

# **KEEP THEM OUT AT ANY COST?**

RECONSIDERING THE  
EU-TURKEY DEAL IN LIGHT  
OF REASON, NORMS AND  
RHETORIC

LORENZ NEUBERGER



# Keep them out at any cost? Reconsidering the EU-Turkey deal in light of reason, norms and rhetoric <sup>i</sup>

---

**Lorenz Neuberger**

Ph.D. Candidate

Cluster of Excellence "*Cultural Foundations of Social Integration*"

Chair of Internal Politics and Public Administration (Prof. Dr. Wolfgang Seibel),

Department of Politics and Public Administration, University of Konstanz

## Abstract

By examining the EU-Turkey deal, this study links the studies of regional enlargement and the externalization of migration governance. It argues that supply-state-centric theories may not adequately grasp situations in which accession candidates enjoy enhanced bargaining power: Due to Turkey's strategically important position for the EU's 'migration management', a revival of dialogues was promised despite adverse conditions. Arguably, the paramount objective of outsourcing border control 'at any cost' demonstrates the real-political submission of 'European values' to domestic pressures in the supply-states: An almost consensual imperative of 'relieving migratory pressures' prevailed over concerns about democratic conditions and human rights in the aspiring country. The present case further serves as a telling example for 'humanitarian' lip service played to the aims of refugee protection, used to increase the pact's viability. Existing theoretical accounts may thus benefit from better accounting for the interdependent influence of external shocks, internal developments and accompanying rhetoric on the cost structure of multilevel 'games'.

**Key-words:** *migration policy, EU enlargement, Turkey-EU relations, Turkey's accession process, conditionality, framing*

## 1 Introduction

*"The EU [...] is based on a European and liberal collective identity. The belief in and adherence to liberal human rights are the fundamental beliefs and practices that constitute the community."*  
(Schimmelfennig, 2001, p. 59)

*"The EU should decide whether it wants to continue its future vision with or without Turkey."*  
(Turkish prime minister Yildirim, cited by Rankin and Shaheen (2016))

Under ‘normal’ circumstances, it would be rather unlikely to observe openly proclaimed cooperation between democratic and despotic governments. But ‘normal’ circumstances seem to become rarer every day. Instead, ‘crises’ shape our perceptions (Coombs and Holladay, 2009), as well as the ways in which politicians driven by a sense of urgency try to manage<sup>1</sup> public fears and expectations for their own benefits (Bauman, 2016). It is against this background that the 2015 Joint EU-Turkey Action Plan and the 2016 Aegean deal (EU-Turkey Statement) have to be seen: At first glance, it seems puzzling how the European ‘community of values’ could offer the revival of accession talks and visa waivers to a country infringing its core principles in exchange for outsourcing parts of its ‘migration management’. Examined in detail, this however appears to follow a well-established logic (Yıldız, 2016): In order to reduce ‘irregular’ migration to the EU, offering concessions<sup>2</sup> to the Turkish government despite adverse conditions was seen as the only feasible strategy for EU decision-makers facing pressures on the domestic and supranational levels. By framing the cooperation as inevitable, a far-reaching consensus for the otherwise unlikely pact’s necessity was reached. From an international relations perspective, the bargaining situation surrounding this deal arguably serves as a telling example for sensitive real-political balancing acts between rationalist calculus and normative prerequisites, to which at least *lip service* is paid. By revisiting the context in which the agreement was reached and providing starting points for a thorough analysis of this outstanding case, this study links the debates on EU enlargement and the externalization of ‘migration management’ in light of this new evidence: It emphasizes the necessity of taking into account the influence of both internal and external developments when assessing the cost structure of enlargement ‘games’.

As Yıldız (2016, p. 137) observes, “Turkey constitutes a unique case to test the implications of the external dimensions of the EU’s immigration and asylum policy in transit countries”. The same applies for the study of EU enlargement (Schimmelfennig, 2009): EU-Turkey relations have been increasingly shaped by contradictory incentives. On the one hand, reservations regarding Turkey’s accession to the EU are *inter alia* justified by an observed lack of ‘European values’ and serious flaws on democracy and human rights indexes<sup>3</sup>. After a phase of relative improvements (Camyar, 2009, p. 235), recent developments may have called the Turkish government’s commitment to relevant norms even more into question. In addition to other arguments against Turkey’s membership (Camyar, 2009; Schimmelfennig, 2009), Turkish immigration has been seen critically by many EU citizens for a long time (Cooper, 2016). On the other hand, Turkey’s important strategical position as well as its relatively stable ties to the EU have contributed to the perception of its government being one of the very few actors *capable* and *willing* to assist the EU with its growing migratory ‘pressures’. Put bluntly, it may have been mainly for this reason that European governments decided to cooperate with Turkey on the issue “to end the irregular migration from Turkey to the EU” (European Commission, 2016a) in

---

<sup>1</sup>It is under this aspect that I use the term ‘migration management’ despite its problematic mechanical and dehumanizing connotation (Barnett, 2015; Yıldız, 2016, p. 44).

<sup>2</sup>As Yıldız (2016, pp. 83-85) argues, the fact of Turkey being a membership candidate may have allowed the EU to provide incentives that would be less applicable to other countries, e. g. those associated under the European Neighborhood Policy (ENP). However, another question upon which this study can only touch regards the credibility of the concessions offered: To this date, except for financial support, none of the concessions have actually been made. Moreover, it might be argued that the EU only continues accession dialogues for the sake of not abandoning long-standing negotiations at all, whereby it would forfeit hopes in Turkey’s compliance with strategic aims.

<sup>3</sup>See for example Arsan (2013), Uçar (2012), or Yilmaz (2011).



absence of other politically feasible strategies to solve the dilemma between refugee protection and immigration control<sup>4</sup>.

By focusing on the EU-Turkey (Aegean) deal, this study contributes not only to the related literature on enlargement but also to the study of border regimes: While the agreement itself contains some unprecedented elements, similar cooperation is *not exceptional* in the field of migration control. Over the past years, wealthy countries around the globe have increasingly engaged with countries of origin and those on the transit routes<sup>5</sup> to stop (onward) migration or to ensure the orderly readmission<sup>6</sup> of their own or third country nationals. For EU member states, this has been the case both bilaterally and via joint initiatives (Hansson, 2016; Rais, 2016; Wolff, 2014). Parallel to the establishment of the Common European Asylum System (CEAS), the aim of reducing the influx of persons potentially qualifying for some form of international protection<sup>7</sup> as soon as having reached EU territory became paramount.

However, what *is exceptional* about the EU-Turkey deal in comparison to similar agreements is Turkey's enhanced bargaining power. Most studies assessing the externalization of 'migration management' depict this tendency rather as a one-sided pressure enforced by wealthy countries. Similarly, in the study of EU enlargement, EU actors are often perceived as being the ones in control of the bargaining processes, having greater leverage vis-à-vis accession candidates due to the asymmetrical power distribution. Challenging these views, I suggest that such hierarchical depictions may underestimate the respective bargaining partner's power in situations similar to the present case: On the other side of the table, as a consequence of what may be seen as an 'external shock', the Turkish government has been encouraged to use vulnerable populations as 'bargaining chips' in the larger context of EU membership negotiations and visa-free travel for Turkish citizens (TAZ, 2016). Depending on the success or failure of its implementation, the agreement might thus help EU governments to set up "barriers designed to prevent refugees from entering" (Price, 2009, p. 186) at the same time to allowing the Turkish government to improve its position on the negotiating table despite serious concerns regarding the country's suitability for EU accession and treatment of refugees.

To bolster the viability of questionable border regimes, normative framings often dominate the corresponding debates, accompanying their actual aims with allegedly humanitarian rhetoric: Whereas related measures in similar cases are primarily implemented to reduce governments' responsibilities vis-à-vis displaced persons, they are frequently communicated under the guise of

---

<sup>4</sup>On the one hand of this dilemma, asylum seekers and recognized refugees are to be guaranteed certain rights which translate into responsibilities for their host states. On the other hand, 'immigration backlashes' provide governments with incentives to reduce their numbers or permanence of stay. This leads to particular difficulties for democratically elected governments of welfare states: Anti-immigration sentiments may depend on the perceived boundaries between in- and outsiders; i.e. on defining, enforcing and communicating who belongs to the beneficiaries of a given social system (Breunig, Cao and Luedtke, 2012, p. 831). However, the presumption that "any policy that has popular support is likely to be immoral and unworkable" (Malik, 2016) implicates that actors caught between domestic accountability and international obligations face situations with limited scopes of action in this regard.

<sup>5</sup>See Yıldız (2016, pp. 56-60) for a critical discussion of the 'transit state' notion.

<sup>6</sup>Readmission deals constitute only one tool in the wide range of measures intended to 'manage' migration (Hiemstra, 2016; Wong, 2015).

<sup>7</sup>For simplicity and acknowledging the fluctuating boundaries between these terms, in the remainder of the study I do not differentiate between actual protection seekers and other new arrivals who might constitute certain shares of so called 'mixed migratory flows'.

