

Bachelor Thesis

**Political-legal analysis of the compliance and enforcement of the 1951 Geneva
Convention Relating to the Status of Refugees on the case of the EU-Turkey
statement**

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Abbreviations

CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
ECtHR	European Court of Human Rights
EU	European Union
EU Charter	Charter of Fundamental Rights of the European Union
Geneva Convention	1951 Convention Relating to the Status of Refugees
NGO	Non-Governmental Organisation
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

Abstract

The purpose of this research is to investigate the EU-Turkey statement and to analyse whether the associated practices violate the 1951 Geneva Convention relating to the Status of Refugees. If this is the case, further research will be carried out to determine what measures are taken by UNHCR to penalise misconduct and what enforcement instruments on international, European or national level are used to do so. This case study is based on the research question *To what extent do the EU-Turkey statement and the practices emanating from it violate the 1951 Geneva Convention Relating to the Status of Refugees, and what are the consequences of such violations?* following qualitative desk research of secondary data, including existing literature and the analysis of legal documents. For an appropriate answering of the research questions, three sub-questions are introduced. The findings of this research manifest themselves in the recognition that the EU-Turkey statement violates the Geneva Convention in numerous instances. Further, it emerged that there is the lack of enforcement mechanisms on behalf of the United Nations and therefore, no punishment for non-compliance vis-à-vis the signatory states, in this case, the EU and Turkey are applied.

Keywords Migration crisis, EU-Turkey Statement, Geneva Convention, Human Rights, International law, Enforcement mechanisms, Non-compliance with international law

1. Introduction

Few things are so present within public discourse and have shattered the cohesion of the European Union (EU) as much as the European ‘migration crisis’ since 2015. Disagreements about the Right of asylum, the distribution and supply of refugees to the member states and the securing of the EU's external borders bear enormous potential for conflict for all concerned (Roberts, Murphy & McKee, 2016). Since the inner-European agreement on this seemed impossible, one effective way to avoid conflicts in this matter is to prevent the refugees from entering European territory in the first place. For this reason, the EU and Turkey have drawn up the EU-Turkey statement on 18 March 2016, also known as ‘refugee deal’. This statement, based

on a joint action plan from November 2015, provides for the deepening of EU-Turkey relations and the prevention and handling of illegal refugee flows along the EU external border from Turkey. Since Turkey is considered the leading transit country for migration movements outside the EU, the closed borders have reduced the use of the land route of asylum seekers through Turkey by 94% (European Commission, 2020).

The 1951 Geneva Convention relating to the Status of Refugees, from now on referred to as the Geneva Convention, of 28 July 1951 provides an internationally valid legal basis for the protection of refugees. Critical voices are increasingly reporting on a possible violation of the Convention at the EU's external borders since a new escalation in the Syrian conflict, which has been raging since 2011 with armed clashes between various groups and third countries, is creating more and more migration (International Federation of Human Rights, 2020). Due to a new increase in the number of refugees at the beginning of March 2020 and the non-compliance of the statements from the EU's side, Turkish President Erdogan decided on 27 February, to partially end the EU-Turkey Agreement and to reopen the borders towards the EU (Amnesty International, 2020). Moreover, it is not only since these events that voices have been raised about human rights violations on the EU's external borders. Volunteers, refugees, journalists and Non-governmental Organisations (NGOs) are increasingly raising the alarm and reporting on inhumane conditions for refugees, crime and violence, especially on the border to Greece (Amnesty International, 2017). As all European states, by signing the Geneva Convention on Refugees, have agreed to respect the rights of refugees, including protection against discrimination on the grounds of race, religion or country of origin (Art. 3). In particular, protection against expulsion (Art. 33, the principle of non-refoulement), in the past, the latter has often not been respected, and various human rights have been violated (Amnesty International, 2020).

1.1 Research questions and sub-questions

The ongoing happenings at the EU's external border raise the question of the extent to which the EU tolerates, abets or is even involved in possible human rights violations and, if so, what measures are taken to stop such incidents. In the existing scientific literature, the EU-Turkey

statement and its effects are intensively discussed, and classification within international law is made. However, there is a lack of detailed research on the compliance of the EU-Turkey statement with the Geneva Convention on Refugees and regarding enforcement mechanism for compliance with international law. Furthermore, the literature on punishment mechanisms for non-compliance is missing as well. Given the frequent dehumanisation within the discourse and official action that has taken place, this study, therefore, aims to fill these gaps in the literature by analysing the EU-Turkey statement and its legal and political implications concerning the violation of the Geneva Convention. Furthermore, the consequences of such a violation will be examined, and the enforcement mechanisms will be investigated. For this purpose, this study will focus on the following research question:

To what extent does the EU-Turkey statement and the practices emanating from it violate the 1951 Geneva Convention Relating to the Status of Refugees, and what are the consequences of such violations?

In order to be able to answer the main research question appropriately, the following three sub-questions are answered in the course of this study:

1. To what extent does the text of the EU-Turkey Agreement violate the Geneva Convention?
2. To what extent do the practices emanating from the Agreement violate the Convention?
3. What are the monitoring and enforcement mechanisms relating to violations of the Convention, and what measures have been taken to enforce the Convention vis-à-vis the EU?

1.2 Scientific and societal relevance of the study

For many years, the issue of asylum seekers in the EU has been a matter of great concern both within the scientific community and social discourse.

The scientific relevance of the study is based on the connection between legal and political perspectives. The work aims to examine the legal frameworks and to evaluate the real events from a political perspective, in the area of tension between legal and legitimate. The focus on non-compliance measures is also crucial in order to have evidence-based knowledge about the

procedure for future violations. From a theoretical point of view, the study is relevant because the question whether the actions and measures associated with the EU-Turkey statement weaken the rights of asylum seekers in the EU concerning the Geneva Convention, and what measures are taken in response to the violation has not yet been sufficiently discussed in the literature (McEwen, 2017).

Moreover, as the issue will probably remain on the agenda for the foreseeable future, hence, it is necessary to pay special attention to these areas that have not yet been adequately investigated. Similarly, the social relevance is evident, given the alarming news that is broadcast on an almost daily basis. It needs to be stressed that the importance of respecting rights, based on intergovernmental agreements, is essential to preserve humanity, even in crisis situations. Therefore, the above-mentioned research question serves as a suitable research case.

