

PERCEPTIONS

JOURNAL OF INTERNATIONAL AFFAIRS

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Turkey's Prospective EU Membership from a Migration Perspective: Two Steps Forward, One Step Back?

Seçil PAÇACI ELİTOK*

The Istanbul Policy Center (IPC)-Sabancı University-Stiftung Mercator Initiative organised a workshop¹ entitled “Turkey’s Migration Policy from 2002 to 2012: An Assessment of the AKP’s Reforms” on 16 February 2013 at IPC’s Karaköy Office. The workshop was supported by IPC-Mercator’s fellowship programme² and took place as a part of Mercator-IPC Fellow Seçil Paçacı Elitok’s research project on the “Role of Migration in EU/German-Turkish Relations”. Turkey’s geographical location and the sizeable number of people of Turkish descent living in Western Europe make migration a critical issue in Turkey’s EU membership negotiations. In the early 2000s, the European Commission greeted Turkey’s legal and institutional reforms with enthusiasm. However, later reports (except the latest one in 2013) painted a less favourable picture and deemed the harmonisation of Turkey’s migration policy with the EU law as “poor” and “limited”. Critics argue that

the Commission’s assessment has almost exclusively focused on issues related to the prevention of illegal migration while successful reforms touching upon other areas of migration policy have been neglected. Throughout the workshop, Turkey’s migration policy reforms over the last decade were assessed from various perspectives. Bringing together political decision makers, academics, scholars and actors from civil society, the workshop started a debate on the reasons behind and the effects of the transformation in Turkey’s migration policy, and offered new formulas to resolve remaining challenges. This workshop inspired us to edit a special issue that is not only a collection of presented papers during the workshop but also includes other related contributions on the theme. Before this collected volume had been published, *Turkish Policy Quarterly* devoted a special section to the workshop and published selected articles.³ Taking into account the broadness of Turkey’s harmonisation with the EU in the fields of justice, freedom and security, this present volume is an attempt to address the main

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aspects of the matter so as to trigger further academic debates.

Since the workshop in February 2013, several migration-related incidents have taken place that have shaped and are going to shape Turkish migration policy. The turning point was the adoption of the law on foreigners and international protection (April 2013) by Turkey's parliament. The draft version of the law built on the discussions in the workshop, and participants shared their expectations from this new legal and institutional framework.

Critics argue that the Commission's assessment has almost exclusively focused on issues related to the prevention of illegal migration while successful reforms touching upon other areas of migration policy have been neglected.

Another crucial incident that we witnessed during the preparation phase of this special issue is the signature of the Readmission Agreement and the Protocol on the initiation of the Visa Liberalisation Dialogue, on 16 December 2013 between Turkey and the EU. The agreement aims to regulate illegal migration flows between Turkey and the

EU and gradually ensure visa-free travel for Turkish citizens in the EU member states that are part of the Schengen Area. According to the agreement, illegal migrants transiting through Turkey to reach EU destinations and are caught in the EU member states will be repatriated to their home countries after temporary stays in Turkey. In return, visa restrictions for Turkish citizens will be lifted in three years. The incomplete negotiations over the Readmission Agreement were a major deadlock in the EU-Turkey relations. The agreement could not be completed due to Turkey's understandable concerns, the lack of clarity on Turkey's benefits and Turkey's unwillingness to step back from its claim of the right for the free movement of people as guaranteed in previous agreements.

During these debates, the European Court of Justice's (ECJ) recent verdict on the Demirkan case (denial of visitor's visa by Germany) further deepened the crisis of confidence between Turkey and the EU. The ECJ decided that Turkish nationals are required to obtain visas for EU countries if they enter as service receivers (family visit in Demirkan case), in contradiction to the Soysal case (international transport between Turkey and Germany) in which Europe became visa-free for Turks providing services. With reference to the Demirkan case, critics argue that the ECJ's ruling is

political. The legal framework, namely the Ankara Agreement (1963) and Additional Protocol (1970), which are the foundations of EU-Turkey association, gives rights to Turkish citizens to freely move in Europe. If the rights of Turkish citizens given by these agreements are taken back through national legislations, the standstill principle will be validated. In the actual functioning of the legal framework, rulings of ECJ are in contradiction with the *pacta sunt servanda* principle and worsen the existing situation. Turkey rightly questions ratifying an agreement that would put extra burden on its shoulders in return for an already existing legal right. Additionally, the nature of the agreement is not promising in equally sharing the financial and technical burden.

The Syrian refugee crisis continues to be the most important challenge for Turkey. Turkey's enormous efforts to keep its non-refoulement/open-door/protection principles in managing the crisis have been universally appreciated. However, the sustainability of Turkey's approach has begun to be questioned lately due to the following concerns.⁴ First of all, especially after the Reyhanli incident (the bombings in Hatay in 2013), anti-migrant sentiments have increased among the inhabitants of the region. These attitudes became even

stronger and spread to the other regions where non-registered Syrians were located. These anti-Syrian perceptions reflect the security risks and socio-psychological aspects of the problem. The EU's reluctance to support Turkey in such a crisis has led to further frustration with respect to the burden sharing-debate.⁵ Taking into account the fact that the volume of Syrian refugees is expected to reach one million in 2014, Turkey is challenged to develop a policy that can balance security concerns and humanitarian needs. Turkey is expected to put the Syrians who are the victims of a civil war in the centre (asylum is seen as a human right and not as a favour), while at the same time it needs to look after its security interests. Turkey's refugee policy has been subject to criticism and found to be naive due its religion-oriented hospitality aspects. The vulnerability of non-registered Syrians to the informal labor market is also highly debated.

Despite all these challenges and criticisms, Turkey has retained its active role as one of the key actors in global migration management. In addition to its leadership of the Budapest Process and the Silk Roads Partnership for Migration, Turkey will undertake the 2014-15 presidency of the Global Forum on Migration and Development (GFMD). The GFMD presidency will further strengthen Turkey's global role in

the field of migration and development through this international platform at which Turkey can share its experiences.

Taking into account the fact that the volume of Syrian refugees is expected to reach one million in 2014, Turkey is challenged to develop a policy that can balance security concerns and humanitarian needs.

While we were preparing this special issue on the role of migration on Turkey's EU membership, the Commission's 2013 Progress Report was released. Even if democratisation, judicial reforms and the Gezi protests dominated this year's report, there were certain positive and negative points regarding Chapter 24 (Justice, Freedom and Security (JFS)). 2013 marked a year in which performance of Turkey in the field of JFS was evaluated by the Commission as "good progress" for the first time, even if the overall alignment was considered to be at an early stage. Thanks to the adoption of the Law on Foreigners and International Protection, significant progress was noted in harmonising Turkey's legal and institutional framework with the EU and international standards. Additionally, the establishment of General Directorate of Migration Management (GDMM) was perceived as a shift away from a

security-oriented approach.⁶ In addition, one can see the reduction (by 33%) in the number of third country nationals detected while entering the EU illegally via Turkey. Even if there is a decrease in the flow of transit migrants, Turkey continues to be an important destination country as the 7% increase in the number of irregular migrants and issued residence permits indicated. The high proportion of irregular migrants who entered Turkey through legal channels before they were detected at the EU border is remarkable. The management of the Syrian refugee crisis issue is perceived as a success on the one hand, and, on the other hand, as an unsustainable policy due to the problems on the ground. The question of non-registered Syrians who are not in the camps was also mentioned in addition to the increase in the number of asylum applications filed in Turkey. Growing concerns were underlined in the report on the potential increase in human trafficking as a consequence of the Syrian crisis. The processing of asylum applications has been criticised due to the long waiting periods, and the need to simplify the bureaucratic process has been mentioned. The capacity of Turkey to host irregular migrants has received criticism as well due to the incomplete removal centres as well as the lack of structured psycho-social services for irregular migrants.

The unsolved issues that remained were almost identical to the previous progress report in 2012, namely the readmission agreement (signed on 16 December 2013), geographical limitation, visa policy and border management. Even if the new law introduced new statuses such as conditional refugee or secondary refugee in order to give an end to confusions prior to the law, it has kept the geographical limitation in the asylum policy. The Commission perceives this as a drawback in Turkey's alignment with the EU where Turkey keeps its concerns about becoming a buffer zone between Europe and the Middle East as a result of lifting the limitation. Turkey's visa policy continued to be among the things that have fallen short in aligning with the EU due to lack of a unified visa system (discrimination among EU states) and disharmony with the EU's negative and positive list. This year the Commission also underlined the fact that Turkey's authorisation of national of certain countries to enter and stay in the country via an online electronic system does not exist in Schengen member states. With regard to border management, Turkey's progress was found to be poor due the lack of law on border security as well as a professional border security organisation. With respect to human trafficking, the non-adoption of a framework anti-trafficking law and the non-ratification

of the Convention on Action against Trafficking in Human Beings were pointed out as shortfalls. The new Law on Foreigners and International Protection, if well implemented, is expected to bring two developments: residence permits to victims or those strongly suspected of being victims of trafficking and the establishment of Department for the Protection of Victims of Human Trafficking within the GDMM. The Commission also reported that efforts need to be stepped up as regards the prosecution and prevention of human trafficking and identification and protection of victims. With respect to judicial cooperation, data protection law is needed for further collaboration in combating organised crime.

This special issue is coincided with two important anniversaries, the 50th anniversary of the Ankara Agreement and the 52nd anniversary of the guest worker agreement between Turkey and Germany.⁷

In 2013, Turkey's long journey to full EU membership came to a deadlock after half a century. In 1959, Turkey applied for associate membership of the European Economic Community (EEC). An association agreement (the Ankara Agreement) was signed in 1963 between Turkey and the EEC with a long-term target of customs union. After

Turkey's failed membership application to the EEC, a 1995 agreement created a customs union. Turkey was recognised as a candidate country in 1999 at the Helsinki Council and in 2005 the European Council began accession negotiations with Turkey. Since 2005, 13 out of 33 negotiation chapters have been opened and one chapter, Chapter 25 (Science and Research), has been provisionally closed. Because Turkey is not fulfilling its obligation of a non-discriminatory implementation of the Additional Protocol regarding free movement of goods (due to the Cyprus issue), the EU decided that eight negotiation chapters could not be opened and no chapter could be provisionally closed. With respect to the EU's commitments in opening Chapter 22 on regional policy is going to play a crucial role in breaking the stalemate in EU-Turkish relations.

2013 also marked the 52nd anniversary of the start of Turkish emigration to Germany. One of the most conspicuous dimensions of these phenomena in 2013 is the reverse trends of remittances flows between Turkey and Germany.⁸ For the first time in its history, the amount of remittances from Turkey to Germany accounted for 30% of the total incoming remittances to Germany. Moreover, the Central Bank of Turkey announced that remittance accounts

(migrants' savings) will be inactive starting from 2014 because the ratio of remittances to foreign exchange reserves has significantly dropped over the years (by 5.2% in 2013).

Germany continued to be one of the most crucial actors not only in the EU but also for Turkey's relations with the union.⁹ Recent elections in Germany will shape the relations between two countries in a number of ways.¹⁰ Finally, Turkey is hopeful from the Lithuanian EU Council presidency due to positive bilateral relations of past.

The issue of migration has been central to EU-Turkish relations and will be one of the most challenging issues to be managed in the negotiation processes. Thus, Chapter 24- Justice, Freedom and Security is and will be crucial for the future as well due to the political, social and economic complexities.

Against this background, this issue intends to shed light on the certain aspects of policies of migration in the case of Turkey and the role it plays in the EU-Turkish relations.

The first article in this special issue, "Renewed inter-institutional (im-) balance after the Lisbon Treaty? The external dimension of the EU's migration policy", is by Canan Ezel Tabur. Mapping out the legal and institutional framework

of EU migration policy after the Lisbon Treaty, she examines the renewed inter-institutional balance in the EU as it relates to the EU's policy towards its immediate neighbourhood and the candidate countries, including Turkey. With the entry into force of the Lisbon Treaty in December 2009, EU member states have committed themselves to the creation of "a common immigration policy". The author argues that despite the increasing "communitarisation" of EU migration policy over the past decade, the member states seek to control the impact of institutional constraints and support mechanisms by which they could exert national control over the EU policy-making process. In addition, the author critically assesses the external dimension in which the assertive responses of the member states to the purported migratory flows that have been associated with the EU's immediate neighbourhood, a subject particularly important to the older member states that have been subject to high levels of secondary migration movements within the EU. Tabur's contribution provides insights regarding the debate on the common migration policy of the EU with special reference to irregular migration and readmission agreements, the Schengen area, labour migration and mobility partnerships.

One of the most important aspects of the external dimension the EU's migration policy is visa policy. In her article "Visa Politics under JDP Rule with Respect to EU Visa Policies", Zeynep Özler analyses changes during the rule of the JDP government that have occurred in visa politics with regard to EU visa policies. The author takes note of the positive steps taken since 2002 while also drawing attention to the existing shortcomings. She argues that while Turkish nationals would like to enjoy visa-free travel rights despite stalling accession negotiations, some EU member states' strong resistance has created resentment in the Turkish public. She puts forward the argument that the JDP government's resort to a confrontational discourse with the EU and pragmatic moves towards a liberal visa policy with countries on the EU's negative list signals a drift away from the EU agenda. In her article, she also touches upon Turkey's fragmented passport regime. Considering the immense potential of visa policy for the resolution of the current deadlock as well as for calling into question the credibility of EU's policy of conditionality, her contribution provides a thorough analysis of policy developments and empirical research, as well as offering recommendations to policymakers for future prospects.

Migration has recently been framed as a source of fear and instability for the nation-states in the west in a way that leads to the construction of “communities of fear”. As regards multiculturalism, Ayhan Kaya’s article “Multiculturalism: Culturalization of What is Social and Political” is critically engaged in the elaboration of the ideology of multiculturalism in the European context, which is currently constrained by securitisation and the stigmatisation of migration and Islam. The author claims that both securitisation and Islamophobia have recently been employed by neo-liberal states as a form of governmentality in order to control the masses in ethnoculturally and religiously diverse societies at the expense of deepening the already existing cleavages between majority societies and minorities with a Muslim background. Kaya’s article also discusses the other side of the coin by referring to the revitalisation of the rhetoric of tolerance and multiculturalism by the Justice and Development Party rule in Turkey, the origins of which date back to the Ottoman times.

Although it is acknowledged as a serious crime and there is a sophisticated international legal process that addresses countering human trafficking, global efforts in preventing trafficking and protecting trafficked persons remain

a great challenge. Taking up the issue, Meltem Ergan provides a holistic and comprehensive approach to the trafficking in human beings in “Addressing Cross-Cutting Issues in Policy-Making in Human Trafficking: Recommendations for Turkey”. She argues that the phenomenon is connected to a number of cross-cutting issues, such as gender, labour, development and human security. With a special focus on Turkey, the author assesses current approaches in responding to challenges in line with cross-cutting issues, and defines the gaps to be considered in the efforts of prevention and protection. Additionally, she reflects on the Turkish government’s recent reforms on migration management to respond to new migration dynamics. Taking into consideration the fact that human trafficking has emerged as one of the major trans-national phenomenon affecting Turkey, Ergan’s arguments and policy recommendations are particularly important.

The Law on Foreigners and International Protection was adopted in April 2013 by the Turkish Grand National Assembly. The adoption of this new law reflects the aim to bring relevant Turkish legislation in line with EU standards. The preparation of the new law required the codification of most of the national laws on foreigners and the legal regulations on asylum and migration.

Esra Dardağan Kibar, critically analyses the impact of the Law on Foreigners and International Protection on the general statute of aliens in her paper entitled “An Overview and Discussion of the New Turkish Law on Foreigners and International Protection”. She focuses on the provisions regulating the entry, the residence and the expulsion of foreigners, and she particularly discusses the impact of the public policy priorities on the new legislation by giving a systematic comparison between the provisions of the new law and the previous legal regulations. In this context, this article aims to evaluate the challenge of public policy priorities on the goal to bring the new legislation in line with EU standards.

Return migration is one of the most significant dimensions of migration management in the case of Turkey. Barbara Pusch and Julia Splitt in their article, “Return Migration from Germany to Turkey and Binding the *Almancı* to the “Homeland”, focus on the return of Turkish citizens from Germany. After providing an overview of return migration with reference to notions of belonging and “homeland” from the Turkish perspective, the authors examine official Turkish state policies on return and integration policies. By doing so, Pusch and Splitt not only point to the changing nature

of these policies in general, but also look at rather new developments, such as the introduction of the *mavi kart* (blue kart) and the foundation of the *Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı* (Presidency of Turks Abroad and Related Communities), for binding highly educated *Almancı* to the homeland of their parents or grandparents. The authors argue that binding/bridging is an interesting subject for further research since it gives insights into the functioning of various “soft pillars” of Turkish foreign policy and the understanding of Turkishness.

As the Turkish state's position vis-à-vis the issue of international migration breaks away from the approach of “ignorance and neglect”, new questions arise about the state policies on immigration and emigration which have been discussed in separation in the literature on migration for a long time. In the final article of this special issue, Ahmet İçduygu and Damla B. Aksel, in their article entitled “Turkish Migration Policies: A Critical Historical Retrospective”, bring together these two domains in order to present a retrospective of the Turkish state's responses to the realities of immigration and emigration. They describe the migration patterns in Turkey by focusing on four decisive periods: a) the two-way immigration and emigration circulation in the early days of modern Turkey, b)

the migration boom of the 1960s, c) the emergence of new migration patterns in the 1980s and d) the new modes of migration governance since the 2000s. By looking into these patterns and the state responses to them, the authors analyse the diverging political rationalities of different epochs.

