LOWERING THE REFUGEE DEATH TOLL: AN EXTENT TO WHICH THE EU FAILED IN THE EU TURKEY JOINT ACTION PLAN

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A thesis submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Political Science, Concentration TransAtlantic Studies.

Chapel Hill
2017

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ABSTRACT

Lauren Gaillard: Lowering the refugee death toll: An extent to which the EU has failed in the EU Turkey Joint Action Plan (Under the direction of Holger Moroff)

In this research I aim to unravel to what extent the EU has failed under the EU Turkey Agreement (JAP) to rightly lower the refugee death toll. I examine how the EU acts in its own self-interest, noting that saving the lives of refugees legally and illegally crossing its borders from the Eastern Mediterranean route is a contested moral, individual and institutional issue. There is an abstract and normative political responsibility the EU must uphold as an institution. Under Neo-institutionalism and the normative aims of R2P and the 1951 Geneva Convention I conclude that the EU in the EU Turkey deal superficially upholds its responsibility to lower the refugee death toll by fulfilling its duties under this policy for its political advantage. The failure is that the EU circumvents fixing the root causes of the issue by rerouting and increasing the death toll of refugees to the Central Mediterranean route.

Keywords: R2P, 1951 Geneva Convention, EU- Turkey Joint Action Plan
ACKNOWLEDGEMENTS

After several months of deliberation, I was able to complete this research with the help of UNC Professor Dr. Holger Moroff. Thank you for all of your guidance and advice. This research would not have been possible without you. I would also like to kindly thank Dr. Wolfgang Mackiewicz from Freie Universität for offering advice, as well as Dr. Marcus Engler from Humboldt Universität for presenting materials and inspiring me to pursue this topic. If it were not for our seminar and the exposure I had to learn about refugee politics alongside my refugee and asylum seeking colleagues and friends, I would not have been able to gain such a deep understanding of the personal and international affects the Migrant Crisis has had, and continues to have, on the livelihood and political relationships among international populations and institutions. My experiences throughout this project have been invaluable, so thank you to everyone who helped make this possible.
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## LIST OF ABBREVIATIONS

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<th>Abbreviation</th>
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<tr>
<td>EEAS</td>
<td>European External Action Service</td>
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<td>EUBAM</td>
<td>European Union Border Assistance Mission</td>
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<td>EUNAVFOR</td>
<td>European Union Naval Force</td>
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<td>ISSG</td>
<td>International Syria Support Group</td>
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<td>JAP</td>
<td>Joint Action Plan</td>
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<td>R2P (RtoP)</td>
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CHAPTER 1: INTRODUCTION

Introduction

In this paper, I aim to address the pressing issue surrounding unsafe refugee travel, specifically regarding the large number of deaths occurring on their journey to Europe as they migrate through different Mediterranean routes: Central and Eastern. By using the EU-Turkey JAP as a reference point, I will conclude that this particular deal has set a certain precedent, an extent to which has now currently called for a similar deal to be struck between North African countries and Europe. Several points of success outlined in the EU-Turkey agreement between Europe and Turkey, and three hypotheses centering around the failure on part of the EU in the EU-Turkey deal will be evaluated. The successes and failures depicted here thematically stem from a normative perspective, which revolve around the connection between morality and self-interest. I ask if it is possible for rational actors to act upon a policy out of self-interest and not address the ‘root cause’ of the issue for which the policy is made. As such, the rational actor might be identified as ‘less’ moral, but here this is seen as not the case. I must first establish that this research firmly aims to suggest that the EU is a rational actor, which acts out of self-interest under the EU Turkey deal and does in fact accomplish most of the issues that are laid out in the JAP.

This insinuates that the JAP itself is not ‘amoral’; rather, it is the motive behind the actions and the miss-guidance of the EU in addressing a moral issue: lowering the
death toll of refugees. Therefore, I determine the following as given: the EU is a moral, rational actor, as there is no reason to believe otherwise; the EU Turkey deal is a valid policy and the EU carries out the majority of the goals outlined in the policy. The policy itself is neither ‘moral’ nor ‘amoral’, as it is a set of standards detailed for the EU and Turkey by which to abide. I argue that the motives and actions of the EU as a moral and rational actor, under the policy of the EU Turkey JAP, are somewhat ‘amoral’, as is defined here as the EU’s lack of addressing the root causes behind saving lives of refugees—supported statistically in the number of deaths that have continued to occur even after the implementation of the JAP.

More explicitly, the main questions I address are: when evaluating the EU’s part in the EU Turkey deal, to what extent has the EU upheld its end of the deal, and in doing so, how has it succeeded or failed morally and statistically to save the lives of refugees? Furthermore, from the aid of other EU policies and mandates that deal with the migrant crisis and refugees, in what ways have they revealed the normative aims and political justifications of the EU when focusing on the individual and international institutional interests of lowering the death toll of refugees over time? The three hypotheses that may answer these questions include: 1) The EU as a moral, rational actor acts in its own self-interest; 2) EU policy makers are less at fault than the EU as a greater institution for making a strategic deal with Turkey—one that makes lowering the death toll of refugees less of a priority 3) The EU upholds the main points of the EU Turkey JAP superficially, not fully solving the issue by neglecting the root causes of mass refugee deaths in the Mediterranean sea, specifically centering around Syrian Civil War.
I will conclude from this that the EU acting out of self-interest only delegitimizes its morale when acting under the JAP in this humanitarian crisis; it is not delegitimized completely as an institution. When a rational institution outlines a policy that does not explicitly address the root cause of a moral issue it aims to achieve overall, but rather uses strategic self-interest and coercive means to just make improvements of the situation on the surface, then it might succeed at upholding the points of the deal and yet still fail at properly addressing the issue directly. This suggests that in this research the EU conducted ‘amoral’ actions as a moral and rational institution. An actor only uses the construction and implementation of a policy as a vessel to prove whether its motives and actions are thus out of self-interest and moral or not.

Quantitative data from EU Fact Sheets, FRONTEX Reports, IOM statistics, etc. shows factual evidence as to how a deal like the EU-Turkey agreement is not adequately combating the core issue of stopping refugees from dying on their journey to Europe—that in this aspect, it is failing as a deal because it is simply rerouting the occurrences of refugee deaths. I point out qualitatively that the EU-Turkey deal has not been explicitly successful in taking measures to save refugees’ lives by using EU legislative documents, fact sheets and press releases from 2015 to 2017, an article from BBC, as well as secondary sources of literature for reference. Through these methods of research, I find that there is a difference between actively saving refugees’ lives as they continue to cross the borders of the EU and rather simply stopping the passage of refugees across the Mediterranean by striking a deal to limit the number of travelers and strengthen restrictions for travel—claiming that this is successful in ‘lowering the death toll’—showing the EU’s self-interest motives.
As I examine the EU and migrant crisis in more detail through the lens of a neo-institutional framework and a 3-part normative angle, it is clear that though there is a responsibility to protect by many nations other than the EU, it is due to the international, neo-institutional and political nature of the EU in relation to the routes refugees are taking that it makes most sense to analyze, for the purposes of this research, only the EU’s responsibility to protect. The analysis will consist of deciphering the conundrum of who’s ‘higher standards’ the EU on the macro and micro level uses when responding to the crisis, and the moral and rational normative aims that may have guided the EU to act.