‘saving lives’<sup>8</sup>. In addition, complex multilevel settings may reduce public scrutiny by shifting the implementation of related measures ‘out of sight’ and outsourcing the responsibility to actors out of direct democratic control. In the present case, by implementing the deal at the EU’s periphery and framing it as ‘necessary to save migrants’ lives’, arguments against its signing were countered effectively.

The remainder of this study is organized as follows: After this introduction, I recapitulate the theoretical and conceptual frameworks under which the related phenomena may be understood. Thereafter, I substantiate the case selection and examine the situation that led to the EU-Turkey deal in light of prior considerations, before summarizing and discussing the findings.

## 2 Theoretical frameworks

The present context requires bringing together domestic incentive structures with overlapping supranational negotiations on long term cooperation (eventually culminating in accession plans) and shorter term aims (such as joint ‘border management’), as well as their implications on multiple levels. To meet this requirement, in a first step, this section departs from the debate between rationalism and constructivism as general explanatory models. Subsequently, it offers a theoretical account of how reason, norms and rhetoric may drive policy-makers’ strategies in such contexts, building on major contributions in the field of enlargement studies. In a second step, it summarizes the rationales underlying the externalization of ‘migration management’. Finally, it ‘puts together the pieces of the puzzle’ by suggesting that decision-makers in ‘two-level games’ (Putnam, 1988) may use a particular mutual conditionality related to the previously identified incentive or cost structures in order to satisfy both internal and external demands — a politically delicate balancing act that may succeed if framed and resonating in accordance to the corresponding political prerequisites.

### 2.1 Between norms and reason?

Although these two general strands “do not provide us with fully elaborated and internally consistent competing hypotheses [...] that we could rigorously test against each other” (Schimmelfennig and Sedelmeier, 2002, p. 508), the debate between constructivism and rationalism has received considerable attention in the context of enlargement studies (Schimmelfennig, 2001, p. 47). The rationalist model of policy making includes all actions undertaken to minimize the cost and maximize the utility in view of factors such as domestic constraints, welfare expenses or other economic requirements, contending “that truth can be found only through the use of reason” (Williams, 1992, p. 101). Actors on all levels are assumed to be egoistic decision-makers. This model hence focuses on the self-interest of incumbent politicians assumed to care predominantly about outcomes such as their reelection chances<sup>9</sup>: “In liberal-democratic states there are few interests more important to their holders than the desire of politicians to be elected” (Triadafilopoulos, 2012, p. 165). Accordingly, supply-state governments should offer concessions or support the accession of a candidate country only if it would be assumed to produce a net benefit in terms of (perceived) welfare or security gains for their own constituencies (Schimmelfennig, 2001, p. 53). Analogously, in the realm of migration

---

<sup>8</sup>Thereby, forced migrants are effectively or rhetorically *incapacitated* as politicians claim to have to ‘protect them against themselves’.

<sup>9</sup>Similarly, in the study of international relations, “realism refers to the view of politics that emphasises the role of self-interest as a determinant of state policies and hence the importance of power in these relations” (Newton and van Deth, 2010, p. 355).

governance, expected electoral gains are important drivers of political decisions and the way they are being framed (Bauman, 2016).

Going beyond this cost-benefit logic<sup>10</sup>, constructivist approaches include ‘softer’ variables such as a ‘logic of appropriateness’ into the explanatory models: Moral concerns may drive decision-makers when identifying and assessing feasible options in domestic and supranational ‘games’. In the context of enlargement, this implies a focus on shared values as a necessary condition for the engagement in accession negotiations. A stable normative ground shared by a potential ‘outsider’ state and the existing community should be crucial for their rapprochement. In attempts to govern migration, seen from this angle, a decisive role should be allocated to complying with norms in areas such as humanitarianism or refugee protection.

## *2.2 Normative rhetoric*

Departing from this ‘either-or’ logic, Camyar (2009, p. 239) suggests to “synthesize the insights of the rational and sociological approaches”. For example, even the most rationalist cost-benefit calculators may attach measurable utilities to treating ‘outsiders’ (whether states or humans) in accordance to well-established norms if striving to uphold certain reputations. Consequently, politicians might not only deduct moral satisfaction but also increase their reelection chances by referring to certain values. Due to legitimacy concerns and “the constraining weights of past policy choices” (Camyar, 2009, p. 233), they may find themselves ‘rhetorically entrapped’ (Schimmelfennig, 2001, p. 63), having become dependent on the “strategic use of norm-based arguments” (ibid., p. 48; 62). In ‘two-level games’, this may result from ‘shaming’ strategies adopted by critics on the domestic and international stages (ibid., p. 64).

Actors may however also try to strategically manipulate or abuse value-focused rhetoric for certain purposes (ibid., p. 65). By applying norms in an uneven and biased way or rhetorically focusing on certain outcomes while disguising others, they may succeed in appearing to act according to certain values without actually doing so. In such cases, rationalist calculations may hence prevail behind the norm-based surface, as it may be the case in the example of ‘rhetorical refugee protection’: Formulators of migration policies may appear as if acting ‘in the name of humanitarianism’ by framing certain measures to restrict protection seekers’ access as inevitable ‘for the sake of saving lives’. Such ‘human rights washing’ strategies (Hansson, 2016, pp. 15-16) can be adopted to bolster political legitimacy and thus reduce costs: Rhetorically, the aim of saving the lives of some ‘outsiders’ who lack the permissions to enter may be used in order to justify the adoption of measures to stop ‘uncontrolled influx’. Although not much more than ‘cheap talk’, this argument potentially resonates among norm advocates on several levels without creating a necessity to invest in refugee protection or life-saving capacities.

The externalization of migration policies can help actors caught in related normative-rationalist dilemmas to succeed in establishing such salient frames. I therefore turn to recapitulating this external dimension in order to scrutinize how regional enlargement and ‘migration management’ overlap and how these frames may resonate within resulting ‘multi-level games’.

## *2.3 ‘Remote control’ practices*

---

<sup>10</sup>The particular mechanisms through which norms shape political decisions may often be hard to identify. For example, non-state actors may play crucial roles in challenging governments by referring to existing norms (Thomas, 2006, p. 1206).



Due to the apparent incompatibility of strict border controls and humanitarian aims, the debate between normative and rationalist aims is often particularly heated in the area of migration. Striving to find ways out of this impasse, pragmatic decision-makers may try to negotiate related policies not only on the national, but also on the supranational stages. I assume their general aims to lie in the identification and implementation of solutions that satisfy relevant actors on all levels, and in remaining capable of acting (at least rhetorically). To approach these interdependent aims, they may then want to delegate certain powers to actors outside their countries. It is hence useful to rely on the literature on the externalization of ‘migration management’<sup>11</sup>, i.e. the “delegation of mobility control tasks to third countries” (Gabrielli, 2016, p. 12) that takes place in the wider context of external governance approaches (Lavenex and Schimmelfennig, 2009), also subsumable under the term ‘remote control’ practices (Zolberg, 2003).

To provide incentives, related agreements may include ‘sticks and carrots’ for collaborating states in exchange for intensified migration controls or the readmission of certain persons. This is where the link to enlargement theories becomes evident, given that a community of ‘supply’-states has ‘something to offer’ to its ‘demanders’. Particularly, wealthy liberal democracies may want to rely on third countries as ‘bad cops’ to do the ‘dirty work’ of keeping undesired migrants out: Facing greater normative legitimization necessities, they might not dare to risk their reputations in the area of human rights. The “blame game” (Hood, 2010; Stavropoulou, 2016, p. 8) may however allow them to shift the guilt away from themselves and onto the external actors assigned as agents “to take self-interested or immoral actions [...] they] would be reluctant to take more directly” (Hamman, Loewenstein and Weber, 2010, p. 1826). Consequently, outsourced decisions may take place in a ‘masked’ way (Adams and Balfour, 2014), more distantly from the perceptions of domestic electorates<sup>12</sup>. Beyond, in their roles as principals delegating certain tasks, politicians whose scopes of action are limited by normative constraints, might feel and be perceived as “more detached, and hence less responsible [...] while the agent may feel [...] as] ‘just carrying out orders’” (Hamman, Loewenstein and Weber, 2010, p. 1826).

#### *2.4 Framing and conditionality in ‘two-level games’*

As a last conceptual step based on the prior theoretical accounts, it remains to ‘put the pieces of the puzzle together’. Can we make sense of a ‘community of values’ offering (the revival of) accession talks to aspiring neighboring countries in exchange for partially outsourcing its ‘migration management’, for example, to reduce domestic costs? According to Putnam (1988), we can think of such situations as of ‘two-level games’<sup>13</sup>: In order for politicians to be reelected, they may have to succeed in intergovernmental negotiations without forfeiting the consistency between their words and actions on the domestic *and* international stages. The aim of this section hence is to disentangle this multi-level framework.

