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The Migration Paradox and EU-Turkey Relations

by Bianca Benvenuti

ABSTRACT

Since the beginning of the Arab uprisings in 2011 and as a result of growing instability in the region, migration transit through Turkey has become an increasingly pressing issue in Europe. The transit of migrants placed Turkey in a buffer position between the Middle East and Europe, and it soon assumed the role of guardian of the Schengen area, "protecting" it from irregular migration. This, combined with the exponential growth of irregular migration flows – soon dubbed the "migrant crisis" – resulted in migration management becoming a key to the ostensible rapprochement between Turkey and the EU. However, as a result of many paradoxes, migration can also hamper Turkey-EU relations, as is already becoming obvious as relations took a turn for the worse since the summer of 2016.

European Union | Turkey | Migration | Refugees | Human rights



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Introduction

If one were to subtract the East from the West, Turkey would be the result. Despite often being described as the bridge between these two politically constructed regions of the world, Turkey has had turbulent relations with both. At the gates of the European Union (EU), Turkey continues to be of great importance but many have compared this relationship to a troubled love affair. Turkey's entanglement with the European integration project serves as an example of this tortuous relationship: it represents the only case of an accession process that has lasted over a decade. It lost momentum soon after the official opening of the accession negotiations, then proceeded slowly in the first few years and stalled altogether between 2010 and 2013.¹ By December 2016, a mere 16 of the 35 chapters had been opened and only one had been provisionally closed.² Many obstacles still stand in the way of Turkey's accession to the EU, together with a growing disenchantment on both sides and a parallel downturn in EU-Turkey relations generally.³

¹ Nathalie Tocci, "Turkey and the European Union. A Journey in the Unknown", in *Turkey Project Policy Papers*, No. 5 (November 2014), <http://brook.gs/2bQ6mxD>.

² See the website of the European Commission's Directorate-General for European Neighbourhood Policy and Enlargement: *Enlargement Policy > Current Status > Turkey*, updated 6 December 2016, http://ec.europa.eu/enlargement/countries/detailed-country-information/turkey/index_en.htm. See also European Commission, *Turkey 2016 Report* (SWD/2016/366), 9 November 2016, <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52016SC0366>.

³ Senem Aydın-Düzgüt and Alper Kaliber speak about "de-Europeanization" of Turkey, which "refers to those cases where policy change, in whichever direction, is incurred without, with minimal or with largely negative reference to the EU/Europe, hence outside the normative/political context of the EU, despite the fact that the country is formally subject to the pre-accession process." Senem Aydın-Düzgüt and Alper Kaliber, "Encounters with Europe in an Era of Domestic and International Turmoil: Is Turkey a De-Europeanising Candidate Country?", in *South European Society and Politics*, Vol. 21, No. 1 (March 2016), p. 6, <http://dx.doi.org/10.1080/13608746.2016.1155282>.

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On the bright side, Turkey “has always been, is, and will likely remain one of the most important countries for the European Union.”⁴ This significance reveals itself in different aspects of the cooperation between the two. In recent years, migration played a crucial role in shaping EU-Turkey relations and Turkey’s accession process. This is partly due to the transformation of Turkey from an emigration country into an immigration and transit country.⁵ In an effort to meet pre-accession requirements, Turkey undertook important reforms in the field of migration and asylum in the 2000s.⁶ This process, commonly referred to as the Europeanization of migration and asylum law, strengthened the Turkish role as gatekeeper of Europe and guardian of “Fortress Europe.” Since the beginning of the Arab uprisings in 2011 and as a result of growing instability of the region, the issue of migration transit through Turkey has become increasingly pressing. In 2015, the Eastern Mediterranean route that passes from Turkey to Greece and then through the Balkan countries became the most used route for migrants escaping conflicts and war in the MENA region, while irregular migration from further East continues.⁷ The migratory transit through Turkey placed it in a buffer position, and it soon assumed the role of guardian of the Schengen area, protecting it from irregular migration. This, combined with the exponential growth of irregular migration flows – soon named the “migrant crisis”⁸ – resulted in migration management being a key reason for rapprochement between Turkey and the EU. However, as a result of many paradoxes, migration itself can also hamper Turkey’s accession negotiations and endanger Turkey-EU relations.

The following analysis outlines the paradoxical relationship between migration cooperation and EU-Turkey relations. While the EU uses the carrot of membership as an incentive to gain Turkey’s cooperation in migration control, its interests in keeping Turkey as a gatekeeper and a buffer zone runs counter to its actual delivery

⁴ Nathalie Tocci, “Turkey and the European Union: A Journey in the Unknown”, cit., p. 1.

⁵ Ahmet İcduygu, “Turkey’s Evolving Migration Policies: A Mediterranean Transit Stop at the Doors of the EU”, in *IAI Working Papers*, No. 15|31 (September 2015), <http://www.iai.it/en/node/5355>.

⁶ Umut Aydin and Kemal Kirişci, “With or Without the EU: Europeanisation of Asylum and Competition Policies in Turkey”, in *South European Society and Politics*, Vol. 18, No. 3 (September 2016), p. 375-395.

⁷ Herbert Vytiska, “Western Balkans Route Still Preference of Most Refugees”, in *EurActiv*, 5 November 2015, <http://www.euractiv.com/?p=883569>. See also the Frontex webpage: *Migratory Routes Map*, updated 2 December 2016, <http://frontex.europa.eu/trends-and-routes/migratory-routes-map>.

⁸ The debate over the definitions of asylum-seeker, refugee and migrant, or between forced and unforced migrant categories, is a decades-long issue in migration scholarship. Since the beginning of this crisis, the public debate over the definition of these categories has become heated too. The definition of refugee provided by the 1951 Refugee Convention, considers refugees as only those recognized as such from the countries that apply the Convention or from the UN Refugee Agency (UNHCR). Turkey signed the Convention but not the additional protocol, maintaining the geographical limitation – i.e. only people coming from Europe can seek for asylum in the country. In order to provide some sort of protection to the at-the-time 2.5 million Syrians in the country, Ankara approved the so-called Temporary Protection Law in 2014. For this reason, even Syrian nationals are not technically recognized as refugees. In this paper, I will use the term migrant to describe broadly persons moving from their home countries and travelling towards Europe, including both potential refugees (or asylum seekers) and economic migrants.

of this incentive. Further to this, the EU and Turkey do not have a convergence of interests in migration management and this could easily become a cause of dispute if one of the partners feels that the cooperation only serves to shift the burden instead of sharing it. Using a three-scenario model, this paper investigates which scenario is likely to occur in the future of EU-Turkey relations in the case of a migration driven rapprochement between the two.