To first point out, the position the EU is in is very unique with respect to its role as a supranational entity because alongside of its responsibility to protect under the political commitment RtoP (or R2P), EU member states also have a commitment to abide by the Geneva Convention, specifically the 1951 Refugee Convention. The ideological issue is based on the overall purpose of the EU Turkey JAP, which is its commitment to first saving the lives of refugees. The EU rather aims to achieve other goals that instead benefit the EU (and Turkey) paving the way for further, similar deals to be made (several of which will be mentioned later as supporting or resulting from the EU Turkey agreement). In part, I research certain points highlighted in the EU Turkey deal and expose how the EU is benefiting and what this may mean for current and future agreements and partnerships.

1.1 The EU Turkey Agreement (Joint Action Plan)

Due to the massive developments of the Syrian war, the migrant crisis escalated to a point where the EU had to respond, making this a root cause of the migrant crisis and
refugee deaths. In recent years there has been one of the largest number of refugees to cross over the borders into the EU. Legal and illegal, refugees continue to flee from the Middle East and Africa using several possible routes and means of travel; however, the most popular pathways have shifted from the Eastern Mediterranean route to the Central Mediterranean route since the implementation of the JAP. The biggest issue for the EU is its incapability to stop the large amount of deaths from occurring, specifically in the Mediterranean ocean. As is hypothesized, the EU has failed to make lowering the death toll a first priority. Initially it was in 2013 that the EU said it would actually make it a priority to spearhead "increase [d] engagement with third countries in order to avoid that migrants embark on hazardous journeys towards the European Union…". The EU further tried to exemplify morale by concluding in 2015 after the extraordinarily large loss of lives in the shipwreck near Lampedusa, that they would "mobilise all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency" and then “strengthen their presence at sea.” There is a point of contention resting upon the question as to how we should interpret the last aim written in this line: ‘to tackle the root causes of the human emergency’.

Ultimately, the root causes revolve around the concept of war. It is due to war that there has been an escalation in refugee flight from cultural and political persecution. An aim of the EU is to establish partnerships, deals and political relationships with its

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1 See Appendix 3, 2b. Legislative Document, p.2; Source from reference 2; primary source from COM (2015) final of 13.5.2015

2 See Appendix 3, 2b. Legislative Document, p.2; Primary source: European Council conclusions of December 2016. See the Valletta Political Declaration and Action Plan. The next step in the process will be a Senior Officials Meeting on 8-9 February.
neighboring countries to maintain cooperative and peaceful environments. If there is war amongst its neighboring countries, causing refugee flight into Europe then that root cause to be addressed is war. The EU is currently exploring different options to aid the crisis such as focusing on the containment of traffickers and stopping the smuggling business. This does not stop the root cause of the issue, and therefore does not prevent refugees from coming into the EU (Kempin and Sheler, 2015).

Former military operations led by the US and NATO in several countries across North Africa and the Middle East resulted in their regime changes, civil wars and economic disparity. These in fact are several root causes that initiated the migrant crisis. As Chossudovsky states, “The refugee crisis is triggered by the despair of millions of people fleeing their homeland, whose lives have been destroyed as a result of [US led] wars and civil wars coupled with devastating macro-economic reforms imposed by ‘The Washington Consensus’ (Chossudovsky, 2016).” Outlined clearly by EU legislation is that their “first priority remains saving the lives of those attempting to cross the Mediterranean in their path towards Europe.” They also believe that “the root causes, in particular conflict, political violence, abuse of human rights and poverty, is essential. These objectives are prioritized like so, are however, not upheld by the EU under the EU Turkey agreement the way in which it is phrased here.

It was on 29 November 2015 that the EU activated the Joint Action Plan, which came from the European Agenda on Migration on 15 October 2015. The JAP notes several key ways in which both Turkey and the EU will join together in partnership and

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3 See Appendix 3, 2a. Legislative Document. In the document this quote comes from section II under “The European Union’s policy framework and response.”

4 See Appendix 3, 1. Press Release p.2
try, “…to step up their cooperation on support of Syrians under temporary protection and migration management in a coordinated effort to address the crisis created by the situation in Syria.” This shows that the EU has good moral and humanistic intentions to make it a priority to save refugee lives but in planning and implementation there was a failure. For example, the fault was not on the EU for the shipwreck but for the EU to make a statement in 2013 to put in a collaborative effort to detour refugees from taking hazardous journeys and then two years later there be a mass death occurrence of refugees who took an unsafe method of travel, sheds light on the lack of attention the EU put on tackling the root causes of the crisis.

Over time there have been overall successes, several of which do point to the implementation of the EU Turkey JAP in this ‘step up’ in coordination; however, some success also occurred in the interest of the EU. 1) The EU has less migrants crossing their borders while Turkey has kept the majority, increasing the number of refugees Turkey must politically support; 2) Turkey benefited from monetary aid the EU has given but they are still left with more of a burden to take care of the refugees; 3) The EU convened with Turkey to make this joint deal but under the EU’s provision. It is written in the JAP Press Release as such: “The implementation of the Action Plan will be jointly steered and overseen by the European Commission and the High Representative / Vice President and the Turkish government through the establishment of the EU-Turkey high-level working group on migration.” This automatically gives more leeway to the EU, leaving Turkey at a bit of a disadvantage even before negotiating. With this, the EU Turkey JAP initially

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5 See Appendix 3, 4. EU Turkey Fact Sheet

6 See Appendix 3, 4. EU Turkey Joint Action Plan Fact Sheet
exposes many underlying issues and yet successful measures as well, both for the EU and Turkey; however, what can be concluded and further examined is the extent to which the EU has failed to uphold its responsibilities in the EU Turkey agreement and how the agreement has somewhat failed itself on a deeper level through the theoretical lens of neo-institutionalism.
CHAPTER 2: THEORETICAL FRAMEWORK

2.1 Neo-Institutionalism

Institutionalism is a part of organization theory in which many scholars depict institutional conception and reasoning as institutions having cultural, normative and regulative elements (Scott, 2001). There is a spectrum within this new-institutionalist way of thinking where the most constructivist part of the continuum, from scholars like John Meyer, emphasize social creation of actors where it is believed that the environment is what shapes institutions and organizations. At the other end of this continuum, there are sets of ‘institutional constraints and supports’ of those pursuing self-determined interests in the process co-creating institutions. The first would be more along the lines of a kind of neo-institutionalism that the EU follows in its actions within the international community. It was in the 1970s and 1980s that new institutionalism came to the forefront of the theoretical scene, shifting attention from ‘old’ institutionalism in order to highlight that there may in fact be outside environmental factors that affect the constructs of organizations and give them ideas for their structure, increasing their legitimacy globally.

“As put by DiMaggio and Powell (1991:8): ‘The new institutionalism in organization theory and sociology comprises a rejection of rational-actor models, an interest in institutions as independent variables, a turn toward cognitive and cultural explanations, and an interest in properties of supraindividual units of analysis that cannot be reduced to
aggregations or direct consequences of individuals’ attributes or motives’ (Bromley and Powell, 2013).”

There is, however, an issue within neo-institutionalism, the rejection of self-interest and the global legitimization of institutions. It is problematic in a way to say that the EU has delegitimized itself under this theory if one abstractly blames them as an actor with selfish motives to respond to the migrant crisis of course. There is an issue of morality—detecting where these ‘higher standards’ and ‘higher forms of legitimization’ come from and who creates them. It is difficult to pin down from whom and where these higher ‘moral’ and political standard originate. The issue of ‘higher standards’ and the actions of individuals in connection to the institutional processes are more in line with Zucker’s social psychological outlook (Zucker, 1997). This conceptualization of neo-institutionalism constitutes that there is an emphasis on more of the micro-foundational side where the individual is greatly connected, either by influencing or being influenced, by institutions.

