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BACHELOR THESIS

To what extent can the crisis management of the EU regarding the refugee crisis 2015 be considered as democratic legitimate?

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Abstract

This research examines the intersection of crisis management, technocracy, and democratic legitimacy within the European Union (EU), focusing on the refugee crisis that peaked in 2015. The study investigates how the EU's crisis management strategies, including the EU-Turkey Deal, align with democratic principles. The central question addresses the extent to which these strategies adhere to democratic legitimacy. Hypotheses include the idea that technocratic approaches may enhance efficiency but risk undermining democratic participation and transparency. The research utilizes data from policy documents, scholarly articles, and case studies to analyze decision-making processes and outcomes. Major conclusions suggest that while technocratic solutions offer swift and expert-driven responses, they often lack broader societal and humanitarian considerations, leading to public discontent and perceptions of illegitimacy. The study emphasizes the need for a balance between technical expertise and democratic involvement to ensure effective and legitimate crisis management. This research aims to inform future policy decisions and contribute to the broader discussion on governance in supranational institutions.

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1. Introduction

Governments worldwide are increasingly emphasizing crisis management due to the rising prevalence of global crises like climate change, pandemics, and security threats (Esses et al., 2013). A crisis is defined as a situation where there is a perceived threat to the core values or life-sustaining functions of a social system that requires urgent remedial action under uncertain circumstances (Rosenthal et al., 1989). Crises are not routine events and occur irregularly, differing from everyday emergencies and disasters, which involve a normative judgment and presume a bad outcome (Boin, 2008). Organizational crises are increasingly common in a globalized world, necessitating effective crisis management strategies (Bundy et al. 2016). With the rise in natural disasters and conflicts worldwide, effective crisis management becomes crucial for stability and immediate action (Bundy et al., 2016). This shows that precisely because circumstances will inevitably change in a crisis situation, the actual main body of society and the political system, the democracy must not be made vulnerable to avoid being irreparably damaged by the crisis as well. Therefore, governments are increasingly spending resources on global crises, making crisis management a key area of study. However, the EU's response to crises has faced scrutiny, particularly evident in the handling of the refugee crisis, which has shaped the EU's current status and policy landscape (Crawley, 2016; Makarychev, 2017).

The migrant crisis is one of the most significant crises facing the EU and its member states. A common distinction is made between man-made and natural crises (Boin, 2005; Rosenthal et al., 1993). Examples of man-made crises include events like Chernobyl, BSE (mad cow disease), the Challenger accident, 9/11 and the terrorist attacks in Oslo and on Utøya in 2011 (Boin, 2005). Man-made crises are typically more complex, evolving over time and potentially interacting with other issues (Boin, 2005). The refugee crisis in question fits into the category of a man-made crisis, though it is atypical because the perpetrators responsible for the crisis did not have to address the resulting displacement of refugees. This complicates this crisis' management.

Frontex reports that the “indicator of detections of illegal border-crossings between BCPs [border crossing points] reached its highest level since the data

exchange under the Frontex Risk Analysis Network (FRAN) began in 2007.” (FRAN Q4 2015. (n.d.)) The refugee crisis in Europe, marked by societal and political divisions, underscores the need for comprehensive solutions and restructuring (UNHCR - The UN Refugee Agency. n.d.). The European refugee crisis, in particular, has significantly impacted EU policies and societal dynamics, leading to divisions and challenges like Brexit (Heidenreich et al., 2019; Zunes, 2017). Donald Tusk emphasized the importance of EU solidarity in addressing this crisis in 2015 (Maricuț, 2017). However, differing narratives about EU action during the crisis, especially within the Schengen Area, hindered joint action (Maricuț, A. 2017). Moreover, media portrayals play a crucial role in shaping public perceptions of immigrants and refugees (Hrůzová, A. 2020), with framing differing across countries and potentially influencing attitudes and policies (Chouliaraki et al., 2019). Such portrayals can contribute to dehumanization and misconceptions, complicating crisis management efforts (Esses et al., 2013).

The crisis strained EU power and legitimacy, leading to xenophobic reactions and shaping future responses (Nedergaard, 2018; Gattinara, 2017). The refugee crisis highlights the need for complex solutions and restructuring to address unanticipated crises (UNHCR - The UN Refugee Agency). It is driven by conflict and instability in refugees' home countries, affecting stability in Europe (UNHCR - The UN Refugee Agency). The crisis has radicalized mainstream politics and transformed far-right parties in Central and Eastern Europe (Wondreys, 2020). Media portrayals of immigrants and refugees as "enemies at the gate" contribute to dehumanization, leading to misconceptions about their status and potential for terrorist entry (Esses et al., 2013). This puts their political legitimacy under the microscope.

Legitimacy is one of the pillars of contemporary democratic governance. There are many definitions for democracy. It can be defined as a “regime that is characterized by free elections, universal suffrage, change of governments and respect of civil rights” (Smoocha, 2001). This definition applies to many countries, which do not follow strict Western criteria and recognizes many more versions of democracy than those likely to be the EU member states. Democracy in the EU is practically divided on the one hand to follow its own

democratic formalities and on the other hand to provide fast and centrally controlled crisis assistance which the emergency situation requires (Zunes, 2017). It also can be defined as a concept of approval and acceptance of political measures by the democratic public. If the government must always stick to its old established constitutional relativity, it is inflexible and cannot respond to changing circumstances. There would be a danger of pure bureaucratic administration, which in turn may not be democratic either (Wondreys, J., 2020). At the same time, there must be limits to spontaneous government action so that it is reliable and trustworthy. This also prevents abuse of power (Smooha, 2001).

Crisis situations sometimes call for an interruption of democratically guaranteed principles (e.g. the shelter-in-place directives during COVID-19). Thus, this thesis aims to shed light on the intersection of crisis politics, management, and democratic legitimacy. It seeks to understand the implications of crisis response strategies on effectiveness and public perception, considering factors like bureaucratic restrictions and societal empowerment (Nedergaard, 2018). Ultimately, this study aims to contribute to a better understanding of legitimacy struggles within crisis management and inform future policy decisions in addressing similar challenges. This thesis achieves this by addressing the question: ***To what extent can the crisis management of the EU regarding the refugee crisis be considered as democratically legitimate?***

The EU-Turkey deal is repeatedly referred to as the main crisis management strategy in the investigation and taken as a measure for the purposes of the analysis, to have a situational and temporal starting point for the analysis. However, the bigger picture is always considered from there as well. In order to examine as much of the complex topic as possible in an organized manner, the following sub-questions were asked:

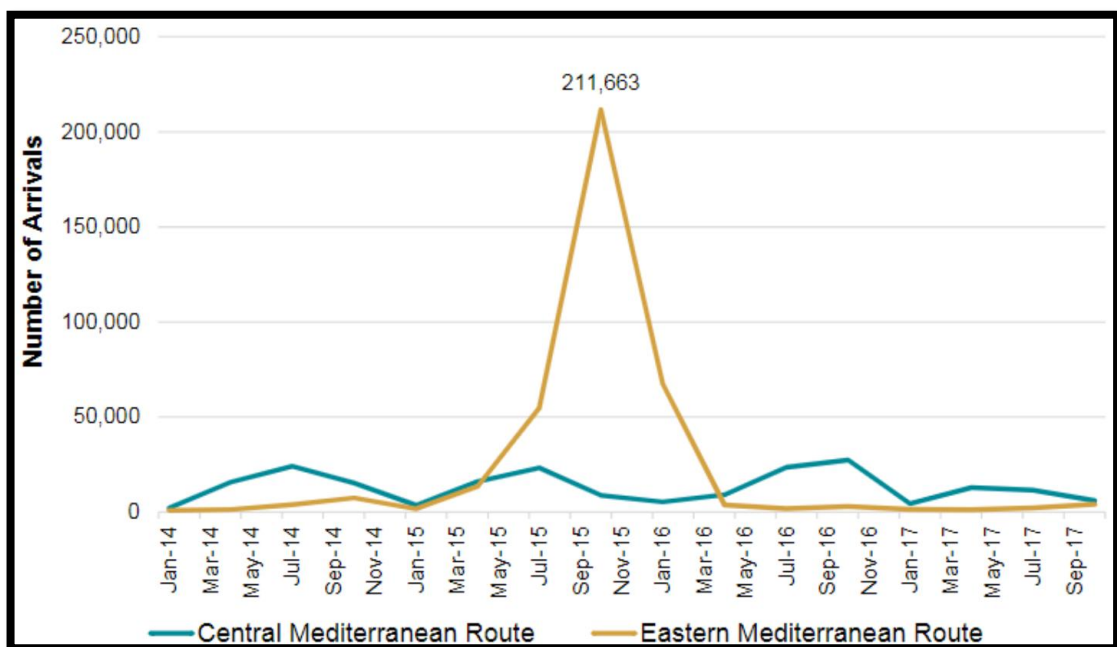
- (1) To what extent was the EU and international legal basis actively followed?**
- (2) To what extent was the public involved?**
- (3) How transparent were decision-making processes and the public perception of them?**

Accordingly, the thesis focuses on the **(1) legal basis, (2) participation and the (3) transparency** of various stakeholders. The research question is highly relevant for various fields directly or potentially involved in public administration and crisis response. Moreover, it has the potential to enhance these domains through its findings, and by fostering further research and evaluation of the interplay between them. In answering this complex question, political science and practice, law, sociology, and migration research are analyzed for a comprehensive evaluation of the measures. The work also aims to provide an overview and classification of the areas that can still be developed for the most successful crisis management, how it can be legitimized retrospectively with continued legitimacy, transparency, and participation, and which legal requirements the EU must adhere to in the area of refugee aid. The topic is also of social relevance. As described, it is an increasingly important topic for society and therefore the legitimate organization must be addressed in particular and attention drawn to potential improvements. The question contributes to the general discussion on democratic legitimacy and governance in supranational institutions. Because crises threaten to cause lasting damage to the system of the society concerned, a successful solution strategy is of the utmost importance for everyone. Efficient and legitimate crisis management can lead to citizens' trust in EU institutions and democratic processes, ensure political stability, prevent a populization of society, as well as for public acceptance of new policies and policy changes.

