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EU-Turkey Statement: a game changer?

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The EU-Turkey Statement: A game changer?

An analysis of the EU-Turkey Statement and its impacts on
EU-Turkey Relations

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Master Thesis

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Abstract

The Syrian refugee crisis has displaced millions of people. It has therefore put EU-Turkey relations under pressure as these refugees crossed the Turkey-Balkan route to enter the European Union. Turkey is a negotiating candidate for EU membership for fourteen years now and although officially, the accession negotiations continue, in reality these relations seem to have been in a deadlock for years now. This study aims to analyze the highly controversial EU-Turkey Statement, and subsequently its impacts on EU-Turkey relations. It does so by outlining and discussing the past relations of the EU and Turkey, the context of migration and the Statement itself, along with an analysis of the yearly impacts. The article then applies Historical Institutionalism in order to argue that the Statement was not a de facto game-changer in the relationship that has been dormant for years.

Keywords

European Union; Turkey; EU Enlargement; Historical Institutionalism; EU-Turkey Relations; EU-Turkey Statement; Migration; Refugee Crisis

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Abbreviations/Acronyms

AKP	Justice and Development Party
CEAS	Common European Asylum System
Commission	European Commission
Parliament	European Parliament
Council	Council of Ministers
CoE	Council of Europe
ECHR	European Court of Human Rights
EEC	European Economic Community
EIB	European Investment Bank
EU	European Union
IR	International Relations
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
OSCE	Organization for Security and Co-operation in Europe
OHCHR	Office of the UN High Commissioner for Human Rights
PR	Progress Report
TFEU	Treaty on the Functioning of the European Union
TEU	Treaty on European Union
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America

Chronology

1923	Implementation of the Turkish Republic
1957	Treaty of Rome
1959	Turkey applies for an associate membership of the EEC
1960	Military coup in Turkey
1963	Turkey Association Agreement
1971	Military coup in Turkey
1974	Sampson coup and Turkish intervention in Cyprus
1980	Military coup in Turkey
1987	Turkey's membership application to the EU (and rejection in 1989)
1993	Maastricht Treaty
1996	Customs Union between Turkey and the EU takes effect
1997	Military coup in Turkey
1999	Treaty of Amsterdam Helsinki European Council: Turkey becomes official candidate
2001	European Council adopts the EU-Turkey Accession Partnership Turkish Government adopts the NPA
2004	Eastern Enlargement – “Big bag” Enlargement
2005	Formal Accession Negotiations are opened
2009	Lisbon Treaty
2011	Civil War in Syria
2012	Launch of Positive Agenda Turkey freezes relations with EU during Presidency of Cyprus
2016	EU-Turkey Statement (March, 18) <i>Coup d'état</i> in Turkey (July, 15)
2017	Change to Presidential System in Turkey

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Introduction

Turkey's geopolitical importance to the European Union (EU), dates as far back as to the Ottoman times goes (Deringil, 2007). Turkey has ever since gained the status of a geopolitical strategic country in a wide range of areas, namely defence and security, technology, energy, trade and investment, as well as education and culture (Pierini, 2017).

Turkey's path towards accession started sixty years ago when the country asked to become a member of the newly formed European Economic Community (EEC). The negotiations however started only fourteen years ago, in 2005 after the status of candidate country to Turkey was granted. Since then the relations between the Union and Turkey have been marked by ups and downs, like a true rollercoaster.

In 2015, the EU was hit by a severe migratory crisis, mainly due to the on-going civil war in Syria. This crisis, as of May 2019, is responsible for up to 5,627,218 displaced registered Syrian refugees who have mainly sought asylum in Turkey (64 percent), Lebanon (17 percent), and Jordan (4,5 percent) (UNHCR, 2019), and for 6.2 million - of which 2.5 million are children – internally displaced people, making Syrians the world's largest internally displaced population (UNHCR, 2019).

In order to curb the migratory flow to EU Member States, the Union struck a deal with, the EU-Turkey Statement, also known as "migration deal" or "refugee deal". Although at first sight, this Statement might seem to strictly concern migration and asylum issues, it represents much more than that, and has a strong political stance. As a matter of fact, as argued by many, this deal was expected to represent the revival of EU-Turkey relations after many years of stagnation, and even the European Commission itself called it a "game changer" (European Commission, 2017).

The present work pretends to understand whether this deal represents a true “game changer” in the framework of EU-Turkey relations. Moreover, it aims to assess the success of the deal and its impacts on the longstanding relationship between the EU and Turkey in the interest of grasping the essence and development of the relations ever since.

The expectations regarding this deal were high since the EU promised to revitalize accession negotiations, which would mean to revitalize the longest process of EU’s accession so far (Kuneralp, 2017). Since Turkey remains a highly important neighbour and partner, as well as a candidate country, it is essential to comprehend what brings the two sides together and what distances them both from each other.

In order to answer the question of whether the EU-Turkey Statement represents a game-changer in EU-Turkey relations, the first chapter will focus on the development of the relationship by making use of the vast existent literature: firstly from 1963 - the year the Ankara Agreement was signed signalling the creation of an association between the two parties – to the Luxembourg Summit where Turkey was not accepted as a candidate country; then from 1999 to 2006, the year of the approval of Turkey as a candidate country until the time when accession negotiations started; and following, a brief summary of the slowing down of relations and its reasons from 2007 until 2014, the year right before the migratory crisis stroke Europe.

The subsequent chapter will focus on a brief contextualization of the Statement by firstly describing the causes and effects of the migration crisis in both Turkey and the EU as to comprehend the potential need for such a Statement, and then by doing a careful assessment of the Statement itself, the commitments of both Turkey and the EU, the compromises entrenched in it, and finally by addressing the criticism it faced from several scholars, NGOs, and even Member States. Understanding the context of migration is essential to better grasp the needs and interests of both parties in striking such a deal.

Finally, the last chapter tries to analyze the deal in three ways: firstly by doing a yearly analysis of the Commission's reports accompanied by comments of EU officials and NGOs that helps understanding the success of the deal from both EU's and Turkey's sides, as well as the general outcomes and impacts on the refugees themselves; by making use of the personal interview with Mr. Maximilian Popp, a renowned journalist that has been covering issues connected to Turkey and the relations of the latter with the EU for a long time, who recently became the Deputy Head of Foreign Affairs of *Der Spiegel*; and lastly, by examining the impacts of the deal on the relations between Turkey and the EU through the theoretical lenses of Historical Institutionalism. In this chapter, recent events and future scenarios are also laid out as to give a more realistic and updated vision of EU-Turkey relations.

By following these steps and analyzing each of these parameters, this work intends to answer the question: *Is the EU-Turkey Statement, a "game-changer" in EU-Turkey relations?*

Chapter 1

History of EU-Turkey Relations

1.1. From Ankara to Luxembourg

The relations between Turkey and Europe are rooted in an historical bond that can be dated back to the Ottoman time through multiple and varied channels, namely commerce, cuisine, diplomacy, art, or war (Tocci M. , 2014). It is thus arguable that Turkey has been an essential part of Europe's History for centuries. These relations however have been marked by a multitude of cooperation – such as the rich exchanges in the 15th and 16th centuries in terms of art and culture - and convergence periods – such as the Ottoman-Habsburg wars between the 16th and 18th centuries - throughout time (Deringil, 2007).

With the fall of the Ottoman Empire after World War I - the Grand National Assembly, who had won the Turkish Independence War against the Greeks and allied forces - the Republic of Turkey was proclaimed and Mustafa Kemal Atatürk was named the President (Mango, 2002). Atatürk strongly believed that Turkey needed to modernise in order to prosper, and the way to do so was by taking on Western values and technology, a project he called “modernisation through westernisation” (Mango, 1975). A series of massive changes and reforms were put in place (later known as Kemalism), with secularisation being one of the most significant ones. In Turkey's Grand National Assembly, Atatürk abolished the

caliphate, close Islamic courts and schools, and the words “official religion of the country is Islam” were later erased from the Constitution (Paul, 2015).¹

It is also worth mentioning that Turkey became the 13th member of the Council of Europe on 13 April 1950 – having applied only a few months after the ten original Member States founded the organization, on 5 May 1949 – and up to this day still is a member (Council of Europe, 2019). Turkey is also a member of NATO since 1952, a member of the OECD since 1948, and an associate member of the Western European Union - since 1992 up until it ended. This demonstrates once again that the ties between Turkey and Europe are older than its relationship with the European Union (Yilmaz, 2009).

Since its proclamation, the policy-makers of modern Turkey have followed several processes of political, social, and economic westernization and secularisation which are reflected in Turkey’s application for EEC’s membership (Dawletschin-Linder, 2013). The relations between the European Union and Turkey formally date back to 1959, when Turkey, through its Prime Minister Mr. Adnan Menderes, first applied to join the European Economic Community - only two years after the signing of the Treaty of Rome.

Ten sets of negotiations followed the application before the signing of the “Agreement creating an Association between the European Economic Community and the Republic of Turkey” - commonly known as the Ankara Agreement - on 12 September 1963 and later entered into force on 1 December 1964.²

This agreement established an association between the two parties with the aim of promoting trade and economic relations, as well as it laid down the grounds for the establishment of a customs union. The Association Agreement represents an interim step towards the accession of Turkey and comprises three stages: a preparatory stage supposed to last around five years; a transitional stage

¹ Quotes from (Paul, 2015) published on the Böll Foundation web page without page numbers.

² Full text available at: <https://eur-lex.europa.eu/resource.html?>

involving the establishment of a customs union supposed to last twelve years; and a final stage. In order to oversee the implementation and development of the above mentioned agreement, the EC-Turkey Association Council was established as the responsible body (EEC, 1963). It is important to highlight that the final phase of the Ankara agreement – that corresponded to the establishment of a customs union – only entered into force on 1 July 1996, through the decision issued by the EC-Turkey Association Council on 22 December 1995 (Council of the EU, 1996).³

An Additional Protocol to the Agreement was signed between the two Parties on 23 November 1970, in Brussels.⁴ This protocol established a schedule for the eradication of tariffs and quotas on traded goods between the two parties.

Birol A. Yesilada argues that “since then [Ankara Agreement], the EU and Turkey have had a roller coaster relationship” denoted fitfully by good economic and political relations and, intermittently by aggravating relations, especially in the following of both military coups in Turkey - in 1971 and 1980 respectively - that led to the suspension of military and monetary assistance from the EC towards Turkey (Yesilada, 2002, p. 95).

On 14 April 1987, the then Prime-Minister of the Turkish Republic, Mr. Turgut Özal, addressed a formal letter to the then Belgian Minister of Foreign Affairs, Mr. Leo Tindemans applying for formal membership⁵ – Belgium was the country which held the Presidency of the Council of the European Union at the time. Despite great enthusiasm from the Turkish side, the request was not very welcomed by its European counterparts who dismissed the application and justified by saying that Turkey was not yet ready for membership given that its

³ Full text available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:21996D0213\(01\)&qid=1559142381833&from=en](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:21996D0213(01)&qid=1559142381833&from=en)

⁴ Full text available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:21970A1123\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:21970A1123(01)&from=EN)

⁵ Full text available at: https://www.cvce.eu/epublications/mypublications/content/-/unit/7f24228d-8310-43a4-8438-cee438c3a566/7f24228d-8310-43a4-8438-cee438c3a566/Resources#de041f40-bea7-43e6-8aef-5662e67e215f_fr&overlay

economy remained insufficiently developed and that the EEC had to focus on deepening the existent integration rather than enlarging (Yesilada, 1996).

However, another milestone in EU-Turkey relations approached rapidly and had its genesis with the collapse of the Soviet Union. With the dissipation of the influence of the Soviet Union in the region, Central and Eastern European countries moved immediately up on EU's agenda to the detriment of Turkey. Moreover, when enlargement decisions were taken at the Copenhagen Summit, Turkey was again left out (Republic of Turkey, 2019).

It was in this summit that the Council's Copenhagen Criteria⁶ were created, and Turkey was not considered to be advanced enough in terms of these new established criteria. After a series of talks, the ultimate compromise was the final implementation of the Customs Union with Turkey, in 1995 (EUCE, 2008). Turkey actually became the first country to conclude such an agreement without being a full member (Paul, 2015).

Another watershed was marked at the Luxembourg Summit of the European Council, in December 1997. In this summit, the EU leaders decided on the list of candidate countries for membership – in line with the recommendations of the European Commission - and Turkey was excluded as a candidate country. As a matter of fact, not only was Turkey ruled out, but additional conditions for its accession were laid down, including the resolution of the dispute with Greece over the issue in Cyprus (European Council, 1997).⁷

⁶ The Copenhagen criteria were defined in the European Council in 1993 and represent the essential requirements that any candidate country must satisfy in order to become a member state. These are divided into three categories: 1) the political criteria ensures that the candidate countries have stable institutions able to guarantee democracy, the rule of law, human rights and respect for and protection of minorities; 2) the economic criteria seeks to safeguard that the candidate country has a functioning market economy and the subsequent capacity to cope with competition and market forces; 3) the last criteria strives for a candidate's administrative and institutional capacity to effectively implement the *acquis communautaire* as well as the ability to take on the obligations that membership to the Union requires (European Commission, 2016).