Regarding individual influence by institutions, it is also vital to recognize that at such an individual political level, there is almost no choice but for politicians to adhere to a rejection of their own political motives. For example, if a large number of the electorate from EU member states perceive that helping refugees is not in their own self-interest, or in the interest of the EU, then would it not be true that politicians who ignore them will not be (re-)elected? However, this is not the case for highly politicized humanitarian issues like the migrant crisis. From an abstract institutional level, the motives of the politicians at a supraindividual level do become more of a focus than at an individual level. This is true considering that individual motives come together to become
supraindividual and thus can end up institutionalized. In the co-creation of greater institutions or in the creation and implementation of policies and deals like the EU Turkey deal, under neo-institutionalism when an institution does not reject their own self-determined interests, one can in fact ‘appropriate aggregations and consequences’ to the greater institution’s actions. This leads us to question the motives of the EU as an institution. The EU has pursued its own interests and is consequentially failing to perform the duty of saving refugee’s lives through a deal that in theory it was supposed to accomplish; yet, instead the deal became a bargaining tool for EU border security and thus reduced entry of illegal migrants into the EU.

On the contrary, the EU does uphold certain concepts of neo-institutionalism. Due to the need for international responses of refugees in Europe, this humanitarian issue can be seen as an outside, environmental influence in the global polity, requiring a collective international response to initiate an expansion of empowering individuals and national institutions to come together. On the surface, the EU has indeed continued to respond from outside environmental factors, i.e. the Migrant Crisis, thus following the nature of neo-institutionalism. They have and are diffusing the practice of nationalized organization to international organization where rational-actors and their interests are governed by a ‘wider institutional environment’. The EU Turkey deal can therefore be categorized as a modernized form of rationalized administration from both the EU and Turkey’s side in a linkage to world society. This emphasizes that there exists a world polity which acts out of world societal influences, allowing international bodies to work together under a new kind of institutionalization, one that is cohesively pursues collective interests and not separate ones (Bromley and Powell, 2013).
2.2 Challenges

Two concerns that Powell and Bromley mention are also two concerns within researching normative and political motivations for the EU to form a deal with Turkey. The first challenge under the neo-institutional framework is that some attest to the fact that formal structures are superficial and that relative to actual practices, are tackling a peripheral issue. In this instance, this would allude to the EU tackling the peripheral issue of ‘lowering refugee deaths’ but actually not getting to the root causes of the issues. Neo-institutionalism overlooks addressing the overspecialization of actors — the EU (and Turkey as well) — and a lack of attention to coercive power (the EU coercing Turkey to abide by their end of the deal in order to receive benefits specified in this deal, such as reevaluation of Turkey’s accession into the EU and providing them monetary support in order for the EU to retain ‘border security’ and less refugee entries). It cannot be ignored that Turkey also uses refugees as a bargaining chip with the EU to make them acquiesce to the authoritarian regime they are trying to establish. The second challenge is that some interpret the emphasis on diffusion and homogeneity of organizational structures as having an influence from modernity and rationalization, thus appearing to become increasingly ‘superficially similar’ (Bromley and Powell, 2013).

Conclusively, how can high normative aims such as R2P still be pursued, even under a mandate—the 1951 Geneva Refugee Convention—in a co-created policy like the EU Turkey deal (when it is apparent that institutions on a macro-scale) have underlying self-interests? This conundrum leads to the question, how high can normative aims like R2P still be pursued in democracies even if they are in conflict with public opinion or
possibly, and as is seen today, give rise to radical parties? Politicians have to walk a fine line when voicing their own opinions and motives in public, or at the electorate supraindividual and institutional levels. Looking further into the normative aims of R2P and with respect to the Geneva Convention and a more psychological thought-provoking section, this conundrum may connect the individual actor, the international and institutional organizations and moral ‘high standards’ seen in the affects of the EU Turkey deal.
CHAPTER 3: METHODOLOGY

3.1 Data Collection

As a means for collecting data, I used mixed methods in this research. The quantitative data is used to provide mathematical models that are able to the issues in number of refugee deaths, arrivals and routes taken over the time that occurred before and during the EU Turkey deal was conceived and implemented. In order to put the mathematical data to use, qualitative data was collected, some from the same sources. I introduced the qualitative data involuntarily, as the premise of this research incorporated the necessity of finding primary documents, first by searching for documented evidence on the EU Turkey deal but then also the theoretical support and legislative writings to factually explain and support the argument at hand. Due to this research’s case-based nature, it was necessary to provide legislative grounding for a comparison over time on how legislative implementation and the EU Turkey deal, along with supplementary mandates and deals, affected or related to the increase or decrease in the death toll of refugees.

The quantitative data I collected comes from various Internet based sources. Some data comes from secondary sources such as articles or brief reports from institutes such as the Migration Policy Institute. Other quantitative data was retrieved from Frontex Report Analyses or data collection and analysis organizations such as IOM and GMDAC, along side primary source documents like EU Summit publishings or EEAS Fact sheets.
There are limitations and biases, however. An issue with these documents is the recognition that the sources are all from a one-sided (EU) perspective. Neither Turkish nor African sources were used within the confines of this research. Even still, using such international documents were arguably not necessary to support the research presented here, which centered around faulting the EU for not upholding its morale in the EU Turkey deal. Such conclusions can still be made by using EU documents, reports and websites.

Also, having various kinds of data sources has advantages and disadvantages. Advantages include that there are a variety of primary and secondary sources pointing to the same conclusion, adding more legitimacy to my argument. This quantitative variety however still brings about disadvantages, including that some data aimed at measuring the same topics were collected over sets of different years of comparison. For example, data collected in 2015 and 2016 might only have figures and tables that compare data of those years (or from several years before, like 2012), while updated data of 2016 or 2017 show comparisons between only those two years. This is an issue with researching a contemporary and current topic—the data available is somewhat limited and covers smaller ranges and sets of time, as well as smaller aspects of comparison.

Primary sources such as EU published documents add the advantage of reliability and regular updates; however, this also has its limitations. As is true when researching such a current policy issue, new proposals and deals are consistently being formed and reformed, making it difficult to focus on specific ways in which, in this case, the EU decides to combat a core issue within one policy. For example, when the EU held the Malta Summit in February of 2017, the issue focused on was consistent with the EU
Turkey JAP and the safety of refugees. However, the combatant methods to tackle this issue were shifted from focusing on the terms of the EU Turkey deal to smugglers and the prevention of unsafe methods of illegal migrant crossings, specifically along the coast of Libya and other North African countries. Ways of tackling the refugee death toll are changing; there are two upsides to this.

One is that this helps verify the issue that the EU Turkey deal does not necessarily do a just job at putting the lives of refugees first and actually reducing refugee deaths. It just pushes the refugees to go to other locations through dangerous land routes or to the coast of Libya where they take on the deadly waters of the Mediterranean and end up dying in even larger numbers. This supports the argument that refugees overall are still dying under the EU Turkey deal even though they may have reduced the number of deaths along the Eastern Mediterranean route. Therefore, this identifies that the EU Turkey deal is a legislative and political means for the EU to say it has done its humanitarian job while ultimately acting in its own interests by securing its borders and subsiding continued refugee migration into the EU.