2. Historical and Political Context

Jean-Claude Juncker served as President of the European Commission from 2014 to 2019. During his term in office, he emphasized the importance of negotiating the transatlantic trade agreement and further reforming the EU's economic and monetary union. Both of these projects were significantly affected by the constantly changing global circumstances (Juncker, 2014). One of the biggest challenges he faced was dealing with the refugee crisis, which peaked in 2015.

Figure 1: Collett, E., Le Coz, C., & Migration Policy Institute Europe. (2018)



Refugees who take the Central Mediterranean route (blue in figure 1) typically come from North Africa (Morocco, Tunisia, Libya, Algeria) and sub-Saharan Africa (Nigeria, Gambia, Guinea, Ivory Coast, Sudan). This route mainly leads from Libya to Italy, facilitated by well-established smuggling networks.

The Eastern Mediterranean route (yellow in figure 1) is primarily taken by refugees from the Middle East and South Asia. This journey starts from countries like Syria, Iraq, Afghanistan, Iran, Pakistan, and Bangladesh, leading them to Turkey and then across the Aegean Sea to Greece. The reasons for choosing this route include the geographical proximity to Turkey, political and humanitarian crises in their home countries, and the relatively safer passage

compared to the Central Mediterranean route. Due to many reasons, but mainly the escalation of the Syrian civil war and the ongoing conflicts in Iraq and Afghanistan, over a million refugees streamed into Europe in 2015 because of that man-made crisis (Juncker, 2014). In response to the crisis, the European Commission presented the “European Agenda for Migration” in May 2015.

This agenda included emergency measures such as emergency aid, resettlement programs, and the "hotspot" approach to better manage the influx of refugees and migrants (European Union & Marvaux, 2016). These measures were intended to provide immediate relief to frontline countries, particularly Greece and Italy, which were under significant pressure due to their geographical location on the Mediterranean.

Despite these efforts, the resettlement plans did not achieve their objectives to the desired extent. One of the main contentious issues that hindered negotiations and functionality was the distribution of refugees among EU member states (European Union & Marvaux, 2016). The political divide within the EU became increasingly apparent as countries such as Hungary and Poland opposed binding resettlement quotas. In other countries, too, it was not possible to agree on a fair distribution of refugees, for example, in terms of percentage of population or potential measured by the Gross Domestic Product (GDP) of the member states (Chouliaraki et al., 2019). This resistance made it more difficult to achieve the resettlement goals and increased tensions between the member states. It led to discontent among the population in the member states, which can be seen in the rise of extreme parties. Originally, 160,000 refugees from Greece and Italy were supposed to be resettled, but the actual number of refugees resettled was significantly lower (Wondreys, 2020).

In order to address the ongoing challenges and reduce the number of migrants arriving in Europe, the EU-Turkey Declaration was formulated in March 2016 (Poon, 2016). This agreement is a crisis management strategy that is the focus of this thesis. Essentially, the thesis interrogates whether adopting this strategy, a purely technocratic solution, adheres to the democratic principles according to which the EU is supposedly governed. The EU-Turkey agreement aimed to return irregular migrants from Greece to Turkey, with the EU providing Turkey

with financial support and establishing a resettlement mechanism. The agreement helped reduce the number of new arrivals but was also criticized for the treatment of migrants and the conditions in which they were held (Poon, 2016). Humanitarian concerns were raised about poor conditions in refugee camps, particularly in Greece and Italy, such as in the Moria camp on Lesbos, where overcrowding and inadequate facilities are commonplace. The challenges of equitably distributing refugees and providing adequate humanitarian assistance highlighted the limits of EU solidarity and the need for a more comprehensive migration and asylum policy (Poon, 2016).

Despite these challenges, the Juncker government took steps to increase the humanitarian aid budget for countries hosting refugees and to implement various measures to support these countries. The European Agenda on Migration envisaged increasing cooperation with third countries, improving border management, and providing more support to countries such as Greece and Italy (European Union & Marvaux, 2016). However, these efforts were not always sufficient to address the scale of the crisis or the humanitarian needs of refugees (Poon, 2016).

3. Theory: The Alignment between crisis management strategies and principles of democratic legitimacy within the EU

a. Crisis Management as a technocratic enterpris

Crisis management, as the name suggests, is the process of managing crises. A crucial aspect of a crisis is its perception, incorporating a subjective element (Boin, 2008). Crises threaten the core values and pillars of society, necessitating a firm government response and leadership (Boin, 2008). Depending on the type of catastrophe, the goal can vary: sometimes it is the sustainable and definitive resolution of a crisis, while other times it is merely to alleviate a pressure situation. When the immediate resolution of a crisis is not possible, crisis management may focus on preventing or mitigating negative side effects and consequences. Dealing with disasters and crises is primarily a government responsibility (Boin et al., 2005). The decision-making process, under time pressure and involving both large and small details such as the extent, form, and funding of actions to be taken in dealing with a crisis about which there may be limited verified knowledge, leads to increasing difficulty for political and administrative elites to manage crises effectively (Boin et al., 2005). Experience shows that emphasis should be placed on flexible planning approaches that focus on key principles rather than detailed procedures (Boin, 2008). Additionally, critical path analysis can help identify turning points and opportunities for policy intervention (Boin, 2004).

b. Tensions between technocracy and democracy

Technocracy combines technical, bureaucratic, and professional control, characterized by flat hierarchies, expertise as the primary basis of authority, and flexible centralization/decentralization configurations (Burriss, 1989). There is a tendency for democratic systems to add technocracy in the phase of crisis management. There is the politically theoretical approach of technocracy, where legitimacy is connected to

experience and knowledge, not public voting. Political scientists argue that technocracy can be used for political purposes, but the politics of expertise must be reconstructed to promote democracy to be legitimate (Lamb, 1989).

Compared to representative democratic operations, technocracy has advantages when it comes to crisis management abilities and has increasingly been applied to peace-building, promoting neutrality and efficiency (Ginty, 2012). The most remarkable advantage in comparison to western democratic procedures is that technocracy is characterized by efficient decision-making. The structures facilitate swift and decisive responses, leveraging technical expertise to address logistical challenges and allocate resources effectively. However, since the focus only lays on technical expertise and excludes a broader range of participants the response could overlook broader societal and humanitarian considerations (Burris, 1989). Technocratic governance can also reduce political bias and partisanship and promote decisions based on data and scientific evidence, thereby increasing public trust (Ginty, 2012).

Regarding humanitarian action technological innovations, such as data analytics and satellite imagery, can be used to monitor migration flows, health risks, security threats, assess needs, and allocate resources more efficiently. Therefore, data analytical knowledge is needed to bring the numbers into context so that policymakers are able to anticipate trends and plan interventions accordingly. It is questionable whether a technocrat as a politician is less democratically legitimized than an elected politician who has to rely on the expertise of advisors when deciding on political issues that are unknown, not democratically legitimized and whose impact on politicians is uncertain. Technocracy may be viewed as undemocratic for several reasons, primarily due to its characterization of decision-making by technical experts rather than by elected representatives. In that way technical expertise is prioritized over popular input. This can create at least the public impression of missing

transparency and no possible way of participation in the decision making process (Lamb, 1989). That is not the case with technocrats who are often appointed and remain insulated from direct public scrutiny. Following that, this centralization can undermine democratic principles of power distribution, pluralism and protection of minorities.

c. The legal bindings, guidelines and values in the EU

The examination of democracy in this thesis centers around the basic principles of democratic objectives that are set out in the Treaty on European Union (TEU). Here is a short overview of the most important articles of the TEU:

Article 2 defines the values of the EU, including respect for human dignity, freedom, democracy, equality, the rule of law and the protection of human rights.

Article 3 describes the objectives of the EU, including the promotion of peace, its values and the well-being of its peoples.

Article 10 explains the form of democracy through which these democratic values are to be achieved; the representative democracy.

The Treaty on the Functioning of the European Union (TFEU) supplements the TEU by containing detailed provisions on the functioning of the EU institutions and their decision-making processes. The Charter of Fundamental Rights of the European Union, which became legally binding in 2009, is a central point of reference for the TEU, in particular for Article 2. It is comprised of six chapters specifying with the following rights and principles: Dignity, Freedom rights, Equality, Solidarity, Citizens' rights and Judicial rights.

In addition, the EU recognises the European Convention on Human Rights (ECHR), which was developed by the Council of Europe. While the EU as an institution is not a party to the ECHR, the EU member states

are both members of the Council of Europe and parties to the ECHR. The principles and rights of the ECHR therefore influence EU standards and case law. The EU also refers to the principles of the United Nations Universal Declaration of Human Rights of 1948. Although the Universal Declaration of Human Rights is not legally binding, it serves as the basis for many of the rights and freedoms enshrined in the EU Charter. Evaluation provides a systematic and impartial assessment of institutional performance. It analyzes the degree of achievement of both expected and unexpected results (United Nations, 2016). There are several main characteristics of policy evaluation, for example normative evaluation, where assessments are made on the basis of standards and criteria or systematic evaluation, in which a specific methodology is used. Normative evaluation uses benchmarks for measurement. However, a data-driven approach is best suited for the evaluation in this case. This approach utilizes data, information and knowledge to achieve the most unbiased, accurate, robust and comprehensive evaluation results possible. It also helps to understand, measure, evaluate, discuss, learn and be accountable.

