

The Migrant as a Political Object “Guests” in Turkey, EU Debates and the Middle Eastern Conundrum

By

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Turkish President Tayyip Recep Erdogan’s immediate and spontaneous reaction to the bomb blast in Istanbul’s historic Sultanahmet district on January 12, 2016 was that the suicide bomber was of ‘Syrian origin’.¹ This was elaborated upon by the then Prime Minister Ahmet Davutoglu the next day when the bomber was identified as Nabil Fadli, a Syrian national of Saudi origin who had links with the Islamic State.² The identification of the suicide bomber as a ‘Syrian’, who had entered Turkey as a refugee and had therefore gone undetected as a member of the Islamic State, was subsequently repeated while naming alleged bombers in the course repeated incidents of bombings in Istanbul and Ankara. It proved to be problematic in cases where the ‘Syrian’ identity was proved incorrect. On 17 February 2016, twenty eight people, mostly military officers were killed when a car bomb exploded at a busy intersection where buses carrying Turkish military personnel were waiting. The Turkish government blamed the Peoples’ Protection Units (YPG) the armed force aligned to the Democratic Union Party (PYD) the Syrian Kurdish group as responsible for the attack and specifically named Salih Nekar a Syrian national and member of YPG as responsible. It was later revealed that the man responsible for the Ankara blast was Abdalbaki Somer a Turkish citizen who had joined the Kurdistan Workers Party (PKK) in Syria. Subsequently an offshoot of the PKK, the Kurdistan Freedom Falcons (TAK) claimed responsibility.³ In any case whether there remains an identity that can be defined as ‘Syrian’ today remains questionable with constantly changing territorial control of the Syrian regime, the Islamic State and the Syrian Kurds creating areas of transient control and brutal sectarian and ethnic divides.

Turkey today is host to more than 2.75 million Syrian refugees and Turkey’s migration identity has shifted from being a country of emigration

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and transit to becoming a destination for immigrants and people fleeing conflict and therefore requiring an entirely new regime of legislation to deal with people who are identified as ‘guests’.⁴ Refugees however are increasingly becoming a political liability especially near border towns where Syrians can outnumber locals.⁵ A bomb blast in the frontier town of Suruc in July 2015 followed by the attack on a peace rally in Ankara’s central train station in October 2015, both of which resulted in significant casualties, and for which the Islamic State was identified as responsible, has heightened concern that Turkey’s open door policy for the Syrian migrants has made it easier for militants to enter Turkey.

However, more than security concerns there remains the problems of integrating a significantly large population with issues like work permit for the migrants remaining largely unresolved despite recent regulations.⁶ So the ‘Syrian’ refugee was already identified as problematic and largely tolerated as a political leverage vis a vis the EU. The identification of the bombers as ‘Syrian’ therefore impacts not just on security policies but also a host of other issues. In any case the “refugee question” is not one that is simply ruled by the logistics of a state that is unable to deal with the large numbers of ‘guests’. It is today intimately connected with projecting the ‘image’ of a migrant friendly state, of Turkey’s ambitions to join the European Union, of the EU’s own concerns about refugee influx and the discomfort of international human rights organizations about identifying Turkey as a ‘safe’ state for migrants. It also involves the issue of development of a parallel economy in Turkey supported by a surfeit of available migrant labour population on the one hand and the misgivings about the economic impact of the migrants on the other.⁷ The question is further complicated by Turkish ambitions in the neighbourhood that first led to aspirations in Syria, followed by hopes of a quick demise of the al Assad regime and subsequently support for the Syrian opposition. There is also the unexpressed but underlying Turkish-Greece rivalry that is centered on Cyprus but involves a number of other issues like the Aegean and minorities as well. Through all of this, and till very recently when there have been reports of migrants being fired upon and pushed back by border guards, Turkey kept its borders open for refugees. Camps were constructed along border towns though large numbers who did not enter the legal asylum system also moved on to larger urban areas. However, as the Syrian civil war continued and hopes of a quick return vanished, there began a movement towards Europe, that subsequently become a deluge.

The EU uneasiness with this movement towards its borders meant that Turkey was identified as the key to controlling refugee flows into Europe. And in an alleged act of support for the Turkish President and the ruling AKP it delayed the publication of the critical EU annual report on Turkey till after the November 2015 snap polls. In an analysis following the surprise victory of the AKP in the polls *Today’s Zaman* columnist Gokhan Bacik commented on this crucial delay and identified the EU as responsible for the growing authoritarianism in Turkey. He also argued that the EU was restricted by ‘strategic concerns’. While apparently contrary to the EU’s stated position on democracy and human rights, it is a fact that the release of the critical EU

annual report on Turkey had been delayed by weeks till after the polls. He went on to argue that the key to this apparent contradiction lies not in an implicit approval of ‘stability’ that President Erdogan has been advocating within Turkey but in a parallel global movement of migrants and a European necessity to convert Turkey into a ‘camp state’ much like Liberia in the mid nineteenth century. This critical role and leverage was reflected in an interview with the CNN on 12 November 2015 when President Erdogan threatened to increase migrant flow to the EU citing its inadequate contributions as a reason. “What would happen if the 2.2 million Syrian refugees all march to Europe,” was the question that he posed in the background of increasing numbers of European states closing their borders.⁸ The Turkish payoff came in the form of an immediate 3 billion Euros and an extra 3 billion in the coming years to help the refugees, a broadening of Turkey’s long stalled EU membership talks to include economic policy and critically for many Turks more visa free travel to Europe. In return the EU expected Turkey to curb transit by Asians seeking to reach Europe.⁹