Secondly, this research comes from various updated documents that are consistently changing. What once was a priority topic to be addressed in the EU Turkey deal, has now turned into a deal on its own. Arguably, lowering of the refugee death toll is no longer at the top of the agenda for the EU Turkey deal; it has become the primary agenda between the EU and North African countries. This in a way delegitimizes the argument presented in this paper considering that now there are more measures being taken and deals being made in order to address the root causes and humanitarian issues of the migrant crisis. This shows that there are policies that somewhat do seem to put the lives of refugees at
the core of their proposal, perhaps even revealing that the psychological and theoretical groundings used in this research may be discussed from a skewed angle—now revealing an alternative, that EU policy makers may psychologically understand the gravity of the large death toll and that the EU as a supranational entity may not be as worried about border security as it is about saving the lives of refugees. But of course, these counterarguments are hypothetical.

One brief additional limitation is that in some quantitative and actually qualitative data, it is difficult to decipher if the number of deaths include other methods of travel. The primary focus of this research is to detect the number of deaths by sea but also to allude to the fact that more should be done overall to ensure the total amount of deaths even on land and air, now within these African countries too, are reduced or fully subsided.

3.2 Data Analysis

The aforementioned overlapping of qualitative and quantitative data is increasingly evident as the research proceeds. Intertwined are the qualitative documents and primary sources, alongside the quantitative mathematical figures and tables. The figures, table and primary documents are all inserted in the appendices of this research paper in order to allow for contextual flow and a clearer understanding of how legislative documents and fact sheets naturally draw upon quantitative data. This better allows the EU perspective to be the focus and shows in which ways these documents may support or negate what the quantitative data reveals. The concluding argument of this research will be exposed once the analysis has been made.
I first and primarily evaluate in this research the qualitative data of the EU legislative document on the Joint Communication to the European Parliament, the European Council and the Council: *Migration on the Central Mediterranean Route Managing flows, saving lives* from 25 January 2017. Additionally using further primary and some secondary qualitative data sources, truths and falsehoods are recognized in a correlated manner between the ways in which the EU qualitatively adheres to its agreements and deals in the JAP, and also how it quantitatively reduces the death toll of refugees. I remark from the data that there is a rising focus on the implementation of a similar deal between the EU and North African countries.

It was after December 2013 that the plan to build a stronger policy and response to help migrants avoid hazardous journeys to Europe was initiated. According to the European Council, it became a priority. This ‘priority’ gained recognition and kept this status as the EU took on an unprecedented role being a supranational body to develop such response mechanisms to the tragedies that were occurring and would soon become a pinnacle number of refugee deaths in history. In 2015 one of the most devastating accidents, the shipwreck near Lampedusa, caused thousands of refugee deaths. The EU made a call to respond, which solidified the notion that they would “tackle the root causes of the human emergency by strengthening [their] presence at sea (2).” This recently published legislative document further states that since this tragedy, the EU has kept a strong presence indeed in the Mediterranean, rescuing tens of thousands of lives through today.

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7 See Appendix 3, 2b. Legislative Document
Even still, there have been negotiations and new deals thrown on the table for the EU to work with the Libyan Coast Guard and instill a Partnership Framework with several countries along the African transit route. It is therefore noticeable how the EU has now recognized that the efforts to simply create a ‘stronger presence at sea’ has not stopped the issue of refugees still crossing the Mediterranean, allowing for deaths to continue to occur. Sure, we see that the European Council has increased efforts to save the lives of refugees, but made known publicly at the 2017 Malta Summit by President Junker, migrant deaths have increased along the Central Mediterranean route since 2015. Put in other terms, this hints at a problem of this deal: migrants, mainly Syrian refugees, are still trying to escape and are dying, doing so by using other routes and illegal measures like smuggling to cross the Mediterranean into Europe because of the circumvention of the EU to address the root causes of refugee deaths.

Taking a deeper look into the data, I find further limitations with two outcomes, one with a negative affect and one with a positive affect. *Firstly,* certain data only depicts the sea crossings and the number of deaths occurring over the Mediterranean in relation to the number of refugees (mostly illegal) who continue to leave the Turkish and North African coastlines to cross. This is limiting, so in order to get a more accurate number of refugee deaths over time, it would be most beneficial to look at data that shows the ratio between the number of all refugees, legal and illegal, who have left to cross into the EU before and after the agreement’s implementation and then look at the number of deaths that occurred both before and after said agreement was put in place. It is then that one would have a most accurate number and correlation to see if this agreement affected the death toll. Furthermore, one would have to determine these numbers for each migration
route separately and combined to better find if the deal was ‘a success’ in saving lives. In addition to this, it would be necessary to take into account the means of transportation and then look at the rates of death within the countries refugees travel through in order to get to their destination country, regardless if it’s to the EU, Africa or the Middle East. Numbers of this caliber are almost impossible to 100% account for. Because of this, and because of the data limitations of this research, there may in fact be bias and skewed data.

It would be necessary to look at numbers of refugees specifically who legally and illegally crossed the Eastern Mediterranean route from the coast (or by land or air) of Turkey into the EU and compare that with the number of legal and illegal refugees who travelled the Central Mediterranean route from the coastline (or by land or air) into the EU. This would need to be done perhaps from 2014 until the implementation of the EU Turkey JAP and then again from the implementation date up through today. This would ultimately provide a more accurate, less biased and overall explanation as to if this deal effectively, all around reduced the death toll of refugees. The morale of this deal of course cannot mathematically be accounted for. This will have to fall under the category of qualitative normative perceptions of determining this aspect of efficacy or by figuring out if the EU dutifully upheld its responsibility to protect, doing so under good, selfless intentions.

Quantitative data from the EEAS fact sheet further suggests that the EU decided to establish relations and make proposals for agreements and deals with their African neighbors, e.g. the EUNAVFOR Med Operation Sofia, EUBAM and the new approach of the Migration Partnership Framework, which rethinks how all concerned actors – the European Union’s Member States, the EU institutions, and third countries – [will] work
together to better manage migration flows and strive for well-managed migration.\textsuperscript{8} The EU wants to solidify its African relations to continue its endeavor in responding to the ‘human emergency’ as a priority. So, for the different EU institutions and leaders there-within, it is necessary to extend humanitarian responses of the migrant crisis toward further assisting other countries along the central route that are a part of this international challenge. Further expressed by two main leaders in the EU are statements that push for a stronger European international presence in order to create win-win partnerships, ultimately instilling the belief that this will help address the root causes of the refugee crisis\textsuperscript{9}.

“A lasting solution will only come if we address the root causes, the reasons why we are currently facing this important refugee crisis. Our European foreign policy must be more assertive.”

-Jean Claude Juncker, President of the European Commission

“Migration is a positive thing for the world, but we need to do it in a regulated way. It is a global, complex phenomenon, it concerns the EU as much as countries of transit or origin...Our approach is a new one, based on a win-win partnership.”

-Federica Mogherini, High Representative/Vice-President of the European Commission, Strasbourg – 7 June 2016

In light of examining more data limitations and analyses, one must not be fooled. These views come out of privilege and from a feeling or manner of ‘success’ they believe they have achieved with Turkey in reducing the number of refugee deaths since the deal was implemented\textsuperscript{10}. This, however, only accounts for one mode of transit—sea—from the Central African route. As such, it is difficult to project and make solid statements on the efficacy of the EU’s policies to lower the death toll. However, this limitation allows us to

\textsuperscript{8} See Appendix 3, 3. EEAS Fact Sheet

\textsuperscript{9} See Appendix 3, 3. EEAS Fact Sheet, p.1

\textsuperscript{10} See Appendix 1, Figure 1
continue to examine the research in another way. I now must ask why the EU has been refraining so far to stop the death toll on land too. Is it because of sovereignty? Is it out of respect for these Middle Eastern and African countries in their partnership framework to authoritatively take care of its people? Or is this fully or partly out of EU self-interest? If the EU can only legally—without permission—save the lives of refugees at sea due to its right by international law, then this is understandable. But it is due to this establishment of new frameworks and partnerships between the EU and Turkey or North African countries that shows how the EU can and will circumvent its involuntary duty to abide by international regulations in order to continue to establish plans that harness its presence and personal interests to extend its borders internationally and avoid addressing the crisis head-on.

