Europe, Turkey, and International Migration: An Uneasy Negotiation

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Introduction

Public and scholarly discourses on the relationship between the European Union (EU) and Turkey in the 1990s were dominated by discussions of "democracy." This was mostly due to the conditionality of the Copenhagen Criteria in the context of Turkey's prospective EU membership, which was concerned with bringing the structures and procedures of Turkish democracy closer to European standards (Çarkoğlu and Rubin, 2003; Kramer, 2000; Uğur, 1999). Interestingly, what seems to partly accompany this discourse in the 2000s is a discourse centred around another concept which also carries the prefix "demo," that is "demography" and together with it, one of its by-products, "migration" (Behar, 2006; Erzan et. al., 2006; Coleman, 2004; TFHPE, 2004; ICT, 2004)) These discourses stress the question of the compatibility of demographic and migratory regimes between the EU and Turkey and largely focus on the related outcomes of observed or assumed incompatibility (içduygu, 2010a). It is not surprising, of course, to see that a type of "politics of demos" is directly connected to the EU`s membership affairs.

Likewise, it is also not surprising to see that migration issues are debated in a period of membership negotiation between the EU and Turkey. Debates about migration involve a variety of issues: For instance, rising numbers of irregular transit migrants through Turkey to Europe have contributed to the widely established perception that migratory flows at the EU's Turkish border are out of control (Jandl, 2007; Zielonka, 2002; Salt, 2000). Also, added to this picture is the fact that many politicians in Europe frequently speak of the "invasion" of migrants from Turkey, when they publicly debate Turkish EU membership (Lagro, 2008). Moreover, the commonly accepted view that Turkish immigrants who are already in Europe face integration difficulties, together with intensifying Islamophobia on the continent, have made Turkey-related migration issues a topic of critical debate in European circles (Erzan and Kirişçi, 2009; Kaya and Kentel, 2005). However, proponents of Turkey's EU membership argue that Turkey's EU membership is in the Union's interest because it would reduce demographic pressures on the labour market by bringing workers into the Union (Constantinos, 2004; Behar, 2006; Muenz, 2006). As these examples demonstrate, migration-related issues in the context of Turkey's prospective EU membership have attained growing salience in public, policy, and academic debates in the EU, because they have unique and multi-faceted implications for the economic, social, political and demographic structures and processes of the EU.

In fact, in the last six years since accession negotiations started, various aspects of migration management have been among the most contested areas of EU-Turkey relations (ICT, 2004). Although accession talks have not yet proceeded to direct discussion of migration related issues as part of chapter 24 on "justice, freedom and security," it appears that the importance of these issues within EU-Turkey affairs has steadily increased and has come to dominate the agenda of membership debates. Many of these debates centre around two issues, which initially emerged in the form of several sentences, appearing in one of the cornerstone official documents governing EU-Turkey relations. This document, dated October 6, 2004 and entitled *Communication from the Commission to the Council and the European Parliament, Recommendation of the European Commission on Turkey's progress towards accession*, states that: "… (1) With over three million, Turks constitute by far the largest group of third-country nationals legally residing in today's EU. Available studies give varying estimates of expected additional migration following Turkey's accession. Long transition periods and a permanent safeguard clause can be considered to avoid serious disturbances on the EU labour market. However, the population dynamics of Turkey could make a contribution to offsetting the ageing of EU societies. In this context, the EU also has a strong interest in that reforms and investments should be made in education and training in Turkey over the next decade. (2) The management of the EU's long new external borders would constitute an important policy challenge and require significant investment. Managing migration and asylum as well as trafficking of human beings would be facilitated through closer cooperation both before and after accession...."[1]

As expected, discussions of migration and asylum issues in the context of EU-Turkey relations are not simply descriptions of an existing reality, but to a large extent are also a part of the process of constructing that reality, such that discursive practices enable policy statements to conceptualise and talk about these phenomena. This observation does not mean that we have to discard conventional analytical and empirical frameworks that deal with the realities of migration and asylum in EU-Turkey space. Rather, in order to adopt an informed view of these phenomena, we need to work *with* discourses and discursive deconstructions – that is, we must take an exploratory, analytical approach to the study of the role and position of migration and asylum management issues in membership negotiations between the EU and Turkey. At the core of these analytical and discursive ideas lies a new aspect of migration- and asylum-related debates between the EU and Turkey, which has emerged only recently, in the last 5-6 years: its politicization in the context of Turkey's accession negotiations.

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[1] See the official document through website: *ec.europa.**eu**/enlargement/.../**turkey**/key_documents_en.htm.* Viewed on January 9, 2011*.

For the EU, such debates, developed during the course of its relations with Turkey and during discussion of international migration and do not only mirror a pessimistic perspective over the capacity of the EU to manage migration flows for economic and social benefits, but also reflect the necessity of good governance of migration for the EU's benefit. For Turkey, together with being part of both the conditionality and socialization principles of the EU accession process, these debates are largely indicators of her migration transition from a country of emigration to immigration, which requires new and complicated tools of management as part of integration into the global world system in general and into the EU in specific. More importantly, these debates also plainly show the strategic use of "migration diplomacy" as a bargaining tool *over* and *during* the membership negotiation process between the EU and Turkey. Against this background, the main purpose of this paper is *two-fold*. *Firstly*, it maps out the migration-related discourses that emerged in the period of Turkey's accession talks with the EU, and relates them to the reality of migration issues between the EU and Turkey. *Secondly*, it explores how certain specific migration issues and their suggested alternative solutions are used as bargaining tools to strike deals over and during the membership negotiation process. In so doing, this paper concludes that while the relationship between the EU (EU member countries) and Turkey influences migration patterns in Euro-Turkish space, these migration patterns are now also influencing a variety of EU-Turkey relations, in particular Turkey's EU membership negotiations.