There are no universally accepted standards for evaluating crisis management or its legitimacy. In one approach, “a crisis management initiative is successful if it follows pre-anticipated and/or relevant processes and involves the taking of decisions which have the effect of minimizing loss of life/damage, restoring order and achieving political goals, while attracting universal or near universal support and/no or virtually no opposition” (McConnell, 2011). Democratic legitimacy is not only pre-anticipated, relevant and involves the taking of decisions, it is also a political goal on the way of restoring order. In addition to that, it is also laid down in the mentioned values and laws.

4. Research Design

Essentially, the aim of the thesis is to evaluate crisis management against principles of democratic legitimacy. Evaluation provides a systematic and impartial assessment of institutional performance. It analyzes the degree of achievement of both expected and unexpected results (United Nations, 2016). The information was collected in that manner because evaluation requires a data-driven approach to achieve the most unbiased, accurate, robust and comprehensive evaluation results possible. It also helps to understand, measure, evaluate, discuss, learn and be accountable.

a. Criteria to assess the democratic legitimacy

In order to assess the democratic legitimacy of the EU's crisis management with regard to the migration crisis and to form a multi-layered judgment, various criteria were defined and applied. The chosen criteria in order to answer the research question, **“To what extent can the crisis management of the EU regarding the refugee crisis be considered as democratic legitimate?”** are:

I. Legal Basis

The legal basis relates to compliance with EU measures, with particular attention paid to compliance with EU law, human rights enshrined in international treaties, and active efforts to promote human rights in general. Compliance with applicable law is important because it justifies and legitimizes the actions of public institutions. This protects against arbitrariness and unpredictability. It also makes it possible to take action against unlawful actions and claim justice. Technocrats, who are experts in their fields, may make choices with stronger legal basis because their decisions are often grounded in specialized knowledge and legal expertise. This is supported by the idea that professional public servants are better equipped to interpret and apply complex legal frameworks effectively (Schmidt, 2013). It can also be argued that they feel less pressure to stretch the legal options to their liking, as the EU is accused

of doing in its interpretation of the "safe third country", because technocrats are less dependent on public opinion when they take office, as they are not elected, so they do not have to measure their actions only against the will of the public, but can also act against it. The fact that technocrats are not directly elected can mean less democratic legitimacy and less accountability. They may not feel as accountable to citizens as elected officials, which can lead to decisions that lack broad public support and legitimacy (Habermas, 2015). Therefore it is arguable that democratically elected politicians can be both better and worse at complying with the law than technocrats. In this thesis, the legal basis of the 2015 and the EU-Turkey deal is therefore considered.

II. Involvement of the Public

Broad involvement is crucial to the functioning of a democracy. Therefore inclusivity and participation are indispensable. It is likely that technocrats might adopt more systematic stakeholder engagement strategies, ensuring that decisions are informed by a broad range of expert opinions and evidence-based inputs (Evans et al., 1999). It could also be that because technocrats are not heavily dependent on public opinion and follow the law, they therefore allow the public access to more information and need to negotiate less in closed-door trilogues as an informal exchange between the Council, Commission and selected members of the Parliament in which a compromise is found and the agreement of all sides is reached before the first public reading. In the same way, it can be argued that technocrats might be less motivated to engage the public or regional authorities in decision-making processes, focusing instead on technical solutions and the involvement of a small professional elite. This in turn can result in lower levels of public participation and perceived inclusiveness (Dryzek, 2010). In the case studied here participation refers to how far theoretically and practically different stakeholders, including the general public, EU member states, EU institutions and external parties such as NGOs and international organizations are involved in decision-making processes around the refugee crisis. It

emphasizes participatory approaches, stakeholder engagement, and representation of diverse interests.

III. Transparency and the Public Perception of it

Transparency refers to the openness and accessibility of EU measures and decision-making processes. Technocrats can use their expertise to introduce more systematic and detailed reporting mechanisms to increase transparency. They may prioritize clarity and accuracy in information dissemination due to their professional ethics and standards (Lodge et al., 2012). However, because technocrats do not have to be convinced by their professional ethics or standards and are not subject to the pressure of re-election, they may have less incentive to engage in transparent practices. They may prioritize efficiency and expertise over public accountability, resulting in less information being shared with the public (Norris, 2011). Transparency with regard to the EU-Turkey deal for EU member states, the public, NGOs and international organizations is thus another area of focus in this thesis. This includes clear communication, availability of information and accountability mechanisms that enable citizens to understand and scrutinize government actions.

b. Data Collection

The dataset for this study consists of a diverse range of texts related to crisis management and democratic legitimacy in the EU. These texts were collected from various sources, including official EU documents, academic journals, governmental reports, media outlets, and speeches by EU officials and policymakers. The selection of texts is guided by their relevance to the research question and sub-questions, ensuring comprehensive coverage of different perspectives and viewpoints. All three criteria (legal basis, involvement of the public and transparency) each have three later defines sub-criteria on which research was carried out independently and together. The table 1 below describes the text corpus that was analyzed and coded with Atlas.ti to gather information. In all the dataset includes international and european legislative texts, EU publications, speeches and academic publications.

Table 1

Type of Text	Years	Accessed by
Official documents of the EU, speeches and its law basis	1992	<ol style="list-style-type: none"> 1. https://eur-lex.europa.eu/eli/treaty/teu/sign?locale=en 2. https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-overview.html#new-2-51 3. https://www.echr.coe.int/documents/d/echr/Convention_ENG 4. https://www.ohchr.org/en/human-rights/universal-declaration/translations/english 5. https://www.eeas.europa.eu/sites/default/files/eu_agenda_for_migrationdec2016.pdf
Publications, Essays and Policy Reports	1995-2024	<ol style="list-style-type: none"> 6. https://doi.org/10.1007/s12290-010-0124-4 7. https://www.ceps.eu/ceps-publications/eus-response-refugee-crisis-taking-stock-and-setting-policy-priorities/ 8. https://doi.org/10.15166/2499-8249/96 9. https://www.migrationpolicy.org/sites/default/files/publications/EUCrisisResponse_FINALWEB.pdf 10. https://doi.org/10.1093/polsoc/puad024 11. https://www.ceps.eu/ceps-publications/humanising-eu-migration-policy/ 12. https://doi.org/10.1163/9789004482425_005 13. https://doi.org/10.54648/eerr2012028 14. https://doi.org/10.1163/9789004482425_005 15. Kaya, Ayhan & Mencutek, Zeynep & Gokalp Aras, Nefise & Rottmann, Susan. (2023). Syrian Refugees in Turkey. 16. https://cdn.ceps.eu/wp-content/uploads/2015/09/CEPS%20PB332%20Refugee%20Crisis%20in%20EU_0.pdf 17. https://ssrn.com/abstract=1893005 18. https://openurl.ebsco.com/EPDB%3Agcd%3A2%3A19624386/detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Agcd%3A174926376&crl=c
NGO Report	2021	<ol style="list-style-type: none"> 19. Operational update. (2021). In <i>UNHCR Turkey</i> (pp. 1–3). https://www.unhcr.org/tr/wp-content/uploads/sites/14/2022/01/UNHCR-Turkey-Operational-Update-NovDec-2021.pdf

** all resources are available in the appendix

c. Analytical Approach

As the research question “**To what extent can the crisis management of the EU regarding the refugee crisis be considered as democratic legitimate?**” requires a multi-layered approach for more robust results, especially in combination with the analysis of democratic processes based on the EU-Turkey deal, defined criteria were needed. Therefore, the Analytical Hierarchy Process (AHP) method with the three criteria

described was used. AHP provides a rational framework for a required decision by quantifying its criteria and alternative options and relating these elements to the overall goal. In short, defined criteria are compared with sub-criteria and scores are allocated. For that all possible solutions (alternatives) must be defined and the criteria by which will be judged. In this case the three possible outcomes in of the evaluation are:

- i. not democratic legitimate,**
- ii. partial democratic legitimate,**
- iii. democratic legitimate.**

Finally, pairwise comparisons are used to translate the qualitative judgements into quantitative measures. This method is particularly useful for this topic because by breaking down the criteria into their own sub-criteria, premature conclusions and distortions are avoided and a mathematical transformation is carried out. The three already mentioned chosen criteria have sub-criteria:

For Compliance with the Law:

- 1. EU Law
- 2. International bill of human rights
- 3. Active combat against human rights violations

For Transparency:

- 1. Public
- 2. NGOs and IOs
- 3. Public perception of transparency

For Participation:

- 1. EU Institutions
- 2. EU Member states
- 3. Public (People; NGOs and IOs)

5. Results

As previously discussed, the thesis evaluates the extent to which technocratic solutions during a crisis adhere to democratic principles by employing the AHP framework to a text data-set. Below, the results of the analysis are reported.

I. Legal Basis

1. International Law and EU Law

One of the main goals of the EU-Turkey deal was to regulate the number of refugees entering the EU via the Mediterranean route. However, the interpretation of the agreement often remained vague (Poon, 2016). For example, the EU-Turkey Deal was a product of the European Agenda on Migration and should function as a solution to all migration problems across Europe including refugee smuggling, but no arrangements were made for all refugees in general (Kaya et al., 2023; Poon, 2016). The 1:1 scheme only means that for every Syrian refugee that Turkey takes in from the Greek islands, the EU will take back one Syrian refugee from Turkey (Poon, 2016).