The first section gives a brief overview of the role of migration in EU-Turkey relations, in particular taking into account the 2013 Readmission Agreement and the 2015 EU-Turkey deal on migration management. Further, it outlines what we will call the “migration paradoxes” in EU-Turkey relations. The second section explores the potential development of this relationship, in the light of the growing relevance of migration management in EU-Turkey cooperation and their relations.

1. Migration in EU-Turkey relations

The significance of migration and mobility in EU-Turkey relations regards three main issues: migration of Turkish citizens to the EU, irregular transit of third country nationals through Turkey en route to Europe, and the role played by Turkish nationals who have already settled in Europe.⁹ In the early stage of EU-Turkey relations, migration control was not a top priority on the agenda, emerging instead as a socio-political issue mainly in bilateral relations with individual European states.¹⁰ Cooperation on migration management came forth as Turkey underwent its transformation from an emigration to an immigration and transit country.¹¹ In particular, Ankara engaged in a large-scale revision of its migration and asylum regulation in order to ensure the opening of accession negotiations with the EU, granted in 2005. After the first package of reforms, adopted in 2002-2005,¹² Turkish authorities approved the National Action Plan for the Adoption of the EU Aquis in the Field of Asylum and Migration (NAP), in an effort to identify the areas that would need further improvement to align with European legislation. This process, commonly referred to as the Europeanization of the asylum and migration law, has been heavily affected by mistrust on the Turkish side, in particular due to the uncertainty over the EU membership. It has been observed that “the concern and fear that the EU is not serious about Turkish membership drastically influences

⁹ Senem Aydın-Düzgit and Nathalie Tocci, *Turkey and the European Union*, London and New York, Palgrave Macmillan, 2015, chapter 7.

¹⁰ For example, the 1961 bilateral agreement between Germany and Turkey about “guest workers.”

¹¹ Ahmet İçduygu, “Turkey’s Migration and its Implication for the Euro-Turkish Transnational Space”, in *Global Turkey in Europe Working Papers*, No. 7 (April 2014), <http://www.iai.it/en/node/1797>.

¹² Juliette Tolay, “Turkey’s ‘Critical Europeanization’: Evidence from Turkey’s Immigration Policies”, in Seçil Paçacı Elitok and Thomas Straubhaar (eds.), *Turkey, Migration and the EU: Potentials, Challenges and Opportunities*, Hamburg, Hamburg University Press, 2012, p. 39-61, <http://hup.sub.uni-hamburg.de/products-page/publikationen/102>.

these officials' 'cost-benefit' analysis and their readiness to take risk with reforms."¹³ One clear example is Ankara's reluctance to lift the geographical limitation and ensure the full implementation of the 1951 Refugee Convention.¹⁴ In the absence of a genuine prospect of membership of the EU, Turkey feared – and still does – that it might become a dumping ground for asylum seekers and migrants en route to the EU. This mistrust has also influenced the negotiation of the Readmission Agreement, signed in December 2013,¹⁵ and the opening of the visa liberalization dialogue, which at the same time marked a positive step in the effort to revive EU-Turkey relations after a long period of impasse.¹⁶

1.1 The readmission agreement and visa liberalization roadmap

Readmission Agreements are one of the key elements of the European migration external policy, enabling the return of non-EU nationals to their country of origin and to countries through which they transited.¹⁷ In exchange for third country cooperation in migration management, the EU offers financial incentives, circular migration schemes – i.e. recognition of vocational or academic qualifications from the partner country – or visa facilitation and sometimes visa liberalization. In 2005 and 2007, the EU successfully signed readmission agreements with Balkan countries – i.e. Albania, Macedonia, Montenegro, Serbia and Bosnia and Herzegovina¹⁸ – in exchange for visa liberalization schemes. The first round of discussion with Turkey had formally been opened in May 2005, but was abandoned in December 2006 possibly due to the decision of the EU to close a string of chapters

¹³ Kemal Kirişçi, "Border Management and EU-Turkish Relations: Convergence of Deadlock", in *CARIM Research Reports*, No. 2007/03 (2007), p. 45, <http://hdl.handle.net/1814/7988>.

¹⁴ Although it signed the 1951 Refugee Convention, following the 1967 Additional Protocol Turkey lifted the temporal but not the geographical limitation; this means that there is no asylum regulation for asylum seekers coming from outside Europe. See Kemal Kirişçi, 'To Lift or Not to Lift' the Geographical Limitation to the 1951 Gene Convention Relating to the Status of Refugees: Turkey's Pre-accession to the EU and Asylum, paper prepared for the 4th METU conference on international relations "Neighbourhood: Past, Present and Future", Ankara, 30 June-2 July 2005, <http://edam.org.tr/document/Kirisici2.pdf>.

¹⁵ European Commission, *EU-Turkey Readmission Agreement Signed and Visa Liberalization Dialogue Launched*, 16 December 2013, <http://europa.eu/!mr36wM>.

¹⁶ Ali Resul Usul, "Is There Any Hope on the Revival of EU-Turkey Relations in the 'New Era'?", in *Turkish Studies*, Vol. 15, No. 2 (June 2014), p. 283-302.

¹⁷ Sarah Wolff, "The Politics of Negotiating EU Readmission Agreements: Insights from Morocco and Turkey", in *European Journal of Migration and Law*, Vol. 16, No. 1 (2014), p. 69-95, https://sarahwolffeu.files.wordpress.com/2013/04/emil_016_01_69-96-uras-sw.pdf; Jean-Pierre Cassarino, "A Reappraisal of the EU's Expanding Readmission System", in *The International Spectator*, Vol. 49 No. 4 (December 2014), p. 130-145, <http://www.iai.it/en/node/2233>; Angeliki Dimitriadi, "Deals without Borders: Europe's Foreign Policy on Migration", in *ECFR Policy Briefs*, April 2016, http://www.ecfr.eu/publications/summary/deals_without_borders_europes_foreign_policy_on_migration6054.

