



PLAYING THE TRUMP CARD

An analysis of EU extra-territorialisation practices on Turkish territory
in the contemporary geopolitics of mobility

MASTER THESIS
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Master thesis

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An analysis of EU extra-territorialisation practices on Turkish territory in the contemporary geopolitics of mobility

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Several days before moving to Istanbul to conduct the research that provided the data for this thesis, my father asked me: “Why did you choose to go to Turkey for this research?”. As all eyes were focused on Libya where the EU was starting to destroy migrants’ vessels at that time, I decided to go to Turkey since I was curious if and how the EU was trying to get involved in this neighbour’s migration management that was less on the spotlight. During my stay in Istanbul, the attention within Europe slowly altered towards Turkey and this revived my research more and more. After my return and until now, it is even a hotter topic on the diplomatic agenda and in the media. To do research and gain a better understanding of a subject that is so topical and relevant has continuously encouraged and rejoiced me. However, without the support of people around me, this would have been a much harder (if not: impossible) research process. Therefore I would like to thank my supervisor Henk van Houtum for inspiring me through our long talks about this thesis’ topic and beyond, which always turned my thoughts in a different direction and were therefore very refreshing. Secondly, I would also like to thank my local supervisors at MiReKoc İlke Şanlıer Yüksel and Seçil Paçacı Elitok for brainstorming with me, lending a helping hand to grasp the “*difficult beast*” (Bialasiewicz, 2012, pp. 844-845) that EU’s ‘borderwork’ holds, gaining access to the field and for making me feel so at home. Lastly, a special word of thanks to my parents that have supported me tremendously throughout this master and this research. The same goes for Thomas, who has frequently been burdened by dealing with me and my writings, and other friends and family that helped me in a practical way, or have been in another supportive way of great value.

List of abbreviations

AKP	Adalet ve Kalkınma Partisi (<i>English: Justice and Development Party</i>)
AP	Action Plan
ASAM	Association for Solidarity with Asylum Seekers and Migrants
DGMM	Directorate General of Migration Management
ECHR	European Court of Human Rights
ESI	European Stability Initiative
EU	European Union
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
HRDF	Human Resource Development Foundation (<i>Turkish: İnsan Kaynağını Geliştirme Vakfı (IKGV)</i>)
IBM	Integrated Border Management
ICMPD	International Centre for Migration Policy Development
IGO	Intergovernmental organisation
IIMP	Istanbul Interparish Migrant Program
IKV	İktisadi kalkınma vakfı (<i>English: Economic Development Foundation</i>)
IOM	International Organization for Migration
IPC	Istanbul Policy Center
IR	International Relations
LFIP	Law on Foreigners and International Protection
LGBT	Lesbian Gay Bisexual Transgender
MiReKoc	Migration Research Center at Koç University
NGO	Non-governmental organisation
RA	Readmission Agreement
TCN	Third Country National
UNHCR	United Nations High Commissioner for Refugees

Executive summary

The border that divides Turkey from the EU has always been on the spotlights of metaphors, geopolitical imagination, civilisational clash and divide or negotiation. Currently the attention of the EU has pointed to this particular border again, due to the increasing number of migrants that are trying to cross the border from Turkey to EUrope. By adopting the idea that one should no longer understand the border as a static line but rather as a contested line, the border could then also be understood as a verb: *bordering*. This implies an act of power, which paves the way for extra-territorialisation as a strategy to come to the front. This strategy is utilized in the EUropean 'quest for control' over its borders by using certain 'instruments' beyond EUropean sovereign territory and the external border, to regain this control again.

This encounters the fact that by utilizing this strategy, sovereign borders have to be crossed. This can only occur under certain circumstances. In this thesis the changing relationship between the EU and Turkey is analysed to see what circumstances play a role for the occurrence and acceptance of EUropean *bordering* on Turkey's sovereign territory. It is the lens of 'Empire' that fits EUrope's role vis-à-vis its Turkish neighbour, as the EU seeks for own internal stability, prosperity and peace, and tries to secure this by transforming its neighbourhood to a protectorate by changing it to an example of itself. Turkey adopts these spatial logics by extorting incentives. However the current refugee crisis has weakened EUrope's position and have strengthened Turkey's negotiating position towards the EU as it has instrumentalised the crisis in a smart way. This results in a less hierarchical 'ruler'- 'ruled' relationship that belongs to the Empire lens and turns into the reality in which migrants constitute the playing cards in a diplomatic game. In this reality, in exchange for EU incentives, Turkey accepts certain extra-territorial practices to happen on its territory. One clear way to extra-territorialise its control mechanisms is infiltrating into Turkish migration management through agreements, law and policies. This results in the shifting of the EU institutional/legal border onto Turkish territory. Another way to extra-territorialise is the instrumentalising of migration management actors to make the shifting of the border gradually happen. This may be done through offering trainings, consultations and (financial) assistance, which are generally accepted as incentives.

However, the consequences of these practices -that are a result of EUropean cross-border governance- are morally disputable. By using this instrument, the EU puts more pressure on the Turkish migration management system and is thereby externalizing its own problems. But the Turkish system is first of all not capable to handle the outcomes of these EUropean objectives, and secondly, the system is also not conformable to EUropean (and international) standards. Both of these shortcomings make Turkey a large waiting space for migrants or even result in a counterproductive effect of the extra-territorialisation practices, that is triggering migrants to move to EUrope anyway.

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1 | Introduction

“Europe is the product of the grand developments of its history: Christendom, the Renaissance, the Enlightenment and democracy. Turkey just doesn’t fit in.”

– Bolkestein, 2006 (in: Scott & Van Houtum, 2009, p. 273)

Europe’s geopolitical imagination of Turkey has for a long time been accompanied by metaphors. Throughout their synchronic history, the EU-Turkey relationship has been a dynamic one and – of course fostered by old European images of Turkey, the metaphors have swung from, for instance, one that pictures Turkey as a ‘bridge’ to others that portray Turkey as a ‘gate’, a ‘bastion’ or a ‘buffer’ (Yanik, 2009). Or alternatively, as the former Dutch politician Frits Bolkestein puts it during a climax of political tension between the EU and Turkey, as a ‘civilisational clash’ and a ‘great divide’. Indirectly as well as directly, the border that divides these two geographical entities has been at the forefront in diplomacy, media and science. Recently, the emphasis on this particular border has increased significantly as the number of conflicts and violence in the Middle East and Northern Africa accumulate, which transforms Turkey more and more into a transit space for migrants¹, as it is being located between the place from where they flee and ‘EUrope’² as a perceived geopolitical stable alternative. On the other side, EUrope’s fears for this accumulating number of migrants brings the attention once more to the border. In order to effectively and actively cope with its concerns, the EU adopts a *“fluid management”* (Casas-Cortes, Cobarrubias, & Pickles, 2011, p. 75) of its border control mechanisms onto Turkish sovereign territory. This very act captures the central focus of this thesis.

These ‘shifting out’ practices originate from the expanding flow of migrants towards the EU and its neighbours, and the higher level of political stress that this produces. Even though migration itself is definitely not a new phenomenon, the issue of immigration has quite recently shifted from ‘low politics’ to the ‘high politics’ domain - and so to international affairs, by covering a prominent position in state’s policies and strategies (Castles, De Haas, & Miller, 2014; Hollifield, Martin, & Orrenius, 2014; Kicinger, 2004; Casas-Cortes et al., 2011; Lahav, 2003). In addition, according to Castles et al. (2014), the political salience is now at an all-time high, partly due to the increased visibility of undocumented migration in particular (Bloch & Chimienti, 2011). Paradoxically, this undocumentedness is the mere product of EUrope through the construction of its discriminatory visa regime (Van Houtum, 2010).

Mainly from the 1990s onwards, as the end of the Cold War and the civil war of crumbling Yugoslavia produced large flows of refugees towards West European states, these states have attempted to gain control over cross-border migratory flows in order to safeguard the compliance of immigration laws (Castles, De Haas, & Miller, 2014; De Haas, 2008). But since the 9/11 terrorist attacks in 2001 and the subsequent War on Terror, the perceived safety in Europe is gravely

¹ In this thesis the concept ‘migrant(s)’ as a general category is used in order to refer to all people moving through space and thereby crossing territorial international borders. When required due to the context, I will use the

² In this thesis, I often use the term ‘EUrope’ that I borrowed from Luiza Bialasiewicz (see Bialasiewicz, 2012) to refer to the institutional European Union as well as the variety of ‘Europe-making projects’ (Dittmer & Sharp, 2014) as I am convinced that the boundaries of this entity are far too complex to grasp by using only a territorially or institutionally reference.

affected, whereupon the occurrence of several incidents that are associated with Muslim residents (e.g. bombings in Madrid and London, and recently the shootings in Paris and the attack on Brussels airport), made terrorism and security to be tied up with migration and borders (De Haas, 2008; Neal, 2009). The EU has therefore intensified its focus on migration and mobility. Especially after the outbreak of the Arab Spring in 2011, this focus seems ever more relevant. The Arab Spring created an insecure situation in the MENA region and consequently this produced an outward migration flow. Both the instability in its neighbourhood as the increasing number of chiefly Islamic migrants that have attempted to cross the EU's external border, present dangers that EUrope would like to be secured from (Carrera, Den Hertog, & Parkin, 2012).

Due to the increasingly diversifying of migration flows and dynamics (De Haas, 2008), the governance of borders also changed considerably by the emergence of a communal EU territory after the Schengen Agreement was enforced in 1995. First and foremost this was because of the abolishment of Member States' national borders. But more importantly, it was the 'shifting up' of the EU borders to a joint external border (Casas-Cortes, Cobarrubias, & Pickles, 2012). This joint EU border has become a site of internal contestation in regard to cross-border movement and internal cooperation or harmonization in the EU's 'quest for control' on immigration flows (Castles, De Haas, & Miller, 2014). In the frame of this 'quest for control', the management of migration also changed; the harsh focus on borders has strengthened but now the focus is also extending towards other sites and methods. These include more internal methods but has also introduced migration management beyond Member State borders through deterring migrants, producing methods (e.g. the discriminatory visa regime) to obstruct their move or alleviating the root causes for migration (Casas-Cortes, Cobarrubias, & Pickles, 2012; Vigneswaran, 2013; Triandafyllidou & Dimitriadi, 2014). Quantitatively, these measures may have proven to be effective by delimiting the number of migrants trying to get to the EU (Adepoju, Van Noorloos, & Zoomers, 2010; Baldwin-Edwards, 2006). However by applying these extra-territorial instruments, a complexity of legal, moral and strategic/diplomatic challenges becomes entangled as migration develops into a plaything in political power games between the EU, its Member States, neighbouring states and even the countries beyond EUrope's neighbours. Simultaneously, the legal ways to enter the European Union seem to decrease, which seriously harms the liberal obligation to provide asylum (Red Cross EU Office, 2013). The described non-traditional extra-territorial measures, that are applied beyond EUrope's external border on Turkish territory as a third country (Gibney, 2005), and the complexities that are thereby involved, are key to this research.

This hinting to the great daring of the EU, brings us back to the aforementioned quote of Frits Bolkestein. Strikingly he also implicates Europe's representation of being an enlightened continent, which naturally determined EUrope's self-image as a "*force for good in the world*" (Barbé & Johansson-Nogués, 2008). However, since the EU finds itself and its neighbourhood confronted with a so-called 'refugee crisis', this iconic depiction becomes highly problematical while the Mediterranean Sea has rapidly been developing into a space of tragedy due to the quickly mounting numbers of border-related migrant deaths. The International Organization for Migration (IOM) has proclaimed it as "*deadliest sea*" (IOM, 2014). Therefore, the IOM Director General has called for "*practical protection*" and effective policies to protect migrants on their way to their destination (IOM, 2014). But within the EU, there is a progressing political and

societal tension noticeable between the observance of human rights agreements and also the protection of migrants, and internal right-winged politics, fear and the plea for deterrence. Also in the media the growing dissatisfaction with asylum seekers coming to and settling down in EUrope is an uninterrupted news item. The current developments practically produced an ‘explosion’ of public, media and political actions and reactions. This forced the EU to find a suitable response to this unrest (Van Houtum & Boedeltje, 2009), but to this day, its undertaken action has led to condemnation from both supporters as opponents on closing the EU border, as both claim that the EU’s action is not sufficient. Consequently, the EU has to regain control over the situation in order to satisfy its citizens and domestic interests to avoid any injury of its external image as well as its internal harmony.

To conclude, in order to manage the so-called migrant or refugee ‘crisis’, the EU seeks a balance between protection of borders and its internal space, and the protection of the individual, the migrant. And so it has embarked on several solutions to help those at risk, yet the EU also carries out measures to stop those that presumably form a risk, but these measures have been accompanied by a large amount of criticism that continuously leads to discussing the political effect of its external migration policy (Pallister-Wilkins, 2015; Cassarino & Lavenex, 2012). This research will focus on one instrument that the EU mobilises to seemingly keep this balance: the instrument of extra-territorialisation. The use of this instrument has a major influence on the diplomatic relationship between the EU and its neighbours. Since Turkey has to deal with a high number of migrants, the extra-territorialisation practices are pointed to this specific EU neighbour, which makes this an interesting case to study in depth.

1.1 Research scope, goal and research questions

In order to maintain or regain control on its borders “*for the fear of loss of comfort*” (Van Houtum & Van Naerssen, 2002, p. 129), the EU has to find a way to deal with undocumented, or at least ‘unwanted’ migrants that are (potentially) crossing its borders and causing an accumulation of migrants to take care of. If the EU succeeds in preventing migrants from entering its territory, it remains legally free from granting them services and rights (Mountz and Hiemstra, 2012). Therefore, the EU is extending its geographic scope to where the potential EU migrant is and in that manner making its border management fluid. In order to analyse and measure the broad concept of ‘extra-territorialisation’, the topic has to be narrowed to a focused research scope, research goal and research questions. This focus will be discussed in the following paragraphs.

The first demarcation is one of time and space. For a long time, the geographic focus had been on the Southern external maritime border of the EU which boat migrants were trying to cross since the Eastern land borders were largely sealed off. But in 2015 the attention has shifted to Turkey. As argued by Van Houtum and Lucassen (2016), borders cannot hermetically be sealed in the physical sense; by ‘closing’ the border in one place, migrants will find a way to cross the border in another place or with other (and often more dangerous) methods (De Haas, 2008; Van Houtum & Lucassen, 2016; Doomernik, 2013; Tsianos, Hess, & Karakayali, 2009). Previously most EUrope’s border sealing efforts had been pointed to the North African countries and to Spain and Italy as gates to the Schengen territory, which triggered migrants to find another route to reach EUrope. This resulted in the quick accumulation of border crossings from Turkey to (mainly) Greece.

Due to its proximity to the torn up states in the Middle East region and the subsequent flows of refugees coming to Turkey, Turkey ever more comes to be a great focus point to explore the border managing strategies of the EU. In the past ten years, there were many developments in regard to the diplomatic relationship between the EU and Turkey – but the Syrian civil war causes alterations in a tearing rush in the current geopolitical situation. As a candidate country for EU membership, Turkey is urged to prevent migrants from moving to the EU. However, this is not an easy task. As Turkey turns into an important transit country and at the end of 2015 hosts an estimated rate of 1.9 million registered refugees and asylum-seekers (among these numbers are 1.7 million registered Syrian refugees) (UNHCR (a), n.d.), the management of migratory pressures is enormous. For Turkey as well as for the EU, these migration management challenges can only be addressed by international cooperation. International migration becomes a plaything of diplomatic negotiations and pressuring in this new global migration architecture. The outcomes of this ongoing process have consequences for migrants located in Turkey and for Turkey's migration management.

The second important delineation is the chosen perspective to study this issue. By adopting the border as the central unit of analysis, the angle from which the EU-Turkey border is studied is the angle of the border itself. Or, as Rumford suggests the use of the 'seeing like a border'-lens (Johnson, et al., 2011) that also allows non-state actors to intervene as well as it embraces the idea of borders that are not necessarily found on the edges of nation-states.

When examining how the EU border may 'shift out' beyond its external border, the literature gives an extensive range of manners that are utilized for beyond-border control purposes. Therefore, this research has limited the extent of methods and instruments by focusing on policy and law. This consequently delimits the ways to grasp the border, as this research zooms in on the shifting of the EU's institutional and legal borders. Since international migration is an international affair and one of 'high politics', policy on migration management is core. This research thereby neglects other kinds of EU borders (e.g. cultural borders) that can be externalized as well as other perspectives (e.g. the perspective of the migrant). Further delimitations (of the specific studied practices or actors) are clarified in every first section of the chapters.

While existing academic literature has concentrated on the topic of extra-territorialisation, borders, the evolvement of the EU-Turkey diplomatic relationship, both their migration management and recently the current refugee crisis, the link between all of these topics has been understudied. Therefore, the primary goal of this research is to establish the link between these various topics, and by using the border-lens on the currently rapidly changing geopolitical developments in the region, providing a more topical contribution to the literature on these topics. This adds up to an expanded understanding of extra-territorial control practices. The second objective is contributing to an expanded understanding of the humanitarian consequences of the current situation regarding migrants in Turkey and the extra-territorialisation practices of the EU that contributes to the progressing scientific and public ethical debate.

In order to achieve these objectives, a central research question has been formulated that reads as follows:

How does the EU extra-territorialise its borders into Turkey in regard to migration management and what are the humanitarian consequences of these EU bordering practices for migrants in Turkey?

In order to make the answering of this main question achievable, this question is divided into five sub-questions that together address the examination of the EU's bordering practices in Turkey. These sub-questions are answered through the use of primary and secondary data deriving from expert interviews, informal conversations, ethnographic observations, Turkish or European official documents and scientific literature, and are as follows:

I. How can the adaptation of the relationship between Turkey and the EU to the current migration crisis be understood?

Whilst answering this question, it is important to evaluate the developments and changes in the diplomatic relationship between Turkey and the EU in order to understand the contemporary status of their interdependency. This provides the frame to comprehend the utter occurrence of extra-territorialisation. Hereby the IR theory of external governance as well as Zielonka's notion of 'Empire' prove useful. Additionally, to answer this question, the primary source of data has been derived from interviews, but official documents and scientific literature are also analysed.

II. What are the spatial logics behind the extra-territorialisation of the EU border?

When the diplomatic developments in the relationship between Turkey and the EU are described (see sub-question I), it is necessary to fixate on the arguments for both the EU and Turkey of executing, allowing or obstructing extra-territorialisation practices. To answer this question, the researcher has primarily used interview data.

III. How do EU extra-territorialisation measures operate in respect to Europe's objectives when considering policy and legal change in the field of Turkish migration management?

Since 'borderwork' is increasingly diversifying, this question explores the way that the EU extra-territorialises its institutional/legal borders by asking the 'how'-question. It is demarcated through the choice for three particular instruments. Here data from interviews, official documents and to a smaller extent also scientific literature is used. The external governance theory helps to explain how the transfer of rules, norms and/or values may occur through the different instruments.

IV. Who are the bordering actors that are involved in extra-territorialisation practices and how can one understand the interference of the European Union in Turkish migration management through that?

The previous question is expanded by this question of 'who' are bordering actors. Since the actors involved in 'borderwork' are also diversifying, and the practices of extra-territorialisation are therefore being executed by a network of actors, it is necessary to examine how this is entangled with European border control objectives. As this network is growing and becomes more complex,

a selection of actors in the field of migration management is made to inspect and criticise. For this, the theory on bordering served the purpose of answering the question. In order to accomplish this, data from interviews, official documents and scientific literature were required.

V. What are the humanitarian consequences of the EU bordering processes for migrants in Turkey?

This sub-question examines the humanitarian consequences for migrants that can be localised in Turkey, of the extra-territorialisation instruments and techniques that are described in the answers on sub-questions III and IV. For this, the information gained through the data derived from ethnographic observing and accompanying informal conversations and expert interviews is used, and in addition also scientific literature. Here the notions on 'good governance', 'moral responsibility' and 'agency' come to the front.

1.2 Relevance

Scientific research should be done with the purpose of attributing to knowledge. Only relevant researches may contribute to scientific or public knowledge. Due to its topicality, its input for the current ethical debate on Europe's extra-territorialisation practices, the expanding understanding of theories on *bordering* as well as the academic merger of theories of International Relations with Social Studies, this thesis contributes to both scientific as well as societal knowledge. This paragraph will elaborate on this by first explaining the societal relevance and subsequently it will expound the scientific relevance of this research.

When one would only consider the topicality of the research subject, it almost goes without saying why this research is relevant: the techniques of Europe's extra-territorialisation and the consequences have been all over the news during the research period. For some years now, the EU has openly and actively been involved in the prevention of 'unwanted' migrants that could cross the EU external border. However, there has never been a year in which the EU and its Member States presented its externalising initiatives so dominantly as in this last year – in 2015, and now it also recently launched a new deal with Turkey, which makes the research topic even more relevant. Although Turkey has certainly not been absent from the EU's radar regarding these extra-territorial migration management practices (Düvell, 2014), since the beginning of the Syrian civil war in 2011, the focus on Turkey has gradually evolved into the current situation in which Turkey is the plain target for these practices. Furthermore, the negotiations between the EU and Turkey are also of current political and public interest. However, this points to the need for a critical analysis of the current affairs, and so it points to the **societal relevance** of this research. This thesis could contribute to the contemporary progressing political, societal and scientific ethical debate about the developments by demonstrating and criticising the actualised methods and the consequences through providing an in-depth analysis. Additionally, the societal relevance is demonstrated by the rising statistics of boat migrants that reveal the urgent need for a solution. The UNHCR (2015) issued a press release in which the agency reports that in 2015 a number of 1,000,573 boat migrants reached Europe, and it estimates that a number of 3,735 migrants lost their lives while crossing the Mediterranean that same year. Also 34,000 migrants

came over land to Europe, from Turkey to Bulgaria and Greece. These high numbers show the persistence of a pressing humanitarian concern. It also unveils the struggle of states and their (in)ability to control their borders (Carling & Hernández-Carretero, 2011; Hollifield, Martin, & Orrenius, 2014). Therefore, I aim to contribute to public discourses by expanding the knowledge on extra-territorial control measures and by demonstrating the counter-effects that stem from the complexity of these measures. When more knowledge is produced and available about the EU's externalisation measures and consequences, it should be easier to raise awareness and thus advocate for better ways for the EU to balance between human rights and securing the internal safety that governments are concerned with. Ideally in the future, this should result in a reduction of the number of migrants that risk their lives for crossing the EU border.

First and foremost – as also touched upon in the previous section and as will be enlarged upon in chapter 2, until very recently a large share of the literature and reports on extra-territorial control have pointed their geographic attention to Northern Africa as well as progressively to sub-Saharan Africa. For well over half a year, news items have switched their focus from the loss of migrant lives on the shores of Italy, Malta and Lampedusa to the new routes via Turkey to Greece and Bulgaria onwards. Also most of the literature of external governance has not geographically been focusing on Turkey as a neighbouring country. Therefore, I would like to expand the studies on extra-territorial control mechanisms by focusing on Turkey and that points out the **scientific relevance** of this research.

Secondly, my research aims to link up to poststructuralist theories on bordering. As this thesis will show, borders should no longer be conceived as static lines on a map, but the border should be grasped as a verb as it is a contested line that contains the involvement of power. When considering border control mechanisms, instead of perceiving the border as a strengthened line, it is strengthened through diversifying and fluid mechanisms. By placing this relevant case study within the state-of-the-art literature of Radical Geography, this thesis adds to this developing field. The same goes for the idea of seeing “*the contemporary ordering of borders is much closer to a space of nodes and networks*” (Andrijasevic & Walters, 2010, p. 985), that is also argued by Hooper and Johnson et al. while using the concept of ‘borderwork’ (see chapter 2). This thesis will build upon this idea of borders as this contributes to this idea of bordering practices and actors.

