

IKV BRIEF

TURKEY-EU REFUGEE DEAL AND VISA LIBERALISATION: HOW TO SECURE LONG-TERM COOPERATION

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The refugee issue continues to haunt the EU. On August 29, some 6500 migrants were saved off the coast of Libya by the Italian coastguard¹. Ever-increasing numbers of people fleeing their countries in search for security and welfare is a global phenomenon that is likely to continue in the coming years with no easy and ready-made solutions. A comprehensive and open approach to the refugee crisis based on humanitarian considerations should take precedence especially in countries with the resources to assist refugees. However, this statement constitutes wishful thinking at best having in mind the declining rates of growth in developed countries, increasing global competition, and upsurge in right-wing populism and xenophobia. The fact that one of the two Presidential candidates in the U.S., itself a nation of immigrants, in fact proposed building a wall on the Mexican border funded by the Mexican government can be mistaken for a scene from a black comedy. Under these global conditions of rapid change akin to Marx and Engels' phrase "all that is solid melts into air", people are increasingly driven to their basic identities and search for security in the face of changing circumstances which increases the appeal of populist leaders who are able to manipulate feelings of anxiety and uneasiness.

Most EU Member States are experiencing a dilemma between the humanitarian needs of open refugee and migration policies and security challenges of maintaining open borders. Germany's Angela Merkel facing federal elections next year is under pressure from an increasingly anti-immigration, security-conscious public. Germany, the leading EU Member State in terms of accepting refugees with nearly one million newcomers in 2015, is finding it hard to persuade other member states to be more open to the plight of refugees fleeing fear and want. Hungary is to hold a referendum on the issue on October 2 while countries such as Poland and Austria are also quite hesitant about accepting more refugees. Most of the Member States have not delivered on their commitments to accept refugees under the relocation program agreed in May and September 2015 to relocate a total of 160,000 refugees over 2 years from EU Member States most affected by increasing asylum applications, i.e. Italy, Greece and Hungary².

According to latest figures published by the European Commission as of 29 August, more than half of the 160,000 refugees agreed under the relocation commitment by the Member States have still not been relocated. While France has been the leading country with 1413 relocations from Greece and 231 from Italy, Austria and Poland have not

¹ Hürriyet Daily News, "Some 6500 migrants saved off Libya in day", 31.08.2016.

² European Commission, European Solidarity: A Refugee Relocation System", http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_solidarity_a_refugee_relocation_system_en.pdf (31.08.2016).

engaged in any relocations from the two countries³. According to UNHCR, the overall number of relocations from Italy remains at 961, corresponding to 2% of the target of 39,600 agreed upon in September 2015 to be relocated from Italy while a total of 3,016 asylum-seekers, 4.5% against the targeted 66,400, have been relocated from Greece to other EU countries since the beginning of the relocation programme in November 2015⁴.

Under these conditions, the resilience of the Turkey-EU refugee deal becomes even more indispensable. The deal caused a striking decrease in the use of the Aegean route from the Turkish coast to the Greek islands from a total of 67,415 monthly arrivals in January to 3650 in April and 1554 in June. In August a slight increase has been observed with 2289 monthly and 130 daily arrivals between 15 and 21 August according to the UNHCR⁵.

Under the March 18 EU-Turkey Refugee statement, the two parties agreed on a 1:1 exchange formula whereby, a Syrian would be resettled from Turkey to the EU for each Syrian returned to Turkey from Greece. As of August 21, the total number of migrants returned to Turkey was 482, while only 1085 Syrians were resettled in the EU⁶ which is only a fraction of the 72,000 maximum foreseen in the March 18 agreement. Following the July 15 coup attempt in Turkey, Turkish police officers who served in the Greek islands were called back hence affecting the smooth functioning of the readmission process.