By including peripheral countries attracted by future accession prospects or other advantages into the border control practices of a given community, two seemingly unconnected issues can be

<sup>11</sup>Among others, Bröcker (2010), Gabrielli (2016), Gaibazzi, Dünwald and Bellagamba (2017), Hathaway and Gammeltoft-Hansen (2014), Lavenex (2006), McNamara (2013), Yıldız (2016), and Zaiotti (2016) have contributed to the externalization literature.

<sup>12</sup>Neuberger (2016) employs an analytic framework based on agency to depict the underlying rationales of such strategies.

<sup>13</sup>Omitted here for simplicity, another delegation level may need to be included into our models in cases of regional communities.

negotiated at the same table. On the first (domestic) level of the ‘game’, strategies’ success may depend on their *framing* and *frame resonances*, whereas their success on the second (supranational) level depends on the *conditionality* employed in the bargaining<sup>14</sup>. Among other incentives, highly sought-after concessions such as visa waivers may be used as part of a conditionality by states within a given ‘club’ to make cooperation on certain strategic goals more attractive. This may particularly be true in the case of ‘external shocks’: If successfully framed as ‘inevitable’ in the domestic ‘games’, cooperation might become politically viable even under otherwise adverse conditions. Thereby, such strategies may satisfy not only the domestic but also the aspiring countries’ constituencies by making certain concessions conditional upon ‘goodwill’ or measurable outcomes, for example in the realm of migration governance.

As the above discussed strand of rationalism suggests, firstly, the negotiations should include the concerns of relevant actors on the domestic levels. Secondly, negotiators on the supranational levels should be interested in reaching agreements as soon as their gains outweigh their losses. In the present case, the utility derived from ‘improved’ migration governance should compensate for the concessions offered to the respective ‘outsider’ states. Then again, the rationalist, egoistic governments of ‘outsider’ states should agree to such deals as soon as making concessions in terms of increased migratory controls is ‘cheap’ enough or outweighed by the (political) gains from accession prospects, financial aid, visa liberalizations, and etcetera. Constructivists in turn would focus on the applicability of normative exclusion criteria. For example, negotiators may observe the human rights situations in potential partner countries before making deals with them. In view of potential real-political necessities, this might however lead to impasses in which their capacity for action might be severely restricted.

As argued above, normative rhetoric may serve as a way out of such seemingly protracted scenarios. By presenting a strategy that involves troublesome concessions to ‘bad guys’ as *the only viable option*, for example in order to ‘save lives’, the ‘lack of alternatives’ might be internalized even by potential critics. Under imperfect information (which often characterizes complex ‘multi-level games’), the outcomes of intergovernmental bargaining can domestically be presented as *both* rationally advisable *and* in line with normative standards.

Facing domestic pressures both *against* immigration and *against* letting migrants die on their ways, governments (for example of enlargement supply-states) may hence rely on their neighbors (potentially the demanders of enlargement) to externalize their border controls. Rhetorically, this externalization may be framed as ‘necessary to save or improve the lives’ of migrants residing in the respective state and potentially willing to migrate ‘irregularly’. Relying on this combined strategy of ‘rhetorical refugee protection’ and the externalization of their border controls, politicians may be able to ‘save their faces’ and pretend to adhere to normative obligations without having to bear larger costs: Both financially and politically, the admission of large numbers of protection seekers may be domestically more costly than offering concessions to bargaining partners, even under the most adverse conditions. Strategies involving the outsourcing of questionable tasks in this area may therefore be used to reach the larger goal of restricting ‘unwanted’ migration while lowering the risk of reputation losses. Due to information

---

<sup>14</sup>Yıldız (2016, pp. 17; 24) elaborates on the principle of conditionality. Note that, for completeness, the domestic resonance of the respective frames in the bargaining partner’s country should also be included — which I however leave open for future research.



asymmetries and complex decision-making structures, publics may internalize the outcomes' framed inevitability and could consequently accept situations in which (1) legitimate protection seekers are barred from reaching safe territories and (2) despotic governments are included into externalization agreements, offered concessions or cross-payments.

To sum up, governmental "attempts to [...] recruit other[s ...] to assist them in regaining control over immigration" (Kritzman-Amir, 2011, p. 193) may allow them to "distance themselves from their responsibilities" (ibid.) *and* to reach agreements with actors who might otherwise be excluded from the bargaining tables: As soon as the government of state *B*, the bargaining partner in the respective context, notices that the domestic constituency of state *A* is eager to reach a certain outcome *at any cost*, it can be expected to exploit the circumstances, being able to negotiate higher concessions than usual. In other words, "weapons of mass migration" (Greenhill, 2010) may be used by rational actors to 'blackmail' other governments.

### 3 Case selection

To test the above derived presumptions, first and not surprisingly, the EU constitutes the ideal case: Economically powerful, influential, and more institutionalized than other regional organizations, it rates as *the* "model for regional integration efforts around the globe" (Cameron, 2010) and an attractive 'magnet' for its neighbors. Secondly, with regards to the particular bargaining situation between the governments of 'insider' and 'outsider' states, Gabrielli (2016, p. 12) suggests to study agreements with countries "taking into account three main aspects (two geographical and one political): the proximity of this country to EU, the country's condition as a departure or transit point of migratory flows, and the degree of institutional relation that the country has with [the] EU (related to the possibility to include an agreement, more or less extended, on migration management)" (ibid.). In view of the universe of potential cases for this study, the Turkish case is certainly outstanding with regards to *all three criteria*: *Firstly*, located in its direct proximity, Turkey actually shares a relatively easy to cross border with the EU. *Secondly*, the conditions for qualifying as a partner in the EU's 'migration management' are fulfilled; Turkey's geography makes it a 'predestined' cooperation partner for the EU's 'migration management' as the country hosts the most refugees worldwide (Daily Sabah, 2016) — and by far more than any EU member state or candidate for future membership. *Thirdly*, with regards to the conditionality of the concessions offered, "the use of other matters in the migratory negotiation, [*sic!*] as a 'stick' or as a 'carrot' depends on the position of the third countries vis-à-vis the issue, as well as on the European priority to reach an agreement" (Gabrielli, 2016, p. 23). As depicted below, the institutional relation between Turkey and the EU has grown significantly over the past decades: Although Turkey has not yet met all accession requirements, the negotiations already started some decades ago, making it *the* EU membership candidate that has been on the 'waiting list' the longest. After "several years of less fluid negotiation" (ibid., p. 25) on the issues of visa liberalizations or even a possible accession, such conditionality can therefore be expected to create relevant incentives for the Turkish government (ibid., p. 23). Acknowledging this, it becomes clear once again that this case is far from being typical for EU membership candidates (Camyar, 2009, p. 238) but rather an 'outlier' — as Turkey is in the geographical sense in comparison to other European countries. What is more, the fact that Turkey seems to be developing in the opposite direction to what could be called a democratic government with respect for human rights under Erdoğan's leadership (Saikal, 2016; Shaheen, 2016) makes it a particularly *hard case* in the present context of scrutinizing actors' normative consistency: As discussed below, the stakes being fairly high, reaching an agreement must have

been a number one priority at that time. Hence, whereas a few other states also rate as candidates for EU membership and several other countries at its direct or indirect peripheries are also being included into the EU's migration governance apparatus, studying the case of Turkey can yield particularly revealing results (Yıldız, 2016, p. 137), even if the findings might not be fully transferable to the entire universe of relevant cases.

## 4 Findings

After having clarified this contribution's theoretical framework and case selection, this section summarizes the most relevant aspects of the Aegean agreement. The underlying empirical puzzle consists of the fact that Turkey was offered a revival of the accession dialogue and concessions such as visa waivers by the EU, led by the German chancellor, in spite of its worsening human rights situation, increasingly despotic government and Europeans' fear of Turkish immigration — in short: despite the most adverse conditions. In an attempt to solve this puzzle, first, I provide the background of the EU's 'migration management' and its growing 'external dimension'. Secondly, I summarize Germany's role therein, given that the German chancellor has been the EU's most active leader in this regard. Subsequently, I depict the most important developments in the EU-Turkey relations and their cooperation on migration governance. Thereafter, the conclusion of the agreement is embedded in its context, with a focus on its framing. The empirical base of this study consists of the extensive bibliographic review of scholarly contributions, parliamentary debates, related official documents, reports and comments, as well as expert interviews conducted in 2016 and 2017.

### 4.1 The EU's 'migration management'

In order to grasp why a powerful and wealthy community of democratic states would resort to a questionable agreement with one of its neighbors with serious issues in areas such as human rights and democracy, first, we need to understand how asylum seekers could become such a prominent issue that it would be 'worth betraying one's principles'. The point of departure for these developments lies back many years: In the EU, asylum seekers' rights have been anchored in several international and regional treaties which imply certain legal obligations. In addition, representatives of EU countries have repeatedly reconfirmed their commitment to the individual right to asylum and globally placed themselves at the forefront as agenda setters of human rights norms<sup>15</sup>.

