursive institutionalism in international relations, where normative language serves as a tool of institutional legitimation rather than transparent governance (Schmidt 2008). These discourses reinforce what IR scholars describe when governing bodies perform legitimacy without necessarily delivering it in practice.

At the same time, the axial category *Human Rights Advocacy as Disruptive Narrative* highlights how NGOs act as norm entrepreneurs, challenging the securitized and procedural narratives of the state and EU institutions. This antagonism aligns with constructivist IR theories that conceptualise the international sphere as a contested normative arena, where meanings are negotiated through discourse (Finnemore and K. Sikkink 1998; Wendt 1999). In this case, the human rights organizations contest the EU's self-image as a "normative power" by revealing the disjunction between proclaimed values and real-world practices at the borders.

The presence of *Securitization of Migration Governance* as a stable axis affirms that migration is still predominantly framed through threat-based and geopolitical-based logics. Even when human rights are mentioned, they are often subordinated to notions of control and crisis management. This supports critical IR insights into how state-centric security frameworks dominate global migration governance, often demoting the importance of human security and justice (Buzan, Wæver, and Wilde 1998; Huysmans 2006).

The final axis, *NGO Critique of Institutional Opacity, Practices, and Dysfunction*, reveals how supranational technocratic bodies operate with limited transparency

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[13]Amnesty International Press Release, "Greece: Pushbacks and Violence Against Refugees and Migrants Are De Facto Border Policy" (23/06/2021).

and democratic oversight. This critique aligns with scholarship on discursive institutionalism and constructivist IR, which emphasize how normative language and performative legitimacy shape global governance. Rather than delivering substantive accountability, these institutions often deploy procedural narratives that maintain the appearance of legality and due process—a dynamic increasingly challenged by transnational civil society actors.

Taken together, the axial categories paint a complex picture of EU border governance discourse. They show a discursive battleground where legality, security, reform, and rights are mobilized by different actors to assert, contest, or obscure power. These findings set the stage for selective coding, where we identify the central narrative logic—or core category—that holds these patterns together.

3.3   Selective Coding Analysis

Through the process of selective coding, the central theme that emerged from the data is *"Legitimation Through Discursive Control: Stabilizing Power at the Borders of Accountability, Challenged by Transparency Advocates"*, meaning the use of discursive control by institutional actors (notably EU institutions, Frontex, and Greek authorities) to legitimize border practices. This discursive strategy is constructed through a triadic pattern: legal deferral, procedural abstraction, and securitization framing. However, these strategies are contested by human rights NGOs and media outlets—who act as human rights defenders and transparency advocates, insisting on accountability and exposing institutional opacity.

This central theme synthesizes the patterns revealed during axial coding and articulates the dynamic between stabilizing narratives of legality and disruptive counter-narratives over human rights accountability. The result is not a monologue of institutional power but a discursive battleground where the legitimacy of border governance is continually contested.

1. **Procedural Legality as Defensive Strategy**. Selective coding reveals how discursive appeals to rules, investigations, and national jurisdiction are used not to ensure accountability, but to deflect critique and delay consequences. These narratives reframe violence and negligence as unfortunate side effects of legal process rather than systemic issues.

2. **Accountability Avoidance and Discursive Evasion**. This discursive strategy is used to sidestep questions of responsibility. Actors emphasize uncertainty and future inquiries to avoid direct response. Selectively coded segments show a deliberate refusal to assign institutional blame, reinforcing a climate of impunity.

3. **Reputation Management through Reform Discourse**. Internal inquiries and symbolic reform initiatives function as public relations tools, giving the

appearance of action while avoiding systemic change. This aligns with the selective coding logic: the performance of change replaces actual transformation, helping institutions retain legitimacy amid crises. By selectively highlighting institutional reforms (e.g., the resignation of Frontex's director), actors project a narrative of progress. However, selective coding uncovers that these measures serve a symbolic function more than a structural one (Rankin 2022).