The Background: The Politics of Europeanization and Issues of Migration and Asylum

As already noted, debates over international migration between the EU and Turkey focus on the two roles of Turkey in the European international migration system: Turkey as a country of emigration and Turkey as a country of immigration and transit (Kirişçi, 2004). Given the status of official talks today, the latter is much more prominent than the former. Apart from the fact that such debates have stark political impacts in Turkey, creating enormous distrust and bad-faith among the Turkish public, government authorities and policy makers regarding the credibility of the EU, there is an additional issue. The spiteful and bitter debates on the question of the possibility of mass migration flows from Turkey after EU membership along with possible permanent restrictions on the free movement of labour from Turkey do not find any room, directly or formally, in the on-going migration- and asylum-related talks between the EU and Turkey. However, issues of Turkish emigration to Europe may implicitly become a part of the discussion, when certain issues, such as the management of visa regimes are discussed, or when the assumed linkage between the readmission

agreement and visa facilitation is debated. Simply, it was not possible to fully divorce the issues of Turkish emigration from the agendas of the accession talks.

Today, it is mostly Turkey's role as a country of immigration and transit that is highly visible in the EU and Turkey. Various signs of a bargaining process concerning migration and asylum issues are becoming increasingly apparent. Turkey, as part and parcel of its pre-accession requirements, tends to harmonize its migration- and asylum-related legislation in areas identified in the EU 'Accession Partnership' document (Kirişçi, 2007). The *Action Plan on Asylum and Migration* adopted by the government in March 2005 lays out the necessary tasks and timetable that Turkey intends to follow to prepare itself for the development of a migration and asylum management system in general. However, the uncertainty of Turkey's membership is discouraging officials from advising the government to make these changes precipitously. Furthermore, there is a deep-seated fear in Turkey that it may become a 'buffer zone' or a kind of a 'dumping ground' for the EU, if after harmonizing legislation and policies with that of the EU, Turkey is faced with a situation of no membership. Nevertheless, in the areas of immigration and asylum, the Turkish government seems to be following a policy of reforms, adopting and implementing the EU *acquis.* This is partly because Turkish leaders still hold out some hope for the prospect of Turkish membership and partly because they have started to understand the need for management in these areas. Obviously, developments in the area of management of migration and asylum are part of the country's Europeanization or the EU-ization [2], which might be defined as "processes of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms to a European model of governance, caused by forms of cooperation and integration in Europe" (Bulmer and Radaelli 2004, p. 4). In few places is this more present than in Turkey, where different national immigration and asylum policies and practices are infused with historical legacies, diverse forms of social validity, cultural notions, and political importance, all influenced by relations with Europe. Yet, European influence over these policies and practices is often intensely contested. Consequently, in the dynamic context of Turkey's European integration, terms like 'immigration and asylum' and 'Europeanization', are subject to opposing interpretations in the minds of policy makers and government officers, as they emerge not only as a matter of policy but also as a matter of politics (İçduygu, 2007).

The degree, direction, and dimensions of Europeanization, or the EU-ization process are very much determined by the negotiation, accession, and integration principles of the EU, which range from

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[2] In a different context, on the issue of Europeanization of civil society Diez *et al*. (2005) refers to the notion of 'EU-ization' as a dominant form of Europeanization in Turkey's European integration process.

'*conditionality*' and '*socialisation*' to '*differentiation*' and '*joint ownership*' (Weber, 2010). Simply put, it is not a smooth process, and often involves ups and downs and occasional refusals to comply coming from the negotiating partners. At certain stages, this process has been subject to conditionality (Schimmelfennig and Sedelmaier, 2004), as a *quid pro quo* principle, which links incentives to demanded reforms in the management of migration and asylum to results in the EU's aim of exporting its institutions. In other stages, it is the socialisation process, which is emphasized from a perspective of *the meta-theory approach of social constructivism (Sedelmeier, 2007)*, through which Turkey has been persuaded by the EU to accept rules and regulations related to migration and asylum that the EU promotes as normatively legitimate. At other stages, there has been a process of differentiation (Weber, 2010; Vachudova, 2005; 2007) in which the EU has been forced to recognize the individuality of Turkey, in terms of the specific political, judicial and economic situations in the country, as well as Turkey's capacity and willingness for cooperation with the EU. Finally, there have been stages in which the principle of joint ownership (Weber, 2010; Vachudova, 2005; 2007) prevails over the process and the EU supports Turkey in the development of voluntary legislative approximation to meet jointly chosen EU norms and standards in the fields of migration and asylum.

Migratory Links between the EU and Turkey: An Historical Synopsis

Within the context of the European migration system, traditionally, Turkey has been known as a country of emigration. Starting from the early 1960s and continuing well into the 1970s, large numbers of Turkish nationals migrated to Western European countries, particularly West Germany. This emigration persisted until recent times through family reunification schemes and the asylum track. However, more recently, Turkey has also become a country of transit to the European Union for irregular migrants from countries in Asia and the Middle East, including Afghanistan, Bangladesh, Iraq, Iran, and Pakistan. Turkey is also becoming a destination for EU professionals and retirees (Kaiser, 2003) as well as regular and irregular migrants from former Soviet Bloc countries (Yükseker, 2004). Finally, Turkey is a country of refuge for asylum seekers coming from neighbouring Middle Eastern countries and beyond. Turkey's status as a 'migration transition country' from emigration to immigration along with Turkey's efforts to become a member of the European Union are creating pressures for an overhaul of immigration and asylum policies and practices (İçduygu and Kirişçi, 2009; Abadan-Unat, 2002).