¹⁸ Council Decision 2005/809/EC of 7 November 2005 and Council Decisions 2007/817/EC, 2007/819/EC, 2007/820/EC of 8 November 2007. See Summaries of EU Legislation: *Readmission Agreements with the Countries of the Western Balkans*, <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:l14562>.

because of the Cyprus impasse, and a consequent downgrade in their relations.¹⁹ Negotiations resumed in 2009 and by February 2011, the Justice and Home Affairs Council agreed on a new readmission text: quite surprisingly on the Turkish side, it did not call for a visa liberalization roadmap, instead the EU committed to a very loose dialogue on visas, mobility and migration.²⁰

Visa negotiations are a crucial issue in Turkey, as it is often perceived by the public opinion as the most tangible area from which they can gain benefits.²¹ According to recent research by the Economic Development Foundation, 23.6 percent of interviewees considered visas to be the most relevant issue in EU-Turkey relations.²² Some specific categories are negatively affected by visa restriction, i.e. Erasmus students, civil society representatives, academics and most significantly those in business.²³ In addition, visa liberalization is a burning issue because all other accession candidate countries citizens have been granted the right of visa-free entry to the EU. The application of visa processes contradicts the existing legal framework and seems to suggest that the EU is applying a double standard when it comes to Turkey and Turkish citizens.²⁴

Visa liberalization is a hot topic in the EU-Turkey accession negotiations: the Turkish government and the Turkish public are convinced it is deserved, despite EU member states' ongoing scepticism based on the fear that many Turkish citizens would settle in Europe permanently.²⁵ The dispute was brought to court and in February 2009, the European Court of Justice ruled against visa requirement for

¹⁹ In December 2006, the Council of the European Union froze the opening of the following chapters over Turkey's rejection to open its post and airports to traffic from Cyprus: Chapter 1 (Free Movement of Goods), Chapter 3 (Right of Establishment for Companies & Freedom to Provide Services), Chapter 9 (Financial Services), Chapter 11 (Agriculture & Rural Development), Chapter 13 (Fisheries), Chapter 14 (Transport Policy), Chapter 29 (Customs Union), Chapter 30 (External Relations). See Council of the European Union, *2770th Council Meeting General Affairs and External Relations* (16289/06 Presse 352), 11 December 2006, <http://europa.eu/!ug78uK>.

²⁰ Sarah Wolff, "The Politics of Negotiating EU Readmission Agreements", cit., p. 86.

²¹ Zeynep Özler, "Breaking the Vicious Circle in EU-Turkey Relations: Visa Negotiations", in *Turkish Policy Quarterly*, Vol. 11, No. 1 (Spring 2012), p. 121-131, <http://turkishpolicy.com/article/541/breaking-the-vicious-circle-in-eu-turkey-relations-visa-negotiations-spring-2012>.

²² Economic Development Foundation (IKV), *Perception of Europe and Support for EU Membership in Turkish Public Opinion. Public Opinion Survey 2016*, August 2016, p. 33, http://www.ikv.org.tr/ikv.asp?ust_id=207&id=1550.

²³ Zeynep Özler, "Breaking the Vicious Circle in EU-Turkey Relations: Visa Negotiations", cit.; Cristina Silva, "What Visa-Free Travel to Europe Means for Turkey's Elite", in *International Business Times*, 18 March 2016, <http://www.ibtimes.com/node/2339432>.

²⁴ Seçil Paçacı Elitok, "A Step Backward for Turkey? The Readmission Agreement and the Hope of Visa-Free Europe", in *IPC-Mercator Policy Briefs*, December 2015, <http://ipc.sabanciuniv.edu/?p=5363>.

²⁵ This is partly because Turkey's migration transition is not completed yet, and many fear it could revert to being an emigration country. Alexander Bürgin, "Salience, Path Dependency and the Coalition between the European Commission and the Danish Council Presidency: Why the EU opened a Visa Liberalization Process with Turkey", in *European Integration online Papers (EIoP)*, Vol. 17 (2013), <http://eiop.or.at/eiop/pdf/2013-009.pdf>.

Turkish citizens in the now famous Soysal case.²⁶ With this ruling backing Turkish citizens' right to visa-free travel stemming from the Association Agreement, Ankara saw the 2011 readmission draft proposal as further proof of the ill intentions of the EU. European resistance to including a visa-liberalization roadmap in the drafted readmission agreement corroborated Ankara's argument that a double standard existed, while deepening the mistrust in EU-Turkey relations. However, Turkish hopes of solving the issue through legal means disappeared with the ruling in 2013 in the Demirkan case, which reversed the Soysal ruling.²⁷ As a result, Turkey has since favoured negotiating the Readmission Agreement in order to increase the chance of obtaining visa liberalization.²⁸

Figure 1 | Irregular migration, Eastern and Central Mediterranean routes, 2008-2016

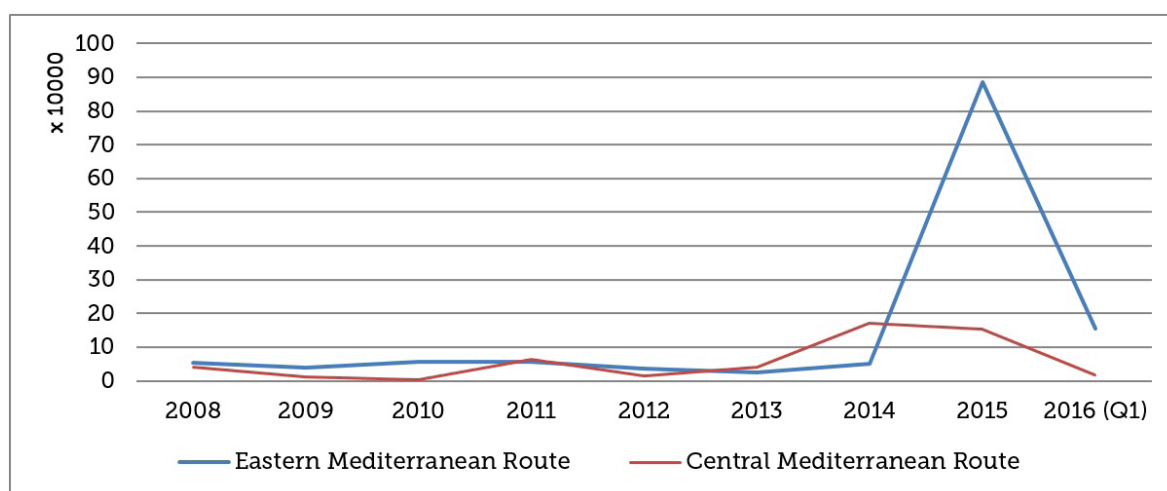


Figure 1 shows the flux of irregular migration through the Eastern Mediterranean and Central Mediterranean routes between 2008 and 2016. It is possible to note that rapprochement in EU-Turkey relations corresponds to years of growing flux through the Eastern Mediterranean route, in particular after 2013 and in 2015.