By definition the movements of people involve at least two states and in many cases three or more as migrants transit through third countries to reach their destination. And in each concern for maintaining particular national identities, widely shared values and control over political institutions precludes a policy of open entry. As such there remains the need to look at the impact of migration beyond the narrowly economic or strategic. Migration not only feeds into the nationalist discourses of the sending and receiver states but also becomes a lens through which the relationship between the birthplace and the adoptive home is negotiated by the migrant himself. On the other hand there is an on-going debate within the European Union about how to deal with the crisis with states divided between those who would seek a solution to the conflicts to end migrant movements and others who are looking for a more equitable way to distribute them across Europe. The European Union today is deeply divided over how to cope with the influx of people from West Asia which is testing the principal of solidarity and making the Union look heartless and ineffective, pitting member states against each other and fuelling populism and anti-Islamic sentiments.

As large parts of what is defined as the greater Middle East gets embroiled in conflicts (resulting in human tragedies and movements across borders) and European states like Hungary respond with measures to confront what it terms threats to European ‘security, prosperity and identity’ and refuse the right to both resettlement and movement, there is need to re-engage both with the issue of forced migration as also the reaction of the receiver states in Europe. The question of the Syrian migrant therefore necessarily brings into focus Turkish motivations as also European response. While ‘civilizational’ commonality has always been at the centre of the EU process, it is not just a lack of this commonality that has made the largely Muslim migrants unwelcome, but also security concerns. Interestingly, some of security rhetoric has been generated by extremist organisations themselves. Migrants, for instance, were implicated in the orchestrated bombings in Paris on 13 November, which killed 132 people, as Syrian passports were found

near the bodies of two of the suspected Paris attackers which, according to news agencies were fakes made in Turkey. The passports planted as a strategy by the Islamic State to discredit the “refugees” and encourage Europe to close its borders, was an attempt to encourage a reverse movement but also generate fresh grounds for recruitment for the Islamic State.

As such the article will reflect on how in recent years the migrant has become a political object capable of influencing global policies but also the ‘image’ of states. While taking note of the fact that the recent increase in the volume of forced migration worldwide would lead to increasing irrelevance of institutions, norms, and laws as probably also a re-definition of the cultural identity of their destination, i.e., Europe, one is tempted to question why the migrant remains an ‘abnormal subject’ caught between borders that seem ubiquitous and therefore vulnerable by definition. The question of the Syrian migrant is also closely related to developments in Turkey’s internal politics and its neighbourhood but also to recent global realignments. As such migrants are caught in the midst of a vulnerable regime’s definition of its core areas or “useful Syria”, unprecedented violence and the cross fire between the Islamic State, the Syrian Kurdish army and states reluctant to host them, but also their identification as useful pawns in the global migration debate. The continuing migrant issue, which has gripped public imagination, is today a game changer not just for the states in the region but also for large parts of Europe. It has also become the winning card for securing electoral capital. Strategically capitalizing on this discourse is a number of leaders who have been on the receiving end of electoral ire, like the Turkish President Erdogan.

Erdogan, Turkey and the Syrian Crisis

When the Syrian conflict began with pro-democracy protests against President Bashar al Assad, there was a general belief, shared by Turkey, that the fall of the regime was imminent. Nearly five years down the line, with hundreds of thousands dead and more than 15 million refugees this has been proved to be incorrect. The conflict has also acquired sectarian overtones. To this conundrum was added the possibility of a US trained force of “moderate rebels” to fight the Islamic State on the ground, the fact that Iran and Russia have helped and called for support for the al Assad regime while Turkey and Saudi Arabia have called for the making of a Sunni army.¹⁰ These lines are unlikely to be blurred by the recent nuclear deal signed between Iran and six major world powers. One of the first signs of this is the fact that the Syrian President referred to the deal as a major turning point in the history of the region and sought greater support from Iran in the regime’s conflict with the opposition.¹¹ The conflict, as also the fact the two countries face a common adversary in the Islamic State, on the other hand has been one of the reasons for the United States to improve its relations with Iran. This is compounded by the insecurity of neighbouring states like Turkey where the media is now abuzz with the news that the Turkish military has been asked to create a neutral zone along the 100 km border with Syria which would not only contain the Islamic State but also prevent the creation of a Kurdish state along

Turkey’s south eastern border and keep the Syrian refugees within the borders of Syria. Syrian Kurdish fighters are now in the offensive in northern Syria and control a long stretch along the Turkish-Syrian border.