However, it has not remained unnoticed that the EU has tried to make it practically unfeasible to find a legal way to claim asylum from the outside (de Oliveira, 2017). Most visibly, its external borders have been fortified. In the course of the securitization and criminalization of migration (Bauman, 2016, pp. 24-31; Huysmans, 2000), protection seekers have been framed and viewed as 'security risks' and 'illegals' rather than legitimate claimants. The rise of conflicts in the EU's near neighborhood in the aftermath of the 'Arab Spring' further exacerbated this situation. In this context, the legal, political and practical consequences of the securitization of immigration in Europe, reflected in the mandate of Frontex (the European Border and Coast Guard Agency), have received growing attention (Den Heijer, 2016; Messina, 2016). Arguably, widespread human rights violations at the external borders of the EU have implicitly been assented by European governments, provided that they would 'help' to prevent potential asylum claimants

---

<sup>15</sup>Greenhill (2016, pp. 215-216) discusses liberal democracies' particular vulnerability with regards to human rights credibility.

from reaching territories where they would be entitled to some level of support (Breen, 2016). Paradoxically, the combination of a lack of legal entry routes and the necessity to physically touch the ground in order to make an asylum claim (de Oliveira, 2017; Thym, 2017) has resulted in proliferating clandestine entry routes (von Helldorff, 2015, p. 4).

As a consequence *and* booster of the related developments, the public discourses in 2015 and 2016 were highly polarized across the EU (Bauman, 2016). On the one hand, parties incorporating xenophobe tendencies gained votes at a worrying pace (Adler, 2016). The topic became a “central issue in European political agendas and debates” (Gabrielli, 2016, p. 3), a “domestic problem in many of the member states as well as a crisis for the EU as a whole” (Bal, 2016, p. 17). Arguably, relevant shares of the European constituencies wanted their governments to ‘protect’ them from uncontrolled immigration (Bauman, 2016). On the other hand, criticisms were also voiced from refugee advocates: With dramatically rising numbers of deaths at sea, new strategies<sup>16</sup> had to be found in order to comply with even the most basic humanitarian obligations. Not only on the European side of the Aegean, but also in Turkey and across the globe, the pictures of dead bodies proliferated alarmingly (Kingsley and Timur, 2015; Knaus, 2016). As the situation had culminated over the past years, a ‘let them drown’ policy had arguably been made socially acceptable throughout large parts of the EU (Follis, 2016). However, the worsening situation required that something had to be done in order to demonstrate capacity for action on the domestic, European and international levels, and to continue ‘flying the flag of human rights’.

Overshadowed by these pictures, the events in 2015 were of crucial importance. Due to a number of factors, mixed migratory movements increasingly reached EU soils throughout the summer of that year. Germany unilaterally suspended Dublin returns for Syrians for a short period of time (Maurice, 2015). After some months of increased migratory ‘pressures’, borders on the ‘Balkan route’ started being closed down one after another<sup>17</sup>, endangering the freedom of movement in the Schengen area. In an attempt to uphold this core achievement while reducing and controlling the number of entries (and deaths), various measures were adopted, among which the continued externalization of the EU’s ‘migration management’ is only one. The external dimension of border policies is neither a new development nor unique to the EU<sup>18</sup>. However, its relevance for EU actors seems to have grown steadily in light of the recent developments. Established in 2005, the “Global Approach to Migration (and Mobility) (GAMM) has provided the EU with a framework to cooperate with countries of origin and transit on migration issues” (Gaibazzi, Dünnwald and Bellagamba, 2017, p. 6). More and more strategically important countries at the EU’s peripheries have been included into its ‘buffer’ framework (Baird, 2015). As Pro Asyl, Brot für die Welt, and Medico International (2016) depict, foreign aid is thereby increasingly being made conditional on ‘favors’ in the combat against migration. Regularly in these deals, “a blind eye is turned to human rights violations” (ibid., p. 8). Turkey’s ‘engagement’ as Europe’s

---

<sup>16</sup>For instance, rescue operations such as the Italian ‘*Mare Nostrum*’ were criticized as contributing to the ‘pull-factors’ and abolished because of ‘budgetary constraints’, further limiting the range of available tools.

<sup>17</sup>As central-European states were rather reluctant to implement border controls, they were ‘lucky’ to outsource this task of ‘building walls’ to countries ‘on the routes’, which may have made it easier for their governments to maintain a sense of moral superiority (Thym, 2016).

<sup>18</sup>The EU had long been exchanging ‘best practices’ with states like Australia or Canada (Zhyznomirska, 2016, p. 136) or even tried to emulate their policies (Jakubowicz, 2016), for example regarding ‘unauthorized boat arrivals’ (Den Heijer, 2016, p. 67).



‘gatekeeper’ (Amnesty International, 2015; Costello, 2016, p. 13) in exchange for financial and political ‘favors’ is a telling example for these tendencies<sup>19</sup>.

To sum up, EU actors wanted to gain control and reduce deaths at their borders urgently. Accompanied by a ‘crisis’ rhetoric, extraordinary measures were taken and justified as ‘inevitable’: In order to find ‘quick solutions’, governments of neighboring states were approached and incentivized with little regard to their scores on indexes of freedom or democracy. Altogether, these findings hence serve as evidence for the above derived theoretical expectations about rationalism disguised under a selective, if not opportunistic rhetoric.

#### *4.2 Germany’s role*

Germany’s case exemplarily demonstrates the relevance of domestic constraints translating into the EU’s extraterritorial efforts, as well as the ambiguity of normative vs. rationalist objectives. Merkel took up the lead role in its formulation and ‘lend her face’ to the Aegean deal. What drove her to engage with Turkey’s increasingly despotic government despite her rhetorical focus on norms? As Geddes (2001, p. 28) finds, Germany has always been an important agenda setter for the CEAS. Probably one of the world’s most attractive countries for refugees, Germany generally (arguably with the sole exception of the 2015 ‘summer of migration’) tried to avoid responsibility for asylum claims: Surrounded by other Schengen and EU member states, its past governments actively advanced the implementation of the ‘Dublin system’ in which the member state of first entry is responsible for processing a given asylum claim, and rejected alternative dispersal schemes (Bade, 2017, p. 99). With that, Germany has been ‘playing the European card’ by using its geographical location and EU-political influence to ‘protect’ itself from a larger asylum seeker influx (Funk, 2016, p. 29). It has also been at the forefront in the creation of additional ‘buffer zones’ by engaging with third states, negotiating agreements either on a bilateral basis or at the EU level (Boswell, 2003a, p. 326; Boswell, 2003b, p. 622; Collett, 2016; Rais, 2016). For example, in North Africa, Germany has been an increasingly “dynamic actor” (Gabielli, 2016, p. 22). The observable trend towards a growing “external dimension of Europeanization” (Lavenex and Uçar, 2004) in Germany’s ‘migration management’ might thus partially explain Merkel’s proactive role in the EU-Turkey agreement<sup>20</sup>.

Domestically, the main reasons for such engagement may be found in the reactions to the growing numbers of asylum seekers arriving in Germany, which were at least partially perceived as a consequence of Merkel’s decisions<sup>21</sup>: Opinion polls indicated growing concerns among the German public (Economist, 2015). Moreover, the first night of 2016 has often been described as a crucial turning point in and beyond Germany (Bade, 2017, pp. 94; 101): Probably rather a juncture at which a foreseeable path was reinforced than a ‘game changer’, the assaults in

---

<sup>19</sup>Such deals have often been accompanied by the convenient rhetoric of ‘helping to build capacities’ or showing ‘best practices’, thereby disguising that ‘development aid’ is being made conditional upon the reduction of migratory ‘pressures’ (Zhyznomirska, 2016, p. 136).

<sup>20</sup>The large Turkish population living in Germany and the prior funds flowing from Germany to Turkey might also play a role in this context. Germany has furthermore always been one of the main drivers of EU integration and enlargement (Schimmelfennig, 2001, p. 54). For Turkey, Merkel and her party had however only suggested ‘privileged partnership’ (FAZ, 2017).

<sup>21</sup>Self-declared ‘patriots’ had accused Merkel of ‘betraying her country’. The right wing gained votes incorporating similar allegations.

Cologne<sup>22</sup> further fueled public anxiety. As a consequence, politicians arguably had to ‘demonstrate strength’ as soon as possible, which may have influenced all related decisions thereafter. It was under these extraordinary circumstances that Merkel met Erdoğan in order to find a solution that would satisfy all parties.

To summarize, it seems to be the case that Germany could only present itself as a ‘welcoming nation’ and ‘normative agenda-setter’ throughout much of the past years as a consequence of many years of functioning institutionalized insulation which continue to allocate much of the refugee protection responsibility in the EU’s external border states. As a consequence of these provisions’ more and more obvious failure, the incompatibility between the freedom of movement in the Schengen area and re-installed border controls became unbearable throughout the year 2015. In combination with the substantive cracks in what was left of intra-EU ‘solidarity’ and increasing domestic pressures, these developments may have motivated the German chancellor to engage not only in, but also beyond the EU. Taking into account this combination of factors, it appears that the political realist Merkel had ‘good reasons’ to offer concessions to the despot, primarily in order not to lose (even more) domestic support. Again, apart from the normative rhetoric used to frame the respective decisions, rationalist explanatory models appear to be best equipped for explaining these findings.