4. **Human Rights Advocacy as Disruptive Narrative**. NGOs and media (public watchdogs) challenge dominant discourses by naming rights violations and structural violence. They break through institutional narratives with emotionally resonant, norm-rich critiques that re-centre human suffering and legal accountability. Their role as norm entrepreneurs reveals the contested terrain of EU migration governance, where institutions seek to maintain narrative dominance, but are confronted by alternative moral frameworks (ECRE 2022; Christides and Lüdke 2022).

5. **Securitization of Migration Governance**. Migration is framed in militarized and criminalized terms, underpinning discourses that justify exceptional measures. Selective coding shows this framing is not limited to fringe rhetoric but permeates institutional communication, embedding threat into the language of policy. This sustains the core logic of discursive legitimation: humanitarian concerns are subordinated to geopolitical priorities (Fallon 2022).

6. **NGO Critique of Institutional Opacity, Practices, and Dysfunction**. By documenting lack of oversight, institutional inertia, and normalized illegality, NGOs expose the gap between EU normative claims and operational reality. Their discourse confronts the selective visibility of EU governance and demands democratic scrutiny, thereby intensifying pressure on the discursive architecture that upholds the status quo. Selective coding confirms a pattern of narrative denial and bureaucratic shielding, especially regarding the agency's complicity in pushbacks and misinformation (MacGregor 2022).

Synthesis of Selective Coding Results. Together, these categories demonstrate that EU border governance is not simply about policy or law but about discursively managing crises of legitimacy. Through a combination of legalism, securitization, reform performance, and strategic ambiguity, institutions stabilize their authority while deflecting accountability. This reflects Foucault's notion of governmentality, where discourse is used to normalize and justify governance, particularly at the border.

Conversely, NGOs and investigative media articulate a counter-discourse that contests this stabilization by foregrounding rights violations, exposing opacity, and insisting on normative coherence between EU values and practice. It draws on the logic of transnational advocacy networks, where language, law, and evidence become tools for discursive resistance and normative pressure. After all, it is a multi-level discourse system, in which institutional survival and reputational preservation are prioritized over human rights accountability.

3.4   Critical Discourse Analysis Results

This section built upon the thematic categories and conceptual framework developed in the previous coding stages and developed further the analysis based on the three levels of Critical Discourse Analysis: the textual/micro-linguistic (e.g., vocabulary, voice), the discursive (e.g., themes, framing), and the interdiscursive/ideological (e.g., normalization of security narratives). The aim was to provide a micro-linguistic reading of how institutional and NGO actors articulate meanings that reinforce or challenge the dominant narratives identified through selective coding.

3.4.1   Thematic Patterns in Discourse

In this section the results of CDA analysis are illustrated organized into the thematic subsections that emerged during the process:

Discursive Reproduction of Institutional Power and Legitimacy. Frontex and EU institutions construct themselves as rational and rule-abiding entities, often referring to "legal frameworks," "mandates," and "monitoring system." The invocation of "internal inquiry" and "management board meetings" creates an image of transparency and accountability — without necessarily addressing direct responsibility. Power is exercised through legal-bureaucratic discourse, producing legitimacy while distancing the institutions from operational failures or human rights violations.

Construction of Responsibility and Attribution of Blame. Responsibility is diffused, as Frontex attributes accountability to Greece, emphasizing its limited role in operational decisions. The Greek National Transparency Authority (NTA) report uses vague and passive language (e.g., "no evidence was found"), which effectively neutralizes allegations. NGOs (ECRE, Amnesty, Human Rights Watch (HRW)) explicitly construct Frontex and Greek authorities as responsible actors, using clear, agentive language: "Greece violently pushed back refugees and migrants," "Frontex has repeatedly failed to take effective action when allegations of human rights violations are brought to its attention."

Legitimization and De-legitimization Strategies. Legitimization by institutions is done through authorization by referencing EU law, mandates, and internal oversight bodies and rationalization through portraying operations as necessary for border protection and migration management. De-legitimization by NGOs uses moral evaluation, as NGOs call out actions as inhumane, illegal, or violating international law. It also employs narratives of abuse (testimonies and reports).