The Syrian crisis has become a test case for Turkey’s new foreign policy. Unlike Egypt, Tunisia and Libya, Turkey not only served ‘as a source of inspiration’ in Syria but had wanted to play a more active role in the process, revising its policies in response to emerging circumstances. Between March 2011 and May 2012, Turkey’s policy towards Syria changed from pressure on the al-Assad government for constitutional reform, to attempts at unifying dissident groups under a single roof and promoting international sanctions to a return towards efforts for a UN based solution (the Annan Plan). In terms of rhetoric the change was from “Syria is not a foreign affair but a domestic affair for us” to the “Annan Plan is an opportunity for Syria”.¹² Turkey’s policy, based on the rhetoric of being a “playmaker country in the Middle East”, however, encountered strong resistance in Syria. And Turkey’s objective of establishing an EU like Union in the Middle East, which began with its ‘zero problem’ discourse and its claim of being a ‘model’ for the countries of the region suffered because of the Syrian crisis.¹³ Determined to balance its global expectations and regional objectives Turkey aimed towards the down fall of the Assad regime relying on its strength in the Arab streets and support to rebels including radical groups like the al Nusra, to ensure a rapid outcome. This tolerance for the radical opposition in Syria, which is believed to have contributed to the growth of Islamic State sleeper cells within Turkey, is now being identified as a one of the reasons for the spillover of the conflict into Turkey and repeated terror attacks not just in the south east but also Istanbul and Ankara.¹⁴ On the other hand there have been misgivings about the use of refugee camps by the opposition fighters who have used the camps for recruitment and recovery.¹⁵ In the wake of the Suruc terrorist attacks, Ankara gave permission for the use of the Incirlik Air Base by Washington in the anti Islamic State coalition.¹⁶ In return Washington agreed to the formation of a “buffer zone” within Syria. The US administration was careful not to use the term “no-fly” zone because of legal and geo-strategic complications with Russia and Iran, but to refer to it as the “Islamic State free zone”.¹⁷ This prioritizes the fight against the Islamic State rather than targeting the Syrian regime and the US continues to support the Syrian Kurds, that is, the PKK affiliated Democratic Union Party (PYD) on the ground.

Developments in the Syrian civil war have also had an impact on the ongoing peace process with the PKK (Kurdish Workers Party). When the Syrian crisis started in March 2011, Syria’s Kurds adopted an ambivalent position. However, in July 2012 they took control of several cities in the north where Kurds are in a majority. The Kurdish Democratic Union Party (PYD) which governs this region, bordering Turkey, is affiliated to the PKK and has clearly expressed an interest to form an autonomous zone in Syria comparable to Iraqi Kurdistan, a move Ankara opposes. Turkey’s Syrian policy, in which President Erdogan had sought President Bashar’s overthrow, became counterproductive for Turkey when it contributed to bringing Syrian Kurds into the fray. Turkey which has battled domestic Kurdish insurgency for

decades and has only recently begun negotiations for conciliation, fears the domestic consequences of the creation of a contiguous area under Kurdish control.¹⁸ In a sense of course it was Turkey’s anti-Assad policies and support for anti-Assad groups that generated the pro-Kurdish outcome. This was compounded by the results of the June 2015 election in Turkey where the pro-Kurdish HDP (Democratic People’s Party) crossed the 10 percent threshold for the first time. President Erdogan was aware that the 13 percent vote that the HDP received was a principle reason why the AKP failed to get a majority. Anti-Kurdish policies were renewed both domestically and in the neighbourhood and predictably there were attacks on Turkish soldiers and police officers in the Kurdish dominant south-east and clashes between Kurdish militants and Turkish forces that left casualties on both sides. The result has been a campaign of violence that culminated in the bombings on a procession in Ankara on 10 October (subsequently blamed on the Islamic State) which was calling for resumption of peace talks between the PKK and the Turkish state.

In the last weekend of June 2015 it was reported by a number of news dailies that President Erdogan was planning a military intervention in northern Syria to prevent Syrian Kurds from forming an independent state on the Turkish border. In a speech on 26 June Erdogan vowed that Turkey would not accept a move by Syrian Kurds to form their own state in Syria following gains by Kurdish fighters against the Islamic State.¹⁹ That Turkey was uncomfortable with the Syrian Kurdish victories in northern Syria was evident in a number of reports that indicated that Turkish air strikes were targeting Kurdish strongholds rather than the Islamic State.²⁰ It was reported that the military had been given orders to take measures, including an incursion into Syria, to stem possible advances by the Islamic State or the PYD and prevent changes in the demographic composition of the Syrian provinces near the Turkish border.²¹ The Turkish military however, urged the government to work out diplomatic avenues before the incursion arguing that Turkey should present reasons stronger than the possible emergence of a Kurdish state in northern Syria as a reason for the deployment. Military officials were concerned that if done without prior consultation with states like Russia, the military action would be brought into question and this could also spark military confrontation with the PYD, Islamic State and government forces. They also argued that the Syrian regime should be consulted so that the operation does not violate international law.²²

Domestically, recent attacks on the HDP and PKK have been vindicated in terms of ‘nation under threat’ and to encourage voters into supporting President Erdogan’s ‘security first’ agenda. The justification for change was couched in terms of an effective executive state more capable of facing terrorism, civil war, economic decline and corruption. Davutoglu had stressed on what he referred to as a “terror cocktail” of the PKK, the Islamic State and the Revolutionary People’s Liberation Party Front, all of who wanted chaos in Turkey, thereby appealing to nationalist elements.²³ The AKP election campaign for the November polls was based on the looming crisis and the slogan “after us there is chaos” and its subsequent victory hailed as

“victory for democracy” and the fact that democracy and terrorism do not mesh well. Predictably enough President Erdogan in his first major speech prioritized discussions among Parliamentarians for a completely new constitution which would introduce a Presidential form of government since the current one has ‘lost its relevance and become full of details’. He also underlined that Turkey would keep up its fight against the PKK until the rebel group is “eliminated”.²⁴

The failure of the Arab Spring and the Muslim Brotherhood in maintaining its authority, shifts in the geopolitical landscape with Russia getting increasingly involved in the Middle East and the trajectory of the Syrian conflict itself has meant that from being identified as one of the major players in the post Arab Spring Middle East, Turkey is now faced with a failed foreign policy, and a failed peace process in the south east. Turkey has also been unable to integrate strategic shifts on the political and military front into its policy making particularly in Syria as it has equated the Syrian Kurdish Democratic Union Party (PYD) with its armed wing the Peoples’ Protection Units (YPG) and the insurgent Kurdistan Workers Party (PKK). While this serves domestic Turkish politics, it also means that Turkey is now at odds with both Russia and the United States which recognizes the usefulness of the Syrian Kurdish fighters in the war against the Islamic State. Sending ground troops into Syria would mean confrontation with Russia with no guarantee of support from its own allies. Not intervening would mean the creation of an autonomous Kurdish enclave in northern Syria and the defeat of the opposition that Turkey has been supporting. Turkey has also sought to revive demands for the creation of a safe zone in northern Syria to protect civilians who otherwise enter Turkey as refugees.