Lastly, yet most importantly, this thesis is situated at the academic interface between studies of International Relations (IR) and Human Geography/Migration Studies/Social Studies, and thereby making use of two major theories. The first is the poststructuralist notion of bordering, as mentioned above. However, this field has not provided (m)any applicable models to understand how the institutional/legal boundary may shift beyond the external EU border. The study of ‘external governance’ as the second theory does provide models to understand this shift and the occurrence of extra-territorialisation. However, the discipline of IR traditionally generates state-centred theories and this does not fit the new perception of the border. Although the literature on both theories is expanding and thus providing knowledge on cross-border governance, these academic fields are more or less developing separately. Through establishing a link between the two, there could be less state-centric but more theory-led scientific study – a goal that is achieved in this thesis. This study could eventually stimulate the merger of these fields to further developing the understanding of extra-territorial control mechanisms.

In sum, this research should be executed in order to contribute to the awareness and, ideally, change of mismanagement and implications of migration management systems and to add to the connection of the separate 'islands' working on the topic of extra-territorialisation. In order to accomplish this mapping out of the mismanagement and implications, and to see how extra-territorialisation diversifies among places, spaces and actors, the next paragraph will elaborate on the qualitative research methods that are used.

1.3 Methodology, methods and data

The aim of this research is to expand the comprehension of EU's bordering practices that are executed beyond its external borders, and in this case are directed towards the Turkish territory. Luiza Bialasiewicz's article about EU's 'borderwork' illustrates adequately the difficulties to get a hold on this process:

"For a political geographer, what is particularly interesting are not only the new forms that EU border-work takes, or new border-sites, but also the very peculiar 'nature of the beast', as James Sidaway has put it. For it is a very difficult beast to grasp: the EU's border-work (unlike the North American case, for instance) proceeds through a fluid assemblage of functions, mechanisms, and actors; a series of loose institutional arrangements, recomposed in variable geometries 'as necessary'. Some commentators (Didier Bigo most prominently) have referred to the Union's bordering practices (and its security architecture more generally) as 'virtual', since there appears to be 'no there there'; no single institution, no single set of actors that can be identified as the bordering 'State' (...)." (Bialasiewicz, 2012, pp. 844-845)

The most suitable coping mechanism for this fluidity is perhaps to multiply as a researcher – in order to be everywhere at the very same time; for a bird-eyes view of the what/how/where/who of EU 'borderwork' in Turkey. Since this is deemed impossible, a strategy has to be found in order to grasp 'this very difficult beast'.

By choosing the border as the central unit of analysis, and in particular the 'shifting out' of the EU's institutional and legal borders, the utilized instruments are EU assistance and policies. Assistance through training and funding is more physical to grasp if it would be just a 'single institution' or a 'single set of actors'. Policies on the other hand, are harder to grasp. These are not static papers that contain plain information, but hold an amount of power. These are instruments, and have the ability to *"construct their subjects as objects of power"* (Shore & Wright, 1997, p. 3). Policies may also have a legitimizing function (Shore & Wright, 1997), which is a way of *bordering* as well. In sum, policies *"breathe life and purpose into the machinery of government and animates the otherwise dead hand of bureaucracy"* (Shore & Wright, 1997, p. 5).

The source of this power can be reduced to people in certain power-holder positions. Since this research tries to capture the relationship between these power structures and human behaviour, this thesis adapts a social constructivist stance regarding knowledge. This implicates the conviction that knowledge is a social construct, and as Vargas-Silva (2012, p. 11) further elucidates: *"Knowledge about social relationships and practices is constantly being created, modified and recreated through processes of social interaction"*. It does not strive for *"a single objective truth or 'reality'"* as do the positivists opponents, but adopts the idea that the sheer

notion of what 'reality' is, is already framed by specific social contexts. Social constructivists aim to *"understand the 'meaning' of social action and institutions for the people involved"* (Vargas-Silva, 2012, pp. 10-11). A **qualitative research strategy**, that has *"the purpose of generating understanding"* (Stenbacka, 2001, in: Golafshani, 2003, p. 601) was found most suitable for this study since the aim is to provide an understanding of processes and their social meanings. It is the process of 'borderwork' that has social implications for the field of migration management and consequently for migrants. A quantitative strategy, that is used *"with the purpose of explaining"* (Stenbacka, 2001, in: Golafshani, 2003, p. 601), would not be appropriate for research on extra-territorialisation practices that studies behaviour, as these methods focus more on providing comparative data to describe macro-social changes (Vargas-Silva, 2012).

Furthermore, this research adopts an **ethnographic approach** to study the 'fluid' border. This approach can be used to comprehend *"the workings of multiple, intersecting and conflicting power structures which are local but tied to non-local systems"* (Abu-Lughod 1990, in Shore & Wright, 1997, p. 13). This points to different practices, actors and discourses that are progressing in EUrope and Turkey but in some way also in a 'no there', since the actors and practices behind EUrope's 'borderwork' are diversifying and this field is becoming increasingly complex. Therefore, this research builds upon the anthropological way of studying social processes and action by 'studying through', that is: *"tracing ways in which power creates webs and relations between actors, institutions and discourses across time and space"* (Shore & Wright, 1997, p. 14).

Deriving from the *"fluid assemblage of functions, mechanisms, and actors"* (see starting quote Bialasiewicz) that features EUrope's 'borderwork', the research focus of this thesis requires an exploratory research approach to disclose covert information – since 'virtual' bordering practices are hard to simply detect. Therefore, three distinct data gathering techniques are chosen for this research that supplement each other in order to grasp the 'virtual' bordering practices. Qualitative research was conducted in the period of April-July 2015 in Istanbul, Turkey. This was executed by arranging and conducting expert interviews, doing document analysis and being an observant in the 'field'. The data that is derived from the interviews serves as the very foundation of this thesis. The document analysis and observant method play a secondary role as support for the claims of the interviewees and thereby the argument of the thesis.

1) Expert interviews

To get a grip on the processes – or as Bogner, Littig and Menz (2009, p. 6) call it: *"the reconstruction of latent content of meaning"* – expert interviews appear to be a useful method where the access to a particular field is difficult or even impossible (Bogner, Littig, & Menz, 2009). Since there are geopolitical power struggles involved in extra-territorial control practices, most information is covert or else, too widespread ('no there there') and therefore gaining access is hard or even unachievable (also in respect to practical limitations). Furthermore the interviews were used to pin down the *"virtual"*; that is the power and network of actors involved, the *"loose institutional arrangements"* and the *"there"* (see starting quote Bialasiewicz).

According to Meuser and Nagel (2009) the sociology of knowledge of this method can be found in the question of 'what is expert knowledge', that is followed by the question 'who is an expert'. Collins and Evans (2007, in: Meuser & Nagel, 2009, p. 3) have noticed that this sociology has now entered a third wave: the 'realist approach'. This approach considers a person to be an expert when he acquires *"expertise through their membership of those groups"*. So the expert has knowledge of the *"overall known knowledge in one (specialist) field"* and masters an overview of

this (Pfadenhauer, 2009, p. 82). According to Gläser and Laudel (2009) 'experts' do not necessarily have to be experts in the investigated social field itself. They can also be people that are in the possession of 'special knowledge' due to their role in the investigated field. They have "*privileged accesses to information*" (Meuser & Nagel 1992, in: Pfadenhauer, 2009, p. 83). Meuser and Nagel (2009) identify the inflationary feature of the term 'expert' as they distinguish this type of interview from those within ethnographic or narrative interview methods. An 'expert' is not anybody that is an expert of his own life, but someone that possesses 'expert knowledge' according to the researcher - and not just everyday knowledge or common-sense knowledge. This knowledge is not necessarily exclusive to this person, but is also not accessible to everybody.

Expert interviews were conducted to enter the "*exclusive realm of knowledge*" (Meuser & Nagel, 2009, p. 18), in order to help reconstruct (a set of) event(s). That is the understanding of the "*decisions and actions that lay behind [hidden elements of] political episodes*" (Tansey, 2007, pp. 766-767). That is in this case pointing at the making and functioning of policies and laws in Turkey's society and the provided trainings and assistance, that are selected as instruments of Europe's 'borderwork'. Another reason is the establishment of the perception on this from 'a set of people' (Tansey, 2007, p. 766). These are the thoughts on key issues from 'within': actors in the Turkish migration management field that due to their position come across the power that works through these instruments and the consequences of this.

The selection of the 'experts' is done on the foundation of their 'membership' of a group of Turkish migration management specialists, who are in the possession of knowledge about the occurrences in this field. As a sampling method, a 'snowball' technique was used to obtain new informants. The Migration Research Center of Koç University in Istanbul was used as a starting point for this. From their network, the researcher's network expanded as the first interviewees referred (or even introduced) her to the next respondent, and so forth. This is also a recognized sampling method within this methodology (see e.g. Bogner, Littig, & Menz, 2009; Tansey, 2007) as the selecting process is not an arbitrary selection, but "*is related to the recognition of an expert as expert within his own field of action*" (Meuser & Nagel, 2009, p. 18). In this research the process of determining the quality of the experts is executed by the researcher and is done in respect to the research question since not all leads seemed to be useful for this.

In general, the selected respondents constituted people working at NGOs, IGOs, policy think tanks and academic institutions. In the case of this latter group, these academics are not only involved in research on migration management of the Turkish state and the European Union, but are also in an influential position regarding policy or legal shaping ways in the migration management field. Table 1 gives an overview of the selected experts and their role in the field.

The names of the interviewees are anonymised for the purpose of guaranteeing privacy and to establish a confidential relationship, especially since some of the information can be sensitive. Occasionally the interview questions were sent in advance on request for the aim to establish trust. Before the start of the interview, the researcher explained the purpose of the research, their right to refuse answering questions and the guarantee that their names would not be published. Also, the researcher asked permission for recording the interview on tape. All of this established trust and comfort, in order to stimulate them to speak freely.

Anonymized name	Role in the Turkish migration management field
Academic expert 1	Involved in preparation process of LFIP; academic key person; involved in ICMPD project; involved in EU research project; director of migration research centre
Academic expert 2	Involved in preparation process of LFIP; academic key person; director of migration research centre
Academic expert 3	Involved in preparation process of LFIP; academic key person
ESI policy analyst	Senior analyst and founder of ESI; ESI is an influential non-profit think-tank in e.g. Turkey
EU Delegation representative	Employer on key position in EU Delegation to Turkey; working at the department of migration and asylum
HRDF manager	Key person in a field related NGO
IKV researcher	Researcher at the Economic Development Foundation (IKV); specialist on the RA; organisation focuses on Turkey-EU relationship
IOM IBM representative	Key person in a field related IGO; had previously worked at the Turkish government (at the Border Management Bureau); involved in preparation process of LFIP
IOM staff member	Key person in a field related IGO
IPC fellow	IPC research fellow; specialist on EU-Turkey relationship; IPC is an influential policy centre in Turkey
UNHCR prominent	Former employer UNHCR; involved in founding ASAM; involved in the Ankara based Research Center on Asylum and Migration (iGAM)
Red Crescent manager	Key person in a field related NGO

Table 1. Overview of experts and their role in the field

In total twelve interviews were conducted with so-called ‘experts’ or stakeholders. In expert interviewing, the sampling ‘N’ is determined by the size of the defined pool of experts and the research goals, and could therefore be small or large, and is interrelated differently to quantitative conceptions of representability (Littig, 2009). Furthermore, time, language as well as social and financial resources restricted the researcher to expand the number of interviews. With social resources is meant that the researcher needed to build a network that helped to gain access to certain institutions, but due to the restricted period of time and the position of the researcher, this was not always possible and was a time-consuming task. Also the high degree of sensibility of the issue of border management was a reason that gaining access proved to be difficult. Moreover, according to the interviewees, there was not a wide and diverse web of experts on the concrete interview topics (e.g. the Readmission Agreement, the Law on Foreigners and International Protection), which confirmed the small ‘N’.

For the interviews, a semi-structured interview technique was used for the reason to stimulate the interviewee to speak freely, without too much interference of the interviewer and without the need to answer according to fixed categories. Semi-structured interviews allow the informant to let the interview flow to wherever he/she desires – with this informal and

conversational way of collecting data, the informant could provide rich details about thoughts and attitudes, that he finds remarkable and thus important to share (Suter, 2013; Meuser & Nagel, 2009; Tansey, 2007). This proved as a clever way to conduct the interviews since the purpose was to unveil latent information and perceptions of certain processes and practices. All interviews were carried out by the researcher and were thoroughly prepared as to become a quasi-expert and thus a worthy interviewer. Every interview was performed in English, and for none of the interviews there was made use of a translator. Most interviews were recorded, but in one case notes have been taken since this particular interviewee did not give permission for taping the interview.

For the analysis of this part of the research data, the interviews were transcribed and coded by using the NVivo software. An open-coding strategy was used at first, to recognize the themes and later the rest of the interviews were coded with the use of these themes or codes. Subsequently, a thematic comparison was done to check the coding decisions made. After the process of coding was finalized, the categories were analysed on the existing internal relations for a systematic interpretation (Meuser & Nagel, 2009).

2) Document analysis

In order to support the primary data derived from the interviews, the researcher has used and analysed secondary data as a second data collection method. In order to get a better understanding of the way the parties officially claim how the Turkish migration management system and the EUropean equivalent function, a document analysis was conducted. The way documents were utilized to collect data was twofold. First, documents were analysed for the information they plainly provide. For instance, this brings to light the current state of Turkish migration management, and the influence that the European Union has on this. Secondly, an analysis of official documents served to elucidate the way power is embedded in official writings, through language. This is to illuminate how policies work as instruments of governments, as Shore and Wright (1997) argue. This comes nearer to a Foucauldian way of seeing language: to see how power works through discourse. Apthorpe (in: Shore & Wright, 1997, p. 43) argues about policies that *“its purchase on events comes from somewhere in between the linguistic and extra-linguistic, that is, it draws from wording and willing as vocabulary and grammar”*. Discourse in text is the *“configurations of ideas which provide the threats from which ideologies are interwoven”* (Shore & Wright, 1997, p. 18). Or, to bring this more to the ethnographic interpretative reconstruction of text as Ó Tuathail (2002) reasons: the practical geopolitical reasoning that appears from text. This reasoning goes together with the use of certain, very consciously chosen keywords that have the power to attract and mobilise people when they succeed to connect with the positive understanding of these keywords (Shore & Wright, 1997). It appears that the EU uses keywords and reasoning to construct the EU’s relationship with Turkey as well as the reimagining of itself across its external border.

So to evaluate migration management systems and the way power works through language, official written speech is analysed. The selection of official documents is directly related to the process of delimiting the topic of this research. Two criteria that are also used for the selection process are topicality and the recognition as EU interference method, and thereby leaving the availability of the documents for a fact. The Readmission Agreement, the visa liberalisation Roadmap and Law on Foreigners and International Protection are relatively novel documents, and therefore demonstrate the usefulness of these documents for the examination of

the current state of affairs of the EU-Turkey relationship. This also points out the demarcation that has been made to limit the width of the research topic. Furthermore, to support the understanding of European 'borderwork' and in order to comprehend the reimagining of the EU beyond its own borders, an important press release is used in the analysis as well as websites from the selected organisations.

A qualitative analysis of the selected official documents involved a search of specific 'mobilising keywords' (e.g. "reciprocity", "equal partnership") that were set against the information that the expert interviews provided.

3) Observant method

Thirdly, in order to answer the research question, an ethnographic observant method is utilized as a primary data collection method. As the definition of the word 'observation' in the literature remains vague, it needs to be placed within the ethnographic tradition that finds its origins in the discipline of anthropology. Baker (2006, p. 173) defines the source of the observation method as "*the need to study and understand people within their natural environment*", in order to "*understand 'things' from their [researcher's object] perspective*" (Baker, 2006, p. 171). This method can epistemologically be situated in the constructivist-interpretative notion as the nature of the generated knowledge and truth claims are not a reproduction of objective reality, since this notion does not intend to produce absolute truth claims (Hegelund, 2005). Thus instead of supplying objectivity, the knowledge that is produced through ethnographic research methods may increase objectivity. This methodology could serve as an additional perspective on a societal phenomenon as it could contribute to "*new ways of seeing the world*" (Hegelund, 2005, pp. 657-658).

This implies an inductive way of doing research as "*theory or variables (...) are expected to emerge from the inquiry*" (De Laine 1997, in: Hegelund, 2005, p. 651). This inductive manner is useful in regard to the supporting role this method takes up. The pure utilization of this method for this research is based on three motivations. Most importantly to determine the gaps in Turkish migration management that migrants residing in Turkey are experiencing. Secondly, this method serves as a confirmation for the data gathered through the interviews. Lastly, it is used as a backing, support and guidance in the research process. The information collected through using this method, directed the researcher to specific (expert) interview questions and potential interviewees.

The primary site of data collection has been the Istanbul Interparish Migrant Program (IIMP). This organisation offers practical help to migrants that fall between two stools. It provided an excellent access to the 'field' of 'vulnerable migrants' and to the NGO network that IIMP is part of. It was also a suitable site to 'hang around' for observing; in order to sense, feel and be confronted by the struggles migrants were trying to cope with. Concretely, this means a better understanding of how migrants have to cope with the deficiency of the primary means to improve their living conditions, the differences in the provided services that exist between the various groups of migrants and the (in)ability to access services. Moreover the satellite city system became more clear, as did migrants' logic of not registering. Another example of how this method contributed was the confrontation with the long waiting lines for repatriation and the desperation this may cause.

Since the utilized research instrument is again the researcher herself, it is necessary to understand the role of the researcher vis-à-vis the objects of study. During the research, the researcher had a covert (but no secretive) role, and operated in practice as a volunteer of the organisation. This comes down to the category of 'observer-as-participant' that Baker (2006) distinguishes in her article. This may be defined as advancing "*very slightly in her/his involvement with the insiders*" (Baker, 2006, p. 175) and thereby the emphasis is put on the observing role, however, short interviews can be conducted within this role. For this research, the observations were conducted through informal conversations (not interviews) with migrants that came to IIMP as well as the other volunteers and employees. The recording of informal conversations as well as other kinds of audio or video recordings was prohibited by the organisation to guarantee the trustworthiness of the organisation and establish trust between the volunteers and the incoming migrants. Furthermore, during this period of volunteer work, a NGO meeting was attended to make notion of the problems and new developments that were observed by this NGO network. The researcher made notes of special observations, which served the understanding of Turkey's migration management as well as it helped progressing the entire research. Since the researcher was not allowed to do interviews and had a covert role as researcher, the required 'informed consent' is avoided through not directly using the information gained in this thesis, but using the data as a guidance. Thereby the privacy of the IIMP clients is not violated since these individuals are not used as research subjects. But the observations and conversations at IIMP directed the researcher to information about the ways migration management gets a hold on migrants in Turkey, being a barrier or a challenge.

However, other sites for observing were also chosen in order to get a fuller understanding of Turkey's migration management efforts. The detention centre for undocumented migrants in Istanbul as well as the Istanbul district Aksaray where many Syrian migrants are living and obviously networking or collaborating for their move to Europe, are interesting sites to gain further understanding of the failure of the established migration management system. Notes (written and recorded) were made of the observations.

In sum, this method presented a great opportunity to get more bottom-up insights by observations of sites and people, as well as numerous conversations with the staff in the 'field', the other volunteers that had been working at IIMP for a long(er) time and with migrants about the encountered difficulties. 'Hanging around' makes it easier to place oneself in the position of migrants, to see how they are seeing the system and feel the desperate situations in order to uncover how migrants can get trapped between state systems: they sometimes did not know how to move forwards or even 'backwards'.

The researcher chose not to interview migrants outside the IIMP, since working at IIMP pointed out that migrants were only aware of their trajectory limitations and did not have a clear view of the restricting policies. Also time and language limitations (and hence financial means) were restricting the researcher to use this method.

To conclude, in order to get a fuller understanding of the EU bordering practices in Turkey that affects the diplomatic relationship but also migrant trajectories, three distinct but supplementary methods were chosen that helped to grasp "*the very peculiar 'nature of the beast'*" (see quote Bialasiewicz). By utilizing these methods, the researcher had to pay attention to methodological issues. The next paragraph will elaborate on this.

1.4 Research limitations

According to Golafshani (2003), a study that is of good quality is a study that “*helps us understand a situation that would otherwise be enigmatic or confusing*” (Eisner, 1991, in: Golafshani, p. 601). In order to reassure the quality, attention must be paid to issues of validity and reliability. Important to note is that within the constructivist stance towards the sociology of knowledge, it is not the ‘truth’ that is chased, but the perceptions of social situations.

Validity can be defined as whether the measuring instrument is appropriately measuring what it intends to measure (Berry, 2002). In this research, the research instrument is the researcher herself. Since it is unachievable to remain fully objective as a researcher, this causes problems for the validity. Therefore some necessary measures had to be taken to assure the validity to the furthest extent possible. Firstly, through conducting several interviews with experts belonging to the same field but from different organisational contexts, as well as triangulate with other data collection methods, this provided the opportunity for the researcher to cross-check data. This also contributed to the validity of the research through diminishing the influence of the researcher’s bias (Golafshani, 2003). Secondly, as expounded in paragraph 1.3, establishing trust (e.g. by informed consent) between the researcher and the interviewee was also key to obtain credible data (Brink, 1993). Thirdly, during the interviews, open questions were asked to avoid socially desired answers and the interviews left the possibility for the interviewees own contribution to add topics and questions. By tolerating this, the effect of the researcher’s bias in the interviews was diminished. Furthermore, the interviews were not conducted in the mother tongue of any involved person but in English, this affected the data. Still, since the researcher did not make use of an interpreter, the communicated data was passed in a pure way. This contributes to the validity of the research since there was no intermediate party that could have affected the interpretation of data. Lastly, the researcher did not start with processing and analysing the data in the data collection phase, in order to remain a distance to it to assure objectivity.

The fact that the researcher simultaneously serves as the research instrument also affects the **reliability**. This concept can be explained as the extent to which the results are consistent over time and repeatable (Berry, 2002; Brink, 1993; Golafshani, 2003). However, qualitative research appears to be unsuitable for replication, and therefore the researcher should rather be concerned about the dependability and confirmability. One way to do this was by using the same topic list during all the interviews, which provided a guideline and therefore contributed to the stability of the research (Golafshani, 2003). Secondly, the interviews were recorded and transcribed on a verbatim account. By making use of raw data in the analysis phase increases the consistency since the researcher remains close to the intended shared information (Berry, 2002; Golafshani, 2003). Furthermore, the coding process ensured reliability through the use of an open-coding strategy and a thematic comparison. And lastly, by making individual transcripts as well as this thesis available upon request for participants provides the opportunity to verify the collected and analysed data.

1.5 Structure of this thesis

This thesis follows a clear structure and contains six chapters. This first chapter introduces the topic, formulates the problem and defines the focus. It provides the methodological framework, the chosen methods for data collection and analysis and reflects upon the trustworthiness of the research. The second chapter gives an overview of the state-of-the-art theories that are relevant for the succeeding empirical chapters. Chapter three is the first empirical chapter and describes the developments in the Turkey-EU relationship, to explain the occurrence of extra-territorialisation practices. Chapter four provides an understanding of how and which practices the EU uses for extra-territorialisation in Turkey. The last empirical chapter, chapter five, reflects on the outcomes of these practices in the Turkish context. This thesis is concluded by chapter six, that reflects on all empirical findings in respect to the existing academic theory, and answers the main research question. Recommendations and reflections of the researcher are also shared in this final chapter.