1.3 Outline of the study

In order to give an answer to the research question, the following chapter will include a discussion on the relevant literature on compliance with international law, including the explanation of the concept of the hierarchy of norms. They are followed by a chapter concerning the research methodology, where the research design and the data collection will be examined. Build on that, the analysis is made, and the three sub-questions will be answered. Further, the results will be discussed, followed by the conclusion, which summarises all relevant results and aims to give recommendation for involved actors.

2. Compliance with international law

In the following section, the relevant topics from the literature are presented and conceptualised in order to provide a theoretical framework for this work. Firstly, the hierarchy of norms is introduced to give an understanding of the superiority of the law, followed by the concept of compliance with international law including the three theoretical approaches legitimacy, enforcement and the managerial perspective.

2.1 Hierarchy of norms

Within the international legal system, the international law of the United Nations forms the foundation in the hierarchy of norms. The Charter and Conventions are intended to form the basis for all organisational, institutional and governmental action. The contracting parties undertake to incorporate international law into their own legal systems. Thus, the fundamental principles of international law are both implemented by EU law and national law and form the basis for state action (Tahvanainen, 2006). The Geneva Convention has been incorporated into Directive 2011/95/EU (Qualification Directive) and hence, within all national legislations (OJ L 337, 2011).

2.2 The concept of compliance with international law

In the following, three theoretical approaches are discussed to explain compliance with international law. International law provides the framework in which relations between states are regulated and in which they operate. Thus, compliance with international law is the basis for ensuring reasonable global action and relations. This theory is applicable to both agreement partner, Turkey and the EU, since the EU operates as an association of states, representing a group of collaborating Member States. In order to examine the extent, as well as the reasons for Turkey and the EU's non-compliance with the Geneva Convention, this concept serves as a framework. In order to understand the impact, the concept is divided into three separate categories. This is relevant to comprehend the different theoretical approaches in the course of this research.

2.2.1 Legitimacy

The concept of legitimacy in the context of compliance with international law is based on the view that the process of decision-making and the implementation of the law was carried out legally and in accordance with common moral and ethical guidelines. However, the approach is also defined as contrary to rational persuasion, since legitimacy includes the concept of reverence and obedience. Thus, an action is performed not only because one is completely convinced that

the action is right, but merely because someone else has directed it (Bodansky, 2006). In the context of international law, the scope of international law has been extended, the link to state consent has been loosened and the mechanisms of mandatory disposition and enforcement have been strengthened. This partial emancipation from state control implies that domestic mechanisms of accountability as a method of legitimising international law have become more ineffective. Accordingly, the legitimacy of international law in the name of democracy and constitutional self-government within the national framework is increasingly questioned (Kumm, 2002).

2.2.2 Enforcement

The enforcement approach in this section refers to the conceptualisation of Von Stein (2017), who builds its theory on the work of Slaughter (1995), Keohane (1984), Leebron (2002), Burton (2005, 2009) and Poast (2012). This concept includes considerations of enforcement in the form of sanctions in the case of non-compliance. Since there is no supranational enforcement authority, compliance depends on the goodwill of the states. The question, therefore, arises where the source of compliance lies. It is argued that the enforcement mechanism results automatically from the intention to preserve reputation and reciprocity and is enforced through domestic institutions and policies and international inducements (Von Stein, 2017). Since enforcement is the main prerequisite for compliance with international law, this work will focus on this concept, and hence, it will be expanded and explained in further depth.

a) Reputation

One instrument to enforce compliance with international law is that of reputational protection. Henkin (1979) presents the thesis that the actions of states are decisively determined by the intrinsic motivation of the states to maintain their image to the outside world. The preservation of public reputation secures the international standing of the individual actors. The associated reliability guarantees states the possibility of joint cooperation. A loss of reputation also reduces the desire to cooperate in an international context, including economic cooperation (Von Stein, 2017).

b) Domestic Institutions and Politics

Several actors play a role in this mechanism. Domestic institutions include public institutions, courts, parliaments and, in democratic states, elections, as well as non-governmental, private actors such as NGOs, press agencies and the civil society. These actors decisively determine the public discourse and the behaviour of the states. National courts have the possibility to pronounce legal judgments in case of non-compliance and thus, force states to act. On the legislative level, parliaments can promote enforcement through national laws and agenda setting. Through democratically legitimised elections, leading positions refrain from any action that could mean a loss of reputation, as they could lose votes. Furthermore, non-state actors who monitor the behaviour of states, report on misconduct and use 'naming and shaming' as a tool to exert public pressure to promote enforcement with international law (Von Stein, 2017).

c) International Inducements

An additional enforcement mechanism that is theorised to induce states to comply with international law is that of 'international inducement', which is cost-benefit based and refers to enforcement on the basis of economic sanctions or even military intervention. States are forced to abide by international law as otherwise, they would face economic disadvantages resulting in losses to their economies, not to mention consequences of military intervention (Von Stein, 2017). However, this seems somewhat unreasonable with regard to the EU-Turkey statement.

For the purpose of completeness, 'Reciprocity' will be mentioned as an enforcement mechanism as well. This instrument describes the compulsion of one actor to comply with the rules of another actor due to the fear of non-compliance and the ensuing consequences (Von Stein, 2017). However, this mechanism will not be discussed further due to its lack of relevance with regard to human rights conventions. In the case of the EU-Turkey statement, this cannot apply because the actors involved do not have to expect non-compliance by the UN or in particular, the UNHCR.

2.2.3 Managerial Perspective

The managerial perspective asserts that states have a general tendency to comply. This is based upon the respect for international legal commitments and thus, provides the basis for compliance (Von Stein, 2010). The managerial perspective argues that states show compliance because the shared, international legal commitment reflects their interests. Therefore, this approach claims that the breaking of international agreements is not conducted actively but passive. Reasons for this are usually ambiguities in the agreements or social and economic changes or even capacity shortages within the particular states. Thus, there are no bad intentions coming from states for non-compliance. Hence, punishment for violations would be ineffective, and joint solution strategies are found to combat the causes of non-compliance, for that matter, that enforcement is not counterproductive. Therefore, strategies to ensure compliance is the evolution of a transparent agreement design, technical and financial support for the states, and dispute resolution from international committees (Chayes & Chayes, 1993).

3. Research Methodology

This chapter presents the methods used to approach the research questions discussed in this study. For that purpose, the following section is divided into three parts. The first part of this section will outline the research design followed by the concept of conducting a case study based on a political-legal analysis. Subsequently, the second section provides an explanation of the conduction of secondary data analysis, including the data collection. In the second part of this section, the method of analysis is presented. Finally, this section concludes by outlying the limitations of the study.

