THE EU-TURKEY STATEMENT ON REFUGEES

A NECESSARY SOLUTION TO THE REFUGEE
CASE OR A VIOLATION OF HUMAN RIGHTS?

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TABLE OF CONTENTS

Abstract

On March 18, 2016, the European Union (EU) and Turkey agreed on a deal in order to control the growing migration flows from the Middle-East and North Africa towards Europe. The agreement consisted of various measures to reduce the number of refugees arriving in Europe and also contained several financial and political advantages for Turkey. In this paper, I will describe the severe complications that have evolved after the implementation of this agreement. To do so, I shall use the methodology based on Yosef Jabareen's knowledge on qualitative research and the instructions by Ricard Zapata Barrero on writing a conflict-based approach. By making a thorough analysis of the conflict as it has been advancing after the EU-Turkey Statement, the objective of this paper is to draw an accurate and comprehensive interpretative framework of all the related actors and interpretations.

INTRODUCTION

On March 18, 2016, the European Union (EU) and Turkey agreed on a deal in order to control the growing migration flows from the Middle-East and North Africa towards Europe. The agreement consisted of various measures to reduce the number of refugees arriving in Europe and also contained several financial and political advantages for Turkey. In this paper, I will describe the severe complications that have evolved after the implementation of this agreement. To do so, I shall use the methodology based on Yosef Jabareen's knowledge on qualitative research (Jabareen, 2009) and the instructions by Ricard Zapata Barrero on writing a conflict-based approach (Zapata Barrero, 2017). By making a thorough analysis of the conflict as it has been advancing after the EU-Turkey Statement, the objective of this paper is to draw an accurate and comprehensive interpretative framework of all the related actors and interpretations.

Considering that the processes that contributed to the agreement are mainly positioned on the macro level and are therefore very broad, I will first give an extensive contextualization of the conflict. This is a necessity for acquiring a precise understanding of the factors that led to the realization of the agreement. After describing the sources that are used for this paper, the conflict itself will be examined in detail, including the time and place, and the related actors of the conflict. Next, I will construct the conceptual framework by outlining the different interpretations of the conflict. This framework shall lead to the conclusion of this paper, which consists of a critical review of these interpretations.

CONTEXTUALIZATION

The Arab Spring

On 17 December 2010, in Sidi Bouzid, Tunisia, Mohamed Bouazizi set himself on fire in front of the provincial government building. This act of protest was targeted at the Tunisian government policy of confiscating land. Mohamed died of his injuries on January 4th, 2011, leaving behind the start of the Arab Spring (Lageman, 2016). This unprecedented outburst of mass protest and demands for governmental reform caused Tunisia's president Zine el-Abidine Ben Ali to step down and flee the country, which opened the door for new elections and a new constitution. The protests spread towards other Middle Eastern countries, such as Egypt, Yemen, Bahrain and Syria. In all these countries the demonstrations were often brutally struck down by national governments, leading to thousands of casualties (Amnesty International, 2015).

The violent response by the various governments in the Middle-East was the root cause of the emergence of armed groups who started to retaliate the governmental suppression. In Syria for example, by July 2011, army defectors and civilians had organized the Free Syrian Army (Mercy Corps, 2017), while other rebel coalitions started to emerge as well, such as the Islamic Front and Syrian Islamic Liberation Front. In 2013, it was believed that these groups together consisted of an estimated 100,000 fighters, commanded by as many as a 1000 different opposition groups (BBC

News, 2013). Even though the opposition against the government was becoming stronger, division between the different rebel groups started complicating the conflict even more. The division arose between secular and religious fighters, but also occurred between different ethnic groups (Mercy Corps, 2017). Each side of the conflict committed serious war crimes and human right violations. At the same time, the Syrian government repeatedly shelled and bombed civilian areas using gruesome weapons, including barrel bombs. The conflict kept on escalating, especially when the terrorist group Islamic State (IS) succeeded in gaining more and more territory. The same thing happened in Libya, Tunisia and Iraq, where IS carried out public execution-style killings and engaged in terrible torture methods (Amnesty International, 2015).