Source: Frontex Annual Risk Analysis. Data on 2016 refers solely to the first quarter.

On the EU side, several other conditions contributed to the reopening of readmission negotiations. By the end of 2011, the salience of cooperation with Turkey as a means for stemming flows of irregular migrants became more obvious

²⁶ European Court of Justice, Judgment of the Court (First Chamber) in case C-228/06 (Soysal and Savatli v Germany), 19 February 2009, <http://curia.europa.eu/juris/liste.jsf?num=C-228/06>.

²⁷ European Court of Justice, Judgment of the Court (Grand Chamber) in case C-221/11 (Demirkan v Germany), 24 September 2013, <http://curia.europa.eu/juris/liste.jsf?num=C-221/11>; İlke Toygür and Melih Özsöz, *The Good, the Bad and the Ugly – 5+1 Steps Away From Visa-Free Travel for Turkish Nationals*, Brussels, Heinrich-Böll-Stiftung European Union, 14 June 2016, <https://eu.boell.org/en/node/1795>.

²⁸ İlke Toygür and Melih Özsöz, *The Good, the Bad and the Ugly*, cit.; Kemal Kirişçi, "Will the Readmission Agreement Bring the EU and Turkey Together or Pull Them Apart?", in *CEPS Commentaries*, 4 February 2014, <https://www.ceps.eu/node/8885>.

once Frontex had reported an increase in border crossings from Turkey to Greece.²⁹

The issue of porous Turkish borders had the potential to further intensify with the impending Schengen accession of Bulgaria and Romania. Member states soon realized that the problem of the EU's external borders could jeopardize the intra-EU freedom of movement: in June 2012, EU leaders agreed to amend the Schengen Borders Code, to re-establish the possibility of intra-European border control when a member state is unable to control its external borders.³⁰ In addition, the position of member states over visa liberalization for Turkish citizens softened in that year. To begin with, the Danish Presidency in the first semester of 2012 seemed to open a window of opportunity, following deadlock during the Hungarian and Polish Presidency and preceding the Cyprus Presidency in the second semester of 2012.³¹ In that period, the opening of the visa liberalization process with Kosovo also played a role in the EU's rethinking of visa liberalization for Turkey, by highlighting the inconsistent treatment of Turkey when compared to Western Balkan countries.

On 16 December 2013, the EU-Turkey Readmission Agreement was finally signed.³² Accordingly, Turkey would be legally bound to take back irregular migrants of its own citizenship and third country citizens who had transited in its territory, from EU member states that were part of the Schengen area. As for the visa liberalization dialogue, on the same date as the signature of the agreement, the EU presented Turkey with a visa liberalization roadmap containing 72 criteria to be fulfilled in the areas of documents security, migration and border management, public order and security and fundamental rights. It goes without saying that the implementation of visa liberalization was further conditional upon the full implementation of the Readmission Agreement, envisaged as being three years after ratification of the agreement by both parties, and Turkey would be able to withdraw from it if visa liberalization was not achieved by April 2018.³³

Thanks to the Readmission Agreement and the Visa Liberalization Roadmap, 2013 saw a brief revival of relations. Other positive developments seemed to point in an optimistic direction during this period. These included the French government lifting its blockade on one of the five chapters previously obstructing the accession process, the opening of the peace process with the Kurdish PKK and the election

²⁹ Frontex, *Annual Risk Analysis 2012*, April 2012, http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf.

³⁰ Council of the European Union, *3172nd Council Meeting Justice and Home Affairs* (10760/12 Presse 241), 7-8 June 2012 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/130761.pdf.

³¹ Alexander Bürgin, "Salience, Path Dependency and the Coalition...", cit.

³² Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorization, 16 December 2013, [http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:22014A0507\(01\)](http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:22014A0507(01)).

³³ Florian Trauner and Imke Kruse, "EC Visa Facilitation and Readmission Agreements: A New Standard EU Foreign Policy Tool?", in *European Journal of Migration and Law*, Vol. 10, No. 4 (2008), p. 411-438.

of Nicos Anastasiades to the presidency by Greek Cypriots – which inspired hope of solving the Cyprus problem. These were all positive steps forward. However, relations slowed down again in 2013, due to the EU institutions' harsh stand against Ankara's reaction to the Gezi Park protest,³⁴ followed by a major corruption scandal in the Turkish government.³⁵ Euroscepticism increased in both Turkey and the EU itself and they drifted further apart from each other.³⁶

1.2 The 2015 "migrant crisis": European response and the role of Turkey

It was within this setting that the migrant crisis led to the opening of a new period in EU-Turkey relations in 2015. In the summer of that year, the EU began to realize the shortcomings of their migration and asylum laws in facing what would soon be known as the "migrant crisis." Over the course of 2015 the number of migrants trying to reach Europe increased dramatically, mostly prompted by the Syrian civil war. By the end of the summer, both the Dublin Regulation and the Schengen Agreement were wobbling under the weight of such a large influx of migrants. EU leaders began discussing different ways to distribute migrants in the European territory and ease the burden on border countries – i.e. Italy and Greece.³⁷ Since no unanimous agreement was achieved over how to manage migrants within the EU territory, efforts were directed at addressing the issue with countries of origin and transit and one actor was identified as the provider of the solution to the political chaos in the EU: Turkey.³⁸ Due to its open door policy, Turkey is home to 2.8 million registered Syrians.³⁹

In October 2015, the Commission presented the EU-Turkey Joint Action Plan, subsequently activated during the November 29 EU-Turkey Summit, intended to step up cooperation to stem the flow of irregular migrants crossing the Aegean Sea.⁴⁰ European leaders agreed to open Chapter 17 (Economic & Monetary Policy)

³⁴ European Parliament resolution on the situation in Turkey (2013/2664(RSP)), 13 June 2013, <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=P7-TA-2013-277>.