3.1 Research Design

This research is conducted as qualitative desk research carried out as a single case study that investigates the case of the EU-Turkey statement and its compliance with the Geneva Convention. The general framework in which this research operates is, hence, international law and the compliance and enforcement mechanisms taken by the EU, Turkey and the United Nations. It is investigated whether the EU-Turkey statement is politically and legally compliant

with the Geneva Convention and whether the weakening of the Rights of asylum seekers in the EU takes place and what actors are involved and hence, in charge. It will be investigated if the compliance with the Geneva Convention is solely based on the goodwill of the member states or if there is an enforcement executive. If this is the case, why is nothing being done about the violations to date and what enforcement procedure could be used to sanction an infringement. For that purpose, secondary data analysis will be conducted in order to investigate the violation of existing law by the EU, and certain concepts must be compared with their implementation in practice. A distinction must be made here between formal and legal legitimacy and practical implementation.

Regarding the literature and the state of research on the subject, various scientific articles, juridical case studies and NGO reports such as newsletter articles are used as objects of investigation. Additionally, reports on human rights violations and the efforts to respect and protect human rights in various countries such as reports from attempts of illegal immigration and refugee flows are available. In the scientific literature, there is much research on the main topics of migration, EU refugee and asylum policies, human rights violations, EU-Turkey statement and the Geneva Convention. Since the topic arouses around the EU, various scientific and judicial studies were conducted and collected by the EU itself and independent researchers.

To answer the different sub-questions and thus, to answer the final research question, different approaches have been considered. For that purpose, the legal documents of the Geneva Convention and the EU treaties will be assessed. In order to answer particular questions sufficiently, different approaches must be considered. To investigate the coherence of the EU-Turkey statement with the Geneva Convention a systematic approach is being used by retrieving secondary data of the practices and checking the compliance with the legislation and requirements laid down in the Geneva Convention. Due to the hierarchy within the legal system, policy outcomes need to be legally valid in terms of the hierarchy of norms. Moreover, the distinction between compliance at the legal level and political practice will be made. The aim is to ensure the rigourity, validity, and reliability of the case study.

3.2 Information to the case study

In order to put the research into context, the relevant background information is presented as follows.

3.2.1 The Geneva Convention

Relying on the Charter of the United Nations and the Universal Declaration of Human Rights, the 1951 Geneva Convention constitutes the legal framework for any asylum policies on an international level and is agreed upon by 145 states. It includes the official definition of the term ‘refugee’ and determines certain rights. Further, it outlines the legal obligations of all states for the protection of the displaced persons. It relies on the key principle of non-refoulement (Geneva Convention, 1951). The main principle of the Convention includes that refugees shall abide by the national laws of the contracting states (Art. 2, Geneva Convention, 1951). On the other hand, the contracting states shall exempt refugees from reciprocity (Art. 7, Geneva Convention, 1951). Hence, granting of a right to a refugee should not be subject to the granting of similar treatment by the refugee's country of nationality, because refugees do not enjoy the protection of their home state.

Since the Geneva Convention is part of the primary law and is superior to European law, the principle of sovereignty provides for compliance with the established law. Based on this principle, the EU has enshrined the Right to asylum in its Charter of Fundamental Rights. In there, it states that “The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of Refugees and in accordance with the Treaty establishing the European Community.” (Art. 18 Geneva Convention, 1951).

3.2.1 The EU-Turkey Statement

The EU-Turkey statement is an agreement concluded between the EU and Turkey on 20 March 2016. It regulates the treatment of refugees who want to enter Europe from Syria via Turkey. In particular, the Agreement provides that asylum-seekers who have used Turkey as a transit

country and are entering EU territory for the first time on the Greek islands will be deported back to Turkey. They implemented a one-to-one mechanism whereby for every Syrian person deported from the Greek islands to Turkey, another Syrian trying to get asylum via the legal method from Turkey would be resettled in the EU. In addition, the EU has given general assurances that Member States will accept vulnerable persons from Turkey provided that there is a significant and sustained reduction in irregular border crossings between Turkey and the EU. The EU has also pledged a rapid disbursement of €3 billion and a further €3 billion by the end of 2018 for specific projects in the areas of essential services, health and education for persons enjoying temporary protection in Turkey (Long, 2018). Furthermore, the statement follows the intention to deepen the EU-Turkey relations as well. In the course of this, negotiations on Turkey's accession to the EU and visa liberalisation are to be accelerated. The visa requirement for Turkish nationals in the EU Member States got abolished. Further, the statement provides for the possibility of filing an asylum application for refugees, whereby it states that all asylum applications will be processed individually by the Greek authorities. The statement guarantees that 'EU law and international law' will be 'fully' respected (European Commission, 2016). The nine principles, defined by the European Council (2016) that constitute the EU-Turkey Agreement can be summarised as followed:

1. Anyone who arrives in Greece illegally as a refugee or migrant will be sent back to Turkey.
2. For every refugee that Turkey takes back, a refugee who is already living in Turkey is then allowed to enter the EU in return. Up to 72,000 people should thus be allowed to enter the EU safely.
3. The main aim: to dissuade people from travelling across the Mediterranean. Immigration dominated by criminal smugglers should be ended.
4. As soon as the number of illegal crossings decreases, humanitarian aid should be organised in Turkey, and refugees should be voluntarily accepted by EU states.
5. Turkey has been promised visa facilitation for Turkish citizens wishing to enter the EU from June 2016.

6. A total of six billion euros in aid money was promised to be paid in two tranches - three billion each for activities and projects to supply migrants - within Turkey.
7. The common customs union should be expanded.
8. The EU accession talks with Turkey should be revived.
9. The EU and Turkey shall work together to improve the humanitarian situation in the war zone in Syria.

(European Council, 2016).