2 | Theoretical framework

There where theories of borders and governance of the European Union intersect in the existing literature, several academic disciplines also congregate. Political or Radical Geography, International Relations and Migration Studies meet on the crossroads of the core subjects territory, boundaries, sovereignty, politics and diplomacy. Loads of studies have focused on European integration (e.g. see: Wiener & Diez, 2009; Wallace, 1990; O'Dowd, 2002), European cooperation, the EU as a supranational state or governance (e.g. see: Hollifield, Martin, & Orrenius, 2014; Lavenex, 2006), the question where 'Europe' begins or ends (e.g. see: Balibar, 1998), et cetera. To put it briefly and from a border perspective, these studies have been trying to capture how the EU was or is 'bordering', 'de-bordering' and 're-bordering' its territory. In contrast to the concentrations of those studies, border extra-territorialisation or externalisation is a relatively new subject of study and is lately brought into prominence within the mentioned disciplines. In order to study border extra-territorialisation within the specific case of Turkey in relation to the EU, some very useful theories from several disciplines are borrowed to support the answering of the research questions. Hence this chapter will provide the necessary theoretic groundwork that is meant for analysing the research findings in the subsequent chapters.

In order to answer the research question, it is necessary to understand how the EU operates as an externalising bordering actor, also implicating its utilized practices. Therefore two major theories prove useful. First, the theory of *bordering* is used, which is produced by Social Studies or Radical Geography in particular, to understand how extra-territorialisation practices can be 'shifting out' (Lavenex, 2006) by becoming more diverse, more flexible and geographically wider (Casas-Cortes, Cobarrubias, & Pickles, 2015). In addition, it is used to understand how "*the regime of mobility control is itself challenged*" (Sciortino, 2004, in: Hess, 2010, p.134). However, this theory has not provided applicable models in order to understand how the institutional/legal boundary may shift beyond the geographical-institutional boundary of the EU. This shifting is explained by using a second grant theory: the theory of external governance. This also gives the necessary groundwork to analyse the changing Turkey-EU relationship. By bridging these two theories in this conceptual overview, the comprehension of extra-territorialised control practices is expanded.

The structure of this chapter is as follows: first, the advancement and thereafter the state-of-the-art of the concept of 'borders' within the field of Radical Geography is outlined. This gives the necessary frame to introduce the key concept: extra-territorialisation. This concept can be described as "*pushing the locus of border enforcement efforts beyond the own territorial border towards (...) foreign third countries*" (Nessel, 2009). Subsequently this key notion intersects with international migration as a concept, since border enforcement efforts are made to control migratory flows. Thereafter attention is also given to the concepts of 'state', 'sovereignty', 'securitization' and 'migration management', and how these are closely related in regard to EUrope's cross-border intermingling. This links up to EUrope's cross-border governance style. The lens that has been used here sees EUrope as an 'empire', and proves helpful to explain why EUrope re-imagines itself across its own borders. This poses questions to the moral responsibility behind 'off-shore' practices. Lastly, this brings the theoretical overview towards the more state-centric theories of 'external governance'. While the EUropean cross-border governance lens of

‘empire’ provides an understanding of why, this IR concept gives a model to explain ‘how’ extra-territorialisation practices may take place.

2.1 Towards a new understanding of borders

“Borders are vacillating. This does not mean that they are disappearing. Less than ever is the contemporary world a ‘world without borders’. On the contrary, borders are being both multiplied and reduced in their localisation and their function, they are being thinned out and doubled, becoming border zones, regions, or countries where one can reside and live. (...) Irreversibly, that borders have stopped marking the limits where politics ends because the community ends.” (Balibar, 1998, p. 220)

“.. the contemporary ordering of borders is much closer to a space of nodes and networks, of gateways, filters, and passage points, than it is to the old idea of borders as defensive lines.” (Andrijasevic & Walters, 2010, p. 985)

It was the disappearance of an extremely significant boundary that separated East from West: the fall of the Iron Curtain — which enlivened the scientific imagining and theorizing of boundaries and borders in Europe (Paasi, 2005). The vanishing of this specific boundary, together with the political and economic integration of Europe and the prominence of globalization processes among other factors launched in the early 1990s the impression that the geopolitical ordering set course for a ‘liquid’, borderless reality (Van Houtum, Kramsch, & Zierhofer, 2005). This de-bordering process soon lost its lustre due to the rise of nationalist populism in Europe. Especially the terrorist attacks of 9/11 and the succeeding War on Terror gave a crucial boost to the securitization of territories and therefore the re-bordering of spaces, since terrorism posed a threat to the idea that the state possesses the monopoly on the use of violence within its own territory (Bigo, 2006). Borders became harsh markers of civilisational differences. This resurrection of the importance of borders is still topical but increases in complexity, as Balibar’s (1998) quotation also reveals. Presently the notion of the border has indeed become more multifaceted as one did away with simple softening or hardening abilities of the border — a black-and-white duality — and adopting the idea that the border functions like a membrane with the capability to select and to ‘Other’ (Paasi, 2011; Johnson, et al., 2011; Scott & Van Houtum, 2009).

A parallel development took place in the academic sphere that theorized about borders. Whereas in political theories borders and territory were seen inseparable whilst identifying borders as static end-stations or lines on a map, geographers and others were — in sharp contrast — starting to abandon this traditional understanding of the ordering of the world and they started to see borders rather as contested lines. According to this poststructuralist paradigm, the border is not necessarily to be found at the end of every nation-state and accordingly at the edge of a sovereign political authority and jurisdiction (Agnew, 1994) but borders can basically be found and created everywhere in society (Paasi, 2005). This insight, derived from the sub-discipline called Critical Border Studies, leads us to the understanding of the border as a verb, and therefore Van Houtum & Naerssen (2002) argue that one should rather speak of ‘bordering’ since a certain dose of agency is involved. Space is subject to practices and discourses of *Othering* and ordering, i.e. the conscious spatial inclusion and exclusion of people. Hence the focus in studies of borders should be shifted towards boundary-producing practices. Also Walters (2004) supports this in his

article as he states that although the link between border, territory and sovereignty should not be denied, one should emphasise the relationship between borders and the government's ordering practices of things and people. It follows from this that there is a party with agency involved that produces borders with a permeability regulation function (Godenau, 2014).

So the meaning of borders is changing (Paasi, 2011) as well as the spaces of bordering along with its actors. The meaning of borders is socio-spatially produced; it is an idea or belief which is kept alive through powerful mechanisms as maps, books and laws. This belief orders our world; it includes the 'Us' and excludes the 'Them' (Van Houtum, Kramsch, & Zierhofer, 2005). Borders are even "*integral to human behaviour*" as O'Dowd (2002, p. 14) claims, as human beings are continuously in search for order, control and protection and in borders they find the solution to their yearning for sameness as well as for difference. Therefore this in- and exclusion not uncommonly goes together with practices of control, spatialisations of identity, nation and danger (Paasi, 2005). Also, the border can be used as a strategy to stabilize or destabilize bounded categories of ethnicity, class and gender. Hence it is an act of power (Van Houtum, Kramsch, & Zierhofer, 2005; Godenau, 2014).

When borders are used as a strategy, then the question 'WHO is bordering?' comes to mind. Similarly to the question of 'WHERE?', also this 'WHO'-question is becoming increasingly complex. Bordering practices are not only executed by the state, as traditional understandings of borders perceived it, but they diversify to actors that possibly include organisations, businesses, media and private actors (Johnson, et al., 2011; Hooper, 2004). Hooper (2004, p.212) introduces the useful concept of 'borderwork' to explain that "*the selective suppression and deployment of difference and identity*" can be performed by "*any socius or society as a regulatory body*". Johnson et al. (2011) add to this that e.g. citizens, entrepreneurs and NGOs are as much involved in constructing, shifting and erasing borders as the state can be. As just mentioned, 'borderwork' does not necessarily or not only have to take place at the nation-state's edges. Also the geographical sites are diversifying: borders can be used as a strategy in cities or local neighbourhoods, in organisations and schools, actualizing bottom-up bordering or processes (Johnson, et al., 2011). Compatibly, Walters (2009, in Godenau, 2014) claims that borders can be grasped as a set of rules for entry and exit that could indeed be located everywhere in society. However, he argues that one should also bear in mind that the outer territorial borders are preferably used for border control. In conclusion, the new understanding of the border provides a fluid, power-laden concept that is being mobilized for strategic purposes.

2.2 Extra-territorialisation

Once one adopts this poststructuralist idea of how to grasp the border, then the concept of extra-territorialisation becomes a sound sequence. More concretely, border extra-territorialisation is a new initiative within this spatial imagining of the border. It constructs new scales and thereby new practices and operations of institutions, that should be distinguished from traditional border management (Casas-Cortes, Cobarrubias, & Pickles, 2015). Hereby Balibar's (1998) cosmopolitan reasoning about Europe makes a great fit as he argues that "*Europe's borders, in all their different manifestations, are no longer merely the 'shores of politics but.. the space of the political itself*" (Bialasiewicz, 2012, p. 844). Borders, in this case, are open to transformation "*as the site for a politics that cannot simply be read off the logics of state-centric spatialities*" (Brenner et al., in Van

Houtum, Kramsch and Zierhofer, 2005, p.4). If borders are to be seen as more fluid, then the related bordering practices are also part of a more fluid landscape; border management practices are becoming more diverse, more flexible and geographically wider (Casas-Cortes, Cobarrubias, & Pickles, 2015).

Akin to this thesis³, some geographers and legal scholars refer to these externalising practices by using the very geographic term of 'extra-territorialisation' (Casas-Cortes, Cobarrubias, & Pickles, 2014; Guild & Bigo, 2010). Also from other disciplines there is sufficient attention to these practices of the EU, more commonly referred to as 'externalisation'. From the International Relations perspective, Lavenex and Schimmelfennig are amongst the leading scholars that examine the practices that create the 'shifting out' of (immigration) control towards the realm of EU foreign relations (Lavenex, 2006). There are also academics that use the term 'remote control' policy (Zolberg, 2003; Samers, 2004; Guild & Bigo, 2010), 'governance at a distance' and 'off-shoring' border security (Lavenex, 2004; Bialasiewicz, 2012). This topic is also being discussed from the legal perspective as a subfield of (European) Migration Law, and within immigration-, asylum- and refugee law (e.g. see: Guild & Bigo, 2010; Nessel, 2009; Mc Namara, 2013). Yet the angle from which the border is studied varies from the perspective of the migrant to the perspective of the state and its policies, laws and legal jurisprudence or even the perspective of the border, as Rumford (in: Johnson, et al., 2011) proposes by introducing the idea of 'seeing like a border' as the counterpart of Scott's (1998) lens of 'seeing like a state'. However, listing all of these disciplines that focus on extra-territorialisation indicates that it is not an exceptional subject of study: many scholars have focused on EU extra-territorialisation practices towards its North African neighbours (see e.g. Bialasiewicz, 2012; Triandafyllidou & Dimitriadi, 2014; De Haas, 2008), African non-neighbours of the EU (see e.g. Adepoju, Van Noorloos, & Zoomers, 2010; Carling & Hernández-Carretero, 2011; Casas-Cortes, Cobarrubias, & Pickles, 2014, 2015; Choplin & Lombard, 2013) and the European Neighbourhood Policy as a specific EU extra-territorialisation instrument (see e.g. Barbé & Johansson-Nogués, 2008; Casas-Cortes, Cobarrubias, & Pickles, 2012; Gänzle, 2008).

In any case, there is a strong link to foreign relations as well as to (international) migration regarding the concept of extra-territorialisation. Particularly in the contemporary geopolitics of mobility and the intensifying securitization, those practices are well noticeable (Casas-Cortes, Cobarrubias, & Pickles, 2014). In order to subside the flow of migrants, nation-states are pushing the locus of border enforcement efforts beyond their own territorial borders, towards the maritime or terrestrial territories of foreign third countries (Nessel, 2009). According to Sciortino (2004, in Hess, 2010, p.134), extra-territorialisation should be understood as a post-national process that becomes detached from sovereignty claims, but it is better clarified as being "*a multifaceted constitutive plane of struggle, where the regime of mobility control is itself challenged and driven by the fluid, clandestine, multidirectional, and context-dependent forms of mobility*". Extra-territorialisation can thus be seen as a product of the changing complexity of the migrant's mobility, as their routes, spaces and tactics alter during their journey (Casas-Cortes, Cobarrubias, & Pickles, 2015). Lavenex (2006) observes two possible techniques for this: By moving the control mechanisms "*further afield from the common territory*" (Lavenex, 2006, p. 334) or by mobilising third countries to assist with the control mechanisms. Lavenex mentions a

³ Since the commonly used term 'externalization' is also applied to the practices at the external border of the EU-Schengen area, I will distinctly use the term 'extra-territorialisation' to refer to the practices and processes that take place beyond the physical EU's external border.

few examples of this, e.g. the coordination of visa policies in the Schengen group, placing national European liaison officers at the airports of countries of origin and the adoption of the 'safe third country' rule.

2.3 Migrants and borders

When continuing the focus on extra-territorialisation, here this will be solely applied in the realm of the spatial logics of international migration. If the concept 'migration' can be defined as the movement of persons through space, then international migration should be seen as inextricably bound up with the existence of nation-state borders. Those borders influence the probability for movement, as the risks and costs may rise, on top of the distance and natural barriers thresholds that are factors of consideration when migrating in the first place (Godenau, 2014). As the main focus in this thesis is the attempt to gain control on mobility, one should not see migrants as passive actors, that are pawns in the strategies of states. By adopting a less rational approach, we should rather take into consideration the degree of agency they possess. Migrant's agency could be defined as *"the various ways in which migrants try to actively and creatively overcome structural constraints"* (Castles, de Haas, & Miller, 2014, p. 37). Migrants may act upon borders as institutional constraints, but also borders should be located not as the limit of any nation-state but as management practices directed at 'where the migrant is' (Casas-Cortes, Cobarrubias, & Pickles, 2014). Mountz & Hiemstra (2012) describe this as the highly mobile feature of contemporary borders, as migrants may form the major stimulus of the shifting of the border (Godenau, 2014).

Borders regulate the bilateral as a set of rules, as borders are shared sites between two (or more) states. This process is highly selective and is shaped by the outcome of the negotiation between the two power-holders (Godenau, 2014). Specifically the cross-border mobility of people is ordered in consideration of national interest and labour demand (Sassen, 1988, in: Godenau, 2014). Furthermore the reality of borders calls diverse migrant classifications into being that would not exist in a world without borders. The distinction made between regular and irregular migration (Godenau, 2014) can only be made as one perceives borders as an envisioning: as *"social, cultural and political constructs that are made meaningful and exploited by human beings as part of the institutionalization process of territories"* (Paasi, 2001 in Godenau, 2014, p.125). The category of illegal migration is also constructed as it cannot exist without immigration law and policy and thus the labels that people carry ('illegal', 'irregular', 'sans papiers', 'undocumented', et cetera) shift by the nature of immigration policies (Samers, 2004).

According to Mountz and Hiemstra (2012) extra-territorial border management relates to migration policies that are developed to prevent migrants from ever reaching destination states. However, states are scrutinized to act in line with human rights regulations. The ultimate goal is to merge effective deterrence with respect to human rights laws (Godenau, 2014). Mountz and Hiemstra (2012) discriminate between three principal modes of extra-territorialisation: interception; detention and processing; and legal manipulation of territorial status. First, if states are capable to prevent migrants from entering their territory, they do not have to grant them rights, services and legal procedures, that must be granted to those that actually manage to enter the territory of the state. Ways to intercept migrants can range from active to more passive methods: e.g. keeping migrants on board of their vessels or by forcing third countries to take migrants back for detention or resettlement. Second, detention and processing on a third

country's territory is procured by formal agreements and informal arrangements, often in exchange for aid, that allow destination countries' activities to patrol and intercept beyond their own borders. The last mode of externalisation is the legal manipulation of territorial status and laws or the pressing of new laws, for example by disposing territory for the purposes of migration law or legally discriminating between different geographies of access and rights. These three modes are covered by the two overarching techniques that Lavenex distinguishes, as outlined in paragraph 2.2.

2.4 The interconnectedness of state sovereignty, securitization and migration management

Whilst discussing international migration and borders, one inevitably enters the theoretical domain of the state. Since the state is a core concept in the field of International Relations (IR), as a way that people order the world territorially since the appearance of nation-states from the late medieval, the notion of sovereignty is thereby also hard to ignore. In IR these concepts have always gone hand in hand; sovereignty *"gives the state its most powerful justification. Without this, a state would just be another organisation"* (Agnew, 1994, p. 60). State sovereignty could be defined as the integrity of the state's territorial space (Agnew, 1994), and the power *"to govern entry to territory and the rights that ensue to citizens and residents"* (Loyd & Mountz, 2014).

However, when a state enters into crisis, e.g. due to a civil war, then the limits of its sovereignty are revealed. Consequently this produces crises in other states which encourages state agents to mobilise particular political agendas and practices. Accordingly, human movement and migration policing re-articulates state sovereignty (Loyd & Mountz, 2014). Scholars that can be associated with Radical Geography's theorizing of borders question the traditional coupling of state and territorially based sovereignty; the restructuring of the nation-state has revealed a gap between sovereignty and territory (Casas, Cobarrubias, & Pickles, 2010; Mountz & Hiemstra, 2012; Loyd & Mountz, 2014). Mountz and Hiemstra (2012) develop this argument further as they argue that sovereignty is both an excuse and a tactic to displace borders in order to control mobile bodies, extension of influence or intervention in other states' territory. This crossing of territorial borders proves the transnational nature of sovereign power itself.

Security is closely related to the concepts 'state' and 'sovereignty' as it is only imaginable for a *"tightly defined spatial unit endowed with sovereignty"* (Agnew, 1994, p. 62). It is the defence of sovereignty itself (Agnew, 1994). Whilst concentrating on the state, Kicinger (2004) interprets threats to national security as threats to the survival and development of the nation-state; a crisis of the junction of nation and state. It is the state's defence of territorial integrity and political independence as simultaneously the defence of its people's economic independence, cultural identity and social stability (see also: Huysmans, 2000). Yet in the case of Schengen, the external border of the Union replaces the many internal ones and thereby it represents a line that also needs security in order to protect the European identity, territory and sovereignty (Casas, Cobarrubias, & Pickles, 2010). Due to the remarkability of its scale, international migration is perceived as a threat for these matters. Although one can sense discord between the Member States about where to place the defence line, as Bigo (2014) remarks, there is consent about the necessity of security practices. The threat of international migration is mobilised by a variety of actors (e.g. state, police, media, grass roots) that prescribe a security problem, instead of framing it as a human rights matter. Security policy mediates belonging and the identification of

existential threats by means of stimulating people to identify with a political community and territory by demarcating societal dangers. This points again to the permeability of borders as these are used as “*key strategies to objectify space*” (Van Houtum & Van Naerssen, 2002, p. 128). Since migration is known as an important factor to weaken national homogeneity (and thus a crisis of the nation-state junction), this is often displayed as the existential threat (Huysmans, 2000). This mobilisation of security threats by the transformation of a policy issue into a legitimized security issue (Faist, 2004; Neal, 2009), is what is called securitization. This concept has repeatedly been the focus of academic inquiries. When applied to migration, it has often been placed under the overarching frame of the migration-security nexus as well as it has been linked to the theory of ‘Fortress Europe’ (Lavenex & Kunz, 2008; Kicinger, 2004; see also e.g. Faist, 2004; Huysmans, 2000; Geddes, 2000).

Securitization and its succeeding defence undertakings indicate a desire to ‘manage’ migration (Triandafyllidou & Dimitriadi, 2014); a desire that states experience to restore the order in chaotic situations. Yet it is not simply desire on which states build their strategies, it is rather the mere confidence that human mobility can be controlled (Triandafyllidou & Dimitriadi, 2014). The prevalent term ‘migration management’ is used to point out the coordination and implementation of regional migration and refugee policies by states (Lloyd & Mountz, 2014). Nevertheless there is an extensive academic discussion afoot on whether migration is manageable at all, as Crisp (2003, p. 14) unfolds:

“Migratory movements involving refugees and asylum seekers are inherently chaotic and unpredictable, involving individuals and groups of people with strong fears, emotions and aspirations. While the notion of “migration management” has a reassuringly technocratic ring to it, we can be sure that the reality will prove to be considerably more complex, controversial and costly than this concept implies.”

On the one hand there are -among others- several sociologists that claim that states are incapable to influence migration through policies; Saskia Sassen (1996, in: Lahav & Guiraudon, 2006, p. 203) has argued that “*states have lost control*”. On the other hand, there are political and social scientists (see e.g. Bonjour, 2011; Brochmann and Hammar, 1999; Geddes, 2003; Lahav, 1998) that claim that the effectiveness of immigration policies has in fact increased, and thus the ability of states to control their borders is not lost at all nor state’s sovereignty (Czaika & Hobolth, 2014; Vigneswaran, 2008; Lahav, 1998). Lahav and Guiraudon (2006) argue that the fact that “unwanted” migrants are still able to reach European soil, should not only be explained by implemented policies and hence the ability of the state, but also by the policies of sending countries and their political developments (e.g. colonial tries and conflicts) (Thielemann, 2003, in: Lahav & Guiraudon, 2006). They state that immigration is also a fact of compromises between diverse interest groups, politics and media. Therefore it could not be argued that restrictive immigration policies are ineffective, but rather that these are not that restrictive as may thought (Lahav & Guiraudon, 2006).

2.5 Externalising moral responsibility

Theoretically moving beyond the capability of states to control its borders or manage migration, states also have a legal and moral responsibility to promote human rights and protect people within their territory for violations of these rights, as for instance is articulated in the '1951 Geneva Convention relating to the Status of Refugees' (Zetter, 2014). While an oversight of the discussion behind this claim is beyond the scope of this writing, it will briefly explore the query of responsibility of states for refugees (and migrants) outside of a state's sovereign territory.

The extra-territorialisation of border practices causes serious concerns for the accountability and commitment of the EU to humanitarian agreements. Extra-territorialisation is making it even harder to enter the EU in a lawful way, and therefore it is more difficult to obtain access to assistance, humanitarian services and legal support (Red Cross EU Office, 2013). According to some, a reason to externalise immigration controls and responsibility could be found in the 'liberal paradox' (Taylor Nicholson, 2011): *"Efforts to prevent arrivals strengthen the hand of the state vis à vis actors that might normally be expected to publicize and challenge rights violations"* (Gibney, 2005, p. 9). Transparency is often lacking, and accordingly information and jurisprudence. As a consequence, migration seems to turn into a sketchy object of trade between countries (De Haas, 2008).

Nessel (2009) claims that human rights cannot be evaded by states by hindering immigration or avoiding emigration from other countries. States still have to guarantee protection to those in need. There are some records of human right violations that cast a slur on Europe's status, e.g. in readmission agreements, as EU Member States have collaborated with states with a corrupt human rights reputation or even have expatriated migrants from EU territory without any division made between motivations for movement. Still, a counter argument to states' responsibility to protect refugees and the compliance of the non-refoulement principle, is applied to migrants that have not reached the territory of their destination (Mc Namara, 2013). In that case it could legally be ruled that states do not have the obligation to take them under their protection, nor that states act in conflict with international refugee laws and human rights laws. But then, one could ask whether states have the moral duty to protect refugees beyond their territory, on their journey to it? If not, would that then mean that states can simply avoid their humanitarian duty by externalising their controls (Taylor Nicholson, 2011; Gibney, 2005)?

This moral responsibility is connected to the EU's appeal to 'good governance'. Though not identified as being *"infallible and foolproof"*, the EU's policies, e.g. its immigration and asylum policies, are since the turn of the century fundamentally affected by the notion of 'good governance' (İçduygu, 2011, p. 1). Due to globalization effects as continuous media coverage and the spacing out of information flows, governments found themselves in need for a coherent expression of their values and interests as well as they felt being watched on double standards that could undermine their authority. Since the start of the 2000s, the EU has started to focus more on the responsibility and morality of exercising power. States face an equilibrium between pursuing *"the interests of their peoples"* and *"in the context of a set of wider duties towards other states, and through other states, the rest of humanity"* (Brown, n.d., in: Barbé & Johansson-Nogués, 2008, p. 83); taking care of own purposes, but let these depend on the impact on others and how it changes the international system. However, all of this is subjective in its essence (Barbé & Johansson-Nogués, 2008). When taking into consideration the international system and specifically its morality, the question turns up of how one should identify European governance in

its outer space. The next paragraph will elaborate on this by exploring its role in the contemporary world.