In order for the EU to let Turkey take in people seeking help from a human rights perspective and not take care of it itself, it is necessary for Turkey to be recognized as a "safe third country" by the EU, hence its member states. Otherwise, the people left in Turkey would continue to be „refugees“ by definition. Being a "safe third country" means in that case that in this country refugees can apply for international protection under the Geneva Convention on Refugees (EUR-LEX - 11992M/TXT - EN - EUR-LEX, n.d.). The concept of a "safe third country" originates from the Schengen Agreement, which is intended to establish common rules on visas, asylum law and border controls. The EU Asylum Procedures Directive (APD) sets out criteria that a safe third country must fulfill, including protection from persecution and compliance with the principle of non-refoulement (Guild et al., 2015; Cassarino, 2011). The fact that Turkey fulfills such criteria is highly controversial, also

because there is no uniform definition of the extent to which the criteria must be fulfilled and in what form, or whether it is a theoretical basis for protection against persecution or whether it corresponds to practical constitutional reality (Julija, 2023; Poon, 2016).

The EU Asylum Procedures Directive is only a directive and therefore not legally binding. However, it is clear that Turkey does not have adequate domestic mechanisms to ensure substantive and procedural protections for asylum seekers and refugees. In addition, Turkey has geographical restrictions on the application of the Geneva Refugee Convention, which means that asylum seekers and refugees outside the EU receive only limited protection (Kaya et al, 2023; Julija, 2023). All of this means that Syrian refugees receive protection under the Temporary Protection Regime (TPR) at least theoretically and temporarily on a political discretion basis, not on the merits of their applications. In reality, this protection does not yet provide access to a free and self-determined life in dignity, as Syrian refugees are excluded from international protection rights, such as access to the labor market, housing and education (Kaya, et al, 2023).

According to NGOs, Turkey interprets the concept of non-refoulement so narrowly that refugees have no right of access to Turkish territory (Poon, 2016; UNHCR, 2021). The biggest problem with the registration and the invocation of treaty-binding human rights is that Turkey is not part of the EU. This means that the EU has limited means to control Turkey's domestic actions and that, should violations be found, EU laws and procedural safeguards do not apply there. This systematically provides targets for human rights violations. For example, the right to life and the prohibition of torture can be denied, which is a direct violation of the principle of non-refoulement in the human rights context. The EU institutions and its member states, unlike Turkey, are bound by the international agreements they have concluded, including the Geneva Convention on Refugees and the principle of non-refoulement (EUR-LEX - 11992M/TXT - EN - EUR-LEX, n.d.). This means that the human rights

violations signed there are not only prohibited, but also that legal action can be taken against them if they occur. Turkey is not bound to the Geneva Convention on Refugees and the principle of non-refoulement since they have not signed them (EUR-LEX - 11992M/TXT - EN - EUR-LEX, n.d.).

The principle of non-refoulement is the right of refugees not to be sent back to their country of origin where they are at risk of persecution. This principle is codified, inter alia, in the Charter of Fundamental Rights of the European Union and in the European Convention for the Protection of Human Rights and Fundamental Freedoms (EUR-LEX - 11992M/TXT - EN - EUR-LEX, n.d.). Direct violations occur when a state sends asylum seekers back to persecution. It does not matter whether it is the same or a different situation that violates human rights. Therefore, it would have been a direct violation of the law to recognize Turkey as not a safe country but still conclude the EU-Turkey deal. Indirectly, Turkey could be in breach of the principle, provided it was bound by it, if asylum seekers whose rights are not protected are at risk of being forcibly returned to their countries of origin (Kaya et al, 2023). The lack of international protection and procedural guarantees under the EU-Turkey deal has been strongly criticized several times by NGOs and international organizations such as the UNHCR, as well as the fact that Syrian refugees cannot expect a proper individual review of their applications, but that instead the Turkish government decides according to political discretion. Because Turkey does not have to abide by EU law or the principle of non-refoulement, the EU-Turkey deal, and therefore the EU, knowingly increases the risk of human rights violations and direct violations of international law (Poon, 2016; Julija, 2023).

2. EU-Turkey Deal

The legal basis for the EU-Turkey Deal is enshrined in Articles 79 and 80 of the Treaty on the Functioning of the European Union (EUR-LEX - 11992M/TXT - EN - EUR-LEX, n.d.). The division of tasks is also defined there: the EU regulates the conditions for entry and legal residence, while

the EU member states control the admission to work. Although the EU supports integration measures, it does not harmonize national laws (EUR-LEX - 11992M/TXT - EN - EUR-LEX, n.d.). "Harmonization" here means unification. The EU does not have the competence to change these national laws because the member states have not ceded sovereignty in these areas. Furthermore, the principle of subsidiarity does not provide for this. This means that the EU can act as a framework for the member states to pursue such issues, but concrete laws cannot be enacted. Nevertheless, the EU is committed to preventing and reducing irregular immigration in the interests of its member states, while respecting fundamental rights, and can negotiate readmission agreements with third countries for returning irregular migrants. The objectives include regulated immigration, lawful treatment of legal residents, combating irregular immigration and cooperation with non-EU countries while respecting the principle of solidarity between Member States.

Institutional developments through the Lisbon Treaty and recent policy initiatives such as the Global Approach to Migration and Mobility and the European Agenda on Migration underline the EU's successes. Legislative developments include directives on regular immigration, integration, and combating irregular immigration. Public opinion has also influenced policy responses and member state cooperation.

With regard to the legal basis, the agreement between the EU and Turkey must comply with EU law on the one hand and with the national legislation of the member states on the other. This applies in particular to compliance with the Charter of Fundamental Rights of the EU, as the Charter is part of primary EU law and must therefore be implemented by all EU Member States without further ratification by national parliaments (Julija, 2023).

For this reason, as part of the agreement, it was legally but also democratically necessary from the EU's point of view for Turkey to comply with international human rights standards. This includes the

prohibition of torture and inhuman or degrading treatment under the European Convention on Human Rights and other international agreements (EUR-LEX - 11992M/TXT - EN - EUR-LEX, n.d.). The question of whether Turkey could comply with this in an appropriate manner raised considerable concerns. These concerns have sparked a controversial legal and political debate at both national and EU levels about the alignment of the deal with the international bill of human rights.

3. Active Combat against Human Rights Violations

Critics argue that the deal could jeopardize the principle of non-refoulement and EU values, as Turkey has committed to taking back migrants who enter the EU via the Aegean Sea and do not have the right to asylum in Greece. The fact that Turkey received financial support and political concessions in return, including the liberalization of the visa policy for Turkish citizens, also brought a lot of criticism. International organizations such as Human Rights Watch have also pointed out that the treatment of asylum seekers in Turkey may not meet all international obligations. Human Rights Watch also describes the hotspots in Greece as unsafe and unhygienic (Julija, 2023). According to reports, Turkey may not be fully complying with its obligations, particularly with regard to the treatment of political prisoners and asylum seekers (Julija, 2023).

Critics argue that the EU's strategic, economic and security interests may have outweighed humanitarian concerns and therefore EU values. The role of the European Parliament in these discussions is crucial, firstly because it is the only directly elected EU body and therefore brings public opinion directly into EU policy like no other. Secondly, because it is actively involved in legislative procedures on immigration and human rights, and has sometimes taken positions contrary to those of the Council or the Commission (Julija, 2023). The Parliament also continues to review the effectiveness of the EU-Turkey deal together with the public and advocates stricter compliance with human rights standards and better conditions for refugees and migrants. This proves once again the social and political importance of the research question: "To what extent

Table 3

	absolute				equal								absolute				
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9
EU Law			X														Bill of HR
Bill of HR													X				Combat HR
Combat HR												X					EU Law

These scores are then summarized to determine the overall legitimacy of the EU's actions during the refugee crisis (table 4). To ensure the reliability of the results, a sensitivity analysis is conducted to assess the robustness of the results to changes in the criteria weighting. Finally, the results are interpreted to provide insights into the democratic legitimacy of the EU's actions under Juncker during the refugee crisis.

Table 4

	EU Law	Bill of HR	Combat HR
EU Law	1	7	4
Bill of HR	1/7 (or) 0,14	1	1/5 (or) 0,2
Combat HR	1/4 (or) 0,25	5	1

AHP uses a normalization procedure to calculate priority vectors. First, the values of each column of the original decision matrix are summed, here: $1 + 1/7 + 1/4 = 1,39$. This gives the total sum for each criteria. Each value in the decision matrix is divided by the sum of its respective column: $1 : 1,39 = 0,72$. This normalizes all values in the matrix to values between 0 and 1, reflecting the relative weight of the criteria. After normalizing the columns, the normalized values in each row of the matrix are summed (table 5). This sum corresponds to the total value for each row. To obtain the priority vector, each summed value of a row is divided by the number of elements in the row. This gives the average value for each category.

Table 5

0,72 (= 1 : 1,39)	0,54 (= 7 : (7+1+5=13))	0,77
0,1	0,08 (= 1 : 13)	0,04
0,18	0,38	0,19

For the first column in this example this would be: $0,72 + 0,1 + 0,18 = 1$. Then the values of each column are divided by the sum of the respective

column to obtain the normalized values. The normalized values are then summed in each row: $0,72 + 0,54 + 0,77 = 2,03$. These sums are divided by the number of elements in the row to obtain the priority vector:

$$0,72 + 0,54 + 0,77 = 2,03; \quad 2,03 : 3 = 0,68 \text{ (first row).}$$

The result is a priority vector that reflects the relative importance or preference of the criteria in the decision, based on the original pairwise comparison data in the decision matrix. In this example the priority vector is [0,63; 0,07; 0,25]. The same procedure is used at the last level. On the basis of data from the literature and legal texts, three values are created for each sub-criterion as to whether a criterion has fully, partially or not at all met democratic legitimacy requirements.