3.3 Data Collection

The data collection method is built upon desk research and included the search for secondary data. A secondary data analysis describes the retrieving and analysis of data that was already conducted by another instance. The data is merely used for individual interpretation but is not collected by the researcher itself since there was no own primary data collection in the field (Patton, 2002). An advantage of secondary data analysis is the cost-efficiency, which remains low in the course of research since no effort is required to collect primary data. This makes it possible to conduct a study in this field as part of a bachelor thesis and thus to contribute positively to the literature gap and research in this area. Also, the data, which have already been collected, is peer reviewed once more, and the results are then shared with a larger audience. Thus, after a certain period of time, qualitative improvement of the research could be achieved through public scrutiny (O'Sullivan et al., 2016). Furthermore, it is less time consuming, because the already evaluated data regarding the EU-Turkey statement and the compliance with the Geneva Convention, which was collected over four years, was analysed in a short time frame in the course of this work. Hence, secondary data analysis is the most suitable data approach for the purpose of this study. Since the Internet offers a high density of reliable data covering a long period of time, data was collected via Google scholar by investigating legal document, scientific literature, scientific and political reports and media reports, using relevant keywords such as 'EU-Turkey statement', 'EU-Turkey agreement', 'Refugee deal', 'Non-compliance with international law', 'Geneva Convention', 'Human Rights violation EU', 'EU External Border', 'Enforcement mechanisms international law', 'Monitoring international agreements' and

‘Monitoring EU-Turkey statement’. In addition, legal documents such as the Geneva Convention, the treaties, conventions and legal texts of the EU from the EU's website <<https://ec.europa.eu>> and the UNHCR <<https://www.unhcr.org/>> were retrieved. There is a vast amount of literature on this topic, so the focus was on the most frequently cited documents. Moreover, the search for relevant literature was focused on the specific time frame from 10/11/2015 until 30/03 2020. This time frame was chosen because the EU-Turkey statement has been adopted in May 2016 and consequently, entered into force. Amnesty International, Human Rights Watch reports, statements of the UNHCR and various news articles from <legalcentresvos.org> and <refugeeobservatory.aegean.gr/en> were used to cover the reporting on the current incidents. Moreover, the search for relevant literature was reduced to the time frame from the beginning of the EU-Turkey statement 18/05/2016 until 30/06/2020, which marks the end of this research period.

3.4 Data Analysing Method

The following section describes the method of how the data were analysed in order to answer the general research question adequately. For that purpose, three sub-questions were introduced to ensure a systematic and appropriate answer.

With regard to the first question - *To what extent does the text of the EU-Turkey Agreement violate the Geneva Convention?*-, a self-conducted legal analysis of the formal basis of the EU-Turkey statement and the violation of the Geneva Convention have been conducted. The focus of this question is on the detection of one or more potential violations of the Geneva Convention using the design of the EU-Turkey statement without evaluating the actual practices, but with a systematic comparison of the law. For this purpose, the statement was compared with the legal document of the Geneva Convention, which is retrieved as an online document from the UNHCR. In order to answer the second sub-question - *To what extent do the practices emanating from the Agreement violate the Convention?* -, the actual practices resulting from the EU Turkey statement listed in reports and newspaper articles by Amnesty International, Human Rights Watch and several more have been assessed, examined and the extent on which they violate the Geneva Convention has been evaluated. This was done by comparing the available data with the

legal document and the individual articles written in the Convention. Thus, the answer to the question provides further information on how, in addition to the theory, the practical effects of the EU-Turkey statement further violate the Geneva Convention. The focus of the last sub-question is on the monitoring actors and precise mechanisms to ensure that signatory states comply with the Geneva Convention and that the principles are followed. To answer the last sub-question - *What are the monitoring and enforcement mechanisms relating to violations of the Convention, and what measures have been taken to enforce the Convention vis-à-vis the EU?* -, scientific articles concerning the implementation and enforcement from the official site and the derived consequences from the practical application were analysed by using a literature review and existing data from NGO reports and newspaper article. Through the analysis of the secondary data, it was possible to conduct the study in this field since conducting the primary data itself would not be feasible.

3.5 Limitations of the study

However, this research is subject to some limitations. Due to the potential constraints of limited (financial) resources and the limited length of the research period, it is not possible to extend and deepen this work. It is based solely on secondary data and not on data collected personally in the field, as it is not possible to collect own data due to lack of funds, equipment and time. Since the data was not collected for the purpose of this research question, there is a risk that the data will not provide sufficient information to answer the research question. Moreover, it is not possible to state with complete certainty that the data collection was carried out sufficiently with regard to validity and quality, or whether there were any other issues or errors with the collection, evaluation and classification of the data. In particular, government documents may contain bias and omit relevant information, especially since this study investigates the misconduct of states. Similarly, the method of measurement of certain processes or violations may have changed due to changes in the law. Likewise, secondary data collection via the Internet always involves the risk of accessing fraudulent sources. Whereas relevant, reliable sources could be overlooked by the vast amount of data.

4. Analysis

In the following section, the individual sub-questions will be answered on the basis of the preceding conceptualisation and analysed with a focus on answering the research question.

4.1 EU-Turkey statement - A violation of the Geneva Convention?

In the first part of the analysis the violations are examined, which already in principle, solely through the design of the EU-Turkey statement, violate the Geneva Convention.

4.1.1 Violation of the principle of non-refoulement

The prohibition of expulsion or return, broader known as the *principle of non-refoulement* builds the core of the Geneva Convention on Refugees. It states that 1) ‘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.’ Further it declares that 2) ‘The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.’ As *jus cogens* norm, this principle is a compelling law and thus an integral part of international law. Thus, the *non-refoulement principle* prohibits the extradition, expulsion or return of a person to another country if the person has to face any kinds of persecutions since there is a severe risk of torture, inhuman treatment or any other violation of human rights in the country of the person shall be sent to and hence, and shall be respected at all costs (Geneva Convention, 1951).

However, through the hierarchy of norms, the principle is also anchored in European law. Here it is enshrined in Articles 2 and 4 of the Charter of Fundamental Rights (Charter). The Court of Human Rights also includes the non-refoulement principle in Articles 2 and 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). According to Art. 207 of the Treaty on the Functioning of the European Union, the EU and the Member

States undertake to respect the treaties signed by them, including the Geneva Convention (Wessel & Van Vooren, 2014).

From a legal perspective, the EU-Turkey statement (hereafter referred to as ‘statement’) itself violates the *principle of non-refoulement* in the context of human rights. The statement includes that refugees and asylum seekers will not be able to have a chance to reach the safe mainland of Europe. Moreover, a distinction between direct and indirect non-refoulement can be made based on a ruling of the European Court of Human Rights in 2000. Direct non-refoulement refers to the situation where a state, in this case, Turkey, sends asylum seekers and migrants back to a country where the risk of torture, persecution or violation of their human rights awaits the person concerned. Indirect non-refoulement describes the situation of sending refugees back to a second receiving country, where the state to be returned knows that the asylum seeker would run the risk of not being given a due process of law and therefore, the person would likewise be returned to a place where their rights under the Geneva Convention cannot be respected (ECHR, 2000). In this context, the EU respectively Greece, as a member state and signatory of the EU-Turkey statement, which has the legal claim to an international agreement, is guilty of the violation of indirect non-refoulement based on the assumption that Turkey, as a safe third country, respects the rights of refugees and provides proper asylum procedures. In the next section, the reasons how Turkey is violating the principle of non-refoulement are discussed in detail.

