UNIVERSITY OF GOTHENBURG

School of Global Studies

EU leaving the refugees at the doorstep

An analysis of the readmission agreement between the EU and
Turkey in the current refugee situation.

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Abstract

60 million refugees in the world, the highest number since World War II; how is the world responding? This study seeks to examine the changes in the EU politics, were the EU have chosen to handle the so called "refugees crisis" in Europe during 2016, with the readmission agreement between the EU and Turkey. The agreement consisting of deporting the refugees arriving on the European border: in the Greek islands back to Turkey. An agreement leading to an extensive change in the EU politics and an extensive critic from a large number of international actors. Clamming that the readmission agreement might be breaking human rights laws.

The critics argue that there is a gap between what the EU states as their motivations and what the actual impact of the agreement is: this study explores to what extent there might be a gap. The study has been done thought a motive analysis of the content and hermeneutics in the EU official document: to detect the EU.s stated motivations. As well an analysis of the challenges facing the agreement by looking at the main critiques and the contradictions in the agreement itself to detect the actual impact of the agreement. Further on create an understanding for the EU´s action and motives as a global actor in the sphere of refugee politics, through the theoretical framework of Realism and "Human Rights washing". The thesis gives a conclusion to why the EU is responding the way they are; calling for a change were we start protecting the people at risk instead of our borders.

Keywords: Refugee, refugee politics, EU, Turkey, asylum, globalization, migration, human rights

1. Introduction

"Unaccepted where they are, unable to return whence they came" (Gordenker, 1987, p.213)
60 million people are refugees in the world today; it is the largest exodus in world history
according to UNHCR. Meaning that one person in every 122 people has been forced to flee
their home, and the number is increasing (sverigeforunhcr, 2015). Heading into its sixth year,
the conflict in Syria has resulted in the world's greatest humanitarian crisis since World War
II. The civil war has led to 8.7 million people being internally displaced and 4.8 million have
been forced to flee to neighboring countries (UNHCR, 2016a) Not only Syria is causing such
major flows of refugees. People are fleeing from several other countries as well, such as
Afghanistan, Iraq, Pakistan and Nigeria among others, due to conflicts and danger (UNHCR,
2016b) They are risking their lives fleeing from countries were they cannot enjoy their human
rights, fleeing to Europe, to the countries where they hope this will change. During 2015,
Europe received a record high number of refugees arriving by the dangerous sea routes; over
one million refugees reached Europe by across the Mediterranean. In addition at least 34,000
have crossed from Turkey into Bulgaria and Greece by land during 2015, (UNHCR, 2015)
this leading to changes in European politics.

*"The severity of the situation is immense. Last year 3,771 people drowned in our seas. This
year already more than 450 people, including 77 children, have died. As politicians, we have
a duty to ensure that these are not just nameless statistics. These are real people, with real
lives. We must all do better -indifference is not an option. It is time for action on every
aspect",* said Ms. Metsola at the European parliament regarding the refugees fleeing over the
sea to Europe (European Parliament, 2016).

The way that EU has chosen to handle the extraordinary refugee situation in 2016 is by the
readmission agreement between the EU and Turkey, which was implemented in April 2016.
The agreement consisting of deporting the refugees arriving on the European border on the
Greek islands back to Turkey The readmission agreement have had vast effects on decreasing
the number of refugees arriving to Europe. (European Parliament, 2016a) Leading to an
extensive critic against the agreement, claiming that the agreement might be breaking human
rights laws; closing the doors on the refugees fleeing to Europe. Due to this critique, the
critics argues that there is a gap between what the EU states as their motivations and what is
the actual impact of the agreement. The thesis will explore how an agreement, that has been
so extensively criticized, having fundamental impacts on the refugees lives as well as on the

whole picture of the EU refugee politics, can be implemented. This thesis explores the motives behind the readmission agreement to examine to what extent there is a gap between what the EU states as their motivation for implementing the agreement and the actual impact of the agreement. This will be done thought an motive[1] analysis, were the content and the hermeneutics[2] in the EU document regarding the readmission agreement will be examined, as well as the main critics of the agreement and the hermeneutics in the EU documents going against the EU stated motivations. To help create a broader understanding of the possible gap the theoretical framework of realism and "Human Rights Washing" (elaborated in the theory section) will be applied to the result of the motive analysis.

1.1 Disposition

The thesis starts by outlining the aim of the thesis as well as the research questions, the restrictions for the thesis and the motivation for the choice of subject. Next, the theoretical and methodological standpoints will be explained, followed by a review of the methods that are used in the study, the material chosen for the thesis, as well as the motivation of these methods. Thereafter, an outlining of the theory and analyzing framework, the actual theories used in the thesis; Realism and "Human rights washing" (elaborated in the theory section) will be reviewed and summarized. Next is the background consisting of covering facts about the contemporary refugee situation, the refugee politics in the EU as well as the specific content of the readmission agreement between the EU and Turkey. Followed by a brief summary of the previous research done in the field.

Then follows the result section from the motive[3] analysis, consisting of three parts; part one consists of the outspoken motives made by the EU parliament, which has been detected by looking at the content in the EU documents. In the second part the content of the critics main argument against the agreement is presented as well as content from the EU document that supports the critics and can be argued to go against the stated motivations from the EU. The third part consists of the hermeneutic findings in the EU documents. The hermeneutics will be a comparison; one side is the hermeneutic that are strengthening the EU stated motivations and the other side is the hermeneutic findings in the EU documents that support the critics, meaning that the hermeneutics actually detect contradictions in the EU documents. Following the result is the analysis. The analysis draws on the previous sections, and attempts to create

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[1] It is a combination of motivation- and motive -analysis (deliberated in the method section)

[2] Hermeneutics is a way of analysis text by looking at the language usage, phrases and words (deliberated in method section.

[3] It is a combination of motivation- and motive -analysis (deliberated in the method section)

an understanding of the potential gap between the stated and underlying motives, with help from the theoretical framework of realism and "Human Rights washing" (deliberated in the theory section). Finally, the study will have a concluding discussion referring to the key findings in the study.

2. Research

2.1 Aim
The aim of this bachelor's thesis is to explore to what extent there is a gap between what the EU states as their motivations of the readmission agreement between the EU and Turkey and the actual impact of the agreement. If there is a gap, the thesis will try to create an understanding for what this gap means and how we can understand this gap with the theoretical framework of Realism and "Human Rights Washing"

2.2 Research questions

- o To what extent is there a gap between the EU's stated motivation of the readmission agreement between the EU and Turkey, and the actual impact of the agreement?

- o If there is a gap; how can we understand this gap from a theoretical perspective of Realism and "Human Rights Washing"?

2.3 Demarcation
The thesis does not examine any specific European countries; instead the EU is examined as decision making institution and as a body of sovereign states. The only state which is separately examined in some extent is Turkey, since Turkey is one of the two partners in the agreement.

The thesis does not research the full spectrum of EU refugee politics. The focus is instead on the readmission agreement and changes made in European refugee politics from November 2015 to April 2016. Selected critics from outside of the EU parliament have been used as a part in the analysis (elaborated in *material* section) to be able to examine the actual practice of the agreement which will future on help to be able to detect a gap in relation to the EU´s stated motivations. The critics themselves are not being analyzed; only the statements made in regards to the readmission agreement between Turkey and the EU. The study is done in a

current context with as much recent and up to date data as possible, but of course things change during the time of writing, as it is an ongoing occurrence.

2.4 Motivation/Relevance

What motivates this bachelor thesis is the extraordinary refugee situation, with a record high numbers of refugees in the world as well as a record high number of refugees arriving to Europe by the dangerous sea routs. Relevance of the thesis is also based on the closeness in time, due to the readmission agreement having just been implanted in April 2016, and already have had an extensive impact on EU politics. This gives the thesis a contemporary motivation, and due to the closeness in time there has not been any extensive studies done in regards to the implementation of the readmission agreement.

The changes made in the refugee politics are vast, they were implemented quickly and have had an extensive effect on the refugees themselves, EU's politics as a whole, and thus also on the EU member states and their citizens: this is an important aspect in this study. These are changes that are highly discussed as well as critiqued from a broad range of media, NGOs, the UN and other states. The fact that the implementation has been criticized in such an extensive manner motivates the study of both the stated motivations by the EU as well as the motives behind the implementation The fact that it might be a gap between the rhetoric's from one of the largest international actors and their actions with affects millions of lives; is the main motivation for this thesis..

2.4.1 The relevance for the field of Global Studies

Global Studies is interdisciplinary. Thus, it does not only involve one specific field but instead intertwines in different ones; this serves the relevance for a study like this since the refugee politics involves many factors and actors in different fields. Such as: politics, globalization and justice. It is all a part of today's current globalized context, in which it is important to create an understanding for how to handle global issues which are needed to be coordinated for a global response (Campbell, MacKinnon & Stevens 2011: p. 2). This thesis will therefore attempt to provide an explanation for how the EU as a global actor motivates the agreements and its impact on both human lives and on international relations.