This is visible in the table 6 below. The EU complied with its law to the extent that the treaty could not have been concluded otherwise (nine). On the question of whether the EU complied with EU law fully or only partially when negotiating the EU-Turkey deal, it must be conceded, given the very broad and benefit-oriented interpretation of the term "safe third country", that it probably complied with EU law partially rather than fully (two).

Table 6

EU Law	absolute								equal								absolute							
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9	8	7	6	5	4	3	2
not legitimate																	X							
partial								X																
legitimate	X																							

It can be argued that the deal itself is an active advocacy for people and their rights, so it is legitimate rather than illegitimate (six). However, the partly unlawful treatment of refugees in EU member states as well as the not disinterested motivation of the EU and its member states in negotiating the deal is striking. It is therefore far more likely to be partially legitimate than fully democratically legitimate (nine; four).

Table 7

Combat for human rights	absolute								equal								absolute							
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9	8	7	6	5	4	3	2
not legitimate												X												
partial	X																							
legitimate				X																				

International law, which is not only supposed to protect human rights through various treaties and the principle of non-refoulement, has only been met in part or not at all (two). That is why in numbers in table 8 this means a nine compared to full legitimacy and a six compared to illegality.

Table 8

International Law	absolute								equal								absolute							
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9							
not legitimate														X										
partial	X																					partial		
legitimate										X												not legitimate		

II. Participation

The refugee crisis has put great pressure on the EU and Member State governments. Each relevant European institution has prioritized this issue because the EU's responses, both internally and in cooperation with third countries, lacked a cross-sectoral policy approach (Guild et al., 2015). Changes have included appointing the Commissioner for Home Affairs also as Commissioner for Migration and Federica Mogherini's dual role as High Representative and Vice-President of the European Commission. Mogherini actively steered collective efforts, convened extraordinary meetings, and consultations on migration policy. The European Commission under President Jean-Claude Juncker introduced new institutional configurations to address structural overload (Guild et al., 2015). Key milestones included the May 2015 adoption of the European Agenda on Migration, which proposed six immediate EU policy actions, including a redistribution mechanism for asylum seekers and closer cooperation with Turkey and other countries (European Commission, 2015).

The EU Parliament supported the Commission's proposals, introducing a new redistribution system for asylum seekers among EU Member States. This process highlighted deep involvement among EU institutions and constant exchange with countries, each represented in the Commission. However, not all parties were equally committed. Members of Parliament criticized EU member states for their lack of

compassion towards vulnerable people, a view shared by many EU citizens, NGOs, and international organizations. According to the OHCHR, in 2015 several European transit countries deterred refugees from reaching northern European countries. "However, the Czech Republic is unique in routinely subjecting these migrants and refugees to detention for 40 days, and reportedly sometimes even longer - up to 90 days - in conditions which have been described as degrading." (OHCHR, 2015).

In 2015, over 40 infringement proceedings were initiated against EU Member States. The legality of decisions can be reviewed by Member States even after they have entered into force, as seen with Slovakia's challenge to the EU relocation system (OHCHR, 2015). The EU is the strongest body steering the EU's behavior in the refugee crisis, but member states can intervene through their EU representations and other channels, often implementing EU decisions according to their own standards. The EU population and local authorities exert influence through parliament and public pressure, but their impact is relatively limited.

1. Dialogue between EU and Local Levels

Citizen participation in EU-Turkey negotiations, particularly the 2016 EU-Turkey migration deal, has been limited but notable. A significant example is the petition to suspend accession negotiations with Turkey due to increasing authoritarianism and human rights violations. This petition led to a debate in the European Parliament and media coverage. Heavily affected municipalities, like those on the Aegean islands in Greece, expressed frustration over their lack of involvement in EU negotiations. In 2016, the mayor of Lesbos stated, "We are bearing the brunt of the refugee crisis, but our voices are often not heard in Brussels."

Dialogue between the EU and local governance ensures decisions are informed by local knowledge, enhancing their legitimacy and

effectiveness. Interest groups, NGOs, and citizens' initiatives strengthened refugee and migrant rights through demonstrations and protests against the EU-Turkey migration deal. These actions highlighted that refugees were often seen as a security issue rather than a humanitarian concern. Public consultations and NGO contributions raised awareness of complex issues in EU-Turkey relations. The European Citizens' Initiative (ECI) allows citizens to put political concerns on the EU agenda, but initiatives related to EU-Turkey relations often lack prioritization. Economically stronger countries like Germany and France played a key role in negotiations, although countries on the EU's external borders, such as Greece and Italy, were more directly affected.

2. Resources for Regional Authorities

Adequate resources are essential for regional authorities to fulfill their roles effectively, contributing to governance success. The distribution of power among EU institutions and Member States meant that the European Commission and some Member States, like Germany and France, opposed a complete freeze of negotiations, viewing Turkey as a strategic partner. Citizen participation had limited impact despite successes like the European Parliament debate and media attention. The protests did not end negotiations, and consultations had minimal direct impact, with decisions often made behind closed doors. Strategic, economic, and security interests of Member States outweighed humanitarian concerns. Critics highlighted the lack of transparency and feedback on how their contributions were used. German Interior Minister Thomas de Maizière stated, "Germany has a particular interest in stable and effective migration management, which is why we took a leading role in these negotiations." A European Parliament resolution calling for a freeze on accession negotiations with Turkey had minimal success, being non-binding and not directly affecting negotiations controlled by member states.

Converted into scores in the table 9 this means that the EU was more successful both times, but with a greater difference to the general public

means that there are no further outbreaks in the assessments (two; three).

Table 12

EU Institutions	absolute									equal									absolute
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9		
not legitimate															X			partial	
partial								X										legitimate	
legitimate							X											not legitimate	

III. Transparency

1. Communication with Other Actors

Transparency towards the EU population has been limited. Many citizens felt poorly informed about the EU-Turkey agreement aimed at reducing migrants to Europe. According to a 2016 Eurobarometer survey, only 49% of EU citizens were aware of the agreement and its implications. Federica Mogherini, then High Representative of the EU for Foreign Affairs and Security Policy, stated, "Negotiations with Turkey are complex and sensitive. We must ensure that we are transparent but also respect confidentiality in order to achieve successful results."

Effective communication with stakeholders, including NGOs, member states, and international organizations, is crucial for legitimacy. Open communication fosters collaboration, trust, and ensures diverse perspectives are considered. A European Commission press release on March 18, 2016, noted: "Today the EU and Turkey signed an agreement to tackle the migration crisis. This is a significant step, but we must continue to closely monitor the details and the impact."

Transparency towards the Turkish population was even more limited. President Recep Tayyip Erdoğan emphasized that "negotiations with the EU are being conducted in the best interest of Turkey," without disclosing detailed information. Reports by international observers, such as Human Rights Watch, indicate that freedom of information in Turkey is severely restricted, especially on politically sensitive issues like the EU negotiations.

2. Public Perception of Transparency and Participation in Decision-Making Process

Public perception of transparency influences the legitimacy of governance actions. Decision-making processes must be perceived as transparent to maintain trust in institutions. According to Transparency International's Corruption Perceptions Index (CPI), many countries involved in the negotiations are perceived as corrupt, affecting public trust in the process and outcomes. Transparency towards EU member states is higher as they are directly involved and have access to detailed reports and minutes of meetings. Continuous reporting by the EU Commission to the European Council and European Parliament ensures legitimacy, as mandated by the Treaty of Lisbon. Angela Merkel, then Chancellor of Germany, stated in 2015: "It is crucial that all member states are fully informed about the progress and challenges in the negotiations with Turkey."

A European Council press release on October 15, 2015, emphasized the importance of transparency and consultation with all Member States in accession negotiations. Other stakeholders, such as NGOs, occasionally participate in consultations. Amnesty International calls for more transparency in negotiations. A European Chamber of Commerce press release on May 20, 2016, stated: "We welcome the EU's efforts to involve the business community in the negotiations with Turkey, but call for more clarity and transparency in the process."

The integrity of public officials in EU countries, monitored by Transparency International, underscores the need for continuous transparency and integrity in negotiations to maintain public trust and support. Ensuring all relevant actors are adequately informed and involved in decision-making reflects a broad range of perspectives and interests.

Unlike the public, NGOs and international organizations were asked to assess the situation and possible solutions (four), but they did not have

much of a say either (three). Although the EU population does not have a say, its opinion must be given a major role in a democratic system. As a result of public pressure, the focus has shifted from a purely security policy issue of external borders to a humanitarian aid mission. The great influence was not reflected in the press, which reinforced the portrait of politics in that the public had no say (four).

Table 13

	absolute								equal								absolute							
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9							
Perception												X						IO's / NGO's						
Public						X												Perception						
IO's / NGO's							X											Public						

As described, the public is important, both in theory and in practice (nine; nine). However, it is not clear whether this is sufficient (four).

Table 14

Public	absolute								equal								absolute							
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9							
not legitimate																X		partial						
partial	X																	legitimate						
legitimate												X						not legitimate						

The refugee crisis has caused a certain amount of uncertainty for most people, not least because the news has been showing fertile images of people at sea on a daily basis. This, together with the EU's actions and negotiations with Turkey, which was known to have no legal and human rights protection at EU level, has led to many EU citizens feeling disenfranchised (six). Similarly, there were, somewhat less prominently, but nonetheless also reports in the media about initiatives by the EU population, which, with attention, moved politicians to act (four, six).