On the other hand Turkey has yet to make major advances against the Islamic State. What complicates the issue is allegations that Turkish middlemen are engaged in oil trade with the Islamic State. In an article entitled “Is Turkey Buying Oil from the Islamic State” Bilge Yabanci argues that the Islamic State today is the richest terrorist organization in the world principally because of the millions of dollars from the illicit trade in oil from the generates \$1-3 million a day.²⁵ This has also become a strategic weapon and interestingly enough even rebels fighting the Islamic State in the north of Syria are its customers. While there have been suggestions about the involvement of Turkish middlemen in the transportation of this oil, it was Russian President Putin who articulated the accusation in the aftermath of the shooting down of the Russian jet by Turkey on the Syrian border. Within Turkey a censorship restricted press has not been involved in this debate and the opposition MP Eren Erdem who raised the issue in the Turkish Grand Assembly has been branded as a member of Fathullah Gulen’s illegal “parallel structure”. Turkish President Erdogan responded to the Russian claims by noting that it was Syrian President Assad, propped by the Russians who are the largest consumer of this oil. While accusations and counter accusations continue, so does the trade which thrives not just through middlemen but also as an attractive source of income for the people living along the porous

border areas. While the Turkish predicament defines one side of the migrant story the other is circumscribed by the European response.

Migrants, European Union and Turkey

By the time the body of a second young child, this time a young girl, washed up on the shores of Turkey, reactions had become muted and attitudes stoic. In the meantime headlines had changed from stories of drowned migrants to how the crisis was dividing Europe. In any case, migrant deaths off the coast of Turkey, as overcrowded dinghies and ferries collided, had become commonplace. And the image of a young toddler in a red shirt, that had gone viral and created outrage and demands for the European Union to put together a plan to deal with the migrant crisis, had moved off the front pages. These incidents are neither isolated nor confined to the Turkish shores. On the same day, in end of August this year, twin migrant tragedies were reported--- one where 71 refugees including a baby girl were found dead in an abandoned freezer truck in Austria and another where Libya recovered the bodies of 82 migrants who had been washed ashore after their over-crowded boat had sunk on its way to Europe. Migrant tragedies while crossing the Mediterranean has been increasingly in the news and like the victims of the freezer truck tragedy in Austria those washed ashore were also probably from Syria and Iraq. This brings to the forefront the question of what impels asylum seekers to undertake this journey. In order to do so it is necessary to come to an understanding of what asylum seeking in Turkey involves in the light of the geographical limitation clause of the 1951 Convention and the continuing conflicts in its Asian neighbourhood.

Seeking asylum in Turkey involves a unique arrangement between the UNHCR, Turkey and the country of resettlement. Turkey does not grant non-European asylum seekers “refugee status” due to a geographical limitation reservation and as a result non European asylum seekers cannot stay in Turkey permanently. Instead they enter a three step process. As they first enter the country they are able to register as ‘temporary asylum seekers’. If their asylum application is accepted they are then allowed to stay temporarily in Turkey as they wait for a third country to offer them permanent resettlement. During this process they are placed in a small city or town in Turkey or a camp from which they are not allowed to leave. UNHCR pamphlets say that there is usually a three year wait for the entire re-settlement process, though in actuality the process takes longer. What makes the situation precarious during this period is that the aid from NGOs and the UN is generally insufficient for the refugee and his or her family to subsist on. To meet their needs they need to work. However, till very recently, as ‘guests’ Syrian refugees were not allowed to work legally as they were not given work permits. Recently, the Turkish government published new regulations allowing Syrians who have been in the country for more than six months to apply for work permits in the province where they are registered with the provision that they will be paid at least minimum wages. ²⁶Even with the recent legislation allowing Syrians work permits the degree of employer

involvement necessary to obtain it and the lack of incentive to do so for unskilled or semi skilled work has meant that less than 0.1% of Syrians in Turkey stand to gain. Many employers are unaware of or unwilling to give work permits as this will necessitate giving workers minimum wages. More problematically the law requires an employer to give his employees a contract before they can apply for a permit. But this is an unattractive proposition since Syrians are often employed precisely because they can be easily exploited.²⁷ Also, as Kamyar Jarahzadeh argues, in the course of his study of Afghan refugees in Turkey increasing ‘formal citizenship’ through registering as a refugee often does not automatically lead to the acquisition of ‘substantive citizenship’. In fact, in most cases it entails sacrifice of the freedom that comes with remaining undocumented since as a temporary asylum seeker in Turkey he agrees to stay in the city to which he is assigned. As such they consider it a more attractive option to apply for asylum status once they reach Europe.²⁸