4.1.2 Turkey as a safe third country

A safe third country is a state in which compliance with the Geneva Convention on Refugees and the European Convention on Human Rights is guaranteed. Consequently, these states guarantee asylum-seekers protection from persecution on the basis of their race, religion, nationality, membership of a particular social group or political opinion. Likewise, the *principle of non-refoulement*, as stated in the Geneva Convention, will be followed and not violate the prohibition of removal, which upholds the Right to freedom from torture and cruel and inhuman or degrading treatment. This country should also offer the possibility to request and obtain refugee status in accordance with the Geneva Convention (Ulusoy, 2016).

In the literature and NGO reports, Turkey is often discredited as a safe third country because of its precarious deficiencies in the migration system, which suffers from inexperience, lack of equipment and training. Despite the establishment of the Directorate General of Migration Management (DGMM) in 2013, to manage asylum seekers and refugees, the system of processing is highly inefficient. Since the first asylum law in Turkey was passed only in 2013, there is little or no access to work, healthcare or education. There is a lack of legal and bureaucratic capacity to deal with the mass of applications and, on top of that, Turkey itself is under criticism for the way it treats minorities and those with different political views. Moreover, the lack of democratic institutions and the undermining of fundamental democratic values such as freedom of the press, Turkey is literally violating the fundamental values of the EU, not only with regard to asylum issues. In 2017, after the first year of the EU-Turkey statement, there were 393 cases in which refugees filed complaints against the return of refugees to Turkey due to lack of protection. Contrary to the opinion of the asylum authorities, for whom the status of Turkey was not objectionable, the courts prevented repatriation in 390 cases and thus blocked the EU Turkey statement from European ground (Gkliati, 2017). Nonetheless, the EU has classified Turkey as a safe third country. This is due to the fact that only the declaration of Turkey as a safe third country enabled the EU to conclude the EU-Turkey statement with the appearance of respecting international law and in particular the Geneva Convention and preventing refugees from crossing the border into EU territory (Ulusoy, 2016).

Moreover, Turkey is not part of the EU and is therefore not obliged to follow European law. In particular, the Refugee Protection and the EU fundamental values, which define Europe's decisive standards and thus the treatment of persons seeking protection, can be disregarded. Although refugees from Syria were granted 'temporary protection' as part of the deal, all other non-Europeans were refused admission with the result of inequalities in terms of access to protection. Syrians were also increasingly pushed back into the war zone, and the borders were shut (Roth, Shetty & Woollard, 2016). The legal status of 'temporary protection' does not include the Right to work and may be withdrawn randomly at any given time (Alpe, Tunaboylu & Van Limpt, 2017). Additionally, Turkey is indeed a signatory state of the Convention, but with the

exception that they acknowledge refugee status only with ‘geographical limitation, extending its protection only to refugees from Europe’ (Geneva Convention, 1951).

4.1.3 Violation of the principle of non-discrimination on the country of origin

By establishing the one-on-one principle, within the EU-Turkey statements, that for every Syrian refugee rejected by the EU, another Syrian refugee from Turkey will be admitted to the EU Article 3 of the Geneva Convention on Refugees will be violated. By establishing that practice, the violation occurs with the extent that all refugees with a non-Syrian nationality are not granted this privilege and the contracting parties categorically select and distinguish according to nationality (Legal Centre Lesvos, 2019).

4.2 Violating practices emanating from the EU-Turkey Agreement

On 2 March 2020, the UNHCR announced a statement about the situation at the EU-Turkey border to point out the precarious situation for asylum seekers. In violation of every migration law, Greece has decided to refuse to accept any more asylum applications for one month, in reaction to Turkey's opening of its borders in the wake of the ‘failure’ of the EU Turkey statement (UNHCR.org, 2020). In order to look at the events at the Greek border, and the mechanisms enforced through the EU-Turkey statement from a political science perspective, the question of the legal and practical perspective arises.

In practice, the EU-Turkey statement is to be implemented primarily by Greece from the EU's side. Before the statement came into force, asylum seekers arriving on the Greek islands were received and registered in so-called 'hotspots', in order to avoid handling the asylum procedure on the Greek mainland. The asylum seekers are not allowed to leave the camps and thus, are forced to stay there until the procedure is handled. This can take from months up until years of detention under 'humiliating conditions' (Alpe, Tunaboylu & Van Limpt, 2017, p. 5). The so-called 'hotspot approach', introduced in May 2015 by the European Commission, was invented to support Greece and Italy with the masses of incoming refugees and asylum seekers (European Court of Auditors, 2017). Since the conclusion of the Agreement, the efforts of the Greek authorities and the EU agencies operating in the Greek islands have been focused on

ensuring a fast return of refugees and migrants to Turkey. Once the Agreement was closed, Greece transformed the 'hotspots' facilities on the islands into detention centres (Amnesty International, 2017). Peu à peu, changes to its asylum procedures were introduced by the Greek government. Asylum applications were immediately rejected in a fast-track procedure. By assuming and justifying that Turkey is a safe third country, the Greek authorities justify the rejection of asylum seekers and refugees. If the detention was initially carried out without a legal basis, Greek law has provided since the beginning of April 2017 for the possibility of restricting the freedom of those concerned for up to 28 days. It is highly non-transparent on what basis the Greek asylum authorities have decided on the asylum applications filed so far (Amnesty International, 2017). Increasingly, the UNHCR, as well as several NGOs, are reporting that asylum seekers and migrants are being pushed back to the Turkish border by the Greek authorities, despite entering Greek territory. Refugees state that they are not 'treated like human beings' neither in Turkey nor on the Greek Islands (Amnesty International, 2017, p. 15). Especially for women and children, the situation is unbearable, verbal as well as sexual assault and harassment happen on a daily basis. Amnesty describes the living condition on the Greek Islands as 'overcrowding, freezing temperatures, lack of hot water and heating, poor hygiene, bad nutrition, inadequate medical care, violence and hate-motivated attacks, which all dramatically highlight the human cost and chronic organisational failures of the EU-Turkey deal' (Amnesty International, 2017, p. 22). In addition to the environmental factors, the degree of violence among the refugees is increasing, and the people, some of whom are deeply traumatised, are cracking under the precarious conditions in the camps. The psychological consequences are hardly foreseeable (Amnesty International, 2017).