#### *4.3 EU-Turkey relations and cooperation on migration governance*

In order to contextualize the relevant developments and their underlying incentives, this section summarizes some of the most important developments between the EU and Turkey<sup>23</sup>: Importantly, Turkey had already tried hard to fulfill the EU accession criteria in the course of its growing ‘*Europeanization*’ (Yıldız, 2016, p. 30), i.e. transforming several policy areas in the direction of the *acquis* in an attempt to “socialize into the EU” (Baird, 2015, p. 854). After all, the Turkish government can be expected not to dare risking ‘good relations’ with the EU, even in the case of membership appearing as a rather distant vision: Not just recently, Turkey’s economy has been dependent on direct investments, remittances, and other payments from the EU. Turks had been free to travel in Europe without visas until 1980, when the military coup in Turkey was “used as a convenient tool for introducing visa requirements for Turkish nationals in an effort to slow down [...] migration but also to appease public opinion at home” (Kirisici, 2014). In view of the Turkish domestic ‘game’, the abolition of visas may thus continue to serve as an important incentive.

Eligible since 1997 and a membership candidate since 2005, Turkey has tried to improve its records on *acquis*-relevant dimensions for many years, formally meeting the Copenhagen Criteria in 2004. Among other areas, Turkey partially reconfigured its “border security infrastructure” (Baird, 2015, p. 854) in the direction of EU standards. Hence, with regards to the cooperation on migration control, the Aegean agreement has not been unprecedented. In 2013, the EU ‘convinced’ Turkey to sign a readmission agreement by initiating the visa liberalization dialogue according to a ‘road map’ listing the conditions Turkey would need to fulfill (Bal, 2016, p. 25). EU actors ‘put faith’ in Turkey, giving its government wide discretionary powers in how to deal with the situation of migrants (Hansson, 2016, p. 26). Not only was this collaboration

---

<sup>22</sup>Arguably, many Europeans do not fully differentiate between newcomers from certain countries or with certain migratory trajectories.

<sup>23</sup>Among others, Bal (2016, p. 23) and the European Commission (2016b) assess the development of EU-Turkey relations in more detail.

depicted as inevitable and necessary, but also justified by stressing that the EU and Turkey had been “working together before and were already working on the visa relief for Turkey” (ibid.). According to Bal (2016, p. 23), it “was within this atmosphere that in 2015, the refugee crisis has led to the opening of a new period in EU-Turkey relations” in which further negotiation chapters were opened, and financial plus visa facilitation incentives were offered after a period of rather slow progress on these matters. The combination of the fact that Turkey had been hosting over two million Syrians, its strategically important geographic position, and the previous negotiations, made it a straightforward step for EU policy-makers, led by Germany, to intensify high-level dialogue.

However, serious concerns regarding — among other issues — Turkey’s human rights records, contributed to significant delays in the negotiations. Presumably, visa liberalizations or even full EU accession would hardly get the necessary majorities to the time of writing: Even if reviving the negotiations, EU actors must presume that Turkey would still need to make certain adjustments before it would eventually be fully embraced (Camyar, 2009; FAZ, 2017). Not only were the serious flaws in its democratic and human rights records all too evident: How could it be expected to uphold standards for migrants that it would not even guarantee for its own citizens? Although it has been tried to demonstrate Turkey’s efforts to receive refugees according to international norms, reports indicate that severe shortcomings remain, *inter alia* with regards to violations of the *non-refoulement* requirement<sup>24</sup> (Amnesty International, 2016). Moreover, while Bal (2016) argues that veto players among the EU member states may have been *the* crucial impediment of faster accession negotiations, the political situation on the ground should not be neglected when assessing the “firefighting strategy of the EU to stop the refugee flows to Europe” (ibid., p. 31). Examples for relevant concerns impeding progress in the talks can be found in the debates on the recognition of the Armenian genocide (Cunningham, 2016), the measures implemented by Erdoğan in the aftermath of the failed military coup in the summer of 2016, as well as Turkey’s anti-terrorism laws (Letsch and Rankin, 2016). Also the fact that Turkish dissidents may get asylum in Germany (Zeit, 2016) does not neatly fit into the image of Brussels and Berlin ‘appeasing’ Ankara at any cost.

*Prima facie*, some other findings also seem to contradict purely rationalist theoretical expectations: In late 2016, the European parliament voted for freezing the membership talks in order to condemn Turkey’s use of repressive measures — a symbolic decision that led the Turkish government to threaten with its withdrawal from the migration pact (Rankin and Shaheen, 2016). In spite of its presumable incredibility<sup>25</sup>, it may be argued that this threat is nevertheless conclusive for Turkey’s positionality: While it has established a reputation as a ‘hard bargainer’ vis-à-vis the EU for many years (Wolff, 2014), Turkey has still mostly been perceived as a ‘sitting at the shorter end of the lever’ due to the asymmetrical power distribution by which the EU’s relations to accession candidate states are often characterized.

But, this taken for granted: *Why did the EU not actually freeze the dialogue?* The findings suggest that, in light of its growing ‘susceptibility to blackmail’ in the realm of migration, it might be necessary to rethink such hierarchical perceptions: More than ever, the 2016 EU-

---

<sup>24</sup>Hansson (2016, p. 18) summarizes the *non-refoulement* concept. Bürgin and Asıkoglu (2015), Edsbäcker (2011), Kale (2005), as well as Tolay (2015) examine changes in Turkey’s asylum law and policy in the light of EU accession.

<sup>25</sup>By withdrawing, Erdoğan would presumably endanger this cooperation on which Turkey depends.



Turkey deal indicates that the balance of power may have effectively shifted in favor of the accession candidate. For example, although asserting not to take the threats at face value, the president of the European Commission recommended *accelerating* membership negotiations<sup>26</sup> — subject to the sole condition that Turkey would not introduce death penalties (FAZ, 2017). These findings further suggest that also within the EU, possibly due to their varying legitimization needs, actors have been torn between rationalist and normative motivations to different extents.

#### 4.4 Framing the EU-Turkey deal

Agreed upon on March 18 of 2016, the deal built on the November 2015 EU-Turkey Joint Action Plan to send back and detain asylum seekers arriving through Turkey if unable to prove being genuine refugees (Hiemstra, 2016, p. 434). Its main idea was to discourage protection seekers from crossing the Aegean Sea by sending them back from Greece to Turkey if having arrived ‘irregularly’. In exchange for enhanced control over entries, recognized Syrian refugees would be given resettlement places in the EU according to a capped 1:1 scheme (European Commission, 2016a). Thereby, an incentive for ‘waiting in the queue’<sup>27</sup> instead of paying smugglers to arrive ‘irregularly’ would be created. Also, significant funds would be provided to support refugees residing in Turkey<sup>28</sup> (European Commission, 2016c). Drafted by the think-tank ‘European Stability Initiative’ (ESI), the pact’s declared aim is to reduce irregular onward movements and end the deaths in the Aegean Sea (Somaskanda, 2016): Due to its geography, it had become the daily scene of — frequently fatal — illegal border crossings. In order to reduce their numbers, apparently, EU leaders would need to lower their expectations of potential bargaining partners. Easily identified, Erdoğan may have been the only head of government *capable and willing* to assist<sup>29</sup>.

For its drafters, the agreement would be the only feasible strategy allowing the EU to improve its border controls (ibid.). In line with the above derived expectations, many commentators considered the signing of such a deal as *inevitable* given the extraordinary circumstances, putting normative reservations aside. For example, the chief editor of a German public-service broadcast station stated: “Whether the regime [...] is satisfying in our opinion, whether it meets the democratic standards with which we want to deal normally, is not the question at all. The question is whether we can find someone with whom we can implement a humanitarian solution to the problem, or not” (Frey, 2016, *author’s translation*). As the Commissioner for European Neighbourhood Policy and Enlargement Negotiations commented, “we *have to* work hand in hand with our partners and neighbouring countries beyond EU borders which are most affected” (European Commission, 2016c, *emphasis added*). These and other statements (see for example also European Parliament, 2016) reflect the framing that has been used throughout the whole debate, contributing to the widespread internalization of a perceived lack of alternatives. It can thus be argued that its proponents were successful in using a humanitarian rhetoric in order to silence any opposition: By framing the deal as ‘*necessary to save lives*’, counterarguments were

---

<sup>26</sup>In view of majority ratios within the EU, suggesting an *acceleration* of membership talks may however be considered as dishonest.

<sup>27</sup>In fact, there is no legal ‘queue’ for refugees to wait at (Tickner, 2015).

<sup>28</sup>Given that implementing effective sanctions (‘negative incentives’) might not have been feasible, European governments relied on positive incentives (Bal, 2016, p. 19). The financial contributions granted conditional upon their investment in refugee protection can be seen as part of a strategy of fostering ‘protection in the regions of origin’ (Crisp, 2003), thereby reducing incentives for (onward) migration.