Escalation of migration flows

The gloomy degeneration of the Arab Spring into exceptional violence caused millions of civilians in Syria and the rest of the Middle-East to flee their country in search of a safe-zone. Whereas in July 2012 there were 'only' 100,000 refugees, a year later there were 1.5 million. These numbers tripled at the end of 2015. Up to this day, thousands of Syrians are fleeing their country every single day. In Syria alone, already 11 million people have been displaced from their homes, including 5.2 million refugees who are forced to seek safety in neighboring countries. While the conflict in Syria is the biggest driver of migration to Europe, Afghanistan and Iraq also have substantial impact on the numbers of refugees. In 2015, around 350.000 Syrian people, 170.000 from Afghanistan and 120.000 from Iraq applied for asylum in the EU. Smaller numbers are coming from Kosovo, Albania, Pakistan, Eritrea, Nigeria, Iran and Ukraine. In the beginning of 2016 (March), already 135.711 people reached Europe by sea (BBC News, 2016).

It seems that Germany has taken the greatest burden of receiving these immense numbers of refugees, partially caused by the welcoming approach of Federal Chancellor Angela Merkel. She opened the door to all Syrian refugees with her statement 'Wir Schaffen Das' (Hall, 2015). In 2015, Germany received over 476.000 new asylum applications, although German officials claim that even more than a million people have been counted in their 'EASY' system, which assesses the number of people before they make asylum claims. Germany is followed by Hungary, which received more than 177.130 applications by the end of November 2015 (BBC News, 2016).

Increasing critique

EU citizens all over Europe felt threatened by the arrival of so many migrants. In Germany for example, concerns continued increasing, especially because of events such as the 'Cologne attacks' on New Year's Eve 2015/2016. During this night, more than 1000 women were sexually assaulted, groped, robbed and intimidated. Many of the offenders, as alleged, appeared to be of North African or Arab descent. This led to protest by right-wing, anti-immigration groups such as Pegida (Richards, 2016). It was later discovered that similar incidents had happened in Frankfurt, Dortmund, Dusseldorf, Stuttgart and Bielefeld (Davies, 2016). Not many weeks later, a leaked

4

report contained statistics that in 2015 refugees in Germany had committed more than 200.000 crimes. This report also warned of the growing trend of terror suspects mingling with genuine refugees (Hall, 2016). It turned out that not only Germany had issues with refugees; events such as in Cologne also happened in Sweden (Arpi, 2016).

At the same time, several terror attacks by Islamic terrorists on European soil also raised concerns, starting in Paris on November 13th, 2015, where a suicide bombing and several shootings throughout the city killed 130 people and left hundreds injured. On March 22, 2016, 32 people are killed during suicide bombings at Brussels Airport and a metro station in the Belgium capital. A couple of months later, 84 people are killed in Nice by a truck that plunges through a crowd of people watching the fireworks for France's Bastille Day. Germany, Britain and Sweden are victims of several terrorist attacks during the following months, with the most recent attack happening in Barcelona, Spain, where 14 people were killed by a van that mounted the pavement of the busy Rambla street (Foster, 2017). Even though investigations found out that most attackers throughout Europe were European citizens and not refugees (Crone, Falkentoft, & Tammikko, 2017), anti-immigrant parties have argued that the high number of refugees poses a threat to national security, influencing the public opinion on refugees (Byman, 2015). However, a 2016 UN report claims that there is no direct link between migration and terror attacks (Dearden, 2016).

While criticism of the arrival of the refugees mainly focused on their (potential) behavior, a different critique focused on the well-being of the refugees themselves. This critique arose after several reports showed that more and more refugees were losing their lives while using one of the 'escape-routes' to Europe. This happened predominantly on the Eastern Mediterranean Route and the Central Mediterranean Route (Conant, 2015). Both routes have been intensively used by migrants coming from Turkey and the North of Africa. Whereas in 2009 'only' 9573 migrants

used the Central Mediterranean Route, this figure peaked to 61.000 migrants after the downfall of Gaddafi in 2011 (BBC News, 2014). According to Europol, 90% of the migrants used facilitation services, which are often organized by criminal groups. These groups gain substantial profits from the smuggling of migrants. The migrants are obligated to pay huge amounts of money to use the services of these groups, but are at the same time often victim of labor and sexual exploitation, fraud schemes and other types of crimes (Europol, 2016).