Of importance to the field of Global Studies is as well what affects and concerns the civil societies, the importance of responding to issues which affects people's lives recurrently. Immigration and refugees can today be viewed as one of the clearest ways to relate to how

globalization affects the civil societies; how people move across borders, connect the world in new ways and affecting the societies they have left as well as the new once they arrive in. (Aggestan&Höglund, 2012, p.241) The refugees are themselves an example of a complex relationship between human rights and the concept of the sovereign state system, which is a constant discussion in today's globalized world. The refugees' situation becomes strongly connected to the field of justice in the context that the refugees are not traditional citizens, rather the refugees are outside of the conception of the citizen which focuses on the membership of a bounded territorial community: a state. Refugees are constructed as the opposite of the states interests, (O'Nions, 2014, p.4) which is an important aspect in a world governed by states and state actors such as the EU. I hope this study will contribute to the discourse concerning the EU as a global actor and its action in a state of crisis. The thesis will attempt to contribute to a new perspective on how the current refugee politics in the EU relates to the fields of globalization, justice and politics in the current globalized context.

3. Method

3.1 Ontology and Epistemology

The ontological standpoint of this thesis is based upon critical realism; which means that there is a reality that exists independent of our thoughts and that we ourselves can come close to this reality by creating an understandings or a truth which is social constructed and based on our own subjectivity (Bergström & Boréus, 2005: p. 27). The epistemology the thesis is based on Karl Poppers philosophical standpoint, as I believe that in order to gain the best possible knowledge you need to realize that you can be wrong (Gilje & Grimen, 2007: p. 81). Through analyzing the research material, one can approach a truth regarding the motives behind the agreement that the thesis aims to detect. However, the position of critical rationalism argues that the road to this truth is to a large extent affected by the writers prior understanding as well as the writer's prejudices of the phenomena. We can approach this truth, but are prevented from reaching all the way to an objective reality because of human's subjectivity. (Gilje & Grimen, 2007: p.81). Hence if someone else were to do the same study, it is possible that they could reach a different conclusion based on their subjectivity, this have been important to bear in mind when conduction the thesis. This thesis does not recognize to have reached a definite understanding of the motives of the EU regarding the agreement, the thesis is meant to contribute to the studies in this field and thus to a greater understanding of the issues and affects.

3.2 Method

This is a case study where the case of the specific readmission agreement between the EU and Turkey has been examined. This has been done through analyzing the texts and the official document on the readmission agreement from the EU. A combination of different methods has been used to get a broader analysis of the readmission agreement.

The research method for the study is an open reading of the chosen material, which has been done inductively. The read material has then been analyzed to be able to answer the research question. Since the focus in the thesis is to detect and analyze both the stated motivations as well as the underlying motives of the readmission agreement, the thesis has used a motivation and motive analysis in the analysis method of the thesis. The methods of motivation analysis and motive analysis has both been necessary to be able to detect the possible gap. The methods are used together in the thesis and do not need to be separated since the only difference is that the motivation analysis aims at the stated motivations by the EU and the motive analysis aims at the underlining motives behind the implementation of the agreement (Esaiasson, Gilljam, Oscarsson, & Wängnerud, 2012: p.291) The method will be referred to as motive analysis hereafter.

This method aims to explain actions by looking at the motives of the actor (Hadenius, Henning & Holmström, 1984: p.148). The main actor in the motive analysis is the EU Parliament as it is them who have created and implemented the agreement. A motive analysis is the conscious discussions of an actor that ultimately represent their motives for an action; when one identifies these deliberations and studies them one can come as close as possible to explain why actors act the way they did (Esaiasson, et al. 2012: p. 190). A motive analysis can consist of a range of different analytical methods to detect the motives in the material. The analytical methods used in this thesis have been to both look at the content in the documents as well as the hermeneutics, were you look at the language use (deliberated below). This is done by looking at the stated motivations from the EU, by looking at the content in the documents, where the hermeneutics analysis is used to strengthen the stated motivations in the EU documents. The thesis also examine the motives against the agreement to be abel to see the actual practice of the agreement, this is done by looking at the content of the main critics as well as the hermeneutic findings in the EU documents that goes against the EU stated motivations. Future on highlighting contradictions and can be motivated to strengthen the critique.

The content has an important role in order to detect the direct stated motivations by the actors, which always should be used as a motive indicator in a motive analysis. This since the starting point in a motive analysis is that the actors have made conscious considerations and therefore it is important to see how the actors themselves want to motivate the actions (Esaiasson, et al. 2012: p 296). The critics in the study have not been analyzed as actors and the hermeneutics have not been used on the critic's documents. Rather the critics have been used as a tool to detect and strengthen the actual practice of the agreement to be able to detect a possible gap between the actual practice and the EU stated motivations. The two sides; the EU stated motivations and the actual practice according to the critics together with the hermeneutic, have been put together to examine the extent of the detect contradictions and then the possible gap. The results of the motive analysis are presented in the *result* section in the thesis.

To further create an understanding for the EU´s actions and the extent of the gap, the theoretical framework of Realism and Human Rights Washing (elaborated in theoretical framework) have been applied on the results in the analyzing part of the thesis. This study is an explaining research meaning that the thesis aims to explain why the EU have acted the way they did and try to explain the actual practice of the agreement. The theoretical framework has been used in the analytical part of the thesis for creating a broader understanding for the results detected in the study, an understanding for why the actors acted the way they did in this particular case (Esaiasson, et al. 2012: p.89) As well as give the detected motives and the possible gap a clearer and more extensive context in the field of refugee politics in a globalized world.

The disadvantage with a motive analysis is that it is rather difficult to assume with full credibility that one has mapped out the actor's true motives. It can as well be argued that one cannot assume that the deliberations of an actor are in fact conscious. Thus, when deciding to conduct a motive analysis, one must be ready to argue that the actors were able to make conscious deliberations before acting as they done (Esaiasson et.al, 2012: p. 291). The focus of the motive analysis will be on *the sender* of the text, in this case the EU, as the aim is to uncover the EU's preferences and motives, which will be put in relation to the critics.

3.2.1 Hermeneutics

The hermeneutics is used to strengthen the stated motivation as well as detect contradictions in the material which can be used for detecting possible gap between the stated motivations and the actual practice of the agreement. For the hermeneutic method, the most important

thing when analyzing is the interpretation of the language the actor uses to motivate its actions in regards to their previous knowledge, such as cultural or political backgrounds (Gilje & Grimen, 2007: p. 95). It is stated by Hadenius (1984: p. 125), that the aim of a hermeneutic analysis is to analyze "the empirical relationship in the form of an asymmetric connection between actors' motives (intentions) and their actions", as illustrated below. Thus, by evaluating the indicators (the empirical data in the form of the EU documents) one shall understand the motives and thus discover the causal relationship between an actor' motives and actions (Hadenius, 1984: p. 126).

Axel Hadenius theory of hermeneutics will be used, where Hadenius have lined out some guidelines to consider when conducting a motive analysis with the hermeneutics analyze method; which has as such been considered when writing this thesis as a part of detecting the motives. Hadenius argue that when conducting a motive analysis it is important to put focus on the actors' language. Should some words/phrases be used frequently, it indicates that it is of importance to the actor and can be assumed to be a motive (Esaiasson, et.al, 2012: p. 300-301). Secondly, should some phrases/words be reoccurring during a longer time it is to be considered of importance to the actor (Esaiasson, et.al, 2012: p. 300-301). These indicators have been used in the motive analysis.

It is important to bear in mind that a weakness of the hermeneutic analytical method in this thesis that the language used by the EU Parliament, which has been interpreted, is a diplomatic standard of language. It is important to notice that if other scholars were to do the same examination, they could possible arrive at different conclusions, which is future one an aspect that is important to bears in mind while conducting the research. This is one way to detect motives and to analyze the agreement but not the only way.

Indicators →Inference→ Motive ←Causal relationship→ Action

Figure 1: Hadenius, Henning & Holmström, 1984: p.125

3.3 Motivation of method

I have a chosen a combination of methods as I do not consider one method to paint a holistic picture of the motives of the agreement and its actual impacts. There were several different methods which were considered before choosing to conduct a combination of methods.

The reason that it is not a discourse analysis, which otherwise might have been suitable for the study, is that the thesis aim is not simply discuss and analyze the context and the power structures, but to find a deeper understanding for the motives behind the EU's action. Especially since the agreement is argued to be controversial and highly criticized. I considered conducting an ideology analysis; it could give the thesis the opportunity to examine how the ideology shapes actions in a crisis. However, the ideological standpoints in the agreement might be discussed in some extent it is not the focus in the thesis since the motive behind the action gives a broader covering and a better understanding of the agreement itself and the EU action then to only look at the ideological standpoints. Which within this thesis might just have a small explanatory part of the underlying motives.

The study combines two different aspects of methods; the positivism in the aspect of looking at the frequency of words, as well as their positions in documents and the fact that the documents are legal documents that are used in a political sphere were the motive analysis is in a concrete and direct way sorting out the stated motivations. This is then analyzed from a more interpretive perspective of critics, contradictions and the theoretical framework, which helps the thesis to detect and interpret the motives and put them in a context. I have chosen to combine a positivist and interpretive way because I think that it helps the thesis to try to be able to understand the EU motives behind their actions; since it is a legal and political agreement, but also an agreement and a discourse that affects individuals on a micro-level as well as states on a macro-level. I feel that this combination is crucial for creating an understanding regarding the agreement.