<sup>29</sup>Observers reveal that it only cost the Turkish government few phone calls to stop the boats.

discarded effectively<sup>30</sup>. The pact can hence be seen as a telling example for delicate real-political balancing acts between rationalist calculus and normative prerequisites to which at least *lip service* is paid.

## 5 Conclusions

This study views the highly contested 2016 EU-Turkey deal through the lenses of enlargement and externalization. It points out the EU's efforts to effectively shift its external borders to Turkey's southeastern borders without admitting Turkey into the EU. Arguably, EU actors have found themselves confronted by a real-political dilemma between the rationalist goals of 'migration management' or containment on the one, and their own normative rhetoric based on liberal-democratic and humanitarian principles on the other hand. In a reactive 'crisis mode', potentially problematic measures were adopted by actors "pandering to domestic audiences for short-term gains" (Nick, cited by Somaskanda, 2016). The fact that this pact has been signed despite adverse conditions allows conclusions to be drawn about interrelated rationales underlying the conditionality employed in regional enlargement or association negotiations, and framing in 'two-level games'.

The presented evidence suggests that the reasons for the pact's signing can be found in a combination of economic and political ties, the dead-end in the migration situation, Turkey's forthright (although arguably empty) threat to open its borders, Knaus' cold-blooded calculations and Merkel's unimpressed *realpolitik*. In light of these findings, the rationalist explanatory model of enlargement thus seems to have greater explanatory power: Obviously, Turkey was far from being an ideal bargaining partner. In spite of the observed shifting power balance, previous reservations about allowing Turkey's accession or abolishing visas for Turks must have been aggravated by Erdoğan's decisions, supposedly making the 'appeasement' policy even less acceptable over time (FAZ, 2017). The difficulty of the resulting balancing act is reflected in the fact that the European Parliament voted for freezing the accession negotiations with Turkey at the end of 2016 (TAZ, 2016), indicating that normative considerations seem to still play a certain role, even in situations of apparent impasses. However, domestic losses from adhering to related norms may outweigh such concerns. Arguably, quick 'solutions' to the migratory issue had to be found, even if that meant a renunciation of key principles. Among other reasons, this may explain why Turkey was 'appeased' in spite of its government engaging in practices hardly consistent with 'European values'. Perhaps not only due to its 'susceptibility to blackmail' on the migration issue, the EU continues to collaborate with Erdoğan on the issue to the time of writing this study: Turkey might have become just too important as a strategic ally, rising economic power and 'gatekeeper'.

As proposed above, the logic of 'two- or more-level games' helps to grasp situations in which 'external shocks' have severe implications for the allocation of costs or incentives. On the domestic levels, the framed 'inevitability' of offering concessions to a quasi-authoritarian state contributed to attenuate public pressures: Throughout great parts of the media, the pact was depicted as inevitable. Repeated over and over again, such salient frames arguably resonated among the wider public and contributed to the deal's political viability. On the supranational level, the agreement has to be seen as an extraordinary case of mutual conditionality: Having signed the deal with an increasingly powerful country which is however developing away from

---

<sup>30</sup>A similar strategy of 'rhetorical refugee protection' accompanies Australia's measures to keep self-selected protection seekers out.

‘European values’, EU decision-makers could presumably neither fully ‘embrace’ Turkey nor ‘afford’ to openly withdraw from the concessions offered: The case illustrates that the “export of a security model has given more powerful partner states a perfect bargaining chip” (Andersson, 2016, p. 1063), providing them, literally, with a diplomatic ‘weapon of mass migration’ (ibid., p. 1064). For the advancement of theories apt to adequately predict political behavior in such delicate situations, this study therefore suggests that some refinement is needed: We should be able to account for changes in the cost structures of enlargement ‘game’ that are due to interrelated external shocks and domestic developments: The domestic level, as exemplified here by the German case, can be assumed to be primarily shaped by (democratically elected) leaders with vast executive powers who are primarily accountable to their own constituencies. In spite of their limited bindingness, supranational negotiations may nonetheless also involve tangible incentives for leaders in- and outside of given communities: Models in which supply-states are in the center of considerations as unchallenged powerful actors, deciding which negotiations to advance and according to which criteria, cannot always neatly be applied to situations in which they have become ‘susceptible to blackmail’. Prior theoretical accounts fail to fully grasp this, tending to oversimplify complex bargaining situations that involve multiple interrelated levels. Whereas traditionally anchored hegemonic disparities certainly continue to play a role, our models may be too static if based on the assumption of power distributions staying constant over time: As the present case indicates, they can be challenged by changing circumstances quite easily. For their refinement, it should further be kept in mind that relations between states in- and outside communities tend to be shaped by intricate and partially contradictory sets of path-dependent interests; and that arguments used in public discourses may be of both normative-moral and pragmatic-managerial character concurrently. Disentangling such rhetoric hence requires understanding the evolving positions and the way certain maneuvers are being framed at different ‘game’ levels.

Finally, while this study suggests that rationalist explanations have greater explanatory power in comparable situations, on the rhetorical level, norms appear to still matter for actors who do not want to risk their credibility, seeking consistency between their past and present statements: It has been shown that whereas egoistic thinking has prevailed in the context of the urgent migratory ‘pressures’ presumably ‘overburdening’ domestic constituencies, normative rhetoric was used to frame the agreement. Such ‘rhetorical refugee protection’ can however barely conceal the fact that immigration control was the pact’s main aim. Attempts to frame it as a humanitarian imperative may however have helped to establish a far-reaching consensus, demonstrating that lip service may be paid to normative convictions even in the context of policies reflecting purely rationalist motives<sup>31</sup>.

To sum up, the depicted deal can be seen as “a strong indication of how much the EU’s own interest and the own protection of territory goes above everything else” (Hansson, 2016, p. 37). A blind eye is being turned to the practices of Turkey’s government as a consequence of this agreement, indicating a rapprochement despite adverse conditions. As Bauman (2016, p. 89) finds, EU leaders have further cowardly and hypocritically hidden their draconian practices vis-à-vis displaced people “behind the veil of a ‘politically correct’ vocabulary”. Based on these

---

<sup>31</sup>The ‘cruel to be kind’ argument appears contradictory when bearing in mind that the border regime implemented by EU actors led to the entire set of incidents in the first place. Relying on ‘human rights washing’ to bolster their decisions’ legitimacy after having confronted their populations with pictures ‘too hard to digest’ thus seems ironic at best (Hansson, 2016, pp. 15-16).



observations, it is hard to shake off the impression that the pact is going to come back to haunt EU leaders in a foreseeable future.

## 6 Discussion and limitations

Firstly, it should be noted that the aim of this study has not been to propose feasible alternatives to the EU-Turkey deal. Secondly, although potentially more than an isolated case of a state in a geographically important location using its bargaining margins to advance other goals, caution should be exerted before regarding the present case as a textbook example for tendencies like the externalization of ‘migration management’: Due to a number of factors, Turkey’s relative bargaining power and political stability in 2016 were arguably greater than in other cases of countries wanted for cooperation on similar issues. In spite of its difference to other states on various dimensions, its case might nevertheless constitute a dangerous precedent. It may serve as a *warning sign* against similar agreements: Outsourcing refugee protection or containment to states with questionable human rights records and democratic standards may cause ‘downward spirals’, given that processes of ‘norm socialization’ crucially depend on the policies adopted in wealthy and democratic regions. EU practices can thus be expected to send important signals to other states (Money, Lockhart and Western, 2016, p. 400; Risse, Jetschke and Schmitz, 2002): If even countries with relatively high human rights standards do not manage to assure compliance with related norms, their ‘followers’ can hardly be expected to improve theirs.

That being said, is the deal ‘overvalued’? So far, the *mutual* conditionality has remained one-sidedly biased: The EU paid Turkey for ‘stopping the boats’ but did not yet abolish visa requirements for Turks<sup>32</sup> (FAZ, 2017). This delay in turn is justified by Turkey’s lack of adoption of crucial EU-*acquis* requirements. In Turkey, it might however be doubted that visa waivers or EU accession would ever become reality after many years on the waiting list with rather poor progress. However, until Turks enjoy the long sought-after advantages, it can be argued that Erdoğan’s general power calculus may rather have led him to sign the deal: Once having been made even more dependent on Turkey, the EU’s ‘susceptibility to blackmail’ might eventually enable future concessions. Nevertheless, as long as regional power disparities and economic relations are not reversed, both sides should continue being interested in maintaining ‘good relations’. The EU-Turkey agreement itself may thus have been overrated in light of other (again primarily rationalist) motives tying Turkey to the EU and vice versa.

---

<sup>32</sup>From the Turkish perspective, this longstanding protraction must have been seen as unfair, if not as a *farce* at all. Nevertheless, as the Turkish economy continues to depend on the EU, it might also be considered part of Erdoğan’s rhetorical irresponsibility to endanger the cooperation altogether. From the European point of view, if the visa liberalizations were to come into effect and the 1:1 resettlement scheme to come into operation, the EU-Turkey deal might additionally be understood in the context of the attempt to establish ‘selective borders’ (Mau et al., 2012): ‘Cherry-picking’ might imply making EU borders permeable for high-skilled Turks and calculable numbers of refugees at the same time to ‘keeping the doors closed for the large masses’.