Emigration from Turkey

Migration from Turkey to Europe is one of the many regional systems that European states are trying to deal with and manage. Migration was historically synonymous with the guest worker program of Fordism in the post Second World War era (Akgündüz, 2008; Castles et. al. 1984, Castles and Miller, 2009). The search for labour in expanding European economies in the 1960s and asylum flows throughout the 1980s and 1990s resulted in changes in the migration dynamics of the Euro-Turkish region. Most significantly, there was a formation of settled communities of Turkish migrants in various parts of Europe, as well as an emergence and diversification of migratory flows between Turkey and Europe. In the late 2000s, fifty years after the start of extensive Turkish migration to Europe, for the first time in the history of this emigration, the number of people emigrating from Turkey to Europe was less than the number of people, Turkish or foreigners, immigrating from Europe or returning to Turkey (İçduygu, 2010b). This trend of mixed flows between Europe and Turkey and the presence of sizeable Turkish immigrant communities in Europe should be viewed within this context of a legacy of early guest worker programs and additionally as a result of contemporary globalization.

Undoubtedly, it is imperative to briefly elaborate on the history of the trends in migratory flows between Turkey and Europe, which has implications not only for the current status of migration flows, but also for their contemporary evaluations and discourses. Therefore, the discussion in this part of the paper briefly turns to an examination of these historical trends and the present situation of migratory flows. Within the context of European migratory regimes of the early 1960s, a structurally organised emigration from Turkey to Europe was not possible without the negotiation of official agreements between governments. The post-war reconstruction of Europe was still in process, and the economies of many Western European countries were in need of labour. After viewing the 'export of surplus labour power' as an "ingredient of development policy concerning the prospective flows of remittances and reduction in unemployment," (Abadan-Unat, 1976: 71) Turkey first signed a bilateral labour recruitment agreement with the Federal Republic of Germany in 1961 (Akgündüz, 2008; Paine, 1974). Similar bilateral agreements, specifying the general conditions of recruitment, employment and wages, were also signed with other governments.[3] Turkish officials expected that these 'guest workers' would return to Turkey with new skills and would help to reorient the Turkish economy from rural agriculture to industry. However, many migrants

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[3] Agreements were signed in 1964 with Austria, the Netherlands, and Belgium, in 1965 with France, and in 1967 with Sweden and Australia. Less comprehensive agreements were signed with the United Kingdom in 1961, with Switzerland in 1971, with Denmark in 1973 and with Norway in 1981 (Franz, 1994).

confounded expectations by settling down in Europe, and even bringing their families to join them (Wilbert, 1984; Gitmez, 1983; Liberman and Gitmez, 1979). The economic downturn in Western Europe in the 1970s ended the recruitment of labour from Turkey, however Turkish emigration to Europe continued through family reunification and family formation, and most importantly after 1980, through asylum flows (Böcker, 1995).

The evolution of migration from Turkey to Europe was impressive. Starting with the outflow of a few Turkish migrants in late 1961, there were more than half a million Turkish migrants and their relatives living in Europe by the early 1970s, almost two million by the early 1980s, more than two and a half million by the early 1990s, and over three million by the early 2000s (İçduygu and Kirişçi, 2009; Abadan-Unat, 2002). What seems to primarily have contributed to this increase were asylum flows, initially due to the military intervention in civilian politics in Turkey in 1980, and then, due to an increase in violence surrounding efforts to suppress a separatist movement by Turkey's large Kurdish minority. According to United Nations High Commissioner for Refugees (UNHCR) statistics, between 1980 and 2010, almost one million Turkish citizens applied for asylum in various European countries (İçduygu, 2010b). Refugee recognition rates vary from country to country, but have been very low, as many individuals attempted to make fraudulent use of the asylum channel. Since the worst of the conflict between the armed forces and separatist rebels wound down in the second half of the 1990s, and was followed by the gradual introduction of political reforms, asylum applications have fallen. However, an unidentified number of Turkish nationals, again often of Kurdish origin, continue to stay in various European countries.

It appears that on-going economic decline and increasing income inequalities fed the push factors that encouraged emigration in the 1960s and 1980s in Turkey. It was not, however, only the economic situation that created extreme push conditions in the country. The political instability that emerged in the 1980s and 1990s, the economic and political liberalization that took place in the 1990s, and, in general, the dynamics of contemporary globalization all contributed to various types of mobilities in the last two decades and are, in large part, responsible for new migration trends: among them, in particular, declining flows of new labour migration over time, asylum seekers and irregular migrants, and the increasing movement of highly-skilled professionals and students (İçduygu and Kirişçi, 2009; Abadan Unat, 2002).

Today, it is estimated that there is an annual arrival of 15 to 20 thousand new Turkish citizens to Europe, who intend to stay long-term (İçduygu, 2010b). More than one-third of these are highly-skilled professionals and students. There are almost no new labour migrants, except those who arrive through family reunification, asylum seeking, and irregular flows. There are approximately 3.5 million

people of Turkish-origin living in Europe, of whom about 800,000 have taken up the citizenship of their host countries (İçduygu and Kirişçi, 2009). Turkish migrants and their European-born family members are the largest group of non-nationals resident in the EU, accounting for 0.6 per cent of the EU population (OECD, 2010) Of course, these percentages vary widely from country to country. Given this Turkish immigrant presence in Europe, there are many who fear the arrival of further migrants from Turkey if Turkey were to become a member of the EU. This negative perception is further aggravated by the social and cultural difficulties that some Turkish immigrants encounter in Europe.