In the final article of this issue, Suna Gülfer Ihlamur-Öner touches upon a current debate on Syrian refugees in her article entitled “Turkey’s Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows”. After a historical overview of Turkey’s asylum regime since 1923, the author analyzes the response of Turkey to the Iraqi Kurdish refugee crisis in 1998 /1991 and Syrian refugee crisis since 2011. According to Ihlamur-Öner; in both crises Turkey created no-fly zones and safe havens for refugees outside of Turkish territory and inside the refugees’ country of origin. She argues that these two cases are significant, as they reflect the complex shifting nature of the

refugee crises and relief efforts in the post-Cold War era. In her article, the author questions the sustainability and limits of Turkey’s policy towards the Syrian refugees and calls for a need for a change not only in Turkey’s refugee policies but also in foreign policy vision.

Needless to say, there are many aspects such as irregular migration, asylum, deportation of foreigners, forced migration, etc. that we had no chance to touch upon in this issue but are critical for Turkish migration policy.

As the articles of this issue propose, Turkey’s prospective migration policies will be influenced both by the EU’s expectations and preferences and Turkey’s political will and institutional capacity. We would like thank all of our contributors, as well as participants of our workshop, for their invaluable efforts and time. Without the support of journal’s editorial board and referees, it would be impossible for us to complete this volume.

Endnotes

- 1 The workshop report can be downloaded at <http://ipc.sabanciuniv.edu/en/wp-content/uploads/2013/02/Workshop-Report.pdf> [last visited 12 December 2013].
- 2 The Mercator – IPC Fellowship Program allows international scholars and civil society activists from especially, but not exclusively, Germany to work on academic and practical projects at the Istanbul Policy Center (IPC) on three thematic areas: EU/German-Turkish relations, climate change and education. See, http://ipc.sabanciuniv.edu/en/about_fellowship/#sthash.R05wbgNT.dpuf [last visited 12 December 2013].
- 3 The selected articles can be found at <http://www.turkishpolicy.com/category/130/2013-1> [last visited 12 December 2013].
- 4 See USAK's related fieldwork on Syrian refugees, "Mayınlı Arazide Yürümenin Adı: Suriye'de Değişimi Zorlamak", *USAK Raporları*, No. 11-04, at http://www.usak.org.tr/usak_det.php?id=1&cat=817&h=#.UoYsiU05nIU [last visited 15 November 2013].
- 5 See Düvell's paper on Syrian refugee crisis for further debate on Turkey's transformation into a buffer zone, Franck Düvell, "Turkey, the Syrian Refugee Crisis and the Changing Dynamics of Transit Migration", *IE Med. Mediterranean Yearbook 2013*, at <http://www.iemed.org/observatori/arees-danalisi/arxius-adjunts/anuari/iemed-2013/Duvell%20Turkey%20Syrian%20Refugees%20EN.pdf> [last visited 15 November 2013].
- 6 This position is highly controversial since the European approach to migration is very security oriented in which third country nationals and entries from non-EU countries are seen as threats.
- 7 It is also 90th anniversary of the population exchange between Turkey and Greece, which was not covered in this issue.
- 8 For further information see, Seçil Paçacı Elitok, "Remittance Flows Between Germany and Turkey: Reverse Trend?", *IPC-MERCATOR Policy Brief*, (August 2013), at <http://ipc.sabanciuniv.edu/wp-content/uploads/2012/10/Remittance-Flows-Between-Germany-and-Turkey1.pdf> [last visited 15 November 2013].
- 9 Seçil Paçacı Elitok, "Turkey's Negotiations on Migration: One-on-One or One-on-Twenty Seven?", *IPC-MERCATOR Policy Brief*, (March 2013), at http://ipc.sabanciuniv.edu/en/wp-content/uploads/2013/04/secilelitok_TR_EU_migration1.pdf [last visited 18 November 2013].
- 10 Ebru Turhan, "The 2013 German Federal Elections: Key Determinants and Implications for German- Turkish Relations", *IPC-MERCATOR Policy Brief*, (November 2013), at <http://ipc.sabanciuniv.edu/wp-content/uploads/2013/11/2013-German-Federal-Election-Policy-Brief.pdf> [last visited 15 November 2013].

Renewed Inter-institutional (Im)balance after the Lisbon Treaty? The External Dimension of the EU's Migration Policy

Canan Ezel TABUR*

Abstract

With the commencement of the Lisbon Treaty in December 2009, the EU member states have committed themselves to the creation of “a common immigration policy”. Despite the increasing “communitarisation” of EU migration policy over the past decade, there has been a tendency to retain intergovernmental control over the EU policy-making process. The assertive responses of member states to purported migratory flows associated with the EU’s immediate neighbourhood, particularly the old member states subject to high levels of intra-EU secondary migration, are particularly resonant for the external dimension. Mapping out the legal and institutional framework of EU migration policy after the Lisbon Treaty, the article assesses the renewed inter-institutional balance in the EU related to policy towards the immediate neighbourhood and candidate countries.

Key Words

EU migration policy, external dimension, EU neighbourhood, Lisbon Treaty, EU policy-making.

Introduction

Over the past decade, there has been an increasing emphasis on integrating a comprehensive migration dimension into the EU’s external policies. In view of the migratory pressures on the EU, particularly from its broader neighbourhood, considerable efforts have been made to establish a dialogue with the main countries of origin and transit of migrants. Since the early 2000s, cooperation on irregular migration has become a precondition for an intensified partnership for third countries.¹ Parallel to the adoption of the “Global Approach to Migration” in 2005, the “need for a balanced, global, coherent approach covering policies to combat illegal migration and, in cooperation with third countries, harnessing the benefits of legal migration” has been accentuated.²

* Dr. Canan Ezel Tabur gained her Ph.D. in Contemporary European Studies at the University of Sussex in 2012. Her thesis, entitled “*The decision-making process in EU policy towards the Eastern neighbourhood: the case of immigration policy*,” examined how EU policy has been shaped by diverging national preferences and institutional influences concerning the external dimension of migration policy. Her research interests include EU and European immigration policies, European Neighbourhood Policy, Eastern Partnership, and comparative European politics.

Although the external dimension of the EU's migration policy has traditionally focused on the fight against irregular migration, the EU has been working on integrating different dimensions of migration in its cooperation particularly with the countries in its broader neighbourhood including the candidate countries for EU accession in recent years.

Despite the increasing “communitarisation” of EU migration policy over the past decade, there has been a tendency to retain intergovernmental control over the EU policy-making process.

In its initial years, the management of the external dimension of EU migration policy was largely undertaken by the intergovernmental circle of justice and home affairs officials. The role of EU institutions in the area of migration has been considerably enhanced since the ratification of the Amsterdam Treaty in 1999. Despite the commitments made towards the communitarisation of EU migration policy, there has been a tendency to retain intergovernmental control over the EU policy-making process. With the Lisbon Treaty, the EU member states have committed

themselves to the creation of a “common immigration policy” and reached a consensus regarding further communitarisation. Nevertheless, the analysis and calculation of the relative powers of the EU institutions have several aspects that need to be taken into account.³ Acknowledging this, this article explores the changes in the decision-making competences of EU institutions concerning the external dimension of migration introduced by the Lisbon Treaty. Thus, instead of making a judgment regarding the overall institutional balance, the article focuses solely on the decision-making dimension of the evolving inter-institutional dynamics. Parallel to the increasing emphasis that the EU has put on adopting a holistic approach to migration, this article aims to present a comprehensive, comparative study of the three policy areas which constitute the main framework of migration cooperation between the EU and the countries in its broader neighbourhood: (i) irregular migration, (ii) visas, and (iii) labour migration.

This article is composed of four sections: The first introduces the theoretical framework underlying this study, building on intergovernmentalism and new institutionalism. The second section presents a brief historical overview of EU-level cooperation on

migration policy since the ratification of the Maastricht Treaty. The third section maps out and examines legislative developments in the three policy areas being studied. Finally, the conclusion reflects on the post-Lisbon institutional dynamics based on these policy areas.

Intergovernmentalism vs. New-Institutionalism

Intergovernmentalism has been perceived in the literature as relevant to EU decision-making on the external dimension issues of migration. Migration policy fits into the category of so-called “high politics” issues that are subject to limited institutional constraints at the EU level. In 1966, Hoffmann introduced the term high politics to identify the policy domains in which member states seek to sustain their national control in line with state-centric theoretical approaches to the EU.⁴ Drawing on the intergovernmentalist approach to EU policy-making, Hoffmann argued that high politics issues are to a large extent dominated by inter-state negotiations and subjected to limited institutional constraints. Adopting a narrow definition of supranational decision-making, intergovernmentalist theories assert that the EU integration process does not lessen the power of national governments. Acknowledging that

European integration involves a “pooling of sovereignty” among member states, it is argued that “negotiation and coalition-building take place within the context of agreements between governments.”⁵ EU institutions are subject to member state influence and in particular to the superseding power of the European Council.⁶ Drawing on international relations, intergovernmentalist theoretical approaches to the EU predominantly put their state-centric models to trial with negotiations concerning further integration and treaty reforms among EU member states. On the other hand, the analytical tools of intergovernmentalist theories are also adjusted to explain the routine decision-making mechanism of the EU. This is mostly relevant to high politics areas that are central to national sovereignty.⁷

The limitations of the Treaty paved the way for increased dialogue and interchange among the member states outside of the EU framework.

This state-centric viewpoint clashes with the recent emphasis on the influence and constraints imposed on the EU decision-making process by the EU’s own institutional framework. When the complex institutional structures and

decision-making mechanisms of the EU are taken into account, explaining EU decision-making from the perspective of macro-level international relations theories appears challenging. The main criticism of the historical dominance of international relations theories in explaining EU decision-making has come from comparative politics scholars.⁸ Questioning the state-centric focus of the intergovernmentalist approach, Hix argues that the “internal institutional dynamic” created within the EU could influence state behaviour and preferences at the EU level.⁹ Drawing on comparative politics, Hix suggests using the new institutional approaches to the EU to analyse the “decision-making environment” within the EU. The new institutionalist approaches to politics stress the “role” of political institutions. Institutions are considered “political actors” with a certain level of independence.¹⁰ The fact that several variants of new institutionalism have emerged over the past few decades calls into question the extent to which new institutionalism is a “unified body of thought.”¹¹ Nevertheless, although each institutionalism has a different focus concerning actor-institution relations, they are connected by a common analytical ground.¹² Despite their differences, Hall and Taylor argue that an interchange, rather than strict

differentiation, among these variants could enhance the explanatory power of new institutionalism as each variant focuses on a partial dimension.¹³ In the EU context, despite their different views concerning the characteristics and extent of institutional influence, all three main variants of new institutionalism challenge intergovernmentalism’s sole focus on member states. Focusing on decision-making competences, this article examines the changing inter-institutional balance concerning the external dimension of the EU’s migration policy.

EU-level Cooperation in the Area of Migration

In 1992, the Maastricht Treaty was signed establishing a legal basis for EU level cooperation in the area of justice and home affairs. Defining this politically sensitive area as “common interest”, the Treaty of Maastricht asserted that the EU member states have the shared aim of developing “close cooperation on justice and home affairs”.¹⁴ Among the spheres of EU competence under Title VI of the Treaty on European Union (TEU) were asylum, borders, immigration, and the policies regarding documented and undocumented third country nationals.¹⁵ Due to the lack of consensus among the member states to

cede sovereignty during the negotiations in Maastricht, cooperation in the area of justice and home affairs was placed under the intergovernmental third pillar.¹⁶ As indicated in Article K.4 (3) TEU, the intergovernmental legal basis allowed the Council to act unanimously.¹⁷ Unlike the European Community pillar, the European Commission, according to Article K.3 (2) TEU, shared the competence to initiate legislative proposals with member states regarding asylum, borders, immigration, and third country nationals. The Commission and the Presidency of the Council of the EU, as stated in Article K.6 TEU, should inform and consult the European Parliament (EP), but the position of the Parliament was not binding on the member states.

Legislative developments in justice and home affairs policy were limited under the intergovernmental framework of the Maastricht Treaty. The decision-making process was prolonged due to the unanimity requirement and intricate decision-making for the adoption of measures. As a result, the member states were discouraged from cooperating within the narrow Treaty competence.¹⁸ Instead, the limitations of the Treaty paved the way for increased dialogue and interchange among the member states outside of the EU framework.¹⁹ Joint positions were adopted primarily to

control migratory pressures on the EU in the post-Maastricht period. Among these measures were the harmonisation of the list of countries whose nationals require a visa to cross EU borders and the transfer of responsibility to third parties, including the “carrier sanctions” that make the airline companies liable if they take undocumented migrants on board.²⁰ Despite its limited scope and the problems related to its effectiveness, EU level cooperation in the area of justice and home affairs under the Maastricht Treaty’s intergovernmental framework further impelled the member states, in view of their increased interdependence, to enhance commitment in migration policy.²¹

Since the ratification of the Amsterdam Treaty, there has been a growing consensus among member states regarding the enhancement of the external dimension of the EU’s immigration policy.

With the ratification of the Amsterdam Treaty in 1999, the member states approved the transfer of the items related to immigration and asylum from the intergovernmental domain to the Community to establish more comprehensive management at the EU level.²² The member states committed

to change the decision-making procedures, moving from unanimity in the Council to qualified majority voting and also granted co-decision powers to the EP. In line with reservations in the member states, an agreement was reached on a five-year transition period to fulfil the commitments made in Amsterdam regarding the adoption of the necessary legislation.²³ In October 1999, a European Council meeting was organised in Tampere to deal exclusively with issues of justice and home affairs.²⁴ This specialised summit resulted in a declaration to start working towards a common EU policy on migration and asylum with a multi-annual scheme. The European Council conclusions put forward firm targets and deadlines for the development of EU-level legislation directed towards “the creation of an area of justice, liberty and security.”²⁵

Since the ratification of the Amsterdam Treaty, there has been a growing consensus among member states regarding the enhancement of the external dimension of the EU’s immigration policy. Following Tampere, the European Council has adopted two multi-annual schemes regarding the course of action in justice and home affairs. Both the Hague Programme (2004-2009)²⁶ and the Stockholm Programme (2009-2014)²⁷ have incorporated a detailed external dimension to the EU’s justice

and home affairs policy. Through the introduction of these multi-annual programs, the European Council has acted as an “agenda setter” in the domain of justice and home affairs.²⁸ On the other hand, in line with the increasing use of co-decision procedure and the transfer of executive competences to the Commission, the resources and capacities of EU institutions with respect to the domain of migration have increased. The following section maps out the evolving legislative framework of EU cooperation with third countries in the areas of (i) irregular migration, (ii) visas, and (iii) labour migration.

Decision-making Competences after the Lisbon Treaty

Irregular migration and readmission agreements

The return of irregular migrants residing in the EU to the countries of transit or origin has been particularly important to the external dimension of the EU’s migration policy. Traditionally concluded at the national level, readmission agreements have become primary tools for member states to cooperate with each other and with third countries.²⁹ In 1999, the Amsterdam Treaty granted the Community the

competence to adopt measures in the area of irregular immigration and return of undocumented immigrants. Article 63(3) (b) (under Title IV of the TEC) introduced the call for the development of measures concerning “illegal immigration and illegal residence, including repatriation of illegal residents”, providing a legal basis for readmission agreements between the EC and third countries. Accordingly, the Community was given the competence to conclude readmission agreements with third countries on behalf of the EU.³⁰ At the Seville European Council in 2002, it was agreed that “any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration.”³¹ This requirement demonstrates the impulse towards using the leverage of partnership with the EU to help member states smooth the progress of returning undocumented immigrants.

Cooperation in the area of readmissions has been very important with the countries in the EU’s neighbourhood that are considered to be major transit points. Since the early 2000s, EU level readmission agreements have been concluded with several partner countries

in the Western Balkans and Eastern Europe.³² The concerns pertaining to transit migration to the EU through Turkey have become particularly evident following the endorsement of its full membership candidate status in 1999.³³ In 2002, the Council gave directives to the European Commission to negotiate a readmission agreement with Turkey.³⁴ Formally opened only in 2005 due mainly to the unwillingness of Turkey to commit to an EU-level readmission agreement, the negotiations on the draft agreement lasted until 2011.³⁵ It is clear that readmission agreements predominantly serve the interests of EU member states since the migratory pressures are on the EU rather than on the partner countries themselves. In its 2011 evaluation of EU level readmission agreements, the European Commission raised a number of issues that tend to impede EU readmission negotiations including the matter of readmission of third country nationals, the financial burden of readmissions, and the lack of incentives for third countries to sign readmission agreements.³⁶ For the EU-Turkey readmission agreement to be signed, Turkey has principally demanded the initiation of the visa liberalisation process in parallel with the readmission agreement.³⁷

Under the Amsterdam Treaty procedures, Community readmission

agreements were settled based on Article 300 (1) of the TEC which dealt with the conclusion of the international agreements that the EC acquired competences.³⁸ According to Article 300 (1) of the TEC, the Commission had the exclusive right to make recommendations regarding the conclusion of international agreements between the EC and third countries. Commission proposals regarding readmission agreements had to be approved by the Council acting with a qualified majority. After the approval of a proposal by the Council, the European Commission was responsible for the negotiation process with third countries. Although the Commission had a considerable role in leading the negotiation process on behalf of the EU, it was supposed to be in close contact with relevant Council working groups. Given that its policy position was not legally binding under the consultation procedure, the EP did not have strong influence in the readmission agreement negotiations with third countries under the pre-Lisbon procedures.