⁷ This dispute dates back from 1974, when Turkey launched a military intervention in the northern portion of the Republic of Cyprus as a response to the Cypriot military coup, in order to protect the Turkish Cypriot residents of the island. This resulted in an armed conflict between

This decision was not well received by the Turks who felt that the decision was unjust and discriminatory given that younger and weaker democracies such as Bulgaria and Romania were included, and even more so since Cyprus – the “Greek Cypriots for Turkey, since Turkey does not recognize Cyprus as an independent country up to this day (Republic of Turkey Ministry of Foreign Affairs, 2019)- was included as well (Yesilada, 1999). On his return to Turkey, after having participated in the International Bertelsmann Forum in Berlin, the Minister of Foreign Affairs, Mr. Ismail Cem, said “we are tired of having a special status in our relations with the EU” (Agency, 1998). The discontent from the Turkish side was also reflected in the words of Turkey’s then President Prime Minister, Mr. Mesut Yilmaz, who stated that “for those countries, including Cyprus, there is a very clear prospect of membership, and even a timetable. For Turkey there is none. We see this as very clear religious discrimination. (...) The most important decision in Luxembourg, I believe, is the construction of a new Berlin wall, a cultural Berlin wall” (Kinzer, 1997).

These events led Turkey to freeze its political dialogue with the EU especially since their belief was that the decision was taken based on religious and cultural factors. From hereinafter, relations worsened with Turkey having a significant feeling of resentment towards the EU because of its exclusion, for the Turks unjustifiable (EUCE, 2008).

the Turkish forces and the Greek Cypriot armed forces. Consequently, the Autonomous Turkish Cypriot Administration was created. Up until today, the dispute has not been resolved and the northern part proclaimed independence but stands as the internationally unrecognized Turkish Republic of Northern Cyprus, only recognized by Turkey (Doob, 1986).

1.2. From Helsinki to Accession Partnership

In December 1999, the Helsinki Summit took place and it marked another turning point in EU-Turkey relations. The Turkish leaders accepted the guarantees presented by Europe through Mr. Gunther Verheugen, the then Commissioner for Enlargement. Such was possible since Sweden and Greece withdrew the objections they had put forward in the Cologne Summit in May of the same year, and since Germany was determined to keep its stance that a multicultural Europe should not discriminate against any other country, here specifically Turkey, neither on religious nor historical issues (IEP, 2011).

It is during this summit that the European Council took the decision to accept Turkey officially as a candidate country stating that Turkey was “a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states” while simultaneously postponing the negotiations (European Council, 1999). The bond between the EU and Turkey entered a new era as Helsinki represented a step forward for the EU in terms of potential acceptance of Turkey as well as it proved to mirror an opened window for potential full membership negotiations in good faith, and additionally the possibility to formally receive EU aid and advice, for the Turks (Öniş, 2003).

Brewin states that since the abovementioned summit, the fifteen Member States have regarded the case of Turkey’s candidacy leading to membership as a matter solely for Turkey to decide upon, putting somehow the full responsibility on the candidate country (Brewin, 2002). However, during the two years between the freezing of relations from the Turkish side and the Helsinki summit there were no advances in Human Rights, nor was there any progress on the Cyprus issue - problems that the EU had finger pointed as reasons for the rejection. Amanda Paul argues that the change of heart of the EU was not grounded on Turkey’s progress but rather based on the realization of the geopolitical situation of the country and its natural link to regional security; the recognition of legitimacy in

Turkey's complaints regarding discriminatory treatment; a critical change in the relations between the country and Greece; because of the change in leadership in Germany that brought Gerhard Schroeder to power, a Chancellor who had as one of his priorities to improve the relations with Turkey; and lastly, because of the pressure inflicted by Washington since the country was a crucial transatlantic ally for the USA (Paul, 2015). For the sake of space, no detailed information will be given on the role of the USA in EU-Turkey relations, nevertheless it is important to underline that in general terms, the Congress of the USA has been a continuously supporter for Turkey's membership in the EU considering that since the Cold War it has had a well established interest in having Turkey as an ally in NATO and a partner in terms of regional foreign policy as well as in energy security issues, considering Turkey's geostrategic position (Morelli, 2013).

Thereupon, the EU adopted the Accession Partnership Document (APD) in December 2000⁸ and the Turkish government adopted the National Programme for the Adoption of the *Acquis* (NPAA) issued in April 2001,⁹ which were the two documents setting the agenda of issues to be addressed in the preparation of Turkey's accession (Kirişci, 2002).

Öniş attests that in the measure that the Customs Union - earlier in 1996 - failed to give enough incentives for inducing political reform in Turkey, the set of incentives that generated from the Helsinki summit were of much greater value since there was a certain pressure to comply with EU and international norms. The aforementioned created a "pro-EU coalition" that lasted for two years but that soon started to slow down given the lack of commitment demonstrated by both sides (Öniş, 2003).

However, several reports demonstrated that there was still a long way to go and that the EU would not let human rights violations go unseen. An example is the

⁸ Full text available at:

https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Apd/Turkey_APD_2001.pdf

⁹ Full text in Turkish available at: https://www.ab.gov.tr/58_en.html

Morillon Report¹⁰ from October 2000 in which the Institutions and especially the European Parliament show a fierce and critical stance on the path that Turkey has to follow by mentioning that “there are, today, at least three conditions for accession which Turkey must meet”: firstly, to find a solution to the Kurdish problem; second the issue with Cyprus; and finally reducing the influence of the Turkish army in the drawing up of political decisions (European Parliament, 2000, pp. 11-12). The Seppanen report¹¹ of October 2000 also concludes that “The consolidation of democracy and human rights is a vital dimension that will have to be reflected in the EIB financing” (European Parliament, 2000, p. 7). Over and above that, the Third Regular Report on Turkey¹² - also dating from the end of 2000 - reflects a severe bearing from the EU when it affirms that “Turkey still does not meet the political Copenhagen Criteria. Economic, social and cultural rights situations has not improved” but surprisingly it does not mention Cyprus (European Commission, 2000, p. 21; 72). However, the tone changes in the 2002 Report,¹³ which for the first time is overall positive although still states that the Turkey is not yet fulfilling the Copenhagen Criteria (European Commission, 2000, p. 31). Additionally, the then President of the Commission, Mr. Romano Prodi, stated that Turkey was “now closer to the European Union in terms of its democratic credentials” and affirmed to welcome Turkey’s political reforms (Bac, 2005, pp. 28-29).

There is thus a growing influence of the EU in Turkey since 1999 in terms of reform changes and if many justify that with the concept of “Europeanization”,¹⁴

¹⁰ Full text available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A5-2000-0297+0+DOC+PDF+V0//EN&language=EN>

¹¹ Full text available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A5-2000-0303+0+DOC+PDF+V0//EN&language=EN>

¹² Full text available at: https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2000.pdf

¹³ Full text available at: https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2002.pdf

¹⁴ For more information on “Europeanization” see work of: BACHE, I. (2000), *Europeanization and Partnership: Exploring and Explaining Variations in Policy Transfer*, *Queen’s Papers on Europeanization*, 8.; Cowles, M. et al. (2001). *Transforming Europe: Europeanization and*

Erdu Loewendahl-Ertugal maintains that since the end of 2002 the reason behind the increase of EU influence is the “commitment and willingness of the current Turkish government to fulfilling the EU criteria for membership, which is putting pressure on the national bureaucracy to undertake the necessary reforms” (Loewendahl-Ertugal, 2005, p. 28). It is also at the end of 2002 that Turkey is considered to have vanquished a deep financial and economic crisis and thus the 1990s image of a thoroughly indebted country with high levels of inflation and public deficit mirroring an image of a fragile economy was dissolved (Derviş, 2013, p. 3).

In March 2004, Harry Flam argues that the main obstacles to Turkish accession to the EU are not based on economic factors but rather on political ones. He further claims that it is Turkish historical experience that halts Turkey from removing the significant role of the military, to resolve the Kurdish issue and attribute cultural rights to other minorities, and also to uphold basic respect for human rights (Flam, 2004, p. 205).

It is in December 2004 that the EU ultimately decides to begin the Turkish accession process and in October 2005 the negotiations are opened with the adoption of the Negotiating Framework by the Council.¹⁵ Negotiations were at last unfolded although Austria was fiercely resisting by going as far as threatening to block the process if Croatia were not to begin its accession negotiations the same day (Donbey, 2005). Compromise was found and both Turkey and Croatia saw their negotiation talks being opened concurrently.

This event is groundbreaking in the history of EU-Turkey relations since a special relationship with the long-term prospect of EU membership is thereupon entrenched. Notwithstanding, the EU has highlighted in the Negotiation

Domestic Change. London: Cornell University Press.; Hughes, J. et al. (2000). Enlargement and Regionalization: The Europeanization of Local and Regional Governance in CEE States. In: Wallace, H. (2000). *One Europe or Several? Interlocking Dimensions of European Integration*. Basingstoke: Palgrave. 145-78; Olsen, J. P. (2002). The Many Faces of Europeanization. *Journal of Common Market Studies*. 40/5. 921-52.;

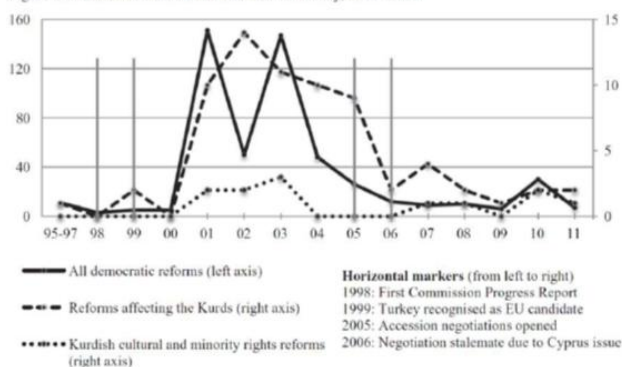
¹⁵ Full text available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf>

Framework that “the shared objective of the negotiations is accession. These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand” (Council of the EU, 2005, p. 1) – which in other words means that although membership is the ultimate goal it is not guaranteed in advance, neither in terms of time nor in terms of modality (Ugur, 2010, p. 968).¹⁶ Moreover, the Union emphasizes its “capacity to absorb Turkey” while maintaining the momentum of European integration while concomitantly some Member States, including Austria and France, push for a strategic partnership as a replacement to full-membership (Arikan, 2017, pp. 227-230).

In order to constantly review the process of negotiations the European Commission publishes progress reports that are regularly reviewed by the Council in order to assess the progress of Turkey regarding the benchmarks established by the Council, and which will be referred to throughout this thesis.

Ergun Özbudun certifies that the period between 2000 and 2005 is the period with the most reformative period in the history of EU-Turkey relations, as it is illustrated above in Figure 1. Such good reforms were taken especially, during the first mandate of today’s Turkish President, Mr. Erdoğan, (Özbudun, 2011, p. 42). This remarkable reform mood lasted up until 2010.

Figure 1: Number of Democratic Reforms in Turkey, 1995–2011



Source: Database of the Turkish Grand National Assembly.

¹⁶ Mehmet Ugur asserts in this article that this type of framework for accession negotiations leads the parties to settle on sub-optimal outcomes, somehow losing commitment which is reflected on low quality reforms and thus undetermined membership prospects. Full article can be found in: <https://poseidon01.ssrn.com/delivery.php?ID>

It is clear that the period illustrated in this subchapter was marked by both hope and willingness to reform in order to meet the requirements to achieve the status of candidate country, for Turkey.

1.3. The slowdown: From 2007 to 2013

However, after one year of Screening Process - which is the analytical examination of compliance with the *acquis communautaire* (European Union, 2019) -, in November 2006, the Commission recommended to partially suspend membership negotiations with Turkey due to lack of progress on the Cyprus issue (Euractiv, 2006). Such recommendation led the EU Foreign Ministers in the Council to decide to suspend talks with Turkey on eight out of the thirty-five negotiation chapters (Euractiv, 2006) and thus this eight chapters are “frozen” up to this day (see Annex 1). Additionally, the Council decided not to provisionally close any chapter, until Turkey would agree to apply the Additional Protocol of the Ankara Association Agreement to its customs union agreement, which concerned the opening of Turkish airports and ports to Cypriot-flagged flights and vessels (Council of the EU, 2006). Moreover, in 2007 France decided to veto the opening of a supplementary five chapters and justified it by arguing that they were too evidently related to full EU membership (Bilefsky, 2007). And, in 2009, Cyprus blocked the opening of a further five chapters – one of which was already vetoed by France – on the grounds of Turkey’s persistence in the non-implementation of the Additional Protocol (Tocci N. , 2010)

This is the time when the relations between Turkey and the EU started to slow down and actually came to a gridlock. Furthermore, the global financial and economic crisis, and more specifically the problems that emanated in the Euro-

zone, contributed to the prioritization of internal issues and to the consequent neglect of the enlargement agenda (Szigetvári, 2014).

To this fact, one can also add the concept of “enlargement fatigue” sensed by the Europeans and fuelled by the EU enlargements of 2004 and 2007 (ESI, 2006). Gönül Oğuz considers this concept has having had a negative impact on the membership chances of Turkey - especially since Turkey is perceived as a very big and “vastly different and incompatible with Europe” given its Islamic culture – and, finally the ongoing role of the unresolved issue of a divided Cyprus (Oğuz, 2013, p. 94).

Adding to the fear of possible large immigration waves given the framework of free movement of labour within the EU, some Member-States decided to bring any future potential enlargement decision to a referendum, namely France and Austria decided so (Forgue, 2007). It is also important to underline the importance of the changing in leadership in some key Member-States. In 2005 and 2007 - with the election of Chancellor Angela Merkel in Germany and the election of President Nicolas Sarkozy respectively – we can observe a shift in applicability of the French-German duo towards Turkey’s application from an active driving-force to a considerable break to it. (Tocci N. , 2010). The German Chancellor did not support Turkish accession but rather openly proposed another form of relations, a strategic partnership, which was very ill received by Ankara. Her French homologous President Nicolas Sarkozy, also strongly opposed Turkish membership, stating that Turkey did not belong to Europe and going as far as making opposition to enlargement to Turkey a part of his political campaign (Paul, 2015).