Immigration and Transit Migration through Turkey

Turkey's former singular role as a 'migrant-sending country' is now being supplemented with that of the role of a 'migrant-receiving country.' More recently, Turkey has also become a transit country (transit zone) for migrants seeking to reach a third country. International migratory movements to Turkey since the end of the 1970s have included transit migrants, irregular migrant workers, asylum-seekers, and refugees (Kaytaz, 2006; İçduygu, 2003, 2006; Kirişçi, 2002). In addition, the legal migration of professionals and retirees is also taking place. Some of these migratory movements are closely related to Turkey's geographical proximity to migrants' countries of origin, but there are other important reasons as well. Political issues and security concerns arising in neighbouring countries (*e.g.*, Iran and Iraq) have been among important reasons driving people to migrate to Turkey in some cases, whereas in other cases, economic collapse in the country of origin (*e.g.*, the poorer republics of the CIS (the Commenwealth of Independent States), but also a cultural affinity with Turkey (as in the case of Turkish-speaking or Muslim groups from the CIS) are main reasons behind migrants' choice to migrate to Turkey. Yet, while some see Turkey as their main destination country, others consider it to be only a temporary station on their way to final destinations in Europe. Turkey's position as part of a transit route partly derives from its geographical location at the crossroads of Asia, Europe and Africa, but this transit position is also in part politically constructed. In the wake of EU expansion, Turkey has come to constitute both the sea and land border of the EU in the southeast. Its relatively lax migration regime, the difficulty of patrolling its rugged land borders with Iran and Iraq in the East, the history of illegal border-crossings both in the East and the Southeast (across from Syria) all make Turkey a prime location for transit *en route* to the well-protected borders of the EU (İçduygu, 2003).

One can examine the main patterns of migration to Turkey under the general rubric of irregular migration, which refers to forms of international mobility, several aspects of which are not legally regulated or documented. It is possible to discuss irregular migration under three separate headings,

based on the purpose and manner of migration, as (a) transit migration, (b) shuttle or circular migration, and (c) asylum-seeker and refugee movements. By contrast, regular migration flows comprise persons who arrive in Turkey for employment or academic purposes together with their family members and who have the necessary residence and work permits (İçduygu and Yükseker, 2011).

It is a formidable task to obtain sufficient and reliable data for determining the volume and trends of irregular migratory movements. Nevertheless, there are some indicative estimates available.[4] Considering the countries of origin of irregular migrants,[5] one can argue that those migrants apprehended on the eastern and southern border of Turkey intended to use Turkey as a bridge to reach destination countries in the West and North and, therefore, are most likely *transit migrants*. Based on the available data for migrants detained by security forces, it can be assumed that, in the beginning of the 2000s, 51,000 to 57,000 migrants intended to use Turkey as a transit country annually, while this figure has dropped to below 20,000 today (İçduygu, 2010b). Most of these transit migrants enter Turkey illegally with the help of human smugglers and leave or attempt to leave Turkey by similar means (İçduygu and Toktaş, 2005). From 1996 to 2010, nearly 800,000 irregular migrants were apprehended in Turkey; nearly 55 per cent of these appear to be transit migrants according to the assumptions stated above.[6] Over this period, the most important five source countries of migrants--mostly transit migrants--were: Iraq (114,000), Pakistan (51,000), Afghanistan (38,000), Iran (25,000), and Bangladesh (20,000) (İçduygu and Yükseker, 2011).

Shuttle or circular migration can also be considered part of the irregular migratory flows to Turkey, which also has some implications for Turkey's position in the European migration regime. By shuttle migration, we refer to the mobility of persons making multiple trips to Turkey in search of economic opportunities. In these movements, entry into Turkey is typically legal, but visas may be overstayed.

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[4] For example, it is possible to comment on the extent of *irregular migration* towards Turkey by evaluating figures concerning persons apprehended on charges of irregular migration, for which data is compiled by the Bureau for Foreigners, Borders, and Asylum within the Directorate of General Security of the Ministry of the Interior.

[5] Here, based on the country of origin, we assume that all migrants coming from countries in the Middle East, Asia and Africa (such as Iraq, Iran, Afghanistan, Pakistan, Sudan, and Somalia) are transit migrants who have the intention of going to third countries, while all of the migrants originating from Eastern Europe and the Commonwealth of Independent States (CIS) are circular migrants who frequently come to Turkey. Various empirical studies present evidence supporting this assumption (İçduygu, 2003; Brewer and Yükseker, 2006; Parla, 2007; Eder, 2007; Kirişçi, 2008).

[6] It should be noted that these figures pertain to the number of apprehensions; therefore, they also include repeated apprehensions of migrants.

Or, some people may engage in circular movements in order to avoid overstaying their visas. One important mode of shuttle migration is the *suitcase trade* (or shuttle trade), primarily from CIS countries. Although it is difficult to estimate the number of suitcase traders since they enter the country on tourist visas, it is likely that hundreds of thousands of people have visited Turkey annually for this purpose since the early 1990s (Yükseker, 2004). Another significant mode of migration is the *circular labour migration* of people from the poorer republics of the CIS, as well as several Balkan countries, who arrive in Turkey on tourist visas to work informally in domestic services, the entertainment sector, sex work, construction, the tourism sector, agriculture, and garment workshops. As in the case of the suitcase trade, it is difficult to estimate the number of circular labour migrants. According to the above-mentioned figures on apprehensions by security forces, the top five source countries of circular irregular migrants are: Moldova (53,000), Romania (23,000), Georgia (18,000), Ukraine (18,000), and the Russian Federation (18,000) (İçduygu and Yükseker, 2011.