Secondly, the data for the number of refugee deaths across the Mediterranean ocean along the Central route is not misleading and stands for itself, revealing that there has undoubtedly been an increase in the death toll and in illegal migration since the implementation of the EU Turkey deal. The numbers of migratory travelers, legal or illegal, from North Africa to Italy along the Central Mediterranean route may have risen in comparison to that of the Eastern route due to the containment of refugees in Turkey—as was proposed in the EU-Turkey deal in exchange for financial support from the EU.\textsuperscript{11} The number of migrants crossing EU borders in general has decreased, especially along the Eastern route, which was the predominate route of irregular migration since 2012\textsuperscript{12} (Katsiaficas, 2016). It is because of this reduced border crossing that the EU sees the

\textsuperscript{11} See Table 1—Appendix 2

\textsuperscript{12} See Appendix 1, Figure 2
need for a similar deal with North Africa. Just because one deal may have subsided the number of migrants crossing EU borders, does not mean that the EU is saving the lives of refugees because of this. Factually, the implementation of the EU Turkey deal has caused a spike in refugee deaths due to its deterring nature. If they make another deal with North African countries to combat such reduced EU border crossings, then track record shows that refugees will just move and use another route, no matter the dangerous conditions.

The data provided also either only examines the Eastern route from Turkey to Greece only or the Central route from North Africa (Libya mostly) to Italy. In the specific Grecian EU point of entry, it may be due to causal factors including, time of migration—noting that the decrease occurred recently after the EU Turkey deal was established and also that the months examined were over the Winter season, thus making refugees less likely to travel in such cold waters and weather conditions. Ironically, this season is the time when most refugees decided to leave North Africa to travel to the EU. “In 2016, migrants embarked on trips from North Africa across the Mediterranean more frequently in winter months, as indicated by the 49,393 arrivals to Italy in October–December 2016, compared to only 21,772 in the same period in 2015, and 31,304 in 2014 (GMDAC, 2016).”

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13 See Appendix 1, Figure 3
CHAPTER 4: NORMATIVE AIDS

Introduction

In general, points of failure are viewed differently when approaching an evaluation from a normative perspective. As such, there are several ways in which one could normatively assess the failure of the EU to rightly lower the refugee death toll under the EU Turkey JAP. However, considering it is evident that this deal has been conceived under the management of the EU, I normatively assess motives and reasoning of the EU from an institutional level by looking at their actions under R2P and the Geneva Convention. I will also examine the actions and motivations of individuals, such as policy makers and politicians further on from a psychoanalytical perspective to better interpret how one can or cannot comprehend mass deaths. This would hint at a more concrete idea of perhaps why getting to the root cause of the issue and of coming up with an effective plan to combat the death toll might be difficult.

In 2016 the Migrant Crisis State of Play Agenda given by the European Commission, listed twelve priority actions as ‘matters of urgency’. Several actions listed here and carried out by the EU included distributing aid to Turkey and Syrian Refugees in order to tend to their needs within Turkey. The Implementation Report states, “The aim of the measure is to make Turkey a more attractive asylum country for Syrians addressing thus one of the main factors pushing Syrians to cross irregularly to the EU in search of better perspectives.” This opens the door for asking about motives and the ideology

14 See Appendix 3, 1. Legislative Document p.1
behind the EU extending help across its borders to admittedly keep refugees in Turkey. It calls out refugees leaving Turkey for the EU, saying that they envision the EU as a better place, in search of that ‘better perspective’.

Such a statement by the EU uncovers a slightly self-centered sense of political and economic awareness in comparison to where refugees are coming from, and lacks the selfless acknowledgement of the cultural and security challenges refugees face when crossing over the Mediterranean into the EU. From a documented standpoint the EU even first thinks of itself before and during its philanthropic actions to save lives. However, here they are admitting that there are pull factors, which is not a bad or amoral thing to do; the pull factors consist of: a better livelihood, safety, adequate means of food, shelter and basic needs, as well as the potential to stay in countries that are not ridden with war. In one respect it is necessary for the EU to mention the pull factors, but what might be depreciating the value of this statement in the report is the lack of addressing the root causes, the push factors, such as the initial cause of the migrant crisis—war.

The EU Turkey agreement also seems to flash this inward approach by decentralizing the focus of humanitarian response from the greater international complex of intervention based on adherence to the Geneva Convention and R2P regarding saving the lives of refugees, to a more nationalized complex of advocating for national elections and gaining right- or left-wing political support—mainly within EU member states. It is necessary to first look at how there is more of a responsive action instead of a preventative action being taken by the EU, which is indeed seen detailed in the JAP as well as in other reports and mandates mentioned here for supplemented reasoning. Such additional documentation includes the European Commission’s 2016 Implementation
Report on managing the migrant crisis. This leads us to take a closer look at the ideological reasoning for intervention in order to then analyze the facts on illegal migration, the death toll and the number of arrivals into the EU pre and post the implementation of the EU Turkey JAP.

Almost arbitrary yet documented information that sets up another normative approach reveals how the EU acts more out of personal interest as a rational-actor, skirting around addressing the root issue of migrant deaths. For example, in 2016 the EU partly blamed weather conditions for the overall increase in the death toll. “It has also to be noted that, due to deteriorating weather conditions, the number of people who perished while irregularly crossing to Greece is on the rise.” While this may be in fact true, what is missing here is the reasoning as to why in the first place refugee migrants felt the need to escape in such dangerous conditions knowing that they may possibly die. Perhaps it is due to their need to desperately escape whatever situation they are in, the Syrian Civil War for instance, knowing that if they stay they may die anyway. So, maybe they think, why not just die trying to at least make it to safety in Europe? If the EU understood and responded to the root causes of this humanitarian crisis, perhaps this legislative document would not need to blame weather for refugee deaths. Instead maybe the EU could have, at that time, called for safer measures for refugees to enter Europe.

It is true however that the EU is responding to the crisis in Syria by inducing political solutions and not military ones. This comes after the reoccurrence of violent acts after the deemed cessation of fighting and US-Russian hostilities in Syria. The EU is giving neighboring Syrian countries financial and humanitarian assistance and is

15 See Appendix 3, 1. Legislative Document p.5
suspending its cooperation with the Syrian government under the ENP. Does this now suggest that they are acting out of morale as a legitimate institutional organization? They are helping by actively participating in the ISSG, fully supporting the UN’s efforts of the UN Special Envoy for Syria, and most importantly, pushing the notion that “stability in Syria will only be restored through a Syrian-led political process leading to a peaceful and inclusive transition, based on the principles of the Geneva communiqué of 30 June 2012...ready to provide support once political transition has started (The EU and the Crisis in Syria, 2016).” The EU now addresses the root causes of war but only sticks to providing humanitarian aid, waiting for Syria to properly politically transition. The EU expresses concerns about foreign non-state actors and military involvement but ultimately does not spearhead the solutions of war. Anxiously, everyone waits for the war to be over while the EU continues humanitarian assistance. Of course aiding in such crises is moral and important, which is what the EU is doing, but is this actually saving lives and solving the issue?