In 2014, 3072 migrants died in the Mediterranean, totaling 75% of the total number of migrant deaths across the world. The international Organization for Migration (IOM) claimed that the true number of deaths was likely to be even higher than stated in their report (Beaumont, 2014) . The number rose even higher in 2015: 3771 deaths, 70% of global migrant deaths. Most refugees died at sea while using one of the above-mentioned routes, where overcrowded capsizing vessels often resulted in the drowning of hundreds of migrants (International Organization for Migration, 2016). Criticism was rising quickly in 2015, as there was no concrete response from the international community, yet. Alexander Betters, professor and director at the Refugee Studies Centre at Oxford University stated in August 2015 (Erlanger & Smale, 2015):

"While Europe is squabbling, people are dying. For the first time in its history, the E.U. is facing a massive influx of refugees from outside the region, and the E.U. asylum and immigration framework is poorly adapted for it. Some European states are failing to keep to international law, and there needs to be a more equitable sharing of responsibility (Betters, 2015)"

The potential solution

From the previous paragraphs we can conclude that a solution to the refugee case was a fundamental necessity. On the one hand to offer European citizens a feeling of safety and trust, and on the other hand to fight the increasing deaths of fleeing migrants. This resulted in the 'EU-Turkey Statement', on March 18, 2016, which consisted of two parts (Alonso, 2016) & (European Commission, 2016). The first part contained agreements on the settlement of migrants:

- Every new migrant that 'irregularly' arrives in Greece after the 20th of March 2016, and does not apply for or is not entitled to asylum in Greece, will be send back to Turkey, financed by the European Union.
- For every migrant that is send back to Turkey, another Syrian will be resettled to a EU country. The maximum number of migrants being taken in the EU is 72.000.
- Migrants from Syria that are send back to Turkey get a temporary 'special' protected status, and cannot be send back to Syria.
- People from Iraq, Eritrea and Afghanistan can also apply for this protected status, but they need to follow a more complicated procedure.
- Every migrant has the right to an individual procedure to see if they can be safely send back to their home country or not.
- With financial support from the EU, migrants in Turkey will be supported in order to receive access to food, shelter, education and health care.
- As soon as the 'refugee-trading' works and the refugee flow to Greece diminishes, EU countries can voluntarily take in refugees from Turkey. After all, the goal is not only to prevent illegal migration by sending people back, but also to make legal migration more tempting to prevent people from using the dangerous and illegal routes to Europe.

The second part contained mainly political agreements:

- From June 2016, Turkey's residents can travel visa-free to the European Union, if Turkey manages to fulfill all the 72 criteria and has their border system in order.
- Combined with the money that Turkey already received from the EU in 2015, another 3 billion euro will be paid to Turkey if the first amount is well spent, i.e. used for the agreements of the first part of the EU-Turkey Statement.

- Turkey has demanded that talks regarding EU membership will be accelerated. Out of the 35 policy terrains, it has been agreed that one chapter will be opened in order to prepare for membership. This is chapter 33, related to budget and finances.
- The EU will support Turkey in creating 'safe zones' in Syria as to improve the humanitarian circumstances within Syria.

According to the EU, the main goal of the agreements was to "to end the irregular migration from Turkey to the EU, target the people smugglers' business model and remove the incentive to seek irregular routes to the EU, in full accordance with EU and international law" (European Commission, 2016).