3.4 Material
The main sources of material for this thesis are official documents originating from the EU parliament regarding the readmission agreement, namely; protocols from the EU parliament's debates, reports done after the implementation of the agreement and the specific agreements itself. The documents have not being analyzed separately in the thesis, they have been analyzed consequently throughout the result and analysis section. This is possible without making further demarcations in the documents, since the EU documents only range from November 2015 to April 2016, and all originate from the EU Parliament. Little attention have been paid to the structures that make the decision and implementation; rather the focus have been on the politics itself, the content of the agreement and the affirmed and underlying motives that can be detected by analyzing the material. The thesis has as well revived previous research made on European refugee politics as well as about asylum and

immigration research. The thesis has also used selected theoretical perspective, which will be discussed future under *analytical framework*. Limited attention has been paid to the human right discourse and international law framework itself, rather the focus has been on the human right to seek asylum in regards to the readmission agreement and the international law that affects the EU refugee politics in whole. A selection of critics has been used to be able to see the actual impact of the agreement, the critics documents are strengthened by the hermeneutic findings in the EU documents. The critics that will be used are: *Amnesty International, Human Rights Watch, UNHCR, Politico Europe* and *critical member states from the EU parliament and council debates.* The selection of critics is based on which actors that have been the most active in participating and monitoring the refugee situation, further on seemed to have the most influence in the international sphere, when searching for critics regarding the agreement.

4. Theory and analyzing framework

The theoretical framework is being used in order to analyze the data collected in the result section and to answer the second research question: "If there is a gap, how can we understand this gap between the EU stated motivations and the actual impact of the agreement?" The theoretical perspective of realism is used to challenge the statements made by the European Parliament regarding its actions, as well as possibly give an explanation to the EU's actions. I have also constructed a theoretical perspective; "Human Rights Washing" which in the thesis is used to create an understanding to how the EU is using the agreement as well as create an understanding for the possible gap. In this section follows a review of the two theoretical approaches and in the analysis section it will be applied on the results.

4.1 Realism

Realism is a view of international politics and international relations that stress the competitive and conflictual side were the realists consider the main actors in the international sphere to be nation states (The Stanford Encyclopedia of Philosophy, 2013). International institutions and international law play a role in international relations, but are only effective if it is backed by force or effective sanctions (Steans, J, Pettiford,L,. Diez,T& El-Anis, I., 2010 p.57*).* International cooperation is significant only to the extent that it is engaged in *by* states, *for* the benefits of states (Steans et. Al, 2010, p. 65). There are several different directions in realism, were classical realists claim international politics to be driven by a never-ending struggle for power rooted in human nature (Baylis, Smith, & Owens, 2014: p. 104). Structural realists

believe that a relative power distribution in the international community which is the most important variable to consider when trying to understand important international phenomenon's', for example war and peace, the balance of power and alliance-politics (Baylis, et al. 2014: p. 104). Neoclassical realists think that the actions by states are reflections of the influences based on the national level; decision-makers witch then play a significant role in states behavior (Williams, 2013: p. 26). The realism believes that power and power struggle is the key to understanding international behavior and state motives. For realist, the main form of power is military or physical power (Steans et. al, 2010, p. 57). Furthermore, realists argue that states do not act solely or mostly on moral concerns, for example human rights violations. States are self-centered actors which act to protect themselves or to gain more power (Baylis, et al. 2014: p.104). In the thesis the structural realism and neo-realism is used as well as assumptions shared in general by the theory of realism.

4.2 "Human Rights Washing"

"Human Rights Washing" is a concept created for this study by using the existing concept of "Greenwashing" and applying the same framework that Greenwashing consist of, on the case of Human Rights. This part will outline the concept of Greenwashing and how it can be applied on Human Rights, to become *Human Rights Washing*.

Greenwashing is by the OED defined as: "The practice of overemphasizing a company's environmental credentials, often by misinforming the public or understating potentially harmful activities" (Oxford Reference, 2011). Greenwashing was coined already in 1986 by the environmentalist Jay Westervelt. He used Greenwashing to describe marketing intended to deceive consumers into believing that a company is practicing environmentally friendly policies and processes (Lane, 2013, s.280). Its main aspect is that the companies, government or other group is doing the opposite, actually damaging the environment or act in an opposite manner to the goal of the announced initiatives. Greenwashing is doing a selective disclosure of the positive information without full disclosure of the negative aspects. This can be applied on the case of human rights and viewed from a perspective of realism (deliberated above). Because of states own interest, argued by the realists, on a national level and on an international level, or in a context like EU, the self-interests are prioritized above everything else, for example human rights. Resulting in that states, leaders and politicians making it look like they are acting from a perspective of human rights, but are only striving for their own interests. The reason can be that the states, or in this case the EU, need to gain legitimacy or

popularity from the people or other states. Therefore, they need to uphold and mediate a positive image of the state; resulting in a Human Rights Washing.

Since it is hard for stakeholders to evaluate the companies' environmental performance, they have to rely on that the firms reports their environmental quality to them. This can further be applied to the case of human rights; the human rights are stated on paper but still the discourse around human rights have made it hard to really pressure or "force" countries to follow them. Furthermore, the problem is often that human rights is both an unclear and open concept, meaning that you can interpret it in a way that fits the state, or in this case the EU (Investopedia, n.d). One twist on Greenwashing that have been used before is so called "Pinkwashing". Pinkwashing is not as established as Greenwashing, but have been argued as something that the Israeli government is doing. Where the government have through its "Brand Israel", a project where the government is trying to "re-market" Israel used the Israelis rights of LGBT persons as "proof" of the Israeli governments' commitment to human rights. As well as remove focus from the occupation of Palestine. It has been criticized to exploit both the Israeli and Palestinian LGBT communities, since the right of LGBT person is not given, rather it is just a PR trick for the government to earn legitimacy from the world and ease the criticism of the occupation of Palatines (Mondoweiss, 2011).

Both Greenwashing and Pinkwashing arise from something that the public "wants": it has social value to the the public. The citizens in states, both on a national and international level, wants the companies to be environmental friendly "green", they also want the LGBT persons to have their rights. The concept of "washing" is to take something that by the majority generally is viewed as something positive or something that is a demand from the public; and give it to the public. For example, the environmentalists have been given warning on how the consumerism of the population is affecting the environment, having an impact on the earth's future. Therefore, the public demand that the companies have to take responsibility. There is a form of earnestness that gets stronger in our modern society; where we have to earn what we do, in regards to Greenwashing meaning that if you buy something it should be positive for the environment (Alves, 2009). Because of these aspects, the actor, for example companies or states, can use these "demands" to get away with its own interest or use it to get legitimacy. This can then be connected to Human Rights Washing. Human Rights Washing has a social current value, where the general assumption is that everybody wants the actors to act out of human rights, and therefore the actors can use human rights as a tool for legitimacy or to get

away with what they want. To see children who have died on the dangerous sea routes to Europe creates awareness and a demand from the public as well as states that the EU has to act. To act out of human rights.

5. Background and main concepts

This section begins with the definitions of the main concept used in the thesis. Followed by a brief background on the topic of immigration and refugee politics. The last part consists of a review of pervious research done in this academic field.

5.1 Main concepts

5.1.1 Sovereignty

Sovereignty as a concept is importance in the thesis since the EU as the main actor is a body of sovereign states, as well as the fact that the refugee politics is highly connected as well as determined by the principle of sovereignty. Since the Peace of Westphalia in 1648, when states was created as sovereign political unites in International Relations, the concept has been questioned by many actors (International Relations, n.d). In this thesis, it is of importance to acknowledge the well accepted and highly present recognition of sovereignty, here defined as the authority of a state to govern itself and the principle of non-interference in another states sphere. Sovereignty is viewed in according to a realism definition in the thesis were the sovereignty is the defining characteristics of the state (Steans et.al, 2010, p. 57).

5.1.2 Legitimacy

Legitimacy will in the thesis be understood primary as the state and international actors seeking legitimacy for their actions. It will be understood from Machiavelli´s theory of legitimacy, which states that pure power is what makes rules binding, but power alone cannot make people believe that a rule is right, you need to legitimize them. To legitimize, ideology, culture and traditions can be used, whereby the real interests of the ruler have to be masked. According to the theory, power is unstable unless it is legitimate, so legitimacy is the basic ground for any social order on all levels. The legitimacy is strategic since all actors are governed by self interests. (Jost &Major, 2001, p. 42)

5.1.3 Non-refoulement law

The non-refoulement law is a human right in international law which is highly incorporated in this thesis since it is one of the key part in the rights of refugees (the definition of refugees are defined in the background section). The non-refoulement law was established with the United

Nations Convention relating to the Status of refugees in 1951. The non-refoulement law states: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (UNHCR, 1977). The concept of Safe country, often used in the context of non-refoulement law, is also defined by the United Nations: "Being non-refugee-producing countries or as being countries in which refugees can enjoy asylum without any danger." (UNHCR, 2016d)

5.2 The background to the refugee situation

At this time, there are 60 million people fleeing in the world, and according to UNHCR, the number is increasing. It is the largest number of people fleeing since World War II. The majority of the refugees going to Europe during the last mouths are refugees fleeing from Africa and the Middle East; the majority from Syria and Afghanistan (sverigeforunhcr, 2015). As stated earlier, Europe received a record high number of refugees by the dangerous sea routs during 2015; 1,000,573 refugees came across the Mediterranean Sea. In addition at least 34,000 have crossed from Turkey into Bulgaria and Greece by land during 2015 (UNHCR, 2015) 221 374 refugees arrived by sea to Europe in October 2015 before the implementation of the readmission agreement, compared to 12 779 refugees arriving in April 2016, after the implementation of the agreement, and the number is still continuing to decrease in May 2016 (UNHCR, 2016b). This has been critiqued since the conflicts in Syria is increasing with increased violence; bombing of hospitals and displaced centers as well as bombing and an increasing humanitarian crisis in Iraq (Amnesty International, 2016a). The flow of refugees arriving to Europe during 2015 created a so called "refugee crisis" were the EU was forced to "handle" the situation. This led to many states in the EU changing and implementing new laws and restrictions regarding entering their territory, or seeking asylum (Aljazeera, 2016). Even if the large majority of the refugees in the world do not reach Europe, they live in neighboring countries. Turkey alone hosts 3 million refugees only from Syria, and Lebanon is hosting approximately 1, 1 million Syrian refugees (Amnesty International: 2, 2016).