Human Rights vs. Security Framing. Institutional discourse frames border control as a matter of order, management, and security, while it refers to human rights only superficially (often in legalistic or procedural terms). In contrast, human rights organizations texts frame human rights as central, emphasizing violence, refoulement,

and systematic abuse. There is a discursive conflict: human rights as a legal checkbox vs. human rights as moral and political imperatives.

Representation (or Absence) of Migrants and Refugees. In institutional discourse, migrants and refugees are absent or anonymized. They are referred to as "flows," "numbers," or "border incidents." NGO discourse emphasizes the human experience, using terms like "people," "refugees and migrants," "survivors," and giving voice to individual stories. This reveals a discursive asymmetry: depersonalization vs. re-humanization.

These thematic findings are not only linguistic constructions but also reflections of broader ideological and institutional logics, which are examined more closely in the following section on interdiscursivity.

3.4.2   Interdiscursivity

In this section the examination of the relationship between the institutional and advocacy discourses and the broader social, institutional, and ideological frameworks is displayed:

Technocratic Governance and Bureaucratic Rationality. Frontex and EU institutional discourse reflects a technocratic logic, portraying governance as a neutral domain of legal and procedural expertise. This resonates with the dynamics of discursive institutionalism, where legitimacy is produced through normative claims rather than democratic engagement. Phrases such as "internal inquiry," "legal mandate," and "management board conclusions" suggest that human rights concerns are managed administratively, not politically or ethically.

Migration-Security Nexus. The institutional framing reflects the security discourse dominant in EU migration policy: Migrants are cast as "irregular" or part of the management of external borders, the "incidents [..] tense, unclear and challenging", the "disagreement between Greece and Turkey over their maritime borders", and the "illegal immigration flow" invoking imagery of threat and instability. This connects to a wider securitization of migration, which justifies exceptional measures and restricts rights in the name of order. The absence of migrant voices is consistent with this security narrative, which requires migrants to be treated as objects of management, not subjects with rights.

Human Rights NGOs' Counter-Discourses. NGOs such as Amnesty, HRW, and ECRE draw upon the international human rights discourse, invoking moral and legal frameworks that challenge the normalization of violence and bureaucratic inaction. Their discourse emphasizes testimonies, accountability, and ethical responsibility, offering a counter-narrative to technocratic neutrality.

Discursive Silence and Erasure. The strategic silences in institutional texts (e.g.,

no mention of victims) reflect an ideological discourse of denial and depoliticization. These silences are not neutral. In contrary, they create ambiguity concerning the responsibility and the duty bearers.

Inter-institutional Dynamics and Discursive Displacement. The discursive displacement of responsibility (from Frontex to Greek authorities) is a pattern that reflects the fragmentation of accountability in multi-level governance structures. By drawing from legal, operational, and procedural discourses, these actors can perform transparency while avoiding substantive change.

3.4.3 Discourse, Power, and Accountability

This section interprets how the examined discourses function within power relations and material structures (e.g., EU migration policy, the role of Frontex, the weakening of accountability mechanisms):

Discourse as a Tool of Power and Legitimacy in EU Migration Governance. The institutional documents from Frontex, the European Commission, and the Greek National Transparency Authority reveal a pattern where discourse functions as a form of governance. Through legalistic, managerial, and depersonalized language, these institutions construct a narrative of procedural compliance that legitimizes their actions — even when facing allegations of fundamental rights violations. With the use of this discourse, they reinforce technocratic authority over democratic or ethical accountability, they frame the situation in the borders as "complicated for the vessels [...] because of a disagreement between Greece and Turkey over their maritime borders", diffusing this way responsibility. They call upon internal audits, working groups, and oversight as substitutes for actual accountability. In doing so, discourse naturalizes institutional power and obscures the political and human stakes of EU border management.

The Role of Silence and Erasure in the Reproduction of Institutional Power. A core strategy of these institutional texts is discursive erasure — the absence of migrant voices, names, or suffering, which removes the human cost of border enforcement from the narrative. This silence dehumanizes refugees and migrants, turning them into administrative problems or border threats, protects institutions by avoiding emotive or politically explosive language that would force a reframing of their actions, and contributes to the normalization of exceptional measures, such as pushbacks by embedding them in neutral, legal language. The invisibility of victims in institutional discourse is not accidental; it serves the ideological function of shielding institutions from moral scrutiny.