THE CONFLICT

Decreasing numbers of refugee arrivals, increasing violations of human rights
In March 2017, a year after the implementation of the EU-Turkey Statement, the first statistical results of the agreement proofed to be a success (European Commission, 2017). Whereas in 2015 the number of people that tried to reach Europe by sea reached 362,753; there were 'just' 171,332 in 2017 (UNHCR, 2017). There were also less people dying on their way to Europe: in 2016 5,096 people died at sea, in 2017 'only' 3081 people have drowned (UK Aid, 2017). At the same time, most of the Turkish smugglers were claimed to be out of work (Koning, 2017). Regarding the agreement on the 'exchange' of refugees, just over 9383 refugees had been resettled from Turkey to the EU and almost 10.000 refugees have been relocated from Greece to other EU countries. Lastly, it is claimed that the number of 'First Instance Decisions' on asylum applications in Greece have increased from zero to 12.254 since the implementation of the EU-Turkey Statement (European Commission, 2017).

However, even though the arrivals and deaths of refugees might be decreasing, recent reports and investigations have revealed some disturbing facts. There are four arguments that show the negative influence of the agreement :

I. The majority of refugees are still stuck on the Greek islands, where they live in dreadful circumstances (Gogou, 2017).
II. The refugees that have been sent back to Turkey are also living in dreadful circumstances, and NGO's have claimed severe violations of human rights inside refugee camps (Univerity of Amsterdam, 2017).
III. It turned out that Turkey is not able to provide sufficient protection and security for refugees, as refugees in Turkey are not supported in the way that was promised in the agreement (Human Rights Watch, 2016).

IV.   Lots of migrants are suffering from excessive (war) traumas, but there is no sufficient mental health care to treat them. In combination with the bad circumstances in some refugee camps, there is a noticeable rise in suicides among refugees (Squires, 2017).

Also, the 3081 people who died at sea in 2017 still make up a very sinister number (UK Aid, 2017). And while the European Commission claims that Turkish smugglers are out of work, there is still a large network of criminal organizations active in the business of human trafficking (Europol, 2016).

The EU-Turkey Statement was meant to prevent human right violations and achieve better screening of migrants in order to increase safety within European borders. However, even though there are indeed decreasing numbers of refugees dying and also decreasing numbers of refugees arriving in Europe, it seems that the agreement has created new problems which are, again, endangering the situation of refugees. This has produced a conflict between the positive and the negative outcomes of the EU-Turkey Statement, especially regarding the position of refugees. Therefore, by analyzing all the related actors and interpretations, this paper will try to answer the following question: *How is the EU-Turkey Statement affecting the position of refugees?*

Actors

The actors that play important roles in the conflict have already been mentioned in this report, and while the specific interpretations of these actors will be discussed in the next chapter, the actors will now be shortly summarized.

- *The European Union*

I will start with the first actor, the European Union. As the previous chapter has shown, the EU had different reasons for participating in the EU-Turkey Statement. On the one hand they felt obligated to offer their own citizens a feeling of safety, which was also important for (re)gaining their citizens' trust in the EU as an institution (Algan, Guriev, Papaioannou, & Passari, 2017). On the other hand, they also wanted to prevent the tragic deaths at sea and get a grip on the other negative consequences of the increasing migrant flows (European Commission, 2016).

- *Turkey*

The second actor is Turkey, being the second participant of the agreement. Turkey was also struggling with an already high number of refugees, and could clearly use the financial support that was included in the agreement. However, Turkey also treasured political advantages, including the visa-free travel arrangement and new talks about possible membership of Turkey to the EU (Lehne, 2017).

▪ *NGO's*

The third actor consists of various NGO's that have pointed out the negative consequences of the agreement. They think that the agreement has mostly led to new forms of human right violations and that it therefore only made the situation worse (Gogou, 2017). Amnesty International, Human Rights Watch and the Dutch Council for Refugees are the most eye-catching organizations with related and valuable research and a clear point of view on the EU-Turkey Statement.