The negotiations between Turkey and the EU concerning the abolition of the visa requirement have been tightly linked to cooperation in the area of irregular migration.

When the Lisbon Treaty came into force in December 2009, the competences of the EU to conclude international agreements with third countries on managing the return of irregular migrants to their countries of origin or transit became explicit. Although the EU concluded several readmission agreements on the legal basis of the Treaty of Amsterdam, there was no direct reference to readmission agreements with third countries in the Treaty. Due to the lack of a clear mention, signing EC readmission agreements with third countries was identified as “implied” competence of the Community.³⁹ Article 79 (3) of the Treaty on the Functioning of the EU (TFEU), which replaced Article 63(3) of the TEC with the ratification of the Lisbon Treaty, explicitly refers to signing EU level readmission agreements stating that the EU could “conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.”⁴⁰

The EP’s role has been strengthened with the Lisbon Treaty with the introduction of the “consent requirement”. In line with Articles 79 (which incorporated the TEC 63(3)) and 218 (6) (a) (formerly Article 300 (3) of the TEC) of the

TFEU, the approval of the EP has become a requirement for the conclusion of readmission agreements.⁴¹ Under the consent procedure, the Council is bound by the post-Lisbon legal basis to take into account the position of the EP when concluding such agreements with third countries.

Schengen visa policy and visa facilitation

The Schengen Convention, signed in 1985, paved the way for the abolition of the internal borders among participating states.⁴² Keeping long term visas and resident permits as an exclusive national competence, the participating states agreed to harmonise short-stay visas to enable border crossing within the Schengen zone. In line with the demands of third countries regarding the enhancement of cross-border mobility, visa policies have become an important dimension of cooperation between the EU, the partners in the neighbourhood, and the candidate countries. Turkey, negotiating accession to the EU since 2005, has demanded the initiation of a visa liberalisation process in parallel with the signing of the readmission agreement. In June 2012, the Council's conclusions gave the mandate to the Commission "to take steps towards visa liberalisation as a gradual and long term perspective" alongside the signature

of the readmission agreements.⁴³ The negotiations between Turkey and the EU concerning the abolition of the visa requirement have been tightly linked to cooperation in the area of irregular migration.

According to Article 100c (1) of the TEC, the Council had the competence to determine the list of countries whose citizens needed a visa for (short-term) entry to the Schengen Area, voting unanimously on a Commission proposal. As stated in Article 100c (3), the voting requirement had changed from unanimity to qualified majority voting by January 1996.⁴⁴ This meant that the veto power of an individual member state concerning visa requirements for third countries was abolished. Yet the EP's role regarding the determination of the visa list was negligible in the sense that the Council was not required to take its position into account.

The Amsterdam Treaty integrated the Schengen *acquis*, initially negotiated outside the EU Treaty framework in an intergovernmental setting, into the EU's legal framework.⁴⁵ Referring to the adoption of measures in relation to "rules on visas for intended stays of no more than three months", Article 62 (2)(b) of the TEC created an EU level legal basis for short-stay visas.⁴⁶ The legal basis of the EU measures regarding visa

domain was only applicable to short-term Schengen visas. The member states which opted out of the Schengen *acquis* (i.e. Denmark, Ireland and the United Kingdom) were excluded in line with Schengen procedures.⁴⁷

As in readmission agreements, the EP was consulted by the Council before a decision was reached regarding the conclusion of an agreement with a third country.

In 2001, the member states adopted a regulation on the list of countries exempted or whose nationals are required to obtain a visa to enter the Schengen area.⁴⁸ The following procedure was relevant under the Amsterdam Treaty to amend the 2001 Regulation. Article 67 of the TEC stated that the proposals on the measures related to determining visa requirements or exemptions for third country nationals should be made solely by the Commission to the Council and the EP. The decisions on the proposals were taken in the Council by qualified majority. The EP did not occupy a very influential position due to the consultation procedure. Despite the extension of co-decision procedures in a number of areas related to the justice and home affairs field following

the adoption of the Hague Programme in November 2004, the competences of the EP concerning the visa lists remained unchanged.

The influence of the EP regarding short-term visa policy significantly increased after the ratification of the Lisbon Treaty in 2009, when Article 77 (2) of the TFEU replaced the 62 (2) (b) of the TEC on short-stay permits.⁴⁹ Ordinary legislative procedure⁵⁰ is extended to measures for determining the list of nationalities that are required to obtain a short-stay visa and those who may travel to the EU without a visa for short stays. The introduction of co-decision as well as the ordinary legislative procedure has given the EP the role of co-legislator alongside the Council regarding short-term visa policy.

Another significant policy tool that the EU has recently employed in the external dimension of migration is the conclusion of visa facilitation agreements.⁵¹ Such agreements are a means of compromise by which third countries consent to sign readmission agreements, thereby receiving modest mobility facilitation concessions in return.⁵² These agreements were particularly considered to accelerate readmission agreement negotiations with the EU's neighbourhood.⁵³ In 2004, the Hague Programme gave a "political mandate" to the possibility of coupling

EU readmission agreements with the facilitation of “the issuance of short-stay visas to third country nationals, where possible and on basis of reciprocity, as part of a real partnership in external relations including migration-related issues”.⁵⁴ The first visa facilitation agreement, signed with Russia, came into force in 2007. This was followed by the agreements concluded with a number of Eastern Partnership countries and candidate countries in the Western Balkans.⁵⁵

Mobility Partnerships allow voluntary cooperation between interested member states and partner countries, and the “tailor-made” bilateral cooperation between a partner country and a member state is made based on their mutual needs.

Under the Amsterdam Treaty procedures (described in Article 300 (1) of the TEC), the process of signing a visa facilitation agreement with a third country had to be initiated by a proposal from the European Commission.⁵⁶ After the Council’s approval to start negotiations is secured, the Commission held the main responsibility for negotiating with the third country.

However, the Commission was expected to maintain close contact with the relevant committees formed of member state representatives. The mandate and authorisation granted by the Council could, however, also limit the scope of the Commission’s action in the course of the negotiations.⁵⁷ As in readmission agreements, the EP was consulted by the Council before a decision was reached regarding the conclusion of an agreement with a third country. As in the case of readmission agreements, Article 218 of the TFEU (formerly Article 300 of the TEC) has increased the influence of the EP in relation to visa facilitation agreements.⁵⁸ After the ratification of the Lisbon Treaty, EP approval has become a legal requirement before a visa facilitation agreement can be signed.

Labour migration and mobility partnerships

The external dimension of the EU’s immigration policy has a rather narrow labour migration component. Behind this are mainly the longstanding reservations of certain EU member states that have become traditional migrant-receiving countries in the post-war period (particularly France, Germany and the United Kingdom). Being a policy area highly central to national interest and sovereignty, labour

migration remains a contentious topic because of the reluctance of member states to transfer their competences to the EU level. Nevertheless, in recent years, there has been a growing emphasis on the need for a more “comprehensive approach” to cooperation on migration, legal as well as irregular, in the framework of the EU’s renamed “Global Approach to Migration and Mobility” policy.⁵⁹ In its 2006 communication “Global Approach to Migration one year on”, the Commission emphasised the importance of responding to the needs of the labour market by allowing the admission of specific groups of migrants, such as highly-skilled or seasonal workers.⁶⁰ In its December 2006 conclusions, the European Council put forward the concept of “circular migration” as a policy tool to “strengthen and deepen international cooperation and dialogue with third countries of origin and transit, in a comprehensive and balanced manner.”⁶¹ The concept, originally proposed by France and Germany, refers mainly to “time-lined” temporary labour migration opportunities for partner countries in return for their cooperation with the EU and is primarily concerned with irregular migration.⁶² In 2007, the Commission presented the Mobility Partnerships proposal, which integrated the concept of temporary labour migration into the broader context of

EU cooperation with partner countries and migration management.⁶³ The aim was to incorporate cooperation with third countries regarding legal migration, irregular migration, and address the linkage between migration and development aspects in the source countries (such as brain drain and remittances). Mobility Partnerships allow voluntary cooperation between interested member states and partner countries, and the “tailor-made” bilateral cooperation between a partner country and a member state is made based on their mutual needs.⁶⁴ The EU has, to date, signed mobility partnership agreements with three countries in its eastern neighbourhood (Republic of Moldova, Georgia and Armenia) and two in its southern neighbourhood (Cape Verde and Morocco).⁶⁵

With the ratification of the Lisbon Treaty in December 2009, EU member states have lost their veto with respect to labour migration policy.

Regarding the treaty basis, already in 1999 with Article 63(3) (a) of the TEC, the Community acquired the competence to adopt measures regarding “conditions of entry and residence, and standards on procedures for the issue

by Member States of long-term visas and residence permits, including those for the purpose of family reunion”.⁶⁶ As such, the exclusive competence of the member states in determining the volume of economic migrants that could enter their labour markets was secured.⁶⁷

Due to the traditional liberal and pro-mobility approach of the EP, it could be argued that the changes in the decision-making procedures will have a significant impact in the course of EU level negotiations concerning visa policy.

According to the decision-making procedures indicated in Article 67 of the TEC, decisions related to the policy areas covered under Article 63 of the TEC had to be taken unanimously.⁶⁸ Although Article 67 of the TEC stated that the unanimity requirement would be abolished after a five-year transition period, legal migration areas were exempt from this requirement, as pointed out in Article 63 of the TEC, due to the reluctance of member states to give up their power of veto. In line with this exception, the Hague Programme did not provide a political mandate for the transfer of the legal migration domain to qualified majority voting. Due to their

veto power, the member states retained strong control over the decision-making process.⁶⁹

With the ratification of the Lisbon Treaty in December 2009, EU member states have lost their veto with respect to labour migration policy. Article 79(2) (a) of the TFEU has replaced Article 63(3) (a) regarding long-term visas and residence.⁷⁰ Under the ordinary legislative procedure, the decision-making procedure in the Council with respect to labour migration changed from unanimity to qualified majority voting in the Council. Under the Amsterdam Treaty, the EP had a limited level of involvement in the course of decision-making on legal migration due to the consultation procedure. With the Lisbon Treaty, the EP has become a co-legislator on migration alongside the Council. Despite further “communitarisation” of the policy area, Article 79(5) of the TFEU clearly protects “the right of the Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed”.⁷¹

Conclusion

The communitarisation process in the area of migration policy started with the Amsterdam Treaty, which triggered a gradual transfer of competences to EU

institutions. However, the legal basis of the EU was predominantly developed with respect to internal issues in the area of migration, while the external dimension is a rather novel phenomenon. This article investigated the relative competences of EU institutions and the decision-making procedures related to the external dimension of migration after the ratification of the Lisbon Treaty. The analysis above has demonstrated that the Lisbon Treaty empowers the EP *vis-à-vis* the Council by the extension of the ordinary legislative procedure. Among the areas analysed, the decision-making procedures concerning Schengen visa policy have significantly changed with the introduction of the ordinary legislative procedure. Due to the traditional liberal and pro-mobility approach of the EP, it could be argued that the changes in the decision-making procedures will have a significant impact in the course of EU level negotiations concerning visa policy. In the conclusion of readmission and visa facilitation agreements, the EP's role has also considerably increased as its approval has become obligatory to conclude international agreements. Regarding labour migration, the abolition of the unanimity requirement in the Council and the introduction of co-decision procedures could change the inter-institutional dynamics between the Council, EP and Commission. However,

the Lisbon Treaty safeguards the exclusive competences of the member states concerning the volume of economic migration to their territory.

The endorsement of the European Council as an EU institution could increase the impact of intergovernmental negotiations on the EU level policy-making process.

It should also be noted that, with the ratification of the Lisbon Treaty, the European Council has also become a full EU institution as stipulated in Article 13(1) TEU.⁷² The conclusions of the European Council meetings have an overriding authority to shape and influence EU decision-making. Issues related to justice and home affairs have been of particular importance to the European Council. The multi-annual programmes for the EU's justice and home affairs policy (Tampere, Hague and Stockholm) have provided substantial political support for the expansion of the external dimension of the EU's migration policy. EU institutions traditionally abide by the conclusions of the European Council due to its political authority.⁷³ On the other hand, according to Article 15 (1) of the TEU, the European Council cannot "exercise legislative

functions”. The Lisbon Treaty underlines that the exclusive role of the European Council is “political leadership” across all policy areas.⁷⁴ The endorsement

of the European Council as an EU institution could increase the impact of intergovernmental negotiations on the EU level policy-making process.

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Visa Politics under JDP Rule with Respect to EU Visa Policies

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Abstract

This paper analyses changes occurring in visa politics during the rule of the JDP government with respect to EU visa policies. The author takes note of the positive steps taken since 2002, while also drawing attention to existing shortcomings. While Turkish nationals would like to enjoy visa-free travel rights despite stalling accession negotiations, some member states' strong resistance has spurred resentment among the Turkish public. The JDP government's resort to confrontational discourse with the EU and pragmatic moves towards a liberal visa policy with countries on the EU's blacklist signals a drift away from the EU's agenda. Turkey's fragmented passport regime also raises concerns. Visa policy has immense potential for the resolution of the current deadlock as well as calling into question the credibility of EU's policy of conditionality. While providing a thorough analysis relying on policy developments and empirical research, this paper will offer recommendations to policymakers for future prospects.

Key Words

JDP government, reforms, migration, visa policy, passport regime, Schengen region.

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Introduction

The issue of migration management/ governance and visa politics as a policy tool to regulate and curb freedom of movement have become more salient in light of the recent political and social changes occurring in the region and the world. While the EU increasingly relies on the cooperation of third countries to regulate migration flows, Turkey's changing position in the Eurocentric international migration regime as an immigrant as well as a transit and emigrant country underlines its critical role and makes it an indispensable partner.

Using rationalist institutionalism and sociological / constructivist institutionalism, this paper will attempt to analyse the changes that have occurred in visa politics during the JDP government rule with respect to EU visa policies. The paper takes note of the positive steps taken since 2002, while also drawing attention to the existing shortcomings.

While the EU increasingly relies on the cooperation of third countries to regulate migration flows, Turkey's changing position in the Eurocentric international migration regime as an immigrant as well as a transit and emigrant country underlines its critical role and makes it an indispensable partner.

The paper will investigate to what extent Turkey's visa policies are in line with those of the EU and to unravel how far and to what extent the EU accession process has had an impact on the reform of Turkish migration policy-making with a particular focus on visa politics as a form of 'policing at the distance'. It will focus on the "new" visa regime of Turkey in the light of recent steps taken. It will also look at the question of how EU conditionality influences the Europeanisation and securitisation of visa policy in Turkey.

While Turkish nationals would like to enjoy visa-free travel rights despite stalled accession negotiations, and the JDP government have initiated major reforms, some EU member states' strong resistance have spurred resentment among the Turkish public. Also, the JDP government's recent use of a confrontational discourse with the EU

and pragmatic moves towards a liberal visa policy with countries on the EU's blacklist signals a drift away from EU norms. Turkey's fragmented passport regime also raises concerns.

Visa policy has immense potential for resolving the current deadlock, but it also calls into question the credibility of the EU's policy of conditionality. While providing a thorough analysis relying on policy developments and empirical research, this paper will offer recommendations to policymakers for the future.

Europeanisation at Work: A Theoretical Framework

The issue of migration management and regulating irregular migration is viewed as a part of the "Europeanisation" process. Although there is no consensus on how to define Europeanisation, the term is commonly used to mean "being influenced by the EU" or the "domestic impact of the EU."¹ More precisely, it refers to "processes of construction, diffusion and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms to a European model of governance, caused by forms of cooperation and integration in Europe."²

Constituting a key part of the EU's enlargement strategy, conditionality has become a successful element of its foreign policy. The conditionality refers to the fulfilment of conditions determined by the priorities of the promise of technical and financial assistance, association agreements and ultimately membership to influence the conduct of both non-member and non candidate countries. As in other policy fields, the conditionality for membership has proved to be a powerful instrument in the promotion of strict immigration control standards beyond the EU. Enlargement politics, and in particular the decision to make adoption of the complete EU and Schengen *acquis* compulsory upon candidate countries, have hence been used as vehicles to expand the territory of immigration control beyond the current member states.³

Within the studies of Europeanisation in general, and the studies of conditionality in particular, rationalist institutionalism and sociological/constructivist institutionalism are widely used. Rationalist institutionalism says that changes are stimulated by the utility maximisation of the domestic actors; whereas the sociological/constructivist institutionalism implies a model in which a socialisation process takes place and thus domestic actors internalise EU norms.⁴ These two principal approaches

represent two basic arguments of social action through which human action can be interpreted.⁵ Namely, these are respectively the “logic of consequences” and the “logic of appropriateness”. In the logic of consequences, action can be seen as being driven by a logic of rational and strategic behaviour that anticipates consequences and is based on given preferences, whereas in the latter, behaviour is guided by notions of identity and roles shaped by the institutional context in which actors operate.⁶ Furthermore, rationalist institutionalism is driven by rule-based (external) constraints, whereas sociological institutionalism involves norm-based (internal) constraints.