At the beginning of 2020, the situation in Greece got out of hand and victims to have been reporting shootings, killings, violence, electro shocking and robbery committed by the Greek authorities, especially in the Evros river region. Even the Turkish authorities have been highly concerned about the conditions of the people, Greece is sending back to Turkey, of course, without a proper asylum procedure (Human Rights Watch, 2020). Since 1 January 2020, Greece implemented a new law regarding the Rights of asylum seekers. The Legal Centre Lesbos (2020a) warns that "This new law expands grounds to detain asylum seekers, increases

bureaucratic hurdles to make appeals, and removes previous protections for vulnerable individuals who arrive to the Greek islands." Particularly affected are asylum seekers who come via Turkey, as they are not allowed to leave the Greek islands until their asylum application is completed (Legal Centre Lesvos, 2020a). Since January 2020, arbitrary expulsions have been on the increase, affecting families in particular. The Greek authorities do not recognise marriages that are not contracted in the asylum seekers' country of origin, thereby sending back individual family members and tearing families apart (Legal Centre Lesvos, 2020b). Also, due to the emerging corona crisis in spring 2020, the conditions for the refugees are becoming more and more precarious. Living standards and health checks are de facto not being met, and there is zero support from the EU (UNHCR, 2020a).

Table 1 shows a list of the violations of the Geneva Convention that occur most frequently and of individual events that have caused much attention. The layout of the table defines the individual practices that cause legal violations of the Geneva Convention, the actors and in which time frame. It serves to make the violations described tangible by means of practical examples. It is recognised that this list does not cover all events, but in order not to go beyond the scope of this thesis, it has been focused on the following occurrences.

Table 1: Violations of the Geneva Convention on the Greek border from April 2016 to July 2020

<i>Legal violation of Geneva Convention</i>	<i>Practice under EU-Turkey statement</i>	<i>Actor</i>	<i>Timeframe</i>
Art. 33 Prohibition of Expulsion or Return (“Refoulement”)	Direct refoulement of refugees to unsafe countries	Turkey	Since entry into force, regularly occurring practice
Art. 33 Prohibition of Expulsion or Return (“Refoulement”)	Indirect refoulement of refugees to Turkey	EU	Since entry into force, regularly occurring practice
Art. 3 Non-discrimination (on country of origin)	Just Syrians get a re-settlement under the deal	EU/Turkey	Since entry into force, regularly occurring practice
Art. 32 Expulsion	Collective dismissals	Greece	Since entry into force,

	of asylum seekers	authorities	regularly occurring practice
Art. 26 Freedom of Movement Art. 31 Refugees Unlawfully in The Country of Refugee	Unlawful and arbitrary detention by entering Greece mainland	Greece authorities	Since entry into force, regularly occurring practice
Art. 16 Access to Courts	Refusal of legal aid	Greece authorities	Since entry into force, regularly occurring practice
Art. 3 Protection against discrimination on the basis of race, religion or country of origin Art. 32 Expulsion Violates collective expulsion	On Lesbos, asylum seekers are selected according to nationality and collectively rejects those who do not fit the grid without individual examination	Greek authorities	Since entry into force, regularly occurring practice
Art. 5 Rights Granted Apart From This Convention	Failure to provide assistance for maritime rescue in the Mediterranean sea	EU	Since entry into force, regularly occurring practice
Art. 5 Rights Granted Apart From This Convention	Inhumane living conditions - five people froze to death	Greek authorities	Winter of 2016-2017
Art. 5 Rights Granted Apart From This Convention	Inhuman living conditions - no access to healthcare, protection of Covid-19	Greek authorities	February 2020 to date (30/06/2020)
Art. 5 Rights Granted Apart From This Convention	In Pazarkule camp (Edirne, Turkey) 'teargas, plastic bullets and live bullets' were used against asylum seeker - one death	Greek border force	4 March 2020

(Legal Centre Lesbos, 2017 2019, 2020a, 2020b) (Amnesty International, 2017).

As the data indicates, there are massive violations emerging from the practices of the EU-Turkey statement against the Geneva Convention. In the next section, the monitoring and enforcement mechanism of the Geneva Convention will be examined.

4.3 Monitoring and enforcement mechanisms of the Geneva Convention

4.3.1 Implementation and enforcement mechanisms of international law

Even though the Convention is legally binding for all signatory states, there is no authority or mechanism to ensure compliance with it. The implementation of the law is presupposed for all, but there are no precise instructions on how to carry it out. The UNHCR has supervisory responsibilities but cannot enforce the Convention, neither there is a formal mechanism for individual applicants to lodge complaints at any official agency (Mathew, 1996). The Convention stipulates that complaints must be referred to the International Court of Justice, but there is no explanation about the procedure or the design of a complaint (Art. 38, Geneva Convention, 1951). An individual may submit a complaint to the UN Human Rights Committee under the International Covenant on Civil and Political Rights or to the UN Committee on Economic, Social and Cultural Rights. For nation-states, there is the general instrument to impose sanctions on states who practice non-compliance, but since complex economic relations and security policy aspects often come first, hence, states avoid punishing other states. The outcome is that to date, none of these formal or informal mechanisms has been used to punish non-compliance (Moloney, 2012).

4.3.2 Monitoring actors

From an official point of view, the UNHCR naturally monitors all processes involved with refugees worldwide, as well as the actions of the contracting parties at the EU's external border. Nevertheless, the UNHCR also makes it clear that the 'UNHCR is not a party to the EU-Turkey deal, nor will we be involved in returns or detention. We will continue to assist the Greek authorities to develop an adequate reception capacity' (UNHCR, 2016). Secondly, the European Parliament, as the democratically elected body of the EU, also monitors the Agreement concluded by the European Council. However, probably the most critical work to clarify the

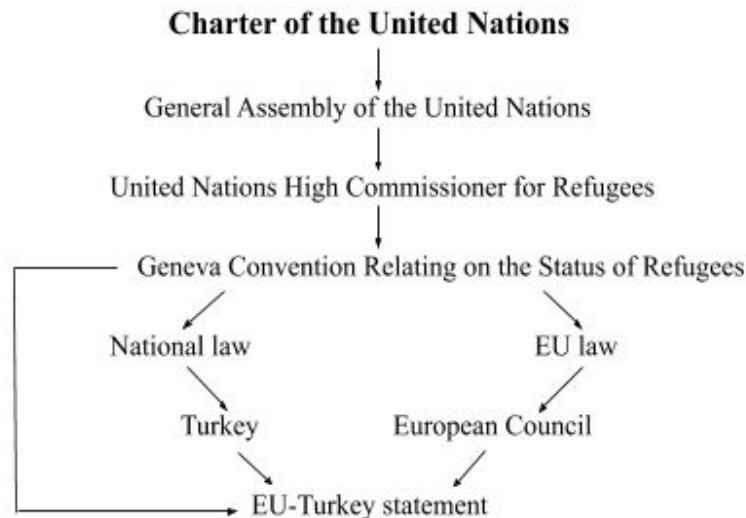
situation is done by NGOs like Amnesty International, Human Rights Watch, SeaWatch and many others. Also, news agencies report about the conditions at the border and thus, participate in the unveiling of massive human rights violations.