5.3 The readmission agreement between the EU and Turkey

The biggest change in EU refugee politics during the last years has been the implementation of the readmission agreement between the EU and Turkey on the 4th of April 2016. Since a majority of the refugees fleeing through Turkey to Greece with the aim of entering Europe,

the EU has decided to try to hinder and stop the refugee flow to Europe by coordinate the work with Turkey (European Parliament, 2016a).

The readmission agreement which this thesis aims to examine is a sequence as a new part in the EU-Turkey relationship, embodied in the 18 March 2016 "EU-Turkey Statement", which built on the 29 November 2015 "EU- Turkey Joint Action Plan".

The agreement consists of the following main parts: All "irregular migrants" coming from Turkey to Greece from March 20th 2016 and forward will be sent back to Turkey. Each arrival will be individually assessed by the Greek authorities. Implementing a "one-for-one" method, meaning that for each Syrian returned to Turkey from Greece, one Syrian refugee will be resettled in Europe from Turkey. Priority will be to give the refugees who have not tried to enter Europe illegally. The deal also consists of giving Turkish nationals access to the Schengen passport-free zone by June 2016, as well as the Turkey EU-membership will be "re-energize" from both sides, the talks will be done by July 2016. The EU will give Turkey financial aid for helping the refugees in Turkey; €6 billion (Readmission Agreement, 2014).

5.4 The legal aspects and refugee politics in EU

The EU follows the *Charter of fundamental rights of the European Union (2012).* The preamble states: *"Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law."* The Charter gives individuals the focus in the union by establishing the individual as citizens of the Union, were the EU creates an area of freedom, security and justice. This is sending a message that the EU is a united body of citizens. In the Charter, the EU also acknowledge the authorities of the sovereign states at national, regional and local level (Charter of fundamental rights of the European Union, 2012). By doing so, the EU does not take away power from the member states. There are three articles from the Charter which has a direct connection to the readmission agreement. Article 18, stating the "*Right to asylum*" which is based on the Geneva Convention and the Protocol (deliberated under Geneva Convention). Article 19 "*Protection in the event of removal, expulsion or extradition*" affirms that collective expulsions are prohibited. A well as that "no one may be removed, expelled or extradited to a State where there is a serious risk that the person will be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment." Article 53 *"Level of protection*" affirms that nothing in the Charter

should restrict or affecting the human rights or international law (Charter of fundamental rights of the European Union, 2012). These articles are the biding legal foundation on which the agreement between the EU and Turkey is built upon, which has to be followed.

5.4.1The Geneva Convention

As stated in the *Charter of fundamental rights of the European Union* (2012), art. 18, the laws regarding refugees and asylum follows the International laws by the UN; The Geneva Convention: convention and protocol relating to the status of refugees. Grounded in article; 14 in the Universal Declaration of Human Rights (1948), which recognizes the right of persons to seek asylum from persecution in other countries. Where a refugee is defined by the UN as a person who is outside his or her country of nationality or usual residence. The person has well-founded fear of being persecuted because of his or hers race, religion, nationality, membership of a particular social group or political opinion. The person is unable or unwilling to benefit of the protection of that nation state, therefore fear of being return to prosecuted (Geneva Convention, art I, 1951).

The Convention entered into force on 22 April 1954, since then the convention has only been subject to one adjustment that is the Protocol in 1967 witch removed the geographic and temporal limits of the 1951 Convention. The Convention from 1951 was a post- World War II tool and was before the protocol limited to only apply to persons fleeing events occurring before 1 January 1951 and only within Europe. The Protocol removed these limitations and gave universal coverage of the Convention. The Geneva Convention is equally a status and rights-based instrument and is supported by a number of fundamental principles, most particularly non-discrimination, non-penalization and non-refoulement (Geneva Convention, art. I, 1951).

5.4.2 The common migration and asylum politics in the EU

Migration and refugee politics became a part of the EU common politics with the Amsterdam Treaty in 1999. The Tampere council meeting became the start for an intense period of harmonizing the common politics in this policy area in 2000-2004; resulted in a minimum level that all European countries must meet (European Commission, 2004). Since then there has been a development in Europe aiming at making Europe more open, with passport-free zoons in the Schengen area as well as increase economical connections between the EU countries. But this has changed during the last month due to the large amount of refugees arriving in Europe, creating a so called "refugee crisis". There has been a slit between the states in how to handle the refugees, drawing the member states further away. There have also

been more border-closing implemented in the EU, something that has been seen as a big step backwards for the development of Europe (Traynor & Watt, 2016, February 18). Which is being extensively discussed in regards to this particular readmission agreement.

Generally, EU politics is based on international law and human rights. The Universal Declaration of Human Rights, (1948) art. 14 states that "*everyone has the right to leave any country, including his own*". However, there is no concomitant human right that says that everyone has the right to enter any country, or even any country. On the opposite, there is a universal and unambiguous consensus on the very opposite principle, namely that every country has the right to restrict the entry of foreigners due to their sovereignty —customized only to the extent as adhered to in the refugee convention—in which case it is obligated to consider the case, but not necessarily to grant admission (Europa, 2014, p. 27). This due to the strong hold of the principle of sovereignty, were each states are sovereign in the EU, they have the power to decide over their own territory. The human right to "*seek and enjoy asylum*" is only valid when you are in the country or standing on the border to the country were you want to seek asylum. Hence you cannot seek for asylum from distance, in your home country (Europa, 2014, p. 35). You have to travel to the border of the country to be able to seek asylum. If you want to enter Europe and you are not a European citizen, you need a valid passport, and for all countries that are so called "refugee producing countries" you need a visa as well to be able to enter Europe. To make sure that this is followed there is a carrier responsibility to the EU, which means that carriers, for example airplane companies or train companies, must ensure that non-EU nationals who intend to enter the territories of EU countries possess the necessary travel documents and visas, if the companies do not follow the they will have to pay a large fee (European Union Law, 2001). Hence Europe has literally made it impossible to travel to Europe in a safe way. Therefore, refugees fleeing their home countries are forced to take dangerous routs to the borders in order to apply for asylum. This is the main reason behind the record high number of refugees arriving to Europe by the dangerous sea route in 2015 (Zenit, 2016).

5.5 Previous research

When conducting research on a new agreement like the readmission agreement it is important to acknowledge that the field of immigration, asylum and refugees are not a new phenomena or a new research area; it is something that has, since the concept of states, been constructed as a subject for research and discussion. (El-Enany, 2015, p.1) The movement of people across borders and continents is something that has always been a part of the human nature; it

is often stated to be a natural instinct to seek for a better life for yourself and your family. (Aggestan&Höglund, 2012, p.241) But throughout the time of sovereign states, the movement of people has become problematized. Immigration and asylum are frequently discussed as a "challenge" posed to states. The refugee situation as well as the systems and procedures to "handle" the refugees are often being described as crisis (El-Enany, 2015, p.1). To restrict movement of people has become the normative way to handle these "challenges" (El-Enany, 2015, p.2). This is something which we can easily apply to today's situation and the motivation to implement the readmission agreement. Christian Joppke highlights the contradiction in the subject of immigration, "*It is a distorting optic, because it obscures that the modern state and system of states have helped produce what they seek to contain: international migration ... Only in a world divided into states is there immigration*" (Joppke, 1998, P.5).

The states are thus creating the immigration and still want to stop it, there have been a lot of studies done regarding the discursive creation of immigrants and refugees as "the others", created consciously by states. Where several theorists arguing that refugees have become securitized, something that is discussed frequently in regards to the EU refugee politics. The securitization of refugees is understood from the Copenhagen School, were securitization suggests that security issues or actions are constructed through "speech acts" that designate particular issues or actors as existential threats (Williams, 2013, p.64). The creation of refugees as a security threat is argued to have an extensive impact on the politics in the EU, were the discursive creation of 'the others' have gotten more intense in Europe after the 9/11 terror attacks in the US, 2001 (Baker-Beall, 2009, p. 189).