Civil Society as Counter-Discourse and Resistance. Human rights organizations such as Amnesty International, Human Rights Watch, and ECRE mobilise an alternative discursive field. Their framing centres the experience of migrants and

refugees, introducing subjectivity and human vulnerability into the debate. It also challenges the language of the state and EU agencies by naming violations directly: "beatings," "illegal pushbacks," "violently and illegally detaining", and "ill-treatment". It draws on international human rights norms to de-legitimize practices presented as "operational" or "border control." These organizations, through their discourse, challenge the institutional denial of wrongdoing, seeking to re-politicize what institutional actors attempt to depoliticize. However, their influence is often constrained by power asymmetries. Their discourses enter a public sphere already structured by hegemonic narratives of security, sovereignty, and migration control.

The Discursive Construction of (Non)Accountability. Across both EU and national documents, accountability is discursively constructed as fragmented, indirect, or procedural: Frontex refers to inquiries, working groups, and reports without clarifying outcomes or consequences. The Greek National Transparency Authority speaks of investigations but avoids attributing wrongdoing. The European Commission avoids direct confrontation, maintaining support for Frontex while stressing the importance of its support to Frontex. This results in a structure of accountability without actual mechanisms of enforcement.

3.4.4 Final Findings of CDA Analysis

The previously developed themes, social, institutional, and ideological frameworks, as well as the power relationships that emerged from the Critical Discourse Analysis of the documents by Frontex, the European Commission, the Greek National Transparency Authority, ECRE, Amnesty International, and Human Rights Watch revealed five dominant discursive patterns.

1. **Institutional Discourses of Legitimization and Proceduralism.** Across the institutional texts (Frontex, European Commission, Greek authority), there is a consistent use of formal, bureaucratic, and technical language that functions to legitimize institutional authority and depoliticize allegations of rights violations. Rather than addressing the ethical or legal implications of pushbacks, these texts emphasize the internal mechanisms (e.g., "working groups," "internal inquiries"), the procedural justifications and legal frameworks and the cooperation among agencies as evidence of good governance. The language they use reproduces institutional power by framing migration control as an administrative challenge, rather than a human rights issue.

2. **Displacement and Diffusion of Responsibility.** A recurring strategy is the diffusion of responsibility through vague and passive constructions (e.g., "incidents reported," "alleged violation of Fundamental Rights"). Responsibility is further weakened by references to shared competence (e.g., between national authorities and Frontex), the reliance on ongoing or inconclusive investigations and the strategic omission of actors or actions (e.g., no identification of perpetrators). This discursive technique avoids clear attribution

of accountability, especially in contexts where human rights violations may have occurred.

3. **Security Framing and the Silencing of Migrants.** Institutional documents consistently frame border practices in terms of security, operational risk, and sovereignty, while the human dimension is erased or marginalized. Migrants and refugees are rarely named or quoted. Instead, they are represented abstractly or absent from the narrative as political or moral subjects. This framing naturalizes practices such as surveillance, deterrence, and interceptions, while obscuring the lived realities of displaced individuals.

4. **Human Rights Organizations as a Counter-Discourse.** In contrast, documents from ECRE, Amnesty International, and Human Rights Watch offer a counter-discourse grounded in human rights, empathy, and legal obligation. These texts highlight individual and collective experiences of violence, fear, and dispossession. They use emotionally charged language (e.g., "beatings," "abusive treatment," "illegal pushbacks") and frame pushbacks as state violence, not just operational failure. These organizations attempt to re-politicize border control by foregrounding the ethical stakes and exposing institutional failures and cover-ups.

5. **Structural Non-Accountability as a Discursive Outcome.** Despite institutional references to oversight and monitoring, the discursive construction of accountability is mostly symbolic or procedural. The findings show that accountability is put off through internal reviews with unclear outcomes, institutional self-investigation replaces independent scrutiny, and discourses emphasize legal complexity over moral clarity. This results in a discursive system that creates the appearance of accountability without enforcing actual responsibility, thus reinforcing institutional impunity.