³⁵ Valentina Pop, "Turkish Government in Crisis Over Corruption Scandal", in *EUobserver*, 27 December 2013, <https://euobserver.com/foreign/122595>.

³⁶ Pinar Gedikkaya Bal, "The Effects of the Refugee Crisis on the EU-Turkey Relations: The Readmission Agreement and Beyond", in *European Scientific Journal*, Vol. 12, No. 8 (March 2016), p. 14-35, <http://dx.doi.org/10.19044/esj.2016.v12n8p14>.

³⁷ European Commission, *Proposal for a Council Decision Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece* (COM/2015/286), 27 May 2015, <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52015PC0286>. The European Commission efforts to push for a relocation and resettlement scheme were not welcomed by member states, in particular the Visegrad group under the self-proclaimed leadership of Hungarian Prime Minister Viktor Orbán. İlke Toygür and Bianca Benvenuti, "The European Response to the Refugee Crisis: Angela Merkel on the Move", in *IPC-Mercator Policy Briefs*, June 2016, <http://ipc.sabanciuniv.edu/?p=5810>.

³⁸ İlke Toygür and Bianca Benvenuti, "The European Response to the Refugee Crisis...", cit.

³⁹ UNHCR, *Syria Refugee Regional Response: Turkey*, last updated 22 December 2016, <http://data.unhcr.org/syrianrefugees/country.php?id=224>.

⁴⁰ European Council, *Council Conclusions* (EUCO 26/15), 15 October 2015, <http://europa.eu/!xH63rv>.

of negotiations and ensure the full implementation of the Readmission Agreement and the visa liberalization dialogue at an earlier date. The Readmission Agreement was set to be implemented in June 2016 and the visa obligation for Turkish citizens was to be lifted by October 2016. According to the Joint Action Plan, the EU would also provide humanitarian assistance in Turkey and financial aid of 3 billion euro for the 2.2 million Syrian nationals in the country at the time.⁴¹ In exchange, Turkey would block the influx of irregular migrants to the EU and improve the living conditions of Syrians registered under its temporary protection scheme. A declared aim of the Summit was to re-energize the accession process after a long stalled period. To this purpose, they also decided to hold regular summits twice a year, in order to assess the development of relations.

Thus in March 2016, the leaders met again to discuss cooperation over the migration crisis. On that occasion, they agreed upon a revised version of the deal.⁴² According to the now well-known EU-Turkey deal, Turkey would take back all migrants arriving on Greece's shores after 20 March, in exchange for an additional 3 billion euros⁴³ and the promise to lift the visa obligation for Turkish citizens by June 2016, conditional upon the fulfilment of the 72 criteria. The deal also included a "1-to-1" clause: for every Syrian deported to Turkey from the Greek islands, another Syrian would be resettled in the EU directly from Turkey.

It is possible to argue that the migration crisis has forced the EU to remember the importance of its relations with Turkey and led to a rapprochement. However, not everybody believes in the sincerity of this rapprochement. Public opinion in Turkey was not enthusiastic, given the air of mistrust and suspicion associated with European promises made to Turkey. Many looked at the revitalization of relations between the two as an instrumental tool for the EU to pass the buck of the migration crisis.⁴⁴

In fact, the deal soon posed a potential threat to EU-Turkey relations as ever more problems emerged with its implementation. To begin with, the deal sparked criticism among civil society and international human rights organizations, due to major legal and human rights issues that seriously questioned European commitments and values. International NGOs and human rights organizations denounced the planned collective expulsion to Turkey as a breach of international

⁴¹ European Council, *Meeting of Heads of State or Government with Turkey - EU-Turkey Statement*, 29 November 2015, <http://europa.eu/!ff74HB>.

⁴² European Council, *EU-Turkey Statement*, 18 March 2016, <http://europa.eu/!Uv88TM>.

⁴³ According to the deal, the EU will, in close cooperation with Turkey, further speed up the disbursement of the initial allocated 3 billions euros under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilize additional funding for the Facility up to an additional 3 billion euros to the end of 2018. See European Commission, *EU-Turkey Agreement: Questions and Answers*, 19 March 2016, <http://europa.eu/!Xw48DF>.

⁴⁴ Meltem Müftüler-Baç, "The Revitalization of the Turkish-European Union Relations: Old Wine in New Bottles?", in *IPC-Mercator Policy Briefs*, December 2015, <http://ipc.sabanciuniv.edu/?p=5361>; Laura Batalla Adam, "The Refugee Card in EU-Turkey Relations: A Necessary but Uncertain Deal", in *Global Turkey in Europe Working Papers*, No. 14 (September 2016), <http://www.iai.it/en/node/6737>.

law, on the grounds that they disagreed with Turkey being recognized as a “safe third country” for migrants and asylum seekers, and of the EU’s own obligations stemming from international asylum law and European asylum law.⁴⁵ In any case, the plan soon revealed itself to be hard to execute because of its bureaucratic burden upon Greece.⁴⁶

In addition, there has been a growing perception in Turkey that Europe will not be able to deliver on its commitments. The first step back came in May when, despite the European Commission giving the green light on 3 May, it became clear that visa liberalization would not happen by the agreed target of June 2016.⁴⁷ Turkey still has to adopt further measures to prevent corruption, align its legislation on personal data protection with EU standards and, most importantly, revise its anti-terror legislation.⁴⁸ The attempted military coup against the Turkish government on the night of 15 July further complicated the situation: the mass purge that followed and the government decision to declare a state of emergency put visa liberalization further out of reach.⁴⁹ The Turkish government has also complained about the delay in receiving the promised financial help.⁵⁰ Ankara has threatened several times to withdraw from the deal unless the EU delivers on all the promises made in March,⁵¹ insisting in particular on the need to respect the deadline for visa liberalization. Quite interestingly, the Turkish government does not seem too concerned about Europe’s lack of commitment towards the “1-to-1” clause, although only 2,747 Syrians have been resettled in Europe from Turkey, only a small portion of the agreed 72,000.⁵² In any case, this agreed target in itself is derisory when compared to the total of over 2.8 million Syrians in Turkey.