Concluded in this report as well as in the aforementioned Malta Summit is that the EU is sending in military-type support like the Frontex coast guard to cooperate with the Libyan coast guard along the African coasts and they are also trying to assist in the efforts with Turkey to prevent illegal migration. However, the EU is addressing the affects of the root causes and hoping that the root issue will die down with the response and peace tactics they have implemented. What is the right answer? What is the moral thing to do—intervene directly, using hard power to stop the war, addressing the root cause of the deaths of refugees, or continue making deals trying to prevent illegal
migrants from traveling across EU borders, strategically bargaining under their self-interests?

We should understand that refugees come no matter the conditions; therefore, should the EU not address the root cause of unpreventable migration by enacting safe-travel as a prevention method to stop refugee deaths? Bridging the gap between the normative perspective and policy making, how should the EU then make a deal with Turkey, upholding their duty to respond out of adherence to the UN’s mandate, doing so without making their personal political agenda a priority? Morally, should they help Turkey and continue to do whatever is necessary to save the lives of refugees even if that includes helping them safely cross dangerous waters—doing so instead of blaming their actions and number of refugee deaths on the weather and methods of travel? Of course, if the EU does open their borders and reach out to take on the responsibility to bring migrants over, this could introduce many issues culturally, socially, politically and geographically. Security issues would be of priority and existing citizens’ livelihoods could feel threatened, politically this might be even more time-consuming for asylum applications, relocation, Schengen countries and EU mandates versus national member states’ law. So, how far the EU’s responsibility go to protect?

4.1 Responsibility to Protect (R2P or RtoP)

The first political responsibility through which I assess the EU under the JAP is the Responsibility to Protect. Certain questions based on the foundation that members of the UN agreed to the R2P political commitment therefore come into play. Which members did or did not respond to this crisis, and if they did, in what ways were they
efficient and open-minded in doing so? Keeping these questions in mind, it is very important to point out that I unfortunately will not compare other countries’ mobility in stepping up and extending aid as the EU has in this research. It is quite noticeable that the EU has taken the brunt of the refugee migration crisis since the civil war in Syria broke out, so they still deserve to be commended for the rapid work and policy implementations they have achieved thus far.

After accounting for the timely response of the EU, under Pillar two, *International Assistance and capacity-building* in the Responsibility to Protect mandate, it is clear that the UN has promoted the means of coercion and suasion, as is so elegantly put in the report of the Secretary General.16 This promotion of suasion generates the notion that R2P is based more on deals and personal connections that two or more national or international communities make with one another, so long as they appropriate and encourage states to exercise their responsibility to protect.17 Where is the lawful and legal legitimacy here? The Summit Outcome, which is what outlined this mandate R2P, states in paragraphs 138 and 139 four forms of provision. This report highlights that the first form of assistance implies “persuading States to do what they ought to do” while the others actually, “suggest mutual commitment and an active partnership between the international community and the State”18.

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16 See Appendix 3, 6. Implementing the Responsibility to Protect (R2P): Report of the Secretary General p.15

17 See Appendix 3, 6. p.15

18 See Appendix 3, 6. Implementing the Responsibility to Protect (R2P): Report of the Secretary General para. 28, p.15
The kind of assistance asked of States in the international community is exactly what the EU is doing, as well as Turkey and potentially the North African countries—adhering to a somewhat mutual commitment and partnership to respond to this crisis. So, they are indeed abiding by their responsibility to protect and work together, and the formulation of the EU Turkey deal proves the EU stepped in to help. However, in the same fashion it seems that by the standards of the R2P mandate, States are encouraged ‘to meet their obligations relating to the responsibility to protect [which] could entail confidential or public suasion, education, training and/or assistance.’ This suggests that it is ok for the EU to determine how and in what ways they might want to strike a deal with another country based on its own motives and agenda. This is a dangerous privilege, because this opens the door for States to lie or cheat one another out of a deal by only upholding part or none of it at all. The legitimacy of state power and state credibility is lost under R2P. It gives the EU permission to therefore strategically act as a rational-actor for the purposes of its own interest in a coercive way, which allows for it to be the subliminal meaning of the EU’s pronounced goal to save the lives of refugees.

As the Secretary General report states, “…when messages are reinforced by parallel and consistent Member State diplomacy, they will be more persuasive. Dialogue often achieves more than grandstanding, in part because it can provide parties with greater insight into each other’s motivations and intentions (para. 30).” What this means for the EU and its deal with Turkey is that the five main stipulations in this deal better be upheld, because otherwise one or both parties will lose its credibility and jeopardize its capability of keeping positive relations open between one another. The EU-Turkey agreement signed on 18 March, 2016 manifested five main points, which state that

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19 See Appendix 3, 6. para. 30, p.15
Turkey would agree to taking in the returned asylum seekers who illegally traveled through Turkey to the EU in exchange for around €6 billion in aid, there would be visa liberalization of Turkish citizens, negotiations revisited for Turkish accession into the EU, about €2-3 billion toward funding projects to improve lives of refugees in host communities in Turkey, and also the deal that the EU would provide resettlement of one Syrian refugee from Turkey for each Syrian that is returned to Turkey of up to 72,000 legal entries of such EU accepted Syrians (Human Rights Watch, 2017). Just recently, Turkish Prime Minister Tayyip Erdogan threatened to end the EU Turkey deal: “Now they say readmission. What readmission? Forget about it," he said. "You don't let my minister into the Netherlands. You revoke the landing rights of my foreign minister. You prevent [us] holding meetings at the General Consulate building, which is my land. But after that you'd expect us to do this [re-admit migrants]. That's not going to happen (BBC News, 2017).” BBC stressed the concerns of Erdogan by mentioning that there was a 'Broken Promise’ and they continued by restating three of the five main points of the EU Turkey deal, one of which Erdogan believed was not being upheld:

‘The migrant deal, signed in March 2016, saw Turkey promised aid, visa-free travel for its nationals and accelerated EU membership talks in return for its help in reducing the flow of migrants crossing to Europe.’

‘The number of migrants reaching Greece by sea dropped sharply after the deal was reached, and Turkey's continued co-operation with the EU is regarded as crucial in managing the mass arrival of migrants fleeing war and poverty in Africa and the Middle East.’

‘President Erdogan said the EU had broken its promise of granting visa-free travel to Turks.’
(BBC News, 2017)

What I conclude from this and from the Responsibility to Protect framework is that there is a lack of legitimacy. The mandate here is flexible and somewhat up for
interpretation, so much so that States have leeway to make deals, change them or not uphold them at all. Deals made under this framework are dowsed in power games and self-interest, which is exactly what has been happening between the EU and Turkey. The EU set up the game in their own interest and used forms of veiled bribery in the deal to make sure Turkey kept the majority of refugees on their side of the Mediterranean. There are many other reasons and arguments that could be made by this example, but the key here is that the EU, under R2P, clearly made the EU Turkey deal with its own interest in mind.

The EU, however, still upheld its responsibility to protect because quite frankly it had to; the refugee crisis was and still is directly affecting them. The EU also upheld its responsibility to help Turkey because it is very much encouraged under the R2P mandate to help other States that feel they have less of a capacity to protect\textsuperscript{20}. Yet most assuredly, the EU responded because it is mandatory to do so when it regards refugees and their livelihood, specifically dealing with countries that signed the 1951 Geneva Convention. This gives reason to believe that the EU under the EU Turkey deal using the framework of R2P acted out of necessity for the protection of refugees but also out of a mandated response to protect by being in the UN and yet for its own interest to secure its borders and hold off refugees from crossing into the EU who cross the Mediterranean from Turkey.