2.6 European cross-border governance

The fall of the Berlin Wall seems to indicate a radical turning point in the EU's political history. For the first time, the possibility of shifting its geographical boundaries emerged as Europe recovered from its disunity (Friis & Murphy, 1999). The European Community suited the role to lead Europe to an economic, secure and political new European order; it developed to be a role model for democracy and economic stability (Smith, 1996; Friis & Murphy, 1999). However, to preserve this, dangers should be eliminated. Therefore the EU now reproduces itself across its borders (Kramsch, 2011). At present, borders play a key role in the policies of the European Union as the Union both strengthens and weakens its borders as a strategy to position itself in this globalizing world. Jan Zielonka (2008) makes a plea to start recognize EUrope as an 'Empire by example'. This postcolonial conception of EUrope's role in the region and beyond is assessed as *"truly imperial"* (Zielonka, 2008, p. 471). Although Europe has a rich history of re-bordering itself throughout the world, it is argued that Europe has never stopped re-bordering and imagining its territory across its border. Uniformity will extend the 'Empire' border and moving the potential threats further from the core. Here, a parallel is clear to the envisioned Empire of Hardt and Negri (2000) with Europe as the conductor, creating this uniformity:

"In Empire there is peace, in Empire there is the guarantee of justice for all peoples. The concept of Empire is presented as a global concert under the direction of a single conductor, a unitary power that maintains the social peace and produces its ethical truths." (Hardt & Negri, 2000, p. 10)

The EU as a (re-)bordering actor seems to transform its neighbourhood into certain *"(semi)protectorates whose sovereignty is not denied but 'creatively constrained'"* (Zielonka, 2007, in: Bialasiewicz, 2012, p. 846). What makes this theory fit the postcolonial school of thought, is the orthodox discrepancy of power between the involved parties.

All of this has to be distinguished from the concept of 'soft power', as Zielonka also argues, since it is not only diplomacy but also economic power that set the rules of the game. Namely it seeks for a progressive, gradual adoption of EUropean norms and values throughout its neighbourhood (and beyond) by the use of economic and political incentives and punishments. The underlying desire is to extend its power over peripheral actors beyond its territory to safeguard its own prosperity, peace and stability.

2.7 External governance

Although from time to time condemned for its state-centrism, research within the discipline of International Relations proves useful for an expanded understanding of how the EU shifts its borders 'out' to third countries while it repeatedly focuses on topics related to policy making and transfer (see e.g. Delcour, 2013; Lavenex & Schimmelfennig, 2009; Gänzle, 2008; Wunderlich,

2012; Friis & Murphy, 1999). Within this scope, IR brings up the concept of 'external governance', and defines it as the attempt to spread the EU's internal rules and policies beyond formal membership to third countries and international organisations (Lavenex, 2004). Since this thesis mainly focuses on the shift of legal/institutional border through rule transfer, this is an useful concept.

External governance differs from internal governance when considering their relation to rules: internal governance refers to the creation and the internal implementation of rules, whereas in external governance it is only about rule transfer (Schimmelfennig & Sedelmeier, 2004). While studies in the realm of social science, e.g. Human Geography and Migration Studies, have predominantly centred their attention on human behaviour and agency (Düvell, 2014), IR or political science studies seem to be responsible for producing more grant theories with applicable models in addition to the empirical studies they create. These models support the 'how'-question of extra-territorialisation that this thesis aims to answer.

The fixation on borders within IR is inextricably bound up with studies of 'governance' as borders can limit governance as well as influence the system's capacity to govern (Friis & Murphy, 1999). The term 'governance' as well as its related theories have been accumulating through time and diversified among different scholarly disciplines. In the last decades the concept has been subject to a shift from an institutional understanding towards a more process-based understanding (Lemke, 2007). Although there existed a large gap in studies of governance between domestic/internal governance and foreign/external governance, this gap has quite recently been bridged to demonstrate that governance is not necessarily restricted by national territories (Gänzle, 2008; Schimmelfennig & Sedelmeier, 2004; Friis & Murphy, 1999; Lavenex, 2004). Or, as Friis and Murphy (1999, p. 213) elucidate, "*the very concept of governance (...) directs our attention to the significance of boundaries in its relations with the outside*". That said, this makes space for the EU as a multi-level and multi-actor constellation to enter the stage (Gänzle, 2008; Lavenex, 2004). Alternatively, governance should rather be defined as a political space constructed by "*various activities and international cooperation*" and thereby creating a shared set of rules among the actors involved (Gänzle, 2008, p. 4). This political space is limited by different types of boundaries, depending on the context, and those provide information about interaction between the inner with the outside.

When proceeding -yet from the IR side- on the theorizing of borders, Sandra Lavenex (2004) defines external governance as the moving of the institutional/legal boundary beyond Member States. Yet with the shifting of the institutional boundary, participation (or in the most complete sense: integration) is always more or less feasible, as this does not need to be the case with the shifting of the legal boundary. This commonly refers to the expansion of the EU's legal order through the *Acquis Communautaire*. Its application –or, more general, rule application- is the highest level of external governance (Lavenex & Schimmelfennig, 2009). In this case, governance stays a matter of foreign politics, as for institutional expansion it eventually becomes a matter of internal politics (Lavenex, 2004). According to Gänzle (2008, p. 5) the final aim of the EU's external governance is "*bluntly put, to make its immediate vicinity more like itself*" through easing interaction, managing expectations and maximizing its influence in third country policy-making.

Accepting this, the following two questions become key: which rules are transferred, and how are these transferred? The 'how'-question here depends, among other things, on how the entities concerned relate to each other, which is essential for the level and way of rule expansion.

Naturally this 'how'-question is from the perspective of the 'rule expander'. In adopting an institutionalist approach, Lavenex and Schimmelfennig (2009) argue that there are three forms of interdependent governance: hierarchical governance, network governance and market governance. Considering the former, the relationship between the two entities is rather vertical and asymmetric as rules and power are being enforced top-down from the 'ruler' to the 'ruled'. It is a model built on conditionality on the basis of external incentives. Practically within the framework of external governance this is more a matter of undermining the autonomy of the 'ruled', yet not its sovereignty. Network governance is much more built on equal relationships in which procedures and mutual agreement predominate over final policy solutions (Benz, in Lavenex & Schimmelfennig, 2009). However asymmetries of power can still be involved, but it is rather a 'negotiation system'. The deliberative process, co-ownership and density of interaction distinguishes this type of governance from hierarchical governance. Networks are based on experience and give room for the involvement of third parties, like international organisations or representatives of third countries. In market governance, as the third mode of external governance, rules may also transfer horizontally. Whilst there is no acknowledgement of common rules, there is recognition of the prevalence of the best fitting rules, battled out through competition between formally autonomous actors (Lavenex & Schimmelfennig, 2009).

However they contrast this by opposing a power-based approach to the institutionalist approach. Whereas in the institutionalist approach EU external governance is dictated by the EU institutions, they also give room for seeing external governance as an outcome of the EU's power interdependency to third countries and other global or regional 'governance providers'. Applying this power-based explanation to the modes of external governance, the hierarchical external governance lens explains how there is a strong asymmetric interdependency between the EU and a third country. In network governance, the interdependency is medium but still symmetric. Last, in market governance the interdependency is high and symmetric since there is no centralized and dominant governance involved (Lavenex & Schimmelfennig, 2009).

The power-based approach also fits the way that Barbé et al. (2009) argue how one should perceive policy/rule transfer: one should rather use the term 'convergence' than 'transfer' in order to pay proper attention to complex interaction between the EU and third countries and thereby not simplifying it to a one-way process as the term 'transfer' suggests. When further considering the adoption of rules, its effectiveness depends -of course- on the response of the Other, the third country of concern. Schimmelfennig & Sedelmeier (2004) discriminate between three models: the external incentives model, the social learning model and the lesson-drawing model. The first follows the rationalist logic of conditionality. Whether a state accepts the rules is subject to how it evaluates the reward in contrast to the conditions. This logic is based on the presumption that actors are involved to strategically maximize their own power and welfare. Their relative bargaining power dictates the outcome of the exchanged information, threats and promises. Conditionality is the central strategy here. Second, 'the social learning model' concentrates less on the rationalistic persuasion of appropriateness of internalizing identities, values and norms. There is discussion feasible on whether certain rules or behaviour are appropriate. Rules may be adopted only when a non-state evaluates them as appropriate, which are influenced by the EU's legitimacy, identity and resonance. The last model is called 'the lesson-drawing model'. This model is one of 'free will' for alteration, stemming from discontent with the existing situation. There is no coercion or persuasion involved in this model.

This theoretical overview has outlined the state-of-the-art discussion of borders and how these can be blurred or 'shifted out' with regard to the European Union and its migration governance. The theory of *bordering* is needed to understand how borders can be 'shifting out', and so be extra-territorialised. The act of extra-territorialisation is involved with power, and so borders can be used as a strategy. The concept of 'borderwork' is introduced to explain how borders are used as a strategy by diversifying actors.

In this thesis, the strategy refers to the control on borders and so the control on international migration. However, it is challenged whether this is achievable at all. Then, this 'quest for control' is placed within the extra-territorialisation frame, as for whether it is possible or even moral to control beyond own sovereign territory. This points to the question of how we should perceive EUrope as a regional actor. This thesis build on the lens of EUrope as 'Empire' to analyse its practices. After adopting the idea that EUrope intermingles in its neighbourhood for its particular interests, the theory of external governance provides a better understanding of the act of transferring rules and hence governance.

This chapter will enhance the empirical findings presented in the succeeding three chapters that will examine how the relationship between the EU and Turkey is shifting due to migratory pressures. Consequently, the EU border seems to shift to Turkey's territory, but as will be argued, this has fierce consequences.

3 | A new equilibrium in times of crises

On the junction of numerous migration systems and journeys, and while serving as a space of departure, destination and transit, the Turkish state is a geographical merger of the Middle East, Africa, Asia and Europe. This produces various perspectives among different parties that may perceive Turkey as an important sending, receiving or transit country. Its geographical location and the changing migratory dynamics have never stopped influencing the Turkish state internally and politically (Korfalı, Üstübcü, & De Clerck, 2010; Kirişçi, 2007). Due to Turkey's aspirations to join the EU, its neighbouring identity in particular has caused a considerable impact on its migration management and outcomes.

This chapter starts with a historical underpinning that describes how the Turkish state itself matures through phases of different migratory flows. Next, a brief overview of Turkey's recent diplomatic history with the EU is outlined. Both serve as an embedding to the subsequent description by the experts of how the Turkey-EU relationship has evolved in the last ten years. Thereby two periods of crisis are distinguished: the first during the mid-2000s and the second is the effect of the recent Syrian refugee crisis. By describing the evolvement of these two crises, the alternation of EU's grip on Turkey becomes clear. There are periods that the EU may and may not find space for wielding its external governance and so extra-territorialisation may be less feasible, but the Syrian refugee crisis changes the interdependency significantly. Despite that, it appears that EU is able to find a new opportunity for extra-territorialisation. All of this contributes to the answer of the first sub-question: **'How can the adaptation of the relationship between Turkey and the EU to the current migration crisis be understood?'**. This forms the groundwork for answering the next sub-question that finalizes the chapter: **'What are the spatial logics behind the extra-territorialisation of the EU border?'**. This second sub-question examines the reasons for the EU to use extra-territorialisation on Turkish territory as a method. The question will also produce an answer on the occurrence and the acceptance by the Turkish state. It appears that both diplomatic entities are in their own way forced to cooperate under the pressure of the Syrian refugee crisis. However, the new equilibrium can only be understood if one comprehends the developments of this relation. This bridges the two sub-questions.

3.1 Historical underpinning

Since the aftermath of World War I and the establishment of the Turkish State in 1923, the Turkish government has been actively involved in policies towards migration for 'nation-building' purposes. At first, together with the rise of nationalism, policies were constructed to establish a homogenous Turkish population that should derive its identity from religion and language, or else, from culture. After World War II, the state's immigration reputation was supplemented by a growing flow of emigrating labour migrants to Western Europe. Years later, the fall of the Soviet Union created an opening for Turkey to enter a network of economic, social and cultural international interactions. This simultaneously generated opportunities and an apparent right for the international community to meddle in Turkey's national affairs. During this particular period, a growing flow of Turkish people, mainly Kurds, fled Turkey and sought safety in Western Europe.

From the 1990s onwards, Turkish migration policies were challenged by growing number of asylum seekers and unlawfully entered or residing migrants (Kirişci, 2008).

The Settlement Law determined Turkey's migration policy from 1934 until very recently. This law can be identified as "*a massive social engineering project*" based on homogenization principles (Kirişci, 2008, p. 181). First, in regard to immigration, these principles came down to stimulating integration, assimilation and forced migration. However, in the 1990s its system and ideals started to be affected by the condemnation of ECHR's rulings and Turkish human rights NGOs. According to Kirişci (2008), especially Turkey's ambitions for EU membership were the impetus for the AKP government to reform in the 2000s.

Secondly, the law also constituted the foundation for asylum. The many refugees coming from communist countries during the Cold War could stay temporarily in Turkey but still in the late or post Cold War period of the 1980s and 90s, Turkey did not accept the refugees that had fled the instability in the Middle East or the Yugoslavia bloodshed on a permanent basis. In 1994 the asylum system was redesigned in order to cope with the increasing numbers of new migrants. In this reform the 'geographical limitation' was introduced to Turkey's asylum policies. This ruling paved the way for Turkey to be not legally obligated to grant non-European asylum seekers a refugee status (Kirişci, 2008).

3.2 Euroskepticism

Recent developments in Turkey's migration dynamics and the resultant migration policies cannot be viewed in isolation from its relationship with the European Union. Although the history of their diplomatic relationship originates from 1959, more current developments stirred things up. In 1999, Turkey was granted an EU candidate status during the Helsinki European Council summit. On its way to become a new Member State, Turkey must undergo a harmonization process of implementing the *Acquis Communautaire* and comply with various political criteria. One important step was taken in 2004, when the European Commission concluded that Turkey had fulfilled the Copenhagen criteria and thus the European Council could start the negotiations "*without delay*" (European Commission, 2004; Kirişci, 2007) – a statement which by now evokes scepticism. According to an UNHCR Turkey office prominent (interviewee), at that time Turkey "*celebrated with fireworks this EU decisions to start*". One year later, in 2005, the process started with the release of a Negotiation Framework through screening Turkish legislation. As an outcome of the screening procedure, the parties agreed on an Accession Partnership document that set down the requirements to adopt the EU *Acquis* in Turkish legislation. This process can solely progress by the opening and closing of chapters, and there are in total 35 chapters in the *Acquis Communautaire* to agree on by the parties. Until now, between Turkey and the EU, only one chapter (chapter 25 on 'Science and Research') is closed, but fourteen chapters have been opened. Chapter 23 and 24 on respectively 'Judiciary and Fundamental Rights' and 'Justice, Freedom and Security' have especially been a hindrance to further progress (European Commission, 2015; interview IPC fellow). According to the EU (2005), "*the advancement of the negotiations will be guided by Turkey's progress in preparing for accession, within a framework of economic and social convergence*", as it stated in the Progress Report. It clearly reveals how the parties at that time were related to each other.

When considering how this fits the 'external governance' frame, the EU-Turkey interdependency may have developed into one of non-traditional hierarchy. European governance, with its rules and incentives, is transferred towards Turkey in an asymmetric manner. However Turkey cannot be seen as a powerless inferior party, or simply as being 'ruled'. Its agency should not be trivialized as it is manifested by its very own decision to apply for EU membership, yet it is accompanied from the EU side with a 'carrot and stick' approach. With this approach, the EU forces a vertical relationship upon Turkey. Of course Turkey was at first acutely aware of what it had signed up for and welcomed this decision. However, the constraining character and the linear pathway that Turkey had to walk, soon evoked annoyance and conflict as will become clear from the next paragraphs.

There are two 'crises' or peaks of division to be distinguished in the relationship. The first crisis started in 2005. In spite of the achieved advancements until then, within Europe the developments were accompanied by substantial public and political resistance (Kirişci, 2007). According to an UNHCR prominent (interviewee), this fast growing divergence was rather political as it was triggered by essential political changes in the European arena:

"Then Merkel and Sarkozy came into power in their countries one after another and they started to talk a different language. They said to Turkey: 'Forget full membership, you are not eligible, we could only offer you a special status'. And this was a big disappointment on the Turkish side. Then the Prime Minister Erdoğan was talking about: 'OK, it doesn't matter, we will continue, we will change the name of the Copenhagen criteria to Ankara criteria, and continue our reforms'".

– Interviewer: "Why?"

"Showing that it was for democratization." (Interview UNHCR prominent)

This points out that it was a one-way street; Turkey was surprised by the sudden turn, yet others decline this suddenness by putting forward Turkey's own reluctance (interviews IKV researcher; academic expert 1; ESI policy analyst; academic expert 3). Furthermore, according to an ESI policy analyst (interviewee) Turkey itself went out of line when it started to lift visas with Middle Eastern countries. But on the other hand one should not forget that the EU acted rationally within the context of the materializing financial crisis (interview academic expert 3). The dominant rhetoric stemming from the EU against Turkey's admission was therefore dominated by Europe's fear of being overrun by Turkish nationals who come looking for a job once the internal borders would disappear after Membership. This contributed to a negative tendency as did the impression that the integration project of the Turkish guest workers (who arrived in the 1960s and 70s) and its subsequent family reunification flows had failed, and so will it fail in the future due to persistent cultural clashes (Kirişci, 2008).

The divergence was also noticeable on the other side of the table: a growing Euroskepticism rose amongst the bureaucratic elite of Turkey which stagnated the diplomatic relationship from 2005 onwards. Many of the respondents described how the relationship turned into crisis after a hopeful and cheerful period. According to an academic expert, this *"decreasing of appetite"* can principally be traced back to the EU accession of Cyprus in 2004 (interview academic expert 3; see also interviews ESI policy analyst; IKV researcher; IPC fellow) but also the 2005 ECHR ruling of the 'Leyla Şahin Headscarf case' made Turkey turn into a polar opposite of

the EU (interview academic expert 3). To put it in a nutshell, disharmony about several matters deteriorated the relation during that period.

Turkey may turn the tide by relinquishing from the geographical limitation or reforming their asylum policy (interview ESI policy analyst). However it declined this opportunity as *“Turkey started to look at itself in the giant mirror, becoming a great country with these new Ottoman Islamist aspirations”* (interview ESI policy analyst). The AKP (Justice and Development Party) had exploited the EU’s spearheads at first, and so it had instrumentalised the accession to the EU for own political purposes. However, now their aspirations drained away from the Union (interview academic expert 3) and President Erdoğan started to mobilise liberalistic Kemalist notions to gain political power. Yet these ideas were not that much in conflict with the preached EUropean ‘norms and values’ (interviews ESI policy analyst; IKV researcher), as Turkey continued its democratization process – as stated above by the UNHCR prominent. The country started to have a megalomaniac self-image, which did not need EUrope to grow into a global power (interview academic expert 3), and it may not even need EUrope to be a part of it:

“Turkey sees itself as part of the border of Europe. Recip Erdoğan, (...) he told that the Southern border of Turkey is the border of Europe, it considered that the end of Europe; Europe ends with our borders.(...) it does not need to be in the European Union to be in Europe. It is already one of the important parts in Europe.” (Interview IKV researcher)

At this point in history, the relationship had made a significant turn as the EU could no longer get a grip on Turkish politics and consequently its migration management. After 2007 the situation became somewhat less dramatic until the Syrian civil war brought major instability to the region as well as produced a high number of refugees. The EU Delegation representative (interviewee) connects the dots by adding:

“Turkey is a candidate country, so it is still making progress, although it sometimes slows down and sometimes speeds up (...) It is true that at times Turkey has looked another way, or that Turkey has a blurred focus and focused towards other directions than the relationship with the EU...”

3.3 The Syrian refugee crisis causing a second ‘crisis’

After this first outbreak of the so-called crisis in the period 2005-2007, the second peak of intensified friction has commenced in 2011. Infected by a regional wave of anti-regime protests called the ‘Arab Spring’, the 2011 March demonstrations in Syria developed in an unforeseen way into the bloody civil war that is still on-going. The good diplomatic relationship between the Syrian government of Bashar al-Assad and Prime Minister Erdoğan transformed tremendously due to this war. Consequently Turkey soon started to press for a future without Assad. As a manifestation, Turkey decided in October 2011 to introduce an ‘open-door policy’ for all Syrian refugees, granting them *“temporary protection”* (Berti & Paris, 2014; Kirişçi (a), 2014). However, the number of refugees soon exceeded all prospects and therefore does not correspond to Turkey’s policy and decisions of 2011 regarding Syria(ns) any longer. This leads the country towards its own crisis in dealing with a high number of refugees and other migrants remaining in the country. This large influx is of course the source of the crisis for Turkey, but as the crisis

accelerates the consequences become clearer, as chapter 5 of this thesis will expose.

Although Turkey has slowly altered its migration management due to the negotiations with the EU, the adjustments could not predict the enormous quantitative rise of migrants and the resulting pressure on several Turkish governmental systems. A HRDF manager (interviewee) explains that EUrope had planned to provide support to Turkey for new deportation and reception centres. In exchange for support, Turkey had promised to take its geographical limitation into consideration. However these plans were based on migration figures of 2007 (15.000 entering migrants estimated) and have recently become superseded now the numbers are reaching more than 2 million.

Since the current figures exceeded the estimations for suitable policies, the relationship that the EU and Turkey have tried to rebuild -after the first diplomatic crisis subsided- has been harmed due to frustrations from both sides (interview UNHCR prominent). The ESI policy analyst (interviewee) considers the refugee crisis as a major destabilizing factor for the relationship as Turkey finds itself cold-shouldered from the EU's recognition and appreciation for its efforts. This frustration resonates in what a manager of HRDF (interviewee) expresses: *"They [the EU] cannot say that 'keep those two million in Turkey...' and it is not realistic and Turkey can say that 'I cannot keep this, I am doing everything within my limits'".* Furthermore the Union has not given sufficient assistance (interviews ESI policy analyst; Red Crescent manager; IPC fellow; academic expert 2), it has merely been occupied with its security operations (interview IKV researcher). One could observe a new wave of mistrust between the two entities that lies at the heart of the crisis:

"Turkey has more than two millions [refugees], [that cost] too much money, too much efforts, too much problems, too much risks and then your partner has no interest to help you." (Interview academic expert 2)

The frustration of not being seen, heard and helped out by EUrope is answered with a decreased willingness to negotiate, which makes the interrelationship ever stiffer. This leads to a downward spiral for EUrope as even *"the effect of European Union on Turkey's migration policy is very less nowadays and it will stay like this for a while I think. Because either sides cannot find a start point for this"* (interview HRDF manager). All this shows that the interrelationship has now reached a low point, and the EU's external governance stands no chance in Turkey for this moment. As long as negotiations are unlikely to happen, the Union's institutional boundary can no further shift towards Turkey.

In the meantime Turkey has learned to mobilise its hospitality for its large quantity of hosted Syrian refugees by *"nation branding"*. Thereby it instrumentalises migration to come across as a regional or global humanitarian model (interview academic expert 3), to show that Turkey takes care of *"the rest of humanity"* (Brown, n.d., in: Barbé & Johansson-Nogués, 2008, p. 83) as Turkey also wants its governance to be labelled as 'good governance'. The agency that Turkey holds is illustrated by this.

