

## **Will the readmission agreement bring the EU and Turkey together or pull them apart?**

**Kemal Kirişci**

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**I**n December 2013, the Home Affairs Commissioner Cecilia Malmstrom and the Turkish Minister of Foreign Affairs Ahmet Davutoglu signed a long-awaited readmission agreement and adopted a roadmap for the liberalisation of visas for Turkish nationals wishing to travel to the European Union. The deal foresees an arrangement where Turkey would accept to take back third-country nationals who have entered the EU illegally having transited through Turkey. In return, Turkey would receive support for reforming and revamping its border security and, much more importantly, Turkish nationals would be granted the right to travel in the Schengen Area visa-free. At a time when EU-Turkish relations have not been particularly good, this is a significant development that could help inject some sorely needed goodwill and trust into the relationship. Yet, there is always the risk that the challenges faced in the actual implementation of the agreement will aggravate this relationship.

There are a number of reasons for the significance of this agreement. Firstly, it comes (even if three months late) on the 50<sup>th</sup> anniversary of the signing of the Ankara Association Agreement between the then EEC and Turkey. Secondly, it coincides with efforts to revive EU-Turkish relations. In October, after a three-year break, the EU finally opened a new chapter for negotiations, while Turkey, against the background of turmoil in the Middle East, has shown signs of wanting to return its attention towards the EU. Thirdly, the agreement offers a path for addressing a set of bitter grievances that both sides had been holding against each other for more than a decade.

The signing of a readmission agreement was first brought up with Turkey about a decade ago in the very early stages of the accession process. The domestic politics of migration within leading members of the European Union and the impending enlargement towards Central and Eastern Europe raised deep concerns about border control and illegal migration. As a result the EU began to introduce the need to sign readmission agreements with third countries and especially those in its immediate neighbourhood. Such agreements became inseparable from those promising these countries greater assistance, deeper economic relations and broader cooperation. Typically, these agreements required third countries to adopt reforms in line with the EU *acquis* governing border control and migration, as well as

Kemal Kirişci is the TÜSİAD Senior Fellow and Director of the Center on the United States and Europe's Turkey Project at the Brookings Institution, Washington, D.C.

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to agree to take back their own nationals who are illegally present in the Schengen Area together with illegal migrants who may have entered the EU having transited these countries. In return and as additional incentives, the EU promises 'mobility partnership', visa facilitation and in some cases visa liberalisation for the nationals of these countries.

Western Balkan countries are possibly the most conspicuous examples of such deals. Albania, Bosnia-Herzegovina, Macedonia, Montenegro and Serbia-Kosovo all signed and began to implement readmission agreements with the EU while they were given a road map to follow for eventual visa liberalisation. In 2009 and 2010, the nationals of these countries were granted the right to travel to the Schengen Area without visas. The experience of Turkey has been somewhat different. The EU approached Turkey to initiate the negotiation of a readmission agreement as a result of a directive adopted in November 2002. However, the first round of negotiations could not be opened until May 2005 and were broken off in December 2006, when as the EU took the decision to suspend the opening of a string of chapters with Turkey. The issue of readmission became very symptomatic of the deepening mistrust in EU-Turkish relations. Turkish officials feared the country would become a buffer zone and a dumping ground for unwanted migration to the EU, while the EU resented Turkey's uncooperative stand on a highly sensitive issue for many member countries.

The negotiations were resumed in December 2009 when the EU prepared a new draft agreement with the eventual possibility of visa facilitation. By early 2011 a draft agreement had been reached for initialisation against a background of growing demands from the Turkish side for visa liberalisation. These demands encountered resistance on the part of the EU. The Justice and Home Affairs Council held in February 2011 declined to authorise the European Commission to start a dialogue with Turkey on visa liberalisation, and the differences between Turkey and the EU on this issue were not resolved until last year. The agreement is currently undergoing close scrutiny in the Turkish parliament, especially by MPs who are deeply sceptical and critical that the issue of visa liberalisation is not directly incorporated in it.

The issue of visas had long been a major grievance in EU-Turkish relations but by the second half of the 2000s, it had also entered Turkey's domestic political and public agenda. On the basis of a Council of Europe convention dating back to the late 1950s, Turkish nationals had enjoyed visa-free travel to West European countries until 1980. The military intervention of that year had culminated in a large wave of asylum-seekers and illegal migrants going to EU countries, which came on top of an ever-growing migration of Turkish nationals through family formation and unification. Formal labour migration had long since been discontinued in response to the economic slowdown brought by the oil crisis of 1974. The military coup in Turkey was used as a convenient tool for introducing visa requirements for Turkish nationals in an effort to slow down such migration but also to appease public opinion at home. The practice continued with the introduction of the Schengen regime and Turkey was included among the list of countries whose nationals were required to obtain visas to travel to the Schengen Area.