At the time polls showed that countries like Austria, Belgium, Cyprus, Finland, France, Germany, Greece, and Luxembourg revealed having more than 60 percent of their electorate opposing EU’s further enlargement in regards to Turkey (see

Annex 2

Annex 2).

From the Turkish side, and although rhetorically still present, accession to the EU seems to have pragmatically vanished from the political agenda of the Erdoğan's second term in office in 2007, even if as mentioned earlier, his first mandate was marked by remarkable reform adaption to the EU acquis. Such is observable when we look at the 2023 vision speech of the Turkish Prime-Minister (Hussein, 2018) and see no reference being made to the EU. Apart from the apparent lack of interest of the then ruling party, the opposition has not coped to position the EU back to the domestic political agenda either. Belchev argues that alongside a neglect from Turkish political elites, was also the "public's turn away from the EU" illustrated by a dramatic contrasts between 2004 (73 percent of Turks favoured membership) and 2007 (around only 40 percent were in favour) (GMF, 2011). As Figure 2 shows, Turkey demonstrates a very low level of trust in the European Parliament (24 percent), lower than any Member State and also lower than its accession counterpart, Croatia. The Eurobarometer 67 Report¹⁷ shows similar results towards the Commission (with only 22 percent of the inquired Turks declaring to trust the Institution) adding that this numbers show a considerable decrease in those expressing trust compared with the previous survey signalling 10 percentage points (Commission, Eurobarometer 67: Public Opinion in the European Union, 2007).

¹⁷ Full text available at: https://www.avrupa.info.tr/fileadmin/Content/Files/eb_67_first_en.pdf

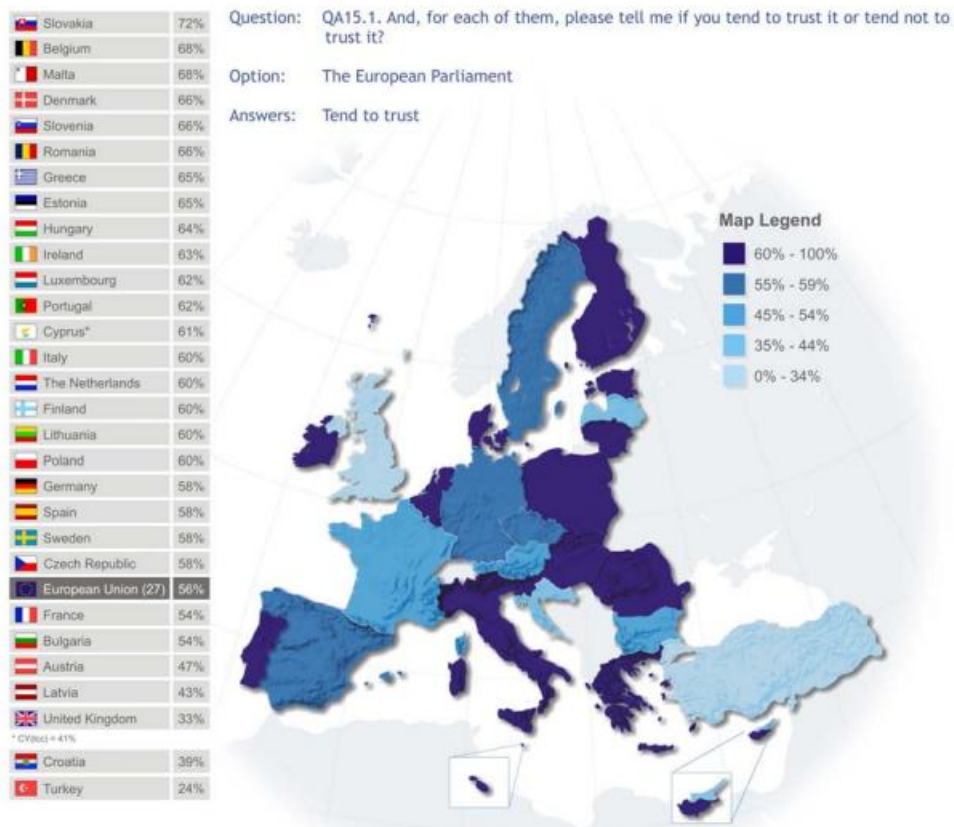


Figure 2: Trust in the European Parliament, 2007

Source: European Commission, Eurobarometer 67

The author additionally asserts that the Eurozone crisis also had a role to play in the decrease of EU's appeal towards Turkey since at the time, Turkey was economically strong and politically stable enough to feel like it could go at it alone (Bechev, 2013).

Nathalie Tocci further contends that the impasse in accession negotiations led to significant negative impacts for both parties. Having put Turkey on a hold for so long has consequently led to a slowdown in political reform given the lack of incentives from the EU which consequently led to a backsliding on democratization processes – especially regarding the Kurdish issue, freedom of expression, and the judiciary (Tocci N. , 2010). On the other hand, the credibility of the Union *vis-à-vis* Turkey, but also its surroundings in the region, has been harmed given the lack of consensus within the EU as well as all the contradictions the EU has showed throughout time, as for instance the extreme

emphasis it has put on the open-endedness of negotiations and on the privileged partnership replacement since these might be perceived as a product of EU's bad-faith.

As the accession process continued to be frozen, Commissioner for Enlargement and European Neighbourhood Policy, Mr. Štefan Füle, and Turkish Minister for European Affairs and Chief EU negotiator, Mr. Egemen Bağış, created the Positive Agenda¹⁸ with the aim of revitalizing EU-Turkey relations after a period of stagnation. This Positive Agenda comes as a renewal of both sides' commitment towards accession negotiations, and explicitly refers that "the positive agenda is not a substitute but complementary to the accession negotiations" (Demiral, 2014). Nevertheless, the fact that at the time of the launching of the Positive Agenda, several chapters were blocked by the Council, Cyprus and France left little room for manoeuvre in terms of accession negotiations so to many the positive agenda was a second track for Europe to continue its dialogue with Turkey, and select the fields of cooperation it wanted to follow, so nothing more than a "short-term distraction from the blocked membership talks" (Paul, 2015). In this regard, William Chislett reasons that it is "somewhat hypocritical of the EU to criticise and rightly so Turkey's major deficiencies" in terms of the rule of law and respect for fundamental freedoms while also not giving it "the chance to make improvements by opening these chapters" (Chislett, 2015, p. 19).

The Gezi Park protests of May 2013¹⁹ and its consequent built up in discontentment across Turkey reflected a different country, a Turkey in which the political reform had slowed down and authoritarianism increased at the same pace as the rule of law, separation of power, checks and balances, and guarantee of civil liberty freedoms started to dissolve. This event polarized EU

¹⁸ Full text available at: http://europa.eu/rapid/press-release_MEMO-12-359_en.htm

¹⁹ The Gezi Park protests are known as a wave of demonstrations and civil unrest in Turkey that had their genesis in a peaceful sit-in that opposed the urban development plan for the Taksim Gezi Park in Istanbul. These protests were received with enormous violence from the authorities which led to the spread of protests all over Turkey contesting a wide range of concerns, namely government's overrunning of Turkey's secularism, as well as freedom of expression, assembly, and the press.

Member States even more, and caused the European Parliament to write a resolution in which it demonstrates its “deep concern at the disproportionate and excessive use of force by the Turkish police in its response to the peaceful and legitimate protests in Istanbul’s Gezi Park” (Parliament, 2013).²⁰

By 2014, Turkey’s devotion to the principles of democracy as well as to the European values had extremely decreased. On the other hand, the enlargement fatigue in Europe was once again confirmed when the President of the Commission, Mr. Jean-Claude Juncker, affirmed in his confirmation vote in the Parliament that there would be no enlargement in the next five years so that the EU could consolidate what had been done until then (Expatica, 2014).

Thereupon the enlargement of the EU to Turkey became a highly polarized issue within the Union itself. According to (Paul, 2015) “what should have been a technical process had become totally politicised with Turkish membership featuring in national election campaigns”, which ultimately led to a substantial feeling of resentment in Ankara but also within the Turkish population. The changing-face of AKP did not help the cause either, in its second and third term a shift of approach that turned Turkey away from the European project is observable, especially when compared to the good reform mood of AKP’s first mandate.

The relations between Turkey and Europe have been turbulent as this chapter has tried to demonstrate. In 2014, approximately after 10 years after the accession negotiations started, solely one chapter has been provisionally closed and only about half are opened. The negotiations are dormant almost since they have opened even when accounting for the more optimistic moments, and we have observed an ever growing distance between the two with the EU losing its leverage over Turkey by closing its channel at the same time as Turkey drifts away from EU values (Kuneralp, 2017).

²⁰ Full text available at: <https://www.europarl.europa.eu/sides>

Chapter 2

The EU-Turkey Statement

"Syria has become the great tragedy of this century – a disgraceful humanitarian calamity with suffering and displacement unparalleled in recent history."

- António Guterres, United Nations High Commissioner for Refugees on Syria

2.1. Contextualization: The Migration Crisis

In this chapter, the focus will be given firstly to the Migratory Crisis - also known as "Refugee Crisis" - that hit Europe in 2015. It is important to understand the contextualization as well as the facts and figures surrounding this crisis in order to better understand the EU-Turkey Statement. Secondly, the focal point will be shifted to the details of the Statement itself, and what was in fact agreed and compromised upon; as well as the high criticism that the Statement faced.

2.1.1. Origins of the Crisis

The genesis of the refugee crisis can be traced back to the Syrian civil war. This continuing war started on 15 March 2011, and is the result of what started as a peaceful pro-democracy uprising against President Bashar al-Assad, in the context of the Arab Spring, but soon escalated into a full-scale armed conflict. It is an on-going multi-sided armed conflict fought between the Syrian Arab

Republic led by al-Assad alongside domestic and foreign allies (e.g.: Russia and Iran) and several domestic and foreign armed forces opposing the Syrian government (e.g.: the US, Turkey, Saudi Arabia, UK, and France) as well as each other (CFR, 2019).

With the growing insurrections in Syria in 2011, a substantial exodus of people fleeing the war began to be observed. The number of displaced people has increased up to 5,627,218 registered Syrian refugees as of May 2019, who have mainly sought asylum in Turkey (64 percent), Lebanon (17 percent), and Jordan (4,5 percent) (UNHCR, 2019). Adding to these numbers, there are currently 6.2 million - of which 2.5 million are children – internally displaced people making them the world’s largest internally displaced population (UNHCR, 2019). As Figure 3 demonstrates, more than half of Syrians have been displaced since 2011.

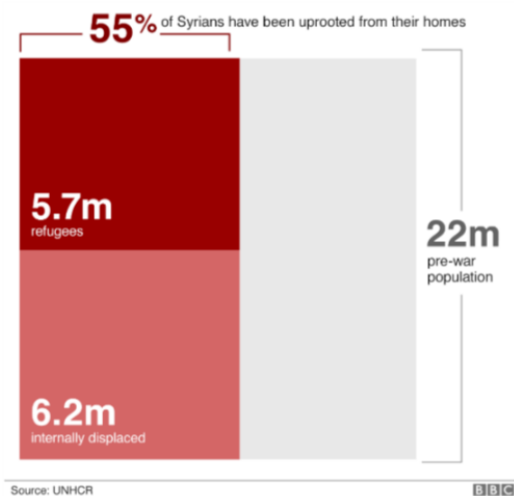


Figure 3: Displaced Syrian People



Figure 4: Syrian refugees by country of refuge

By February 2019, approximately 13 million people were considered to be in need of humanitarian assistance, and 5.2 million of those in acute need (BBC, 2019).

Although there are countless news agencies documenting and reporting on the “European Refugee Crisis” it is important to underline that most of the asylum

seekers and refugees are not in Europe but in Syrian neighbouring countries as previously mentioned and demonstrated in Figure 4.

The death toll - as of December 2018 – was of about 560,000, of which 111,330 civilians including 13,084 women, 20,819 under the age of 18, and 104,000 tortured to death in regime jails (SOHR, 2018).

Consequently, since the beginning of 2015, the EU was hit by a massive refugee crisis - from people fleeing Syria in particular – that will be further discussed.

On a last note and for the sake of terminology it is important to differentiate between the concepts refugee, asylum seeker, migrant and immigrant. According to Article 1 of the 1951 UN Convention a refugee is defined as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (UN, 1951) while an asylum “is someone whose request for sanctuary has yet to be processed” (UNHCR, 2019). Migrants, on the other hand, are the people who move from one place to another, internally or across borders, often for economic reasons such as seasonal work, but have not been forced to leave their country because of persecution or violence, and immigrants are the people who consciously decide to leave their country with the intention of settling in another one (International Rescue, 2018).

In the following subchapters the details of the impacts of this humanitarian crisis will be discussed both in the framework of Turkey and of the EU.

Regarding the end of the conflict, the UN Security Council has called for the implementation of the 2012 Geneva *Communiqué* which seeks to administer a transitional governing body “formed on the basis of mutual consent” in order to “establish a neutral environment in which the transition can take place” (UN General Assembly, 2012). The Geneva II process – a set of UN-mediated peace

talks – started in 2014 but as shown little progress as Assad does not show himself very open to negotiations with his opposition. Meanwhile, other involved countries - namely Russia, Iran and Turkey - have also made little progress at their end, in the framework of the Astana process, as they have failed to deliver a draft of a new constitution by the end of 2018 as it was supposed to happen. The aforementioned thus demonstrates that the end of the conflict is not foreseen in the near future (BBC, 2019).

2.1.2. Impacts and reactions in Turkey

Historically, Turkey is known to be a country of origin, transit and destination for migrants, especially given its inherited character as crossroad between Asia and Europe. Consequently, Turkey felt the impact of the migration wave much sooner than any EU country. During the summer of 2015, the country found itself as the centre of one of the largest migration crisis since the Second World War which led to an enormous pressure given the extra challenges in terms of migration management strategies, migrant protection, and humanitarian assistance (IOM, 2019).