As discussed above, Turkey is a transit zone between Asia, Europe and Africa and has become an important stopping point, or stepping stone, not only for transit migrants, but also for many *asylum-seekers,* since the 1980s. Without a doubt, the political irregularities, problems and turmoil on its periphery make Turkey's borders all the more open to entries for asylum purposes. A great majority of these asylum-seekers are citizens of Iran and Iraq. In fact, this situation constitutes a non-compliance with the geographical limitation clause notation, which Turkey signed at the UN Geneva Convention of 1951. According to this limitation, Turkey should only consider the asylum applications of persons from European countries.[7] Turkey's geographical limitation clause makes the asylum regime in the country inconvenient for asylum seekers and brings serious criticism from the international community. Nevertheless, in practice this limitation is only partially implemented. In cases where asylum-seekers are granted refugee status through a joint procedure of the UNHCR (United Nations High Commissioner for Refugees) and the Ministry of the Interior, a phase of re-settlement to a third country is initiated (Kirişçi, 2002). Asylum-seeker and refugee movements have not constituted a significant proportion of migrant inflows into Turkey over the last two decades. Between 1997 and 2010, Turkey received only around 50,000 asylum applications. Of these, more than 27,000 of the total 50,000 asylum seekers were granted refugee status and re-settled in

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[7] This is partly related to the nature of the refugee problem in post-World War II Europe and partly a ramification of the anti-communist policies that Turkey adopted during the Cold War. Given this situation, Turkey would grant asylum to persons arriving from the Soviet Union and Eastern Europe. However, the refugee flow to Turkey during this period was rather limited (less than 8,000 asylum applications from the Soviet Union and Eastern Europe) (İçduygu, 2003).

countries, such as the US and Canada (İçduygu and Kirişçi, 2009). This means that their situation constituted a type of 'legalised transit,' in the sense that they entered illegally, but eventually left Turkey legally.[8] This asylum procedure in fact makes Turkey a transit country for those who have been granted refugee status and now wait for resettlement.

Debating International Migration While Negotiating EU Membership

Following World War II, Turkey was considered a complementary and indivisible part of the Western world. Consequently, she joined all the main Western institutions: the UN in 1945; the IMF in 1947; the OECD in 1948; the Council of Europe in 1949; and NATO in 1951 (Özbudun, 2002). In 1963, with the signing of the Ankara agreement, Turkey received associate membership in the European Community. Migration from Turkey, in other words, the "gradual realisation of the free flow of workers" to the European Community, was considered a significant and *positive* issue, and treated accordingly, at the time of the Ankara agreement, signed two years after the initiation of intense migratory movement from Turkey to Europe in 1961 (Çiçekli, 1998). Article 12 of this Agreement clearly states the *economic* benefits of the "gradual realisation of the free movement of workers among the parties." Later, Article 36 of the Additional Protocol of 1973 noted that "the free movement of workers among Turkey and the member states of the European Community will be gradually realised from the end of the 12th year until the end of the 22nd year after the Agreement comes into effect in compliance with the principles set forth in Article 12 of the Association Agreement"[9] (İçduygu, 2010a, 2006). It is important to emphasize that, as mentioned before, in the period in which the Ankara Agreement was signed, Europe's reconstruction and economic development following World War II was still continuing. Therefore, there was an intense demand for foreign labourers in the European labour market. Consequently, on the basis of bilateral agreements, thousands of people from Turkey started to go to European countries (beginning with Germany) as workers. In short, the first half of the 1960s and 1970s were years when European economies required labour, and guest worker migrants from Turkey filled that economic demand.

However, 42 years after the Ankara agreement, in the Negotiating Framework regarding Turkey's accession to the EU of October 3, 2005, it was stated that long transition periods, derogations, specific arrangements or provisions of permanent protection might also apply to the free movement

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[8] For a detailed elaboration of these figures, see the UNHCR Ankara Office webpage: http://www.unhcr.org.tr.

[9] However, the actual conditions for the resolution regarding the free movement of workers did not occur between 1976 and 1986, and as a result the free movement of workers was not realized.

of people when necessary. Such conditions again emphasized the importance of the issue of the free flow of workers in the Euro-Turkish space, yet it was now viewed in a *negative* light (İçduygu, 2010a, 2006). Given that in the Europe of the early 21st century, international migration was increasingly becoming "a broad catch phrase that embraces such diverse processes as maintenance of political stability, economic development, demographic change, and shifting ethnic allegiances" (Hamilton, 1997: 449), the emergence of new perspectives on international migration under changing economic, social, political, cultural, and demographic conditions is an expected development.

For Turkey, who inched open the door to the EU by obtaining a date for accession talks on December 17, 2004, and who entered a new and challenging period in its forty-two year long journey to EU membership with the decision to start negotiations targeting full membership on October 3, 2005, issues of international migration have become pressing concerns, particularly as they influence EU relations. This step towards membership, while considered an "historical milestone" on the one hand, at the same time signals the beginning of a challenging process of negotiation for both Turkey and the EU. Various reports by the European Commission on Turkey emphasize that this EU enlargement will be different from previous ones, in large part because of serious concerns over migration. As the hegemonic actor in the process of accession, the EU has the primary power to set the agenda in which various migration and membership issues are carefully intertwined. For instance, as noted earlier, in one of the earliest key EU documents, which signals the start of the membership negotiation process between the EU and Turkey, "*Communication from the Commission to the Council and the European Parliament, Recommendation of the European Commission on Turkey's progress towards accession*" dated October 6, 2004, the following points are stated:[10]

> • Turkey's accession will be different from the previous enlargements due to its population, size, geographical position…
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> • ... studies on the migration to occur following Turkey's membership include various estimates… in order to prevent [migration from Turkey] from creating serious discomfort in the EU labour market… implementing permanent injunctions might be considered… however, Turkey's population dynamics might provide benefits in terms of balancing the ageing population in the EU…
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> • In terms of Turkey, managing the new and long external borders of the EU will constitute a significant political challenge and will require large investment… Closer cooperation before and after the accession shall make it easier… to handle migration and asylum issues in addition to… human trafficking…

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[10] The European Commission released a Progress Report on Turkey and a Recommendation based on the report on October 6, 2004. These documents stated that Turkey has adequately met the political criteria and recommended that Turkey's accession negotiations to the EU be initiated.