In many ways it was the success of the customs union signed in 1995 and then the accession process for Turkey that gathered pace with the opening of negotiations in 2004 that pushed the visa issue on to both the public agenda of Turkey and of EU-Turkish relations. As Turkey's economy and EU-Turkish economic relations expanded, it became increasingly awkward that Turkish goods enjoyed free movement while business people faced exacerbating if not humiliating visa applications while their European counterparts could enter Turkey freely often with just their identity cards. Turkish business people began to argue that visas had become a form of a 'non-tariff barrier' to the expansion of Turkish business in Europe. Similar complaints began to be raised by university students and

academics as well as journalists participating in a multitude of EU programmes. Civil society mobilised while the media carried more and more absurd stories experienced by Turkish nationals at the hands of EU consular officials. These developments led Turkey to push the matter of visa liberalisation forcefully especially in light of the favourable treatment accorded citizens of the Western Balkans.

In the meantime the Turkish economy experienced a dramatic transformation. In 2003, according to Eurostat, Turkey's per capita GDP was 36% of the EU average; by 2012, this had increased to 54%, positioning the country considerably ahead of the Western Balkan countries that had received visa liberalisation and the Central and East European countries that joined the EU in 2007. At the same time, the number of Turkish nationals migrating to the EU dropped significantly compared to the 1980s and 1990s, stabilising between 50,000 and 60,000. And in the specific case of Germany, which has traditionally been the largest destination country for Turkish migrants, more people have been migrating to Turkey from Germany in recent years than the other way around. According to official German statistics, between 2006 and 2012, a little more than 245,000 people moved to Turkey from Germany, compared to less than 209,000 migrating from Turkey to Germany. Much more significantly, asylum applications by Turkish citizens in EU countries have also dropped. In 1995, the year when the customs union was signed, more than 40,000 applications had been lodged in EU countries according to the UNHCR. In 2005 this figure had dropped to just above 12,000 and to exactly 5,211 in 2012, while it was more than 21,000 for Serbia and Kosovo, more than 6,800 for Albania and Macedonia, and 5,333 for Bosnia and Herzegovina. This particular picture played a critical role in Turkey's determination to push for a deal when signing a readmission agreement that would include real prospects of visa liberalisation.

It is not surprising that Turkish officials, ranging from the prime minister to the minister of foreign affairs as well as the minister responsible for relations with the EU, have stressed the visa liberalization dimension of the readmission deal with scant attention paid to the EU's concerns. Nevertheless, it is possible to argue that at least some progress has taken place, even if quietly, in addressing those concerns. For example, there is much more cooperation taking place between Turkey and Greece with respect to their existing bilateral readmission agreement as well as in preventing illegal sea and land crossings from Turkey to Greece. Similarly, after long years of resistance, cooperation is also in place between Turkey and Frontex, the EU border control agency. Furthermore, Turkey in April 2012 adopted a new law that for the first time addresses the issue of asylum into Turkey as well as irregular migration and trafficking. It also created a new administrative body to deal with migration in general including visas, residence and work permits bringing Turkey's regime into much greater alignment with the EU *acquis* in this area. Lastly, the readmission agreement and the roadmap include provisions that allows for transparency with respect to the responsibilities of both sides. Turkey will not have to accept illegal migrants who reached the EU via Turkey until three years after the agreement has been ratified and come into force. The deal also grants Turkey the right to suspend the agreement if the terms of the roadmap are not met by the EU addressing Turkey's deep-seated mistrust of the EU. Conversely, for the visa liberalisation to occur in the case of the EU, the readmission agreement has to come into force and actually work. In this way a grievance that the EU has harboured against the Turks for more than a decade, namely the need to put in place a better border control regime in Turkey and the return of illegal migrants, is finally addressed.

Nevertheless, a number of challenges remain. Turkey is fast becoming both a destination country for asylum-seekers and immigrants. In the course of the last three years, it has seen the number of individual asylum applications increase while at the same time facing a mass influx of Syrian refugees approaching one million. The Syrian refugee crisis appears set to

continue if not worsen. Will Turkey be able to cope with this influx at a time when the EU has pretty much closed its doors to asylum-seekers, let alone to Syrians fleeing the civil war? What if Syrians in urban centres begin to try to make their way to EU member countries? How would that development impact on the implementation of the readmission agreement? Would Commissioner Malmstrom be able to make good on her assurances that no Syrian refugee would be returned? Until very recently the Turkish economy had been doing relatively well, regarded with envy by quite a few EU member countries. But this may be changing. If the Turkish economy falls prey again to the ills it suffered in the 1990s, triggering migratory movements from Turkey to the EU, how will this affect the prospects of visa liberalisation for Turkish nationals?

These are difficult questions to address, but at the moment both the EU and Turkey should focus on implementing the package deal. Successful implementation of this deal would not only help resolve the long-standing grievances both sides have held against each other, but it would also inject a healthy dosage of trust into the poor state of EU-Turkish relations. At the end of the day, this might well be the most valuable gain to emerge from such a deal, given the turmoil that is engulfing the neighbourhood of both Turkey and the EU.