⁴⁵ Human Rights Watch, *EU: Turkey Mass-Return Deal Threatens Rights*, 15 March 2016, <https://www.hrw.org/node/287601>; Amnesty International, *EU-Turkey Refugee Deal: a Historic Blow to Rights*, 18 March 2016, <https://www.amnesty.org/en/press-releases/2016/03/eu-turkey-refugee-deal-a-historic-blow-to-rights>; UNHCR, *UNHCR Urges Immediate Safeguards to be in Place Before Any Returns Begin Under EU-Turkey Deal*, 1 April 2016, <http://www.unhcr.org/56fe31ca9.html>; Amnesty International, *Turkey: No Safe Refuge: Asylum-seekers and Refugees Denied Effective Protection in Turkey*, 3 June 2016, <https://www.amnesty.org/en/documents/eur44/3825/2016/en>.

⁴⁶ Bianca Benvenuti, “Two Months Since the EU-Turkey Statement: An Unsuccessful Partnership?”, in *Reset Dialogues on Civilizations*, 19 May 2016, <http://www.resetdoc.org/story/00000022653>; Bianca Benvenuti, “The EU-Turkey Deal and Its Implications for the Asylum Capacities of EU Border Countries”, in *Documenti IAI*, No. 16|16 (November 2016), <http://www.iai.it/en/node/7005>.

⁴⁷ European Parliament, *Visa Liberalisation for Turkey: EU Criteria Must Be Met, Say MEPs*, 10 May 2016, <http://www.europarl.europa.eu/news/en/news-room/20160509IPR26368>.

⁴⁸ İlke Toygür and Melih Özsöz, *The Good, the Bad and the Ugly*, cit.

⁴⁹ Maïa de La Baume, “Post-coup Crackdown Throws Doubt on Turkey Migration Deal”, in *Politico*, 20 July 2016, <http://www.politico.eu/?p=418862>.

⁵⁰ Caroline Mortimer, “Turkey’s President Erdogan Demands EU Leaders Pay \$3bn Aid Agreed in Refugee Deal”, in *The Independent*, 26 July 2016, <http://ind.pn/2asscaZ>.

⁵¹ “Erdogan Threatens to End Migration Deal with Brussels, Praises Putin”, in *EurActiv*, 9 August 2016, <https://www.euractiv.com/?p=1028507>.

⁵² See *Operational Implementation of the EU-Turkey Statement* (as of 12 January 2017), available on the European Agenda on Migration webpage as the latest “State of Play – EU-Turkey Agreement Implementation”: <http://europa.eu/!YC64jH>. See also European Commission, *Fourth Report on the Progress made in the Implementation of the EU-Turkey Statement* (COM/2016/792), 8 December 2016, p. 15-16, <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52016DC0792>.

In spite of the many issues in its implementation, the deal has not collapsed yet. If it were to collapse, it would not only mean the end of a stop-gap measure, but also an unavoidable deterioration of Turkey-EU relations.

2. The “migration paradoxes” in EU-Turkey relations

The relevance of migration and mobility for EU-Turkey relations has become increasingly clear in recent times. Cooperation is of crucial importance to the EU in the light of growing instability in the Middle East and the European Union’s protectionist and securitized migration regime. Due to its geographical proximity to the region, the EU has relied on border externalization⁵³ as the main tool of its migration management policy, in an effort to address the issue of migration before migrants reach to the EU’s external border. In 2015, Turkey became an essential partner for these European offshore border security measures. Although migration management as a strategic and security concern is pulling the EU and Turkey closer together, at the same time it risks damaging this relationship and hampering Turkey’s accession to the EU. This double effect unveils the “migration paradox” in EU-Turkey relations.

Cooperation over migration management relies on Turkey being a gatekeeper and protector of “Fortress Europe,” a buffer zone to avoid the geographical proximity of the EU’s external border with a region as turbulent as the Middle East and North Africa. In order to guarantee Ankara’s cooperation on this issue, the EU has been using the promise of visa liberalization and the accession process.⁵⁴ However, Turkey’s role is conditional upon it not being part of the EU: if it completes its accession negotiations, the EU’s external border would then expand further east and this would fly in the face of Turkey’s role as the EU’s gatekeeper. Moreover, freedom of movement from Turkey needs to be limited in order to control border crossing into the EU. This raises the first paradox: while Turkish cooperation in stemming the flow of migrants has been guaranteed via a reinvigorated accession process, migration itself hampers it.⁵⁵ In other words, the EU is using the accession process to persuade Turkey to cooperate on this issue, but actual accession would render Turkey’s borders – adjacent to troubled regions – EU’s external borders, which runs counter to the EU’s interest in keeping Turkey as a buffer.

⁵³ The term border externalization “refers to a series of processes of territorial and administrative expansion of a given state’s migration and border policy to third countries.” Maribel Casas-Cortes, Sebastian Cobarrubias and John Pickles, “Good Neighbours Make Good Fences’: Seahorse Operations, Border Externalization and Extra-territoriality”, in *European Urban and Regional Studies*, Vol. 23, No. 3 (July 2016), p. 231-251, <http://dx.doi.org/10.1177/0969776414541136>. See also Sandra Lavenex, “Shifting Up and Out: The Foreign Policy of European Immigration Control”, in *West European Politics*, Vol. 29, No. 2 (March 2006), p. 329-350, <https://archive-ouverte.unige.ch/unige:76488>.

⁵⁴ Following the EU-Turkey Summit and the Joint Action Plan for migration in November 2015, two chapters have been opened after the negotiations had been stalled for more than two years.

⁵⁵ Senem Aydın-Düzgüt and Nathalie Tocci, *Turkey and the European Union*, cit., p. 149.