For a very long time, the EU did not consider Turkey to have high enough standards in terms of migration policy but the adoption of the Law on Foreigners and International Protection²¹ was recognized as significant progress in an effort to harmonize Turkey's legal and institutional framework with the EU and international standards. This law was adopted in April 2013 by Turkey's Parliament and is considered as a turning point in Turkish migration policy and came into effect in April 2014 (Elitok, 2013). This now represents Turkey's main legislative document defining its asylum policy, very essentially: the law plainly

²¹ Full text available at: http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf

identifies the principle of “non-refoulement”;²² establishes the status of “conditional refugee status”, and constitutes an agency – the General Directorate on Migration Management, under the Ministry of the Interior – that aims at centralizing all the asylum applications across the country (Republic of Turkey, 2014). Previously, asylum and refugee matters were solely covered under secondary legislation, as for instance administrative circulars, so this is the first domestic law on asylum in Turkey.

Turkey is also one of the signatories of the 1951 Geneva Convention relating to the Status of Refugees. However, Turkey has a “geographical limitation” to the Convention which asserts that only those individuals who fall in the definition of refugee in the Convention and come from a “European country of origin” – meaning all members of the Council of Europe - can qualify for “refugee status” (ECRE, 2019). Nevertheless, the Law on Foreigners and International Protection was welcomed by both the EU (European Commission, 2013) and the UNHCR (UNHCR, 2013) as a step forward.

In fact, Juliette Tolay argues that in light of this migration crisis, the EU and Turkey behaved very differently and quasi interchanged roles as Turkey applied open-door policy towards Syrian seeking refuge at its southern borders since the beginning and turned towards a more humanitarian approach, while the EU got paralyzed by the security approach at the intergovernmental level (Tolay, 2014).

2.1.3. Impacts and reactions in the EU

In the summer of 2015, when hundreds of refugees were arriving daily on Greek islands and travelled the “Balkan route” towards Central Europe, was a critical moment for the history of migration in Europe. The climax of arrivals was

²² According to the UN, this principle forbids countries from transferring individuals from their jurisdiction when there is substantial proof that these individuals would be at risk of harm (including persecution, torture or ill treatment) upon their return.

reached in October 2015 when 222,800 people arrived by sea and land in Europe, yet between May 2015 and February 2016 the numbers were never lower than 40,000 people arriving per month – in contrast, the numbers are approximately around 5,000 average for the first five months of 2019 (UNHCR, 2019).

However, and although considered small steps, the Union started to act before 2015. In June 2013, the Parliament and the Council adopted the new Asylum Procedure on common procedures for granting and withdrawing international protection to be implemented from July 2015 - Directive 2013/32/EU (recast).²³ This was considered a big step since it meant the endorsement by both institutions of the Common European Asylum System (CEAS). However, the EU still faced criticism for being unhurried in the way it dealt with the standardizing of asylum policies across the Member States as well as in the way it adopt assistance policies vis-à-vis the crisis (Tolay, 2014, pp. 2-6).

Moreover, migration became a major driving force for policy-making in the EU and in some Member States it even became the primary political issue discussed in national elections. It has thus become a key political factor that started to fuel new populist and anti-EU parties in many Member States, ultimately also affecting the Institutions themselves (Hassel & Wagner, 2017). According to a Commission's survey, in 2017, 86 percent of Europeans classified the EU's external borders as an important security challenge - a raise of five percentage points since the 2015 survey (European Commission, 2017). Another study from the European Commission reveals that although 51 percent of Europeans consider that immigrants "have an overall positive impact on the national economy", other 56 percent of Europeans agree that immigrants "are a burden on the country's welfare system", and 55 percent believe that immigrants "worsen the crime problems in the country" (European Commission, 2018).

²³ Full text available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/>

In May 2015, the Commission gave what was considered to be a big step, when it launched a comprehensive European Agenda on Migration²⁴ which is based on four main pillars – reducing the incentives for irregular migration; saving lives and securing the external borders; a strong asylum policy; and a new policy on legal migration (European Commission, 2015). In the document, a great emphasis is given to the necessity of cooperating with third countries, and the Commission showcases Turkey as a “good example of where there is much to be gained from stepping up cooperation” (European Commission, 2015, p. 8).

A few months later, in September 2015, the Commission announced a pre-set calendar and a quota system for accepting the incoming refugees, a resettlement and relocation scheme that would redistribute 160,000 in Italy and Greece to the rest of the Member States within a period of two years (Commission, 2015). This measure was adopted on qualified majority voting with the Czech Republic, Slovakia, Hungary and Romania voting against (Thevenin, 2017).

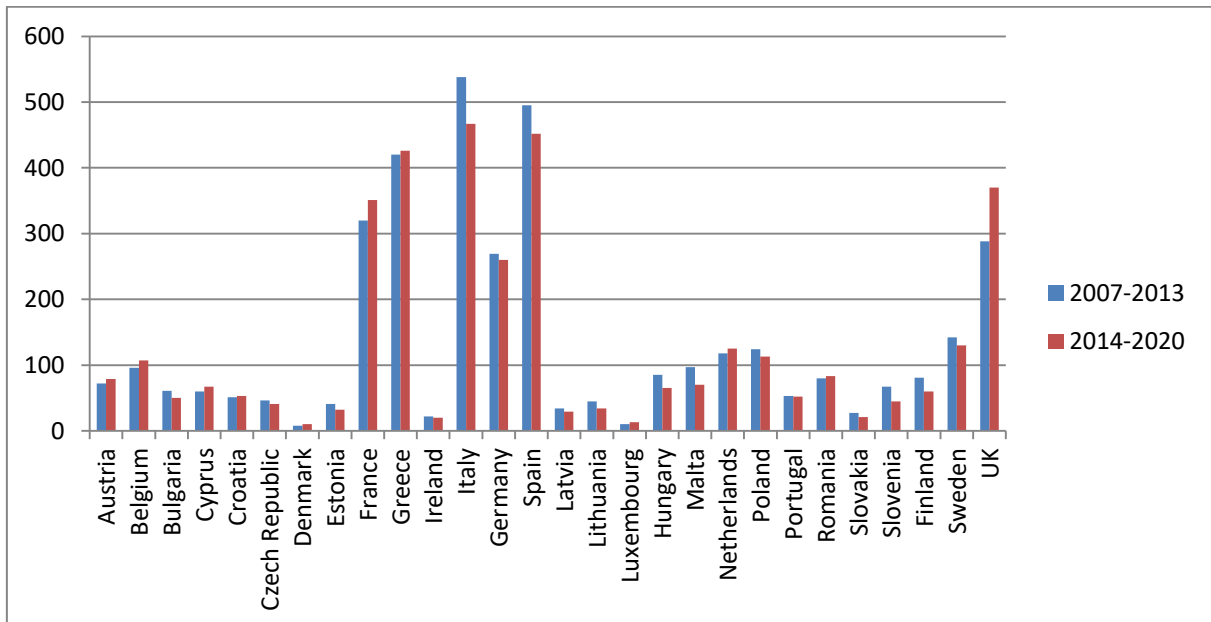
It is however important to underline that national governments took wholly divergent approaches regarding the management of their borders. Germany put in place an open-door policy by suspending the Dublin rules,²⁵ the same rules that cause an upsurge of insurgence in Greece and Hungary (DW, 2015). In contrast, some other Member States showed an openly hostile attitude towards refugees reflected for instance in the building of walls along the Balkan route - namely Austria, Bulgaria, Greece, Hungary, and Slovenia - as it is the case of Hungary who built a high tech fence in its border (DW, 2017).

Furthermore, the EU provides financial resources to support efforts in the areas of legal and irregular migration, return, asylum, border management as well as

²⁴ Full text available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

²⁵ The Dublin Regulation is an EU law that appoints Member States responsibility for examining an asylum application as to ensure simultaneously that on the one hand individuals do not request asylum in several countries, and on the other hand that national governments do not ignore an individual's request. Such is decided by a set of criteria, the most common being the “first country of entry” (JRS, 2019).

integration to each and every Member State. Figure 5 shows the amount of money the EU has provided each Member State with for the period between 2007 and 2013, and the current period between 2014 and 2020. For the latter, the main EU financial instruments are the “Asylum, Migration and Integration Fund” and the “Internal Security Fund – Borders and Visa” and further “Emergency assistance” is also available for the entire duration of the mentioned period (European Commission, 2019). Countries such as Italy, Greece, and Spain naturally receive bigger sums given the impact of their location. Germany, France, and Greece are the main countries of destination, respectively (Eurostat, 2019).



²⁶ Figure 5: Funding in the areas of migration and border management, in million Euros (by period)

However, as previously stated, the EU pursued a security approach in its attempt to address irregular migration. Hence, Turkey gained again substantial geostrategic significance in 2015 as a possible hosting country for those who could be stopped to accomplish their journey to Europe (Dimitriadi, Kaya, Kale, & Zurabishvili, 2018).

²⁶ Data collected from each Member State’s report and published by the European Commission.

Hassel and Wagner argue that the “the direct link between national security and refugee politics – at the national level as well as the EU level – already existed before 2015 but has now become inseparable” (Hassel & Wagner, 2017, p. 71). In other words, the migration crisis has altered the perception of Europeans, raised populists voices, and changed the national but also the European political panorama.

As a global leader in humanitarian aid, and since the beginning of the conflict, the EU and its Members States have mobilized nearly €17 billion both within Syria as well as in the neighbouring countries for humanitarian, stabilisation and resilience assistance purposes (European Commisison, 2019).

2.2. Framework of EU-Turkey Relations: The EU-Turkey Statement

Since the beginning of the crisis, several researchers have highlighted this crisis as an opportunity “to develop a much-needed constructive climate” for their relationship (Osman Bahadır Dinçer, 2013). Since both the EU and Turkey were faced with enormous challenges regarding migration, some consider 2015 to be a game changer year for both parties in this field, with the former finding “itself in the uncomfortable position of having to adhere to the values and norms it advocated abroad”, and the later being “able to improve its negotiating position with the EU while maintaining the moral high ground” since it was hosting 3 million Syrian refugees, something the EU did not want to do at any costs (Dimitriadi, Kaya, Kale, & Zurabishvili, 2018, p. 11).

The first readmission agreement signed between the EU and Turkey dates back to 2013 alongside the launching of the Visa Liberalization Dialogue,²⁷ but official

²⁷ More information (including full texts) available at: https://ec.europa.eu/home-affairs/what-is-new/news/news/2013/20131216_01_en .

joint action only came into the picture in October 2015, when the Joint Action Plan with respect to migration management was announced (European Commission, 2015) and later adopted during the EU-Turkey Summit on 29 November 2015 (European Council, 2015).

It is important to highlight that since some Member States were against burden-sharing within the Union, Germany re-directed its focus to slowing migration flows between Turkey and Greece along the Aegean route instead. As a “lone champion of the open door policy” wanting to keep its spot, Germany’s “only plausible solution seemed to be a deal with Turkey” (Müftüler-Baç, 2015, p. 3). Furthermore, the German Chancellor Angela Merkel recognized in a cautious tone that there would be no solution without Turkey, since what the EU needed was “among other things, further talks with Turkey” since with its partner the EU could “switch illegality to legality” (Emmott & Sekularac, 2015).²⁸

Merkel spearheaded the EU deal with Turkey in March 2016, since the project, although framed as European at the end, was fundamentally designed by Germany and negotiated by Merkel herself (Mayer, 2016, p. 12).

The action plan had three main objectives that consisted of: addressing the root causes of the Syrian crisis; ameliorating the conditions of Syrians being hosted in Turkey; and enhance cooperation between the two in order to better prevent irregular migration to the EU (European Commission, 2015). In order to do so, the EU promised to increase and mobilize funds in aid to Turkey, to help reinforce the Turkish Coast Guard capacities, to reinforcing cooperation in the framework of FRONTEX, as well as accelerating the dialogue in line with the EU-Turkey visa dialogue and setting October 2016 as a deadline the later. Turkey on its side made the commitment of preventing irregular migration across the common land borders, as well as of smoothly readmitting irregular migrants who are not in need of international protection, and enhance cooperating in

²⁸ Quotes from (Emmott & Sekularac, 2015) published on an article of Reuters web page without page numbers.

information exchange, also to prevent the smuggling of migrants (European Commission, 2016). In the summit, “the EU and Turkey agreed to re-energise Turkey’s accession process to the European Union” with a high-level dialogue being enhanced with “more frequent and structured meetings including the organisation of summits twice a year” (European Council, 2015).