EU-Turkey Refugee Statement and Visa Liberalisation

At the moment, the longevity of the Turkey-EU refugee deal rests on the fulfilment of the visa liberalisation commitment by the EU for Turkish citizens. Although the Commission's report regarding Turkey's fulfilment of the visa liberalisation criteria listed 5 remaining conditions that Turkey had yet to fulfil, one critical condition that of the revision of anti-terror legislation has been the cause of controversy between the two sides. During European Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos's visit to Turkey, Minister for EU Affairs Omer Celik said that Turkey had already kept its side of the visa liberalisation roadmap by passing extensive reforms and that it would not implement the EU-Turkey Readmission Agreement unless the EU lifts the visa requirement for Turkish citizens regarding their short-term visits to the Schengen area⁷. The President, Prime Minister and Minister for Foreign Affairs of Turkey had already made statements to that effect. Mr. Avramopoulos in a TV interview

³ European Commission, "Relocation and Resettlement: Positive trend continues, but more efforts needed", Press release, Brussels, 13 July 2016, http://europa.eu/rapid/press-release_IP-16-2435_en.htm (31.08.2016).

⁴ UNHCR, "Weekly Report", 24.08.2016, data.unhcr.org (04.09.2016).

⁵ UNHCR, "Weekly Report", 24.08.2016, data.unhcr.org (04.09.2016).

⁶ Jennifer Rankin, "EU and Turkey Restart Talks on Migrant Pact", Guardian, 25.08.2016, <https://www.theguardian.com/world/2016/aug/25/eu-and-turkey-restart-talks-over-migrant-pact> (01.07.2016).

⁷ Ministry of EU Affairs, Activities, <http://www.ab.gov.tr/index.php?p=50418> (04.09.2016).

he gave to CNN Turk during his visit to Turkey talked about the EU's support to Turkey's fight against terror but also added that Turkey should abide by European norms in this area meaning that it should make the necessary revision to its anti-terror legislation by narrowing down the scope of terrorism-related offenses in line with the Council of Europe's standards.

It should be remembered that it was the EU that initially tied the two issues together, i.e. readmission of irregular migrants and visa liberalisation, within the framework of the external dimension of its migration governance. The start of the visa liberalisation roadmap, i.e. "Roadmap towards a Visa-free Regime with Turkey", was made contingent upon the signing of the Turkey-EU readmission agreement. The visa liberalisation roadmap that entered into force with the signing of the readmission agreement on 16 December 2013 contained 72 criteria spanning document security, migration management, public order and security and fundamental rights.

As the refugee crisis brought the EU closer to Turkey as a major partner to stem the flow of migrants, the visa liberalisation issue was also reactivated with the launch of a target date, i.e. October 2016, during the adoption of the joint action plan in the Meeting of heads of state or government with Turkey on 29 November 2015⁸. This target date was brought forward to June 2016 at the Turkey-EU Summit on 18 March 2016. In its third evaluation report on Turkey's progress in this area, published on May 4, the Commission noted that Turkey realized major reforms with a view to fulfilling the requirement for visa liberalisation during April 2016 save for 5 remaining criteria and recommended the lifting of the visa requirement for Turkish citizens to the European Parliament and Council. Among the remaining 5 criteria, "revising the legislation and practices on terrorism in line with European standards"⁹ by narrowing down its scope proved to be the most controversial requirement for Turkey. The European Parliament refused to debate the issue of visa liberalisation until Turkey fulfilled all the criteria and the Commission delivered a report declaring that it had done so. The change in government in Turkey and resignation of Prime Minister Ahmet Davutoglu who was one of the owners of the deal also staggered the process. The resulting stalemate continued to this day with the EU side demanding the fulfilment of the remaining criteria and Turkey arguing that it had already delivered on reforms and did more than its fair share by hosting nearly 3 million refugees and it was now time for the EU to realize its side of the agreement.

⁸ European Council, "Meeting of heads of state or government with Turkey - EU-Turkey statement", 29/11/2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/> (04.09.2016).

⁹ European Commission, Report from the Commission to the European Parliament and the Council: Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, {SWD(2016) 161 final}, Brussels, 4.5.2016, COM(2016) 278 final, p.10, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/third_progress_report_on_turkey_visa_liberalisation_roadmap_en.pdf (01.09.2016).

The Turkey-EU Readmission Agreement which entered into force on 1 October 2014 stipulated a transition phase of 3 years before the implementation of the agreement to cover the readmission of third country nationals and stateless persons. Decision No. 2/2016 of the Turkey-EU Joint Readmission Committee making it possible to start the readmission of third country nationals and stateless persons before the expiry of this transition period was approved by the TGNA and published on the Official Gazette dated 20 May 2016. This was a requirement making it possible for Turkey to start readmissions from the EU which was itself a condition for visa liberalisation. In order to meet the target date of June 2016 for the lifting of the visas, the Turkish authorities realized the legal basis making it possible for the readmission process to start. However, the process could not commence since the target date of June 2016 for visa-free travel to the EU could not be honoured. The readmission of migrants from Greece had already commenced in April based on the implementation of the readmission agreement between Turkey and Greece. However, the Readmission Agreement between Turkey and the EU can still not be implemented due to the intransigence caused by the delay in the visa liberalisation process.