Table 15

Public Perception	absolute								equal								absolute							
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9							
not legitimate															X			partial						
partial				X														legitimate						
legitimate						X												not legitimate						

NGOs and international organizations were consulted (five), but it is questionable whether their expertise had an active influence. According to Amnesty International and UNHCR, this is not the case (nine; three).

Table 16

IO's and NGO's	absolute								equal								absolute	
	9	8	7	6	5	4	3	2	1	2	3	4	5	6	7	8	9	
not legitimate														X				partial
partial	X																	legitimate
legitimate											X							not legitimate

6. Summary of the Results

After all values have been calculated with each other as described, this is the qualitative result to the research question „**To what extent can the EU's crisis management in the refugee crisis be regarded as democratically legitimate?**“. The crisis management of the EU was **partial democratic legitimate** (ALT 2 / „Alternative 2“)

Table 17

Social Utility	Transparency	Participation of regional authorities	Compliance with the law	Public Perception of transparency and participation	Public	IO's / NGO's	EU Member states	Public	EU Institutions	EU law	International bill of human rights	Active combat against human rights violations				FINAL SCORE
1,00	2,00	2,00	2,00	3,00	3,00	3,00	3,00	3,00	3,00	3,00	3,00	3,00				
0,33	0,11	0,21	0,68	0,08	0,17	0,18	0,06	0,08	0,10	0,31	0,08	0,08	ALT 1			0,16
0,33	0,30	0,07	0,07	0,71	0,77	0,75	0,31	0,68	0,60	0,56	0,71	0,50	ALT 2			0,62
0,33	0,59	0,72	0,25	0,21	0,06	0,07	0,63	0,24	0,30	0,13	0,22	0,42	ALT 3			0,22

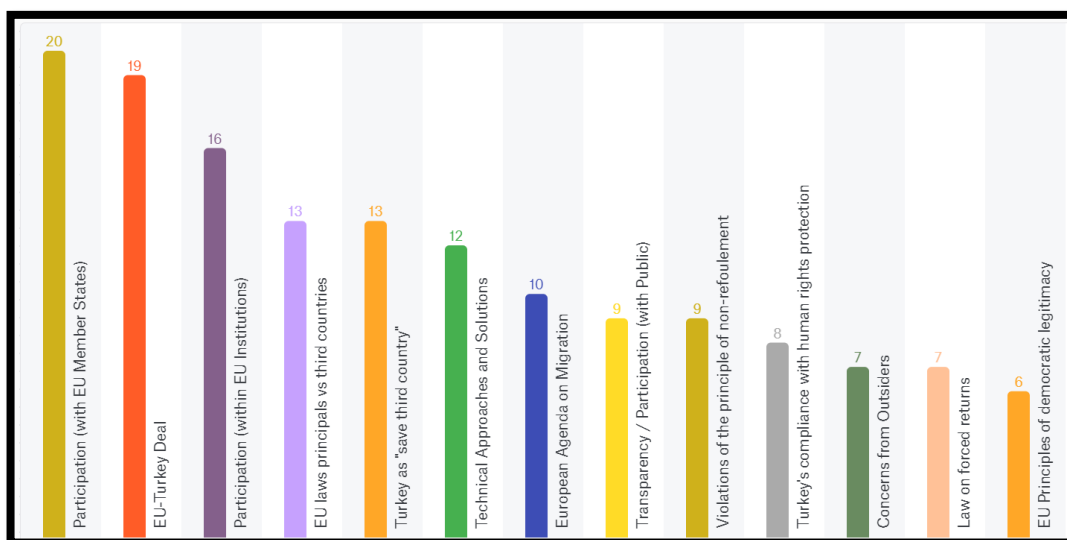
According to the evaluation, the crisis management of the EU regarding the refugee crisis has the most overlaps with partial democratic legitimacy (62%) with a tendency towards full compliance with the principles of democratic legitimacy (ALT 3) within the EU (22%). Nevertheless, even if according to these calculations the complete absence of democratic legitimacy (ALT 1) occupies the third and last place with 16%, this is still more than in the ideal case. From the previous sections, it can be observed that the absence of adherence to democratic legitimacy guidelines, especially "Compliance with the Law," leaves significant room for improvement compared to other criteria, with a score of 68%. Particularly, EU Law scored only 31%. Among all nine sub-criteria, the greatest overlap was with Alternative 2; only in the criterion "Participation of member states" did it overlap 63% with Alternative 3, which is "democratic legitimacy." In this context, the EU's crisis management strategy achieves the highest democratic legitimacy, closely followed by the participation

of EU institutions at 30%. When the criteria are sorted by the rank of fully implemented democratic legitimacy, the following order emerges:

1. Participation / EU Member States – 63% democratic legitimacy
2. Law Basis / Active Combat for Human Rights – 42% democratic legitimacy
3. Participation / EU Institutions – 30% democratic legitimacy
4. Participation / Public – 24% democratic legitimacy
5. Law Basis / International Law – 22% democratic legitimacy
6. Transparency / Public Perception of Transparency – 21% democratic legitimacy
7. Law Basis / EU Law – 13% democratic legitimacy
8. Transparency / IOs and NGOs – 7% democratic legitimacy
9. Transparency / Public – 7% democratic legitimacy.

This clearly shows that there is considerable room for improvement, particularly in the area of transparency. The result of "partial democratic legitimacy" can also be seen when coding the texts. The sentiment of journal reports and publications by NGOs indicates that there is a sufficient understanding of the substantive participation of third parties from the public or international organizations. However, actual participation before or during the decision-making process is widely lacking. The analysis of the codes shows that most texts deal with opportunities for participation among member states and between the EU and the member states (20 codes as seen in table 18).

Table 18



Shortly behind is the concern for improved participation of individual EU institutions among themselves (16 codes in table 18). The great importance of law aspects as well as the concern about violations of international law, human rights, in particular also with the concerns about whether Turkey should be considered a safe third country becomes clear with the total of 60 codes (13+13+10+9+8+7 codes in table 18). In general, the EU-Turkey deal is scrutinized through various lenses by all the papers in terms of democratic legitimacy, in some cases sceptically (19 codes in table 18). What is striking is that the EU Principles of Democratic Legitimacy are not often mentioned by name in the comparison, as well as transparency, but they are indirectly behind all the points mentioned, because they are necessary to improve, implement, supplement and achieve better coordination of law and participation. This means that although the meaning of democratic legitimacy and transparency cannot be read directly from the number of codes, the context must be taken into account. For this reason, it is essential to analyze these points and include them in the answer despite the small number of codes.

7. Discussion and Conclusion

a. Discussion and Limitations of the Results

The EU's crisis management during the refugee crisis, particularly exemplified by the EU-Turkey agreement, can be considered **partially democratically legitimate**. This assessment hinges on criteria such as transparency, public involvement, and adherence to legal standards, revealing that the EU's actions align with partial democratic legitimacy (62%) and show a tendency towards full compliance with democratic principles (22%). However, significant concerns about transparency and public participation indicate substantial areas needing improvement.

To answer the research question, the assessment of the criteria—legal basis, transparency, and participation—was particularly revealing. The EU-Turkey agreement serves as a comprehensive case for evaluation due to its complexity and significance. This agreement, which included the return of irregular migrants from Greece to Turkey, financial support for Turkey, and the resettlement of Syrian refugees directly from Turkey to the EU, raised significant concerns about transparency due to limited public disclosure and the manner in which it was negotiated. Additionally, the complexity of the issue made public involvement challenging. Involving the public and regional authorities is a key element of democratic legitimacy, as defined in many legal frameworks. The legal basis is fundamental to assessing democratic legitimacy, ensuring that measures taken are within the framework of applicable laws and standards. This approach is the most accurate way to verify whether the procedures adhered to existing laws.

The AHP method brings advantages, such as minimizing researcher bias, but quantifying qualitative data always involves some inaccuracy. Scoring complex interrelationships is difficult and highly subjective. To address this bias, the research included multiple assessments by different individuals. Exact agreement was 22%, while rough agreement, allowing for a one-point tolerance, was 74%. Thus, while the exact figure

of 62% for partial democratic legitimacy might vary, the overall conclusion that there is partial democratic legitimacy with a tendency towards full compliance is likely consistent.

In conclusion, while technocratic approaches provided swift and expert-driven responses during the crisis, they often sidelined broader societal and humanitarian considerations, leading to public discontent and perceptions of illegitimacy. Therefore, enhancing transparency, public involvement, and adherence to legal standards is essential to improving the democratic legitimacy of the EU's crisis management strategies in the future.

b. Scientific and Societal Contributions of the Study

There is no definitive way to define criteria and sub-criteria for a complex issue like democratic legitimacy, which does not create a research gap. However, this study initiates the debate on the democratic legitimacy of EU crisis management in the context of the refugee crisis, providing a foundation for future research. In crises where the core of a system, and consequently society, is under strain, it is crucial to pay close attention and continuously reassess the situation to prevent the system from collapsing. A system that cannot adapt and address problems sustainably will encounter emerging issues in various areas, causing the crisis to spill over into other domains. This is evident today as citizens feeling threatened by the refugee crisis have contributed to the rise of extreme right-wing election results in Italy, Germany, and France. Therefore, it is clear that crises are significant, as is the discussion on a crisis management strategy that upholds our fundamental democratic principles rather than bypassing them. This thesis has initiated this essential debate. This study adds to the existing literature by providing a detailed evaluation of the EU's crisis management legitimacy using both qualitative and quantitative methods. By employing the Analytic Hierarchy Process (AHP) and coding of literature, this research highlights the complex interplay between efficiency and democratic

principles in crisis management. Previous research has often focused mainly on humanitarian concerns in the refugee debate or on the efficiency of crisis responses in general, but this study underscores the importance of balancing technical expertise with democratic involvement to ensure both effectiveness and legitimacy. Future research should continue to explore this balance and investigate how different crisis contexts might require different approaches to maintain democratic legitimacy.

c. Improvements for Future Crisis Management Strategies

To improve the democratic legitimacy of future crisis management strategies and handling of refugee issues, the AHP Evaluation and also the coding of the literature hints that the EU must especially address the following criteria:

➤ **Transparency to the Public, IO's and NGO's**

The EU must further ensure that all agreements and negotiations are fully transparent and accessible to the public. Publish detailed reports and minutes of meetings related to agreements like the EU-Turkey deal. Create an online portal where citizens can track the progress and details of such negotiations. The EU should publish detailed reports and minutes of meetings related to agreements like the EU-Turkey deal. Additionally, an online portal should be created where citizens can track the progress and details of such negotiations. This portal would provide updates, key documents, and explanatory notes to ensure the public is well-informed about ongoing and concluded agreements.