This has created a discourse about balance in Europe, between openness and liberty vs. the threats posed by terrorism. The argued securitization and threats of terrorism has led to many member states in the EU wanting stronger border controls and more restrictive immigration, especially highlighted further by the terrorist attacks in Paris 2015 and Brussels 2016. Leading to the concept of "Fortress Europe" being exceedingly discussed, where it has argued that this is now with this particular readmission agreement becoming reality; a Europe closed off from the rest of the world (Liberatore, 2009, p.313). But 'Fortress Europe' is not a new concept; it was first used in the late 1980s within the EU. This shows that the principles of a closed Europe with its own interests in focus have long before the current refugee situation been discussed. Some scholar goes as far as calls the whole of EUs immigration and asylum

politics *Eurocentric' interest*, i.e. not a humanitarian question; but a question of interest which would motivate the concept of "Fortress Europe" (Roig & Huddleston 2007, p. 373).

Turkey, which is the partner in the agreement with the EU, has always had a special role due to its geographical position to the EU border, and its highly trafficked immigration rote from Africa, the Middle East and Asia (Baird, 2016, p.850). The trans-nationalization of security practices within the EU has blurred the boundaries of internal and external securities, where the inside and outside begin to unite, shaping the boundaries of what is considered (in)secure (Baird, 2016, p.849). The power is according to Theodore Baird shifting from national to supranational; in this case to the EU. Where the EU is shaping the rules for all its member states, but also the states bordering the EU, Turkey for instance. Further on resulting in that the power of EU, because of its immigration politics, stretches its influence and power beyond its borders (Baird, 2016, p.849). At the same time, this power has been argued to not in reality lie in the hands of the EU, but in the hands of the bordering countries. This is brought up by the theoretician Ruben Andersson, who discusses how the EU gets pressured from nation sates at the borders: "*The export of a security model has given more powerful partner states a perfect bargaining chip. In Libya, Gaddafi used the threat of maritime migration to have the embargo lifted, and continued doing so up until the NATO air campaign of 2011.The unrecognized Tripoli government has similarly threatened, as Gaddafi did in 2010, that Europe would turn black unless more resources and political recognition was forthcoming*" (Andersson, 2016, p.1063). The idea that the power lie in the hands of border- or transit countries to Europe is by Greenhill called a "weapon of mass migration", with far-reaching political consequences (Andersson, 2016, p.1064).

Andersson reaches the conclusion that one of the main issues with EU immigration and asylum politics is that they focus on stopping the suppliers, the smuggler, and not the demand; the reason why people are fleeing. Andersson states that the EU in 2006, when the border controls increased between Africa and Spain did the same thing as today 2016, they use borders and territories as their referent object in need of protection when they should focus on the risk to the people fleeing. (Andersson, 2016, p. 1061)

In the discussion of the EU getting pressured from the outside countries as well as the motivation of the EU is argued to lay in their own interest; scholars are highlighting the difficulties that possibly will occur when the trans-governmental and supranational decisions

are taken without involvement of the civil society. The critics fear that it might result in that democracy can be lost in the progress, as the possible supranational decisions are taken. Baird has argued that strategies of action regarding immigration and asylum can because of interest's change over time, furthering meaning that interests, rather than identity, drives integration. Thus, it is in EU's interest to decide what kind of integration that will be possible for the member states and further on the refugees arriving or trying to arrive to Europe (Baird, 2015, p.850). Is that what is behind today´s readmission agreement?

6. Results

This section summarizes the material conducted for the thesis and will present the results of the motive analysis of the EU documents to answer the first research question*: To what extent is there a gap between the EU's stated motivation of the agreement, and the actual impact*? As previous stated (see method), the motive analysis consists both of looking at the hermeneutics as well as the content of the document, in order to create a deeper understanding of the motives. The EU documents has been inductively read and interpreted through the hermeneutic analytical method, which has resulted in the identification of reoccurring phrases and words, in accordance with the method of a motive analysis. These are understood to be the motive indicators which has during the result been used as a tool to detect the EU stated motivations as well as the main content in the documents supporting the critics, meaning that the hermeneutic findings is present throughout the three sections, presented below.

To be able to detect a possible gap between the motivations and the underlying motives, the results are divided into three different parts: part one consists of the stated motivations made by the EU parliament, which has been detected by looking at the content in the EU documents. When the stated motivations from the EU have been presented, the challenges facing the documents will be viewed to be able to detect a possible gap. This will be done in the second part, where the content of the critic's main argument against the agreement is presented, as well as content from the EU document that supports the critics and can be argued to go against the motivations from the EU, possibly detecting underlying motives.

The third part consists of the hermeneutic findings in the EU documents. This section presents the hermeneutic findings by dividing it by the same headlines as has been presented in the two previous parts in the result section. The hermeneutics will be a comparison; one side is the hermeneutic findings that are supporting the EU stated motivations and the other side is the hermeneutic findings in the EU documents that support the critics, meaning that the

hermeneutics actually detect contradictions in the EU documents themselves. By comparing the hermeneutic finding between these two sides we will see a gap very clearly.

6.1 The EU´s stated motivation in the documents:
6.1.1 The aim to stop the uncontrolled migration and smugglers

In the majority of the statements, as well as in the agreement itself, it is states that "the European Union and Turkey decided to end the irregular migration from Turkey to the EU. "The agreement targets the people smugglers' business model and removes the incentive to seek irregular routes to the EU, in full accordance with EU and international law" (European Commission, 2016a). The European Commission President Jean-Claude Juncker (2016) said: *"Being a great continent comes with great responsibilities.*" When describing that the EU has agreed, together with Turkey, to reduce the human misery which comes with irregular migration and to bring order into migratory flows to the Europe (European Commission, 2015b). The EU parliament describes that the aim of the agreement is to restore a legal and orderly admission system (European Commission, 2016c).

The EU parliament, states the focus is that the agreement is: to replace *disorganized, chaotic, irregular and dangerous migratory flows* by organized, safe and legal pathways to Europe, therefore emphasizing that the agreement is for the better lives of the refugees (European Commission, 2016d). Therefore, the EU states that they will monitor other possible routes which might be created to Europe, and hinder the refugees to take any new ways to enter Europe. Which they motivate by stating that the routes are dangerous, and that they want to save the lives of the refugees.

Vice-president Frans Timmermans (2016) said, in the last debate in April 2016, that one main motivation behind the agreement is the fact that the member states did not do what the EU proposed last year, 2015. He also admitted that if the situation was different, the EU would have acted differently.

In the following reports, the EU motivates to continue with the agreement due to the agreement already having delivered the result that they wished for, "it has been a sharp decrease of the irregular refugees crossing from Turkey to Greece" (European Commission, 2016c). They argue to have, by successfully implementing the agreement, sent a strong message to refugees that "getting on a boat in Turkey to reach Europe, in ways that endanger their lives is not the right way" (European Commission, 2016c). There is a legal and safe pathway through resettlement, the European parliament declared in a statement in April (ibid).

The Dutch Migration Minister Klaas Dijkhoff (2016) argued that "We are most importantly preventing the dramatic loss of lives at the sea". He also said that "the agreement leads to…we get a better grip on who is coming to Europe, who is offered protection in Europe and in Turkey." Furthermore, he stated that it is important to remember that the uncontrolled arrivals are no longer happening at the scale that we saw before (European Parliament, 2016b). Manfred Weber from Germany said, "Let us first of all recognize that Europe works, Europe achieves results and this is the most important message that we can send out following this Turkey agreement. After months of difficulties, Europe is moving forward" (European Parliament, 2016b).

6.1.2 See it in a larger context- conflict and global responsibility

In several places in the agreement, as well as in the reports and statement, the EU addresses the importance of the global solidarity. Explaining that the agreement is a good example of the global engagement that EU has and how the agreement itself shows how the EU have made the agreement based on the principles of joint responsibility (Readmission Agreement, 2014). "This is how Europe lives up to its responsibilities as a continent committed to the Geneva Convention and to the fundamental right to seek asylum" (European Commission, 2016e). Throughout the document there are motivations of the agreement as a part of the responsibility of human rights. Explaining how the agreement gives the right for refugees to seek asylum and that everything concerning this agreement is following international law.

6.1.3 Motivation of working with Turkey:

"Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU" (European Commission, 2016a). The EU gives Turkey a lot of power to decide over how they handle the situation, which can be viewed as though the Union have a lot of faith in Turkey. The European Parliament is, in general, positive towards Turkey in all documents. On the other hand, the EU emphasize that Turkey must develop in several aspects and live up to the EU standards. They motivate the partnership with Turkey through the fact that the large majority of refugees, coming to Europe during 2015 and the beginning of 2016, came through Turkey. Also, by the fact that the EU and Turkey have been working together before and were already working on the visa relief for Turkey since a few years back (European Commission, 2016a).

6.2 The motivations of the actual impact of the agreement

The critics have mainly pointed at four main critics of the agreement according to the result of this study, namely "Against Human Rights", "Protection only for Syrian refugees" "More dangerous routs and smugglers" and "Power to Turkey". The critics used are Amnesty International, Human Rights watch, UNHCR and Politico Europe. Critical voices from within the EU Parliament, representing single member states, will also be presented as critics, in order to create a more nuanced picture of the EU parliament.