In March 2016, ahead of the European Council of the 18th and 19th, Turkey took the decision to accept the rapid return of all migrants who did not require international protection and who arrived to Greece via Turkey and the return of all illegal migrants who were intercepted in Turkish waters. Moreover, on 18 March 2016, further additional actions on migration between EU Member States and Turkey were actually defined and entered into force in the “EU-Turkey Statement” (Council of the EU, 2016):

- 1) all new illegal migrants crossing from Turkey to Greece and not applying for asylum or whose request has been denied will be sent back to Turkey, according to the principle of non-refoulement and in accordance with international law;
- 2) the “one-for-one” principle was put in place, according to which for every Syrian being returned to Turkey, another one will be resettled from Turkey to the EU, up to a total of 72,000 people;
- 3) Turkey commits to take all the necessary measures to prevent any new routes for illegal migration to the EU either by sea or land;
- 4) A voluntary humanitarian admission scheme will be activated once irregular crossings will end or at least be substantially reduce in the long-term, to which EU Member States will contribute on a voluntary basis;
- 5) The EU also commits to the fulfilment of the roadmap on visa liberalisation so that visa obligations for Turkish citizens are lifted by June 2016, if all 72 reference criteria are met;

- 6) The EU commits to support Turkey financially in order to improve humanitarian conditions for Syrian refugees in the hosting country, and in order to do so, the EU will accelerate the payment of the €3 billion initially allocated under the EU Facility for Refugees in Turkey, and will finance a further €3 billion until the end of 2018;
- 7) The EU and Turkey commit to work on the upgrading of the Customs Union;
- 8) The two parties pledge to re-energise the accession process and in this framework, to open Chapter 33 on Financial and Budgetary Measures within the next months and to speed up the opening of other Chapters;
- 9) Finally, the EU and its Member States commit to working closely with Turkey in order to improve the humanitarian conditions inside Syria.²⁹

It is important to underline that the 2016 Statement can hardly be solely seen as an anti-illegal migration deal, rather it should also be grasped as “an opportunity exploited by both sides to achieve political goals”: for Ankara it was a “way in”, a means to fasten its EU-related targets; and for Brussels a “way out”, a manner to stop the crisis it was facing, and to counter the increasing waves of populism and anti-European sentiment (Mediterranean Affairs, 2019).³⁰

More specifically, what the EU takes out of this deal, is the ability to stop the substantial inflows of migrants arriving to its territory, especially important in a moment when it is facing populist movements starting to rise and the spread of anti-establishment and euroskeptic rhetoric across its Member-States. Additionally, Maximilian Popp, Head Deputy of Foreign Affairs of Der Spiegel affirms that the deal “was never like a true commitment from the European side, it was more an aspiration to stop the refugee flow” (M. Popp, phone interview, April 28, 2019).

²⁹ For the full text of the Press Release “EU-Turkey Statement”, see

³⁰ Quotes from (Mediterranean Affairs, 2019) published on Mediterranean Affairs’ web page without page numbers.

On the other side of the deal is Turkey who gains significant financial assistance,³¹ visa requirements lifting for Turkish citizens, as well as a “re-energized” EU-Turkey accession negotiations process. Regarding visa liberalization, the matter was previously agreed upon on the summit of November 2015 however the agreed date was October 2016, which with the deal upturned to 1 July, if the 72 criteria would be met by Turkey - which appears to be especially hard for Turkey to meet regarding terrorism legislation. Besides the present, the matter of the promise of “re-energized” accession negotiations is of high importance for Turkey, since it has been in this imbalance for more than ten years.

According to Ayhan Kaya, the Turkish side of the deal might play very well for AKP in domestic elections, which explains the Turkish government’s view on migration since it “has partly perceived the Syrian refugees as a bargaining chip to be used when it is needed” (Kaya, 2019).³²

The needs of Europe to control the migratory flows have increased Turkey’s leverage which left Brussels less vocal on matters of human rights and the rule of law, both core principles of the Union (CRISIS GROUP, 2016).

2.2.1. Issues

The deal was highly criticized in the EU, in Turkey, but also worldwide. According to Professor Kaya, the aforementioned owes to the fact that the deal was “perceived by several circles as an “indecent proposal” made by the EU”

³¹ For an overview of the EU program for refugees in Turkey see: https://ec.europa.eu/neighbourhood-enlargement/news_corner/migration_en ; For a complete list of projects for refugees in Turkey under the EU Facility for Refugees fund see: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/facility_table.pdf

³² Quotes from (Kaya, 2019) published on Respond Migration’s web page, without page numbers.

which for him strongly indicates that there has been a shift from “principle-based normative EU” to an “interested-based EU” (Kaya, 2019).

While the Union seems to consider the agreement with Turkey a successful example for further migration partnerships, several academics, UNHCR itself (UNHCR, 2016), and several NGOs criticized the deal on several aspects. The criticism extended to the legal status of the agreement, the rights of the people placed in the hotspots,³³ the lack of refugee’s protection, as well as the question of whether Turkey is in fact a safe third country.

A variety of them voiced their concerns regarding concepts such as “safe country of origin” that limit the extent of actual protection given to asylum seekers (Tolay, 2014, p. 3). Since Turkey has a geographical limitation to the 1951 Geneva Convention, as mentioned earlier - and the new law does not lift such limitation – the UNHCR voiced its concern given the fact that the refugees returned would not be protected under international law (UNHCR, 2016, p. 5). Several other raise the same question.³⁴

Several other scholars criticize the deal between the EU and Turkey (Hathaway, 2016; Halibronner, 2016; Heijer, Rijpma, & Spijkerboer, 2016, pp. 8-10) and one of the arguments they put forward is that the deal does not respect the prohibition of collective expulsions protected by the ECHR (ECHR, 2018).

One of the most extensive criticisms has come from human rights and democratic concerns. In fact, the European Ombudsman reaffirmed the need for a regular and thorough human rights assessment when cooperating with third countries in the field of migration - as it is the case of the EU-Turkey Statement –

³³ According to the European Parliament, the “hotspots” are first reception facilities that aim at ameliorating the coordination of efforts between EU agencies and national authorities at the external borders of the EU. For more information, see: <http://www.europarl.europa.eu/RegData>

³⁴ Others have argued the same, see: Roman, E. Et al. (February, 2016). Why Turkey is not a “Safe Country” In *Statewatch Analysis*. No 3/16. Available at: <https://research.vu.nl/en/publications/why-turkey-is-not-a-safe-country-article>; Ulusoy, O. (March, 2016). *Turkey as a Safe Third Country?* Retrieved from: Oxford University: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/03/turkey-safe-third>

in a recent decision (European Ombudsman, 2017) that rejected the Commission's argument that the agreement did not need one given its political nature, after a complaint of Spanish NGOs and individual citizens (Castillejo, 2017, p. 16). The Human Rights Watch Executive Director Mr. Kenneth Roth affirmed in a letter addressed to EU heads of state that the deal represents "a disturbing disregard for international law covering the rights of refugees, asylum seekers, and migrants" and further argued that the goal of the EU was not to "genuinely protect Syrian civilians from harm" but instead to contain the flow of displaced people, which he considers "more likely to be a death trap than a place of sanctuary" (Roth, 2016). Furthermore, various organizations have criticized the EU for this deal, namely Amnesty International who holds that the EU signed the deal "blithely disregarding their international obligations" (Amnesty International, 2017).

Another condemnation of the agreement comes from the uncertainty of its legal status. The EU-Turkey agreement took the form of a press release which denotes that neither the European nor the national Parliaments were anyhow involved in its creation, which in turn goes against EU law, since according to Article 218 of the TFEU (Union, 2008, pp. 98-100), the accord of the Parliament is required in regards to the signing of agreements with third countries. Additionally, questions were raised about how binding the agreement really was under EU and international law (Sippel, 2016). In fact, the General Court of the European Union ruled that since the agreement was concluded by the heads of state and government in their respective capacities and hence none of the Institutions actually decided to conclude an agreement with the Turkish Government on the subject of the migration crisis, which ultimately means that the EU cannot be held liable for the content of the press release (General Court of the EU, 2017). The indicated further implies that there is an impediment to democratic control which makes judicial review more difficult in retrospect (NIHR, 2017, p. 11), and additionally its "soft law" nature makes the agreement "vulnerable and potentially impotent" (Koenig & Walter-Franke, 2017)

An additional issue discussed in the literature but also within the civil society is that the agreement is restrictive to nationality and location of arrival since it only applies to Syrians - who are in fact just a group among asylum seekers – arriving in Greece (Hassel & Wagner, 2017, p. 86).

Matthias Mayer additionally argues that the resettlement process is too slow, and that “the pact does not offer a significant legal route for refugees to enter the EU, but rather functions as a cork to stop the refugee influx” (Mayer, 2016, pp. 16-17).

The EU was also accused of using a “burden-shifting” approach instead of a burden-sharing approach which makes the deal an ethical and legal failure and thus its results a humanitarian failure per se (McEwen, 2017, p. 22).

This perception can be easily understood in light of Juncker’s declaration a day before the announcement of EU-Turkey deal: ““We can say that EU and the European institutions have outstanding issues with Turkey on human rights, press freedoms and so on. We know that there are shortcomings (...) but we want to ensure that no more refugees come from Turkey into the European Union” (The Telegraph, 2015). As maintained by Beken Saatçioğlu, Juncker’s comment reveals the “pragmatic logic behind EU gestures”, and that EU’s cooperation with Turkey in this framework shall be seen as “misplaced and illegitimate” since it takes place “in disregard for democratic values” (Saatçioğlu, 2016).³⁵ The present line of argumentation appears to be especially sound when we take into account the Commission’s 2015 PR that employs the term “significant backsliding” to describe Turkish democracy, especially in terms of freedom of speech and of assembly being of “particular concern”, and additionally it mentions the rise of “serious concerns over human rights violations” committed by security forces (European Commission, 2015), and however, the deal went through.

³⁵ Quotes from (Saatçioğlu, 2016) published on e-International Relations’ web page without page numbers.

A number of academics and organisations have also manifested their disapproval for potential replications of the deal with other third countries (Benvenuti, 2017), given the “horrible consequences” such an agreement “should never be repeated” (Amnesty International, 2016), especially when it offers “political concessions to dubious regimes in order to contain people” (Woollard, 2018).³⁶

Some academics further affirm that the “EU is caught in a trap of false stability” since it needs Turkey to reduce migratory flows and because of it the Union has “no other choice but to bend” to Turkey’s conditions (Marcilly & Garde, 2016).³⁷ Mr. Popp further argues that although “some said that this was a chance for building new trust and engagement, it was never about that, it was about very selfish reasons, it was a way for Europe not to take the responsibility to help refugees and to outsource this to Turkey. And Turkey saw it has an opportunity to get some money and some cheap political gains” (M. Popp, phone interview, April 28, 2019).

As it was here demonstrated, the criticism was enormous by several parts of society, from diverse sides of the world. Hence, the next step is to make an analysis of the documents of the Progress Reports regarding the agreement in the following chapter.

³⁶ Quotes from (Woollard, 2018) published ECRE’s web page without page numbers.

³⁷ Quotes from (Marcilly & Garde, 2016) published on the Robert Schuman Foundation’s web page without page numbers.

Chapter 3

The EU-Turkey Statement: a game changer?

3.1. Evaluation: 3 years after the EU-Turkey Statement

In order to better interpret both the outcomes of the Statement and its effects on EU-Turkey relations, a yearly analysis of the results of the deal will follow based on country reports published by the Commissions, statements by the EU and Turkish officials, as well as reports and comments by international and non-governmental organizations.

3.1.1 One year on: March 2016 to March 2017

One year after the deal, the situation in Turkey is tremendously different. After a failed coup in July, the country finds itself in emergency state. Further details on these events will be discussed in the following sub-chapter.

In fact, since the failed coup, tensions in the relations erupted. In November, the Parliament voted to freeze membership talks given the government's crackdown vis-à-vis the recent events (European Parliament, 2016). Although this was a non-binding vote, it served to send a political message to Ankara (BBC, 2016) and it was not well received. In fact, Erdoğan threatened to close the deal if the EU did not deliver on accession talks or visa liberalization (Rankin & Shaheen, 2016).

However, the report of the Commission seems to paint a much calmer picture. It declares that "one year on, the Statement continues to deliver proof of its

effectiveness on a daily basis” and justifies the present by announcing a drop of 97 percent of irregular arrivals and a equally substantial decrease in number of lives lost at sea, and further labels the deal as a “game changer” (European Commission, 2017, p. 17). The success it refers to drop in numbers but also the increase of capacities in Greece as reflected in Figure 6.

	The year before the EU Turkey Statement	One year after the EU Turkey Statement
Registration rate at hotspots	8% in October 2015	100%
Reception capacity in Greece (on the islands)	2000 in October 2015	74 389 (of which 13.982 on the islands)
Capacity of Greek asylum service staff on the islands	16	120
First Instance decisions on asylum applications on the islands	0	12 254
Returns of irregular migrants to Turkey under the EU-Turkey Statement and the Greece-Turkey bilateral protocol	627	1504
Relocations	569	9383
Arrivals	988.703	27.711
Loss of lives	1145	80
EU agency support for Greece		EASO experts: 243 European Border and Coast Guard officers: 797

Figure 6: Comparison: one year before and after the Statement

Source: European Commission

Although the Commission seems to be happy with the outcomes of the deal, international organisations seem to disagree and even raise some concerns. The UNHCR complains that because Turkish authorities did not always enable its units to monitor the returned Syrians from Greece to Turkey, it did not manage to adequately assess the situation of these Syrians in the hosting country (UNHCR, 2016).

In 2017, Human Rights Watch published a report on the money being spent on Syrian refugee children’s education and it claimed that there was a lack of transparency in terms of donor funding, with big shortages received in all Turkey, Jordan and Lebanon (HRW, 2017). Additionally, in another report the organization also accuses the deal of trapping “thousands of people in abysmal conditions on the Greek islands for the past year, while denying most access to

asylum procedures and refugee protection” (HRW, 2017). Amnesty International also reports, amongst many other things, on the serious lack of conditions of the refugees who are stuck in Greek islands (Amnesty International, 2017, pp. 22-25). The UN Committee against Torture, in its fourth periodic report on Turkey demonstrates its concerns regarding the lack of investigation from the government, and therefore the impunity for acts of torture and ill-treatment as well as concerns in connection with several violations of the non-refoulement principle and of the safety of those trying to reach the border (OHCHR, 2016).

3.1.2. Two years on: March 2016 to March 2018

Two years on the deal, in April 2018, the Commission publishes another report. In it, it reaffirms the success of the Statement and underlines its importance in the framework of the EU’s comprehensive approach on migration (European Commission, 2018). On the one hand, it praises the resettlement of Syrian refugees from Turkey to EU Member States – which amount to a total of 12,476 people since March 2016 – and on the other, it states that more progress on returns to Turkey is needed, since the pace of returns remains very slow, with only 2,164 migrants returned since March 2016, as Figure 7 suggests.