Having said this, the two arguments of political action outlined above are not mutually exclusive since political action cannot generally be explained either as based exclusively on a logic of consequences or exclusively on a logic of appropriateness and probably involves elements of each.⁷ As hard as it is to differentiate between the two, it is equally hard to determine with certainty and clarity under which conditions the respective models operate.

This article will make use of the “external incentives model” of rationalist institutionalism according to which the EU tends to reach the desired outcome

in the candidate country by means of “reinforcement through reward and punishment”. Also, cost-benefit calculations are acknowledged as the main reason why candidate countries comply with the EU’s conditionality. Therefore, the behaviour of candidate countries changes depending on their cost-benefit calculations, which may result either in compliance or non-compliance with the conditions laid down by the EU. The most common hypothesis of this model with respect to the reinforcement by reward strategy is “a government adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs”.⁸

In this article, I will refer frequently to the “credibility of conditionality”, which refers to the EU’s threat of withholding rewards if the candidate countries do not comply with the EU’s conditions and to the EU’s promise to deliver the reward if the candidate countries are successful in terms of rule adoption. Also, regarding the domestic adoption costs, the hypothesis is as follows: if the veto players are few and the adoption costs are small, then it is highly likely that rule adoption will take place.⁹

Turning to the sociological/constructivist institutionalism, the underlying rationale behind it is that in spite of any material gains/incentives,

candidate countries deem that EU norms and values have fundamental importance.¹⁰ And therefore, they aim to internalise those norms and values through the processes of socialisation and persuasion.

The implications of transit migration from the perspective of Turkish-EU relations have come to the fore, especially after Turkey was granted candidacy, and even more so after the accession negotiations with the EU started in 2005.

Based on the social learning model derived from sociological/constructivist institutionalism, rationalist explanations of conditionality are challenged. This model aims to explain how international organisations can influence state actors based on sociological premises and make them comply with their norms and values. In the EU’s case, the EU is seen as an international organisation with its shared norms and values; whereas candidate countries are seen as state actors who adopt the EU rules and comply with the EU’s conditions if and only if they feel persuaded and confident about the ‘appropriateness’ of those rules.¹¹

I argue that although the two approaches are not mutually exclusive and may be complementary,¹² the external incentives approach is more suitable in explaining candidate country Europeanisation due to the use of conditionality in the accession process.¹³ Thus, this paper argues that without disregarding the role and influence of social learning, the external incentives model better explains Turkey's rule adoption in the area of visa politics.

Turkey's Changing Position in the Eurocentric Migration Regime and EU Processes

Although Turkey is generally acknowledged as a "country of emigration" based on its experience with the migration of "guest workers" to Western European countries since the early 1960s, migratory inflows in recent years to Turkey has transformed it into to a "country of immigration". Yet more strikingly Turkey, standing at the crossroads of Asia, Europe and Africa, is becoming a transit country for all those migrants who, in pursuit of better life chances and due to political changes in the international arena, are trying to reach EU countries.

Since the 1990s, parallel to the marked increase in the number of irregular

migrants using Turkey as a transit country, irregular migration has attracted more scholarly attention. Also, the implications of transit migration from the perspective of Turkish-EU relations have come to the fore, especially after Turkey was granted candidacy, and even more so after the accession negotiations with the EU started in 2005. Recently, following the Arab revolts and refugee flows triggered by the changes in the Middle East and North Africa, and as EU and Turkey re-position themselves as key stakeholders in the region, Turkey's role has become more prominent as an influential regional actor and recipient of refugees.

Despite the stalemate in the accession negotiations due to the unresolved Cyprus problem and unilateral delaying tactics by some member states, the JDP government's efforts to harmonise Turkish policy and legislation with that of the relevant EU legislation and to meet the obligations put forth by the EU in Chapter 24: Justice, Freedom and Security of *acquis* are ongoing. To this end, significant legal and policy changes have been made so far and many are underway, whereas progress is still lagging behind in some areas. In an effort to curb irregular migration that is driven by the EU accession process, the JDP government has had to introduce new measures, among which are increasing efforts to reinforce border controls and

surveillance mechanisms, as well as starting negotiations on a readmission agreement with the EU.

Following the Arab revolts and refugee flows triggered by the changes in the Middle East and North Africa, and as EU and Turkey re-position themselves as key stakeholders in the region, Turkey's role has become more prominent as an influential regional actor and recipient of refugees.

Visa politics as a form of “policing at the distance” to prevent irregular migration can be regarded as a stumbling block or a resistance point not only in the course of preparations regarding the Justice, Freedom and Security chapter but also for Turkey's EU accession. It offers a generous terrain for testing the limits of EU's policy of conditionality and contrasting the models of the “external incentives model” and the “social learning model” that come from rationalist institutionalism and sociological/constructivist institutionalism respectively.

Visa Politics

In today's world, visas are effective instruments in the hands of nation-states

for controlling migration flows. This notion is closely linked to “the almost inevitable outcome of the Westphalian state” or “inherent in the very nature of sovereignty.”¹⁴ In line with their economic or political interests, nation-states have formulated visa policies that enable them to facilitate free movement for citizens of some countries while limiting this very right to others. “The resulting system is one of highly unequal access to foreign spaces, reinforcing existing inequalities”. Visa restrictions manifest states' unfaltering willingness to monitor, regulate and control entrance to their territory in a globalised world”.¹⁵ “In order to guarantee security and order a state has to keep a close eye on who enters its territory and must be able to refuse entry” argued Bertellsmann¹⁶ in his study on the passport system just before the First World War.

The EU, as a *sui generis* supra-national organisation, is a safe and attractive haven for potential migrants due to perceived accumulated wealth, vast and promising educational and work opportunities as well as access to generous social security. The EU has devised such strict policies to curb the inflows of people into the EU that it has attracted criticism and have led to discussions about the making of a “Fortress Europe”. These developments are closely related to the development of the Schengen region. As the member

states of the EU internally abolished border controls, paving the way for free movement of goods, capital, services and people, they opted to strengthen the rules for those outside the Schengen region.

In the creation of the Schengen region, the dividing line between a free, secure and just inside (internal space) was clearly drawn and safeguarded from the outside (external space). With Schengen rules and regulations incorporated in the EU *acquis* with the Amsterdam Treaty, the Central and Eastern European Countries (CEEC) had to adopt and fully align with the Schengen rules upon accession. This meant that they not only had to import the border control policies of the other member states, which required costly legal and technical changes, but they also had to give up the open-borders policy approach towards neighbouring countries and impose visas for states that are included in the EU's blacklist. While the border controls has meant making life harder between Poland and Ukraine, the latter resulted in compulsory visas for all Western Balkan countries (except Croatia) and Russia, Ukraine and Moldova among others.

In order to preserve the Schengen region and to regulate mobility, the EU has devised its own visa policy. For the EU, the first line of border control starts

directly in third countries, whereas the second line is the border itself.¹⁷ Visas therefore play an important role in “policing at a distance”.¹⁸ For outsiders, the entrance pass to this privileged area is obtaining a Schengen visa, which is valid for short-stays for up to 90 in 180 days and, depending on the visa type (single or multiple), allows the holder entry into other Schengen countries. However, it should be noted that even if one possesses a valid visa, the final decision is taken by the border guard; in other words the visa doesn't by itself guarantee entry into a foreign territory.

The visa liberalisation process has been successfully used as an influential foreign policy and integration tool which has helped the EU to increase its soft power and improve its international image.

The EU Visa Regulation of 539/2001 lists countries that need to be in possession of visas upon entry into the EU (the so-called blacklist) as well as countries that the citizens of which are not required to obtain visas (the whitelist). This differentiation itself is a clear display of the EU's threat perception regarding some countries, while others are prejudged to be safe. To expand on

that with the regulation, the world was divided into four categories of citizens: i) EU citizens, ii) citizens of countries in the European Economic Area, iii) favoured third countries (whitelist) and iv) other countries on the blacklist.¹⁹

Turkey's behaviour as a long-standing candidate country depends on its own cost-benefit calculations, which may result either in compliance or non-compliance with the conditions laid down by the EU.

Inevitably, as the EU enlarged it externalised its security logic onto the newcomers. With the fifth wave of enlargement, which resulted in the accession of Central and Eastern European countries, stabilisation of the neighbourhood gained importance. According to Trauner and Kruse:

[the] shifting of the EU's border policies to the CEECs has created a need for a new security approach in the neighbourhood. This approach is defined as the explicit attempt of the EU to balance security concerns and external stabilisation needs. In offering more relaxed travel conditions in exchange for the signing of an EC readmission agreement and reforming domestic justice and home affairs, the EU found a new way to press for reforms in neighbouring countries.

The first implementation of this policy on the ground was the case of the Western Balkan countries. In return for visa facilitation, the individual Balkan countries signed EU readmission agreements and based on a case-by-case analysis of their comprehensive justice and home affairs reforms, such as document security, migration and asylum management, fight with organised crime, trafficking and corruption, first Macedonia, Serbia and Montenegro (in November 2009) and later Albania and Bosnia Herzegovina (in December 2010) were granted the right to visa-free travel. Given the relative success of the package approach of the EU linking visa facilitation with readmission (despite the lack of direct link), the EU continues to pursue this approach towards Eastern Partnership countries as well as Turkey.

The visa liberalisation process has been successfully used as an influential foreign policy and integration tool which has helped the EU to increase its soft power and improve its international image.²⁰ However, it is not a magical formula, which works smoothly in all cases. The outcome is highly contingent on the credibility of the conditionality policy of the EU and the perceived strength of benefits that are likely to be attained at the end, weighed against the costs.

However, the absence of clear and concise guidelines and lack of a visa

roadmap dramatically hampers EU influence. The reforms that are underway are taking longer to be implemented than planned. In relation to critical reforms demanded by the EU, such as lifting the geographical limitation on the Geneva Convention, Turkey is clearly reluctant to take further steps. The 2012 deadline has long been put aside and the deadline has been postponed to an unknown date “in line with the EU process and conclusion of accession negotiations”.

Furthermore, in the absence of clear and concise rules on how to obtain visa liberalisation as well as a mutual lack of political will, and in an environment of mistrust and “accession fatigue” felt by Turkey due to the stalemate in negotiations and ambiguous messages from the EU, the “package approach” of the EU- visa facilitation in return for readmission- will have problems. This bleak view is an outcome of insufficient external incentives offered by the EU as foreseen by rationalist institutionalism and logic of consequences as mentioned in the theoretical framework. The external incentives model in rationalist institutionalism predicts that the EU will tend to reach the desired outcome in the candidate country by means of reinforcement through reward and punishment. Also, cost-benefit calculations are acknowledged as the main driver for candidate countries to

comply with the EU’s conditionality. Therefore, Turkey’s behaviour as a long-standing candidate country depends on its own cost-benefit calculations, which may result either in compliance or non-compliance with the conditions laid down by the EU. In the view of the Turkish government, the benefits of the EU’s rewards fall short of exceeding the domestic adoption costs due to uncertainty and lack of tangible benefits. Therefore, the reinforcement by reward strategy is far from being totally effective. However, in order not to jeopardise the deeply-rooted bilateral ties and the objective of EU membership, Turkish officials look for alternative routes.

Even though the customs union between the EU and Turkey allows for the free movement of goods, businessmen cannot move freely because of visa requirements.

In order to address this negative development, Turkish officials, academics and NGOs have been asking to invoke the rights that were envisaged in the 1963 Association Agreement and its Additional Protocol and confirmed by numerous decisions of the European Court of Justice (ECJ), most notably the “Soysal” case of February 2009.²¹

Although the Soysal judgment was a milestone, it has had limited impact on the ground due to the indifference and political resistance of some EU member states.

The shadow of the past, where fears of a Turkish migration wave prevailed, still exists and does not take into account Turkey's new economic and political reality.

Although various segments of Turkish society have been negatively affected by the Schengen requirement, the Turkish business community is perhaps the most affected. Even though the customs union between the EU and Turkey allows for the free movement of goods, businessmen cannot move freely because of visa requirements. Sometimes the visa application procedure takes so long that when a visa is finally issued it is of no longer any use because they have already missed an important business appointment. Also, the nature (violation of privacy and confidentiality) and number of the required documents (exceeding 20) have tremendously damaged Turkish businessmen who have lost many of their international professional contacts. These visa requirements create unfair competition,

thus violating not only the provisions of the customs union but also of the Article 41(1) of the Additional Protocol of the Ankara Agreement.

In addition, their European counterparts are either exempt from the visa requirement or are able to acquire visas at the airport upon arrival by paying just a very small fee of 15 euros. This in turn puts Turkish businessmen in a disadvantaged position and hampers bargaining. It becomes extremely difficult for them to conduct regular business relations, let alone initiate new business deals. It should also be noted that Turkey is the only candidate country to be in the customs union prior to EU membership. This particular situation accompanied by the visa barrier has sparked debates about the need to re-evaluate and even to re-negotiate the customs union.

There are studies that reveal the negative impacts of the visa requirements for Turkish nationals on trade, education and tourism. These impacts cause widespread resentment among the Turkish public, which in some cases has led to reactive EU opposition. Turkey has had an association relation with the EU since 1963, has been a party to the customs union since 1996 and it has been a candidate since 2005. Therefore, it is important for both Turkey and the EU to establish sound relations and tackle deep-

rooted prejudices and misperceptions in order for both sides to be well-prepared for Turkey's full membership. Lifting the obstacles hindering the free movement is an effective tool of Europeanisation and would be a significant step towards increased interaction at the civil society level. This would be in accordance with the strategy proposed²² by the European Commission whereby there would be three pillars, with the third one concerning the creation and maintenance of political and cultural dialogue between both sides' civil societies.

Although Turkey is neither the migrant-sending country as in the 1960s nor the political asylum-seeking country of the 1980s, the strict visa policy for Turkish nationals that dates back to 1980 has remained intact. The shadow of the past, where fears of a Turkish migration wave prevailed, still exists and does not take into account Turkey's new economic and political reality.

The findings of the EUImagine project support this claim. The project is to date the most comprehensive study on how Europe is perceived from outside the EU in countries like Turkey, and how these perceptions affect migrants' aspirations and decisions. The project shows that the rigid restrictions on freedom of movement for Turkish citizens could be lifted or relaxed since the majority of

Turkish respondents report they would prefer staying in Turkey over going abroad. In light of the severe economic crisis and the widespread xenophobia and discrimination in Europe, Europe is no longer the "promised land". This refutes the conventional wisdom held by European policy circles.

However, the low level of aspiration to migrate to Europe should not be interpreted as high citizen satisfaction. There are important lessons for the JDP government. The perception of Europe among Turkish respondents in terms of human rights and democracy is positive. In other words, Turkish people still look up to Europe. Major areas where respondents express discontent for living in Turkey are gender inequality and limitations on freedom of expression.

This year's United Nations Development Programme's Human Development Index is another reliable source which supports the above findings. Steady economic growth and an increase in national income don't automatically translate into strong development in social indicators. The index takes into account many facets of development, including women's empowerment, literacy rates, and environmental conditions, and ranks countries on a score between 0 and 1. Turkey's index figure for 2012 was calculated as 0.722,

positioning the country 90th out of 187 countries and territories. This clearly shows Turkey has faced challenges translating its robust economy into social development. The country has a low female labour participation rate at 28.1%, while mean years of schooling for females stands at only 6.5 years.²³

Irregular Migration

Turkey's transformation from a migrant-sending country to a significant hub and transit point for irregular migrants has been causing serious concerns to some EU member states and makes them hesitant to accept the lifting of visa restrictions. According to Frontex's 2012 Annual Risk Analysis Report, the border between Greece and Turkey is likely to remain one of the areas with the highest number of detections of illegal border crossing along the external border. More and more migrants are expected to take advantage of Turkish visa policies, says Frontex, and, with the expansion of Turkish airlines carrying more passengers to more destinations, more will transit through Turkish borders and subsequently attempt to illegally enter the EU.²⁴

While the Greek-Turkey border is seen as a hot spot for irregular crossings and this is attributed largely to Turkey's liberal visa regime, the situation along

the Greek-Albanian border points to a different reality. As pointed out in the same Frontex report, while the Greek-Albanian border used to be one of the main entry points of irregular migration, the number of illegal border crossing dropped from 35,300 to 5,270. This follows the introduction of a visa-free regime for Albanians as of 21 December 2010. In other words, the visa-free regime for Albanians has not led to more abuses or dramatic increases in irregular crossings.

Turkey's asylum system is in the process of changing from an out-camp system, the satellite city system, to an in-camp system, which involves the European style of camps, with an obligation for asylum seekers to live in a centre that is managed by the authorities.