By establishing these arguments before the start of accession talks, the EU document not only had a determining impact on pro- and anti positions towards the accession of Turkey in EU circles, but also widely shaped the discourses of the pro- and anti positions towards EU membership in Turkey. What happened is that while economic, social, cultural, political and demographic factors and relations between the EU member states and Turkey influenced and are continuing to influence migration trends and patterns, these trends and patterns are now beginning to also influence the state–to-state relationship between the EU and Turkey. With its decision to start membership negotiations with Turkey, the EU established migration issues as an integral part of its negotiation agenda and, since these negotiations have started, this "migration diplomacy" has already begun to take shape[11]. From the EU side, central to this migration diplomacy are concerns about the difficulties of migration management and about a lack of confidence in Turkey's capacity to manage migration.

It is within this context that discussions of the issue of international migration in the EU in relation to Turkey focus on *two* points of concern (Erzan and Kirişçi, 2006; İçduygu, 2006; Kirişçi, 2004): The first point of concern is whether or not possibly intense migratory flows due to the free circulation of labour will create serious adjustment problems for the labour market and migrants. (This point is often made with special reference to the adjustment problems encountered by Turkish migrants in Europe) (Kaya and Kentel, 2005). Related to this point, as the other side of coin, is the question of whether or not Turkey's demography will produce migration flows that could play a complementary role to the challenges of population shrinkage at working age and a mounting elderly population in the EU. The second point of concern is whether or not Turkey, in its position as a 'receiving country' and as a 'transit country', will be successful in producing and implementing policies in compliance with the EU's international migration and asylum regimes. This point is directly related to questions surrounding the border control and management problems that are believed to be associated with Turkish membership.

Centring on these two lines of concern, which also include a type of cost-and-benefit analysis among economic, social, cultural, political and demographic spheres, the climate of membership negotiations between the EU and Turkey has often been coloured by debates over international migration issues[12]. While they are in the process of membership negotiations, state positions

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[11] Interestingly, the notion of "migration diplomacy" has been used by both Stefan Füle, Member of the European Commission responsible for Enlargement and Neighbourhood Policy, and Ahmet Davutoğlu, Turkish Foreign Minister, in their speeches at the Bosphorus Conference in İstanbul, october 2010.

[12] For a related debate, see for instance, the ILO webpage: http://www.ilo.org/global/about-the-ilo/press-and-media-centre/press-releases/WCMS_075559/lang--en/index.htm.

representing both sides have become directly or indirectly, implicitly or explicitly very much engaged in migration-related issues. During the course of this engagement, while the EU naturally, was often an agenda and tone setter, Turkey was often trying to tune the tone of the debates.

Certainly, concern about the issue of the "free circulation of labour," which was quite often described as an influx of Turkish migrants fleeing into EU countries after Turkey's membership, contributed to the calls for long transition periods, derogations, specific arrangements, or provisions of permanent protection. These calls were designed to prevent the so-called influx of Turkish migrants and were heavily responsible for the fact that debates over Turkish membership have been dominated by the question of migration. These debates have a variety of economic, socio-cultural, political and demographic implications, which evoke concerns or fears for the EU public and influence the framing of the question of the free circulation of labour, or of migration. At the level of economic interest, this is closely tied to labour market issues (Krieger and Maitre, 2006). As the unemployment rate in many EU states seems to be highly disturbing for native workers, and even more alarming for migrants, the idea of restrictions over migration from a prospective member state is appealing for many (Erzan et. al., 2006; Krieger and Maitre, 2006). Similarly, for the dominant social-cultural and political interests in many EU-states, it is also desirable to prevent migration flows from Turkey at a time when there is growing concern about the integration of current Turkish immigrants, and more importantly, concern about the definition of European identity, and the place of immigrants and especially Muslims in Europe (Lagro, 2008. Despite the fact that these economic, social-cultural and political interests feed pessimistic views, some policy makers and analysts with demographic interests are very enthusiastic about the possible positive contribution of Turkish membership to the labour market needs of the EU economy, which is already beginning to suffer from the shrinking population at working ages and a growing population of elderly[13]. Some argue that the relatively young population of Turkey could be a partial remedy for the labour market needs of the EU, particularly if it can use the power of its demographic windows of opportunity efficiently by investing in the education and training of its youth for contemporary labour market needs (Krieger and Maitre, 2006).

Not surprisingly, these demographic concerns at the EU level, which look at Turkish membership positively have also been widely shared and used by advocates of pro-EU positions in Turkey, who even argue that the demographic transition in Turkey will reach a stage within the next two-three

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[13] It is within this context that for instance Joschka FISCHER, Former Vice Chancellor and Foreign Minister of Germany, is a well-known European politician who often voices the idea economic and demographic realism to support the membership of Turkey to the EU.

decades of increased aging and a shrinking working age population, such that Turkey might not be able to export its labour to other countries (Hancıoğlu et. al., 2004). More importantly, however, the demography-related migration debate led to the emergence of a series of crucial and critical arguments in Turkey with enormous political implications for the climate of the country's EU membership adventure. *Firstly*, a clear objection to the idea of possible permanent restrictions on the rights of free movement of Turkish labour has been strongly voiced on every occasion, and restrictions of movement are considered to be a form of discrimination and unjust treatment with respect to the EU`s fundamental values that ensure free movement of persons, goods, services and capital. *Secondly*, finding the possibility of permanent restrictions over free movement incompatible with the basic philosophy of the EU, a widespread perception of the EU, particularly in anti-EU circles in Turkey, which has emerged is the view that EU has lost its vision of full EU-membership for Turkey--or that it never had such a vision--and instead therefore started to promote the idea of a privileged partnership. Evoked by these chains of reasoning, which feed an understandable negative reaction in Turkey, the Turkish public and Turkish policy makers (and even some analysts) have started to drift away from the idea of membership, arguing instead that "Turkey should not be in a place that it is not wanted" (Turan, 2010) Additionally, as will be discussed later, the question of free movement has triggered the frequent use of "migration diplomacy" on the part of Turkish officials at almost every stage of negotiation, including during the discussion of other migration issues between the EU and Turkey[14].