This part of the result section is divided by the following structure: each of the main critics (the four stated above) have first a review of the content of the critics, and then followed by the content in the EU documents, which are going against the stated motivations by the EU Parliament and rather supporting the critics main critiques.

6.2.1 Against human rights

"A death blow to the right to seek asylum", said *Amnesty International* (2016c) regarding the agreement. Critical voices inside of the EU parliament has been heard in the European Parliament debate were Sophie in't Veld (Netherlands) (2016) said: "This agreement is extremely fragile both legally and in practice and it is easy to criticize Turkey or the agreement". Marina Albiol Guzmán (Spain) (2016) added on the same topic "It undermines our general legislation on refugees. It undermines the Geneva conventions. It undermines the European Charter of Human Rights". She said the Parliament should complain to the EU Court of Justice that EU legislation is not being complied by the EU Council. Continue with insisting that if the member states to not act, the European Parliament will be partner in crimes with these governments committing crimes against refugees (European Parliament, 2016b).

An extensive critique from the UNHCR (2016) and Human Rights Watch (2016) concerning the legal framework of the agreement, regarding the agreement breaking the non-refoulement law by deporting refugees from Greece to Turkey. Due to the fact the critics argue that Turkey is not a *safe country* for refugees (Amnesty International, 2016d). The critics argue that the refugees are at risk to be mistreated in Turkey, and reports from Amnesty International (2016d) has accused Turkey of illegally forcing thousands of refugees back to Syria. Amnesty International (2016d) also states that Turkish border police have killed refugees fleeing from Syria to Turkey when reaching the border. The criticism regarding Turkey breaking the law of N*on-refoulement* and the human right to seek asylum has during April and May 2016

increased, due to new reports of Turkish border police abusing Syrians refugees and forcing them back from the border. (Human Rights Watch, 2016).

6.2.1.1 Against human rights, is seen in the documents by:

The human right of the non-refoulement law can be argued to be compromised in the documents by the EU Parliament, as it is stated several times in the agreement itself, as well as in the reports, that Turkey is urged to negotiate bilateral readmission agreements with fourteen countries. With focus on the countries which are the source of irregular migration to Europe through Turkey.(European Commission , 2016e)These include several countries, which critics such as the UN (2016) has identified as *unsafe countries* for example Afghanistan and Iraq. (UNHCR, 2016d)

The EU documents sends a strong picture of the refugees being something that has to be stopped by using sentences such as "*cycle of uncontrolled flows of immigrants creating an unsustainable humanitarian crisis*" (European Commission (2016c) The refugees are creating a problem, a crisis; the focus therefore lands on the fact to stop this crisis rather than to give the refugees, describe in a nonhuman way as the "the cycle", their human rights.

The EU Parliament (2016) states that each asylum case will be individually audited. In the same document they have states that the legal framework allows member states, in certain circumstances, to declare an application "inadmissible", meaning to reject the application without examining the substance. This can be done when the country decided the country is safe by the Asylum Procedures Directive (European Commission, 2016d). This creates a gap, where the EU Parliament stresses the fact that each case has to be individually audited, but at the same time they state that the legal framework gives them the possibility to use exceptions due the fact that they consider Turkey to be a safe country, and therefore can declare applications "inadmissible" in Greece.

6.2.2 Protection only for Syrian refugees

One of the main critiques are the fact that Turkey have signed the Geneva Convention 1951, but not signed the protocol from 1967 which removes the geographical and temporal restrictions from the Convention" (United Nations, 1951), meaning that Turkey only implements the convention on European citizens, not refugees coming from other countries then inside of Europe. Due to the agreement, Turkey has made a special exception for Syrian refugees, as they now get temporary protection as refugees, but it only applies to Syrians. This means that refugees from outside the European Union, who are not Syrians, are not granted

refugee rights or protection (Human Rights Watch, 2016). Adding to the critique against Turkey is the fact that Turkey does not have an asylum- or receiving system for refugees. Resulting in that refugees generally do not get asylum, and there is no system for giving the refugees places to live or support for food and water.

The critic stresses that the foundation of the agreement is wrong, since it is only Syrian refugees that will be resettled in the EU. Human Rights Watch (2016) thus asks, *what about the other refugees*? The EU reports that the top five nationalities seeking for asylum during the last month, January to April 2016 has been Iraqis, Afghanis, Iranians, Somalis and Palestinians. None of these nationalities are thus eligible for temporary protection in Turkey (European Commission, 2016e). At best, they can get is conditional protection, which under Turkish law is explicitly for the purpose of third country resettlement. Since the agreement with the EU is not concerning non-Syrian, the resettlement will not happen (Human Rights Watch, 2016).

The frustration over the fact the EU does not take responsibility for the non-Syrian refugees was brought up in the European parliament debate as Keller Greens (Germany) who said**:** "*At the same time, Turkey's doing recognition agreements with countries like Afghanistan, like Iraq, so how does this go together with your idea of a 'safe third country'"*, "*what about non-Syrians? How are they supposed to find protection in the European Union*?" (European Parliament, 2016b)

*6.2.2.2"Protection only for Syrian" is seen in the documents by***:**
Turkey is urged by the EU, in the agreement and several reports, to negotiate bilateral readmission agreements with fourteen countries for sending refugees back. The focus of the agreements should, according to the EU, be on the countries which are the source of irregular migration to the EU via Turkey. These include several unsafe countries, Afghanistan for instance. (European Parliament, 2016b) Therefore it can be argue that the stated motivation from the EU to help refugees, as the main aim is contradictory since the negotiations of bilateral readmission agreements aim is to stop refugees to enter Europe. This is, according to critiques stated above, breaking the non-refoulement law and discriminating the rights of the refugees. One more example in the documents is that the EU strongly urges Turkey to strengthening the visa requirements for nationals of countries, which during 2015 accounted for the largest number of refugee's irregularly entering the EU through Turkey, consisting of; Afghans, Pakistanis, Iranians, Moroccans, Palestinians, Somalis etc. (European Parliament,

2016b) It is brought to light several times in the EU document the support by the EU to hinder the non-Syrian refugees to enter Turkey and therefore Europe. This is seen in the documents due to the fact that the EU Parliament only discuss the rights in regards to the Syrian refugees and only discusses the other, non-Syrian, refugees in the relation to strengthen visa condition, sending them to Turkey or sending them back to their country of origin.

The following sentences in the first reports of the implementation of the agreement from the European Parliament sends the message how the EU do not want to "do more than necessary"; "Close monitoring is required to ensure that the number and rate of resettlements of Syrians from Turkey to the EU matches those of returns of Syrians from Greece to Turkey" (European Commission, 2016c). The EU, due to the one-for-one structure of the agreement, only resettle as many Syrian refugees in the EU as Greece deports to Turkey. Meaning that refugees still have to arrive to Greece for the refugees in Turkey to get a chance of resettlement. Not taking in to consideration that Turkey is the country in the world hosting the largest refugee number, it shows how the EU are not trying helping as many refugees as possible (European Commission, 2016c).

6.2.3 More dangerous routes and smugglers

Human Rights Watch (2016) argues that "the EU spins the deportations from Greece as breaking the cruel business model of smugglers, even though many refugees see smugglers as a lifeline to safety". The stated aim of the agreement from the EU parliament is to break the smugglers business model; which is presented as it would "*solve the problem*" of refugees arriving illegal to Europe. This focus of the way to handle the refugee situation has been criticized. It is argued that the problem is not the smugglers rather the conflict in the areas were people are fleeing from as well as Europe's unwillingness and lack of tactics to handle the situation, but the EU spins it in a way that the main problem is the smugglers. Brought to light by the critics is also the fact that even if the EU Parliament argue that they want to save lives by stopping the smugglers, it is not sure that they do. They might stop the smuggler, but they are also stopping the refugees, the once in need of help, due to the fact that the EU has not created any safe way for the refugees to be abel to reach Europe. The refugees are instead forced to consider taking even more dangerous routes to Europe, for example between Libya and Italy (UNHCR, 2016c).

Peter van Dalen (Netherlands) (2016b) said in an EU Parliament debate that "*no-one is going to benefit from the accession of Turkey to the European Union*". He added that "*the day will come that Europeans will realize that this is a lot to pay and that there are no guarantees, because Turkey is an unreliable partner and the migration flows are simply re-routing via Libya*". The EU is admitting in the documents that the implantation of this agreement might lead to new routes for the refugees to try to reach Europe. This can be seen as a possible sign that the EU knows the problems; the root problem and the new problem that might accord, but still only try to handle the direct symptoms affecting Europe; stopping the refugees on the sea routs, but not creating safe ways from the refugee producing countries to Europe for seeking asylum.

6.2.3.3 "More dangerous routs and smuggler" is seen in the documents by:

The word smuggler is used fervent in the documents, where the smugglers are portrayed as the 'bad guy' and are sending a message that it is somehow self-explanatory that the smuggler are the main problem; the reason to why people are dying. The language in the documents portrays a picture of the refugees as something 'dangerous' that has to be 'kept out', that the surveillance is actually protecting the people of Europe from the 'dangerous thing' called refugees, arriving at our costs. The sense of a "Fortress Europe" is very present when reading the documents. 'Us' Europeans have to keep the refugees out from our territory, only the selected ones get to enter, and thus the smugglers bringing the refugees has to be stopped.