Due to the lack of executive power of the UN respectively the UNHCR and the fact that compliance with international agreements is based solely on the goodwill of states, the implementation of enforcement mechanism of the Geneva Convention on Refugees is impossible. Since the contracting parties, in this case, the EU and Turkey, violated international law by merely publishing the statement, further violations cannot be avoided in the course of implementing the EU-Turkey statement. Currently, the consequences are public denunciation of the contractual partners and public investigations of the grievances and misconduct through the observations of the various authorities mentioned above. Studies on the effect of shaming of human rights international non-governmental organisations on states show that public awareness campaigns can indeed have an effect, since 'shaming and naming', as emphasised in section 2.2.2, can lead to the loss of reputation within the international community. However, that enforcement mechanism does not show any effect on the emerging practices of the EU-Turkey statement and the actors involved (Murdie & Davis, 2012).

Figure 1 shows the individual actors in the legal implementation process of the EU-Turkey statement. Above all, the Charter the United Nations is the foundation of international law. The General Assembly of the United Nations, the chief deliberative, policy-making, and representative organ of the UN, acts as a body on the basis of the Charter. One of the sub-agencies, the UNHCR, implemented the Geneva Convention, which, based on the Charter, provides the legal basis for refugees under international law. Due to the hierarchy of norms, explained in section 2.1, actors at the bottom are obliged to implement the superior norms in their domestic law. Thus, the principles are found in EU law, as well as in the national law of non-EU states, such as, with relevance for this work, Turkey. The EU and Turkey have jointly drafted the EU-Turkey statement as an international agreement and are responsible for its implementation and compliance with superior law. The step-by-step structure of the actors shall explain the classification of the EU-Turkey statement and the responsibility of the actors involved. The direct arrow from the Geneva Convention to the EU-Turkey statement is for

additional clarification of the importance of the direct transfer of rights and mark the fact that the statement should only be a migration management strategy based on the legal requirements of the Geneva Convention.

Figure 1: Top-down visualisation of the relevant actors and the implementation of law regarding the EU-Turkey statement



4.3.3 Enforcement mechanism of the Convention vis-à-vis the EU

In spite of the implementation of the Geneva Convention in EU law, the EU does not manage to uphold the law and acts purposefully and actively against it in full awareness by enforcing the EU-Turkey statement.

One explanation for the EU's non-compliance can be explained with Cogan's (2006) concept of 'intentional non-compliance', that can be summarised as capacity-based and emerges of state interests that are contrary to the legislation laid down in the particular agreement. When applied to the subject of this research, the cost-benefit factor of complying with the Geneva Convention is significantly lower than preventing refugees from arriving in the EU. Further Cogan introduces 'operational non-compliance', which emerges from 'the existence of an operational gap in the international legal system' (Cogan, 2006, p. 195). Both concepts emerge on the matter that there is a lack of enforcement and punishment mechanisms of international agreements and in

international law. However, in spite of different approaches to explain non-compliance, the decision to perform non-compliance is taken independently by the violators, also by the EU.

5. Discussion of the results

In the following chapter, the results of the analysis and the individual sub-questions are discussed and placed in their theoretical context.

The first sub-question deals with the extent to which the EU-Turkey statement violates the Geneva Convention on Refugees. The focus in this question was merely on violations of the Agreement that were already visible in practice prior to admission. In the course of the analysis, it became apparent that the major failure is the assumption that Turkey would be a safe third country. As this paper proves, Turkey does not meet the criteria of a safe third country, and thus, the *principle of non-refoulement* is violated in the course of the statement both indirectly, by the Greek authorities returning refugees to Turkey, and directly, by Turkey returning refugees to war zones.

Furthermore, the design of the statement is erroneous in that it categorises refugees according to nationality through the one-on-one principle and hence, violates the principle of non-discrimination as laid down in Article 3 of the Convention.

In the course of the second question, the practices that actually happen under the EU-Turkey statement and to what extent they violate the Convention were examined. The analysis showed that there are massive violations of human rights in the course of the statement as examined in Table 1. Not only does the Convention, as part of international law, build on the principles of the Charter, Article 5 also explicitly prohibits the abuse of the rights and obligations under the Convention. The practices on the Greek-Turkish border illustrate that these norms are not actually being respected.

The third of the sub-questions examined the monitoring and enforcement mechanisms relating to violations of the Convention and the measures that have been taken to enforce the Convention vis-à-vis the EU. Indeed, there are individual actors who perform effective monitoring. Those primarily include NGOs and news agencies. Owing to their effort, it is that there are detailed and transparent investigations of the practices since there is no initiative on the part of the EU to

uphold the principles of the Convention and prevent human rights violations, quite the contrary. Those findings not only demonstrate the massive, and in many cases unfortunately often fatal, misconduct of the EU and Turkey, but also reveals the severe weaknesses of international law. As explained in theory, the legitimacy of the law does not automatically mean that it is respected. Compliance, as emphasised, is based solely on the goodwill of the states and, as reality shows, is characterised by arbitrariness. Alarming, the analysis has shown that, while the UNHCR is responsible for the rough monitoring of compliance with the Convention, there are no official enforcement mechanisms to ensure that the contracting parties comply with the law, not to mention any kind of punishment for non-compliance. As emphasised in section 2.2, there are three approaches on the basis of which states comply with existing law. These include the legitimacy of international law, compliance through enforcement mechanisms and the managerial perspective, which assumes automatic compliance since international agreements are concluded in the interest of the states. Since the focus of this paper is on the enforcement approach, section 2.2.2 presents enforcement mechanisms that could push compliance with the Geneva Convention. The fear of loss of reputation, national institution and politics, such as international inducements could serve as instruments to enforce compliance. In the case of the EU-Turkey statement, that mechanism does not work, even though there is public 'naming and shaming'. Furthermore, reasons for non-compliance were sought. As the findings indicate, there are reasons for intentional and operational nature for non-compliance - which are explained by cost-benefit calculations by states and by gaps in the international system. Nevertheless, the reasons for non-compliance are also due to the lack of adequate enforcement and punishment mechanisms by the UN.