3.4 Room for new negotiations

The Syrian refugee crisis stirs the EU-Turkey relation through a difficult patch as the EU is not only confronted with Turkey's expel from the dialogues since it considers *"the previous arguments*

useless now” (interview HRDF manager), but also it has to deal itself with a growing number of migrants that are transiting through its neighbourhood on their way to EUrope. All the respondents have emphasised the pressure that is put on the Turkish state and claim that the EU should start taking its responsibility, for the reason that it is a problem of the wider region and, moreover, because Turkey is an EU accession country (interview HRDF manager).

Therefore the positions seem to change by the altering of the conditions. According to the ESI policy analyst, *“...the EU is slowly realizing that it really needs Turkey to get the situation under control”*. She continues explaining how the EU became aware of this major pressuring issue in its neighbouring country:

“Because I think Syrians initially [also assumed to stay temporary]; Okay, they were [to be] refugee for a year or two and then the war will stop and they will go back and so it was okay to sit in some refugee camp for a short [period] of [time] or hang out in Turkey. But now they have start realizing that the war will not end in any time soon and now they have to think of the future, like finding a job, securing education for their kids, start life somewhere else. And the EU is more attractive than Turkey, Jordan or Lebanon, and there are four million Syrians in these three countries...”

This high number of residing migrants in its direct neighbourhood poses a threat to the Union that rapidly needs to be addressed. Cooperation is a sound way for this, in order to reassure itself that these people will stay in Turkey (interview HRDF manager).

Thus there is currently a new rhetoric to be sensed, carried out by the EU. As the major migration route shifted from the central Mediterranean (with the main focus on countries like Libya, Italy and Malta) to the eastern Mediterranean (focus on e.g. Turkey, Greece and the Balkan countries), the diplomatic focus has shifted along: *“Mogherini, (...) or anyone from [the EU] cabinet [that] talks about Turkey, they start talking about how Turkey’s efforts are really important for Europe”* (interview IKV researcher). A representative of the EU Delegation in Turkey (interviewee) –which is a governmental organisation that according to him serves as the *“Brussels arm in Turkey”* – now acknowledges that *“Turkey is engaged in major efforts to better manage its borders and this is part of what the EU is supporting. Turkey has made huge investments”*. He also exemplifies this transformation of attitude:

“Turkey is a country that has an important role in this region (...). This does not contradict the relation with the EU. Turkey has an important function in stabilizing [the region]. The amount of intensity that Turkey has drawn towards the EU needed to be reconfirmed through meetings and dialogue. So important for the EU is that Turkey stays with their bilateral commitments.” (Interview EU Delegation representative)

It appears from this that the EU operates with a much softer and more discrete approach. This acknowledgement of their key role in the region, and consequently for the EU, is plain. A clear link can be made to Zielonka’s plea for considering EUrope as an empire: the instability in the region is the danger that needs to be erased by EUrope. This must to be done by transforming this zone into a *“semi-protectorate”* (Zielonka, 2007, in: Bialasiewicz, 2012, p. 846) to dangers from, for instance, the Middle East. After democratizing Turkey it becomes easier to cooperate and get a grip on its politics. Then, according to an academic expert (1, interviewee), Turkey can serve like a *“natural buffer zone [between] the Member States and the other parts of world”*. Another

academic expert (3, interviewee) adds that this could also contribute to Turkey becoming an economic (trading) hub, which will bring prosperity to the region by *“creating a kind of transformative effect for the Middle East, like the one that the EU has created on Turkey”*.

By these commitments that the EU Delegation representative mentions, the EU is re-imagining its neighbourhood as a dead spit of itself as Turkey ought to slowly alter itself in a depiction of EUrope. This can only occur when executed by the EU as *“it is the EU that should keep attracting Turkey that the EU is a goal to reach”* (interview EU Delegation representative).

However, as we have noticed, Turkey had lost its diplomatic willingness. In order to reconsider EUrope’s negotiation frames and help them out with decreasing the threats, it holds a strong position according to a manager of HRDF (interviewee; see also interview IKV researcher), who explains:

“Turkey is very much on the safe side when (...) negotiating with the European Union on migration. This refugee issue is always on the centre of the negotiations with integrating to the EU. But Turkey always wants to have this as a benefit or as a (...) joker [trump card] (...) by negotiating..”

This is confirmed by an ESI policy analyst (interviewee) as she states: *“Turkey will not close the border (...) out of the kindness of its heart; they want something in return”*. Now that EUrope is finally expressing its empathy, Turkey can mobilise it for greater purposes: demanding financial assistance, Syrian refugee burden relief and visa-free travel *“as a political gift”* (ESI policy analyst). In order to receive these demands, Turkey has to cooperate and accept its territory to be re-bordered by EUrope. Furthermore, as has repeatedly been claimed, in its turn Turkey also needs assistance with its burden and sees in EUrope the prosperous and capable neighbour (interview academic expert 1).

This predicted situation has recently turned into reality. As the migration flow towards EUrope did not seem to decline, the EU had launched a new Action Plan in the fall of 2015. In January 2016 Dutch politician Samsom proposed new elements to this AP as a way of EUrope to relieve the Turkish burden. This included the recognition of Turkey as a safe third country. These plans were concluded on the 18th of March 2016 by an agreement. This agreement embodies another attempt to manage migration extra-territorially: ‘irregular’ migrants and asylum seekers that cross the EU external border from Turkey to Greece are not processed by Greece but readmitted by Turkey (Roman, Baird & Radcliffe, 2016; Collett, 2016). For every Syrian refugee that is readmitted, one Syrian refugee from a Turkish refugee camp is resettled to EUrope. Moreover, Turkey is indeed promised financial support (three billion Euros shortly, and another three billion in 2018) and visa-free travel. From these recent developments it appears that Turkey’s position is quickly becoming more comfortable, but much will depend on the trustworthiness of the negotiating partners.

Since Turkey has reopened itself for a progressing relationship with EUrope, the interdependency changes from a non-traditional hierarchical way of EUropean governance with clear incentives and conditions, into a negotiation system in regard to rule convergence. In this type of interdependency, rules are certainly not transferred horizontal between the EU and Turkey and there is no dialogue going on about which entity possesses the best fitting rules. Rules and governance continue to flow vertical, but now Turkey acquires more leverage, and therefore

it does not simply follow the carrot-and-stick model any longer. The EU and Turkey have developed into a relationship that fits the networked type of governance that allows Turkey to have a certain level of agency. Nevertheless, it is the EU who holds the biggest 'carrot'.

To conclude, Turkey has adapted to the Syrian refugee crisis by instrumentalising it. It has turned the tide by taking its opportunity to change the asymmetrical relationship with the EU into a more equal one. It has demonstrated its retained agency as a sovereign country. The EU on the other hand has come into a position where it cannot ignore Turkey any longer and this weakens its position. It aims to stabilize its region economically and politically, and therefore a stable neighbourhood country as Turkey that has good bonds with a region that poses (possible) threats, is a strategic move. However the number of migrants that is accumulating just beyond its own territory is a new threat that the EU needs to eliminate. Therefore the Union is coerced to negotiate with Turkey, in order to introduce carrots that simultaneously makes its vicinity more like itself. Turkey on the other hand enjoys these carrots and needs help desperately, and so chooses to let EUrope back in.

As this chapter has provided a description of the circumstances under which EU extra-territorialisation could occur on Turkish territory, the next chapter will go into how this is concretely realised by the EU. This how-inquiry is stretched out by also examining which actors are involved in this process. As this chapter has already touched upon the leverage that Turkey holds upon the EU, this will be further explored in the next chapter.

4 | EUropean 'borderwork'

As the former chapter explored under which circumstances extra-territorialisation of EU borders into Turkey is conceivable at all, this chapter will continue by examining the 'how'-question of EUrope's extra-territorialisation. First, by providing an answer on the third sub-question: **'How do EU extra-territorialisation measures operate in respect to EUrope's objectives when considering policy and legal change in the field of Turkish migration management?'**, this chapter looks into the way extra-territorialisation is effected through policy and legal ways according to and noticed by the experts. For that, this section will zoom in on three particular instruments: the EU-Turkey Readmission Agreement, its accompanying visa liberalisation dialogue and the Law on Foreigners and International Protection, since these three manners are relevant through its topicality in Turkey and also frequently come to the front in academic literature on EU extra-territorialisation manners.

Secondly this chapter will answer the 'who'-question as migration management is not only executed by sovereign states within its territory, but as it becomes a domain in which entities are intermingling and conflicting, also the actors involved in extra-territorialisation practices are increasingly diversifying. Firstly, the EU tries to bring up and educate the Turkish border actors. But also, by means of semi- or interstate actors as for example UNHCR, IOM, FRONTEX and ICMPD as well as non-state actors e.g. HRDF, the EU slowly infiltrates on different ways in Turkey's migration management. This part will answer the fourth sub-question: **'Who are the bordering actors that are involved in extra-territorialisation practices and how can one understand the interference of the European Union in Turkish migration management through that?'**.

4.1 The EU-Turkey Readmission Agreement

As a component of a further refined immigration control, during the 1990s the EU started to design the legal framework that enabled the Union to construct readmission agreements with third countries. This process was concluded through the adoption of the Treaty of Amsterdam, and since then the EU is actively seeking to establish readmission agreements (Cassarino, 2010). According to Casas-Cortes et al. (2012), this has been one of the main instruments that the EU uses as an extra-territorialisation practice by means of making its border management part of an international arrangement.

On the 16th of December 2013, Turkey and the European Union signed a Readmission Agreement (hereafter abbreviated to 'RA'). On that day, the then EU Commissioner for Home Affairs Cecilia Malmström declared:

"Today is a day of historical importance. The cooperation between the European Union and Turkey has made a significant step forward. We have started two initiatives in parallel which will boost the relations between Turkey and the European Union and bring benefits for their citizens. I hope that the readmission agreement will now be ratified by the two sides without delay, and that the visa liberalisation dialogue will soon allow to register substantial progress." (European Commission (a), 2013)

It certainly was a “*historic*” occasion, considering the long way they have walked. During those years of negotiation, the Readmission Agreement had become a very sensitive topic. Already in 2002 the EU had asked Turkey to negotiate on a readmission agreement, but the negotiation process did not start until 2005. In 2006 this was interrupted by problems and mistrust on both sides, as the previous chapter extensively discussed. In 2009 the parties restarted the talks and well over a year later, in 2011, they finally reached the point of a draft agreement (Kirişçi (b), 2014). It has also been claimed that it symbolizes an important step forward – primarily of course for the EU, as it had tried to conclude this agreement for a long time, but additionally this could be perceived as a manner to breathe new life into the Turkey-EU relationship.

According to the Agreement, the RA ought to deepen the relation between Turkey and the EU, so that together they can “*combat illegal immigration more effectively*” (European Union, 2014). This Agreement establishes a settled administrative procedure to identify and then return persons of whose immigration practice has been labelled as ‘illegal’. These persons have tried to enter, or have already entered and are now present in a way that does not comply with the law of the institutional entity of concern (Turkey or an EU Member State).

As also claimed by Samers (2004), one must note that this concept of ‘illegal’ immigration is actually a juridical defined view that only exists merely by the grace of (supra)national, harsh borders, and denotes the practice of bordering through *Othering*. Van Houtum (2010) describes that in the case of the Union this *Othering* process takes place geographically outside of the EU, by requesting visas to TCNs of the negative ‘black’ list and not to TCNs of the positive ‘white’ list. It thereby relocates the border to Schengen-country embassies in third countries. The ‘black list’ comprises -not by chance- many Muslim and developing countries that hypothetically ‘generate’ migrants heading towards the EU (see also e.g. Guild, 2001), and therefore the EU itself creates the mere category of ‘illegal’ migrants, as these TCNs do not have another way to enter the EU than unlawfully.

In contrast to the agreement on readmitting Turkish citizens or Member State citizens that almost directly entered into force, the commitments considering the readmission of TCNs and stateless persons will come into force three years after the signing of the Agreement. In the meanwhile the EU obligated itself by this agreement to support Turkey financially with the implementation of the RA, especially focusing on institution and capacity building, which should help to prevent ‘irregular’ migrants from entering, staying and departing Turkey. Also the EU will invest in Turkey’s reception capacity. Nevertheless as emphasised, the RA does not alter the observance of the Convention for the Protection of Human Rights and Fundamental Freedoms and the 1951 United Nations Convention relating to the Status of Refugees (hereinafter referred to as Geneva Convention) (European Union, 2014).

By referring to “reciprocity”, “solidarity”, “joint responsibility” and “equal partnership” (European Union, 2014), it is highlighted that this is an agreement based on an equal relationship. Within this relationship frame, the parties together manage the migrant flows between each other’s territory. However this is highly criticised by NGOs, academics and others, as will also be illustrated in the following paragraphs.

One year and a half after the ratification, the sentiments about the Readmission Agreement in general seem to shift. The negative tendency that has been there for years now – whether Turkey would become a ‘dumping ground’ of the migrants that are immigrating ‘illegally’ (interviews IKV researcher; ESI policy analyst; academic expert 2; HRDF manager) (Içduygu, 2011) termed as such

by the Union, and Turkey playing the role of 'Europe's policeman' (interviews IOM IBM representative; IOM staff member) – is diminishing and replaced by a different view. Turkey's fears become to be perceived as irrational and exaggerated whilst one takes into account the significant discrepancy between the requests for readmission and the actual number of readmitted persons (interviews ESI policy analyst; IOM staff member; IKV researcher), as further explained by an ESI policy analyst as she clarifies why the RA does not live up to the EU's expectations:

"Like an EU Member State needs to have proper proof that the person came through Turkey. So even if they pick up an Afghan in.. whatever, Belgium or the Netherlands, they can probably think that he came through Turkey, but they don't know. They don't help because they know they might be returned so they never tell people how they came to the EU and they throw away all the evidence." (interview ESI policy analyst)

Thus in practice, based on Turkey's experience with the RA between Greece and Turkey, the RA turns out to be perceived as a non-effective EU push mechanism considering the numbers, which puts away the worries of the possible consequences of the RA of handling even more migrants. An ESI policy analyst (interviewee) further explains that a remarkable part of the applications in 2014 between Greece and Turkey took weeks and thus had fallen outside the regular deadline. In reality this had as an appearing outcome that during these weeks, the person in question had sometimes left Greece and could not be readmitted by Turkey anymore. This points out that the procedures are too slow, and again: to ineffective. She elaborates on this by claiming that in sum there is only just a trivial implication of the RA perceptible:

"(...) the only country were Turkey has to fear something from is Greece.(...)"

– *"Why only Greece?"*

"Because they go from Turkey to Greece and are then detected and of course the Greeks than have evidence that they came from.. I mean, the border guards saw them coming."

(interview ESI policy analyst)

The credibility of the effectiveness of the RA erodes through time and experience with readmission procedures. Moreover, there is a paradox to be noted considering the RA, namely the larger the flow of refugees is growing, the higher the significance of the RA for the EU. But in reality, the difficulty to manage the flow and take care of the readmission of illegally immigrated persons is simultaneously increasing and thereby puts more pressure on the asylum management systems (interview IKV researcher).

However, on the other hand Turkey itself does not seem to put that much efforts in increasing the effectiveness, as derived from the reflection of an ESI policy analyst (interviewee):

"So last year Greece asked some 691 (...) migrants to be returned to Turkey. And Turkey accepted 470 and in the end only 6 were returned. Now, this is not necessarily Turkey's problem (...). [But] even if the requests were incompletely filled and they didn't put the birth state of the person or whatever, for political reasons Turkey could have said: 'OK fine, we take 2000, let's be generous'."

So the reasons behind the change of general sentiments about the RA are quite diverse and is not only pointing to the functioning of the RA itself, but altogether saying a lot more about the transforming interrelationship between the EU and Turkey.

In contrast to the cynical attitude towards the functioning of the Agreement, there is broad acknowledgement for the act of signing the RA for two reasons (interviews IPC fellow; IOM IBM representative; ESI policy analyst). First, signing the RA seemed to be the only way to keep Turkey and the EU *“warm and close to each other”* (interview IPC fellow) as it is key in the accession process. It is the only way to move ‘forward’, meaning figuratively towards the EU (interviews academic expert 2; IKV researcher; IPC fellow; academic expert 3; UNHCR prominent; academic expert 1). All of this does not so much point to equality forasmuch the RA is also being instrumentalised by Turkey for greater purposes that hints much more to its own benefits than to pure reciprocity.

Secondly, although this Agreement is perceived as security based (interviews IKV researcher; academic expert 3), and operates just in the EU’s vested interest (interview ESI policy analyst; academic expert 3), it is notwithstanding appreciated as highly beneficial for Turkey itself as this *“positive development”* (interview IPC fellow) is a chance to modernize its border and asylum management system. It could contribute to the compliance with fundamental human rights (interviews ESI policy analyst; IOM IBM representative; IKV researcher; UNHCR prominent). According to UNHCR prominent, the reforms in its asylum system are of course part of the prospected EU Membership, but whilst stating *“if there was no EU, it would not take this (...)”*, it appears that he even seems grateful to the Union.

4.2 Visa liberalisation dialogue: the carrot-and-stick?

The required reforms of Turkey’s migration management -that have been slightly touched upon in the previous paragraphs- stem from the requirements listed in the ‘Roadmap towards a visa free regime with Turkey’. As Cecilia Malmström points out (see quote paragraph 4.1), also the visa liberalisation dialogue entered a new phase in December 2013 since the signing of the RA should reinforce the *“elimination of the visa obligation currently imposed”* (European Commission (a), 2013) on Turkish citizens that aim to travel to the EU’s Schengen zone. The Dialogue will be stirred by the progression of the reforms in Turkey’s legislation and administrative practices, that are monitored by the European Commission. The implementation of the RA forms a weighty part of this. This of course breathes the pure conditionality that the exchange embodies. The Roadmap primarily aims to establish *“a secure environment for visa-free travel”* (European Commission (b), 2013), but in addition focuses strongly on the readmission of *“illegal migrants”* (European Commission (b), 2013), and in that way the link is established between the visa Roadmap and the RA.

However this is a dubious exchange for various reasons. In the first place, it is debatable whether it is a fair strategy to set free travel of the prosperous people against a halt to travel of a totally different group - those that are in need of better living conditions. This indicates the Janus face of the border (Van Houtum & Lucassen, 2016) by selectively soften or harden. Secondly, to place it within the external governance framework, with these agreements the governance of the EU crosses the legal boundaries of the Turkish state in a hierarchical way by transferring its internal rules vertically. Through offering incentives, the Union tries to push Turkey to transform

and harmonize towards its own norms and values. Then the adoption of rules by Turkey depend on its rewards, as the external incentives model operates. If Turkey does not fulfil the requirements of the RA and the visa Roadmap, then the highly demanded visa liberalisation will not enter into force. This *“very unequal logic”* as an IPC fellow (interviewee) has called it, has also been confirmed by the Roadmap in its frequently repeated claim that *“Turkey should fulfil the following requirements (...)”*, and only when these are all achieved, *“the Commission will present a proposal”* (European Commission (b), 2013). As concluded in the previous chapter, the vertical relationship that appears from the RA is also not that straightforward in the case of Turkey, as the subsequent paragraphs will also explain.

As have been argued by Schimmelfennig & Sedelmeier (2004), according to their external incentives model, EU rules can only be transferred when Turkey evaluates the fulfilment of the requirements as a good exchange with the visa liberalisation. But when there is no exchange and thus no incentives, Turkey as a strategic actor will not let EU rules be transferred through the implementation of the Roadmap. Gradually, the ‘carrot’ of visa liberalisation has been accompanied with scepticism, as an IOM IBM representative (interviewee) points out: *“Turkey said that ‘OK we will fulfil these requirements’ and if Turkey succeeds, still it doesn’t mean that Europe gives the visa liberalisation to Turkey”*. Only when both the RA as well as the visa liberalisation become effective, then it turns out to be a win-win agreement.

This made the Turkish political rhetoric more radicalized by threatening to halt the implementation of the RA if the EU is not meeting its part of the obligations. It argues that since the signing of the RA, the visa liberalisation dialogue had been decoupled from Turkey’s EU accession process. Although the Readmission Agreement is strongly connected to the opening of the Chapters 23-24 combination, nothing has been set in motion for the Turkish accession. This has caused frustration on the Turkish side of the table and triggered a slow-down of the implementation phase until the EU is showing some efforts from its side (interview IPC fellow). This slow-down has been illustrated by an IKV researcher (interviewee) who claims that Turkey is not doing its homework, and expressing his disbelief that *“these two years will be a game changer”*. This view is also supported by UNHCR prominent (interviewee) as he puts forward: *“In order to make the system work, Turkey has to establish a good working asylum system, which is not the case at the moment”*. Another very visible example of Turkey’s unwillingness is found at the Istanbul district Aksaray, where life jackets and inflatable boats are not secretly sold but are overtly part of the booming business of demand and supply.

After first using the RA as a diplomatic leverage which power was diminished by prolonging it for such a long period (interview IPC fellow), Turkey now uses the implementation of it as a leverage in order to get the visa liberalisation deal done. This is elucidated by an IOM staff member (interviewee; see also interview IOM IBM representative):

“Turkey will start and will put all its efforts to implement the Readmission Agreement in a full force, I am sure, at the beginning. Because they have preparations ongoing, but again if it continues then, if they don’t see any progress on [the] visa liberalisation part [dialogue], they may reconsider.”

However, according to an IOM staff member (interviewee), the RA-visa liberalisation exchange was purely political and did not originate from the Minister of Interior's will, and this could reveal the lack of feasibility assessments made beforehand.

Another reason for the slow-down is that Turkey has its own regional agenda, beyond the scope of EUrope and its hard-to-reach blinking membership. It takes up a significant role in the region and makes bilateral agreements with third parties (interview EU Delegation representative). It has sought for ways to revitalize the relation with its own neighbourhood (interview academic expert 3), and thereby liberalized its visa regime with several countries of which some are on the EU's blacklist (i.e. Syria, Yemen, Jordan, Lebanon, et cetera) (Özler, 2013). The EU Delegation representative (interviewee) refers to this as times in which *"Turkey has a blurred focus and focused towards other directions than the relationship with the EU"*. The EU has localised this hitch and stresses change: *"Pursue the alignment Turkish visa policy, legislation and administrative capacities towards the EU Acquis, notably vis-à-vis the main countries representing important sources of illegal migration for the EU"* (European Commission (b), 2013).

Turkey's reluctance to put all its efforts into the implementation of the Roadmap (and so the RA) is partly a strategic move to await the intentions of the EU. But effecting the Agreement and therefore complying to the Roadmap contains a lengthy list of requirements that are hard to implement and takes up a lot of time, and thereupon the question pops up whether such a comprehensive contract is realistic to ask in exchange for the RA (interview IKV researcher). As for the requirements, Turkey needs to create more reception capacity, e.g. more camps and buildings, and on top of that, it needs to assure that human rights are not violated and all its borders are properly secured. But Turkey has complex difficulties to manage, e.g. its porous eastern borders (interview academic expert 3). There is a strong need for EU assistance, which is fortunately actively promised by the EU as *"decency (...) of the European Union requires burden sharing"* (interview academic expert 3).

Firstly, there seems to be a kind of frustration when it comes to its geographical location, its borders and territorial size (interviews HRDF manager; IKV researcher). In spite of what the RA claims, namely that *"this cooperation will take into account geographical realities and build on Turkey's efforts as a negotiating candidate country"* (European Union, 2014), this is not how it has been perceived. Turkey receives a lot of negative comments on the speed of the RA implementation in a comparison to some south-east European countries that the EU had cut RA's with. But this seems unequal: these countries did not have that many TCNs to readmit but due to their geographical location have merely been burdened with own nationals to take back (interview IPC fellow). A parallel can be made to point out the difference between the EU and Turkey, and indicates anyhow a counter argument for the Union's statements of basing its relationship on an equal basis. There cannot be an equal basis bearing in mind the different challenges as well as the benefits for both entities – only EUrope has a lot to gain, while Turkey has to deal with pros and cons.