How to Save the Turkey-EU Refugee Deal?

It is possible to observe a rekindling of bilateral contacts recently with the visits of Christian Danielsson, Director General for Neighbourhood & Enlargement Negotiations, Thomas Mayr-Harting, Managing Director at the EEAS, EP Chair of Foreign Affairs Committee Elmar Brok, Turkey Rapporteur Ms. Kati Piri, EP President Martin Schulz, European Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos and the anticipated visits this week of High Representative for Foreign Affairs and Security Policy Federica Mogherini, and Commissioner Responsible for Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn. During the Gymnich Meeting held in Bratislava on 2-3 September, the issue was again debated with the participation of Turkey's Minister for EU Affairs, Omer Celik. Celik said that he hoped these contacts will lead to a consensus between the two sides to keep the process ongoing. One possible avenue for a resolution emerged as submitting the issue of revision of anti-terror legislation to the Council of Europe, a political organization where Turkey had been a member since 1949. Thus building of a consensus seems to be likely in the near future.

It is a well-known fact that the withering away of Turkey's EU membership prospects has in the meantime diminished the EU's relevance in Turkey and its ability to foster reforms. The European Commission in its 2015 report on Turkey noted three areas where there had been a backsliding, two of these being at the centre of the Copenhagen political criteria i.e. freedom of expression and freedom of assembly. In the wake of the coup attempt in Turkey, the issues of democracy, rights and freedoms stand on a razor's edge and the EU can make a positive impact in the direction of greater rights and freedoms if it engages with Turkey and delivers support and cooperation in Turkey's fight against existential problems within and outside its borders.

The intense diplomacy between Turkey and the EU that took place between October 2015 and April 2016 produced the March 18 Turkey-EU statement and helped to contain the irregular migration across the Aegean. The migrant smuggling networks that abused the hopes and agony of refugees from war regions such as Syria, Iraq and Afghanistan were thus eliminated. The daily numbers of migrants crossing the Aegean decreased from a total of 67,415 monthly arrivals in January to 3650 in April and 1554 in June¹⁰ as indicated above. The same kind of close cooperation and coordination is likely to deliver results in the further implementation of the refugee deal and the visa liberalisation process.

Turkey currently hosts nearly 3 million Syrian refugees. The multiple security challenges it has faced did not keep Turkey from implementing an open refugee policy which was based on humanitarian concerns. Only 106 million euros of the 3+3 billion Euros committed by the EU and its Member states have been delivered to this day¹¹. The resettlements from Turkey to the EU have been proceeding at a snail's pace while the Turkey-EU Readmission Agreement could not yet be activated due to the stalemate in the visa liberalisation process. Under these circumstances lifting of visas for Turkish citizens could be the least that the EU can accomplish as a concrete sign of appreciation for Turkey's cooperation and burden-sharing regarding the refugee crisis. The refugee deal is one of few areas which display dynamism and progress in Turkey-EU relations. It has the potential to breath some fresh air and bring about a revitalisation in the other areas of the relations as well. This chance should not be wasted.

¹⁰ UNHCR, "Weekly Report", 24.08.2016, data.unhcr.org (04.09.2016).

¹¹ This number has been given by Minister for EU Affairs Omer Celik. The European Commission in a press release dated 28 July 2016 noted the following: "Of the overall €3 billion, €2.155 billion has been allocated in total to date, for both humanitarian and non-humanitarian assistance. Of the €2.155 billion allocated, €229 million has been contracted as of today. Of these €229 million contracted, €105 million has been disbursed so far." It can be deduced that the Minister is referring to the actual amount of funds that have actually been spent to this day. See European Commission, "Facility for Refugees in Turkey: over €1.4 billion in support of education and health for Syrian refugees", Brussels, 28.07.2016, http://europa.eu/rapid/press-release_IP-16-2661_en.htm (05.09.2016).