	The year before the EU Turkey Statement	Two years after the EU Turkey Statement
Registration rate at hotspots	8% in October 2015	100%
Reception capacity in Greece (on the islands)	2000 in October 2015	49,349 (of which 9,163 in the hotspots and other structures)
Capacity of Greek asylum service staff on the islands	16	Total asylum service staff on the islands: 365 (including 110 EASO experts)
First instance decisions on asylum applications on the islands	0	40,008
Returns of irregular migrants to Turkey	627	2,164
Relocations	569	21,847
Arrivals	988,703	57,450
Loss of lives	1,145	130
EU Agency support for Greece		EASO experts: 135 European Border and Coast Guard officers: 801

Figure 7: Comparison: one and two years before and after the Statement

Source: European Commission

However, once again, most organisations seem not to agree and to continue to raise concerns. The organization Human Rights Watch accuses the EU and its Member States of staying “publicly silent on the suspension and other refugee abuses committed by Turkey, suggesting their primary concern is to halt the movement of asylum seekers and migrants from Turkey to the EU” and further claims that Turkey continues to not abide by the principle of non-refoulement by suspending registration for newly arriving Syrians, or simply by denying asylum seekers their “legal status or access to essential services” (Human Rights Watch, 2018).

Furthermore, the OHCHR states that the prolonged state of emergency has led to a “continued erosion of the rule of law and deterioration of the human rights situation in Turkey” which raises serious concerns in terms of the compliance of Turkey’s obligations under international law (OHCHR, 2018).

Some scholars further argue that Europe has replaced its concern for human rights and equality with discourses of violence and xenophobia, given the rhetoric of some of its Member States and their actions, namely the building of walls that Austria, Slovenia, Hungary, Macedonia, Bulgaria and Greece have built (Benedicto & Brunet, 2018).

3.1.3. Three years on: March 2016 to May 2019

The most recent report from the Commission is that of March 2019. Three years on, the Commission’s rhetoric remains intact, the Statement still is a successful “game changer” with “tangible results”, and “an important part of the EU’s comprehensive approach on migration” (European Commission, 2019). It also reaffirms the steady pace of resettlements – which amounts to a total of over 20,292 resettled Syrian people from Turkey to the EU – as well as the need for more progress on returns to Turkey, since only 2,441 migrants returned to

Turkey since the Statement entered into force. In fact, while the number of resettled migrants almost double since last year – which the Commission underlines as Member State’s solidarity with Syrian refugees - the number of migrants returned to Turkey has almost not varied.

However, we observe the Parliament expressing its will to suspend EU accession negotiations with Turkey, once again in March 2019, in light of “political and democratic backsliding” and widespread abuses of human rights (European Parliament, 2019). And, once more, this was received in Ankara with disapproval and disappointment (Reilhac, 2019).

Regarding EU’s side of the deal, in the framework of the Facility for Refugees, the Union has committed €4.2 billion out of which €3.45 billion has been contracted through 85 projects, and €2.35 billion reimbursed as of May 2019 (European Commission, 2019).

It is also worth mentioning that although less than four percent of Syrian refugees are currently still living in camps, their integration in Turkey has not been facilitated given the evolution of “negative attitudes” towards Syrians, and the lack of protection under Turkish law in terms of education, employment and healthcare, even when recognizing all the steps forward that have been taken by the Turkish government (Makovsky, 2019, pp. 4-12).

Regarding Turkey’s progress on the visa liberalization roadmap, in May 2016 only seven benchmarks out of seventy-two were considered to need “further work” (European Commission, 2016) and in 2019 the numbers remain the exact same, only sixty-five out of seventy-two benchmarks are fulfilled (European Commission, 2019, p. 7).

3.2. Recent events in Turkey

Since the EU and Turkey agreed on the migration deal a lot has happened in the domestic sphere of Turkey. Analysing these events is essential in order to better understand the dynamics between Turkey and the EU, as well as the future of the relations.

Solely a few months after the Statement was released, Turkey suffered a failed *coup d'état* that upturned the country. The coup was a watershed moment for Turkish politics and history. The operation launched by a section of the Turkish military and coordinated in several major Turkish cities created a counter-movement by thousands of civilians who opposed the coup that came as a reaction. During that night, the conflict took the lives of almost 250 people and injured thousands more (Al Jazeera, 2017). Although there is no consensus on culpability – and Gülen has publicly denied being behind the attempted coup³⁸ - it should be noted that there is a wide consensus within academia on the central role the Gülenist movement - headed by Fethullah Gülen - played in the evening of July 15 (Yavuz & Balci, 2019; Yavuz & Koç, 2016; Esen & Gumuscu, 2017; Caliskan, 2017).

A few days later, on 21 July, the Turkish Council of Ministers declared a nationwide state of emergency for a period of 90 days in order to fight the Fethullahist Terrorist Organisation (FETÖ) (Decision of the Council of Ministers No. 1116, 2016). The same day, the Government decided to apply derogation from the Convention for the Protection of Human Rights and Fundamental Freedoms and officially notified the Secretary General of the CoE of such (Council of Europe, 2016).³⁹ In the following weeks, thousands of suspects were put under arrest, media outlets were shut down, and thousands of teachers, military

³⁸ For Gülen's rejection of coup allegations, see:
<https://www.nytimes.com/2016/07/26/opinion/fethullah-gulen-i-condemn-all-threats-to-turkeys-democracy.html>

³⁹ Full text of the letter addressed to the Secretary General available at:
<https://rm.coe.int/168069538b>

officials, civil servants and police officers were discharged from employment, all on charges of links to Gülen and his movement (Altınordu, 2017).

Although there was international support for the Turkish government in the face of the coup attempt, Erdoğan criticized his homologous, namely the EU and the US, for their late and weak responses that mirrored, according to the Turkish leader, a lack of solidarity and a shameful behaviour in the name of democracy (Karadeniz & Pamuk, 2019).

From the EU side, the High Representative of the EU, Ms. Mogherini, and the Commissioner for Neighbourhood and Enlargement, Mr. Johannes Hahn, called on the government to “return to Turkey’s constitutional order” (EEAS, 2016). There was a lot of criticism directed to Turkey in light of the widespread crackdowns on police, the judiciary and the military, as well as in terms of the disrespect for freedoms, human rights, and the rule of law, especially when Erdoğan mentioned the possibility of restoring capital punishment (DW, 2016) - an event that would present itself as a “deal-breaker” for the relations between Turkey and the Union, in the words of Ms. Mogherini, and would invalidate Turkey’s membership to the Council of Europe (Kanter, 2016). The attempted coup and its aftermath led to a rift in EU-Turkey’s relations, which according to Erhan İçener led to a rise of Euroscepticism sentiment in Turkey (İçener, 2016).

Several diplomatic incidents took place between Turkey and EU Member-State that naturally also had an impact on the relations between Ankara and Brussels. In March 2017 Erdoğan compared the Dutch and German governments to the Nazi regime in light of the cancellations of the “yes campaign” in the following month’s referendum – aiming to transform the country’s political system – (Oltermann, 2017) which led to the suspension of diplomatic relations between Turkey and the Netherlands, and Turkey’s EU Minister to threaten to review the “land passage issue again” (Roberts, 2017).

In fact, a month later Erdoğan won the referendum by a very small margin of 51.41 percent and thus Turkey changed from a parliamentary democracy to a

presidential system. The elections were highly contested, and to this regard a report from the OSCE states that the election did not meet the international standards for a fair election since there were various failures including media outlets' failure to "provide impartial coverage", as well as the state's failure to provide citizens with "balanced campaign material from the two sides" thus influencing voter's capability of making an informed decision, to name a few (OSCE, 2017, pp. 11-17).

In fact, the Parliament threatened to call for suspension of accession negotiations, once again, if the changes in the constitution would go ahead (European Parliament, 2017). However, the changes went ahead and the talks were not suspended, as confirmed by Ms. Mogherini who said that the EU respects the results of the elections and that the accession process would not be halted nor suspended (EEAS, 2017).

Other diplomatic incidents kept taking place in the past few years, which contribution to the further built-up of tensions. In June 2018, Erdogan wins another snap election, a year and a half ahead of time, which elected him the President under the recently modified political system. This was highly criticized by many who described the event as "a blueprint for one-man rule", while analysts affirmed that what forced the newly elected President to move the elections was the overheating economical situation of the country since the Turkish lira devaluated earlier that year (Weise, 2018).

A month later, the government finally decided to end the emergency state, although several NGOs report that repression has still not ended (HRW, 2019; Amnesty International, 2018). And another month later, the lira plunges a record low, depreciating around 40 percent its value (Kollewe & Farrer, 2018).

The most recent event that caused - and still is - some uproar is the local elections, of April of the current year. Erdogan lost the major key cities to the opposition (CHP) – namely Ankara, the capital, and Istanbul, the biggest city – for the first time since 1994, which regarding Istanbul was particularly sour for the

President for its symbolism since Erdogan was elected Mayor in the same year, the beginning of his political ascension happened as such and thus losing “breaks his image of invincibility” (BBC, 2019). AKP did not accept the result of the elections and as such contested these by appealing to the Turkish Supreme Election Council, who decided in favor of the re-run of elections in Istanbul, where Ekrem Imamoğlu, the candidate of the opposition party had won (Gall, 2019). These events did not please several international actors including the EU. Ms. Mogherini and Commissioner Hahn released a statement in which they claim that the elections went “against the core aim of a democratic electoral process (...) to which the Turkish people have shown their commitment by casting their votes in very large number” (EEAS, 2019). Kati Piri, Turkey’s rapporteur for the Parliament, and Ska Keller, chair of the Green’s group in the Parliament, were some of the other EU officials who also publicly expressed their discontent with the decision to rerun the elections as Figure 8 shows.



Figure 8: Statements from EU officials regarding the 2019 municipal elections in Turkey

In its latest country report, published at the end of May 2019, the Commission has reaffirmed the underlining the “lack of conditions for contestants to compete on an equal basis”, “serious concern regarding the respect of the legality and integrity of the electoral process and the institution’s independence from political pressure” (European Commission, 2019, pp. 10-16).

The re-run is scheduled for 23 June and it will be important to watch closely its results as well as its aftermath, in order to understand the impact it might have in EU-Turkey relations.

3.3. Historical Institutionalism in EU-Turkey Relations

This thesis intends to analyze the relations between the EU and Turkey and to assess the impact of the EU-Turkey Statement in the latter. In order to do so, it is pivotal to have a theoretical framework if one wants to understand, explain and extrapolate on EU-Turkey relations. The theoretical framework that will be used in this work is that of Historical Institutionalism (HI).

3.3.1. Historical Institutionalism: Theory and Concepts

HI, alongside rational choice institutionalism and sociological institutionalism form the three streams of the Neo-Institutionalist approach (Hall & Taylor, 1996, p. 5). According to scholars of HI, the theory focuses its attention mainly on the premise that institutions matter in shaping patterns of individual behaviour and change across time (Goldthorpe, 1984; Evans, Rueschemeyer, & Skocpol, 1985; Hall, 1986; Immergut, 1998). In this way, “the definition of interests and objectives is created in institutional contexts and is not separable from them” (Zysman, 1994, p. 244). In other words, institutions condition actor’s choices while at the same time can be changed by those same actors (Steinmo, 2009, p. 178). As such, HI tries to explain certain occurrences by analyzing history as well by identifying undermining slow moving causal processes that form said institutions and influence the processes of decision making (Pierson & Skocpol, 2003, p. 9). In this way, Steinmo further argues that short term decisions create

institutions – or rules, norms, patterns of behaviour - that lead to the creation of what he calls “gaps in control” for all actors implicated, which ultimately means that these actors are thus confined in their decision making and can be forced to go in against their own preferences and possibly their interests (Steinmo, 2009, pp. 159-160). This can be reflected in situations in which institutions such as the EU find themselves constrained in their own decision-making processes, which is to say they are characterized by path dependencies, i.e. the causality between decisions made in time are observable (Pierson & Skocpol, 2003, pp. 6-9).

This theory is relevant in the research of the relations between Ankara and Brussels taking into account that it helps understanding the “shaping of norms, values and conventions shared by actors involved at the EU level” (Cram, 2001, p. 67). Furthermore, it is very often applied for Turkish and other instances and countries of enlargement (Usul, 2014, p. 25). In this way, HI highlights the fact that European policies and choices are conditioned by a wider context of pre-existing historical and institutional relations (Pierson, 1994, pp. 20-24).

Hall claims that the two main concepts of HI are that of “critical junctures” and “path dependence” (Hall, 2016, p. 38). The former mirrors the tendency of institutions to develop in specific manners as a result of their own structural properties, while the second reflects the capacity of institutions to keep advancing in response to environmental conditions and political factors while constrained by past trajectories (Thelen, 1999).

Moreover, the concept of path dependency is of substantial significance in the framework of the EU since it translates to the fact that once an institution has been established, it is difficult to revoke its development, which in turn, leads Member States to stay with the institution or policy structure instead of changing it (Cowles & Curtis, 2004, p. 300). The fact that once this path dependency is established, it is very hard to leave the loop, is conceptualized in the term “locking-in”, which scholars utilize to describe in situations where an institution persists unchanged despite any substantial change to its political environment

(Pierson, 1994, p. 17). In other words, the further an actor goes in a certain path, the more costly it is for said actor to change its path and so the more unlikely the change actually becomes (Camyar & Tagma, 2010, p. 376).