CONCEPTUAL FRAMEWORK

Human rights interpretation

All actors take up a specific position in the human rights dimension of the conflict. Where it seems that the EU puts emphasis on the prevention of migrant deaths during their journey to Europe, and is still doing so (European Commission, 2017), NGO's are extending their focus towards the circumstances in refugee camps in Greece, Turkey and other countries (Gogou, 2017) & (Univerity of Amsterdam, 2017). The main premise of the EU-Turkey Statement was the assumption that Turkey is a safe place for refugees (European Commission, 2016), however, according to Amnesty International, this premise is flawed. Already during the first months after the agreement, several asylum committees in Greece ruled that Turkey is not capable of providing the protection for refugees that was mentioned in the EU-Turkey Statement. In June 2016, new asylum committees decided that Turkey suddenly was no longer unsafe for returnees, which cleared the path to relocate more refuges to Turkey, a process continuing up to this day. However, Syrian refugees in Turkey only receive temporary protection and are then left to fend for themselves with no support for their basic needs (Gogou, 2017). Research by the University of Amsterdam in cooperation with Refugee Work Netherlands has confirmed this, and even states that human rights are severely violated in Turkish refugee camps. The camps are described as prisons where refugees are locked up in small cells with little or no opportunity to contact the outside world (Ulusoy & Battjes, 2017).

With the circumstances in refugee camps not showing any improvements, there is a noticeable rise of suicides among refugees. Refugees trapped in detention centers in Greece, but also in the Balkan countries, are in such despair that killing themselves seems to be the only way out. There is also a noticeable increase in the number of refugees that suffer from anxiety and depression, and even more migrants are suffering from post-traumatic stress disorder. These mental disorders are either developed in their home country or while traveling to Europe, as police and border guards use disproportionate violence towards refugees (Squires, 2017).

While the refugees that have already arrived in Europe are clearly in bad circumstances, new refugees are also facing abhorrent challenges. A recent report by the UN Refugee Agency (UNHCR) has established that even though the arrivals of migrants have dropped, the high number of abuses and deaths keeps persisting. Their report shows that the absence of legal

migration opportunities allows the 'ruthless people-smuggling and trafficking networks' to risk death and serious abuses of migrants. Last year, already thousands of people died or went missing at sea, while at least 40 people died on routes over land or near European borders. Violence along the journey also continues, especially in Libya (UNHCR, 2017). Europol seem to confirm these findings in their report on Migrant Smuggling, where they state that migrants continue to use smuggling networks to get to Europe (Europol, 2016). High Commissioner for Refugees, Filippo Grandi of the UNHCR, put emphasis on a wider approach, focusing on peace-making outside the European borders:

"Taking measures to reduce the number of refugees and migrants arriving in Europe, without at the same time stepping up peace-making, development, and safe pathways is morally unacceptable. We can't afford to ignore abuses clearly taking place simply because they happen out of our sight (Filippo Grandi, 2017)."

The perspectives of various NGO's clearly reveal important and urgent issues that can be considered a direct result of the EU-Turkey Statement. Despite this, the Europe Union is still planning on continuing the current course of action that was set in the agreement. Even though they acknowledge that support for refugees in Turkey should be continuously accelerated, their conclusion in several reports that they have released is still exactly the same:

"The EU-Turkey Statement has continued to deliver concrete results in reducing irregular and dangerous crossings, lives lost in the Aegean Sea and, equally importantly, delivering practical support to Syrian refugees and host communities in Turkey under the Facility for Refugees in Turkey and through resettling Syrians from Turkey safely to Europe (European Commission, 2017)."

Legal interpretation
The legal aspects of the EU-Turkey Statement are essential to understanding the consequences of the agreement for the refugees themselves. This section will clearly explain why the current legal framework of the agreement is not sufficient and causes mostly new challenges instead of offering solutions. I will start by explaining the two legal principles on which a refugee can be send back to Turkey. These two principles are backed by the settlements from the Convention of the Status of Refugees (1951) and its Protocol and International Human Rights Standards (1967) (UNHCR, 2016). The first principle is the first country of asylum, on the basis of which a country can reject an asylum application if a refugee can be send back to another country where they can either be recognized as a refugee or where they will receive sufficient protection (Human Rights Watch, 2016) & (Christophersen, 2016). The second principle is a safe third country, on the basis of which a country can reject an asylum application if a refugee can be returned to a country where they

have the chance to request and receive refugee status in line with the EU Asylum Procedures Directive (European Commission, 2017). I will now consider the legal perspective of Syrian refugees, as their status in Turkey is the most prevailing one.