Apart from concerns about "free movement"--and probably because of its factual urgency even more important than free movement--is the issue of Turkey as a country of immigration and transit, which has led to a very deep penetration of migration-related issues into membership negotiations. The role that Turkey increasingly plays in the European migration system is directly related to boiling migration issues, which are very central to both the EU and Turkey. This includes realizing the physical control of the external borders of the European Union, providing close supervision over and management of the movement of people across these borders, combating illegal migration, and developing a common asylum policy. Since the 1990s, the involvement of Turkey in illegal migration flows, both as a source and transit country, has proven to be among the most contentious issues in the EU (Europol, 2009; Frontex, 2007, 2008, 2009). Due to its geographical position between Europe,

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[14] Very recently, for ,instance, Egemen Bağış, Turkey's chief negotiator with the Eu, has told the EU, "hold on tight, Turkey is coming to your rescue" referring to demographic complementarities of Turkey for the aging Europe, (see his interview in The European, October 18, 2010).

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Asia and Africa, Turkey has emerged as a major corridor for irregular migrants and asylum seekers who are coming from politically and economically unstable neighbours and who are aiming for better and safer lives in Europe. For the EU, fighting against illegal immigration has been a central priority of the Unions' common immigration policy. Therefore, a number of broad policy areas, such as border security, combating illegal border crossings, illegal employment and return, have inevitably become very intrinsic issues for pre-accession talks with Turkey. For both the EU and Turkey, although all these aspects of irregular migration are very closely linked to their similar economic and political interests, it appears that they are engaged in very different strategies with the goal of their own benefit.

One could expect that both the EU and Turkey would not have many conflicting positions in terms of realizing the strict control of borders, providing a close supervision and management of the movement of people across these borders, combating illegal migration, and developing a common asylum policy, if Turkey perceives that there is burden sharing in this negotiation period, rather than burden shifting. Of course, once again Turkey's most important consideration is a deep-seated doubt about the EU's commitment to full-fledged membership for Turkey. Along these lines, some argue that Turkish policy makers have undertaken a large number of harmonization efforts to adopt and implement the EU acquis, including: a new legislation dated 2002 which criminalizes the act of trafficking, a new law dated 2003 on *Work Permits for Foreigners*, a new legislative arrangement dated 2003 in the citizenship law, which has implications for combating irregular migration and protecting immigrants rights, and a newly drafted *Law on Aliens* and a newly drafted *Law on Asylum* in 2010 (Kirişçi, 2007; İçduygu, 2010b). From the perspective of the EU, rather than being a question of burden sharing, there is an issue of Turkey's doing enough to adopt and implement the *acquis* in the field of international migration. While there have been some impressive cooperative actions in terms of the formation of a common asylum and immigration policy and the enhancement of police and judicial cooperation, such as the preparation of the *Law on Aliens* and *Law on Asylum,* as will be discussed below, there is a mine-field of areas in which the negotiations have proceeded very slowly--one of the prominent examples is the possible readmission agreement between the EU and Turkey.

 As far as the question of burden sharing versus burden shifting in the areas of irregular migration and asylum is concerned, it has become apparent that during this period of adopting reforms and bringing about a convergence between EU and Turkish practices in the areas of migration and asylum, numerous specific aspects of these areas can generate dynamics, which affect the negotiation climate, including: the sources of conflict, the tools as well as the methods of negotiation, and the legitimacy of the negotiated results vis-à-vis the final expected outcomes.

Additionally, observing this process reveals that various and often similar, economic, social, cultural, and political interests and concerns of both the EU and Turkey intermingle, but that it is often the security and economy-dominated political views, which determine the positions of the two sides.

In terms of Turkey's position as a country of immigration and transit, there are currently *four* issues that are difficult ones, which must be tackled by the EU and Turkey. The *first* issue concerns the presence of continuing flows of large numbers of irregular migrants, who are coming from third countries, using Turkey as a bridge, and entering EU member countries, mainly Greece (Frontex, 2007,2008, 2009). This is a broad problem, which requires a variety of actions, regulations, and programs to which both the EU and Turkish sides tend to contribute solutions. In fact, there are a number of ongoing individual and co-operative efforts to overcome the problem. However, often both sides also blame each other: for the EU, Turkey is not able to cope with the problem, and there is a lack of will for fully combating the irregular flows; for Turkey, there is a need for more resources and greater co-operation, while they face limited possibilities for attaining resources and a lack of co-operation from the EU. The other three issues are more specific: the establishment of a civilian "border agency" that would replace the current military-based institutional set-up with respect to controlling, securing and managing Turkey's border; the realization of the "lifting of the geographical limitation" to the 1951 Geneva Convention Relating to Status of Refugees; and the negotiation and conclusion of a "readmission agreement" with the Commission (Kirişçi, 2007; İçduygu, 2010b).