6.2.4 Power to Turkey

Related to the possible sign the EU only trying to handling the symptoms is the critic that the EU have put themselves in the hand of Turkey because they want a "fast solution". Politico Europe (2016a) reports that Turkey puts the EU in a dependent situation, where Turkey now has a power position due to their location at the border to Syria. Turkey's president is constantly pressing that Turkey will not continue with the readmission agreement if the visa requirement for Turks is not lifted. The EU says that they will not compromise the European standards and that Turkey has to meet the list of 72 conditions[4]. This has been questioned further since the implementation of the agreement has started even if several benchmarks are not reached and several human rights in the country are questioned (Politico, 2016a). This possible power-position that the EU has given to Turkey might be a result to a last minute decision. In the last EU Parliament debate, several voices in the council pointed out that the

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[4] The 72 benchmarks stated in the Readmission agreement which Turkey has to live up to get the visa relief, **E**uropean Union (2014)

agreement may have been "a last solution". Commission Vice-President Timmermans said, in the European Parliament debate in April 2016, that the Parliament and himself of course wished that the situation was different. Going on stating that he would have wished that the member states had taken their responsibility to accept refugees and live up to the minimum level of the joint refugee politics in the EU, and then not having to close the borders. Ending with the statement that Turkey is the only solution that he sees for the EU and that no one have given him any other alternative to the situation the EU are in (European Parliament, 2016b).

Sophie in't Veld (Netherlands) (2016b) said in the same debate: "I agree with Mr. Timmermans that this situation is the direct result of the inability or the lack of political will of European governments to agree on a fully-fledged EU asylum and migration policy." She added: "We outsource our problems, hope that Turkey and other countries will keep refugees away from our doorstep because we fail to agree on our own policies here in the EU." "Europe is divided, paralyzed and weak and Erdogan (the President of Turkey) knows it. So the only answer to this is European unity," she added.

These presented statements are sending a strong message which is very different from several of the other European Council members, who is instead putting emphasize on that the agreement is working and giving the EU exactly the situation that they are wishing for; showing a divided EU Parliament. The fact that Turkey is hosting nearly three million refugees is brought to light in the documents to create an understanding for the situation. The EU is asking for this to be recognized in order to understand that Turkey is doing its best. The question of how responsible it is of EU to send refugees back to a country in this position is not brought up. Critics have asked how Turkey should be able to handle this new reality, in which millions of Syrians are not allowed to leave the country (Politico, 2016b).

6.2.4.4 "Power to Turkey" this is supported in the documents by:
This is seen from the documents due to the fact that the EU brings up the important benchmarks that Turkey has not yet reached, but still gives Turkey credit for their work that they argue they have done. For example, they have not reach the benchmarks of adopting legislation on anti-discrimination or adopt the law establishing an independent commission to supervise on law enforcement agencies as well in the European Convention on Human Rights and have not redefine the anti-terrorist law; this is all stated in the reports. (European Commission, 2016e) The EU has throughout the document a supportive voice against Turkey,

arguing that Turkey "will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU" (European Commission, 2016d). A strong statement concerning a country like Turkey, which has been highly criticized its lack of human rights, and is now given a lot of power from the EU to handle the refugee situation. European Council President Donald Tusk states that "Turkey is the best example for the whole world how we should treat refugees. No one has a right to lecture Turkey what to do" (European Parliament, 2016a)

6.3 Hermeneutic findings

This section presents the hermeneutic findings by dividing it by the same headlines as has been presented in the two previous parts in the result. The hermeneutics findings will be a comparison; one side is the hermeneutic that are supporting the EU stated motivations and the other side is the hermeneutic findings in the EU documents that support the critics, meaning that the hermeneutics actually detect contradictions in the EU documents themselves. By comparing the hermeneutic finding between these two sides we will see a gap clearly. The EU documents has been inductively read and interpreted through the hermeneutic analytical method which has resulted in the identification of reoccurring phrases and words, in accordance with method of a motive analysis. The following words and phrases have appeared with a high frequency in all the EU documents and have as well been used thought out of the documents in line with Hadenius guidelines (Esaiasson, et.al, 2012: p. 300-301).

"The aim to stop irregular migration and smugglers" contra "More dangerous routs and smuggler"

Strengthens the EU motivations:

Better grip, legal, orderly, organized, safe and legal pathways, better lives of the refugees, save lives, dangerous roads, stop the death at sea, break smugglers business, stop smugglers, control and more surveillance.

Strengthens the critics:

Border controls, surveillance, satellite monitoring, detect boats, stop, hinder, control, border police, cost guards, not opening, strengthen, increases monitoring, has to be stopped, flows, streams, no way of entering, not the way to go, new routes and NATO.

"Seen in a larger context conflict and global responsibility" contra "Against human rights" and "Protection only for Syrian refugees"

Strengthens the EU motivations:

Europe works, response, moving forward, Geneva Convention, fundamental right to seek asylum, EU- law and International law, equal partnerships, global solidarity global, engagement, joint responsibility and human rights

Strengthens the critics:

Uncontrolled flows, steams, cycles, irregular, chaotic, large amounts, unorganized and influx. These words are describing the situation that the refugees are creating and how it should be handled: Terrorists, conflict areas, humanitarian crisis, dangerous, threats, detention camps, closed reception

Strengthens the critics:

Stop, hinder, non-Syrians, strengthen visa requirements, strengthen border controls, increased surveillance, refugee producing countries, no entry, readmission deals and harder controls.

"Motivation of working with Turkey" contra "Power to Turkey"

Strengthens the EU motivations:

strengthen co-operation, positive development, progress, no compromise, no alternative, partners and development.

Strengthens the critics:

bilateral agreements, border police, strengthen border surveillance, Turkey should take any measurement necessary, visa-relief, agreement, no alternative, strengthen control of non-Syrians, benchmarks

6.4 Summary of the results

There is an asymmetric connection between the EU Parliaments stated motivations and what actual impact the actions of implementing the agreement results in. This is what, through Hadenius (1983: p. 125), can be detected by using the hermeneutic method. Witch have detected that there is a gap between the EU's stated motivations and the actual practice of the agreement according to the critic and the hermeneutic findings in the document. The motivation

analysis has also highlighted the contradictions that exists in the agreement itself and the documents regarding the agreement. The motivation analysis has also shown a divided stance towards the agreement in the EU Parliament, were several member state have expressed a negative position towards the agreement even if the EU as one united actor is positive. The main contradictions between the EU motivations and the actual impacts are presented below.

The EU states that the aim is to stop irregular migration and the smugglers, the critics say that the agreement creates new dangerous routs and the need for more surveillance that the EU is introducing is just building a fort around Europe to keep the refugees out. The EU states that the agreement is done because of solidarity and a global engagement but the actual impact according to the critics is that the EU solidarity is only for Syrian refugees. Actually only to be resettle in the amount that get send back from Greece to Turkey, meaning that some refugees still have to risk their lives for Syrian refugees in Turkey to be resettle; because of the one-for- one method. The actual impact gives no sign of global responsibility, rather just a sign that the EU is trying to avoid the problem, therefore is paying Turkey both money and promises of visa -relief to 'handle' the refugees, even if it actually might be breaking human rights. The EU states that they have a good cooperation with Turkey but the actual impact, according to the findings, is that it is just giving the power to Turkey, were the EU becomes so reliant on Turkey to stop the refugees, that the EU have to do whatever Turkey says. Resulting in that the EU is closing their eyes to the reports of killing and abuses on the borders by Turkish police.

7. Analysis

This section contains an analysis of the previous section, were the result that has been brought to light by the thesis will be analysis from theoretical perspectives of realism and "Human Rights washing" to try to answer the second research question: *If there is a gap between the EU stated motivation and the actual impact of the agreement; how can we understand this gap?* Detecting and trying to create an understanding for underlying motives and actions of the agreement.

7.1 Realism

To try to understand the gap described in the results, we need to understand why the EU is acting the way that they are, this will be analyzed thought the theoretical perspective of realism.

Realists argue that states do not act out of moral concerns, for example human rights violations, but rather that state acts to protect themselves and in order to gain more power (Baylis, Smith, & Owens, 2014: p.104). This can be applied on the EU, as it is a body of sovereign states which all have their own politics, security, power and survival in mind, in accordance with the theory of realism. The EU has gone through with the agreement even though it has been highly criticized from outside critics but also from member states in the EU, as shown in the result. This is seen as a sign on how divided the EU are regarding the refugee situation and how the states want different thing depending on their own interests.