3.5   Discussion

Institutional texts analysed in this study demonstrated how bureaucratic language serves as a technology of governance. Through references to procedures, mandates, and working groups, Frontex and the European Commission construct a narrative of operational neutrality, effectively shielding the institutions from moral scrutiny. This depoliticization of border violence aligns with Norman Fairclough's notion of technocratic hegemony, where power is exercised not through overt domination but through language that presents ideologically charged decisions as neutral, expert-driven "common sense" (Fairclough 1993; Fairclough 1995). The construction of legitimacy through self-referential legalism also reflects Laclau and Mouffe's (Laclau and Mouffe 1985) argument that discourse is constitutive of power relations. By framing border control as a legal or administrative matter, EU institutions obscure its ethical and political stakes —a move that reinforces the hegemonic discourse of technocratic neutrality.

On the other hand, the discourse of diffused or deferred responsibility is central to how the EU and Frontex manage allegations of wrongdoing. By invoking the complexity of "shared competence" or vaguely referencing national authorities, institutional texts construct what might be termed discursive non-accountability. This resonates with Van Dijk's (Dijk 1997) concept of semantic moves, where language is strategically employed to mitigate blame — for instance, through passive constructions, nominalization, or deliberate vagueness. Such linguistic framing supports a system where accountability becomes a symbolic performance rather than a substantive process. Internal investigations and abstract commitments substitute for concrete measures, allowing institutions to signal transparency without enforcing it.

The total absence of migrant voices in institutional texts is both a discursive and political act. By representing refugees and asylum seekers as "flows" or "cases", the documents participate in the dehumanization of borders, reinforcing a security paradigm that prioritizes surveillance and control over rights and protection. This echoes the critical literature on securitization of migration, where migrants are constructed as risks to be managed rather than rights-holders to be protected.

In contrast, the documents from human rights organizations (ECRE, Amnesty International, and Human Rights Watch) offer a powerful counter-discourse. These texts re-politicize border control by emphasizing the human impact of state violence, naming the perpetrators, and demanding systemic reform. Drawing on human rights frameworks, legal norms, and moral appeals, their narratives shift the discursive terrain from border management to state accountability and justice. This opposition illustrates the role of civil society in what Foucault (Foucault 2007) described as "counter-conduct" — efforts to resist dominant governmental rationalities and introduce alternative logics of care, rights, and moral responsibility into the field of governance.

The analysis highlighted the central role that human rights organizations play. Their ability to name, frame, and document border violence disrupts institutional efforts to depoliticize or deflect accountability. This suggests that the EU civil society needs discursive access to EU policy spaces. Policies that marginalize human rights actors weaken the democratic system of rights protection and further normalize the securitization of borders. In this context, there is a need to adopt ethical communication frameworks that avoid dehumanizing migrants and refugees or that make them invisible. Institutional narratives must centre the human cost of migration governance, including testimonies, qualitative accounts, and lived experiences — elements often absent from bureaucratic discourse.

In all, the institutional and human rights organizations' discourses map out a discursive battleground, where the legitimacy of EU migration governance is both reproduced and contested. The institutional discourses focus on legality and procedure, performing this

way important ideological work, as they justify state power, and stabilize a system of managed inaction. In contrary, human rights organizations challenge this stabilization by introducing accountability claims based in international rights and conventions. This tension underscores the role of discourse in constituting not only narratives but power itself — determining who speaks, who is heard, and whose suffering counts.

Before moving to the conclusions chapter, it is important to note that the findings directly address the research questions concerning the nature of public contestation in the governance of EU borders, the ways in which legitimacy is constructed and challenged, and the discursive interactions between human rights organizations, state and supranational authorities. While this chapter focused on the detailed empirical analysis, the final chapter will bring the study full circle by explicitly addressing the research questions, integrating theoretical reflections, and discussing the broader implications of the case for international relations, border governance, and human rights accountability in the European context.