4.2 1951 Geneva Convention

This convention was the first to consolidate all other forms of aid and responses to refugees, providing the rights of refugees and determining who exactly a refugee is by

\textsuperscript{20} See Appendix 3, 6. para. 29
law. From Article I in this Convention, the term refugee ‘is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion’\textsuperscript{21}.\textsuperscript{21} The laws within the 1951 Refugee [Geneva] Convention are very straightforward. Each article dictates the procedures that the ‘Contracting State’, in this case the supranational body of the EU along side national state of The Republic of Turkey, should follow when responding to a refugee crisis. The issue of contempt here is that when looking at this mandate, both the EU and Turkey are following the guidelines of most, if not all of the articles. The EU and Turkey also upheld the fundamental principles that are underpinning this protocol, i.e. non-discrimination, non-penalization and non-refoulement.\textsuperscript{22} So, then what is the problem here? How is it possible that aside from seemingly not taking into account refugees’ personal situations that these countries, specifically the EU, are not necessarily following the Geneva Convention’s protocol?

Two things stand out to be problematic in the EU’s response to the refugee death toll that might be explained under the Geneva Convention: 1) the rights of illegal refugees are being partly neglected, and 2) there is an issue with non-refoulement. Following the EU Turkey JAP implemented on 29 November 2015, it was stated on 18 March 2016 that the foundational aim of this agreement was (and arguably still is) ‘to end the irregular migration from Turkey to the EU in full compliance with EU and international standards’ not to explicitly lower the death toll of migrants.\textsuperscript{23} Furthermore,

\textsuperscript{21} See Appendix3, 5. p.3

\textsuperscript{22} See Appendix 3, 5. Convention and Protocol Relating to the Status of Refugees, p.5
as was mentioned recently in February 2017 at the Malta Summit that a current aim is to stop smuggling—one of the most if not the biggest methods of illegal travel into the EU. Clearly it is obvious that even after several years of tackling this issue of irregular migration, migrants and refugees still come. So, in terms of the EU Turkey agreement, the two aforementioned issues come out of this aim, which shows that this aim is misguided because of the fact that refugees are still crossing illegally. Later the data will show that in certain routes this has increased over time.

The EU did indeed respond in the beginning very openly to accepting refugees. In time more concerns and disdain were brought about, perhaps from a point of misunderstanding or due to a lack of patience or time to accept refugees, including those who crossed illegally. It is true that the numbers of refugees, entering mostly in only several countries of the EU put a strain on resources and actions to respond. However, could it be that the thought of limited resources to respond and massive waves of illegal refugees caused an underlying distaste and lack of personalized evaluations for refugees, thus neglecting their rights to fair treatment under the Geneva Convention? Basic rights include: ‘rights to the courts, to primary education, to work and the provision for documentation including a refugee travel document in passport form. …The Convention [further] stipulates that, subject to specific exceptions, refugees should not be penalized for their illegal entry or stay. This recognizes that the seeking of asylum can require refugees to breach immigration rules.24’

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So, why is it that refugees are told under the EU Turkey deal to stay in Turkey other than for the benefit firstly of the EU and then for Turkey in regards to receiving money and bribery partly for renegotiation of their entrance into the EU? And why is it ok for the EU Turkey deal to somewhat circumvent the law of non-refoulement by stating in the agreement that for up to 72,000 refugees the EU will send back one illegal refugee in trade for a legal one from Turkey? In addition to this, why is it that burden sharing is so much of an issue that even illegal refugees cannot be provided the basic rights to live a decent life once they reach the EU if they survive their journey across the sea? Whether there are in fact enough resources, land and space for all refugees to be dispersed and properly treated, it is understandable that a solution to fair treatment takes time. But, the issue of importance stems from the question of why refugees have to take illegal measures to cross into the EU in the first place.

If refugees are still afforded basic rights (as they should be) and if it is mandatory for countries under the Geneva Convention to accept all refugees, then hypothetically speaking, why is there even a law in the first place? Also, why is there a more ‘goods and services’ depiction of refugees? Where is the morale that recognizes that all humans are humans? Every human facing persecution in their home country should be openly provided entry to another country for safety. Perhaps if there was no status of legality, less deaths would occur; but admittedly, this is too much of a utopian perspective, one that requires the expectation that all humans act and even make policies in response to crises with the intentions of having good will and decent morale. To shed light on how this directly relates to the individualistic-institutional perspective in the EU Turkey deal,
it is worthwhile to explore the psychological perception of policy making and reasoning based in the thought processes of lowering the death toll of the mass groups of refugees.

4.3 Psychophysical & Psychological Explanation

Once more, the major profits of this EU-Turkey deal are threefold: 1) EU-Eastern Mediterranean border control has increased and led to lower migration across its borders—legal and illegal; 2) The death toll of migrants has decreased in this specific region as a result; 3) Turkey now benefits monetarily from financial support by the EU. Therefore, all outcomes make the EU on an institutional level look helpful and secure to its citizens and make it seem like this deal is working. Subsequently, the EU is comprised of individual MEPs and lawmakers who do in fact have moral compasses; so if assuming correctly, these policy-makers most likely out of the goodness of their hearts would probably not want any refugees to die. This calls for a brief but necessary explanation of how psychological understanding or lack thereof of mass death affects policy-makers’ thought processes regarding in this specific case, how they may have developed the purpose, plan of action and benefit scheme of the EU-Turkey deal. Stalin once said, “a single death is a tragedy; a million deaths is a statistic,” and in light of this statement, a psychological and legal study on the value of human lives, conducted by Goodman, Jinks, Slovic, et.al from NYU School of Law, reveal a similar view:

“Our cognitive and perceptual systems seem designed to sensitize us to small changes in our environment, possibly at the expense of making us less able to detect and respond to large changes. As the psychophysical research indicates, constant increases in the physical magnitude of a stimulus typically evoke smaller and smaller changes in response. Applying this principle to the valuing of human life suggests that a form of psychophysical numbing may result from our inability to appreciate losses of life as they become larger…”
“The [...] importance of saving one life is great when it is the first, or only, life saved but diminishes marginally as the total number of lives saved increases. Thus, psychologically, the importance of saving one life is diminished against the background of a larger threat—we will likely not “feel” much difference, nor value the difference, between saving 87 lives and saving 88.” (129).

Naturally no one wants anyone else to suffer, let alone die, but based on this study people lose the ability to cognitively quantify and still feel connected to a mass amount of deaths. This being said, we can assume that it becomes a bit easier for policy makers who have not felt a personal connection to the mass amounts of refugee deaths to morally justify the implementation of policies that covertly have more of the EU’s interest in mind, selfishly justifying that this EU Turkey deal is then also providing its citizens [border] security and safety—theoretically giving them, EU citizens, a greater value than the loss of refugee lives. Policies like the EU-Turkey deal continue to be conceived based on premises where the EU can reap benefits such as the three aforementioned profits from the deal.

What should be recognized is simply the fact that the EU used its supranational power and influence to extend its borders across the Mediterranean in order to retain its power and border security, instilling this individualized and also institutionalized perception of safety to its citizens and member states. Factors such as resource availability and economic feasibility among member states is of course of concern when thinking about border security and refugee acceptance, so it in one way makes sense for the EU to reach out to the countries from where the refugees are departing in order to create stability and security there first. However, policies and deals like these from the EU are not rightly benefitting the refugees and saving lives, particularly the lives of those who are still trying to cross the borders of the EU illegally.
CONCLUSION

I have addressed several points outlined and explained regarding the EU’s role in the EU Turkey deal on the truth about lowering the refugee death toll. It is with this data and the limitations provided within that one can ultimately conclude that there was sidestepping of the EU within this deal. From blaming bad weather conditions for the deaths of refugees to the increase in deaths since the deal’s implementation, it is evident that the EU has failed in preventing and lowering the death toll overall, pointing blame rather than solving the issue.