Secondly, as Cassarino (2010) puts it, the RA is in fact a cooperation framework for deportation of non-nationals. In order to establish a perfect functioning mechanism, the EU urges Turkey to arrange its own web of signed readmission agreements as it prescribes to *"effectively seek to conclude and implement readmission agreements with the countries that represent sources of important illegal migration flows directed towards Turkey or the EU Member States."* (European Commission (b), 2013). However the sending countries that Turkey receives most

migrants from, are often not safe to readmit migrants to and respecting human rights simultaneously. This is further expounded by an UNHCR prominent (interviewee): *“The problem is that if the party of the Readmission Agreement doesn’t have a good asylum system, protection system.. so what would happen if the EU sends people to Turkey and Turkey sends people to Iran..”*.

Contrarily to the granted support and the difficulties that Turkey is facing, the representative of the EU Delegation (interviewee) has strikingly argued that EUrope does not put the emphases on the same topics as claimed:

“The migration division of the EU Delegation is not necessarily the part of the organisation that spends most of the EU funds. A larger part is spend on infrastructure for example. In comparison to other areas, migration is relatively small. But politically it is a very sensitive topic.”

This is rather remarkable, considering the promises and major pressing issues. However, while confirming that Turkey has been receiving less assistance due to its relative stability and good economy, the representative of the EU Delegation also acknowledges that Turkey had in fact been asking for more EU support with the Syrian refugee crisis.

Incompatible to a traditional example of the carrot-and-stick method, Turkey puts its own conditions forward in order to reassure the incentives. So Turkey hits back by using burden sharing as a force for control, and may use the current refugee crisis as a test case (interview IPC fellow). This is reaffirmed by the recent EU-Turkey agreement (see paragraph 3.4). Now the EU offers greater incentives, Turkey allows the readmission of many migrants and an increasing interference of Europe. However, the exchange of carrots is again dubious for two reasons. Firstly, as the Greece-Turkey RA and soon also the EU-Turkey RA, serve as the legal foundation for this deal, this mechanism will again prove to be ineffective if human rights agreements remain to be observed. However, as EUrope seems rather determined to make this deal work, it now turns out that EUrope is guilty of neglecting human rights law obligations (HRW, 2016). Secondly, EUrope should finally eliminate visa obligation for Turkish citizens to maintain its credibility, and prevent the collapse of its diplomatic relationship and possibility for externalizing its governance. But in this, it is thereby rapidly doing away with all the Roadmap requirements that have been important for so long.

4.3 The establishment of a new law

In April 2013 the Law on Foreigners and International Protection (LFIP, also simply referred to as Law) was adopted by the Turkish parliament. With this law, Turkey combines legislation in order to manage forced migration, ‘unlawful’ entrance and residence as well as migration of one's free will. The Law is often given high praise for its preparation process, the provisions for migrants and the institutional structure (Açıkgöz & Ariner, 2014). The creation of the LFIP is stirred by Turkey’s growing consciousness of its economic power on world stage, the consequential status as a target country for migrants and therefore a growing belief in the necessity and benefits of controlling migration (Açıkgöz & Ariner, 2014).

Existing Turkish legislation on the entrance, residence and exit of foreigners in relation to Turkish territory and its legal regulations on asylum, dates from 1950. Regarding the vast changing developments in Turkey's migration climate, the former legislation does no longer fit the current situation and problems and there was no existing legislation yet on international protection (Açıkgöz & Ariner, 2014). Partially the LFIP replaces this obsolete legislation and it drafts new legislation on the establishment, duties, mandate and responsibilities of a new state agency: Directorate General of Migration Management (hereafter: DGMM).

Generally speaking, also the experts received the Law with great contentment, seeing it as "*a big reform*" (interview UNHCR prominent), as being 'modern' and in line with international norms (interviews academic expert 1; IOM IBM Representative; academic expert 2; HRDF manager; Red Crescent manager). It has been noted by several experts that the strength of the Law lies partly in its establishment. In this process – perceived as a very open process (interview academic expert 2), there was a variety of experts involved, which contains not only state-related actors, as for instance people for the Ministry of Interior as well as the national police, but also intergovernmental organisations in the related field, academics in the field of migration serving as advisors and people working at field-related NGOs (interview academic expert 1). Furthermore due to this Law, Turkey's migration management has shifted from a more securitized legislation towards a more "*civilian*" legislation with a human rights based management (interviews IOM IBM Representative; IOM staff member; academic expert 2). For example, the Turkish government makes efforts to soften the boundaries between the rigid categories of international protection seekers (interviews ESI policy analyst; HRDF manager). Additionally, through the LFIP the Turkish government is contracted to cover for the health services for 'applicants'⁴ or 'international protection beneficiaries' (which includes the following categories: refugees, conditional refugees and subsidiary protection applicants) that do not have a medical insurance and do not have sufficient financial means to cover their own medical services costs. Moreover, those that fall under international protection are granted primary and secondary education by the Law (interview HRDF manager; DGMM, 2014).

However also in the case of the Law, there exists some doubt regarding its implementation and outcomes; whether the outcomes can still be seen in accordance with the international notion of human rights (interviews HRDF manager; IOM IBM Representative; IOM staff member). According to the IOM IBM representative (interviewee) not much has changed yet, possibly as a result of lacking political will. Moreover there exists condemnation on the retaining of the geographical limitation and the missing integration scheme in the LFIP (interviews UNHCR prominent; academic expert 2), which becomes much more problematic since the number of Syrian refugees that Turkey has to deal with are accumulating (interview academic expert 2). Chapter five will further elaborate on this.

The Syrian refugee crisis hinders a successful implementation process of the LFIP. The main concern is insufficient capacity, which makes the situation in Turkey more chaotic (interview HRDF manager). Especially the establishment of DGMM was accompanied by much more difficulties than they were prepared for. The state agency was not yet furnished for this kind of inflow; they did not have enough personnel, not any or not sufficient experience since they recruited new staff (sometimes without a background on migration matters)(interviews IOM IBM Representative; UNHCR prominent) and international human right laws were not well established

⁴ An applicant is defined in the Law on Foreigners and International Protection as someone that made a claim for international protection in Turkey, but the final decision is still pending (DGMM, 2014).

yet (interviews HRDF manager; academic expert 1). Also, since Syrians entered Turkey in a so-called 'mass influx', they fall under the status of 'temporary protection', which is a category to which the LFIP does not provide legislative bases for (interviews ESI policy analyst; academic expert 1).

There exists disagreement on whether this law can be perceived as an EU instrument in order to achieve EUrope's goals. On the one hand, the official discourse provides arguments that claim it to be a pure national process with national benefits. This stems from the fact that diverse Turkish actors were involved in the consultation process and ultimately it being a Turkish law (interview academic expert 1; academic expert 3). Furthermore it claims that the incentives to update its outdated laws were intrinsically motivated; to create an internationally more appropriate system and to keep the management of new migratory dynamics within its control (interview ESI policy analyst; academic expert 1; academic expert 3). Moreover not the whole Law is in perfect agreement with the EU legislation and *Acquis*, as Turkey persists on keeping the geographical limitation to the 1951 Geneva Convention in its legal framework (interview IOM staff member).

On the other hand this is being contested by others that interpret the becoming of the Law as a partially EUropean product (interviews academic expert 1; academic expert 3; HRDF manager). An academic expert that was involved in the preparation process of the Law supports this statement whilst saying: "(...) *the main actor behind this new law or this new regime was the EU*" (interview academic expert 1). According to those experts it clearly stems from the National Action Plan on Asylum and Migration of 2005, which is a product of the larger Membership dialogue. In this AP, Turkey already agreed on creating a new law for migration and asylum issues, which the Turkish state executed with the making of the LFIP. An academic expert (3, interviewee) even refers back to the Helsinki Summit as he pictures this law in a larger frame of Europeanization and therefore as a consequence of democratisation in Turkey. The EU created the groundwork that Turkey could now elaborate on. Evidence for this can already be found in the decision making process of the Law's establishment. Also another academic expert (1, interviewee) affirms this by calling it the "*socialization of the Turkish bureaucracy*". Furthermore the other academic expert (3, interviewee) argues that the official discourse actually constructs the underestimation of the impact of Europeanization on this process as a tool for the strengthening Euroskepticism (see also interviews IOM staff member; UNHCR prominent). Lastly, the EU also kept track on the development of the Law (interview academic expert 3; IOM IBM representative), and this meddling is evidently a way to imagine itself spatially beyond its institutional border, making its extra-territorialised border "*the space of the political itself*" (Bialasiewicz, 2012, p. 844).

Despite the presented arguments in favour or against the level of EUropean influence, it might be considered more helpful to steer the middle course. This draws the conclusion that the LFIP seems to be driven both by domestic motivations as well as being highly stimulated by the EU. Either way, EU legislation on asylum and irregular migration has clearly inspired the law makers (interviews IOM IBM Representative; UNHCR prominent), as affirmed by an IOM staff member (interviewee). She describes that her former colleague had consulted for the first small working group of the LFIP on the EU *Acquis*. This suits 'the social learning model' of Schimmelfennig and Sedelmeier (2004), as the EUropean norms and values are perceived as an example and appropriate for a modernized system.

Additionally, although the EU organ members were not physically involved in these preparation meetings (interviews academic expert 1; IOM IBM Representative), there was interaction through organs of the EU in Brussels as well as with the European Delegation in Ankara during this process, that had also been providing consultation (interviews IOM IBM Representative; academic expert 1). The EU has interests to change Turkey's system to a more human rights respecting system, as an ESI policy analysts (interviewee) expands this argument, as persecuted Kurds and other victims of human rights violations in Turkey cannot *en masse* flee to the EU after the visa liberalisation becomes effective.

To conclude, the EU has utilized the RA, the visa liberalisation and the LFIP as instruments to extra-territorialise its borders to Turkey, in order to gain control on migration. It appears from the previous discussion that Turkey cannot simply be seen as a straightforward 'ruled' party, that simply permits the interference of EUrope. Considering the RA-visa liberalisation exchange, EUrope may have started with a hierarchical type of governance to transfer its rules, but due to Turkey's scepticism, the interdependency was forced to shift to a less vertical transfer of rules. Although there is still asymmetry to be sensed, Turkey has gained a better negotiation position. With the right EU attitude, incentives and assistance, EU rules will slowly be adopted by Turkey and therefore coercing this neighbour's migration management to be instrumentalised for own purposes. A whole different method is used by the EU with the LFIP, whilst it norms and values are transferred vertically, to the EU's model. Less pressure and active external governance has been used, but nevertheless, it is another effort of EUrope to make its vicinity more similar to itself. Furthermore, by pushing Turkey gently towards the convergence of its norms and values, the system is prepared for keeping more migrants within their borders and deterring migrants from moving further to the EU. This is also attempted by transforming Turkey's state actors and by instrumentalising other actors in the field of migration, as we will see in the subsequent paragraphs.

4.4 Transforming Turkey's border actors

By claiming that the EU uses its outsourced borders as a strategy to gain control over migratory flows towards the EU, it utilizes other organisations for this purpose – or as Hooper (2004) calls it: its 'borderwork'. These organisations are deployed as instruments to change Turkey's migration management to fit the model of the EUropean objectives. While these organisations are autonomously operating, they help to construct EU borders on Turkey's territory. But by questioning 'who is bordering', one is first directed to the state actors that are involved in Turkish migration management. When the EU is capable to modify them, the EU may diversify its instruments.

With a more diversifying and transparency seeking approach, Turkey showed considerable improvement in the eyes of the EU in the preparation process of the LFIP. As the actors in this field habitually "*..were very much closed down, very much inward looking*" (interview academic expert 3), the involvement of the EU triggered a new way of working in the field of migration management, as an academic expert (3, interviewee) also noticed: "*One thing that the EU successfully did in this country was bringing different stakeholders together which under normal circumstances would not really get together*". This is a precondition that the EU enforces

upon Turkey, and so the increasing diversity of non-state actors in Turkish migration management originates from the Union by changing the accustomed manners (interview academic expert 3). As another political outcome of the LFIP, a brand-new DGMM top started with only little knowledge of the migration field and in that way shoving aside the police officers that were experienced in the field (interview UNHCR prominent; IOM IBM Representative). The establishment of DGMM is corresponding to the EU *Acquis* since Turkey is required to create one single border agency out of the variety of institutions that are now in charge of migration- and border management. This variety is consisting of the Ministry of Interior, Ministry of Health, Ministry of Food and Agriculture, Ministry of Customs and Trade, Turkish coast guards, gendarmerie, Turkish national police, land forces commando, customs and now also DGMM, and together these state forces are currently responsible for the overall assortment of borders and entries. Specifically for Syrian emergency assistance, the Turkish government established AFAD as a separate institution.

Since 2004 Turkey is trying to create one single agency but this transition has encountered resistance. In 2008 the inter-agency negotiations collapsed as there was heavy resentment against this decision among the police officers as they had been wishing for a high ranking position within the new DGMM. Furthermore with the creation of one agency, this would lead to the disappearance of existing positions and hierarchies of the former agencies (interview IOM IBM Representative). Additionally when it comes down to Turkey's obligation to turn its border- and migration management into civilian managed departments, there also exists friction (interviews UNHCR prominent; IOM IBM Representative). This 'de-uniformisation' and demilitarisation will change the manner of dealing with the asylum and migration applications into a more humanitarian and democratic system (interview UNHCR prominent). But on the other hand this transition is becoming ever more difficult because of the mounting arrivals of migrants and refugees, that make borders harder to control (especially Turkey's borders in the Southeast), and these border-spaces are, according to the traditional long-established agencies, in need for armed forces (interviews IOM staff member; IOM IBM Representative).

A striking point to make here is that until this very day, the reforms have not taken place yet. With the exception of the institutional construction of DGMM (as a replacement of the section of the Turkish national police that formerly executed migration management), the other individual border agencies are still operating. Of course a transition process like this would take a lot of time, and is generally confronted with a lot of resistance (interviews IOM staff member; IOM IBM Representative). However this cannot be the full story. As the Turkish government regularly has stressed their willingness to implement this part of the *Acquis* but yet nothing happened, it seems that there is a different political agenda involved (interview IOM IBM Representative). An IOM IBM Representative (interviewee) illustrates this by sharing his personal experience. While he worked for the governance department that prepared for the Law, a decision came from the highest political level: *"But then we were also shocked. So we said to each other: 'Why is this happening? We are preparing this for the government and then they said: 'Just wait more'. But waiting for what?'"* As he never heard the underlying-reason, this incident leads to questions about the eagerness of the Turkish state. He condemns this political trifling with vulnerable migrants and international protection, as this should be taken care of in a civilian way. Also an IPC fellow (interviewee) recognizes the reluctance of the Turkish state to demilitarise and transform its border management system, as Turkey clearly holds this as another political bargaining chip against the EU.

4.5 Instrumentalised non-state actors

However the division of tasks between the various actors is not that simple and state-centric as it has been pictured so far. As we soon will see, at times of crisis the Turkish government opens up to international organisation's assistance. Two main organisations in Turkish migration management will be discussed: first the UNHCR and two of its executing partners, and secondly the IOM.

The Turkish government consulted the UNHCR because the knowledge of the new DGMM staff was inadequate for their new job. Also, since the refugee crisis the UNHCR could finally enter the camps, but still they have not been awarded with the same executive pursuit as it has in other countries (interviews HRDF manager; UNHCR prominent). These new opportunities have nevertheless been great for them to strengthen the relationship with the Turkish government (interview UNHCR prominent).

Traditionally the UNHCR is a key organisation in Turkish migration management. During the Iran-Iraq war of the 1980s, the Turkish state necessitated an individual selection procedure and handed this task over to the UNHCR, which until then held a very marginal position in Turkey. The state referred refugees to camps or 'satellite cities' where they had to await a final solution from the UNHCR. But since the redesigning of Turkey's asylum system in 1994, which includes the start of the foreigners registration and the geographical limitation, it pushed the UNHCR aside with regard to the refugee status determination and let the UNHCR be only in charge of resettlement programs. Through this decision the Turkish National Police became the operational actor, and this affected the migration management significantly as an UNHCR prominent (interviewee) explains: *"The Turkish police doesn't speak English, (...) doesn't understand the meaning of refugee (...)".* And as a probable consequence, the Turkish state massively violated the non-refoulement principle at that time, and therefore the UNHCR launched a new strategy: *"Instead of leaving the country, he [the then UNHCR Turkey representative] proposed that we have to stay, we have to convince, build trust, we have to train them, we have to increase capacity"* (interview UNHCR prominent).

UNHCR trainings have been inspired by Western ways of thinking owing to the fact that the UNHCR is an international agency, but these trainings were also taking place in EU Member States and new candidate states *"to see who is doing what"* (interview UNHCR prominent). Initially these trainings advanced with difficulty as Turkish border agencies traditionally have a profound distrust to foreign, Western people or organisations. And undeniably, according to the UNHCR prominent (interviewee) these trainings were simultaneously utilized to pressure them to change through contending: *"If you improve this, you cannot lose anything but you can win a lot, you can get the best practices"*. Another striking point is that these UNHCR trainings were also financed by Western governments. Of course the obvious underlying argument is that the responsibility for the protection of refugees is under the international community and so the UNHCR is an appropriate party for giving support (interview UNHCR prominent). But this also brings along a certain style of management, as UNHCR prominent explains: *"In order to keep [the] international refugee system and norms alive, the UNHCR was asked to do that"*. As long as this agency is sponsored by the EU, they can be deployed as an instrument. But the UNHCR also works the other way around whilst it also stimulated Turkish cooperation with the EU. It operated as a *"broker"*, by lobbying and providing information, especially to the EU (interview UNHCR prominent). By claiming that the UNHCR could be perceived as an instrument, this comes close to

what Merlingen (2003, in Andrijasevic & Walters, 2010, p. 984) identifies as the *“international conduct of the conduct of countries”*. The UNHCR engages itself with a Western-styled migration management by bringing norms and values that formerly had been alien to Turkey’s governance of migration. Akin to Merlingens example, this is an indirect strategy in order to shape *“the discursive environment within which particular states pose the problem of how to govern specific issues and the means they might use to pursue governmental objectives”*. Logically the UNHCR works through soft power, as their trainings function like a *“socialization process”* (interview UNHCR prominent). Considering its particular donor and so its bias, it has been instrumentalised in Turkey by the EU. Besides this, it has been shaping the understanding of the border by Turkey’s own actors.

In the 1990s, the UNHCR set up ASAM to support its public awareness campaign but ASAM’s task altered in the early 2000s due to the need for more capacity as a result of increasing number of people waiting in satellite cities for resettlement. At first to provide psycho-social counselling, a task that was divided between ASAM and HRDF. Especially since the Syrian refugee crisis, the UNHCR did still not have sufficient capacity to process people one by one, and also let ASAM execute the registration and later even created a pre-registration system that functions like a filter. This points to the slippage of Turkey’s authority over the sorting of people, as they let them decide the right methods for distinguishing between different sort of migrants (Andrijasevic & Walters, 2010). The responsibilities of ASAM in the migration management system should be taken over by DGMM, but until now ASAM is still the operative actor. Also the UNHCR is still in charge of the resettlement program, but again, in practice *“Turkish officials don’t have capacity, and they agree with whatever the UNHCR decides”* (interview UNHCR prominent). Since Turkey can be termed a functioning state, this should actually be coordinated by the state instead of international organisations, which gives the Turkish state the reason to establish DGMM. But they are rushing into the transition and thereby increasing the chance to make mistakes (interview ESI policy analyst). However also the UNHCR does not have enough capacity to interview every case within a considerate period and therefore they cancelled doing interviews with for instance Afghanis for politically sensitive reasons (interview HRDF manager).

HRDF is another executing partner of the UNHCR, and is also being funded by the UN. Both HRDF and ASAM are NGOs that are fashioned *“as Western model or more secular non-governmental organisations”* (interview HRDF manager). This NGO provides legal services and psychological counselling to asylum seekers and refugees that reside outside of the camps. This sizable share of the refugees are not supported by the UNHCR, which is only ‘operating’ in the refugee camps. HRDF employs social workers that had followed every client case by case but due to the increasing numbers and the resulting insufficient expansion capability of staff, they shifted to providing services to only the most vulnerable migrants (interview HRDF manager). NGOs are not allowed in the refugee camps; the satellite cities as well as other urban areas are their only spaces to operate (interviews UNHCR prominent; HRDF manager). But also this NGO has reached its capacity. In sum, the splitting of tasks and responsibilities, the establishment of ever more NGOs and the overburdened capacity of the organisations, together with a strict spatial division of actors that can only operate in the camps or outside, is all directing to the mismanagement of the Turkish state. In addition to this, the government does not even fund these helping hands, and eventually a community support network that functions like a final safety net needs to appear on stage in order to help vulnerable migrants, for instance referring to single mothers with underage children (interview HRDF manager).

Another dominant agency in the field is the International Organization for Migration (IOM). This is an intergovernmental organisation which mandate is based on memberships (Andrijasevic & Walters, 2010). Turkey is an IOM Member State since 2004 (IOM, n.d.), and its Turkish office is in close contact with the EU. Furthermore, the Union also provides funds to IOM Turkey. Moreover, as an IOM IBM representative (interviewee) explains, IOM Turkey seems to perform as a continuation of the EU as it carries out projects in order to support the Turkish government with its transition towards new migration and border management systems. In general this transition is perceived as Europeanization. To illustrate, the IOM effects projects to stimulate and ease the cooperation of third countries with the European Union – that is *“cooperation in order to secure the common borders”* (interview IOM IBM representative), and to increase the capacity of the Turkish migration and border management system. The latter is also done through, for example, trainings to the new DGMM staff by explaining them what migration entails, what terms as ‘refugee’ and ‘migrants’ stand for, et cetera. IOM Turkey is currently running a training project for which the EU and specifically Bulgaria and Greece, have sent their staff as observers to the EU external border with Turkey. It thereby took the role of trust builders between the parties (interview IOM IBM Representative). In addition, IOM Turkey also assists with the implementation of the RA, especially to establish the capacity for detention and return programs (interview IOM staff member). As cooperation and sharing expertise is regularly a favourable goal, he overtly admits that *“our main objective is to support Turkey’s border management efforts in line with the EU Acquis and good practice enhancing the cross border cooperation”* (interview IOM IBM Representative). Their objective is in the area of ensuring human rights observance, as much as being involved in border control programs, e.g. IBM (interview IOM staff member). Again, as concluded in the section about the UNHCR, the IOM is on a whole different manner also instrumentalised by the EU. It is much more focused on creating a kind of border management that is secure and well-organized. In their critical analysis of the IOM as an (pro)active agent in the current international government of borders, Rutvica Andrijasevic and William Walters (2010, p. 982) also recognize in the IOM a role of *“shaping the migration control strategies of these ‘third countries’ and regions, IOM concerns itself with the difficult task of sorting mobile populations into streams of the useful and useless, admissible and returnable, employable and deportable”*. It does so, not only through their operational programs, but also through training the new DGMM staff and by partnering DGMM in the drafting of the LFIP (interviews IOM staff member; IOM IBM representative). This consolidates Andrijasevic and Walters’ (2010, p. 984) observations perfectly as they argue that:

“It is patterned as a situation in which IOM methods and norms are not imposed but ‘learnt’ in contexts such as seminars and fieldtrips where the IOM’s expertise has been invited. (...) so will the IOM intervene in the international government of borders as a ‘partner’ and a ‘consultant’ assisting states who, for various reasons, express a will to get their own borders in order, as it were.”

The point here is not to confirm Andrijasevic and Walters’ theory about IOM as agent in the current international government of borders, but to claim that the IOM is instrumentalised by the EU to bring its norms and *“best practices”* (interview IOM IBM representative) to Turkey and thereby shaping its migration- and border management by the European example through using soft power.