It is important to underline that this thesis does not intend to analyze every aspect of EU's enlargement policy towards Turkey, or to paint an overall image of EU-Turkey relations. As Rosamond puts forward, HI tries "to explain elements of particular slices of the EU polity" not to explain all aspects of EU's policies (Rosamond, 2000, p. 113), and as such, here HI is used in order to understand the impact of the EU-Turkey Statement in the relations between these the two. Furthermore, HI represents the advantage of comprising several perspectives into a complex analyzes of Turkey's accession process, which is so attached to the history of the relationship itself.

3.3.2. Applying the theory to the EU-Turkey Statement and relations

Following the work of the FEU-TU-RE Project,⁴⁰ several scholars have written on the past, present, and of EU- future scenarios Turkey relations. Figure 9 demonstrates how to divide the relationship between the EU and Turkey in three distinct phases. For the sake of space, this work will focus on the last and extrapolate that the path dependency in this relationship is the dormancy of the accession talks given that several academics put forward that since 2007 there is stagnation in the relations (Schimmelfennig, 2009; Müftüler-Baç & Cicek, 2015; Duzgit & Tocci, 2015). This work hence intends to assess whether the EU-Turkey Statement represents indeed a critical juncture able to deviate the "locking-in" status of accession talk's dormancy, and by doing so creating a new path dependency.

⁴⁰ Research Project (2016-2019) on "The Future EU-Turkey Relations: Mapping Dynamics and Testing Scenarios", funded by the European Commission under the umbrella of the Horizon 2020 Research & Innovation Programme. More info, see: <http://www.feuture.eu/>.

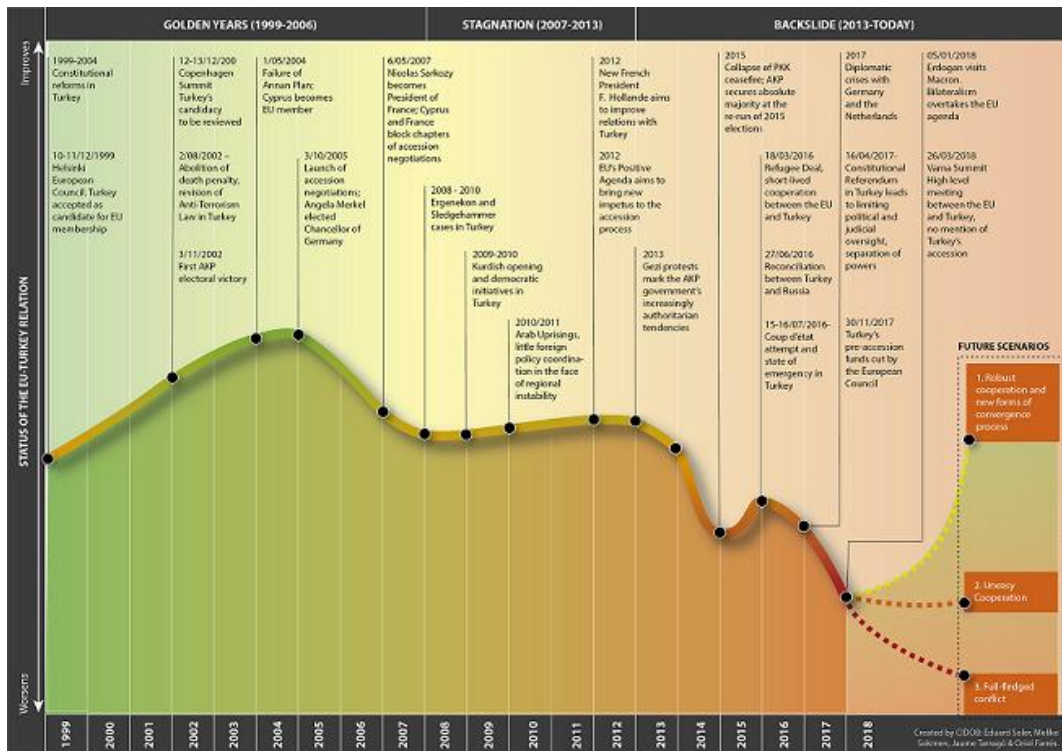


Figure 9: FEU-TU-RE Scenarios on EU-Turkey Relations: Past and Future

According to the above figure as well as to the analysis conducted in previous chapters, it is prudent to conclude that until the EU-Turkey Statement there has been no successful steps made towards accession and that both parties, as mentioned earlier, have lost commitment in the path towards full membership.

After the deal was struck, it seemed that both parties were in line with constructing a closer cooperation that would revitalize the accession talks, either by an actual revitalization of the relations as promised in the Statement itself, or by a new kind of strategic partnership that would eventually lead to cooperation in specific fields, e.g. migration, and possibly restructure the framework of EU-Turkey relations (Içener, 2007; Hürsoy, 2017; Altay, 2018; Pierini, 2018; Saatçioğlu, 2019).

However, as it was previously mentioned in 3.2. Recent events in Turkey, as well as in Europe seem to actually point towards deterioration in the relationship (Mercator, 2018, p. 2).

The Member-States unanimously agreed to open Chapter 17 on December 2015 (Council of the EU, 2015) and Chapter 33 on June 2016 (Council of the EU, 2016). These dates represent the immediately before and after the presentation of the EU-Turkey Statement respectively, and thus can be interpreted as a renewed commitment from both parties or as an incentive to bring Turkey onto the deal. Müftüler-Baç further argues that given the stallement of the relations after accession talks began and the dissolution of enthusiasm from both sides, the revitalization of the accession process in the framework of the migration deal was both “unexpected and astonishing” (Müftüler-Baç, 2015). For some, much was awaited from this promise of revitalization but little was factually made.

Notwithstanding, the opening of the two abovementioned Chapters were the only steps given towards accession ever since the Statement was published and, if we look at the bigger picture several Chapters remain blocked and none have been provisionally closed after 2006, additionally these Chapters were not in reality those Turkey had requested to open (Batalla, 2017). Laura Batalla further argues that the accession process has actually been frozen since its very beginning with, as mentioned earlier, Sarkozy and Merkel advocating for a privileged partnership instead of full membership when dealing with Turkey, which explains the speed at which an expected rapprochement became sour within months, back in 2007.

Another promise made to Ankara was to accelerate the process of visa requirements lifting for Turkish citizens entering the Schengen space according to a set of criteria established by the EU. As mentioned earlier, no changes were observed in this field either. Turkey is the only candidate country whose citizens require a visit to enter the EU and while the Commission’s proposal was being discussed, the EP’s International Trade Committee has put the field on hold with no date in the horizon, so it is plausible to conclude that no progress has been done here either (Parliament, 2016).

The third promise of the EU regarding accession talks was to upgrade the Customs Union, however the opinion of the Foreign Affairs Commission calls upon the Commission to include a clause on human rights and fundamental freedoms in the new Customs Union which given the most recent events, will be harder to reach for Turkey (Parliament, 2016).

Furthermore, domestic changes in Turkey have also had a great impact on EU-Turkey relations, as it was previously alluded to. Several scholars started to denominate the new Turkish system as a “competitive authoritarianism” (Özbudun, 2014; Somer, 2016; Esen & Gumuscu, 2016; Castaldo, 2018) and the reports of the Commission do not leave room for doubt that these changes have been negatively felt by the Union and its Member-States.

All of these features lead Laura Batalla to affirm that even if relations between the two parties seemed to be “back on track”, the accession talks remain stagnated (Batalla, 2017).

The European Parliament affirms that given “the dramatic deterioration of the rule of law in Turkey”, especially in regards to the aftermath math of the latest attempted coup, “the accession process with Turkey is currently de facto frozen” (European Parliament, 2018, p. 3).

It is thus clear that the momentum that the Statement was expected to bring to the relations did not actually come about, neither the revitalization nor the beginning of a new strategic partnership were actually observed. According to Laura Adam, the relations between the two have in reality come to their lowest point since 2005, the year that marked the beginning of the accession negotiations, a consequence of both the political situation in Turkey as well as of the lack of met promises under the deal (Adam, 2017, p. 44).

It is important to highlight that as HI puts forward, by time and institutionalization, patterns of behavior are created amongst parties – in this case the EU and Turkey – to which it becomes very difficult to withdraw from, i.e.

the parties become locked-in a certain pattern, and such was the case of the these relations, neither Turkey nor the EU can leave the path of accession talks and as such they stay dormant. What is interesting and vital to understand is that even if the migration crisis and the joint action that followed were expected to be a critical juncture able to change the pattern of dormancy, this in fact did not happen. It is also worthy of salience to mention that - and although not awaited - extra domestic pressures in Turkey and its democracy, firstly the coup and the consequent prolonged emergency state, and later the constitutional changes, led to an actual deterioration of the relations, as previously mentioned.

Camyar and Tagma argue that from the Turkish side such is due to the fact that Turkey locked-in into a pattern of domestic and foreign policies that are Western-oriented and are now highly difficult to reverse, since these are constrained by historical and institutional factors, and thus EU membership is the end result of Turkey's policy choices in the past two centuries, rather than an option (Camyar & Tagma, 2010, pp. 381-383).

The assessment of the relations between 2005 and now confirms that the EU and Turkey are indeed not able to escape the path dependency that is the accession process itself, or rather its dormancy. The past few years, Turkey's government and policies have moved further away from EU norms and values (European Council, 2018, p. 13). These unprecedented events gave the EU reason enough to walk away, according to the EU Treaties and the Negotiating Framework itself,⁴¹ and although encouraged by the Parliament and even Member States, the EU did not do so. Scholars argue this owes as well to the geostrategic position of Turkey in regards to controlling irregular migration, in terms of energy, but also to its importance in the context of the Middle East and Russia (Demiryol, 2013; Fischer, 2016; Özcan, 2016; Mikhelidze, Sartori, Tanrisever, & Tsakiris, 2017).

⁴¹ Both these documents are legal basis for when, in case of severe and continued breach of rule of law and Human Rights, the EU might end the accession talks with an accession country, in this case Turkey.

Hence, one can conclude that although both sides seem to have engaged in a period of cooperation in terms of migration – notwithstanding, the cooperation itself was filled with underpinning political motives – the overall historical framework and institutionalized behaviour between the two did not change - as it was expected - and that the EU-Turkey deal cannot be seen as a game changer in EU-Turkey relations. The path dependency that we established for these relations, the dormancy of the accession talks, continues intact as no significant progress in the accession negotiation talks has been made in the framework of the deal.

Thus, the migration crisis and the EU-Turkey Statement do not represent a critical juncture, since these events do not “establish certain directions of change and foreclose others in a way that shapes politics for years to come” (Collier & Collier, 2002, p. 27).

3.4. What about the future?

Although the intent of this work is not to make extrapolations regarding the future relations between the EU and Turkey, it is nonetheless interesting and worthy to analyze the future of the relations, in terms of accession.

Several scholars elaborate on the future of relations by designing three different possible scenarios namely conflict, cooperation, and convergence. The first scenario predicts that recent events in Turkey and the EU – namely rise of Euroscepticism, far-right populism, and enlargement fatigue in Europe; and the present undemocratic turn of Turkey - will engender irreconcilable objectives on both sides causing a deeper distancing between the two, leading to a final break of the relations. The second scenario – cooperation - estimates that common interests will advance partnership despite frictions between the two, as an

alternative to both a break-up and full membership, i.e. strengthening cooperation in certain areas of mutual interest in terms of perceived threats regionally, instead of a cooperation based on mutually shared norms and values. Lastly, the third scenario foresees a subtle reconciliation and ultimate accession of Turkey to the EU, when the EU will be ready to focus on enlargement and Turkey is back on respecting the Copenhagen criteria (Yabancı, 2016, pp. 6-7). The author concludes that “convergence will be surely the weakest driver (...), cooperation will be a mutually desired path for both sides (...) a definitive “divorce” is unlikely” (Yabancı, 2016, pp. 30-31). As such, the relations are expected to be marked by a mix of cooperation and conflict, a mix of interdependency and mistrust.

Other scholars agree that convergence is highly unrealistic under the current state of affairs, especially considering EU’s membership requirements since, as previously mentioned, Turkey is moving further and further away from EU norms and values (Clifford, Gilbreath, & Louis, 2017, p. 21).

However, as Batalla puts forward, suspension of membership is not an answer considering that it remains the best tool for democratic change Turkey, even if it negotiations stay frozen in spite of the fact that suspending accession would mean to actually stop accession for good, as to restart talks would require unanimity of all Member States (Batalla, 2017).

Several topics must be taken into account in order to have a broader picture of the future of EU-Turkey relations, and both domestic as well as external developments and pressures will also dictate how this relationship evolves. The developments of the relations between Turkey and Russia and Iran (Shapiro & Hackenbroich, 2017), the way both the Cypriot (Dokos, Tocci, Palm, & Kasapoğlu, 2018) and the Kurdish (Radu, 2018) issues mature, and how domestic affairs expand in both Turkey and the EU.

In regards to Turkey, Erkmen argues that although sixteen years after Erdoğan has been in control it seemed difficult to picture Turkey without AKP, the last

elections were a major shift that proved that there is a growing discontent among the Turkish population reflected by the challenging to the dominance of the current government through institutional means (Erkmen, 2019). Hence, it is important to watch very closely the results of Istanbul's re-run election that will either elect Ekrem İmamoğlu, the represents a potential strong opposition, or Binali Yıldırım, the Prime Minister at the time of the attempted coup and former leader of the government's party thus representing AKP's continuity in the municipality of Istanbul. Maximilian Popp further comments that "there is no way that with this government Turkey can become an EU member, so what it would need for Turkey, more broadly anyway to have a democratic and brighter future is for Erdogan to go. And obviously the local elections might be a first step" (M. Popp, phone interview, April 28, 2019).