Most make the precarious crossing across the Aegean to Greece to begin with and then wait for entry to other European states. The assumption is that entry into a Schengen state will automatically facilitate movement to their desired destination in Europe. Unfortunately, this has not happened in practice and Hungary’s reaction is an example. Hungary, situated in Central Europe and a Schengen passport free zone, has in recent times been seen as a gateway by migrants bound for other parts of Europe. Unfortunately for the migrants, Hungary’s negative reaction has been matched by comments made by its Conservative Prime Minister Victor Orban, who has clearly indicated that Hungary identifies the Muslim migrants as a threat to Europe’s Christian heritage. Orban has accused Germany of encouraging the influx and rejected the European Commission’s proposal for mandatory quotas to distribute the migrants throughout the EU. This is probably reflective of the fact that there has always been a ‘civilizational’ image to the European Union that requires recognition of a system of values shared by all members. It was this, for instance, more than any other administrative requirement that prevented Turkey’s entry into the European Union since there is widespread opinion that Turkey as a ‘Muslim’ country has a different set of traditions and values and a different mentality. It is this lack of ‘civilizational’ commonality that has made the largely Muslim migrants unwelcome, not just by the Hungarian state but also large numbers of its people.

There is an ongoing debate within the European Union about how to deal with the crisis with states divided between those who would seek a solution to the conflicts to end migrant movements and others who are looking for a more equitable way to distribute them across Europe. The Pope himself called on every European parish and religious community to take in one migrant family each as a gesture of solidarity and declared that he would start it in the Vatican. During a visit to Greece he took back with him three families, a total of ten persons, who were chosen by drawing lots back with him. While essentially symbolic it also indicated the Church’s support for the refugees remains significant. However, this as well as debates in Canada and Australia would then revolve around whether this resettlement would be

without discrimination based on religion. The extent of this divide became evident when Germany’s Labour and Social Affairs Minister pointed that the migrant crisis could impact upon the ‘idea of Europe’. Of course the history of the ‘idea of Europe’ remains contested and there are ongoing debates about what people thought Europe meant as a set of values and therefore its relative place as a civilization. Although there are elements of continuity, these views have also evolved through the centuries.²⁹ In recent times, the ‘idea of Europe’ has been closely associated with the question of migration.

Without question, migration has become an issue central to the future of Europe..... The EU integration process has put the international mobility of persons--- the free movement of workers at the heart of the economic dynamic. The problem of growing asylum seeking and a decline in the receptiveness of member states to the obligations of post war international refugee law, remain high on the political agenda. ³⁰

In more recent times a ‘civilizational’ concept seems to have evolved with the development of the idea of a borderless space. It is therefore ironic that states that had once argued for removing border fences and walls are, in the face of migrant flows, now busy constructing them. It is also significant to remember that traditionally even within West European states themselves there was a difference between the guest-worker and the post-colonial based immigration regimes. In a guest worker regime such as Germany, at one point, the state actively encouraged immigrants into the country. In a post colonial regime like Britain, immigration was never actively solicited but according to Christian Joppke passively tolerated for the maintenance of the empire. He goes on to argue that differently developed moral obligations towards immigrants in different regimes help explain variations in European states’ reaction to migrants. ³¹There are a number of reasons why migration into Europe remains a problem with few solutions. The first remains the fact that the political chaos in the Middle East shows little signs of abating while there remains a significant gap between the income levels in Europe and parts of Asia, sub Saharan Africa and the Middle East. Labour migration will therefore persist in the near future. Secondly, Europe’s history has been one of immigration and in any case sluggish growth in parts of southern Europe makes the possibility of jobs for the migrant low. And finally, the migrant situation also creates xenophobic conditions and right wing reactions encouraging a spectrum of anti-immigration policies. ³² In fact when EU leaders met in 2003 to draft a European Union Constitution, the weak cooperation on immigration was brought into focus. The Convention on the Future of Europe considered extending Brussels’ control over immigration. However, harmonization of the new EU policy was not just opposed by Euro skeptics but also Germany who insisted on a ‘national veto’ on the numbers of immigrants admitted.³³ This has prompted analysts to argue that EU and member state migration policies converge in one direction: towards effective restrictions and exclusion of further non European migrants. Favell and Hansen go on to argue that beyond hostility to the sudden arrival of visible

minorities this is also conditioned by the fact that asylum channels distorts the ability of the market to select the most appropriate workers for low level economic opportunities that exist.³⁴ They go on to argue that it is this control of migration processes by the market rather than European attitudes and policies on migration that is determining migration policies.

A central issue facing the European Union therefore remains the fact that there is no cohesive policy on how to deal with asylum seekers. The lack of a common system has also been compounded by the principle that refugees may apply for asylum only in the country where they land. This places the burden of refugees on Greece, Italy and to an extent on Spain. But many migrants wish to travel further north to Germany or Scandinavian countries where they have better prospects. This has encouraged the Italian Prime Minister to threaten to issue Schengen visas to them so that they can go wherever they want in Europe. Josef Janning, senior policy fellow at the European Council on Foreign Relations argues that EU states will first have to agree on a standard definition of who is eligible for political asylum and then streamline the process for all member states.³⁵ He argues that since there is no common definition too many individuals are being entered into the asylum process which means that many who require it are actually getting stuck in the pipeline. He goes on to argue that a single market and a common space also imply a common understanding of how to deal with individuals entering the country. The solution is seen in terms of a common continent-wide asylum policy on the one hand and on the other a migration policy that acknowledges these flows rather than resisting them.