The majority of Syrian refugees fall under a category with a temporary protection regulation, which causes two problems. On the one hand, while Turkey's recent law on Foreigners and International Protection was designed to establish a legal framework for migration and asylum (Library of Congress, 2013), the temporary status that most Syrian refugees receive is explicitly outside this law. A direct result is that Syrian refugees do not have the opportunity to receive a valid refugee status, and it could therefore be argued that Turkey is not a 'safe third country' for refugees (Human Rights Watch, 2016). On the other hand, to be applicable for the 'first country of asylum' principle, a country must be able to offer sufficient protection to refugees. This means that a refugee should be granted the right to a legal stay in accordance with the Refugee Convention and international human rights standards, such as safe living, work rights, health care and education (Costa, 2006). As we have seen in the previous section, various research has shown that these standards are currently not met in Turkey, which would disqualify Turkey for the 'first country of asylum' principle.

By considering the contradictions of these legal principles in relation to the EU-Turkey Statement, it seems very questionable that the EU considers Turkey as a 'first country of asylum' or 'a safe third country', as repeated by Stephanie Gee of Human Rights Watch (Human Rights Watch, 2016):

> *"Turkey already hosts over two million refugees, many of whom are struggling to survive and do not see their rights fulfilled as refugees. Instead of trying to pass the buck and violating their own standards, EU governments should play their part in global responsibility-sharing and give Syrian asylum seekers a chance to make their claims (Stephanie Gee, 2016)."*

Political interpretation

As we have seen in the contextualization of this paper, growing criticism from within Europe on the arrival of refugees was one of the factors that led to the EU-Turkey Statement. Right-wing parties have often magnified negative events associated with refugees, creating fear and anxiety within civic society towards the arrival of refugees. However, it has been argued that the focus on these negative events, such as gang rapes, honor killings, criminality in general and female circumcision, sustain a certain 'nationalist-racist hegemony'. By aggravating and using these 'moral panics' to gain momentum during election times, right-wing parties successfully forced mainstream national parties to shift to a more radical and even racist perception of the arrival of refugees (Yılmaz, 2012). This influence on national politics spread to European politics, and in order to regain the decreasing trust of EU citizens in the EU as an institution and to defend itself against far-right and nationalist populism (Algan, Guriev, Papaioannou, & Passari, 2017), the EU

has moved to a model in which the refugee is no longer considered a refugee as soon as he leaves his country. Following on this, the EU has set stricter migration policies and let loose of major legal achievements of the 20th century on refugee rights (Howden, 2017).

The EU-Turkey Statement also consists of complex and even hidden political factors on the macro-level. Recently, several NGO's and political institutions have warned that Turkey is slowly sliding towards an authoritarian and personalistic regime. They claim that Turkey's recent constitutional overhaul is a dangerous step backwards in Turkey's democratic tradition, risking the weakening of already inadequate judicial oversight and independence. For example, since the military coup in 2016, more than 30.000 people have been jailed and thousands have lost their jobs (Beesley, 2017). In line with this, it has been argued that the EU-Turkey Statement was a kind of blackmail, allowing Turkey to make this authoritarian shift without interference from European countries (Howden, 2017). This can be clarified as follows. It is clear to see that the events described in the above paragraph are in high contrast with the basic values of the EU, such as respect for human dignity, freedom, democracy, equality and the rule of law (European Parliament, 2017). However, the accession talks about Turkey's EU membership have seen the biggest push after the EU-Turkey Statement talks. For the first time since 2005, the year the accession talks started, the Turkish Prime Minister was invited to the EU summits in Brussels (Sahin, 2017).