From the perspective of structural realism, we can view EU as a decision-making institution, rather than a cluster of separate states. The EU is an intuition with laws that in some areas, for example migration and asylum, stand above the laws of the state. Relating this to the theory of structural realism, the EU wants to act in a way that gives it as much hegemonic power as possible in the international sphere (Baylis, Smith, & Owens, 2014: p. 104). To view the EU as a holistic body might better explain why the EU have been willing to positively cooperate with Turkey, even though several member states have been critical, and in some cases stated that it breaking human rights law. The cooperation with Turkey viewed from a structural realism perspective will give EU as a body more power; the EU gets a new partner to influence, a partner whom EU since a time back have wanted to be able to have a closer relationship with. Above all, they get to control one of the largest migration routes to Europe from Africa, the Middle East and Asia. States are not in the same position as the EU, as the individual states will not gain as many perks. Individual states would rather have an issue with a large number of Turks, having the possibility and the right to travel visa-free to their countries; leading to them losing power and control. A scenario where a large amount of Turks might try to stay after the 90-day visa-free limit, and in that way creates a large group undocumented people already inside the borders of their state, something that the last years' border controls in Europe have been trying to avoid.

The structural realists believe that a relative power distribution in the international sphere is the most important variable to consider when attempting to understand important international phenomenon's, for example, the balance of power and alliance-politics (Baylis, Smith, & Owens, 2014: p. 104). In the result it was detected that the EU motivated the agreement with Turkey by having a good cooperation and that the development in Turkey were moving forward in a positive way. The critics argued that the EU rather becomes reliant on Turkey. In this gap there can be argued to be a competition for seeking as much power as possible,

between the EU and Turkey. Is it Turkey or the EU who is drawing the winning lot in this game of refuges lives?

Turkey has for a long time tried to become a part of the EU, and to become a big global actor. It has been argued that Turkey long-term interest is to be the partner helping the EU to solve the "refuges crisis". It is possible that Turkey is hoping to get praised in Brussels for helping the EU, which would make Turkey less isolated in the international sphere, and create new possibilities of cooperation. If Turkey, with its big security forces, is able to halt the immigration flow to Europe; the EU as a whole, and EU leaders, will be in President Erdoğan's debt. The EU might be asked to pay back in the form of easier laws and restriction for becoming part of the EU, as well as more favorable cooperation with the EU and its leaders (Politico, 2016b). The power is then in Turkey's hands.

However, it is important to bear in mind the foundation of the agreement, where the chances of any Syrian refugees being resettled in the EU still is completely depending on that other refugees risking their lives to cross from Turkey to Greece, since the agreement is build on the "one-for-one" arrangement. If no refugees are willing to risk their lives crossing the sea to Greece, no Syrian refugees in Turkey will be resettle. Bearing in mind that it is not the Syrian refugees actually risking their lives over the sea to Greece, but the Syrian refugees already in Turkey that will be first in line to be resettled in the EU; where the ones who have not tried to enter Europe illegally will be prioritized. This is a way for the EU to make sure that the refugees coming by the sea rout to Europe is less, while at the same time not "risking" having to resettle "to many" refugees in Europe from Turkey. This means that EU still will get the results they are asking for, and Turkey will in several aspects still host most of the refugees and still have to handle the EU's problem for them.

By cooperating with Turkey, the EU is outsourcing the problem; it is pushed outside the EU borders, into Turkey. When the problem is outside the EU borders, the EU can act in the necessary manner without it having a "negative effect" on its territory. That the EU and several member states are ready to create a humanitarian crisis – in Greece; as a highly pressured country on the EU border, and in Turkey, which is the country in the world hosting most refugees – just in order to stop refugee flows in to their territory. This is a strong indication of how much the EU's own interest and the own protection of territory goes above everything else; in accordance with the realism were the struggle for power creates massive affects on other states and people affected by the decisions.

The critics' state that the EU is focusing on the wrong thing, such as stopping the smugglers instead of actually helping the refugees and creating new ways to seek asylum in Europe. This can be a way of acting from a structural realism perspective; where the aim is to act out of its own interest and not for the sake of moral. Further explaining why the EU is choosing to focus on the "wrong things" and not the root to the problem. The results, however, showed that some states represented in the EU Parliament were critical against the agreement and wanted to act on what may be seen as a moral way forward. This could also be explained through the neoclassical approach; were the neoclassical realists believe that states action is reflections of the influences based on national level (Williams, 2013: p. 26). Thus meaning that that the actions in the EU Parliament might be explained by states status on a national level. For instance, if the majority of the people sees that the EU is acting in a non-humanitarian way, and wants to stop this actions by pressuring their governments or acting out, the states actions in the EU Parliament, on an international level, will be formed by the pressure on the national level, which could explain why some member states want to act differently.

What is then the reality behind the actions of the EU Parliament, implementing this agreement? We are today, more than ever, living in a globalized world, highly influenced by global "problems", which in this context is the greatest amount of refugees in the world since World War II. Even so, the "global problem" is still handled and controlled by sovereign states. From a realist perspective it can then be argued that, as long as the sovereign state is the foundation in our world, the self interest and the actions for gaining more power will be the leading force that will determine how the world, in this case the part of the world called Europe, react to a humanitarian crisis.

7.2 "Human Rights Washing"

The concept of Human Right Washing emerges when trying to understand, from a perspective of realism, how the EU Parliament possibly could have used the agreement to get their self interests fulfilled.

When conducting the motive analysis, a pattern in how the words and phrases were used was detected in the EU document. They were presented in a way that could argue as if the EU chosen to present certain parts and motivations but not others. This was clear when comparing the stated motivations that the EU chosen to bring forward in the documents, compared to the hermeneutic and content findings in the documents not supporting the EU motivation, which was not brought to light or discussed.

The concept of Human Right Washing was constructed when realizing how much emphasis the EU Parliament, with the agreement, was putting on the fact that they were handling the situation in the best possible way from the perspective of international law and human rights. When the actual impact of the agreement was pointing to the opposite; the EU was conducting Human Rights Washing. They were actively choosing to focus on the aspect that would strengthen the perspective of human rights, for example saving lives at sea, creating so called safe ways to Europe, to be able to enjoy the human right of asylum, as well as ensuring that the refugees will be treated right in Turkey.

The arguments in the agreement are, by the theory of Human Rights Washing, all selected and actively created so that the agreement will be accepted by the member states. The EU is "selling" the agreement by putting emphasis on the argument that will make the member states feel secure and convinced by the fact that EU are handling the refugee situation in the best possible way. What they have not chosen to present regarding the agreement is the criticism that stands in contradiction to human rights and the international law; for instance, the inability for other than Syrian refugees to seek asylum (brought to light earlier in the thesis). This selectivity is done to keep the negative aspects in the dark, as they can otherwise reduce the legitimacy of the agreement. Thus, it might hinder the EU to fulfill the strive after its interests, in accordance with the framework of realism.

Human Rights Washing is a way to create legitimacy witch according to Machiavell is necessary for getting power as an actor (Jost &Major, 2001, p. 42). In line with neo-realism, the action and legitimacy on a national level affects the states actions and legitimacy on an international level (Williams, 2013: p. 26), This to emphasize in today's information-filled society where the citizens know more about what is happening in the world then before. This creates an awareness that leaders on a national level now, to some extent, have to consider when making decisions to fulfill the states interests. This awareness results in a more critical and active population in the member states, were the citizens in the democratic member states have some power over the politics. At the same time the Human Rights Washing is something that we as citizens creates a demand for since we in general, in line with the theory of Human Rights Washing, can be argued to want the decisions taken in politics to be based on human rights. The actors, EU, then fulfill this demand. But even so the EU has to be able to convince and 'sell' the agreement, to both the member state and its citizens. If the populations in the EU member states are convinced by the agreement, the member states can feel confidence to carry out the project which the EU wants them to do. The more member states that think that

EU decisions are positive and legitimate; the easier it is for the EU to get legitimacy and further fulfill its own interests. Thus, it is in EU's interest to endeavor a human right approach.

If the realism perspective explains why the EU acts as they do; out of self interests, and what the EU's real interests are; more power. Then Human Right Washing is a tool the EU is using to fulfill their real interests, in this case through the agreement. Thus, the agreement gets Human Rights Washed.

The effect of the national level on the international level further means that even if the critic, for example the critics used in this thesis are not states, thus, they are not enjoying the same power in the EU. They still need to get their message out to the public. If the citizens knows what the critics think and by that can detect possible "Human Rights Washing" they have the opportunity to affect the actions on a national, and thus international level.

8. Conclusion

To conclude, what has been brought to light by conducting this thesis is the fact that EU is facing a challenge bigger than ever before. Where the EU finds themselves more divided in how to handle this challenge, a situation where in it seems like they have lost their previous identity as a united body of values. To answer the question of why the EU have chosen to handle the extraordinary refugee situation with closed borders through the agreement, and how we can understand this gap between what the EU is saying is their motivations, and the actual impact of the agreement; might both be simple and complex. Simple and complex as the answer; as long as the concept of sovereign states is ruling the world, there will never be a humanitarian solution to the world's problems. The refugee crisis will never have a solution made out of morals rather than self-interests if we do not change the power structure in our word today. There will continue to be gaps between the rhetorical stated motivations of the international actors and what the actual practice and impact is on the lives of the people it affects, due to the struggle for power of the international actors. Human Rights Washing will continue to be the tool for the international actors to seek their legitimacy in the game of self interest, were human lives become nothing but checkers.

The EU is outsourcing their problems and hoping that other countries, such as Turkey, will take care of the problems for them; keeping the refugees away from our European doorstep: and now, because of the agreement, the doors are closed. The EU has left the refugees standing on the doorstep knocking for their lives.

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