➤ **Participation of the Public, IO's and NGO's**

The EU could implement regular public consultations and forums where citizens and local governments can voice their opinions and contribute to policy-making. These consultations should be

scheduled at key stages of decision-making to ensure meaningful input. Furthermore, establishing a citizen advisory board would provide a formal mechanism for the public to offer feedback on crisis management strategies. This board should include representatives from various regions, sectors, and civil society organizations to ensure diverse perspectives are considered. Additionally, it is valuable that some NGOs and international organizations already receive a significant amount of transparency during the negotiations. However, this is not sufficient, and it must be ensured that the input of NGOs and IOs is facilitated through active participation.

➤ **Active Advocacy for Human Rights**

The EU has to ensure that all crisis management actions actively promote and protect human rights, because they have signed it in their own treaties and primary laws. Therefore the EU should integrate human rights impact assessments more strongly into all agreements and policies. These assessments would evaluate the potential human rights implications of proposed actions and suggest measures to mitigate any negative impacts. Collaboration with human rights organizations should be strengthened to monitor and report on the treatment of refugees and migrants. Additionally, any financial support or resettlement efforts should include specific provisions for safeguarding human rights, such as ensuring access to legal assistance, healthcare, and education for refugees and migrants.

By adopting these requirements, the EU can enhance the democratic legitimacy of its crisis management strategies, ensuring they are more transparent, inclusive, and in compliance with the law.

Personal Reflection

During writing my bachelor thesis one of the primary challenges I encountered was navigating the complexity of evaluating democratic legitimacy across different dimensions: adherence to legal frameworks, public participation, and transparency in decision-making. Each of these dimensions posed unique methodological and conceptual challenges. For instance, determining the extent to which the EU and international legal bases were actively followed required meticulous examination of legal texts, international agreements, and their implementation in practice. This process involved synthesizing diverse sources and interpreting legal principles in the context of crisis management. I also consulted European law professors from the University of Münster to understand the complexity, interconnectedness, and differences between various legal systems, international law, and national law—what is legally binding and what is not. The process of defining these terms and gaining a deeper understanding required considerable time and effort.

Another significant hurdle was assessing the level of public involvement. Understanding how ordinary citizens, NGOs, and regional authorities participated in decision-making processes demanded a nuanced approach. I had to rely on a range of data sources, including public opinion surveys, reports from civil society organizations, and official EU communications. Balancing these varied perspectives and ensuring a comprehensive representation of public sentiment was crucial to my analysis. Furthermore, evaluating transparency in decision-making processes and public perception presented its own set of challenges. Transparency is inherently subjective and can be influenced by factors such as media coverage, political narratives, and access to information. To address this, I scrutinized official documents and examined public discourse surrounding EU policies. This allowed me to gauge the extent to which decision-making processes were transparent and how they were perceived by different stakeholders.

To overcome these challenges, I employed the AHP method, which provided a structured framework for systematically weighing and prioritizing criteria based

on their relative importance. This approach enabled me to synthesize complex data and stakeholder perspectives, facilitating a comprehensive assessment of the EU's crisis management strategies. By breaking down the evaluation into hierarchical levels and pairwise comparisons, I could establish a rigorous analytical foundation and derive meaningful conclusions about democratic legitimacy. However, with each score created and a total of 18 tables compiled, it involved lengthy deliberation of pros and cons. It showed me how challenging it is to quantitatively represent qualitative complex results. Additionally, I often felt uncertain whether what I was doing was sufficiently scientific, as at times it felt like inventing numbers. But the extensive academic sources I reviewed to generate these numbers reassured me that my approach was thoroughly grounded. Furthermore, seeing similar evaluations from others who assessed the criteria like I did greatly affirmed my work. This demonstrated to me that the results were accurate and reliable.

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Figure 1

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** all tables can be found in the appendix.

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Appendix

During the preparation of this work, the author utilized several tools and services:

- Atlas.ti for coding scientific literature.
- ChatGPT for formulating content and searching for scientific papers.
- DeepL for translation and formulation.
- Google Scholar for finding scientific papers.
- Microsoft Excel for calculating and visualizing AHP method tables.
- Microsoft Word and Google Docs for grammar checks.
- Scribbr Citation Generator for citations.

After employing these resources, the author reviewed and edited the content as necessary and takes full responsibility for the final work.

Attached, you will find one PowerPoint presentation with all tables, a large Excel spreadsheet with all calculations for the methodology and analysis of the AHP method, and two Excel spreadsheets with the codes and quotations from Atlas.ti. Additionally, the presentation slides for the introduction and defense are also included.

Goal (level 1)

Social Utility

not democratically legitimate
partially democratically legitimate
democratically legitimate

Most Important Attributes Level 2:

Transparency
Participation of regional authorities
Compliance with the law

Most important attributes level 3:

Public Perception of transparency and participation
Public
IO's / NGO's
EU Member states
Public
EU Institutions
EU law
International bill of human rights
Active combat against human rights violations

Social Utility

	Social Utility	Transparency	Participation of regional authorities	Compliance with the law	Public Perception of transparency and participation	Public	IO's / NGO's	EU Member states	Public
summary	1,00	2,00	2,00	2,00	3,00	3,00	3,00	3,00	3,00
1,00	0,33	0,11	0,21	0,68	0,08	0,17	0,18	0,06	0,08
2,00	0,33	0,30	0,07	0,07	0,71	0,77	0,75	0,31	0,68
3,00	0,33	0,59	0,72	0,25	0,21	0,06	0,07	0,63	0,24
A	D	G	J	M	N	O	P	Q	
B	E	H	K	V	W	X	Y	Z	
C	F	I	L	AE	AF	AG	AH	AI	

Transparency	1,00	1,00	1,00
Participation of regional authorities	1,00	1,00	1,00
Compliance with the law	1,00	1,00	1,00
	3,00	3,00	3,00

	0,33	0,33	0,33	
	0,33	0,33	0,33	
	0,33	0,33	0,33	
	1,000	1,000	1,000	

LEVEL 2

Transparency			
	Public Perception of transparency and participation	Public	IO's / NGO's
a	Public Perception of transparency and participation	1	0,25
b	Public	4	1
c	IO's / NGO's	4	3
		9	4,25
			1,58

Public Perception of transparency and participation	Public	IO's / NGO's
0,1111	0,0588	0,1582
0,4444	0,2353	0,2089
0,4444	0,7059	0,6329
1,000	1,000	1,000

Participation of regional authorities		
EU Member states	Public	EU Institutions

EU Member states	Public	EU Institutions

EU Member states	1	5	0,17
Public	0,2	1	0,13
EU Institutions	6	8	1
	7,2	14	1,3

0,1389	0,3571	0,1308
0,0278	0,0714	0,1
0,8333	0,5714	0,7692
1,000	1,000	1,000

Compliance with the law	EU law	Bill of Human Rights	Active combat against human rights violations
EU law	1	7	4
Bill of Human Rights	0,14	1	0,2
Active combat against human rights violations	0,25	5	1
	1,39	13	5,2

EU law	Bill of Human Rights	Active combat against human rights violations
0,7194	0,5385	0,7692
0,1007	0,0769	0,0385
0,1799	0,3846	0,1923
1,000	1,000	1,000

LEVEL 3

Public Perception of transparency and participation	not democra	partially dem	democratica
not democratically legitimate	1,00	0,17	0,25

not democra	partially dem	democratica
0,09	0,13	0,03

partially democratically legitimate	6,00	1,00	6,00
democratically legitimate	4,00	0,17	1,00
	11,00	1,34	7,25

0,55	0,75	0,83
0,36	0,13	0,14
1,00	1,00	1,00

Public	not democratically legitimate	partially democratically legitimate	democratically legitimate
not democratically legitimate	1,00	0,13	4,00
partially democratically legitimate	8,00	1,00	9,00
democratically legitimate	0,25	0,11	1,00
	9,25	1,24	14,00

not democratically legitimate	partially democratically legitimate	democratically legitimate
0,11	0,10	0,29
0,86	0,81	0,64
0,03	0,09	0,07
1,00	1,00	1,00

IO's / NGO's	not democratically legitimate	partially democratically legitimate	democratically legitimate
not democratically legitimate	1,00	0,20	3,00
partially democratically legitimate	5,00	1,00	9,00
democratically legitimate	0,33	0,11	1,00
	6,33	1,31	13,00

not democratically legitimate	partially democratically legitimate	democratically legitimate
0,16	0,15	0,23
0,79	0,76	0,69
0,05	0,08	0,08
1,00	1,00	1,00