In reality the deal with Turkey reflects neither. The final deal that has been made with Turkey indicates that all illegal migrants arriving in Greece will be accepted back by Turkey and for each migrant sent back a Syrian in Turkey will be accepted by the EU.

- All new irregular migrants crossing from Turkey to the Greek islands will be returned to Turkey, with the EU meeting the costs. Irregular migrant means those outside normal transit procedures, i.e. without documentation. The term "illegal migration" usually refers to people smuggling
- In exchange for every returned Syrian, one Syrian from Turkey will be resettled in the EU
- Plans to ease access to the EU for Turkish citizens will be speeded up, with a view to allowing visa-free travel by June 2016
- EU payment of €3bn promised in October will be speeded up, and a decision will be made on additional funding to help Turkey deal with the crisis. Turkey asked for EU aid to be increased to €6bn
- Preparations will be made for a decision on the opening of new chapters in talks on EU membership for Turkey.³⁶

It has been argued that the deal is fraught with legal and moral concerns. Vincent Cochetel, the UN's regional coordinator for the refugee

crisis in Europe, said: "An agreement that would be tantamount to a blanket return of any foreigners to a third country is not consistent with European law."³⁷ In any case it leaves a number of questions unanswered, the principal one being whether the one in one out deal was logistically and morally possible. It also raised a number of other issues.

- The “One in One Out” system only applies to Syrians. What happens to other illegal migrants from Afghanistan for instance?
- What would happen to the illegal migrants who are already in Greece?
- The biggest problem remains the migrant himself. Having once tried and failed, would they not attempt to try other routes?
- Would all EU states be willing to accept the migrants who are sent in exchange of migrants sent back to Turkey? Hungary’s anti-migration Prime Minister has already indicated that he would veto any resettlement deal.
- Similarly Turkey’s quest for visa free access for all its citizens to Schengen countries would itself draw criticism from the EU states.
- In any case the future of Schengen itself is under reconsideration as eight of its members have imposed temporary border controls. British Prime Minister David Cameron said that there was no prospect of the UK joining a common European asylum policy. The UK is not in the passport-free Schengen zone, although it has signed up to the EU’s Dublin regulation, which obliges member states to take responsibility for refugees who arrive in their country first.
- Turkey’s recent restrictions on its domestic media including the recent seizure of the newspaper *Zaman* and academics who protested against these restrictions has meant that Turkey’s bid for EU membership is under review.

With the resignation of Ahmet Davutoglu as Prime Minister and his replacement with Binali Yildirim another Erdogan loyalist, the future of the Turkey –EU Refugee Deal is in crisis. The deal hinged on visa free travel for Turkish citizens in the Schengen zone for which Turkey would have to fulfill 72 criteria outlined in the 2013 deal. While 67 of these have been fulfilled Erdogan is unhappy with the Anti Terror Laws that Turkey would have to amend in line with EU expectations along with anti-corruption laws. In the line of fire was a decision to strip parliamentary members, accused of supporting the PKK of immunity. At least 138 members of Parliament have been accused of supporting the PKK. This was followed by a failed coup on the night of 15 July 2016 where pro coup soldiers had attempted to take control of the Bosphorus Bridge and the Parliament. By next morning Prime Minister Binali Yildirim, declared the situation to be under control and the morning headlines in *Hurriyet* noted that the two opposition parties, the Republican People’s Party(CHP) and the Nationalist Movement Party (MHP) had announced their stance against the coup attempt. The coup however provided the impetus to accelerate the process of constitutional amendments

and the transformation of Turkey into Presidential form. The ‘Yes’ vote won by a slim majority in the 16 April 2017 Referendum. While the margin led to introspection in many quarters the President declared it to be a favorable verdict and in his first post referendum speech reiterated his call for the reinstatement of the death penalty. If this is more than mere posturing on the part of the President then it will be a deal breaker for Turkey’s admission process in the EU. This would also jeopardize fate of other transactional relationships including the EU-Turkey Refugee Agreement.

In Lieu of Conclusions

In a scathing criticism of the EU-Turkey deal *Today’s Zaman* columnist Gokhan Bacik argued that the EU-Turkey ‘bargain’ on refugees can easily be interpreted as a post modern return of the slave trade to western diplomacy.³⁸ The subsequent takeover of control of the newspaper by the Turkish state for alleged financial misappropriations is well known and is probably the result of such critical columns that appeared regularly. While attacks on the press and individuals for critical comments about the President and the increasingly authoritarian AKP control within Turkey is well documented, it seems that Turkey’s ability to influence European politics has also increased. President Erdogan invoked a law that most European states follow that prohibits insults against friendly heads of states to punish German comedian Jan Boehmerman for a satirical poem about him with the approval of German Chancellor Angela Merkel. Of course Merkel promised to remove this clause by 2018 and in a smart move German Foreign Ministry added a travel advisory to German travelers to Turkey, “It is strongly advised not to make public political statements against the Turkish state and not to express sympathy for terrorist organizations”.³⁹ Erdogan also arrested Dutch writer Ebru Umar for tweets she had sent about him prompting a front page editorial cartoon in the Dutch populist daily *De Telegraaf* which shows Erdogan as an ape crushing Europe’s free speech.⁴⁰