A second paradox lays in the fact that the EU and Turkey do not have a convergence of interest in migration management. The EU is seeking help on migration control, which is not in Turkey's interests, as it would have to receive and accommodate all migrants, especially conflict-driven ones that it cannot send back, in its territory.⁵⁶ Turkey however is using this issue area to pursue other interests, namely visa liberalization and accession. It goes without saying that cooperation over migration management could easily become a factor of dispute if one of the partners feels that the cooperation only serves to shift the burden instead of sharing it.⁵⁷ To avoid this, it is necessary for both to deliver on their commitments. Concerning the March 2016 deal in particular, the EU has made many promises to Turkey. Discussions about delivering on the migration deal have ended in very vocal acrimony, with President Recep Tayyip Erdoğan threatening numerous times to send migrants back to the EU, in particular if it fails to lift visa requirements for Turkish citizens.⁵⁸ As discussed above, the promise of visa liberalization is of extreme interest for the Turkish government and the Turkish public. This issue has been widely discussed and promises have been made repeatedly on the European side. On the Turkish side, the government and public opinion agree that they deserve it. If one considers the historical and – at this point – sensitive importance of visa-free travel for Turkish citizens,⁵⁹ it is undeniably risky to use it as a bargaining chip to gain Turkish cooperation on migration management and border securitization. Additionally, many observers in Turkey express their unease with the migrants' humanitarian crisis being exploited in negotiations to facilitate Turkey's EU membership process, defining this unfair and unethical.⁶⁰ This trade-off in their partnership may deepen the disenchantment and mistrust, in particular on the Turkish side. Not only do Turkish citizens consider it unfair that they can only obtain what they deserve because of a humanitarian crisis, but also the situation might actually worsen if visa requirements are not lifted by the

⁵⁶ Since Turkey signed the 1951 Refugee Convention, it is bound to the non-refoulement principle: "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." Article 33 of the Convention Relating to the Status of Refugees, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx>.

⁵⁷ Ahmet İçduygu, "Turkey's Migration and its Implication for the Euro-Turkish Transnational Space", cit.

⁵⁸ "Turkey Will Send Migrants Back to EU if Visa-Free Deal Fails – Erdogan Party's MP", in *RT News*, 11 May 2016, <https://on.rt.com/7cey>.

⁵⁹ For example, Köse noticed that "the EU, who has granted visa-free travel to Serbia, Montenegro and Macedonia after a very short period, has not granted yet this right to Turkey, with which it has been in a partnership relation for more than half a century. This is being perceived as a double-standard attitude towards Turkey and the Turkish people." Melike Akkaraca Köse, "Geri Kabul Anlaşması ve Vizesiz Avrupa: Türkiye'nin Dış Politika Tercihlerini Anlamak" (Readmission Agreement and Visa Liberalization with the EU: Understanding Turkey's Foreign Policy Choices), in *Marmara Üniversitesi Siyasal Bilimler Dergisi* (Marmara University Journal of Political Science), Vol. 3, No. 2 (September 2015), p. 192-220, <http://marmara-universitesi.dergipark.gov.tr/marusbd/issue/16984/177507>.

⁶⁰ Seçil Paçacı Elitok, "A Step Backward for Turkey?", cit.

newly agreed deadline of December 2016.⁶¹

Moreover, the EU has shown a pragmatic approach vis-à-vis the migrant crisis, at the expense of its image as a human rights defender. Civil society and international human rights organizations have raised strong criticisms that bring the commitment of the EU to refugee law and human rights into serious doubt. Critiques went as far as opening a debate over an EU value crisis.⁶² This might also have a negative impact on EU-Turkey relations and on the accession process: it could disappoint Turkish public opinion and increase anti-Europeanism in the country, while weakening the EU's normative and political context as a reference point.⁶³ In addition, a loss in credibility of EU conditionality might lead, as it has in the past,⁶⁴ to a worsening of the already problematic Turkish democratization process.

2.1 The effect of the "migration paradoxes" on EU-Turkey relations: future scenarios

Turkey and the EU have both been going through their own rough patches in the last year. The EU has undergone an interconnected and parallel crisis, to the point that the future shape of the EU is being increasingly questioned. Some countries are still trying to recover from the economic crisis, while Brexit and the rise of anti-EU and Eurosceptic political parties are changing the nature of the Union and its general process of enlargement. In addition, growing security concerns and the migration crisis pose additional problems that the EU is struggling to address.

Turkey too is facing dark days. Two catastrophic incidents in July 2015 marked the end of the Turkish-Kurdish peace process: the Süruç suicide bombing, which took place in the Amara Culture Centre and claimed 32 lives,⁶⁵ and the death of two police officers, allegedly killed by PKK militants in their homes.⁶⁶ The end of the long awaited peace-process marked the symbolic beginning of a period of growing instability in Turkey. Numerous terrorist attacks carried out by the PKK and the Islamic State, not to mention the political change due to AKP losing its single majority as a consequence of the surprising success of the pro-Kurdish

⁶¹ "Turkey Will Accept End-of-2016 Delay in EU Visa Liberalisation", in *EurActiv*, 5 September 2016, <https://www.euractiv.com/?p=1034642>.

⁶² Simon Nixon, "EU's Migration Woes Threaten a Crisis of European Values", in *The Wall Street Journal*, 8 May 2016. Patrick Kingsley, "Europe's Failure on Refugees Echoes the Moral Collapse of the 1930s", in *The Guardian*, 26 April 2016, <https://gu.com/p/4tkvb/stw>.

⁶³ This process is defined as de-Europeanization in Senem Aydın-Düzgit and Alper Kaliber, "Encounters with Europe in an Era of Domestic and International Turmoil...", cit.

⁶⁴ Senem Aydın-Düzgit and E. Fuat Keyman, "EU-Turkey Relations and the Stagnation of Turkish Democracy", in *Global Turkey in Europe Working Papers*, No. 2 (December 2012), <http://www.iai.it/en/node/1899>.

⁶⁵ "At Least 32 Dead in Suspected ISIL Suicide Bombing in Turkey's Border with Syria", in *Hurriyet Daily News*, 20 July 2015, <http://www.hurriyetdailynews.com/?pageID=238&nID=85659>.

⁶⁶ "PKK Claims Killing of Turkish Policemen in Revenge for Syria Border Attack", in *Hurriyet Daily News*, 22 July 2015, <http://www.hurriyetdailynews.com/?PageID=238&NID=85756>.