Sharing borders with Iraq and Iran and facing a Kurdish separatist movement and political violence, Turkey has its own security concerns in relation to the defence and protection of its eastern and southern borders. Largely for these reasons, Turkey has remained reluctant to transform from border protection by the military to the management of borders by a civilian authority that the EU expects. After a long period of negotiation, only in 2010 was Turkey able to begin the changes for this transformation, but it has repeatedly emphasized that this will be a stage-by-stage change, and that it will take time to implement a fully functioning system run by civilian authorities. As far as the "lifting of the geographical limitation" to the 1951 Geneva Convention is concerned, Turkey's reluctance has not changed: although Turkey has promised the EU that it will eventually lift the geographical limitation (indeed, in the Action Plan of 2005, Turkey scheduled this shifting in the year 2012), Turkey is concerned that without this limitation it will become a 'buffer zone' (Kirişçi, 2008; İçduygu, 2007b) between Western Europe and countries in political turmoil and that, hence, it will face a wave of asylum-seekers. Turkish authorities have tended to oppose the abrogation of this limitation clause until and unless concrete progress towards full EU membership has taken place. Indeed, similar anxiety also prevails when Turkey bargains over the drafting and signing of a

"readmission agreement" with the Commission. Interestingly, it seems that the signing of a readmission agreement and the facilitating of a relatively free-visa regime for Turkish citizens, are directly linked to each other, at least in the minds of Turkish authorities. The EU would like to encourage Turkey to sign the agreement, a move that would allow the EU to act towards visa facilitation, however, the EU also points out that it is Turkey's own perspective, which constructs a link between these two actions.

Overall, it appears that the issue of the management of migration and asylum gives immense political leverage both to the EU and to Turkey during the course of talks both inside and outside of the accession negotiations. This area of bargaining over Turkey's membership seems to be rewarding for both sides, despite its complex and diverse nature. Both the EU and Turkey realize that for their own reasons any negotiation in this area does not only have an impact on the specific issue at hand, but also on the totality of the accession process. What we can see is that migration- and asylum-related bargaining often evolve from the "blame game" to that of the "anchor" for the accession period. Of course, the wrong management of this bargaining also carries the risk of reversing this process from anchoring it to leading to mutual blame.

Concluding Remarks

Although Turkey's accession talks with the EU are heading for a stalemate, and although one of the least promising areas for EU-Turkey cooperation within and outside the accession talks seems to be migration management, the EU and Turkey have managed to work together somehow on migration issues and to adopt reforms in order to bring about convergence between Turkish and EU policies and practices. This has of course included ups and downs and has progressed at a slow pace. The EU blames the slow pace of resolution of migration management questions on Turkey. From Turkey's perspective, the country can hardly be expected to implement the difficult and costly changes needed for migration management, while European leaders openly speak out against the country's full membership. They try to bargain on co-operation with the EU in the field of migration, often stressing that if Europeans want to work with Turkey in this important area, they need to unblock the accession process.

Against this backdrop, for the prospect of migration-related negotiations, one can cast three possible scenarios: *a win-win scenario towards accession, a so-called win-win scenario towards non-accession, and finally, a no-win scenario towards non-accession.*

A win-win scenario towards accession: If Turkey continues to develop its own policies and practices for the good management of migration and asylum, such progress would show Europeans that the country is serious about meeting EU standards in the area of migration and asylum, and it would greatly contribute towards Turkey's completion of accession negotiations. At the same time, if the EU finds a way of looking at Turkey's migration-related issues beyond narrow calculations of economic realism, demographic determinism, and political opportunism, and consequently if the EU and Turkey can manage to work together in the management of migration and asylum, opposition to Turkish accession on both sides might weaken. A so-called possible influx of migrants from Turkey or mass flows of irregular transit migrants to the EU would no longer threaten the future of EU-Turkey relations.

A so-called win-win scenario towards non-accession: If both the EU and Turkey continue to play across the narrow bargaining line of the "burden sharing versus burden shifting" dilemma, as has been clearly documented in the negotiation of a possible "readmission agreement," this would increasingly feed the sense of mistrust on both sides, and even if somehow an agreement is concluded this might not positively contribute to accession. One could speculate for instance, on the following possibilities: a signed relatively well-working readmission agreement might meet the demand of the EU to return apprehended irregular migrants to their homes; and in return, somewhat comprehensive visa facilitation for Turkish citizens might satisfy the Turkish desire to travel freely in Europe. But if this simple logic of striking deals prevails in the EU-Turkey accession climate, through a vicious circle, it would exacerbate suspicions between the two sides and undermine cooperation that would lead towards accession. This is a scenario that would make those who are opposed to the Turkish accession happy, by leaving them with a partially positive outcome without accession.

A no win scenario towards non-accession: If the EU continuously signals that it has no commitment to full-fledged membership for Turkey, and that there might be permanent restrictions over the free movement of labour even after membership, then naturally Turkish authorities would be discouraged from undertaking any cooperative actions toward adopting reforms to bring about a convergence between the EU and Turkish policies and practices in the management of migration and asylum. If Turkey proceeds very slowly, then this aggravates resistance in the EU towards Turkish membership, supporting claims about Turkey's unwillingness to adapt and change. There would be little or no real progress in terms of policies and practices with respect to preventing irregular migration, managing borders, and dealing with asylum.

Both the EU and Turkey will have difficulties solving their own migration and asylum questions, if

they do not co-operate through a negotiation process. Debates over the management of migration and asylum pose challenges for the relationship between the EU and Turkey, but in the context of accession negotiations, debates happen within well-established channels of communication and are governed by rules for discussing and resolving the issues that may arise. Therefore, any risks associated with debating migration and asylum issues are easier to manage and are minimised when accession talks in specific or membership relations in general between the EU and Turkey are alive.

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