Within Turkey 1128 academics who had signed a petition calling for a return to peace negotiations with Kurdish forces are currently either under investigation/ have been dismissed/ suspended or jailed. The media is state controlled and critical columns in newspapers like *Today’s Zaman* have led to subsequent takeover of control of the newspaper by the Turkish state for alleged financial misappropriations. A few days after the EU Turkey agreement, President Erdogan is said to have declared, “Democracy, freedom and the rule of law.....for us these words have absolutely no value any longer” an unambiguous rebuttal of the fundamental values that the EU embodies.⁴¹ Respect for human rights and freedom of expression lies at the heart of what the European Union projects as its ‘image’. It is being argued that a deal with Turkey would affect its image as a normative power. The deal also violates the EU’s own legislation. Under the Asylum Procedures Directive, Turkey has to be recognized either as a safe third country where Syrians could have applied for protection or a first country of asylum where they had protection. In either case the bare minimum requirement is that the

applicant be recognized as a refugee who benefits from the principle of non refoulement (non return to a safe country). Since Turkey maintains a geographical limitation for non European asylum seekers and Syrians can only be recognized as temporary asylum seekers with no access to refugee protection, this basic requirement is not fulfilled. In an interesting reversal of the apprehension about the migrants’ ability to transform this ‘idea of Europe’, it now seems that the man designated to keep them out of Europe has brought this into question. Europe seems to have arrived at the post Schengen era in more ways than one.⁴²

Notes and References

¹ “Syrian suicide bomber thought to be behind Istanbul blast-Turkey’s Erdogan”, *India Top News*, Ankara, Tue Jan 12, 2016, 6:49am EST

²Ladle Kendal, “Turkey should be watchful for fresh suicide attacks”, *Today’s Zaman*, January 14, 2016.

³ Ravel Holland, “The February 17 Ankara Bombing: Who Profits?” *Independent Turkey*, 24 February 2016.

⁴Rebecca Kilberg, “Turkey’s Evolving Migration Identity”, *Migration Policy Institute*, July 24, 2015, www.migrationpolicy.org/article/turkeys-evolving-migration-identity.

⁵ For a detailed study see Sonar Cagaptay, *The Impact of Syria’s Refugees on Southern Turkey*, The Washington Institute For Near East Policy, Policy Focus 130, July 2014 where she argues that refugees now represent a significant percentage of the population in provinces like Hatay, Kilis, Gaziantep, Sanliurfa and Mardin are altering their ethnic and sectarian balance. In provinces like Hatay where the population is mostly Alevi the situation is further complicated by their traditional dislike of the AKP and its policies in Syria and support for the Syrian regime.

⁶ For details see Ahmet Icduygu, “Syrian Refugees in Turkey: The Long Road Ahead”, *Migration Policy Institute*, April 2015, www.Migrationpolicy.org/research/Syrian-refugees-turkey-long-road-ahead.

⁷ See for instance, *Effects of Syrian Refugees on Turkey*, ORSAM Report, No 195, January 2015, which argues • If the effect of the Syrian refugees on the Turkish economy is examined in detail, it is apparent that risks and opportunities are closely intertwined. • There has been an increase in rental prices and, as a result, it is often difficult to find affordable rentals. • There has been an increase in inflation in border cities. • Hiring illegal workers is spreading, especially among small businesses. • There is unfair competition between businesses that hire illegal workers and companies that do not employ illegal workers. • Locals believe that job opportunities have been taken away from them. However, when investigated, the effect is not existent. People who might lose their jobs under normal circumstances believe that they have lost their jobs because of Syrian refugee workers. In reality, Syrians are generally employed in areas that locals are not willing to work in. Thus, Syrians meet the demand in unskilled labor. • Syrians filling a demand for labor creates a suitable environment for investment. • There has been an important decrease in wages in areas with Syrian refugees. • The fact that humanitarian aid material distributed to the Syrians in Turkey and Syria are supplied from local Turkish firms creates an opportunity for many of them, especially those involved in the food and textile industries. • Investors and merchants have moved operations from Syria, especially from Aleppo, to Turkey. Mersin’s harbor and sea access make it a top choice for Syrians. Another city attractive to the Syrian investors is Gaziantep. • The number of Syrian companies

registered with the Gaziantep Chamber of Commerce was 60 before the Syrian crisis. By the end of October 2014, the number rose to 209. • It has been suggested that a large business opportunity has been lost in channeling Syrian investments to Turkey. • Syrian investors and merchant who have good relations with the Middle East contribute to the commerce and investments in the region. • Syrians contribute to production related to the smaller businesses (bakery, shoemaking etc.). However, since most of these small shops are unregistered and they also escape legal responsibilities, they result in losses in tax revenues. Both situations cause unfair competition

⁸“Erdogan: What will happen if 2.2 million Syrian refugees walk to Europe”, *Today's Zaman* November 13, 2015.

⁹ See for instance, Laurence Norman and Emre Peker “European Union Reaches Deal with Turkey on Migration”, *The Wall Street Journal*, Nov 29, 2015.

¹⁰ Plans to train moderate rebels were later scrapped with Washington moving towards working more closely with Kurdish and other forces in Syria. See Simon Tomlinson, “US scraps its \$500 million programme to train moderate rebels after producing less than 80 soldiers, most of whom were either shot or ran away”, Mail Online, 9 October 2015.

¹¹Sylvia Westall and Tom Perry, “Iran Deal Heartens Syria’s Assad, Worries Rebels”, Reuters, Beirut, July 14, 2015.