It is true that Turkey is an important land route for migrants coming from Africa, the Middle East and Asia with the aim of going to the Schengen countries. However, it is apparent that neither the use of military/police forces nor the creation of fences will offer long-term solutions to the problem of irregular migration. The first ever deployment of Rapid Border Intervention Teams (RABITs) and the

announcement of building a wall on the 12.5 km Greek border near the Evros River are measures that intensify the feeling among Turks that Turkey is not perceived as a valuable partner but rather as the “other” that needs to be kept at the gate. Here again, despite asking Turkey to be a staunch ally and watchdog at the crossings, little financial and technical assistance and cooperation is offered. However, as laid down in sociological/constructivist institutionalism, in spite of any material gains/incentives, Turkey aims to internalise EU norms and values through the processes of socialisation and persuasion.

Twinning projects are a good example of internalisation of norms. Twinning projects are in place to equip Turkey with mechanisms to control and manage influxes of migrants that are in line with the EU *acquis* through bilateral exchanges of experts on site visits and the exchange of information. For example, the goal of one of the twinning projects is to set up a reception centre for providing accommodation to asylum seekers and refugees. For instance the reception centre in Van, the city closest to the Iranian border, the construction of which began in 2011, will have the capacity for 750 people. For some “Turkey’s asylum system is in the process of changing from an out-camp system, the satellite city system, to an in-camp

system, which involves the European style of camps, with an obligation for asylum seekers to live in a centre that is managed by the authorities”.²⁵ Also, “detention camps” are created whose objective is to control illegal immigrants who must be expelled and to provide them with accommodation during the repatriation process. In this way, Turkey is integrating more than ever into the camp of Europe.²⁶

Despite inadequate financial assistance and little encouragement from the EU, the JDP government is working hard to carry out major reforms in the field of justice and home affairs is often neglected.

As mentioned in the meeting minutes of the reform monitoring committee,²⁷ work on creating a law on combating human trafficking and protecting the victims as well as the law on border protection are progressing. Regarding integrated border management, there will be a gradual transition to a civilian management of the Turkish borders based on a controversial issue for Turkey given its geographical location and the security concerns arising from anti-terror measures. Also, a recent

significant development is the signing of memoranda of understanding that outlines the main areas of the practical cooperation to be developed in the field of preventing irregular migration between Turkey and Frontex signed on 28 May 2012. It envisages sharing experience and information with Frontex and conducting joint assessment as well projects concerning mixed migration flows, which shows “Turkey’s determination to combat irregular migration”.²⁸ The signing of this memoranda points to the will to work together despite little incentive on the visa front and this is a clear indication that the role and influence of social learning cannot be denied. However, in the absence of substantial rewards, to what extent can social learning determine the outcome of actions by Turkey in critical areas?

Turkey still has plenty of room for improvement but it is trying to put forward reforms despite the lack of significant incentives and much ambiguity from the EU.

Despite such good-willed efforts by the JDP government, among all the candidate and potential candidate countries, Turkey remains the only

state without an official EU roadmap towards visa-free travel. After granting visa-free travel to the Western Balkan countries, the EU has paved the way for visa-free travel for Eastern Partnership countries- initially Georgia, Moldova and Ukraine followed later by Armenia and Azerbaijan, with Belarus being the next- to enhance business opportunities and to facilitate interpersonal contacts. Unfortunately, the same level of political support does not exist in the case of Turkey. The application of the visa code-dating to 5 April 2010- and European Commission’s decision of 13 October 2011 on a harmonised list of documents are far from being an effective panacea to the current problems experienced by different segments of Turkish society.

European officials often use technical criteria for the resolution of the visa deadlock and assert that, unlike Western Balkans, the JDP government has not fulfilled conditions ranging from readmission agreement to border management. The fact, however, that, despite inadequate financial assistance and little encouragement from the EU, the JDP government is working hard to carry out major reforms in the field of justice and home affairs is often neglected. The introduction of biometric passports in June 2010, the drafting of a framework law on foreigners and international protection

by the Migration and Asylum Bureau of the Turkish Ministry of Interior, which was inspired by and goes beyond EU standards, and the efforts in order to put forward an integrated border management strategy that will increase the number of readmissions and asylum capacity during a critical point because of the turmoil in the Arab region and the refugee inflows from Syria are significant measures that should not be overlooked. It can be argued that Turkey still has plenty of room for improvement but it is trying to put forward reforms despite the lack of significant incentives and much ambiguity from the EU.

The prerequisite for a visa roadmap is the signing of an EU-Turkey readmission agreement. In general, readmission agreements represent “relations among unequals” as the obligations contained in readmission agreements are typically unequal, although framed in a reciprocal context. As argued very convincingly by Cassarino, inequality lies in the structural institutional and legal capacity of the contracting parties to deal with the removal of aliens, whether citizens of the contracting parties or of third countries, but also in the asymmetrical impact of the implementation of the agreement.

As revealed by many case studies, readmission agreements largely work in the interest of the EU. The negotiations

therefore depends very much of the ‘leverage’ at the Commission’s disposal, i.e. of sufficiently strong incentives to obtain the cooperation of relevant third countries on readmission. Therefore, the costs and benefits of such cooperation need to be evaluated. While signing a readmission agreement might bring tangible and intangible benefits to signatories of both sides, “the costs of a readmission agreement are borne predominantly by the solicited state”.²⁹ In the Turkish case, all the costs related to substantial structural institutional and legal reforms should be borne by the JDP government, and even if bold political steps are taken, this does not guarantee public support in the medium to long term.

One other problematic area is assessing the number of returnees expected from EU member states after the readmission agreement takes effect.³⁰ Hence, it is almost impossible to foresee the “costs”, be they number of personnel and administrative capacities needed, as well as the number of detention centres and the extent of reintegration programmes deemed necessary. Also, if readmitted migrants do receive any reintegration support in their home countries, there is nothing that prevents them from trying to enter the EU again.³¹ For example, the number of people that the EU will have to return to Turkey is unknown.

Although a study is underway to assess the “impact” of a possible EU-Turkey readmission agreement, there is much speculation about numbers since reliable statistical data on returns is missing. For example, Eurostat reports about 4,300 returns of Russians from member states, but according to the member states only 500 effective returns took place under the EU Readmission Agreement with Russia.³² Just to give an idea, there were a total of 21,542 return orders issued for Afghans in Greece, but only 745 effective returns due to the difficulties in implementing the return agreement with Turkey.

Turkey’s official position is to sign the readmission agreement only when the EU explicitly commits itself to offering visa liberalisation to Turkish nationals.

If the EU seeks to transfer responsibilities, which do not entail any advantages for the respective non-member state, cooperation will only be possible if it does not offer some sort of compensation that is high enough to change the cost-benefit analysis of negotiation partners by balancing out the negative consequences of cooperation.³³ So common sense

dictates that benefits for states, which may include different measures such as special trade concessions, accession to a regional trading bloc, preferential cooperation, increased development aid and entry visa facilitations, should act as powerful incentives to sign readmission agreements. Also, gaining further international legitimacy might act as an additional factor in the decision making. In the comprehensive evaluation of the readmission agreements put forth by the European Commission, the lack of incentives is stated as an important reason as to why the EU has been unable to start negotiations with some third countries and while it has failed to advance in others. Admitting that “these agreements have few benefits for third country concerned”,³⁴ something in exchange should be offered. Of course, this differs from a third country to the other. While visa facilitation sufficed for Russia and Ukraine, Algeria, China, Morocco and Turkey ask for “visa measures”, much to the EU’s discontent. In the same report, it is stated that “another incentive with great potential is financial assistance for implementing the agreement.... It could be quite efficient as leverage, provided the money offered is substantial and comes on top of what has already been programmed or promised under the relevant EU geographic programs”.³⁵ Furthermore, it is acknowledged that

a fundamental shift is needed with respect to incentives. Visa-related policy tools and financial assistance should be strengthened with a global approach to migration and opportunities for legal migration. The Commission recommends that readmission policy be revised and incentives at the EU's disposal be developed into a coherent mobility package. Also, EU's readmission policy should be firmly embedded in the external relations policies of the EU. The readmission agreement is a critical test in assessing the strength of the EU's conditionality and the decision-making matrix of Turkey. So far it is apparent that the anticipated costs outweigh benefits and influence the decision to sign or not to sign the agreement.

Turning back to the issue of an EU-Turkey readmission agreement, the negotiations which started in 2003 have been in deadlock for a long time because of major disagreements between the two sides. A readmission agreement, because of its asymmetrical nature, is clearly and disproportionately to the disadvantage of Turkey since it will have to carry most of the burdens. However, since the reset of negotiations, Turkish officials have worked in close cooperation and in a constructive manner with their European counterparts based on the principle of the "fair burden sharing". After long negotiations, which were

held behind closed doors, the text was approved in the Justice and Home Affairs meeting of 24 February 2011. However, a vague mention of the "visa dialogue and mobility for Turkish citizens" was far from meeting Turkey's expectations. Additionally, a last minute insertion of a new paragraph, which explicitly stated that this dialogue does not constitute a negotiating mandate, made valid Turkish fears.³⁶ Since then, Turkey's official position is to sign the readmission agreement only when the EU explicitly commits itself to offering visa liberalisation to Turkish nationals.

The JDP government's declaration is almost "breaking the routine" for the EU, which had established the pattern of granting visa facilitation with the Western Balkan countries in return for, among other things, readmission agreements ensuring third country nationals could be returned to the country they had crossed to enter the Schengen region. For Turkey, visa facilitation by the EU is not a sufficient incentive. In fact, it is perceived as a step backwards because Turkish citizens already have the legal right to travel without a visa, even though member states' resist the practice of this right.

It is worth mentioning the results of a project regarding the implementation of the Visa Facilitation Agreements (VFA)

in the Western Balkans. The project, to put it bluntly, meant that the “visa facilitation does not really matter”.³⁷ With visa facilitation, the desired positive effects seem have not come or have been offset by other delays and costs. Strikingly enough, with VFAs in force, it has become harder, not easier, to obtain visas compared with the past.

Turkey’s level of alignment with the EU in the field of justice and home affairs is closely related to its perceived EU membership prospects.

Turkish EU Minister and Chief Negotiator Egemen Bağış constantly highlights this point when he advocates for visa liberalisation. However, some EU member states have been claiming that Turkey already enjoys visa facilitation.³⁸ This line of reasoning refers to the fragmented Turkish passport regime and specifically to the fact that special or green passport holders can already benefit from visa-free travel. Special passports are issued to former members of the Grand National Assembly, former ministers, first-, second- or third-grade public servants and pensioners, mayors as well as to the spouses and children (with limitations) of special passport holders.³⁹ This has led many European officials to

suggest to Turkey that it issue more green passports as an alternative for resolving the visa problem. In the same vein, it is also argued that the widespread use of green passports is one of the reasons that the Turkish state did not focus enough or turned a blind eye to the visa problems and refrained from adopting a more proactive stance on the issue when there were suitable opportunities- e.g. when the EU Visa Regulation of 539/2001 was amended in order to move the Western Balkan countries to the visa-free list of countries. Here it should be noted that the fragmented passport regime is no way a policy of the JDP government *per se*, rather it is the continuation of a bureaucratic tradition put in place long time ago. Only with the JDP government taking bold steps towards the resolution of the visa problem has brought to light this long-ignored Turkish policy.

Going back to the link between visa facilitation and readmission, in order the EU to be able to effectively “sell” the readmission agreement to Turkey, it has to offer a set of well-defined rules leading to visa liberalisation. An obscure mention of “visa dialogue” is not enough to convince Turkish politicians and officials to carry out costly reforms. In Turkey’s decision-making matrix, and in line with the external incentives model, the costs associated with readmission are regarded as higher than the benefits offered by visa

facilitation. Only visa liberalisation is seen as able to offset the disadvantages of readmission, or to put it differently, visa facilitation is not a sufficient incentive. Unlike previous governments, the AKP government, highly self-confident due to robust economic growth in midst of a European economic crisis, seems to offer “reversed conditionality”,⁴⁰ arguing it will not sign a readmission agreement until the EU resolves the visa problem.

Furthermore, the JDP government fears that even if all the reforms are accomplished and the technical criteria are met, the right to visa-free travel might still not be granted due to lack of political will of some EU member states. This can be seen as the ‘Turkish dilemma’, which refers to the Turkish officials’ fear of a situation whereby cooperation with the EU in harmonising immigration and asylum policies does not lead to actual membership. Many officials believe that Turkey’s security would be fundamentally undermined if Turkey were to adopt the *acquis* without membership.⁴¹ The situation of the JDP government is again different. Namely, compared to previous governments, single-party rule brings with it more responsibility. While coalition governments may be more cautious in their actions and hide behind the “Turkish dilemma”, the political risk is greater for AKP if courageous steps are taken in visa reforms if these reforms do

not translate into concrete steps on the EU side. Also, here we see that logic of consequences and logic appropriateness both having some role and making life harder for the JDP. Turkey’s aspiration to become an EU member and embracing an EU identity requires the government to take steps forward. However, regarding domestic adoption costs, the veto players are many and the adoption costs are not small, which makes rule adoption harder.

Turkey’s level of alignment with the EU in the field of justice and home affairs is closely related to its perceived EU membership prospects. In fact, the future of migration management in Turkey is closely related to the pace and spirit of EU-Turkish relations, which swings between two poles, one in which the deadlock is resolved and relations improve, leading to Turkey’s membership, whereas in the other scenario, Turkey’s accession process comes to a sudden halt and as a result the EU anchor is lost. Therefore the route Turkey is likely to undertake is largely contingent on the perceived strength of the EU membership perspective and the outcome of the EU process.

Turkey’s Visa Policy

Turkey is discussing its visa policy. I am of the opinion that if we are talking about calculated and systematic

moves by the government towards third countries in the light of economic, social, and political ties as well as geographical vicinity, then it is hard to see the prospects of a coherent Turkish visa policy. Since Turkey's visa policy has been characterised by unforeseen moves in different periods of Turkish history, moves which have been dictated by different governments, it would be unjust to put all the responsibility on the JDP for not following a more predictable visa policy towards third countries since they came to power. Closely related to the mediator role the JDP has positioned itself as, the government has been pursuing a highly proactive policy with regards to neighbouring countries and leading or acting as facilitator on regional and global initiatives with a view to bringing peace and stability into the region. If these policies contradict or are at odds with the EU perspective is another point for consideration.

By granting visa liberalisation to its neighbours, the government intends to intensify trade and tourism opportunities as well as to improve neighbourly relations at a time when Europe is suffering from a severe economic crisis.

However, one thing is certain. Faced with 'closed doors' in the European front, the JDP government has turned to its long-neglected neighbours. In an attempt to revitalise trade relations and tourism as well to enhance good-neighbourly relations, Turkey has lifted visas for third country nationals starting with Syria as well as Yemen, Libya, Jordan and Lebanon among others. The cost of the visa issue to Turkish trade with the EU is estimated at US \$5 billion, and the reluctance of the EU to revise its visa policy has led business organisations to push for a liberalisation of Turkey's own visa policies towards other countries.⁴² When announcing visa liberalisation with Syria, Turkey's Prime Minister Recep Tayyip Erdoğan talked about their intention of creating "Şam-gen", referring to the name of Damascus in Turkish (Şam), as opposed to the EU's Schengen.⁴³

This development, however, has raised concerns and questions in European circles as to whether Turkey is drifting away from EU norms since it has lifted visa requirements for countries that belong to the EU's "blacklist". By granting visa liberalisation to its neighbours, the government intends to intensify trade and tourism opportunities as well as to improve neighbourly relations at a time when Europe is suffering from a severe economic crisis. In line with the

slowing down of its accession process, the government can be seen as taking pragmatic steps to compensate for the lack of progress in its relations with the EU and its failure to initiate visa liberalisation. However, of course, due to the recent developments in Syria, Turkey's efforts to open up to its non-European neighbours are also faltering.

Furthermore, Turkey's visa policy towards EU citizens has been criticised as not being uniform, raising concerns among Commission officials.⁴⁴ Currently citizens from 11 EU member states must have a visa in order to enter Turkey, a visa which can be obtained at the Turkish borders by paying 15 euros. Citizens of 16 other member states are exempted from the visa regulation for short stays. Furthermore, instead of taking steps in the direction of addressing the EU's concerns, legislative change in the opposite direction is underway. Due to a recent legislative change, which was aimed primarily to curb irregular migration and illegal residence in Turkey, foreigners can only stay for 90 days in a six month period. That is the equivalent of how much time a Turkish national holder of green passport can spend in a European country if he or she enters without a visa. Europeans now need to apply for a residence permit for stays exceeding three months. Also, the criteria to obtain work permits are

definitely not light. These changes signal a tougher policy by Turkish officials or a tendency for more restrictive policies as a reaction for the EU's member states visa practices towards Turkish nationals. Whether these changes are the result of realistic calculations or are as retaliatory measures is debatable.

The adoption of a law on international protection and foreigners by the Turkish parliament on April 2013 is viewed as very liberal and progressive as it highlights human rights issues without overlooking security concerns.