Conclusions 4

This study examined how EU institutions and Greek state authorities construct public discourses of legitimacy and accountability in response to allegations of human rights violations at the EU's external borders, particularly in the maritime zone between Greece and Turkey. These allegations — involving illegal pushbacks and failures to protect the right to life at sea — were initially raised by investigative journalists and later amplified by international human rights organizations.

The research did not examine media discourse itself but instead focuses on the discursive responses and narrative strategies of three types of actors:

- EU institutions (including mainly Frontex, the European Border and Coast Guard Agency, and the European Commission),
- Greek state authorities, and
- International human rights organizations, such as Amnesty International, Human Rights Watch, and the European Council on Refugees and Exiles (ECRE).

Through a combination of qualitative content analysis and CDA, the study explored how these actors frame the allegations, assign or deflect responsibility, and construct or contest claims to legitimacy. It analyzed how rights violations are narrated, denied, justified, or challenged through discourse, particularly during moments of heightened scrutiny.

The study gave particular attention to Frontex, due to its operational role and symbolic centrality within EU border governance. Greek and broader EU authorities were analysed in parallel, reflecting the distribution of legal authority between national sovereignty and supranational oversight in the governance of the EU's external borders. This approach allowed for a deeper understanding of how responsibility is discursively managed and negotiated in the context of multi-level migration governance.

Using Greece as a case study — a critical entry point into the EU and a frontline zone for maritime migration — this research examined the interplay of security concerns, humanitarian obligations, and reputational politics in shaping how institutions respond to human rights allegations.

4.1 Summary of Key Findings

The study's analysis revealed several interrelated patterns in how institutional and human rights actors construct competing narratives around responsibility, legality, and humanitarian obligations at the EU's maritime borders.

4.1.1 Institutional Deflection through Bureaucratic Legitimacy

EU institutions, particularly Frontex and the European Commission, constructed narratives that emphasized formal adherence to legal frameworks, monitoring mechanisms, and institutional procedures. Frontex, as the EU's operational agency at the borders, emerged as a central actor whose legitimacy was repeatedly questioned by human rights organizations. In response, the agency highlighted its limited mandate and cooperation with national authorities, thus attempting to deflect direct responsibility while reinforcing its procedural legitimacy. Greek authorities, exercising sovereign control over their maritime zone, were cited as the responsible operational actors — a framing that allowed both EU and Greek institutions to shift accountability between different levels of governance.

4.1.2 National Denial and Security Framing

Greek authorities consistently rejected the allegations, often using strong denialist language. Their narratives invoked border protection and national sovereignty.

4.1.3 Human Rights Counter-Discourses and Moral Accountability

International human rights organizations constructed counter-discourses of rights and moral responsibility. They challenged both the EU and Greek claims by emphasizing the pushback practices and other violations by Frontex and Greek authorities and the failure to uphold obligations under international and EU law.

4.1.4 Contestation and Narrative Struggles

A central finding was the discursive struggle over legitimacy. Institutional actors attempted to stabilize their legitimacy through procedural language, legality claims, and institutional distancing. In contrast, human rights organizations sought to destabilize this legitimacy by exposing discrepancies between public commitments and actual practices. This tension reveals an ongoing negotiation over who gets to define truth, responsibility, and humanitarianism in EU border governance.

4.2 Addressing the Research Questions

4.2.1 Main Research Question

How do EU institutions and Greek authorities construct public discourses of legitimacy and accountability in response to human rights allegations of pushbacks and failures to protect life at sea at the EU's external borders?

The analysis shows that EU and Greek authorities construct legitimacy not by directly engaging with the substance of the allegations (e.g., pushbacks or failures to protect life at sea), but rather by framing these critiques as challenges to institutional credibility, operational complexity, or geopolitical constraints. Their public discourse often invokes themes of procedural legality, burden-sharing, and national security — portraying themselves as both responsible actors and victims of external pressures. This approach enables them to sustain legitimacy while avoiding direct accountability.

4.2.2 Secondary RQ1

What discursive and rhetorical strategies do these institutional actors use to assign, deflect, or obscure responsibility?