It cannot be missed however that on the contrary, the EU has in fact lowered the death toll in the specific area of the Eastern Mediterranean route since the deal took affect. The data from the transit of refugees across the Eastern Mediterranean Route from Turkey shows the positive correlation between the decrease in illegal migration and the decrease in the refugee death toll from January in 2016 and 2017\(^25\). They also have succeeded in upholding their end of the deal such as supplying Turkey with monetary support and the like. In figure 1, one can see that the ratio of refugee crossings in May and June of 2016 on the Eastern route has decreased as did the number of deaths, but the ratio of this is much closer to even. With low number of crossings comes low number of deaths; that is obvious.

\(^{25}\) See Appendix 1, Figure 1; See Appendix 2, Table 1
Regarding the Central Mediterranean route, there has been an increase in the number of crossings (those migrants from the Eastern route migrating to the Central route) and thus also an increase in deaths. When comparing ratios, actually the EU Turkey deal did not evenly decrease the number of refugee deaths. So again, this leads us to several conundrums: Is the deal to lower refugee deaths conditional—to only save lives in that area covered by the deal or to save refugee lives in total? And, if the EU technically upheld saving lives in the Eastern Mediterranean route under the EU Turkey deal, does that mean that morally and factually, the EU (and Turkey) did its job rightly, under the neo-institutional framework and regarding the normative aims by which they were examined?

The question today is would a policy like the EU-Turkey deal work for North African countries? Would another deal like this actually focus on EU border control and saving refugees’ lives? If not, then is this not undermining the policies dictated under the 1951 Refugee Convention to treat migrants based on their individual circumstances (MEDMIG, 2017)? Under the Partnership Framework, methods of departure could perhaps be more thought out, safer and more feasible in general for migrants to make sure they already have proper documents together before traveling to the EU. Of course, resources, safety and cost of transportation would have to be thought over and determined by the EU and the cooperating countries first. This means that this would be a massive project, which very well might not be viable if proposed due to time constraints. Furthermore, when reviewing practical aspects regarding the cooperation of North African countries, the implementation of such a deal would possibly have limited capacity of these countries to evenly respond (Collett, 2017).
Through the evaluation of the EU-Turkey JAP and the role of the EU within it, I conclude that this particular deal did set a precedent for a similar deal to be struck between North African countries and Europe. Failures I highlighted in this research were evaluated and ultimately showed that through neo-institutionalism, the R2P and Geneva Convention, from an individual or institutional level, the morale of rational-actors may or may not be well intended, but technically it’s the response to the humanitarian crisis that counts.

I hypothesized three claims in order to determine whether there was a (moral and normative) failure by the EU and, they turned out to be true. I evaluated and assessed the EU under the EU-Turkey deal to have these characteristics: 1) The EU acts in its own self-interest; 2) The EU policy makers are less at fault rather than the EU as a greater institution for making a strategic deal with Turkey—one that makes lowering the death toll of refugees less of a priority; 3) The EU upholds the main points of the EU Turkey JAP superficially, not fully solving the issue by neglecting the root causes of mass refugee deaths in the Mediterranean sea specifically.

In conclusion, I determined that the normative aims and supporting documents only prove that there may in fact be moral issues and selfish intentions behind the actions of the EU to conceive and implement the EU Turkey deal, but this standing on its own does not mean much as evidence. So when adding in the quantitative data, I found that there were rerouted refugees and increase in deaths, which now gives more credibility to the skepticism of the moral intensions of the EU rightly lowering the death toll under the EU Turkey JAP. The issue with this normative and theoretical approach however is that the outcome and conclusion can always be left up for interpretation. What can be taken
out of this research and what makes this research pertinent to today’s discourse are the concepts of connecting the individual to the institution by infusion, thus gaining more balanced perceptions of the issues (and deaths) people face in order to make macro-level humanistic and yet still politically strategic policies within the world polity, world society and the international community. How can we connect to mass deaths, solve the root issue of these deaths from an international distance, and make further partnerships and policies in the future that set us all up for an individual promised chance at life and an institutional strategy for political success? These are the questions we should ask ourselves next.
APPENDIX 1: FIGURES

Figure 1: EU-TURKEY STATEMENT IMPLEMENTATION EFFECT

“In 2016, 434 migrant deaths were recorded on the Eastern Mediterranean route, a decrease of 46 per cent compared to the 806 recorded in 2015. This is likely linked to the 79 per cent decrease in Mediterranean arrivals to Greece from Turkey from 2016 to 2015. Arrivals fell rapidly following the implementation of the European Union–Turkey announcement in late March 2016,11 as did the number of migrant deaths on water; indeed, 83 per cent of migrant deaths recorded on this route in 2016 took place before the agreement was implemented (p.3-4).”

Reference: GMDAC, 2016
Figure 2: DETECTED IRREGULAR BORDER CROSSINGS BY ROUTE, 2008-2015

*Note:* This encompasses land and sea crossings.

Reference: Katsiaficas, 2016
Commission Graph 4: Irregular arrivals from Turkey to Greece by nationalities (i.e. Syrians, Afghans and Iraqis) - September 2015 to January 2016 – Source: Frontex FRAN data (2015) and JORA data (January 2016) as of 8 February 2016. JORA data are preliminary operational data that are subject to change.

“Figure 3 indicates the deaths and disappearances by month on each Mediterranean route. Compared to other routes, death while attempting to cross the Central Mediterranean occurs at disproportionately high levels to the number of people attempting the crossing. Since 2014, 17 of every 20 migrant deaths in the Mediterranean have occurred on the Central Mediterranean route, which accounts for just over a quarter of arrivals during the same period (p.1).”

GMDAC. Data Briefing Series Issue No. 3. Available at: https://publications.iom.int/system/files/pdf/gmdac_data_briefing_series_issue3.pdf
## APPENDIX 2: TABLE

### Table 1: TOTAL NUMBER OF ARRIVALS & DEATHS IN MEDITERRANEAN SEA

<table>
<thead>
<tr>
<th>Country of Arrival</th>
<th>Arrivals</th>
<th>Deaths</th>
<th>Arrivals</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>13,457</td>
<td>444 (Central Med. route)</td>
<td>8,981</td>
<td>97 (Central Med. route)</td>
</tr>
<tr>
<td>Greece</td>
<td>2,318</td>
<td>2 (Eastern Med. route)</td>
<td>116,005</td>
<td>321 (Eastern Med. route)</td>
</tr>
<tr>
<td>Cyprus</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
</tr>
<tr>
<td>Spain</td>
<td>1,000</td>
<td>39 (Western Med. route)</td>
<td>n.a.</td>
<td>7 (Western Med. route)</td>
</tr>
<tr>
<td><strong>Estimated Total</strong></td>
<td><strong>16,775</strong></td>
<td><strong>485</strong></td>
<td><strong>124,986</strong></td>
<td><strong>425</strong></td>
</tr>
</tbody>
</table>

Data on deaths of migrants compiled by IOM's Global Migration Data Analysis Centre.
All numbers are minimum estimates.
Arrivals based on data from respective governments and IOM field offices.

Reference: IOM 2017(1d).
APPENDIX 3: DOCUMENTS

1. Press Release

2. Legislative Document


3. EEAS Fact Sheet

4. EU Turkey joint action plan Fact Sheet

5. Convention and Protocol Relating to the Status of Refugees

6. Implementing the Responsibility to Protect (R2P): Report of the Secretary General
REFERENCES