Turkish citizens' disillusionment with the EU increased when the EU lifted visas for Serbia, Macedonia and Montenegro. Bağış has emphasised that it is "nonsense" and "ridiculous" that "remote countries" such as Belize, Paraguay and Uruguay enjoy visa-free travel while negotiations are being conducted with Moldova, Russia and Ukraine, but not with Turkey. Talking to some European diplomats in Brussels he said that: "When our citizens are insulted on a daily basis in the consulates of EU states [when they apply for visas], one may ask the question as to why we should help the EU with their problems when we are treated this way."⁴⁵

Public demands for Turkish authorities to implement the reciprocity principle- in other words, to impose a visa requirement for EU nationals- has increased. This continuing frustration has made the visa problem the symbol of the deteriorating relations and slowing accession negotiations between Turkey and the EU. This has also adversely affected the integration efforts as well as the Europeanisation process, which reached its peak in the 2003-2006 period. Opinion polls reveal a drastic fall in the percentage of those who believe EU membership is a good thing as well as those who believe EU membership is possible.

Despite the rather bleak picture on the visa front against the background of a non-moving accession process, the JDP government is engaged in a reform process and striving to fulfil the benchmarks needed for the opening of Chapter 24 on Justice, Freedom and Security. As stated above, significant steps have been undertaken to establish a working readmission system and an asylum mechanism. Key pieces of legislation are being revised in line with EU and international norms. The adoption of a law on international protection and foreigners by the Turkish parliament on April 2013 is viewed as very liberal and progressive as it highlights human rights issues

without overlooking security concerns. On its adoption, Commissioner Cecilia Malmstrom and Enlargement Commissioner Stefan Füle declared that “once properly implemented, this law will also address several issues identified in the Commission Roadmap for visa liberalisation, which will constitute the basis for the visa liberalisation dialogue once this will start”.

Also, the drafting process for the law deserves particular attention as it shows the impact of Europeanisation on the JDP government. A new Migration and Asylum Bureau was established within the Ministry of Interior and includes academics and civil society institutions in the decision-making process. This is a radical shift in the understanding of good governance in law-making and migration management. In line with the definition of Europeanisation as ‘ways of doing things’, the migration law-making process in Turkey seems to be in line with European norms especially as regards close cooperation with and involvement of stakeholders and a sound consultation process driven by consensus-building. In parallel with other positive developments outlined above, and despite stalling negotiations, the Europeanisation process and the internalisation of EU norms and practices reflect well upon reforms undertaken by bureaucrats and the JDP government. This lends

evidence for sociological/constructivist institutionalism, an argument which highlight the importance of EU norms and values in spite of any material gains/incentives. The processes of socialisation and persuasion have had some effect even in the absence of full-fledged benefits.

Also, the Turkish government's good-willed efforts to provide shelter to Syrian refugees with little help from the international community should not go unnoticed. However, things have started to change. As Washington weighs a military strike against Syrian leader Bashar al-Assad, the conflict is no longer contained to the Middle East. Hundreds of Syrian refugees are trying to get into Europe from the Western Balkans and via Turkey. According to Euractiv,⁴⁶ in Bulgaria the number of Syrians seeking asylum has shot up from 85 in 2011 to 449 in 2012 and 855 in the first seven months of this year alone. Twice as many are estimated to have made the illegal crossing. Romania has reported an 80% rise in the first half of this year compared to the same period of 2012, with a total of some 640. On the night of 27 August alone, of the 52 people detained crossing the frontier from Turkey into Bulgaria, 39 were from Syria. In the following days, 106 people were apprehended by the police, of which 79 were Syrians.

With successful economic performance and sound political stability under

the JDP government, the "Turkish summer" has come as an unprecedented shock to those holding power. Street protests, which started in Istanbul at Gezi Park borne out of a protest against its demolition, protesters then took to the streets to denounce the violent repression, unleashing a social movement that spread to various provinces and segments in society.

Despite a lack of sufficient incentives and tangible rewards, Turkish government officials, as a result of regular contact with European counterparts, have internalised EU values and norms.

It can hardly be argued that the statements by the JDP politicians were aimed at easing the growing tension and reduce the deepening polarisation within society. Most strikingly, Egemen Bağış's comments in his capacity as Turkey's EU minister and chief negotiator drew attention in European circles. He said the international news channels made a "big mistake" by reporting the protests live and they have been financed by a lobby intent on "doing everything to disturb the calm in our country." He also declared that "from now on the state will unfortunately have to consider everyone who remains there [i.e. the

Gezi Park] a supporter or member of a terror organisation”.⁴⁷ Such rhetoric has unexpectedly casted a shadow on Turkey’s European future.

The most constructive and safest step by the EU would be to revitalise visa talks with the JDP government, this time backed by concrete concessions and a definite roadmap aiming for visa liberalisation for Turkish nationals at a certain date.

In the same vein, Turkish Prime Minister Recep Tayyip Erdoğan said on 7 June 2013 that the European Union was at fault in supporting Gezi Park protests, accusing “a certain part of those at the Gezi protests” of wanting to hamper the ongoing Kurdish peace process. Speaking at the Ministry of European Affairs’ Istanbul conference, Erdoğan also argued that union members were discriminating against Turkey and Turkish people regarding the country’s accession process to the EU. In response, Füle called on the government to show the “same wisdom” in the events that unfolded in Istanbul and other major cities as the will that it showed for launching a peace process in order to end the three-decade-long Kurdish conflict. The demonstrations “constituted a

legitimate way of expressing the needs” of a section of the society that felt underrepresented in the parliamentary majority, Füle said, adding that the fourth judicial package was a significant step forward, but it was the implementation that matters, as recent events showed.”⁴⁸

Conclusion

The changing internal and external dynamics have sidelined Turkey’s EU accession process as well as generated heated debates on the visa issue. Yet, parallel to the changing *zeitgeist*, the visa debate will revive and as rightfully laid down in an ESI report, “as Turkey and the EU move towards the 50th anniversary of their strategic relationship, this is the time to overcome this particular legacy of the 1980 coup and to fix the visa problem”.⁴⁹

Despite contradictory messages by EU politicians and an increasingly confrontational rhetoric by their Turkish counterparts, there is action on the ground which should not go unnoticed. This is in line with the “Positive Agenda” proposed by the European Commission and which was launched officially on 17 May 2012 to inject new dynamism into EU-Turkish relations and to make progress in certain areas, most notably in Chapter 24 and the visa issue.

These developments lend evidence in favour of the social learning model. Despite a lack of sufficient incentives and tangible rewards, Turkish government officials, as a result of regular contact with European counterparts, have internalised EU values and norms. Series of regular and *ad hoc* meetings as well as the twinning projects, which have aimed to increase alignment with legislation and institutional capacity, have had a direct influence on the socialisation of bureaucrats and policymakers in Turkey.

By making use of the external incentives model by rationalist institutionalism this article tried to show the cost-benefit calculations of Turkey which may result either in compliance or non-compliance with the EU's conditions. The most common hypothesis of this model with respect to the reinforcement by reward strategy is that "a government adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs". With regards to visa politics, given that the domestic adoption costs of readmission (financial, administrative, social and political) exceed the benefits of EU rewards (visa facilitation) we can see a non-compliance with EU norms, namely refusing to sign a readmission agreement. In fact there is further moving away from EU norms by assuming policies in the opposite direction. However, the social learning

model is visible in important legislative reforms in the area of migration and asylum and border management brought to life by Turkey and steps taken, which would have not been taken if only the 'logic of appropriateness' was in place.

Having said this, if real progress is wanted in EU-Turkish relations both sides need to regain trust. The JDP government has the perception that even if all the technicalities put forth by the EU are fulfilled, nothing will be gained in return due to political resistance by member states. This state of mind jeopardises the future of relations since it hampers both the credibility of the EU and the appetite for reforms on the Turkish side. Free movement is the right Turkish nationals first and foremost associate with EU membership and they seek to reap the benefits of it. Therefore, the most constructive and safest step by the EU would be to revitalise visa talks with the JDP government, this time backed by concrete concessions and a definite roadmap aiming for visa liberalisation for Turkish nationals at a certain date. In return for that, as laid down in the ESI report, Turkey should declare that it will sign, ratify and then implement a readmission agreement in line with its legal obligations. However, under the terms of a negotiated readmission agreement it will be obliged to take back third-country nationals only

three years after the entry into force of the agreement.

While Turkey could demand to see steady progress in the mobility of Turkish visitors to the EU, including a decline in the rejection rate for visa applications and an increase in the share of long-term multiple-entry visas issued, it should continue to cooperate with EU to reduce irregular migration at its borders. While the legal struggle by Turkish lawyers should be continued to assert the Turkish stance and invoke acquired rights through ECJ decisions, this alone will not suffice. Diplomatic moves and civil society initiatives should proliferate to explain to the EU side that the right to free travel is a “human right” in today’s world and the citizens of an acceding country should not be exempted from this. It should be evident at this point that the confrontational rhetoric will not

bear fruitful results and only creates more tension. This change in discourse would not only win the hearts and minds of the European public, some of whom are unaware of such a phenomenon, but also would have a wider impact in the public transcending political and diplomatic circles.

The JDP government rightfully and courageously has brought the visa problem- long swept under the rug for many decades by previous governments- and the injustices related to this practice to the attention of the Turkish people and to European politicians. Since the genie is out of the bottle, there is no going back. Both sides should put concerted effort into the resolution of this bottleneck and to revive stalled talks and relations for a visa-free Europe for Turks.

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Multiculturalism: The Culturalisation of What is Social and Political

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Abstract

This paper is critically engaged in the elaboration of the ideology of multiculturalism in the European context, which is currently constrained by the securitisation and stigmatisation of migration and Islam. In western nation-states migration has recently been framed as a source of fear and instability in a way that constructs 'communities of fear'. This article claims that both securitisation and Islamophobia have recently been employed by the neo-liberal states as a form of governmentality in order to control the masses in ethno-culturally and religiously diverse societies at the expense of deepening the already existing cleavages between majority societies and minorities with Muslim background. The article will also discuss the other side of the coin by referring to the revitalisation of the rhetoric of tolerance and multiculturalism by the Justice and Development Party rule in Turkey, the origins of which date back to Ottoman times.

Key Words

Migration, multiculturalism, tolerance, integration, Islamophobia, Muslims, governmentality, securitisation, stigmatisation, JDP.

Introduction

The aim of this article is to elaborate on the different techniques of governmentality employed by various western states in managing the diversity that has resulted from the migration and mobility since the 1960s. These techniques of governmentality are multiculturalism, securitisation and tolerance. The paper will first argue that the ideology of multiculturalism in European Union countries has failed due to the ongoing processes of securitisation, stigmatisation and culturalisation of migration. Secondly, the paper will also argue that multiculturalist policies of integration, coupled with the rhetoric of *tolerance*, have failed in politically mobilising migrants and their descendants. To put it in another way, this work will argue that coupling migration with terrorism,

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violence, crime and insecurity, as well as drug trafficking and human smuggling, is likely to result in the birth of a popular Islamophobic discourse and the culturalisation of what is actually social, economic and political in the everyday life of migrant-origin individuals in a way that invalidates the multiculturalist policies of integration in the west. The article will conclude with a section on the revitalisation of the rhetoric of tolerance and multiculturalism by the Justice and Development Party - JDP (*Adalet ve Kalkınma Partisi*) rule in Turkey, the origins of which date back to the Ottoman times. I believe that this may shed light on how the JDP rule perceives immigrants residing in Turkey.

The Failure of Multicultural Models of Integration

During the 1960s, migration was a source of happiness in Western Europe. More recently, however, migration has been framed as a source of discontent, fear and instability for nation-states. What has happened since the 1960s? Why has there been this shift in the framing of migration? The answers to such questions obviously lie at the very heart of the changing global social-political context. Undoubtedly, several different reasons, such as deindustrialisation, unemployment, poverty, exclusion,

violence, supremacy of culturalism and the neo-liberal political economy turning the uneducated and unqualified masses into the new “wretched of the earth”, to use Frantz Fanon’s terminology, can be enumerated to answer such critical questions.¹ After the relative prominence of multiculturalism debates both in political and scholarly venues, today we are witnessing a change in the direction of debates and policies about how to accommodate ethno-cultural and religious diversity.

As Will Kymlicka rightfully asserts, when states feel insecure in geopolitical terms, when they are fearful of neighbouring enemies, they are unlikely to treat fairly their own minorities.² More specifically, states are unlikely to accord powers and resources to minorities that they view as potential collaborators with neighbouring enemies. Today, this is almost no longer an issue throughout the established Western democracies with respect to autochthonous national minorities, although it remains an issue with respect to certain immigrant origin groups, particularly Muslim-origin groups since September 11. Ethno-cultural and religious relations have become securitised under these conditions. Relations between states and minorities are seen not as a matter of normal democratic debate and negotiation, but as a matter of

state security, in which the state has to limit the democratic processes of political participation, negotiation and compromise to protect itself. The securitisation of minorities is likely to lead to the rejection of minority political mobilisation by the larger society and the state. Hence, the securitisation of ethno-cultural relations erodes both the democratic space to voice minority demands, and the likelihood that those demands will be met.

Coupling migration with terrorism, violence, crime and insecurity, as well as drug trafficking and human smuggling, is likely to result in the birth of a popular Islamophobic discourse and the culturalisation of what is actually social, economic and political in the everyday life of migrant-origin individuals in a way that invalidates the multiculturalist policies of integration in the west.

The situation with respect to immigrant groups is more complex. In the European context, the same factors that push for multiculturalism for historic minorities have also generated a willingness to

contemplate multiculturalism for immigrant groups.³ However, immigrant multiculturalism has run into difficulties where it is perceived as carrying high risks with regard to the national, societal and cultural security of the majority society. Where immigrants are connected with violence, honour crimes, drug use and drug and human trafficking, are seen as predominantly illegal and as potential carriers of illiberal practices or movements, and as net burdens on the welfare state, then multiculturalism also poses perceived risks to the shared moral principles of the nation, and this perception can reverse the forces that support multiculturalism. Accordingly, multiculturalism bashing tends to become a popular sport, often revisited in times of social, political and economic turmoil. In moments of societal crisis, the critique of multiculturalism turns out to be a form of governmentality employed mostly by Christian Democratic parties and public intellectuals to mobilise those segments of the society that have an inclination towards right-wing extremism due to growing feelings of anomy, insecurity and ambiguity.⁴

Europe and the other parts of the world, including the USA, Canada and Australia, have experienced increasing tensions between national majorities and ethno-religious minorities, particularly with marginalised Muslim

communities. Already in the 1990s, Arthur M. Schlesinger and Robert Hughes were very vocal in criticising the policies of multiculturalism in the USA, and claimed that US multiculturalism would result in the dissolution of the United States as long as minorities, such as the Hispanics and Afro-Americans, are granted the right to celebrate their ethno-cultural distinctiveness.⁵ On the other side of the Atlantic, Dutch society was struggling with what Paul Scheffer, a social democratic figure in the Netherlands, called the Multicultural Drama, which was allegedly leading to the dissolution of Dutch society.⁶

The securitisation of ethno-cultural relations erodes both the democratic space to voice minority demands, and the likelihood that those demands will be met.

This debate has been circulating in Europe for a long time. For instance, back in the 1990s, following the Huntingtonian paradigm of clash of civilisations⁷ and Wilhelm Heitmeyer et al. argued that it was the Turks who were not willing to integrate and incorporate themselves into German society.⁸ Their main criterion in declaring the self-isolationist tendency of the Turkish-

origin youths was their perceived contentment to live with Islam and Turkishness. This polemical debate around the work of Heitmeyer et al. parallels the debate revolving around Thilo Sarrazin's book, which has engaged high-level politicians, including the chancellor and president of Germany.⁹ A similar debate took place in England immediately after the 7 July 2005 London bombings. "Multiculturalism is dead" was the headline in Britain's *Daily Mail* on the first anniversary of the London bombings.¹⁰

Thilo Sarrazin, a politician from the Social Democratic Party who sat on the Bundesbank board and is the former finance senator for Berlin, has argued in his bestselling book that Germany is becoming "naturally more stupid on average" as a result of immigration from Muslim countries.¹¹ In his critique of Thilo Sarrazin's highly polemical book, *Germany Does Away With Itself* (*Deutschland schafft sich ab*, 2010), Jürgen Habermas states that German *Leitkultur* (leading culture) has recently been defined not by "German culture" but by religion: "With an arrogant appropriation of Judaism- and an incredible disregard for the fate the Jews suffered in Germany- the apologists of the *Leitkultur* now appeal to the 'Judeo-Christian tradition,' which distinguishes 'us' from foreigners".¹²

It seems that the declaration of the “failure of multiculturalism” has become a catchphrase of not only extreme right-wing political parties, but also of centrist political parties all across the continent, although it is not clear that each attributes the same meaning to the term. Angela Merkel for the first time publicly dismissed the policy of multiculturalism as having “failed, failed utterly” in October 2010, and this was followed swiftly by David Cameron’s call for a “more active, more muscular liberalism”¹³ and Nicolas Sarkozy’s statement that multiculturalism was a “failed concept”. Geert Wilders, leader of the Freedom Party in the Netherlands, has made no apologies for arguing that Christians “should be proud that our culture is better than Islamic culture”.¹⁴

So far, I have only discussed the criticisms of multiculturalism by right-wing politicians and public intellectuals. One should bear in mind that multiculturalism has also been criticised by several left-wing scholars with the claim that multiculturalism has become a neo-liberal and neo-colonial form of governmentality, imprisoning ethno-cultural and religious minorities, migrants and their children in their own ghettos. Due to the lack of space in this article, I will only refer to the ways in which Slavoj Žižek perceives multiculturalism:

multiculturalism is a disavowed, inverted, self-referential form of racism, a “racism with a distance”- it “respects” the Other’s identity, conceiving of the Other as a self-enclosed “authentic” community towards which he, the multiculturalist, maintains a distance rendered possible by his privileged universal position. Multiculturalism is a racism which empties its own position of all positive content (the multiculturalist is not a direct racist, he doesn’t oppose to the Other the *particular* values of his own culture), but nonetheless retains this position as the privileged *empty point of universality* from which one is able to appreciate (and depreciate) properly other particular cultures- the multiculturalist respect for the Other’s specificity is the very form of asserting one’s superiority.¹⁵

Security concerns are not only about protecting states against ideological and military threats: they are also related to issues such as migration, ethnic revival, religious revival and identity claims.