The discursive and rhetorical strategies used by these institutional actors include narrative deflection, strategic vagueness, and the externalization of responsibility. Rather than openly denying wrongdoing, the authorities often shift the focus to broader challenges such as the complexity of border control. Responsibility is blurred through technical vocabulary, which serve to depoliticize and obscure the human rights dimensions of the critique.

4.2.3 Secondary RQ2

How do international human rights organizations respond to these institutional narratives, and what counter-discourses of rights, responsibility, and accountability do they articulate?

In contrast, human rights organizations such as Amnesty International, Human Rights Watch, and ECRE use sharply articulated counter-discourses. These narratives emphasize transparency, accountability, and moral urgency, often grounding their critiques in international legal obligations and testimonial evidence. Their discourse re-centers the migrant subject as a rights-bearing individual, challenging institutional narratives that downplay human suffering.

Together, these findings contribute to a more nuanced understanding of how legitimacy and accountability are discursively constructed and contested in moments of crisis. Rather than representing fixed positions, the discourses examined in this study reveal

ongoing struggles over meaning, power, and responsibility within the field of EU migration governance.

4.3 Theoretical and Analytical Reflections

This thesis contributes to scholarship on migration, humanitarianism, and discourse. Its findings provide a deeper understanding of how legitimacy and accountability are discursively constructed, negotiated, and contested within the multilevel governance of EU borders. By examining how institutional actors manage reputational risk and shift responsibility — and how human rights organizations challenge these narratives — the research illuminates the symbolic and rhetorical dimensions of migration governance.

A key analytical insight is the use of bureaucratic proceduralism as a legitimacy shield. Both Frontex and the European Commission invoked institutional mechanisms (e.g., monitoring bodies, legal compliance) to contain the political fallout of human rights allegations. This procedural framing depoliticizes deeply moral and political questions by shifting them into the realm of institutional processes.

Conversely, human rights organizations mobilized counter-discourses of moral and legal accountability. Their emphasis on victims' rights, legal obligations under international law, and the gap between institutional rhetoric and practice reflected an alternative normative vision of border governance. These organizations contested not only specific practices (like pushbacks) but also the broader institutional logic that normalizes violence at the borders.

The discursive clash between these actors can be understood as a struggle over normative authority — over who gets to define the terms of legitimacy, responsibility, and humanitarianism in Europe's border regime. This ongoing contestation points to the instability of legitimacy in contexts where rights violations are simultaneously denied, justified, and exposed.

4.4 Limitations, Future Research, & Final Reflections

While this study offers important insights into the discursive dynamics of EU border governance, it has important limitations. First, the research focused exclusively on the discourses of institutional actors and international human rights organizations. It did not analyse journalistic narratives, national NGOs, or the voices of refugees and migrants themselves — all of which would provide valuable perspectives on how accountability and legitimacy are constructed and contested from below or at the margins.

Second, the case study centred on Greece as a key entry point into the EU. While

this allowed for an in-depth analysis of discursive responses in a highly politicized national context, it limited the generalizability of the findings. Similar research in other frontline states (e.g., Italy, Spain) or regions with different political cultures, political contexts and institutional arrangements might yield distinct patterns of discursive legitimation and contestation.

Moreover, the study examined discourses during a specific moment of heightened scrutiny, rather than tracing long-term discursive shifts or the evolution of institutional narratives over time. Future research could focus on a comparative approach by examining how similar allegations are handled in other EU frontier states — such as Italy, Spain, or Malta — to explore regional variations in discursive strategies and institutional responses. Such comparison would allow for a more comprehensive understanding of how legitimacy is constructed across different contexts within the broader EU border regime.

Despite its limitations, the study contributes to critical understandings of EU migration governance by demonstrating how legitimacy is not only a matter of law or policy but also a product of discourse. Institutional actors do not merely implement rules; they construct meaning, shift blame, and perform accountability — often in response to reputational crises. Human rights organizations, in turn, challenge these performances by invoking alternative normative frameworks and exposing discrepancies between stated values and lived realities at the borders.

The findings underscore the centrality of discursive politics in shaping how rights, responsibilities, and humanitarianism are negotiated in the EU. In a time when border practices are increasingly contested and examined, understanding these discursive dynamics is crucial — not only for academic inquiry but also for advocacy, policymaking, and democratic accountability.