## References

- Adams, G. and D. Balfour. 2014. *"Unmasking administrative evil"*. Routledge.
- Adler, K. 2016. "Is Europe lurching to the far right?" available at <http://tinyurl.com/znc5gqp> [accessed May 1, 2017].
- Amnesty International. 2015. "Europe's Gatekeeper: Unlawful Detention and Deportation of Refugees from Turkey." available at <http://tinyurl.com/muanc9l> [accessed May 1, 2017].
- Amnesty International. 2016. "Turkey: Illegal mass returns of Syrian refugees expose fatal flaws in EU-Turkey deal." available at <http://tinyurl.com/jyj5593> [accessed May 1, 2017].
- Andersson, R. 2016. "Europe's failed 'fight' against irregular migration: ethnographic notes on a counterproductive industry." *Journal of Ethnic and Migration Studies*.
- Arsan, E. 2013. "Killing me softly with his words: Censorship and self-censorship from the perspective of Turkish journalists." *Turkish Studies* 14(3):447–462.
- Bade, K. J. 2017 "Migration Flucht Integration". Von Loeper.
- Baird, T. 2015. "Functional Actorness? Border Security in the EU and Turkey." *International Journal of Public Administration* 38(12):849–859.
- Bal, P. G. 2016. "The Effects Of The Refugee Crisis On The EU-Turkey Relations: The Readmission Agreement And Beyond." *European Scientific Journal* 12(8).
- Barnett, E. 2015. "Calais crisis: Screw British holidaymakers. What about the real victims?" available at <http://tinyurl.com/pvgyflk> [accessed May 1, 2017].
- Bauman, Z. 2016. *"Strangers at our Door"*. John Wiley & Sons.
- BBC. 2016. "Migrant crisis: EU-Turkey deal is 'working'." available at <http://tinyurl.com/jxf3d38> [accessed May 1, 2017].
- Boswell, C. 2003a. "Burden-Sharing in the European Union: Lessons from the German and UK Experience." *Journal of Refugee Studies* 16(3):316–335.
- Boswell, C. 2003b. "The 'external dimension' of EU immigration and asylum policy." *International Affairs* 79(3):619–638.
- Breen, Duncan. 2016. "Abuses at Europe's borders." *Forced Migration Review* 51, available at: <http://tinyurl.com/kmxolgo> [accessed May 1, 2017].
- Breunig, C, X. Cao and A. Luedtke. 2012. "Global migration and political regime type: A democratic disadvantage." *British Journal of Political Science* 42(04):825–854.
- Bröcker, H.-M. 2010. *"Die externen Dimensionen des EU-Asyl- und Flüchtlingsrechts im Lichte der Menschenrechte und des Völkerrechts: unter besonderer Berücksichtigung des Konzepts extraterritorialer Aufnahmeeinrichtungen"*. Kovac.
- Bürgin, A. 2010. "Cosmopolitan Entrapment: The Failed Strategies to Reverse Turkey's EU Membership Eligibility." *Perspectives: review of Central European affairs* (2):33–56.
- Bürgin, A. and D. Asikoglu. 2015. "Turkey's New Asylum Law: a Case of EU Influence." *Journal of Balkan and Near Eastern Studies*, 1–15.

Cameron, F. 2010. "The European Union as a Model for Regional Integration." *available at* <http://tinyurl.com/k7p4zps> [accessed May 1, 2017].

Camyar, I. 2009. "On temporal determinants of European Union enlargement: The case of Turkey's accession." *Comparative European Politics* 7(2):233–254.

Collett, E. 2016. "EU cooperation with third countries: rethinking concepts and investments." *Forced Migration Review* 51, *Destination: Europe*, *available at* <http://tinyurl.com/kmxolgo> [accessed May 1, 2017].

Coombs, W. T. and S. J. Holladay. 2009. "Does What They See Affect How They React: Exploring the Effects of Victim and Neutral Photographs on Reactions to Crisis Events." *available at* <http://tinyurl.com/h6zm3hs> [accessed May 1, 2017].

Cooper, H. 2016. "Migration, terrorism biggest concerns for EU citizens: poll." *available at* <http://tinyurl.com/m2bjeqy> [accessed May 1, 2017].

Costello, C. 2016. "It need not be like this." *Forced Migration Review* 51, *available at* <http://tinyurl.com/kmxolgo> [accessed May 1, 2017].

Crisp, J. 2003. "Refugee Protection in Regions of Origin: Potential and Challenges." *available at* <http://tinyurl.com/ktfvsdn> [accessed May 1, 2017].

Cunningham, F. 2016. "Germany's Genocide Vote Belies Turkish Appeasement." *available at* <http://tinyurl.com/mt5z5xg> [accessed May 1, 2017].

Daily Sabah. 2016. "Turkey hosts the most of refugees among UN countries." *available at* <http://tinyurl.com/mhkfbse> [accessed May 1, 2017].

de Oliveira, P. E. 2017. "Humanitäre Visa für Flüchtlinge: Nicht mit der EU." *available at* <http://tinyurl.com/mc6sc5a> [accessed May 1, 2017].

Den Heijer, M. 2016. "Frontex and the shifting approaches to boat migration in the European Union." *Externalizing Migration Management: Europe, North America and the Spread of 'Remote Control' Practices*. Routledge, 53–71.

Economist. 2015. "Merkel at her limit" *available at* <http://tinyurl.com/pwl2po8> [accessed May 1, 2017]

Edsbäcker, K. 2011. "Turkey's Asylum Policy in the Light of EU Accession - The Impact of its Geographical Limitation to the Geneva Convention."

European Commission. 2016a. "EU-Turkey Statement: Questions and Answers." *available at* <http://tinyurl.com/gkr9txu> [accessed May 1, 2017].

European Commission. 2016b. "European Neighbourhood Policy And Enlargement Negotiations: Turkey." *available at* <http://tinyurl.com/kwg73ls> [accessed May 1, 2017].

European Commission. 2016c. "The Facility for Refugees in Turkey." *available at* <http://tinyurl.com/nx2sf5m> [accessed May 1, 2017].

European Parliament. 2016. "Turkey: MEPs debate migration agreement with EU." *available at* <http://tinyurl.com/mdeosbf> [accessed May 1, 2017].

FAZ. 2017. "Juncker will EU-Gespräche mit Türkei beschleunigen." *available at* <http://tinyurl.com/mxlw3yw> [accessed March 19, 2017].



Follis, K. 2016. "Ethnography up the stream. The UK 'let them drown' policy and the politics of bordering Europe." *Externalizing Migration Management: Europe, North America and the Spread of 'Remote Control' Practices*. Routledge.

Frey, P. 2016. "Europa und die deutsche Flüchtlingspolitik. Zwischen Solidarität, Renationalisierung und medialer Verantwortung - Abschrift eines Streitgesprächs." (Interview), A. Biakowski, M. Halotta, T. Schöne: *Zwischen Kommen und Bleiben. Ein gesellschaftlicher Querschnitt zur Flüchtlingspolitik*, 131-141, available at <http://tinyurl.com/kwzvczs> [accessed May 1, 2017].

Funk, M. 2016. "Trickery in Dublin's shadow." *Forced Migration Review* 51, available at: <http://tinyurl.com/kmxolgo> [accessed May 1, 2017].

Gabrielli, L. 2016. "Multilevel inter-regional governance of mobility between Africa and Europe." *GRITim Working Paper Series*.

Gaibazzi, P., S. Dünwald and A. Bellagamba, 2017. "*EurAfrican Borders and Migration Management: Political Cultures, Contested Spaces, and Ordinary Lives*". Palgrave.

Geddes, A. 2001. "International migration and state sovereignty in an integrating Europe." *International Migration* 39(6):21–42.

Greenhill, K. M. 2010. "*Weapons of mass migration: forced displacement, coercion, and foreign policy*". Cornell University Press.

Greenhill, K. M. 2016. "When virtues become vices: the Achilles' heel of migration social policy." *Handbook on Migration and Social Policy*, 199–221.

Hamman, J. R., G. Loewenstein and R. A. Weber. 2010. "Self-interest through delegation: An additional rationale for the principal-agent relationship." *The American Economic Review*, 1826–1846.

Hansson, Sarah. 2016. "EU leaving the refugees at the doorstep: An analysis of the readmission agreement between the EU and Turkey in the current refugee situation." Bachelor Thesis, University of Gothenburg

Hathaway, J. C. and T. Gammeltoft-Hansen. 2014. "Non-refoulement in a World of Cooperative Deterrence." *University of Michigan Law & Econ Research Paper* (14-016).

Hiemstra, N. 2016. "Deportation and detention: Interdisciplinary perspectives, multi-scalar approaches, and new methodological tools." *Migration Studies* 4(3):433–446.