Due to the lack of a complaints body, it is difficult for actors and individuals to assert themselves legally against violations and to obtain support in accordance with international law. The case *Jamaa Hirsi and Others v. Italy* which took place in 2012, was declared as a 'historic' judgment by several NGO's and is seen as a jurisdiction in favour of refugees and the responsibility of states in dealing with them (Amnesty.org, 2012). In 2009, more than 200 Somali and Eritrean refugees were refused entry into Italy or the EU 35 nautical miles from Lampedusa. The fugitives were transferred back to Libya by warships from Italian customs as well as the coast

guard. 13 Eritreans and 11 Somalis sued the Italian state for a violation of the non-refoulement principle (Art. 33) and the protection of torture and inhuman punishment. The charge was brought to the European Court of Human Rights which rules on the basis of the Convention for the Protection of Human Rights and Fundamental Freedoms which has the general principles of the Geneva Convention, as superior law, implemented. The court ruled that the Italian state should not have returned the migrants to Libya, as no one should be subjected to torture or inhuman punishment (Art. 3 ECHR). In addition, Italy had violated the prohibition of collective expulsion of foreigners (Art. 4 of the IV Additional Protocol) and the Right to an effective remedy (Art. 13 in conjunction with Art. 3 ECHR and Art. 4 of the IV Additional Protocol). Italy was ordered to pay damages of € 330.000 and to pay the costs of the proceedings. However, the symbolic value of this ruling had a more powerful, symbolic character since the ruling was welcomed by the UNHCR (Amnesty International, 2012). This case provides hope that even the weakest may be able to defend themselves against the overpowering (mis-)behaviour of states or other official actors and that justice can be served.

6. Conclusion

After a differentiated examination of the topic, an answer to the research question *To what extent does the EU-Turkey statement and the practices emanating from it violate the 1951 Geneva Convention Relating to the Status of Refugees, and what are the consequences of such violations?* can eventually be found.

The extent to which the EU Turkey statement violates the 1951 Geneva Convention Relating to the Status of Refugees in theory and in practice is tremendous. When looking at theory, the statement violates Articles 3, 16, 26, 32 and 33, whilst in practice, it additionally violates Article 5 and several principles of international law relating to human rights. The consequences for the EU and Turkey are non-existent due to a lack of enforcement mechanisms, the costs are borne solely by the refugees and those who lose their lives in search of protection in the 'safe haven' of Europe. It is also disgraceful to consider Turkey as a safe third country, which already signed the clause on 'geographical limitations' when signing the Convention.

Nonetheless, the aim of the statement, that there are fewer refugees entering Europe and therefore the death rate in the Mediterranean is reduced, has been achieved. But at which cost? Relocating the problem creates punctual solutions. However, it simultaneously creates new ones. For instance, the 'hotspots' on the Greek islands have become detention centres where conditions are inhumane and where no one should be forced to remain. Furthermore, the EU has failed in its aim to combat the causes of flight, since the problem is not truly addressed. The so-called migration management, which is, in fact, the rejection of people legally seeking protection under their Right of asylum within international law, creates new inequalities and human rights violation and allows the EU to reject responsibility. The EU-Turkey statement is flawed and unfair in its structure due to missing monitoring, implementation and emerging practices. Especially from the EU side, it is an indictment. The member states leave Greece to its fate and fail to provide assistance to end the humanitarian disaster. A pattern that became clear in the course of research is that the partly intergovernmental system of the EU and the United Nations prevents lack of enforcement, monitoring and punishment. Although in theory, the monitoring and enforcement option of the Geneva Convention exists through the nation-states and every instance that has implemented the law within. However, in practice, it is deficiently applied. There is no overriding distance that ensures law and order. If a measure is not in the interest of the states, then it is merely not carried out, and there are hardly any regulations to prevent this non-action. This behaviour leads to the assumption that the individual actors are merely concerned with their own well-being and that compliance with international law is only undertaken to protect one's own reputation.

The literature concentrates mainly on the clarification of the events but has deficits in the legal-political classification of the EU-Turkey statement. Since it does not require a large-scale study to see that the Refugee Convention is being violated in several places, the scientific community should deal with it more intensively. Additional research could be carried out by collecting primary data through field surveys and by broadening the research through a longitudinal study. A compelling empirical study of the implementation process could be carried out through a step-by-step analysis of the organs involved, in which data would be collected

through observations and evaluated with regard to their procedures and their efficiency and effectiveness.

As emphasised in section 4.3, there are no actual mechanisms to enforce the Geneva Convention in practice. Therefore, effective mechanisms must be put in place to ensure that international law is respected and that the Geneva Convention remains valid. If a normative actor such as the EU does not abide by existing law and has no fear of punishment, why should other states do so? Such misconduct could encounter further non-compliance on the international level. To counteract this, the UN, in order to preserve international law and its authority, would have to introduce improved monitoring and enforcement mechanisms to defuse this situation, to force states to comply. However, the challenge is even more complex, as "Enforcement fails as an approach [...] because the main sources of non-compliance are ambiguity in agreements, a lack of state capacity to comply, and the fact that treaties are aspirational and transformative in goals and are thus not in their present stage binding." (K. J. Alter, 2003, p. 54). In addition to creating new enforcement mechanisms, the UN should make sanctions more efficient and less costly by defining new rules for international cooperation, creating more monitoring mechanisms and providing transparent information about the intentions of powerful states and alliances (Thompson 2009, 2013).

The case of the EU-Turkey statement with regards to the violation of the Geneva Convention makes it evident, that even a loss of reputation does not dissuade Turkey and especially the EU from preventing state-subsidised human rights violations. It indicates that there is the need for an enforcement mechanism to guarantee abidance with international law, so that compliance with it is no longer a cost-benefit calculation. In this case, the EU is acting against all its fundamental values, including human dignity and human rights, freedom, democracy, equality and the rule of law. The EU-Turkey statement and the associated practices discredit the validity of international law and Europe's claim to the role of a peaceful and legitimate actor in terms of human and especially, refugee rights.

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