EU Member states	not democratically legitimate	partially democratically legitimate	democratically legitimate
not democratically legitimate	1,00	0,13	0,13
partially democratically legitimate	8,00	1,00	0,33
democratically legitimate	8,00	3,00	1,00
	17,00	4,13	1,46

not democratically legitimate	partially democratically legitimate	democratically legitimate
0,06	0,03	0,09
0,47	0,24	0,23
0,47	0,73	0,68
1,00	1,00	1,00

Public	not democratic	partially democratic	democratically legitimate
not democratically legitimate	1,00	0,20	0,17
partially democratically legitimate	5,00	1,00	8,00
democratically legitimate	6,00	0,13	1,00
	12,00	1,33	9,17

not democratic	partially democratic	democratically legitimate
0,08	0,15	0,02
0,42	0,75	0,87
0,50	0,10	0,11
1,00	1,00	1,00

EU Institutions	not democratic	partially democratic	democratically legitimate
not democratically legitimate	1,00	0,17	0,33
partially democratically legitimate	6,00	1,00	2,00
democratically legitimate	3,00	0,50	1,00
	10,00	1,67	3,33

not democratic	partially democratic	democratically legitimate
0,10	0,10	0,10
0,60	0,60	0,60
0,30	0,30	0,30
1,00	1,00	1,00

EU law	not democratic	partially democratic	democratically legitimate
not democratically legitimate	1,00	0,11	9,00
partially democratically legitimate	9,00	1,00	2,00
democratically legitimate	0,11	0,50	1,00
	10,11	1,61	12,00

not democratic	partially democratic	democratically legitimate
0,10	0,07	0,75
0,89	0,62	0,17
0,01	0,31	0,08
1,00	1,00	1,00

International bill of human rights	not democratic	partially democratic	democratically legitimate
not democratically legitimate	1,00	0,17	0,17

not democratic	partially democratic	democratically legitimate
0,08	0,13	0,02

partially democratically legitimate	6,00	1,00	9,00
democratically legitimate	6,00	0,11	1,00
	13,00	1,28	10,17

0,46	0,78	0,88
0,46	0,09	0,10
1,00	1,00	1,00

Activ Combat for Human Rights	not democra	partially dem	democratica
not democratically legitimate	1,00	0,25	0,11
partially democratically legitimate	4,00	1,00	2,00
democratically legitimate	9,00	0,50	1,00
	14,00	1,75	3,11

not democra	partially dem	democratica
0,07	0,14	0,04
0,29	0,57	0,64
0,64	0,29	0,32
1,00	1,00	1,00

	EU Institutions	EU law	International bill of human rights	Active combat against human rights violations	
	3,00	3,00	3,00	3,00	
	0,10	0,31	0,08	0,08	ALT 1
	0,60	0,56	0,71	0,50	ALT 2
	0,30	0,13	0,22	0,42	ALT 3

0,16
0,62
0,22

FINAL SCORE

R S T U
 AA AB AC AD
 AJ AK AL AM

1

	0,33	A
	0,33	B
	0,33	C
1,000		

0,109
0,296
0,594

D
E
F

1,000

0,209	G
0,066	H
0,725	I
	1,000

0,676	J
0,072	K
0,252	L
	1,000

0,084	M
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0,706	V
0,209	AE
1,000	

0,166	N
0,771	W
0,062	AF
1,000	

0,180	O
0,749	X
0,071	AG
1,000	

0,059	P
0,313	Y
0,628	AH
1,000	

0,084	Q
0,680	Z
0,236	AI
1,000	

0,100	R
0,600	AA
0,300	AJ
1,000	

0,306	S
0,559	AB
0,135	AK
1,000	

0,075	T
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0,709	AC
0,215	AL
1,000	

0,083	U
0,500	AD
0,417	AM
1,000	

name	comment
Turkey as "save third country"	
EU laws principals vs third countries	
Turkey's compliance with human rights	
EU-Turkey Deal	
Concerns from Outsiders	
Law on forced returns	
Violations of the principle of non-ref	
EU Principles of democratic legitima	
Importancy of Migration Policies	
Transparency / Participation (with Pt	
Participation (within EU Institutions)	
Participation (with EU Member State	
European Agenda on Migration	
Funding	
Crisis Management	
Technical Approaches and Solutions	
Law Basis	

codegroup 1

codegroup 2

Law Basis

Law Basis

Transparency

Law Basis

Law Basis

Participation

Technocracy and alternative Solutions

Transparency

Participation

Participation

Law Basis

Participation

Technocracy and alternative Solutions

Technocracy and alternative Solutions

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Participation

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The Deal violates international law in a number c
 U presumes Turkey to be a “safe third country”,
 U laws do not apply to Turkey, so that procedura
 does not have proper domestic mechanisms in p
 The concept of “safe third country” originated fr
 The APD specifies a list of procedural safeguards
 The Dublin III Regulation provides the right for th
 Further, it must be emphasised that there is no l
 Nonetheless, the UNHCR has accepted the legal
 Despite procedural protections as stated above,
 A presumption of Turkey as a “safe third country
 his is a problem because where proper procedur
 refugees no longer have the guarantee of the rig
 by using the “safe third country” rule improperly
 The only provision within the APD which applies
 An improper application of Art. 38 of the APD by
 An EU Member State improperly applies its APD
 EU Member State may violate non-refoulement i
 A poor record of asylum procedures is another p
 Turkey is a signatory of the Refugee Convention,
 mean that Turkey may only provide limited (inst
 Turkey’s domestic asylum procedure is that it ac
 implementation of TPR for Syrian refugees in Tur
 The existence of TPR for Syrian refugees, therefo
 has been cited by a nongovern- mental report th
 Asylum claimants and refugees whose rights are
 The implications of the Deal are that asylum clai
 Not only are these claimants and refugees not gr
 whether the claimants and refugees are admitte

participation EU Response to the 20: The public outcry and unprecedented levels of p
 participation EU Response to the 20: Migration policies are now at the top of the EU p
 participation EU Response to the 20: Each of the relevant European institutions has pc
 participation EU Response to the 20: These have been accompanied by a succession o
 participation EU Response to the 20: The EU policy responses, both internally and in c
 participation EU Response to the 20: European Commission, led by President Jean-Cla
 participation EU Response to the 20: The new intra-institutional configurations of the
 participation EU Response to the 20: For the first time also, the Commissioner for Hon
 participation EU Response to the 20: In response to a spike in deadly tragedies at sea :
 participation EU Response to the 20: The fight against smuggling and trafficking, the r
 participation EU Response to the 20: As I have announced today during the College in
 participation EU Response to the 20: his first-ever joint ministerial prepared the first ‘s
 participation EU Response to the 20: Whereas “the need to manage migration proper
 participation EU Response to the 20: In May 2015, the Commission adopted the so-cal
 participation EU Response to the 20: In contrast to the previous institutional arrangen
 participation EU Response to the 20: 8 During the Press Conference presenting the Ag
 participation EU Response to the 20: have a European response but we have an integr
 participation EU Response to the 20: he Agenda identified six ‘immediate (short-term)

participation EU Response to the 20: Tripling the capacities and budget of the EU External
 participation EU Response to the 20: 4) Increasing emergency funding to frontline EU
 participation EU Response to the 20: Strengthening Europol's joint maritime information
 participation EU Response to the 20: In addition to these 'immediate' actions, under
 participation EU Response to the 20: A majority of MEPs supported the European Council
 participation EU Response to the 20: have also tried to move Turkey (See Section 2.3.3.
 participation EU Response to the 20: government in Libya,⁹ and by widening the 'E3+
 participation EU Response to the 20: One of the most controversial ideas has been the
 participation EU Response to the 20: The temporary system introduces a new 'distrib
 participation EU Response to the 20: EU Member States had also committed themselv
 participation EU Response to the 20: The first relocation flight took place from Italy or
 participation EU Response to the 20: As of December 11th, the resulting picture is as f
 participation EU Response to the 20: third important development has been the adop
 participation EU Response to the 20: to address the crisis created by the situation in S
 participation EU Response to the 20: This cooperation comes with a price tag: an initi
 participation EU Response to the 20: Another rather visible output, this time of a pred
 participation EU Response to the 20: Financial solidarity has also taken the form of ad
 participation EU Response to the 20: For the year 2015, Greece has received +/- €41.8
 participation EU Response to the 20: Some EU responses can be regarded as steps for
 participation EU Response to the 20: Although many observers have voiced the view t
 participation EU Response to the 20: A total of 40 infringement decisions against seve
 participation EU Response to the 20: Conversely, Slovakia has asked the Court of Justic
 humanising EU Migration Policy Moreover, that lack of coherence and transparer
 humanising EU Migration Policy It is within the EU's competence to draft clear ru
 humanising EU Migration Policy The failure to apply Better Regulation Guidelines
 humanising EU Migration Policy EU migration policies raise serious fundamental r
 eu_agenda_for_migration_dec2016. No Member State can effectively address migrat
 eu_agenda_for_migration_dec2016. II actors: Member States, EU institutions, Interna
 Rottmannetal-SyrianRefugeesinTR2C Relying on primary and secondary sources of law
 Rottmannetal-SyrianRefugeesinTR2C The existing duality mainly stems from (1) Turkey
 Rottmannetal-SyrianRefugeesinTR2C Historically, Turkey's first regulatory document o
 Rottmannetal-SyrianRefugeesinTR2C As a source of primary law, Turkey ratified the 15
 Rottmannetal-SyrianRefugeesinTR2C However, "Turkey expressly maintained its decla
 CEPS PB332 Refugee Crisis in EU_0.p The EU, and not merely a few member states, i
 CEPS PB332 Refugee Crisis in EU_0.p Find alternative tools for refugees to arrive safeh
 ssrn-1893005.pdf The European Parliament should request the Cor

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