¹² Prime Minister Erdogan cited from Dogan Ertugrul, “A Test for Turkey’s Foreign Policy: The Syria Crisis”, TESEV Foreign Policy Programme, www.tesev.org.tr/Upload/Publication

¹³ Since the end of the Cold War Turkey’s relations with Syria have gone through two major transformations. Historically the problematic relations was transformed into close partnership between 1998 and 2011 after the signing of the Adana Agreement before relations deteriorated in the wake of the Syrian uprising when Turkey supported the opposition. This has been explained in terms of regional politics by Meliha Benli Altunisik. See Meliha Benli Altunisik, “Explaining the Transformation of Turkish Syrian Relations: A Regionalist Approach”, in Raymond Heinnebusch and Ozlem Tur (eds) *Turkey Syria Relations, Between Enmity and Amity*, Burlington: Ashgate, 2013 pp178-191.

¹⁴ See Kemal, “Turkey Should be watchful for fresh suicide attacks”.

¹⁵ See Souad Ahmadoun, “Turkey’s Policy Towards Syrian Refugees: Domestic Repercussions and the Need for International Support”, German Institute for International and Security Affairs, SWP Comments 47, November 2014.

¹⁶ On July 20, 2015 a suicide bomber killed 32 people in Suruc a Turkish town on the borders of Syria. The bombing targeted members of the Socialist Party of the Oppressed and the Socialist Youth Associations Federation who had gathered at the Amara Culture Centre to participate in the rebuilding work at Kobani.

¹⁷ See Omer Taspinar, “A Risky Turning Point for Turkey”, *Today's Zaman*, July 29, 2015.

¹⁸ See among others “Turkey confesses fears to US of Syrian Kurds making territorial gains”, 7 January 2016, www.rt.com/news/328201-turkey-us-kurds-territory

¹⁹Cited from Thomas Seibert, “Turkey Plans to Invade Syria, But To Stop the Kurds, Not ISIS”, *The Daily Beast*, 28 June, 2015.

²⁰Sylvia Westall and Humeyra Pamuk, “Kurdish militia in Syria accuses Turkey of ‘provocative’ attacks”, Reuters, Beirut/Istanbul August 1, 2015, www.reuters.com/articles/us-kurds-turkey-idUSKCNOQ632X20150801.

²¹“Turkey ponders possible military incursions into Syria”, *Today's Zaman*, June 29, 2015.

²² “Army Asks Government to work out political and diplomatic avenues before Syrian incursion” *Today's Zaman*, Ankara, 28 June 2015.

²³Metin Gurcan, “Would you like your terror straight up or as a cocktail?”, *ALMONITOR*, Turkey Pulse, 22 October 2015.

²⁴“Erdogan wants ‘completely new constitution’ for Turkey”, *ALJAZEERA*, 4 November 2015.

²⁵ Bilge Yabanci, “Is Turkey Buying Oil From the Islamic State?” Op Ed Article, *Independent Turkey*, March 2, 2016. The article has a map indicating how the oil is transported out of Syria.

²⁶ “High Commissioner welcomes Turkish work permits for Syrian refugees”, UNHCR News Stories, 18 January 2016.

²⁷ Patrick Kingsley, “Fewer than 0.1% of Syrians in Turkey in line for work permits”, *The Guardian*, Monday 11 April 2016.

²⁸ Kamyar Jarahzadeh, *Identity at the Fringes of Citizenship: Experiences of Afghan Refugees in Turkey*, Berkeley Undergraduate Journal 26, no.3, (2013).

²⁹ Michael Wintle, “The History of the Idea of Europe”, *Perspectives on Europe*, 43, 1, Spring (2013).

³⁰ Adrian Favell and Randall Hansen, “Markets against Politics: Migration, EU enlargement and the Idea of Europe”, *Journal of Ethnic and Migration Studies*, 28, no 4, (2002) :581-601

³¹ Christian Joppke, “Why Liberal States Accept Unwanted Immigration”, *World Politics*, 50, no 2, (1998).

³² Branko Milanovic, “Five Reasons Why Migration Into Europe Is a Problem With No Solution”, *Social Europe*, 24 June 2015.

³³ Adam Luedtke, “European Integration, Public Opinion and the Immigration Policy: Testing the Impact of National Identity”, *European Union Politics*, 6 no 1, (2005).

³⁴ Favell and Randall Hansen, “Markets against Politics: Migration, EU enlargement and the Idea of Europe”.

³⁵ “Migrant Crisis Creates Test for the Idea of a Borderless Europe”, CNBC, 3 September 2015.

³⁶ “Migrant Crisis: UN Legal Concerns Over EU-Turkey Plan”,

³⁷ Migrant Crisis: UN Legal Concerns Over EU-Turkey Plan”,

³⁸ Gokhan Bacik, “European Diplomacy from Slave Trade to the Refugee Trade”, *Today's Zaman*, October 22, 2015.

³⁹ Burak Bekdil, “Erdoganistan Travel Tips”, *Hurriyet Daily News*, 22 April 2016, cited from The Middle East Forum, mefnews@mefoforum.org

⁴⁰ Adam Taylor, “Dutch newspaper publishes cartoon depicting Turkey’s Erdogan as an ape crushing free speech”, *The Washington Post*, 25 April 2016. See also Semih Idiz, “Erdogan’s wrath against satire expands”, *ALMONITOR Turkey Pulse*, 26 April 2016.

⁴¹ Cited from, Halil Gurhanli, “EU-Turkey Readmission Deal: How All Sides Have Lost”, *The Turkey Analyst*, 8 April 2016.

⁴² For a detailed discussion see, Ranabir Samaddar, “Human Migration as Crisis of Europe”, *Economic and Political Weekly*, Vol L No 51, December 19, 2015.