At the same time, Turkey itself and also Germany have threatened to pull out of the agreement for different reasons. Germany because of the questionable side of the agreement regarding human rights and the above mentioned authoritarian shift of Turkey; Turkey because it has been more than a year since the last accession talks for EU membership took place and visa-free travel negotiations haven't made much progress either (Sahin, 2017). Nevertheless, it seems that the agreement is still on, because, as it has been argued, the agreement is solely one of a 'pragmatic bargain' based on 'a realpolitik-driven calculation of interests'. On the one hand Europe wants to decrease the number of migrants and on the other hand Turkey wants the financial and political benefits (Adamson, 2017). Turkey helps the EU by imposing visa requirements for certain countries and building walls and fences on its borders with Iraq, Syria and Iran, and in return the EU helps Turkey financially, and although the billions of euros Turkey is receiving is meant for the care-taking of refugees, the money is also a positive and needed boost for the Turkish economy (Lehne, 2017).

CONCLUSION AND RECOMMENDATIONS

We have seen which events and which political factors have led to the EU-Turkey Statement, how the agreement has been developing and how it currently is subject to important legal and humanitarian examination. It has become evident that a solution was urgently needed when in 2015 the migration flows continued increasing in size, as it caused serious agitation in Europe and led to horrible situations on sea and land. The EU's response, in the form of the EU-Turkey

Statement, has partially reached its goal by decreasing the number of deaths at sea and increasing the number of successful asylum assessments. However, it also created a situation in which human rights are severely violated as well. Important human rights such as the right to security of person, to be free from inhuman treatment and to be recognized everywhere as a person before the law (United Nations, 1948) are seriously endangered due to the current circumstances in refugee camps, the legal rights of refugees and the continuous hazards that plague refugees while making their journey to Europe.

Taking the incredible complexity of the situation in consideration, it is understandable that the EU was never able to establish a foolproof agreement. The choice to open or close ones' borders is not an easy one, as there are dozens of factors to be taken into account. This is also clear in current academic literature, where this choice has been extensively described from two perspectives. On the one hand it has been argued that states have a right to protect their borders in order to protect their citizens and values. In the case of Europe, this could for example be based on the protection of liberal and egalitarian values. While moral constraints should be set in place on how that control should be exercised, such as making clear distinctions on how states should choose who gets in or not, this view allows a state to prevent people from entering the state (Carens, 2003). On the other hand, some academics have argued for more open or even completely open borders, referred to as the 'Migration Without Borders' (MWB) scenario. This approach is based on the human right that everyone has the right to leave any country (United Nations, 1948), and should therefore consequently be entitled to be accepted in other countries. However, in most contemporary European states, only a few people are legitimately allowed to enter them. From a human rights perspective, strict border controls create and withstands global inequalities and force people to stay in a country where their freedom or lives might be in danger. Or in other words: while closed borders might ensure the well-being of the citizens of a nation, it ignores the well-being of people in the rest of the world (Pécoud & Guchteneire, 2005).

These two angles on border control have clearly become apparent in this paper. It seems that the EU has tried to find a balance between the two perspectives, although by the looks of it this balancing act has not been successful yet. Human rights are still being violated, the legal aspect is not correctly established, and the political issues are not improving the situation either. Nevertheless, this report also shows that the EU seems to continue the same path, with some attention to the problems described, but not to an adequate level. As several organizations have pointed out, there is a clear demand for vast improvements in the circumstances of the refugees in Turkey and other European countries; improvements that are not being reached in the current agreement between Turkey and the EU. To answer the main question of this paper, the position of refugees is not being improved by the EU-Turkey Statement and has rather become worse than before. Therefore, as the European NGO Concord has also pointed out (Concord, 2016), conventions on human rights should have high priority in the management of migration flows; migration strategies should be evidence based and under constant surveillance; assessment of

asylum applications should be conducted with the safety of migrants in mind; and strict control on financial support for Turkey is inevitably essential.

Although the concept of the EU-Turkey Statement may always be subject to contentious aspects due to its political, humanitarian and legal complexity, the current agreement does not offer sufficient compensation for these controversies. Supposing that some necessary evils might be unavoidable in order to effectively prevent violations of human rights, the main goal of an agreement such as the EU-Turkey Statement should always be to improve the circumstances of people who have escaped bloodshed and war. Therefore, as this paper has repeatedly shown, the EU-Turkey Statement should be critically reviewed and adjusted to adhere to the specified recommendations.

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