The ideology of multiculturalism aims to provide minority cultures with some platforms whereby they may express their identities through music, festivals, exhibitions, conferences etc. However, multiculturalism has lately been criticised by many scholars.¹⁶ In fact, the representation of a wide variety of non-western cultures in the form of music,

fine arts and seminars is nothing but the reaffirmation of the categorisation of ‘the west and the rest’. The representation of the cultural forms of those ‘exotic others’ in multicultural venues broadens the differences between so-called ‘distinct cultures’. Based on the holistic notion of culture, the ideology of multiculturalism tends to compartmentalise cultures. It also assumes that cultures are internally consistent, unified and structured wholes attached to ethnic groups. Essentialising the idea of culture as the property of an ethnic group, multiculturalism risks reifying cultures as separate entities by overemphasising their boundedness and mutual distinctness; it also risks overemphasising the internal homogeneity of cultures in terms that potentially legitimise repressive demands for communal conformity.

The Securitisation and Stigmatisation of Migration by States: A Form of Governmentality

There have been several events in modern times that have radically changed the ways in which migrants with Muslim background in the west have been perceived by the autochthonous societies: the Arab-Israel war leading to the global oil crisis (1973), the Iranian

Revolution (1979), the Palestinian *intifada* (1987-1990), the Rushdie Affair (1989), the *affaire des foulard* (headscarf affair) in France (1989), the Gulf War (1991), the Bosnian War (1992), the first World Trade Center bombing in the USA (1993), the second Palestinian *intifada* (2000), Paul Scheffer’s polemical book *Multicultural Drama* in the Netherlands (2000), September 11 (2001), the Afghanistan War (2001), the violence in northern England between native British and Asian Muslim youth (2001), the rise and death of Pim Fortuyn in the Netherlands (2001-2002), the second Gulf War (2003), the murder of Theo Van Gogh (2004), the Madrid bombing (2004), the 7/7 London terrorist bombing (2005), the banlieue riots in Paris (2005), the Cartoon Crisis in Denmark (2006), the provocative statement by Pope Benedict XVI¹⁷ regarding the “brutal nature” of the Prophet Mohammad (2006), British Cabinet Minister Jack Straw’s speech about his wish to see women not covering their face (2006), the Swiss minaret debate (2009), the nuclear debate with Iran (2010), Thilo Sarrazin’s polemical book (2010), an Imam beating up the students in class in Birmingham in the UK (2011), the burning of Quran by an American pastor in Florida (2011), the official ban of the *burqa* in France (2011), the release of the fragment of the

video film in the USA, “The Innocence of Muslims” (2012), and the Boston Marathon bombing by two Chechen-origin brothers (2013).

All these events have, in one way or another, shaped both the ways in which Muslims have been perceived by the western public, and the ways in which Muslims have comprehended the west.¹⁸ In what follows, firstly, I will be scrutinising the ways in which migration and Islam have been securitised and stigmatised in the west. Subsequently, I will discuss how Islamophobia has been generated by the neo-liberal political elite and public intellectuals as a form of ideology to control the masses at the expense of creating further hostilities between majorities and minorities with Muslim background.¹⁹

The present usage of the term “security” goes beyond its conventional limits. During the Cold War period, the notion of security was defined in political/military terms as the protection of a state’s boundaries, its integrity and its values against a hostile international arena.²⁰ Nowadays, however, security concerns are not only about protecting states against ideological and military threats: they are also related to issues such as migration, ethnic revival, religious revival (Islam, Christianity, and etc.) and identity claims. Lately,

migration has been presented in the Western public space as a security threat that must be dealt with. One could argue that modern states tend to extend the fear of “migrants” and “others” by categorising, stigmatising and coupling migration together with major problems, such as unemployment, violence, crime, insecurity, drug trafficking and human smuggling. This tendency is reinforced by the use of racist and xenophobic terminology that dehumanises migrants. One can see this racist tone in terms, such as “influx”, “invasion”, “flood” and “intrusion”, which have been used to mean large numbers of migrants.

Issues have recently become *security issues* through a process of social construction, namely “securitisation”. As the main rationale of the security discourse seems to have shifted from protecting the state to protecting society, culture, and sometimes “race”, so the protection of societal, cultural, ethnic and religious order against any kind of “evil” has become the pillar of the security discourse in a way that has popularised the term, security, in all spheres of life. The securitisation of migration or, in other words, the stigmatisation of migrants, became a vital issue after the September 11 attacks in the United States and related events, notably the bombings in Madrid (11 March 2004) and London (7 July 2005).

Much of the response to these attacks has focused on immigration issues even though the perpetrators of the bombings were mostly product of the “society” they attacked.²¹ The categorisation of those responsible as migrants seems to be a systematic attempt to externalise the structural failures produced by the social-political order.

The security discourse conceals the fact that ethnic/religious/identity claims of migrants and their reluctance to integrate actually *result from* existing structural problems of poverty, unemployment, discrimination, xenophobia, nationalism and racism. To put it differently, the public perception of migration as the principal source of present disorder masks the actual causes of the globalised social-political discontent. It is likely that modern states tend to employ the discourse of securitisation as a political technique that can integrate a society politically by staging a credible existential threat in the form of an internal, or even an external, enemy- an enemy that is created by security agencies like the police and the army.²²

Immigration resulting from poverty and anti-democratic regimes in the countries of origin has become one of the principal worries of western countries. The constructed fear of migration and Islam brings about what Campbell calls

the “discourses of danger”, producing an “us” versus the “others”.²³ The key principle of societal and cultural security is identity, and societal and cultural *insecurity* is defined as the identification of *communities of threats* to the survival of their community. Such discourses of danger seem to prevent migrant communities from incorporating themselves into the political, social, economic and cultural spheres of life of the majority society in a way that prompts them to invest in their ethno-cultural and religious identities.²⁴ Ethnic and/or religious resurgence, which appears among some migrant groups as a reaction to poverty, unemployment, insecurity and institutional discrimination, seem to be decoded by the neo-liberal states as a challenge to societal, political, cultural, economic and religious security, a challenge that must immediately be restrained.

There are evidential data indicating that the negative attitudes of the western public partly spring from the ways in which the so-called illegal migrants are perceived and framed by western states. Recent research on the securitisation of migration draws our attention to the fact that, at an official level, modern state institutions address only an insignificant correlation between undocumented migration and the problems of global poverty, debt, health, environment and

unemployment fostered by the neo-liberal economic model.²⁵ The issue of the so-called “illegal migrants” has lately been picked up by Western political elite and state administrations as the very source of some endemic problems, such as unemployment, violence, terror and some other social and cultural problems.

The way illegal migration has been perceived also shapes the public perception of regular migrants. William Walters eloquently reveals that nowhere in the official programmes of anti-illegal immigration appears the complex history of Fortress Europe’s economic, geopolitical, colonial and postcolonial entanglement in the regions and borderlands, which it now designates as “countries of transit” and “countries of origin”.²⁶ Instead, we are presented with an external force of “illegal immigration”, which is rooted in regional disorder, for which the EU is then positioned as a benign framework of protection and prevention. In this regard, the securitisation of migration and anti-illegal immigration activities, techniques and programmes serve as a form of *governmentality* in the interest of the political authority. *Governmentality* refers to the practices which characterise the form of supervision a state exercises over its subjects, their wealth, misfortunes, customs, bodies, souls and habits.²⁷ Didier Bigo eloquently explains the ways

in which the act of governmentality operates in relation to the foreigners:

Proliferation of border controls, the repression of foreigners and so on, has less to do with protection than with a political attempt to reassure certain segments of the electorate longing for evidence of concrete measures taken to ensure safety.²⁸

Roxanne Doty rightfully argues that the immigrant, the stranger, the excluded, the one who does not belong to the prescribed national unity, is ideologically portrayed by conventional and culturalist elite as the “enemies within”.²⁹ This is a kind of neo-racism, “which functions as a supplement to the kind of nationalism that arises from the blurring of boundaries and the problematizing of national identity that the deterritorialization of human bodies gives rise to”.³⁰

The exclusion of culturally and religiously different migrants and their descendants from the prescribed nation is also visible in the ways in which the EU has been recently managing migration. EU policies regarding justice and home affairs, described first in the Maastricht Treaty of 1992 and then in the Amsterdam Treaty of 1997, have indeed contributed to a “discourse of othering”. The EU has created an area of “Freedom, Security and Justice” in order to protect member states from the increasing “intrusion” of so-called

illegal immigrants.³¹ Referring to Jacques Rancière and Slavoj Žižek, Walters states that the leaders of EU countries engage in a kind of “ultra-politics”, which frames anti-illegal immigration activities as a battle between “us and them”, and which is sometimes in a struggle to death.³² Framing the issue as such puts it outside the space of dialogue and forecloses the possibility of politics and citizenship.³³

Tolerance as a Form of Governmentality

Tolerance is another form of governmentality that is coupled with the ideology of multiculturalism. Tolerance contributes to the culturalisation of what is social, economic and political in a way that conceals the social, political and economic sources of ongoing structural problems, such as poverty, unemployment, exclusion, racism, institutional discrimination, illiteracy and the deprivation of various social, political and civil rights. This section of the article will argue that the rhetoric of tolerance was actually coined in the 16th century by the absolutist state regimes in Europe to resolve religious conflicts: Ottomans using the *millet* system to accommodate Christian claims in the Balkans, and, say, the French and the Spanish using the same rhetoric to accommodate Protestant

claims. However, the revitalisation of the rhetoric of tolerance in the contemporary world by the neo-liberal states is nothing but an attempt to present socially, economically and politically constrained conflicts in *cultural and religious* forms at the expense of deepening ethno-cultural and religious borders and of not making any progress in the resolution of ongoing structural problems.

The roots of liberal tolerance date back to the Enlightenment in the 16th century, when the newly rising nation-states were trying to simultaneously accommodate Catholicism and Protestantism. The history of how practices of toleration emerged and how the related ideas were thought up, experimented with and transmitted in response to the religious diversity and religious strife of 16th, 17th and 18th century Europe has been written about in various ways.³⁴ Accounts reflect the preoccupations of their time, among them a narrative of triumphant liberalism that presented a storyline of how universal persecution gave way under the pressure of Enlightenment ideals. The “persecuting society”³⁵ of medieval and early modern Europe is thus contrasted with contemporary liberalism, and the narrative of change that suits the contrast places strong emphasis on the role of public intellectuals, *philosophes* and *hommes de lettres* spreading Enlightenment ideas in an emerging

public sphere.³⁶ Seventeenth century ideas are seen to provide the early-modern point of departure for a journey towards the *status quo* of contemporary liberal tolerance. On the other hand, the other perception of tolerance, namely tolerance without recognition and respect, will be used in the text to refer to the paradoxes of tolerance in the sense that it is likely to establish a hierarchical relationship between the tolerating and tolerated parties. This kind of relationship, which is based on the benevolent tolerance of the tolerating body, makes the tolerated party subject to the patronising gaze of the former.

So far, there have been several different scientific works to discuss the act of toleration of the modern states, ranging from John Locke's (1689) *Letters Concerning Toleration* to Wendy Brown's *Regulating Aversion: Tolerance in the Age of Identity and Empire* (2006).³⁷ Some of these works praise the notions of toleration and tolerance; some find them inadequate to remedy the socio-economic and political problems of contemporary societies. Michael Walzer defines toleration as a continuum extending from a minimum to a maximum: "resignation, indifference, stoicism, curiosity and enthusiasm".³⁸ Rainer Forst proposes four conceptions of toleration along a similar continuum, from less to more demanding motivations

grounded in permission, coexistence, respect or esteem.³⁹ Forst, however, is concerned with retaining the balance of reasons for rejection and acceptance that marks toleration and thus qualifies the extent to which *esteem* can be seen to support a position of tolerance. Esteem needs to be constrained and qualified, as it would otherwise run the risk of exploding toleration and substituting its conceptual core with that of unqualified and enthusiastic endorsement.⁴⁰ Hence, according to Forst, tolerance is the space between affirmation, rejection and indifference.

Redefining society in an inclusive and egalitarian manner is expected to generate a Levinasian ethics of responsibility and respect among those who were previously excluded from the public space.

Andrew Jason Cohen defines an act of toleration as "an agent's intentional and principled refraining from interfering with an opposed other in situations of diversity, where the agent believes that she has the power to interfere".⁴¹ Cohen tries to define what toleration is not: toleration is not indifference, not moral stoicism, not pluralism, not non-interference, not permissiveness, not

neutrality and not tolerance. Toleration is the activity of enduring, while tolerance is the virtue (attitude) itself.⁴² Agreeing with Cohen on the difference between toleration and tolerance, I will, however, use these terms interchangeably for the sake of simplicity. On the other hand, distinguishing negative or weak toleration from positive or strong toleration, Amy Gutmann goes beyond mere toleration by separating toleration from respect, where the latter performs the proper, positive role that some ascribe to positive toleration.⁴³ Those, such as Habermas, who define toleration in deliberative democracies, argue that toleration should be extended to all persons as bearers of human rights, including the right of self-expression.⁴⁴

Other theorists have been concerned with a more wide-ranging redefinition that indeed goes to the core of the toleration concept as a balancing act. The aim is to respond to the challenge of post-immigration diversity and the suggestion is that this challenge to traditional conceptions of toleration as non-interference is inadequate. Elisabetta Galeotti has come out to argue for an understanding of toleration not as non-interference but as recognition:

[P]eople marked by differences which are tolerated in the private sphere but which are invisible or marginalized in public life, and subject to prejudice, stigmatization, and discrimination

in social interactions, cannot be fully participating members of social and political life on the same footing as the majority.... Public toleration should reverse the invisibility and marginality of different identities which public blindness, far from dispelling, in fact reinforces.⁴⁵

This idea of public toleration, which is at the core of Galeotti's argument, refers to the public recognition of identities. Tariq Modood suggests that identities and cultures are important because they are important to the bearers of those identities, people who are members of our society, fellow citizens, and so have to be included in the polity in ways consistent with respect and equality.⁴⁶ As Galeotti puts it: "[d]ifferences should be publicly recognized not because they are important or significant per se, though they may well be, but because they are important for their bearers and because expressions of public contempt for them, on the grounds that they depart from the social 'norm,' are a source of injustice".⁴⁷

Jürgen Habermas, on the other hand, draws our attention to the fact that the constitutive principles of the nation should not be prescribed as it should tolerate the attempts of those culturally and religiously different from the majority to enter into the public space.⁴⁸ One needs to redefine what is social, which was prescribed earlier in a way that excluded the others. The redefinition of what is social requires

the members of the given society to recognise, respect and accept ethno-cultural and religious differences of those as free and equal citizens so that the addressees of this egalitarian form of society are able to understand themselves simultaneously as its responsible bearers. In other words, redefining society in an inclusive and egalitarian manner is expected to generate a Levinasian ethics of responsibility and respect among those who were previously excluded from the public space. This is what Habermas calls political acculturation. Habermas finds toleration to be one of the main pillars of modern inclusive society.⁴⁹

However, tolerance involves an asymmetrical, paternalistic relationship between a sovereign party and a subaltern in such a way that the former unilaterally grants tolerance to the latter as an act of benevolence. Habermas seeks to ground tolerance in the symmetrical relations of public deliberations.⁵⁰ For some scholars, there is a paradox embedded in toleration that requires the drawing of boundaries between what is tolerated and what is intolerable and, as such, fashions positions of evaluative authority that place the tolerator in a position of power. This has led political theorists to consider toleration as a device that not only resolves moral conflict, but also produces social arrangements and defines agents and groups. The concern

is, as Wendy Brown puts it, to “reveal the operations of power, governance, and subject production entailed in particular deployments of tolerance” and to puncture “the aura of pure goodness that contemporary invocations of tolerance carry”.⁵¹ Brown, in particular, makes suggestions on the practices of boundary drawing that she sees at the core of such deployments of tolerance: “Its invocation involves drawing spatial boundaries of dominion and relevance, as well as moral boundaries about what can and cannot be accommodated within this domain”.⁵²

Islamophobia as a Form of Ideology

The revitalisation of the rhetoric of multiculturalism and tolerance as well as the securitisation and stigmatisation of migration and Islam in the west has occurred in parallel with the rise of heterophobic discourses, such as the “clash of civilisations”, “culture wars”, “religious wars” and “Islamophobia”, as well as with the reinforcement of restrictive migration policies and territorial border security vis-à-vis the nationals of countries outside the west. Richard W. Bulliet eloquently criticises what the clash of civilisations thesis has implicitly advocated:

Since Jews, Christians, and Western secularists have named themselves as

charter members of the civilisation club, the ideological or behavioural shortcomings, from the majority's point of view, or this or that Jewish or Christian group do not impugn or threaten the civilisational inclusion of those religious traditions as a whole. Christianity and Judaism pass by definition the civilisational litmus tests proposed for Islam even though some of their practitioners dictate women's dress codes, prohibit alcoholic beverages, demand prayer in public schools, and persecute gays and lesbians, and damn members of other faiths to hell. Muslims of every stripe, on the other hand, stand accused of being party, by reason of religious belief, to the worst behaviours manifested by some groups of their coreligionaries.⁵³

Hostile and offensive language, racist statements and anti-immigrant policy propositions or real measures are aired everyday in the news. Conversely, the language of hatred has replaced the language of dialogue.