In regards to the EU, it will also be interesting to see if the positions within the newly elected Parliament remain highly critical of Turkey and its government and as such continue to call for the suspension of the accession talks, or rather if these positions change and thus the if Parliament decides to approach Turkey in other innovative ways. Additionally, it will be of corresponding interest to observe the new set of priorities of the soon to be new College of Commissioners, including the President and Vice-Presidents (European Commission, 2019).

Such observations will be necessary in order to understand if new pressures will emerge and cause a critical juncture "during which more dramatic change is possible" in EU-Turkey relations (Capoccia & Kelemen, 2007, p. 341).

Conclusion

Given its complexity, duration, and importance, Turkish candidacy to the EU is one of the most documented and researched accession processes. Turkey remains a vital neighbour for the Union and, above all remains a candidate country.

Notwithstanding, today, after fourteen years of the start of negotiations, thirty-two years after Turkey's first application for accession to the European Union, and fifty-six years after the Ankara Agreement, the relations between the two seem to be gloomy.

In spite of the fact that this longstanding relationship has seen several ups and downs, this work argued that EU-Turkey relations are locked-in in a path dependency of dormancy of accession negotiations, taking into account that since 2005 no real steps were taken towards accession – only one chapter has been provisionally closed and sixteen out of thirty-five have been opened, while the remaining are blocked.

Furthermore, this work aimed at understanding if the impact of the EU-Turkey Statement of 18 March 2016 had in fact been a game-changer in the relations between Turkey and the Union. It came to the conclusion that although migration management can be seen as a source of “reciprocal and inevitable tie between Turkey and the EU” (İçduygu & Aksel, 2014, p. 361), it was not enough to alter the dormancy of accession negotiations in this relationship.

Several reasons can support this argument. Firstly, the EU-Turkey Statement itself, that aimed at curbing the flow of migrants in EU's territory in exchange for financial support to Turkey, acceleration of accession negotiations and the lifting of visa requirement for Turkish citizens has not, to this date, been properly implemented (Kuneralp, 2017). In this way, it is also important to underline that the matter of displaced people persists, worldwide there are about 68.5 million

forcibly disable people and 85 per cent of them are being hosted in developing countries. There are still 44,400 people a day that are forced to flee home because of conflict and/or persecution, and worldwide there are around 10 million stateless people (UNHCR, 2018). Regarding migration in Europe, however decreased in numbers, the frightening conditions of those trying to reach Europe by sea persist. According to the UNHCR, 15,459 people have risked their lives trying to reach our continent by sea so far in 2019 (UNHCR, 2019). According to the EU, some key problems remain yet to be resolved namely the development of a proper asylum system, reducing crossings on the Western Mediterranean Route through close cooperation with Morocco; continuing to support Greece, and improving living conditions in Libya (European Commission, 2019).

Secondly, domestic pressures in Turkey in the following months of the release of the Statement, namely the attempted coup in July 2016 and the consequent state of emergency that lasted for more than two years, mirror a backsliding in Turkey's democracy with several restrictions of freedoms and violations of human rights appointing to a redirection to an illiberal democracy in Turkey (Öktem & Akkoyunlu, 2016) that drift it away from the Union.

Thirdly, as HI affirms, when locked-in a path dependency such as the dormancy of accession negotiations, it can become very hard to break the cycle (Pierson, 1994). On the one hand, despite all threats, due in part to vain promises, Turkey did not break the deal by reopening its borders to migrants wishing to reach EU countries. On the other hand, the EU did not suspend talks with Turkey even after several demands from the European Parliament to do so, and several reports showing the backsliding of democracy and the rule of law in Turkey (European Parliament, 2016; 2017; 2019).

Concluding, although the Statement of March 2016 does not represent a critical juncture capable of changing the path dependency in EU-Turkey relations for all the aforementioned reasons, it does show that the EU and Turkey can address common and complex issues together, when committed to it. Additionally,

negotiations do not seem likely to be resumed any time soon, yet the convergence of Turkey towards the EU in the status of full membership does not appear to be in the foreseeable future either. What is certain is that it is not in the interest of the EU to let Turkey move even further away from the Union and therefore, maintaining dialogue through accession negotiations, even if frozen for the time being looks to be the way to follow (Kuneralp, 2017).

Annexes

Annex 1

Chapter	Name	Status	Level of Preparation as of
1.	Free Movement of goods	Frozen (suspended by the Council in 2006)	Good level with limited progress
2.	Freedom of Movement for Workers	Frozen (blocked by Cyprus)	Early stage with no progress
3.	Right of establishment and freedom to provide services	Frozen (suspended by the Council in 2006)	Early stage with no progress
4.	Free movement of capital	Open (19-12-2008)	Moderately with backsliding
5.	Public procurement	Open (17-06-2008)	Moderately with backsliding
6.	Company law	Open (17-06-2008)	Well Advanced with some progress
7.	Intellectual property law	Open (17-06-2008)	Good level with limited progress
8.	Competition policy	Frozen (suspended by the Council in 2006)	Some level with backsliding
9.	Financial services	Open (19-12-2008)	Good level with no progress
10.	Information society and media	Some level with backsliding	Some level with backsliding
11.	Agriculture and rural development	Frozen (suspended by the Council in 2006)	Some level with some progress
12.	Food safety, veterinary and phytosanitary policy	Open (30-06-2010)	Some level with some progress
13.	Fisheries	Frozen (suspended by the Council in 2006)	Early stage with some progress
14.	Transport policy	Frozen (suspended by the Council in 2006)	Moderately with some progress
15.	Energy	Frozen (blocked by Cyprus)	Moderately with good progress
16.	Taxation	Open (30-06-2009)	Moderately with some progress
17.	Economic and monetary policy	Open (14-12-2015)**	Moderately with backsliding
18.	Statistics	Open (26-06-2007)	Moderately with good progress
19.	Social policy and employment	Open (29-03-2007)	Some level with no progress
20.	Enterprise and industrial policy	Open (19-12-2007)	Good level with good progress
21.	Trans-European networks	Open (05-11-2013)**	Well Advanced with good progress
22.	Regional policy and coordination of structural instruments	Open (05-11-2013)**	Moderately with no progress
23.	Judiciary and fundamental rights	Frozen (blocked by Cyprus)	Early stage with backsliding
24.	Justice, freedom and security	Frozen (blocked by Cyprus)	Moderately with some progress
25.	Science and research	Provisionally Closed (12-06-2006)	Well Advanced with good progress
26.	Education and culture	Frozen (blocked by Cyprus)	Moderately with some progress
27.	Environment	Open (21-12-2009)	Some level with some progress
28.	Consumer and health protection	Open (19-12-2007)	Good level with some progress
29.	Customs union	Frozen (suspended by the Council in 2006)	Good level with some progress
30.	External relations	Frozen (suspended by the Council in 2006)	Moderately with backsliding
31.	Foreign, security and defence policy	Frozen (blocked by Cyprus)	Moderately with some progress
32.	Financial control	Open (26-06-2007)	Good level with backsliding
33.	Financial and budgetary provisions	Open (30-06-2016)**	Good level with backsliding
34.	Institutions	*	Some level with some progress
35.	Other issues	*	

* Non legislation chapters

** Previously blocked by France (2007)

Source : European Union
Annex 1. State of Play in regards to Turkey's accession in terms of Chapters

Annex 2

Country / Year	1996	1997	mar/99	out/99	apr/00	nov/00	2001	2002	may/05	oct/05	2006	2008	2010
EU	44	45	47	47	47	48	46	49	52	55	60	57	59
Austria	54	47	66	62	64	63	56	56	80	80	86	85	91
Belgium	54	57	58	53	55	59	55	55	61	60	61	63	69
Bulgaria	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	32	35	32	38	49
Croatia	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	23	24	33	31	25
Cyprus	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	80	80	74	85	82
Czechia	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	51	57	63	54	60
Denmark	62	56	56	59	52	54	56	60	62	59	66	62	66
Estonia	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	56	53	56	53	56
Finland	41	48	57	56	57	53	56	60	66	64	71	64	71
France	62	54	58	58	57	62	62	64	70	68	69	71	66
Germany	49	54	57	59	56	57	53	54	74	74	78	77	79
Greece	83	80	76	69	53	67	65	72	70	79	75	78	76
Hungary	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	41	43	47	40	40
Ireland	28	24	23	24	24	28	23	24	34	40	46	42	56
Italy	40	42	50	45	45	48	45	48	44	44	60	58	61
Latvia	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	44	51	53	50	54
Lithuania	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	32	50	45	45	40
Luxembourg	56	57	62	64	66	65	57	58	72	74	77	75	70
Malta	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	39	40	46	43	47
Netherlands	38	49	49	48	51	41	42	48	53	52	56	55	62
Poland	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	31	37	42	41	44
Portugal	38	26	30	37	30	31	26	29	33	38	39	42	50
Romania	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	12	11	17	15	17
Slovakia	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	50	56	57	61	63
Slovenia	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	40	45	53	46	47
Spain	22	24	19	25	23	25	28	34	33	33	36	32	46
Sweden	34	34	41	50	47	46	42	48	40	41	42	45	43
Turkey	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	22	12	23	25	28
Turkish Cypriots	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	11	8	7	9	18
United Kingdom	35	33	32	31	39	34	34	34	37	42	52	49	55

Source: European Commission

Annex 2: Public Opinion opposing EU Enlargement from 1996 to 2010

Annex 3



PRESS RELEASE

144/16

18/03/2016

EU-Turkey statement, 18 March 2016

Today the Members of the European Council met with their Turkish counterpart. This was the third meeting since November 2015 dedicated to deepening Turkey-EU relations as well as addressing the migration crisis.

The Members of the European Council expressed their deepest condolences to the people of Turkey following the bomb attack in Ankara on Sunday. They strongly condemned this heinous act and reiterated their continued support to fight terrorism in all its forms.

Turkey and the European Union reconfirmed their commitment to the implementation of their joint action plan activated on 29 November 2015. Much progress has been achieved already, including Turkey's opening of its labour market to Syrians under temporary protection, the introduction of new visa requirements for Syrians and other nationalities, stepped up security efforts by the Turkish coast guard and police and enhanced information sharing. Moreover, the European Union has begun disbursing the 3 billion euro of the Facility for Refugees in Turkey for concrete projects and work has advanced on visa liberalisation and in the accession talks, including the opening of Chapter 17 last December. On 7 March 2016, Turkey furthermore agreed to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters. Turkey and the EU also agreed to continue stepping up measures against migrant smugglers and welcomed the establishment of the NATO activity on the Aegean Sea. At the same time Turkey and the EU recognise that further, swift and determined efforts are needed.

In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey today decided to end the irregular migration from Turkey to the EU. In order to achieve this goal, they agreed on the following additional action points:

- 1) All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. It will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order. Migrants arriving in the Greek islands will be duly registered and any application for asylum will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive, in cooperation with UNHCR. Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Turkey. Turkey and Greece, assisted by EU institutions and agencies, will take the necessary steps and agree any necessary bilateral arrangements, including the presence of Turkish officials on Greek islands and Greek officials in Turkey as from 20 March 2016, to ensure liaison and thereby facilitate the smooth functioning of these arrangements. The costs of the return operations of irregular migrants will be covered by the EU.
- 2) For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start. Priority will be given to migrants who have not previously entered or tried to enter the EU irregularly. On the EU side, resettlement under this mechanism will take place, in the first instance, by honouring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015, of which 18.000 places for resettlement remain. Any further need for resettlement will be carried out through a similar voluntary arrangement up to a limit of an additional 54.000 persons. The Members of the European Council welcome the Commission's intention to propose an amendment to the relocation decision of 22 September 2015 to allow for any resettlement commitment undertaken in the framework of this arrangement to be offset from non-allocated places under the decision. Should these arrangements not meet the objective of ending the irregular migration and the number of returns come close to the numbers provided for above, this mechanism will be reviewed. Should the number of returns exceed the numbers provided for above, this mechanism will be discontinued.
- 3) Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU,

and will cooperate with neighbouring states as well as the EU to this effect.

4) Once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated. EU Member States will contribute on a voluntary basis to this scheme.

5) The fulfilment of the visa liberalisation roadmap will be accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met. To this end Turkey will take the necessary steps to fulfil the remaining requirements to allow the Commission to make, following the required assessment of compliance with the benchmarks, an appropriate proposal by the end of April on the basis of which the European Parliament and the Council can make a final decision.

6) The EU, in close cooperation with Turkey, will further speed up the disbursement of the initially allocated 3 billion euros under the Facility for Refugees in Turkey and ensure funding of further projects for persons under temporary protection identified with swift input from Turkey before the end of March. A first list of concrete projects for refugees, notably in the field of health, education, infrastructure, food and other living costs, that can be swiftly financed from the Facility, will be jointly identified within a week. Once these resources are about to be used to the full, and provided the above commitments are met, the EU will mobilise additional funding for the Facility of an additional 3 billion euro up to the end of 2018.

7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.

8) The EU and Turkey reconfirmed their commitment to re-energise the accession process as set out in their joint statement of 29 November 2015. They welcomed the opening of Chapter 17 on 14 December 2015 and decided, as a next step, to open Chapter 33 during the Netherlands presidency. They welcomed that the Commission will put forward a proposal to this effect in April. Preparatory work for the opening of other Chapters will continue at an accelerated pace without prejudice to Member States' positions in accordance with the existing rules.

9) The EU and its Member States will work with Turkey in any joint endeavour to improve humanitarian conditions inside Syria, in particular in certain areas near the Turkish border which would allow for the local population and refugees to live in areas which will be more safe.

All these elements will be taken forward in parallel and monitored jointly on a monthly basis.

The EU and Turkey decided to meet again as necessary in accordance with the joint statement of 29 November 2015.

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