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Appendix A

A.1 Human Rights Organizations

- **ECRE.** *"Holding Frontex to Account: ECRE's Proposal for Enhancing Nonjudicial Scrutiny Mechanisms"* (May 2021)
  Content: This policy paper assesses existing accountability mechanisms for Frontex and provides recommendations to strengthen nonjudicial scrutiny tools. It emphasizes the need for transparency and enhanced fundamental rights monitoring within the agency.
  Source: European Council on Refugees and Exiles (ECRE) Policy Paper 7
  Link: ecre.org
- **ECRE.** *"Frontex: Leggeri Out Reportedly over OLAF Scrutiny as New Investigation Points to Cover-Up of Pushbacks, Coast Guard Agency is 'Arming Up', Switzerland Sees Protests Ahead of Referendum on Continued Support"* (April 29, 2022)
  Content: Discusses the resignation of Frontex Executive Director Fabrice Leggeri, reportedly due to OLAF investigation findings. Highlights how Frontex's reporting system was allegedly used to conceal pushbacks in the Aegean Sea.
  Source: European Council on Refugees and Exiles (ECRE) News Release
  Link: ecre.org
- **Amnesty International.** *"Greece: Pushbacks and Violence Against Refugees and Migrants Are De Facto Border Policy"* (June 23, 2021)
  Content: Documents systematic pushbacks at Greece's borders, asserting these practices have become de facto policy. Details instances of arbitrary detention, violence, and denial of asylum rights.
  Source: Amnesty International Press Release
  Link: amnesty.org
- **Human Rights Watch.** *"Frontex Failing to Protect People at EU Borders"* (June 23, 2021)
  Content: Critiques Frontex's oversight, highlighting failure to prevent/address rights violations. Urges effective tools to safeguard fundamental rights amid expanded responsibilities.
  Source: Human Rights Watch Report
  Link: hrw.org

European Union Agencies

- **Frontex.** *"Frontex Launches Internal Inquiry into Incidents Recently Reported by Media"* (October 27, 2020)
  Content: Announced an internal inquiry into media-reported incidents, reaffirming commitment to high standards and fundamental rights.
  Source: Frontex News Release
  Link: frontex.europa.eu
- **Frontex.** *"Note Management Board Meeting"* (November 11, 2020)
  Content: An internal note addressing pushback allegations with operational context. Made public by Statewatch.
  Link: statewatch.org
- **Frontex Management Board.** *"Conclusions of the Management Board's Meeting"* (January 21, 2021)
  Content: Internal review of pushback allegations. Concluded no evidence in some cases, while others required further clarification. Expressed concern over lack of timely information.
  Link: frontex.europa.eu
- **Frontex.** *"Final Report of the Frontex Management Board Working Group"* (March 1, 2021)
  Content: Examines activities in Eastern Mediterranean. Highlights incidents needing further clarification and deficiencies in reporting mechanisms.
  Link: frontex.europa.eu
- **Frontex.** *"Statement of Frontex Executive Management following publication of OLAF report"* (October 14, 2022)
  Content: Acknowledged serious misbehavior by staff in 2020. Described as past practices; pledged improvements.
  Link: frontex.europa.eu
- **European Commissioner Ylva Johansson.** *Twitter/X Post* (October 28, 2020)
  Content: Commission requested Frontex board meeting to investigate pushback allegations. Called for urgent follow-up.
  Link: x.com
- **European Commission.** *"Commission statement on the resignation of Fabrice Leggeri"* (April 29, 2022)
  Content: Acknowledged Leggeri's resignation. Emphasized need to rebuild trust and enforce rights compliance.
  Link: ec.europa.eu
  euronews.com

Greek Authorities

- **National Transparency Authority.** *"Completion of an investigation into the management of migratory flows in the Greek territory and claims made in a publication about informal forced repatriations"* (March 29, 2022)
  Content: The NTA investigated claims of illegal pushbacks by Greek authorities. Concluded no evidence supported the allegations.
  Source: National Transparency Authority Press Release
  Link: aead.gr