Being trained by the IOM, DGMM soon intends to take over most of the IOM Turkey's responsibilities. But an IOM staff member (interviewee) holds a questionable stance towards this take-over, as she brings up the concerns that exist in certain circles about *"whether they are internalizing the police approach again at the provincial level and they suspect a lot from the migrants in terms of their [motives]"*. So again, one could observe a gap between the intentions of what has been overtly argued on the discourse level and its actual implementation.

4.6 EU-based offshoot

Far more overtly, the EU is also trying to get a grip on and affect Turkish migration management through EU-based organisations. An apparent agency that is also involved in European migration- and border management is FRONTEX: the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. It operates autonomously and, among its other tasks, *"also works closely with the border-control authorities of non-EU/Schengen countries — mainly those countries identified as a source or transit route of irregular migration"* (FRONTEX, n.d.). Hence FRONTEX has come to a memorandum of understanding with Turkey in 2012 (FRONTEX, 2012), an agreement for practical cooperation. Cooperation includes joint operations as well as trainings in the field of border management between European and Turkish border management actors, for which the EU is providing financial support (interview IOM IBM Representative). Remarkably, an IOM IBM representative (interviewee) cheerfully mentioned that *"the Europeans are really open and supporting Turkey a lot"*, as it is much in Europe's advantage to open up the relation and share their information and statistics. Also Turkey provides access to its data, but it is of course Europe that benefits most of these two by this exchange through having insight.

He also mentions the opportunities for trainings in Europe for Turkish border agencies: *"They can visit or they can have information exchange; they can exchange best practices in all the European countries"* (interview IOM IBM representative). Apparently this generates a reason for optimism as the Turkish agencies are provided trainings and knowledge. This is, again, showing Europe's soft power. The EU slowly infiltrates using different methods by means of the standardisation of norms and practices (Andrijasevic & Walters, 2010), as an UNHCR prominent (interviewee) also notices: *"They [Turkish border agencies] are going through a process; they are going through different stations of FRONTEX"*. Thereby they are styling Turkish migration management by *"making borders into a space of expert knowledge and international policy"* (Andrijasevic & Walters, 2010, p. 981). Hence it does not only enforce the EU's external border but is also part of the extra-territorialisation of the European border by facilitating the preservation of Europe's 'undesirables' on Turkish soil.

To finish, another important EU-based organisation that is –according to Casas-Cortes, Cobarrubias, & Pickles (2012, p. 49)- also involved in *"rethinking the spatial logics of migration control"*, is the International Centre for Migration Policy Development (ICMPD). It is not an official EU organisation, yet it is one of the key implementation partners of the EU and it is also being funded by the Union (Casas-Cortes, Cobarrubias, & Pickles, 2011; interview academic expert 1). It encourages cooperation between the EU and non-EU countries in the field of border management, and their main projects are on establishing this cooperation and irregular migration. Its primary method of working is through providing advice to parties (Casas-Cortes,

Cobarrubias, & Pickles, 2012; ICMPD, n.d.). Last year it has engaged in assisting DGMM in *“establishing a forward-looking and coherent migration policy”* (ICMPD, 2015) through a project called *‘Sessiz Destek’*, meaning silent support. Assistance will be provided in the form of ad hoc policy advisory and trainings (ICMPD, 2015). Although this project was primarily on the subject of development and migration, the fact that it again illustrates how EUrope is trying to involve itself in the formation of migration strategies beyond its borders, should not be ignored. One of the interviewed experts for this research was a participant in the project, as well as in a more recent project on the routes of ‘irregular’ migrants from Africa and Southeast Asia through Turkey towards Europe: *“So we look at the routes of the irregular migrants, and how they arrange it”* (interview academic expert 1). By trainings and dialogues the ICMPD shifts the EUropean border further aside and make ‘irregular’ migration a mutual problem or even a Turkish problem.

4.7 Conclusion

Borders are deployed as a strategy, in order to gain control on migratory movements. EUrope evidently tries to infiltrate in Turkish politics, policies, laws and practices to make Turkish migration management more alike. By offering different kinds of incentives, the EU tries to attract Turkey to alter its system. Once Turkey’s migration management has become more similar, the borderline of EUrope’s control successfully permeated another sovereign territory and then the EU executes its own migration management further afield.

This chapter has first discussed three instruments that are evaluated as extra-territorialisation instruments: the Readmission Agreement, the visa liberalisation dialogue and the Law on Foreigners and International Protection. The unbalanced outcome of the RA points to EUrope’s vested interest in this mechanism. By forcing Turkey to take migrants back for detention or resettlement, it belongs to the first extra-territorialisation mode of ‘interception’ distinguished by Mountz and Hiemstra (2012). The exchange with visa liberalisation is a worthy ‘carrot’ for Turkey, but as this goes together with fulfilling the requirements of the Roadmap, it is just another way of pressuring Turkey to adopt EUropean rules, norms and values, that eventually should help to keep migrants in Turkey or stop migrants from crossing the EUropean border. An alternative for changing Turkey’s migration management is to raise and educate the current Turkish border actors.

Another way of making its vicinity more like itself, is by shoving Turkey softly towards its rules, norms and values by stimulating and monitoring the process of the making of the new LFIP. This softer method -by remaining distance- is also used by instrumentalising organisations to alter Turkish migration management. Since Turkey’s system is plagued by capacity problems, it is easier for the EU to fill the gap. EUrope involves itself by funding these organisations in their work to alter Turkish actors through trainings, consultations and assistance. Also semi-EU organs are part of constructing the border far beyond EUropean territory as FRONTEX and the ICMPD are messengers of the EUropean ‘good practices’ that must help Turkey to get ready for keeping migrants in.

In sum, EUrope is not only reinforcing its external borders in order to gain control but it has also developed other mechanisms to prevent migrants from ever reaching destination states (Mountz & Hiemstra, 2012). By changing Turkey into its *“(semi)protectorate”* (Zielonka, 2007, in: Bialasiewicz, 2012, p. 846), EUrope’s borders should be understood as spaces of *“nodes and*

networks” instead of “*the old idea of [seeing] borders as defensive lines*” (Andrijasevic & Walters, 2010, p. 985).

However, despite all these efforts to entice Turkey to cooperate or change it to an EU-like model, the persistent flow of migrants demonstrate that migrants are still not restrained to cross the Mediterranean Sea. This has recently resulted in the new EU-Turkey deal, but this will increase the risk of human rights violations by pressuring the Greek and Turkish system even more to be effective. The next chapter will discuss the humanitarian consequences of these desperate efforts and practices, as these point to EUrope’s interests in its own purposes and take less interest in the people that are targeted. However, as we will see, its extra-territorialisation practices could turn against itself.

5 | Morally disputable outcomes

An unforeseen increase in the number of refugees has taken Turkey by surprise these last four years. In spite of the new Law on Foreigners and International Protection and other reforms, Turkey's migration management was not equipped to address the extent of the complications - that are the result of the steep increase of migrants- appropriately. This inability indicates that there is a lack of flexibility to anticipate, but then no one could ever have predicted what would occur in the years since the Syrian civil war broke out.

By providing an answer to the fifth sub-question: **'What are the humanitarian consequences of the EU bordering processes for migrants in Turkey?'**, this chapter will delve deeper into the extra-territorialisation of EU's borders by examining its humanitarian consequences for migrants. While Turkey suffers terribly under its capacity shortage, Europe seems to be occupied by its own goals. This results in a deterioration of the situation for migrants as Turkey finds itself pressured to retain its leverage. This new equilibrium makes Europe's efforts to extra-territorialise its borders morally disputable as well as inadequate and counterproductive. The current situation triggers migrants to cross the institutional borders of the EU, in one way or another.

5.1 "They are as guests"

"In that sense I am critical of Turkey, not the EU. (...) When a Syrian refugee arrives in Germany, at least [s]he knows that about the status. But in Turkey they don't know what their future will bring." (Interview academic expert 1)

Whilst sited in the frame of momentary anti-oppression revolts of the Arab Spring, the Turkish government have been anticipating with short-term policies, as it was expected that the Syrian refugees would go back to their homeland soon (interview academic expert 2). This brings a major problem to the front now the civil war endures, and Turkey has slowly realised that the residing number of Syrian refugees and other migrants will not diminish shortly. One example of this short-term reaction of the Turkish state is the establishment of the governmental organisation 'AFAD'. It serves as a supplier of humanitarian aid for Syrian refugees in Turkey since the government treats the crisis as a humanitarian issue that requires a temporary response. This produces fierce criticism that has been advocated by an academic expert (2, interviewee) whilst reflecting on the outcomes of this way of governance: *"In this framework you don't need to think about education. If you make a humanitarian aid program, then you give them bread, water, medication, et cetera. But no future"*. Paradoxically, a long-term approach is therefore essential, that comprehends a sustainable integration program that Turkey must create (interview academic expert 2).

This short-termism is a result of the so-called geographical limitation. Crucially, Turkey has never agreed to the removal of the geographical limits by the 1967 Protocol, which serves as an addition to the 1951 Geneva Convention. This condition restricts for most asylum seekers the access to enjoy asylum, and it sharply contradicts concept of integration. It creates discrimination

among people through assigning different rights to different groups of people (interviews UNHCR prominent; Red Crescent manager).

Four different groups are being distinguished in Turkish migration management: refugees (only of European descent), conditional refugees, temporary protection applicants and migrants that are not eligible to these three categories. By elaborating on the first three categories, the next paragraphs will demonstrate the major consequences of the maintenance of this geographical limitation.

As explained, according to the geographical limitation condition and as defined in the LFIP, the people that are termed 'refugees' originate from Europe. They are ascribed to certain rights and protection, and they are eligible to permanent refuge and hence residence in Turkey. However, present-day Europe is not a refugee producing continent at all, which makes this condition idle.

In contrast, even though Turkey ambitiously held an open-door policy for Syrian refugees (interview academic expert 1), this group of 'temporary protection applicants' was not granted many rights at the beginning (interviews IPC fellow; academic expert 2). Furthermore, according to Turkish policy they do not have any prospects of integration in the Turkish society as they are perceived to be "guests" and are also called that way (interviews IPC fellow; UNHCR prominent; academic expert 2). This term evokes irritation as it seamlessly reflects the rejection by the Turkish state of the permanent character of this issue (see e.g. interview academic expert 2).

An UNHCR prominent points out that the geographical limitation is the source of the problem by declaring that *"as long as the geographical limitation is there, Turkey cannot make a comprehensive integration plan"*. Nevertheless, some experts (see e.g. UNHCR prominent; ESI policy analyst; HRDF manager) also argue that the geographical limitation has become *"meaningless"* (interview UNHCR prominent) in practice and its *"effect (...) is now very normative"* (interview HRDF manager), since one cannot speak of a functioning differentiating system between migrants as there are already two million people seeking refuge in the country (interview HRDF manager). Turkey cannot limit the entry and the duration of residence of people when there is such a huge need for protection and it cannot be managed humanly through its habitual system anymore. It cannot – since it appears to be impossible to find resettlement countries for such a high number of people like this (interview UNHCR prominent). Although the recent EU-Turkey deal could serve as a mechanism for quick resettlement for a selection of this group, Turkey will still receive more migrants than EUrope will resettle, which retains the burden and enlarges the group of people that are not able to find real protection.

Both the aspirations that stem from the present-day improving economic developments and consequently Turkey's advancement into a destination country for migrants do not reflect Turkey's maintenance to the geographical limitation. Two arguments are brought up by the experts to elucidate this preservation. Firstly, the HRDF manager (interviewee) reasons that this reveals the securitization attitude of the Turkish government by disheartening migrants to come to Turkey in order to seek better living conditions (interview Red Crescent manager). It is clearly not hoping for any more migrants to host; a standpoint that can possibly be traced back to its strong nation-building preferences. Also the fact that particularly Turkey's eastern borders are inadequately secured, is taken into consideration. As it may be relatively easy to enter Turkey, the geographical limitation then ensures Turkey that it is not compelled to take care of all migrants permanently that came through these borders.

Although it was required by the EU to finally lift this reservation to the 1951 Geneva Convention, nevertheless as far as Turkey had scheduled to do so in 2012, it seems to preserve it for a stronger negotiation position, which denotes to a second argument (interviews IKV researcher; UNHCR prominent). This may be encouraged by EUrope's indecisive attitude towards Turkey's EU membership along with its poor burden sharing mechanisms and clear efforts to fortify its own borders. The latter refers -among other things- to the EUropean 'system' that in concert with Turkey's current system creates immoral outcomes. At best for EUrope, asylum seekers apply for asylum in Turkey and with a functioning Readmission Agreement they will either stay in Turkey, or in the most time-consuming case, they will be send back to Turkey from an EU Member State. The refugees that are risking their lives with an 'illegal' but successful border crossing attempt, are generally those without a running application. Therefore one can conclude that those that have applied for a certain kind of status in Turkey, cannot successfully move to an EUropean country (interview academic expert 2). Then the preservation of the geographical limitation ensures Turkey that it will not turn into EUrope's dumping ground.

Likewise its approach to Syrian refugees, Turkey also holds a liberal entry regime to so-called conditional refugees. This term implicates peculiarly an acknowledgement of the 'refugee' definition in the Geneva Convention of 1951, but how horrible their homeland situation may be, Turkey still holds a condition towards them. If these people are found to be refugees in accordance to the Geneva Convention definition, then they have to wait for their resettlement to a safe third country to be arranged. Another option is moving back voluntarily to the country of origin (interview UNHCR prominent). Similar to those under the temporary protection regulation, permanent residence and integration is out of question for conditional refugees. Not only in the practical sense but also ethically this is highly problematic, as an academic expert (2, interviewee) clarifies this argument through expressing:

"We don't have the right to stop them and then to say to them: 'you have no opportunity in Turkey, also not to the other countries; you only have one opportunity, [that] is to go back to your country'".

But as long as there are no decent prospects of an improving situation in war-torn countries like Iraq, Sudan, Afghanistan, et cetera, migrants will strand in Turkey as one result of the current Turkish migration system, that is elucidated by the HRDF manager (interviewee) paraphrasing of the system: *"Even if you can stay in my country for many years, I [the Turkish state] will not accept you as a refugee and your only chance will be to go to a third country"*.

There are two solutions to this scenario. The first is altering Turkey's and EUrope's migration management to a more humane, attuned system. The second alternative is indeed integration, as has been put forward by many experts (see interviews academic expert 3; UNHCR prominent; IPC fellow; ESI policy analyst; academic expert 2) and as also illustrated by an IPC fellow (interviewee) as she stresses: *"Because at the end you will [have to] integrate them⁵ either this way or that way, and this is actually much more in compliance to integrate them with a regular manner, instead of an irregular manner"*.

⁵ With 'them' she particularly referred to subsidiary protection applicants in the interview, but this phrase also applies to conditional refugees.

The next paragraphs will continue on this essential need for integration. Despite the fact that the Turkish government refuses to use the word 'integration' and continues to use 'harmonization' instead (interview academic expert 2; DGMM, 2014), its efforts for this will be examined below by looking at different means for integration into Turkey's society.

5.2 Integration means: allocating migrants

"You have to do something, you integrate them into Turkish society. To help them to find jobs, to educate them, to train them, to help them learn Turkish and to make them self-sustainable, which is integration." (Interview UNHCR prominent)

Integration should be initiated by the Turkish government through allowance and support in the sense of housing, labour, education and assistance with civic assimilation and language. In contrast to the criticism, it must also be acknowledged that the Turkish government actually did put a lot of efforts in providing protection and facilities considering the fair-sized group of Syrians (interviews academic expert 1; IKV researcher; academic expert 2). But housing remains a considerable problem. According to an IBM expert of IOM (interviewee), mid-2015 there were approximately 300.000 refugees hosted in refugee camps, which serve as emergency shelters. Upon that number, there were 1.5 million people residing outside of the camps. An additional rough number of 200.000 conditional (or: non-Syrian and non-European) refugees were also residing in Turkey. With the exception of the people in the camps, the remaining non-European asylum seekers are supposed to be assigned to satellite cities in Turkey.

The satellite city concept can be traced back to the 1950s, to the now superseded Law on Residence and Travel of Foreigners, that declares that *"foreigners who seek asylum for political reasons shall reside at places assigned by the Ministry of Interior"* (UNHCR (b), n.d.). This does not apply to people under the temporary protection scheme. About sixty Turkish cities have been appointed to be satellite cities (interview UNHCR prominent), that essentially function as large waiting spaces while awaiting resettlement or peace in the home country, and exclude migrants from the larger Turkish cities. Once they arrive in the randomly allocated satellite city, refugees are obligated to report themselves at the Provincial DGMM Directorate; formerly the Foreigners Department. Here they receive an asylum seeker ID card and are informed about their rights and duties (interview Red Crescent manager; UNHCR (b), n.d.). Their primary obligation to this provincial office of DGMM is the signature duty, with a frequency that ranges from once a day to once a week, taking personal conditions into consideration, for instance medical condition, employment and proximity to the office. This means that people are more or less tied to this particular city and are not able to leave for a longer period, let alone permanently. Whenever they fail to comply with their duty, they are registered as *"escapee"* (UNHCR (b), n.d.); now a parallel to the electronic tag system that we know from semi set free criminals is scandalously evident. All of this implies that satellite cities are bounded spaces in which there is only little support provided by the government. Although medical care and education are granted by the Turkish state, housing within these assigned cities is one's own responsibility (interview UNHCR prominent). This contradicts the arranged provisions in the refugee camps. In conclusion, as it turns out, refugees and asylum seekers are set aside from the Turkish society and no real integration seems possible.

Furthermore regarding the distribution of migrants to the satellite cities, this is executed arbitrarily, which creates problems as an UNHCR prominent (interviewee) explains. First of all, it can generate problems considering human rights when for example LGBT people are allocated to conservative Turkish cities. Secondly, this arbitrariness also creates differences between the allocated migrants. Turkey's vibrant, dynamic and economically booming cities are rarely allotted as satellite city, and fairly often do migrants find themselves appointed to cities with insufficient (in)formal employment opportunities (interview UNHCR prominent). However this applies to some places more than others; hence some migrants are more disadvantaged in comparison to others. Consequently it occurs that they are reduced to poverty (interview HRDF manager) and this could result in perceived immobility. Especially women and children are vulnerable to this as they are often housebound. This points out a major problem as there are a lot of refugee children and women that migrated without the head of the family (interview academic expert 2).

As an alternative to this, there are also migrants that unlawfully choose to live as "escapee" in another city that may offer more chances to improve one's living conditions. They then choose not to register and start living in large prospering cities like Istanbul, because they do not want to get stuck in a satellite city or they aspire to leave Turkey for a third country (interview HRDF manager), predominantly an EU Member State. This is a repercussion of the RA, as the HRDF manager (interviewee) clarifies:

"They don't like to be registered in Turkey, because otherwise they can maybe be blamed by European countries that 'you are registered in Turkey and accepted as a conditional refugee or temporary asylum seeker; why did you come to our country?'"

Whilst making this linkage between the option for registering and the RA, it can be concluded that the RA does not so much discourage migrants to cross the border with the European Union, and actually demotivates them to register in Turkey. Thus together with urban residing Syrian refugees, that sometimes also do not register, the total sum of migrants in Turkish main cities - with their many pull factors- is expanding. On the other hand, there is an actual advantage of being registered (whether as a refugee, conditional refugee or subsidiary protection applicant), namely that the state has obligated itself to provide health care and education for those without sufficient financial means (interview HRDF manager; DGMM, 2014).

When considering these different categories, together with the dissimilar administrative treatments and the coping mechanisms of migrants, all of this reveals shortcomings in Turkey's migration management system. An UNHCR prominent (interviewee) therefore claims that the satellite city system is collapsing through the fact that it cannot hold under the enormous pressure.

5.3 Integration means: access to the labour market

Access to the labour market is crucial for integration and self-sufficiency. However, only after six months, conditional refugees (applicants) are allowed to request a work permit. Refugees and subsidiary protection beneficiaries are allowed to work upon status is being granted, unless the developments on the labour market temporarily necessitate otherwise (with the exception of

persons that have been living in Turkey for three years, or have a Turkish spouse or child) (DGMM, 2014).

However in practice, it proves rather hard for all foreigners to get employed (interview UNHCR prominent). There is almost no opportunity to work since the concerning policies are too restricting (interview HRDF manager). For example, in order to hire a foreign employee, a future employer has to submit an application in which he or she substantiates the specific choice for a non-Turkish individual and in addition the employer has to hire five Turkish citizens for compensation (interview UNHCR prominent). This probably finds its roots in traditional Turkish nationalistic reasoning, and limits the self-sufficiency and integration of migrants.

However, as already observed, migrants apparently have the agency to develop coping strategies and thus *“at the end of the day everyone finds a way to get money”*, explains a HRDF manager (interviewee). This development is then subsequent to the existence of an increasing informal labour market. The manager further clarifies how this could have unfolded into a policy of tolerance:

“So there are some informal mechanisms (...) [that] help people survive in Turkey. I think those are good things. And we should not insist on imposing formal mechanisms because this system is informally expanded to two million. And we cannot.. our past mechanisms cannot work in this new situation.”

This illustrates clearly how not only migrants have found a strategy to by-pass the encountered obstacles but also the government has found a coping mechanism for balancing between the mounting expenses and yet not neglecting its humanitarian duty. Moreover Turkey's economy increasingly demands for cheap labour (interview UNHCR prominent).

Nevertheless there are clear-cut disadvantages of tolerating this sort of labour that are the result of the incapability or reluctance of the state to control this sector. With a high supply of labour that increases the competition in the informal sector, together with not being bound to a strong regulation, it is the employers that benefit greatly. In practice this has led to the exploitation of migrant workers and even to child labour; forcing them to work many hours per day, earning low wages or even forcing them in the position to accept that they receive no earnings at the end of the working day. Since it is the informal sector, they cannot claim their rights or report the exploitation. Employers also control them by threatening to report them to the police (interview HRDF manager). A manager of HRDF (interviewee) reflects on this precarious situation by claiming:

“If you do not have any alternative, then survival becomes the most important thing. So we can be very normative and we can say that we would not let those people work in the informal sector, but if there is no alternative, what can we do?”

Even taking into consideration the exploitation, the informal labour market also equips migrant workers with agency, that is the capability to act upon the situation and to change it. Generally urban Syrian refugees are living under poor circumstances (housing, informal jobs, et cetera) but they are mobile within the country, they can change jobs and try to improve their living conditions. In the camps, they would have to wait out their time; they do not have much to do, nowhere to go, no means to improve their situation (interview HRDF manager). Fortunately the

Turkish government is working on easing the restrictions in order to protect refugees and asylum seekers (interviews IKV researcher; UNHCR prominent).

5.4 Integration means: education and health services

As the Turkish government remarkably reformed its state-centric policies in a positive sense through EUropean stimulus (interview HRDF manager), nonetheless the discrimination that stems from the diverse foreigner categories as laid down in the LFIP, leads to an ineffective implementation. Education is one example for this.

The LFIP grants all sorts of refugee children the right to access primary and secondary education (DGMM, 2014). While this is an important step forwards within the framework of integration, the outcomes are not that constructive. Whereas depending on the number of schools and staff, the capacity in this field to provide education for all these children within a tight timeframe falls short - in the camps as well as in the urban areas (interviews academic expert 2; HRDF manager). Moreover the quality is poor (interview HRDF manager). Furthermore, there is not enough capacity to arrange Arabic education (interview academic expert 2), and though it seems as a good integration manner to provide them Turkish language courses or Turkish schooling, they are supposed to be temporary in Turkey. So the question is in which language they should be educated. An academic expert (2, interviewee) claims that the lacking time is more important than the language and argues in favour of Turkish education as the system is already developed. He continues by underlining that the years of living as a refugee are lost years for the children, and that a potential crisis could be prevented by continuing their education.