Hood, C. 2010. "*The blame game: Spin, bureaucracy, and self-preservation in government*". Princeton University Press.

Huysmans, J. 2000. "The European Union and the securitization of migration." *JCMS: Journal of Common Market Studies* 38(5):751–777.

Jakubowicz, A. 2016. "European leaders taking cues from Australia on asylum seeker policies." Available at <http://tinyurl.com/m6v6jzp> [accessed May 1, 2017].

Kale, B. 2005. "The impact of Europeanization on Domestic Policy structures: Asylum and refugee policies in Turkey's accession process to the European Union", PhD thesis, Middle East Technical University.

- Kingsley, P. and S. Timur. 2015. "Stories of 2015: how Alan Kurdi's death changed the world." available at <http://tinyurl.com/mc8nf69> [accessed May 1, 2017].
- Kirisci, K. 2014. "Will the Readmission Agreement Bring the EU and Turkey Together or Pull Them Apart?" available at <http://tinyurl.com/m4nn56c> [accessed May 1, 2017].
- Knaus, Gerald. 2016. "Vienna - Meetings and presentations on the implementation of the EU-Turkey Agreement." available at <http://tinyurl.com/knmvfa6> [accessed May 1, 2017].
- Kritzman-Amir, T. 2011. "Privatization and Delegation of State Authority in Asylum Systems." *Law & Ethics of Human Rights* 5(1):194–215.
- Lavenex, S. 2006. "Shifting up and out: The foreign policy of European immigration control." *West European Politics* 29(2):329–350.
- Lavenex, S. and E. M. Uçarer. 2004. "The External Dimension of Europeanization. The Case of Immigration Policies." *Cooperation and conflict* 39(4):417–443.
- Lavenex, S. and F. Schimmelfennig. 2009. "EU rules beyond EU borders: theorizing external governance in European politics." *Journal of European public policy* 16(6):791–812.
- Letsch, C. and J. Rankin. 2016. "EU-Turkey visa deal on brink as Erdoğan refuses to change terror laws." available at <http://tinyurl.com/l3qp5uh> [accessed May 1, 2017].
- Malik, K. 2016. "Europe's immigration bind: how to act morally while heeding the will of its people." available at <http://tinyurl.com/ktek6x6> [accessed May 1, 2017].
- Mau, S., H. Brabandt, L. Laube and C. Roos. 2012. *Liberal states and the freedom of movement: Selective borders, unequal mobility*. Palgrave Macmillan.
- Maurice, Eric. 2015. "Germany makes U-turn on Syria refugees." available at: <http://tinyurl.com/km27tc3> [accessed May 1, 2017].
- McNamara, F. 2013. "Member State Responsibility for Migration Control within Third States – Externalisation Revisited." *European Journal of Migration and Law* 15(3):319–335.
- Messina, A. M. 2016. "'Securitizing' immigration in Europe: sending them the same (old) message, getting the same (old) reply?" *Handbook on Migration and Social Policy*, 239–264.
- Money, J., S. Lockhart and S. Western. 2016. "Why migrant rights are different than human rights." *Handbook on Migration and Social Policy*, 399–418.
- Neuberger, L. 2016. "Contemporary Asylum Policies between Human Rights Advocacy and Responsibility Outsourcing: the Cases of Australia and Canada." *S&F Sicherheit und Frieden* 34(1):29–37.
- Newton, K. and J. van Deth. 2010. *Foundations of Comparative Politics*. Cambridge University Press.
- Oktem, K. 2016. "Zombie politics: Europe, Turkey and the disposable human." available at <http://tinyurl.com/z55g4aj> [accessed May 1, 2017].
- Pedroza, L. 2015. "Unchecked Migration and Democratic Citizenship." *Migration und Minderheiten in der Demokratie*, 133–152.

Price, M. E. 2009. *“Rethinking asylum: History, purpose, and limits”*. Cambridge University Press.

Pro Asyl, Brot für die Welt, and Medico International. 2016. “In the Shadow of the Citadel – The Impact of the European Migration Regime on ‘Third Countries’.” *available at* <http://tinyurl.com/mtw8ty6> [accessed May 1, 2017].

Putnam, R. D. 1988. “Diplomacy and domestic politics: the logic of two-level games.” *International organization* 42(3):427–460.

Rais, M. 2016. “European Union readmission agreements.” *Forced Migration Review* 51, *available at*: <http://tinyurl.com/kmxolgo> [accessed May 1, 2017].

Rankin, J. and K. Shaheen. 2016. “Turkey reacts angrily to symbolic EU parliament vote on its membership.” *available at* <http://tinyurl.com/hbk8b3y> [accessed May 1, 2017].

Risse, T., A. Jetschke and H. P. Schmitz. 2002. *“Die Macht der Menschenrechte: internationale Normen, kommunikatives Handeln und politischer Wandel in den Ländern des Südens”*. Vol. 7, Nomos.

Saikal, A. 2016. “Turkey’s downward slide under Recep Tayyip Erdoğan.” *available at* <http://tinyurl.com/mx3zmn7> [accessed May 1, 2017].

Schimmelfennig, F. 2001. “The community trap: Liberal norms, rhetorical action, and the Eastern enlargement of the European Union.” *International organization* 55(01):47–80.

Schimmelfennig, F. 2009. “Entrapped again: The way to EU membership negotiations with Turkey.” *International Politics* 46(4):413–431.

Schimmelfennig, Frank and Ulrich Sedelmeier. 2002. “Theorizing EU enlargement: research focus, hypotheses, and the state of research.” *Journal of European public policy* 9(4):500–528.

Shaheen, K. 2016. “Turkey: Erdoğan rule could extend until 2029 under proposal.” *available at* <http://tinyurl.com/zfegfve> [accessed May 1, 2017].

Somaskanda, S. 2016. “Can This Man Save The Europe-Turkey Migrant Deal?” *available at* <http://tinyurl.com/hezfwgr> [accessed May 1, 2017].

Stavropoulou, M. 2016. “Refugee protection in Europe: time for a major overhaul?” *Forced Migration Review* 51, *available at*: <http://tinyurl.com/kmxolgo> [accessed May 1, 2017].

TAZ. 2016. “Erdoğan droht mit Flüchtlingen.” *available at* <http://tinyurl.com/mfvzjyl> [accessed May 1, 2017].

Thomas, D. C. 2006. “Constitutionalization through enlargement: the contested origins of the EU’s democratic identity.” *Journal of European Public Policy* 13(8):1190–1210.

Thym, D. 2016. “Staaten dürfen die Migration steuern“ (Interview). *Südkurier* 98.

Thym, D. 2017. “Vom Leib halten“ (Interview). *Spiegel Magazin* 7.

Tickner, R. 2015. “There’s no legal queue. And three other facts Australians get wrong about asylum seekers.” *available at* <http://tinyurl.com/kqyyecl> [accessed May 1, 2017].



Tolay, J. 2015. “Discovering Immigration into Turkey: The Emergence of a Dynamic Field.” *International Migration* 53(6):57–73.

Triadafilopoulos, T. 2012. “*Becoming multicultural: immigration and the politics of membership in Canada and Germany*”. UBC Press.

Uçar, E. 2012. European Union-Turkey relations reactions of political parties and public in Turkey to the religious freedom and minority rights reforms called by European Union and reactions of European Union to the implementations of these reforms. Master’s thesis. von Helldorff, J. 2015. “The EU Migration Dilemma”, *Heinrich Boll Stiftung*.

Williams, M. C. 1992. “Reason and Realpolitik: Kant’s “Critique of International Politics”.” *Canadian Journal of Political Science* 25(01):99–120.

Wolff, S. 2014. “The politics of negotiating EU readmission agreements: Insights from Morocco and Turkey.” *European Journal of Migration and Law* 16(1):69–95.

Wong, Tom. 2015. *Rights, Deportation, and Detention in the Age of Immigration Control*. Stanford University Press.

Yıldız, A. G. 2016. *The European Union’s Immigration Policy: Managing Migration in Turkey and Morocco*. Springer.

Yilmaz, G. 2011. “Is There a Puzzle? Compliance with Minority Rights in Turkey (1999-2010).”

Zaiotti, R. 2016. “Mapping remote control.” *Externalizing Migration Management: Europe, North America and the Spread of ‘Remote Control’ Practices*. Routledge.

Zeit. 2016. “Deutschland bietet verfolgten Türken Asyl an.” available at <http://tinyurl.com/nrezgbe> [accessed May 1, 2017].

Zhyznomirska, L. 2016. “At a distance. The European Union’s management of irregular migration in Eastern Europe.” *Externalizing Migration Management: Europe, North America and the Spread of ‘Remote Control’ Practices*. Routledge.

Zolberg, A. 2003. “The archaeology of ‘remote control’.” *Migration control in the North Atlantic World. The evolution of state practices in Europe and the United States from the French Revolution to the Inter-War Period, 195–222*.

---

**Disclaimer:**

Any opinions, findings, conclusions or recommendations expressed in this material are those of the author and do not necessarily reflect those of the Global Center for Security Studies.

---