Peoples' Democratic Party (Halkların Demokratik Partisi, HDP) in the 2015 elections, resulting in a growing authoritarianism of the AKP government. Last but not least, the 15 July 2016 military coup attempt and the government's mass purge that followed, further exacerbated the uncertainty about Turkey's future. Developments after the failed coup attempt sparked considerable criticism from the EU: while condemning the attempted coup, European leaders declared their unease with the AKP government's measures in response and urged Turkey to respect the rule of law, rights and freedom.⁶⁷ Of particular concern is the declared 3-month state of emergency (recently extended for an additional 3 months) and the alleged intention to reintroduce the death penalty, which had been lifted in part because of membership talks with the EU.⁶⁸ Austrian Chancellor Christian Kern was the most vocal in criticizing Turkey when he called for a halt of accession talks, accusing Turkey of failing to meet democratic and human right standards.⁶⁹ The Turkish government rejected this criticism: the Foreign Minister Mevlüt Çavuşoğlu declared that the EU had "failed the test" after the coup, while President Recep Tayyip Erdoğan accused Europeans of a lack of solidarity.⁷⁰

The EU-Turkey deal, which many claim to be the glue keeping the two together, has not fared well in this period. As touched upon in the previous sections, difficulties arising in its implementation, together with delays in delivering on the European side and the Turkish failure to align with the EU's criteria for visa liberalization, are posing a serious threat to the stability of the deal. In addition to this, with the change of Prime Minister following Ahmet Davutoğlu's forced resignation in May 2016, the EU has lost their Turkish counterparts in the deal. The other leading figure in the deal's negotiation, German Chancellor Angela Merkel, is also losing consensus in her country; her own party warned her against visa liberalization for Turkish citizens.⁷¹ In August, it was rumoured that some European institutions are seeking a "plan B," a prospect that might come about if Balkan countries decide to plough a lonely furrow.⁷² Indeed, the EU-Turkey deal is the terrain where the most important battle is being fought, as its fortune will have a strong impact on the EU-Turkey relationship and Turkey's accession process. This aggravates the effect of what we have called the "migration paradox" on EU-Turkey relations in the future.

⁶⁷ "Turkey Attempted Coup: EU Says Measures 'Unacceptable'", in *BBC News*, 21 July 2016, <http://www.bbc.com/news/world-europe-36861154>.

⁶⁸ Kursat Akyol, "Will Turkey Reinstate Death Penalty?", in *Al-Monitor*, 29 July 2016, <http://almon.co/2pno>.

⁶⁹ "Austrian Chancellor Wants EU to End Accession Talks with Turkey", in *EurActiv*, 4 August 2016, <http://www.euractiv.com/?p=1027831>.

⁷⁰ Ece Toksabay and Tuvan Gumrukcu, "Turkey Warns EU it is Making 'Serious Mistake' Over Failed Coup", in *Reuters*, 10 August 2016, <http://reut.rs/2aL3dTN>.

⁷¹ Rainer Woratschka, "CSU Warns against Turkish Visa Liberalisation", in *EurActiv*, 26 September 2016, <https://www.euractiv.com/?p=1042593>.

⁷² AFP, "Greece Urges 'Plan B' in Case EU-Turkey Migrant Deal Fails", in *Ekathimerini*, 8 August 2016, <http://www.ekathimerini.com/210954>; Georgi Gotev, "'Balkan Route' Nations Turn Away from EU Solution to Refugee Crisis", in *EurActiv*, 26 September 2016, <https://www.euractiv.com/?p=1042323>.

The implications of these interconnected crises on EU-Turkey relations are complex and it is not easy to foresee the development of future relations between the two. We can consider three possible scenarios for the future of EU-Turkey relations:⁷³

- convergence: Turkey's EU accession will be completed;
- competition: Relations with the EU are driven by growing estrangement, resulting in competition and conflict between the two. The accession talks will stall completely; all this will cement the anti-Turkey feeling in Europe and the anti-European sentiment in Turkey;
- cooperation: EU and Turkey will reach a new framework for cooperation based on respective complementarities. Both sides will abandon the accession process but will implement the formerly taboo concept of "privileged partnership."

If we consider the "migration paradox" effect on the three aforementioned scenarios, we can intuitively deduce that a migration-driven rapprochement in EU-Turkey relations will not likely result in the convergence scenario occurring. The first paradox actually points to the impossibility of the convergence scenario, as the EU cannot live up to its commitment concerning Turkey's accession, if it wants to maintain Turkey's role in migration control. As analysed in the previous section, an eventual shift further east of the EU's external border is not in its best interests, considering the growing instability in the region and the consequent massive flow of migrants that would, at that point, be at the gates of the EU. If Turkey completes its accession negotiations, the EU should potentially broker new deals with countries such as Syria, Iraq and Iran.

A migration driven approach suggests that either cooperation or competition will characterize the relationship between the EU and Turkey in the near future. Currently, cooperation over migration management is in the form of the March 18 deal; the future of the deal itself will affect the future of EU-Turkey relations. At the present stage of EU-Turkey relations, if the deal were to collapse, this would increase the scepticism and the anti-Europeanism in Turkey, aggravated by the EU's pragmatic approach vis-à-vis the migration issue. The two might drift apart and the future of their relations might lean toward the competition scenario. Further to the first paradox, the EU and Turkey's contrasting interests in migration management seem to point in this direction. Additionally, if internal instability in Turkey and the government's authoritarianism grow worse, migration from Turkey might increase and the migration transition might suffer a step back, with citizens of Turkey emigrating again and adding to the overall number of migrants.

These paradoxes notwithstanding, the deal might hold and cooperation on migration management might take place efficiently. In this case, the EU should deliver on some promises – i.e. the visa liberalization and financial support – while openly suspending access negotiations. This might result in a functional cooperation: in view of the faded prospect of EU membership, the EU and Turkey might look for other ways to shape their relationship – i.e. "privileged partnership."

⁷³ Nathalie Tocci, "Turkey and the European Union: A Journey in the Unknown", cit.

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Migration is not and will not be the only issue shaping EU-Turkey relations. However, its relevancy has increased as it has grown to become a security and strategic concern for the EU. On the one hand, the migration crisis has been an occasion to revive relations; on the other, it might pose additional challenges for stable relations between Turkey and the EU. It presents another “make or break” situation for the relationship between Turkey and the European Union.

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