A second example of the ineffective implementation is the access to health services in practice. It is not uncommon that free medical care is sometimes being refused to refugees by hospitals and pharmacies. Notwithstanding the fact that this is against Turkish legislation, it may still occur in practice (interview HRDF manager).

It is truly commendable that the government takes care of education and health care in order to establish a long-term approach to the high number of refugees sojourning in the country. However, as the inflow of refugees continues unabated, it is legitimate to question for how long this situation is bearable without sufficient international relief (interviews Red Crescent manager; HRDF manager).

Without proper integration means, this could eventually also affect the social acceptance in Turkey. Until now, the Turkish society -with its migration character- has been hospitable (interviews Red Crescent manager; IOM staff member; ESI policy analyst; academic expert 2), but this can easily change. An academic expert (2, interviewee) elaborates on this by explaining that if migrants continue to work on the informal labour market, this could lead to feelings of iniquity and jealousy with the Turkish population as they do not pay taxes or have to comply with other regulations. Moreover, as he further explains, without integration and proper participation in society, the large young refugee population may clash with the society and this may unfold in a potential security issue for Turkey. Ayhan Kaya (Kruk, 2016) explains that the increasing internal politicizing of the Syrian burden could easily contribute to a decrease of societal acceptance, which brings it back to the question of the tenability of the situation in Turkey.

5.5 Being stranded?

Although the state has been relatively generous and welcoming to the Syrian refugees, yet it continues to make harsh distinctions between Syrians and other kinds of non-European refugees, for instance Iraqis. They could also have fled the 'same' horrors that the Islamic State of Iraq and the Levant (ISIL) militant group is causing in the region. Many of them also came to Turkey in a mass influx (interviews UNHCR prominent; HRDF manager). Even though the LFIP does not offer any definitions of 'mass influx', yet the consequences of this obscure difference are crucial, as a manager of HRDF (interviewee) expounds:

"So they do not want to accept them as conditional refugees because [then] they have some rights like they have to be registered, they should be settled in a satellite city (...). They don't want to manage in this manner."

Conditional refugees have resettlement in prospect, while Syrian refugees have to await their return, and are neither able to integrate in Turkey nor in another/safe country. This way of arbitrariness and discrimination unlocks emotions, as the manager of HRDF (interviewee) continues: *"They blame us⁶ that 'everyone went to another country, other than me'"*. This contributes to a comprehension of Syrian refugees that risk their lives on their way to Europe.

But still, those that are eligible for resettlement and hence integration in another country, are also queuing up. Due to the high number of people that need to be processed, the UNHCR is lagging behind such that they have started to plan personal interviews for 2020 or even later. In the meanwhile conditional refugees are also not able to integrate properly in the Turkish society, in which they have to stay for many years to come (interviews UNHCR prominent; HRDF manager). While in former days, the people that fled to Turkey had a different focus, *"all in their mind was resettlement"* (interview HRDF manager), it becomes clear that some of them are losing their patience. Consequently they started to explore other options on one's own initiative, for example moving to Europe. Lastly, there are also people that are willing to go back to their home countries. In case they need help, they have to apply at IOM for repatriation. But even these people, that may itself contribute to relieve the system, are waiting to be processed. In conclusion, all kinds of migrants, whether they are refugees by the internationally applied definition or unlawfully residing migrants, seem to be stuck in Turkey.

That means that Turkey's migration management, of which the geographical limitation and currently the LFIP take up a crucial part, results in a large detention centre that people cannot easily move out from. It makes them as migrants immobile while being mobile. The lacking capacity of the Turkish government results in exploring other options for mobility, as an academic expert (3, interviewee) justifies: *"Because (...) especially young people are trying to escape to go to the European countries because they have come to a stage where they understand that there is no future for them here in this country"*. Their move towards the EU needs thus to be understood as a consequence of Turkish policy and legislation.

The recent EU-Turkey deal has changed the situation as Syrians are the group that possess a chance on resettlement at the expense of the resettlement chances of conditional refugees. But

⁶ By using the word 'us', he was referring during the interview to HRDF in particular, but this understanding could be expanded towards other actors in Turkey's migration management field.

since only Syrian refugees outside of the camps are eligible for this program, this does not mean that others are just staying in Turkey.

5.6 Transferring the moral responsibility

All of this triggers criticism from other countries, especially by those with specific interest in good migration management in Turkey, e.g. EU Member States and the USA (interview HRDF manager). 'Good migration management' would then refer to management that is capable to retain migrants within their territory, or else, to send them back. This is partially -of course- in order to stimulate migrants to stay in Turkey (or to go back to their home country) and partially to discourage or stop them to go to Western countries. But on the other hand Turkey is not the only one to blame in this context. As repeatedly brought up in this thesis, Turkey has been asked to keep an exceptionally high number of migrants within its geographical, institutional borders. The cost on many fronts, including purely financial costs, are enormous. In contrast to the errors of Turkey's migration management, Turkey has been putting a lot of efforts into hosting the quickly expanding population of refugees and is reforming its procedures (interviews HRDF manager; academic expert 2). It can be argued that a lot of problems proceed to a degree from the quantity. Most mechanisms are based on migration statistics of five or more years ago. This is illustrated by the plans of the EU to help Turkey to construct only a very few new detention and reception centres (interviews HRDF manager; EU Delegation representative).

However, since there is still no sufficient indication of "good migration management" in Turkey, the EU-Turkey deal has entered into force. The active act of crossing the EU's external border -that eventually (and partly) stems from Turkish mismanagement and labelled as 'illegal' as a consequence of the discriminatory EU visa policy (Van Houtum & De Looijer, 2016)- is now obstructed by returning migrants to Turkey. Although the EU provides financial support, the previous paragraphs have clearly illustrated that the deal will increase the Turkish capacity deficit even more, which will not contribute to a humane reception of migrants. While there is a selection of Syrian refugees that may go in a 'lawful' way to Europe, other (conditional) refugees that are by descent (Van Houtum & De Looijer, 2016) neither eligible for this quick resettlement program nor able to get asylum in Turkey nor asylum in Europe, fall victim to Turkey's failing system. Their opportunity for seeking asylum in a safe country is taken away. Additionally, the EU also *Others* between Syrian refugees as only camp residing refugees are authorised for resettlement under this deal while these are the ones that are enjoying the best developed part of the Turkish system. Both reflections indicate a discriminatory system that the EU executes extra-territorially.

Though the EU has no responsibility in the legal sense to guarantee protection to refugees that are not (yet) found on its territory, the active prevention of a territorial nexus between a state and the refugee (Gil-Bazo, 2006) is morally disputable, likewise Gibney (2005) has pointed out in his law versus moral responsibility discussion. If states succeed to hinder access to their asylum system, this would harmfully undermine the international protection system (Taylor Nicholson, 2011). Gibney (2005) argues that if a state interferes in shaping a refugee's destiny, it is indirectly responsible for their possibility to obtain protection.

As this thesis points out, the EU is actively involved in obstructing arrivals and therefore preventing its obligation to provide protection. It thereby transfers the responsibility for refugees to its neighbourhood. In the case of Turkey, the EU endorses its responsibility by the very act of funding Turkey's migration management. Since this support is a way to keep refugees in Turkey, it should be interpreted as a ransom to buy off its responsibility.

Whether refugees in Turkey are treated in respect to the refugee rights of the Convention, should be seen as EUrope's indirect responsibility and can be evaluated by the 'safe third country' concept (Gil-Bazo, 2006). However, Turkey cannot be called a 'safe third country'; at least not according to the EU's very own conceptualization in the Directive 2013/32/EU, article 39 (European Union, 2013). According to this Directive, a safe third country cannot hold geographical limitations to the Geneva Convention. Moreover, according to Hathaway (2005, in Gil-Bazo, 2006) a country may be defined as a 'safe third country' when this country complies with the Refugee Convention as well as with other international legal rights, as long as effective protection is assured.

However, NGOs have revealed that Turkey regularly violates human rights. Among others, Amnesty International has reported that Turkey has violated the *non-refoulement* principle (Letch, 2015), Human Rights Watch has publicized that Turkey frequently demonstrates violently its intolerance of political opposition (Sinclair-Webb, 2014) as also the Gezi protests of 2013 have shown (BBC, 2013), and moreover it violates human rights on a constant basis when it comes to its troublesome relation with the Kurdish minority and the internal conflict with the Kurdistan Workers' Party (PKK) (Amnesty International, n.d.; Sinclair-Webb, 2014). To finalize an endless list of condemnations, also freedom of expression and press freedom are liberal rights that are violated, for instance the prohibition of academic research on Syrian refugees in Turkey, that must indicate that the Turkish state has clearly something to mask from the world.

While the EU keeps condemning Turkey of its human rights situation, it simultaneously continues the extra-territorialisation of its own border controls. Additionally, if EUrope is aware of Turkey's human rights violations, it is highly disputable that they even considered to negotiate with this partner while using migrants as their playing cards. And yet, the current EU-Turkey deal is faultily based on the safe third country notion. Since Turkey does not have a fair and efficient asylum system due to the geographical limitation and even violates the *non-refoulement* rule by deporting Syrians to Syria or by refusing them entrance (HRW, 2016), this makes the EU an accessory to the violations of human rights. Furthermore, if the EU is also aware of the gaps in Turkey's migration management system, as being described in the previous paragraphs, together with the pressing numbers, how can that go hand in hand with its good governance moralizing?

When scrutinizing the shortcomings in Turkey's migration management system, the final move to EUrope is a sound consequence for some migrants. Although asylum seekers are able to participate in the Turkish society instead of being isolated and passively waiting in a European reception centre, most of them are not able to obtain a refugee status in Turkey. The geographical limitation results in the discrimination of ascribed rights and protection between different types of migrants, and the negligible integration possibilities in the Turkish society for the majority manifests in the transformation of Turkey into a large waiting space. This chapter has constructed the argument that the deficiencies trigger migrants' agency to act upon their immobility and stop waiting in Turkey for a better life to come. As EUrope desperately tries to stop migrants from coming by imposing control mechanisms, the Turkish migration system is getting under even

more pressure, which encourages migrants to make the (dangerous) move. The recent EU-Turkey deal will most likely demonstrate this once more as migrants will seek other routes for entering EUrope. The very knowledge that EUrope possesses of the almost unbearable situation in Turkey and Turkey's human rights violations, is making its extra-territorialisation practices morally questionable, as is the extra-territorialisation of the EU's responsibility.

6 | Conclusion

In the reality of the contemporary migratory dynamics, the EU has found a way to eliminate the danger and threats that stem from the current refugee crisis. However, this extra-territorial coping mechanism seems highly questionable in the moral sense. The following paragraphs will expand on this, and thereafter recommendations and reflections of the researcher are shared.

The merger of the theory of *bordering* and the IR theory of external governance increases the understanding of extra-territorialisation. As the former comprises the explanation of the underlying complexity of the strategy the EU deploys, the latter expounds on the mere opportunity of extra-territorialisation practices in a third sovereign political authority to occur.

This thesis endorses the idea that borders should no longer be perceived as static lines found at nation-states edges, but as power-laden strategies that can be found and created everywhere in society. These strategies are deployed for *Othering* and ordering objectives, and are therefore useful for immigration control. This thesis has adopted a border lens to make it possible to track how the border is continuously relocated and diversified, as it shifts out towards 'where the migrant is'. Border management practices are therefore becoming more diverse, flexible and geographically wider in order to halt potential migrants (Casas-Cortes, Cobarrubias, & Pickles, 2014; 2015). This paves the way for the concept of extra-territorialisation. Since a porous EU-Turkey border poses a real threat to the preservation of EUrope's internal prosperity, peace and stability, EUrope has been endeavouring to transform this neighbour into a protectorate "*whose sovereignty is not denied but 'creatively constrained'*" (Zielonka, 2007, in: Bialasiewicz, 2012, p. 846). Its control practices have reached out to its neighbourhood and infiltrates it as an 'Empire'. Although the state-centric theory of external governance does not allow borders to be found everywhere, this IR theory takes into account both sides of the border as it sheds light on the interdependency that extra-territorialisation is subject to, by clarifying how and to what extent the EU can trigger Turkey -as a sovereign third country- to accept these interfering practices. However, reducing a study on migration control to only discussing formalities between diplomatic entities would be too simplistic and static. It neglects the other side of policy: the consequences for migrants and the outcomes of these practices, that by utilizing a border lens can be clarified. By perceiving borders as a strategy, this gives room to incorporate the power and the multiplicity of actors that are involved in border shifting practices. In order to explore the methods and outcomes for extra-territorialisation in the case of Turkey and the EU, the following research question was key to this inquiry: **'How does the EU extra-territorialise its borders into Turkey in regard to migration management and what are the humanitarian consequences of these EU bordering practices for migrants in Turkey?'**

However, a considerable problem for EU to transform its Turkish neighbour is found in the EU Membership accession process that has already started in 1999. A diplomatic crisis in the mid-2000s had injured the trust as the prospects on Membership did not really progress. Furthermore, since Turkey has an important political and economic position for its own region and has strong nation-building roots, it appeared not to be an easy party to accept the 'ruled'-position. Particularly in EUrope's despair to gain control over its borders again due to the current migration crisis, Turkey finds itself in a much more confident negotiation position as it holds an important trump card in hands. Their relation has transformed from a hierarchical one to more and more a

networked one. However in its own capacity deficit, it needs financial and other burden relieving assistance. Therefore it instrumentalises EUrope's despair to pave the way for EU Membership and other incentives. These arguments provide the answer on why Turkey let its sovereignty creatively be constrained and accepts foreign migration control practices on its territory. Now EUrope can set afoot ashore, it attempts and struggles with diverse instruments to recover the control on migratory flows towards EUrope again. By using both compulsively as well as softer and more covert manners, the EU has tried to alter the Turkish migration management system. If the EU can accomplish to change this after its own example, EUrope's control could then be found on Turkish territory, away from its own territory, as a way to secure its internal stability, prosperity and peace.

Two major ways to alter the Turkish migration management come to the front: first, the passive method of intercepting migrants by preventing them to enter the EU's territory. This passive method is executed by the signing of the Readmission Agreement. But this is also executed through involvement and monitoring in new dictated rules of the Roadmap and the Law on Foreigners and International Protection. Yet the EU does not stop its attempts with these practices, but also adopts a second method to transform Turkey by instrumentalising organisations as pawns to achieve its objectives. By financial, consultative and assisting incentives, the EU works through these actors to alter the way Turkey has designed its migration management. With their 'borderwork', it appears that non-state actors are also involved in constructing the European border, which makes the geographies of bordering become more flexible and diverse.

These attempts, that are sometimes successful and sometimes thwarted, are directed to keep migrants from moving to EUrope as well as keeping migrants to stay in Turkey. However, the extra-territorialisation attempts prove to be counterproductive: the more migrants there are in Turkey, the more Turkey suffers from its lack of capacity to humanly cope with the numbers of migrants, and so the more migrants will look for a better life across the Turkish border. This is also a probable outcome of the recent EU-Turkey deal. However, the Turkish state still has the responsibility to improve its system in order to prevent it from becoming a large waiting space for migrants, but in the diplomatic negotiations it will not just play its final trump card. Migrants scandalously turn into a plaything in political power games. While the EU evaluates Turkey as a human rights violating *Other*, it simultaneously keeps treating it as a negotiation partner. This goes right against its claims as a democratic and Enlightened 'force for good in this world' (Barbé & Johansson-Nogués, 2008). EUrope is *Othering* itself from Turkey by arrogantly addressing its superiority. However, the very fact that the EU is aware of the worsening situation in Turkey and at the same time continues to extra-territorialise its responsibility to this nation-state, makes its behaviour highly disputable.

6.1 Recommendations

From this thesis flow three recommendations: the first recommendation is one for praxis, and the succeeding two are recommendations for additional research on the subject of this thesis.

Firstly, the EU has to find humanitarian ways to cope with the refugee crisis itself instead of putting efforts in external governance and the use of more extra-territorialisation practices. Naturally this is extremely difficult to realize, nevertheless it is strongly recommended that

EUrope stops looking beyond its border for the ultimate solution. It should stop extra-territorializing its problems and take its own responsibility by halting its use of migrants in their political power games with a country that cannot be 'trusted' due to its own 'Enlightened' standards. EU policy makers should therefore -for example- work on introducing humanitarian visas. When people that are legitimate entitled for protection are able to enter EUrope in a safe and lawful way, lives are no longer risked and EUrope can regulate the distribution of refugees easier (Van Houtum & De Looijer, 2016). The EU-Turkey deal also arranges safe entry, but only for a selection of refugees and only after others risked their lives.

Next, further research is recommended to keep track on the rapidly succeeding developments. The Readmission Agreement must still enter fully into force and the Law on Foreigners and International Protection dates from 2013, that is related to the Roadmap. More importantly, the maturing of the EU-Turkey deal should be watched. This means that research on the same topic as this thesis will probably provide whole new insights when executed in a few years. These are unsettled times, in which EUrope may alter its strategy extra-territorially in its 'quest for control', which would be an excellent topic for further inquiry. As a consequence the scientific knowledge on extra-territorialisation will be expanded, that could eventually be used to assess EUrope's practices in order to criticise, or in the positive sense, to provide policy recommendations.

Last, this thesis has touched upon the migration management subfield of border management. Additional research in the field of Turkish border management, within the scope of EU extra-territorialisation, is recommended since there is a lack of scientific knowledge on the combination of these two topics. However, it seems extremely hard to get official permission to access this secured and governmental area, that generally do not allow busybodies. And yet, this also verifies the significance of it. More research on EU extra-territorialisation practices within the Turkish border management field would provide insights to the very heart of the practices of control and could expose instruments that are then made public for criticism and revising.

6.2 Reflecting remarks of the researcher

In order to reflect on this research, the role of the researcher needs to be taken into account as the instrument of research. By no means could it be stated that the researcher is entirely objective. While educated in the discipline of Radical Geography, a critical lens towards the EU and its practices was affecting the interpretation of the observations in the data collection phase as well as in the analysis.

Another remark on the data collection phase is the sampling of the expert interviewees. Although the strengths of the 'snowball' technique, that have been explained in the introduction chapter, prevailed in this phase, it must be said that this has also caused a certain bias for the total research. Almost every respondent could be evaluated as a liberalist, and being critical towards the conduct of the Turkish government as well as to the EU's lack of assistance. This framed the outcome of the thesis towards an argument that can be situated in the camp that radically advocates of the observance of the 'good governance' notion. Without this bias, this thesis would be more balanced and less critical on the practices of the EU. It would probably stress the proper functioning of EUrope's instruments, the need for control mechanisms and more or less justify the interference of the EU in Turkey.

Lastly, to recite Bialasiewicz for the last time: *“For it is a very difficult beast to grasp: the EU’s border-work (...) proceeds through a fluid assemblage of functions, mechanisms, and actors”* (Bialasiewicz, 2012, pp. 844-845), the difficulties encountered in researching this topic resulted in a broad exploratory research. During the execution of this research, the researcher was continuously confronted by practical limitations. Rather than gaining more in-depth knowledge of one specific practice, the limitations forced the exploration of other paths in order to achieve the research objectives. Nevertheless, as this thesis touched upon a lot of examples and practices that made this thesis less focused, these various examples and practices have strongly contributed to the line of argumentation.

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Appendix

Topic list for interviews

1. Perception of 'migration crisis'

* From the perspective of Turkey

- How would you describe the current situation regarding irregular migration (management)?
- How is Turkey adapting/changing into a 'migration transition' country?
- How did Turkish migration management shifted over time?
- Would you say that migration is a politicized issue in Turkey? Why (not)?
- To what extent is Turkey changing (laws, policies, practices) its migration management for itself, or to follow the EU?
- How is Turkey balancing between securitization and human rights implementation when considering its developments in its migration management?

* EU perspective

- How would you describe the current situation regarding migration from the EU perspective?

2. Relation Turkey-EU >> specify between different levels: political/social/moral/..

* More abstract: EU involvement in Turkey

- To what extent is the EU becoming more perceptible in Turkey?
- How would you describe/how do you perceive the EU's involvement in Turkey [in a more abstract way]?
- Has this changed / how has this been changing / how would you describe this 'process'?

* More concrete: Europeanization

- To what extent is the EU becoming more perceptible in Turkey?
- How would you describe/how do you perceive the EU's involvement in Turkey (in the field of justice and home affairs)
- To what extent could you argue that there has been a process of Europeanization going on in Turkey (in the field of migration and migration policy in particular)?

3. RA in general

* Responsibilities

- What are the responsibilities for both parties?

* Actors

- Which actors are involved?
- What is their specific role?
- What are their responsibilities?
- How would you describe the relations between these actors?

* Implementation (harmonization / non-technical)

- How is the RA going to be implemented?
- What are the challenges?

* Implementation (technical)

- What are the instruments used/needed for implementation?
- What are the challenges?

* What is actually going on in practice? How does this work?

- What can you tell me about deportation?
- What can you tell me about detention?

* Moral outsourcing:

- What is in it for Turkey? (cost/benefits Turkey and EU)
- What will be the diplomatic consequences for Turkey's neighbourhood?

4. **Provided assistance by the EU**
 - How does the EU provide assistance? (financial / technical/ training)
 - How do you evaluate these kinds/level of assistance? (financial / technical/ training)
5. **Exchange RA - visa liberalisation**
 - * **Nature of the exchange**
 - Do you evaluate the exchange as a good exchange or as a bad trade-off, and why?
 - * **Effect of Syrian refugee crisis/influx**
 - How does the 'Syrian refugee crisis' already/or possibly affect the visa liberalisation/RA agreement deal?
6. **Problems faced with implementation/facilitation**
 - * **Implications of RA**
 - What are/will be the national implications that Turkey faces after the implementation of the RA?
 - What are/will be the international implications that Turkey faces after the implementation of the RA? (in Turkey's neighbourhood)
 - * **Burden on Turkey**
 - How do you perceive the burden that the EU lays on Turkey?
 - What is your opinion on the following metaphors: Turkey as EU's 'dumping ground' and Turkey as EU's 'policemen'?
 - How is the EU/the parties involved trying to look for burden-sharing ways?
 - What should be the outcome, according to you?/what is your opinion about this?
 - * **Implementation in practice**
 - How is Turkey going implement the RA (Administrative, technical, financial, legal)
 - * **Gap between policy and practice**
 - To what extend do you perceive a gap between policy and practice?
7. **Consequences for migrants: how does the RA influence migrant's lives?**
 - * **Human rights**
 - What is the current situation in Turkey, regarding human rights of migrants?
 - What could be the possible effect of the RA, regarding the human rights situation of migrants in Turkey?
 - To what extend does Turkey evaluate the human rights situation when signing/trying to establish a RA with third countries?
 - * **Asylum policy**
 - What will be the situation after the RA, regarding the geographical limitation?
 - * **Deaths on the EU border**
 - What do you think what will happen with the number of migrant deaths on the borders of the EU after the RA comes into force?
 - * **Consequences for NGOs**
 - What could be possible consequences for NGOs working with asylum seekers and refugees?
8. **Law on Foreigners and International protection**
 - Were you involved in the drafting process?
 - How did the drafting process proceed?
 - To what extend could you be involved?
 - To what extend was the EU physically or non-physically involved?
 - What is your opinion on this new Law?
 - How is the implementation being done?
 - What are the prospects?
9. **Prospects**
 - * **RA**
 - What will be the (future) impact of RA?
 - Will the RA proof to be effective?

- How/in what ways?
- Will the RA hold?
- How could or how should they measure its effectiveness? (not: operability)
- * Visa facilitation
- What do you expect to happen regarding the visa facilitation?
- * Turkey's prospective EU membership
- What, do you think, will be the impact of the RA on the full membership process?
- * DG Migration Management
- What will happen in the coming years since the establishment of the DGMM? What are the effects?
- * Syrian Refugee crisis
- What effect will it have on Turkey?
- What effect will it have on Turkey migration management?