Muslims are increasingly represented by the advocates of the same thesis as members of a "precarious transnational society", in which people only want to "stone women", "cut throats", "be suicide bombers", "beat their wives" and "commit honour crimes". These prejudiced perceptions about Islam have been reinforced by the impact of the

previously stated events ranging from the Iranian Revolution to the official ban on *burqa* in France in 2011. Recently, it has become inevitable for quite some people in the west to have the urge to defend western civilisation against this "enemy within" that is culturally and religiously dissimilar to the "civilised" western subject.⁵⁴ Silvio Berlusconi, the former Italian prime minister, is one of those to have this urge:

We are proud bearers of the supremacy of western civilisation, which has brought us democratic institutions, respect for the human, civil, religious and political rights of our citizens, openness to diversity and tolerance of everything... Europe must revive on the basis of common Christian roots.⁵⁵

American President George Bush's speech regarding the "axis of evil" (29 January 2002) was also perceived by the American public in particular as an attempt to demonise "Islamic fundamentalism" and the "enemies of freedom".⁵⁶ Although Bush, as well as some European leaders such as Tony Blair and Jacques Chirac, repeatedly stated that the war did not represent a fight against Islam, the US public especially was highly engaged in deepening the Islam-bashing that was displayed very explicitly in the following speech of George Bush:

Our military has put the terror training camps of *Afghanistan* out of business, yet camps still exist in at least a dozen

countries. A terrorist underworld-including groups like Hamas, Hezbollah, Islamic Jihad, Jaish-i-Mohammed- operates in remote jungles and deserts, and hides in the centres of large cities.... First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice.... Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction. Some of these regimes have been pretty quiet since September the 11th. But we know their true nature... *Iran* aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people's hope for freedom. *Iraq* continues to flaunt its hostility toward America and to support terror... States like these, and their terrorist allies, constitute an *axis of evil*, arming to threaten the peace of the world....⁵⁷

The aim of Islamophobia as a form of governmentality is to make the majorities believe that Muslims and Islam are an “enemy within” in the European context, and an “outside enemy” in the American context.

Similarly, Italian journalist and novelist Oriana Fallaci is another disputable figure, who generated a very contested discourse in the aftermath of September 11 *vis-à-vis* Muslims:

I say: Wake up, people, wake up!... You don't understand, or don't want to understand, that what is under way here is a reverse crusade. Do you want

to understand or do you not want to understand that what is under way here is a religious war? A war that they call *Jihad*. A Holy War. A war that doesn't want to conquest of our territories, perhaps, but certainly wants to conquer our souls.... They will feel authorized to kill you and your children because you drink wine or beer, because you don't wear a long beard or a chador, because you go to the theatre and cinemas, because you listen to music and sing songs....⁵⁸

This right-wing stream of reactions also echoed in other parts of the western world. Pim Fortuyn, Dutch media presenter and politician, published a book entitled *Against the Islamization of Our Culture*, in which he simply claimed that Islam was a threat to western civilisation in a way that contributes to the othering of migrant origin individuals residing in the west.⁵⁹ Islam-bashing has become a popular sport among ministers, politicians, media and even prime ministers in the EU as well as in other parts of the world. Today, hostile and offensive language, racist statements and anti-immigrant policy propositions or real measures are aired everyday in the news. Conversely, the language of hatred has replaced the language of dialogue.

As Chris Allen very eloquently revealed, Islamophobia is not really a “phobia”, it is rather a form of governmentality, or an ideology “similar in theory, function and purpose to racism and other similar phenomena, that sustains

and perpetuates negatively evaluated meaning about Muslims and Islam in the contemporary setting in similar ways... that inform and construct thinking about Muslims and Islam as Other".⁶⁰ The aim of Islamophobia as a form of governmentality is to make the majorities believe that Muslims and Islam are an "enemy within" in the European context, and an "outside enemy" in the American context, so that the unity of the nation can be protected against the national, societal, and cultural security challenges coming from inside, or outside.⁶¹

An Historical Account of Multiculturalism in Turkey

Now, let's have a look at the other side of the coin and see how JDP rule in Turkey has essentialised the paradigm of the Alliance of Civilisations in a way that revitalises the rhetoric of tolerance and multiculturalism as opposed to the conservative state apparatus in the EU of the last decade, which has invested in the paradigm of the clash of civilisations. Since the beginning of JDP rule in Turkey (2002), there has been a growing discourse in the international community portraying Turkey as a bridge not only between continents but also between civilisations. The so-called "moderate Islamic state of Turkey" has been praised by contemporary western

political elite in a way that also embraced the JDP. The instrumentalisation of Turkey as a model for other Muslim countries in the Middle East and elsewhere has also been welcomed by a majority of the Turkish political elite. Prime Minister Recep Tayyip Erdoğan and several other politicians as well as academics have played this new role, expecting that it would bring Turkey into a more favourable position in the European integration process.⁶² Turkey's role as a mediator between the Muslim world and the non-Muslim world was also accredited by the United Nations, as Erdoğan was appointed, together with the former Spanish Prime Minister José Luis Rodríguez Zapatero, to launch the Alliance of Civilisations initiative.⁶³

The Alliance of Civilisations paradigm has so far implicitly accepted that civilisations, religions and cultures have fixed boundaries and that they are bound to remain so. In this regard, it is actually very much identical to the clash of civilisations paradigm. The former advocates dialogue between civilisations/religions, whereas the latter underlines the impossibility of communication between them. Now the question to answer is whether Turkey is still pursuing its Kemalist civilisational goal to become a part of western civilisation or whether it is locating herself within one of the rival civilisations of the East. The reduction of

civilisation, which used to have material, industrial and urban connotations in the past, into culture and religion in the contemporary world has an impact on the ascendancy of religion-based civilisational discourse in contemporary EU member states in a way that dialectically leads to the rise of the same kind of civilisational discourse in Turkey that is argued by the JDP elite.⁶⁴ The public debates in Turkey are very much related to the aforementioned debates in the European space revolving around Islamophobia, enlargement fatigue, clash of civilisations, and migrantphobia.

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It is evident that the JDP has revitalised various notions, such as multiculturalism and tolerance, in its attempts to manage diversity in Turkey. Essentialising the term “tolerance”, a term that is specifically mentioned

in the textbooks of religious culture and morality courses with reference to the Medina Covenant, which was formulated by Prophet Mohammad in the age of happiness (*asr-i saadet*) wherein a kind of multiculturalism based on religious differences was experienced.⁶⁵ This covenant was meant to regulate relationships with non-Muslims and Mohammad's “tolerant attitude” towards the Christians of Yemen.⁶⁶ Furthermore, in September 2010, the Ministry of National Education released a public statement in the first week of the school year to underline the need for the “education of values”. Accordingly, the education of values, which entails issues such as citizenship, hospitality, solidarity and tolerance, aims at empowering individual students against the challenges posed in everyday life by globalisation.⁶⁷ In what follows, as I discussed elsewhere in detail, I argue that the revitalisation of the terms, tolerance and multiculturalism, has a historical legacy originating from the Ottoman times.⁶⁸

The management of ethno-cultural and religious diversity in the Ottoman Empire was mostly accomplished on the basis of the ideology of multiculturalism, which was literally called the *millet* system. *Millet* is an Ottoman Turkish term which refers to confessional communities in the Ottoman Empire.

The word *millet* comes from the Arabic word *millah* (nation). Subject populations, such as the Christians, were classified by their religious affiliations. Their civil concerns were settled by their own ecclesiastical authorities who were delegated powers by the sultan. This was the way the government secured access to the non-Muslim populations.⁶⁹ In the 19th century, with the *Tanzimat* reforms (1839-1876) that replaced religious law with statute law, the term *millet* started to refer to legally protected religious minority groups other than the ruling Sunni Muslims.⁷⁰ Besides the Muslim *millet*, the main *millets* in the Ottoman Empire were the Greek, Orthodox, Jewish, Armenian and Syrian Orthodox populations.⁷¹ The *millet* system somehow efficiently worked until the age of nationalism when the Ottoman Empire started to lose its integrity. Around that time, Muslims encountered non-Muslims in the market place in everyday life; however, there was not a deep-rooted kind of interaction between Muslims and non-Muslims due to ethno-cultural and religious boundaries essentialised by the *millet* system.

Although the *millets* were permitted to govern themselves with regard to internal affairs, their relations with the ruling Muslims were tightly regulated. For instance, non-Muslims, though they were allowed to maintain their

own religious and cultural heritage, were subject to certain rules such that they could not proselytise, they could only build new churches with a license and they were required to wear distinctive dress so they could be recognised. There were limits on intermarriage and they had to pay special taxes in lieu of military service.⁷² Therefore, the system relied on tolerance of the *millets* provided that they were willing to abide by the regulations of the empire, which encouraged conformity. Consequently, the system did not perceive the members of the *millets* as individuals, but rather as a part of the collective non-Muslim identity. Tunaya illustrates the principle of equality during the *Tanzimat* era (1839-1876) as follows:

The most emphasised issue during the *Tanzimat* had been equality. Certainly, equality was not recognized in terms of the legal doctrine, but rather in terms of being Ottoman.... The principle of equality amongst the Ottomans from multiple religions was established. According to a popular saying of the time, the land-fellowship principle was anticipated to become the main policy principle. Everyone was “the child of one father”, with that father being the sultan. Accordingly, the Islamist Empire formula was accompanied by the perception of a cosmopolitan community. The consolidative component of this plural community was being Ottoman. As a result, Islamism was accompanied by Ottomanism [author’s translation].⁷³

The benevolent reforms of Abdulmecid II (1839-1861) introduced laws providing some egalitarian guarantees for Muslims and non-Muslims, such as the prohibition of bribery and uniform taxation.⁷⁴ However, the *Tanzimat* laws and the attempts to introduce a European-type constitution were more or less shelved in the conservative sultanate of Abdulhamid II (1876-1909). However, the Ottoman Empire was a multiculturalist state with a sharp division between the ruling elite and the mass of the population which played almost no part in the governing of the Empire. According to Schmucl N. Eisenstadt, the most distinctive character of the Ottoman ruling elite was

the military-religious rulers who emerged from tribal and sectarian elements, and from the system of military slaves, which created special channels of mobility such as the *qul* (slave) system in general, the Memluk system and Ottoman *devshirme* in particular, through which the ruling group could be recruited from alien elements.⁷⁵

Decision making was concentrated in the hands of a small group of political elites, at the centre of which stood the sultan. His power was theoretically absolute, but in practice it was limited by the existence of three major power structures, the *Ulema* (religious intellectuals), the military and the bureaucracy. The separation of

the *khalifa*, as an ideal religious figure, and the sultan, as the actual ruler, which is particularly prevalent in Sunni Islam, resulted in several unique social formations, such as the establishment of a unique type of ruling group, the military-religious rulers, who emerged from the sectarian elements, and the autonomous *ulema*,⁷⁶ who created major networks that brought together, under one religious- and often also social-civilisational- umbrella varied ethnic and geopolitical groups, tribes, settled peasants and urban groups, creating mutual impingement and interaction that otherwise would probably not have developed. Through their control of education, the judiciary and the administrative network, the *Ulema* acted as agents of the state and secured the state's control of social life.⁷⁷ As a result, the *Ulema* were the umbrella under which the *ummah* was able to convene and together, the two entities, the *Ulema* and the *ummah*, constituted an autonomous public sphere. Consequently, the decoupling of an autonomous and vibrant public sphere from the political arena- or to be more precise, from the realm of rulership- which differed greatly from counterparts in Europe, especially Western and Central Europe, and was one of the distinctive characteristics of Muslim civilisation.⁷⁸

Tolerating Difference in Turkey

Ottoman multiculturalism was usually coupled with the term “tolerance”. The concept of tolerance has a very long history in the Turkish context, dating back to the early days of the Ottoman Empire. It also has a very popular usage in everyday life in modern Turkey. Turks are usually proud of referring to the *millet* system of the Ottoman Empire, which is often celebrated as a guarantor of tolerance and for respecting the boundaries between religious communities. The equivalents of the term tolerance in the Turkish language are *tolerans*, *hoşgörü*, *tahammül*, *müsamaha*, *görmezden gelme* and *göz yumma*. *Hoşgörü* is defined in the *Dictionary of the Turkish Language Association (Türk Dil Kurumu)* as follows: “the state of tolerating everything as much as possible.” *Hoşgörü* literally means “seeing (the other) in a good way”. The term *tahammul* is derived from the Arabic root word *haml*, which literally means “to pick” or “to bear” or “to carry”. For example if one picks a book or carries a load or a burden, etc. the word *haml* would generally be used; but if one patiently bears a problem or an affliction or a humiliation or an indignity or is oppressed, then *tahammul* would be used. The word *musamaha* literally means to forgive, and it is even claimed that the

word *Masih* derives from this word in Arabic. Additionally, in Arabic, the word *tasamuh* transcends the realm of political toleration⁷⁹ and connotes personal virtues, such as patience and generosity. On the other hand, “*görmezden gelme*” means “pretending not to see”, and “*göz yumma*” literally refers to “to closing one’s eyes”, or to condone or excuse.

The intensification of Islamophobia was made easier by al Qaeda-type violence, and the radicalisation of some segments of Muslim-origin immigrant communities in several countries reinforced the societal unrest resulting from immigration.

The official discourse celebrating the notion of tolerance is still carried out in contemporary Turkey even though it is evident that tolerance is actually nothing but a myth. For instance, research conducted by Ali Çarkoğlu and Binnaz Toprak reveal that more than half of the Turkish population is intolerant of the potential of having gays and atheists as their neighbours. The same research also uncovered that around 42% of the population would be intolerant of having Greeks and Armenians as their neighbours, and 28% would not want

Kurdish-origin neighbours.⁸⁰ The myth of tolerance has been used to conceal the mistreatment of ethno-cultural and religious minorities other than the majority of Sunni-Muslim-Turks in Turkey. The term tolerance has become more viable in the aftermath of the Helsinki Summit of the European Union in 1999. Whether a cultural diversity challenge is tackled in relation to the concept of tolerance or other concepts, such as “recognition”/“acceptance” or assimilation, expulsion and persecution, depends on the historical path of a particular state.

The definition of tolerance is confined to the acceptance of Sunni Muslims and their secular counterparts under the banner of the Sunni-Muslim-Turkish nation. However, it does not embrace all kinds of ethno-cultural and religious minorities. As Karen Barkey, a famous Ottoman historian, stated, toleration in the Ottoman context as well as in other imperial contexts refers to the “absence of persecution of people but not their acceptance into society as full and welcomed members of community”.⁸¹ Toleration is actually nothing but a form of *governmentality*,⁸² designed to maintain peace and order in multi-ethnic and multi-denominational contexts. The Ottoman imperial experience and the Turkish national experience have so far proved that the Turkish nation tolerates

those non-Muslims, non-Sunni-Muslims and non-Turks as long as they did not, and do not, disturb or act against the Sunni-Islam-Turkish order. If ethno-cultural and religious minorities did transgress, their recognition could easily turn into suppression and persecution. Against this background, this work shall claim that tolerance is nothing but a myth in Turkey as in other countries, such as the Netherlands and the Balkans.⁸³

The rise, ubiquity, simultaneity and convergence of arguments condemning multiculturalism have been striking across the Western world.

The defining feature of the early Republic was the Turkification policies, which sought to secure the dominance of Turkishness and Sunni Islam as the defining elements in every walk of life, from the language spoken in the public space to citizenship, national education, trade regime, personnel structure in public enterprises, industrial life and even settlement laws.⁸⁴ With an imperial legacy, many such new regulations and laws referred to a set of attempts to homogenise the entire nation without any tolerance for difference. It is highly probable that the underestimation of ethno-cultural diversity among the

Muslim population of the Republic was due to the preceding Ottoman *millet* system borrowed by the Republican political elite. The *millet* system did not consider ethnic differences among Muslims. All Muslims, regardless of their other differences, belonged to the one and the same “Muslim nation”. Paradoxically, the successful nature of the Turkish revolution/rupture is owing to the continuity of the Ottoman notion of *millet*. Hence, the modern Turkish Republic became indifferent to the ethno-cultural differences within the so-called Muslim *millet* that has dominated the Republic.

Conclusion

To reiterate, this article first delineated the failure of multiculturalist forms of integration resulting from the fact that migration has become securitised and stigmatised in the west over the last decade. Secondly, it claimed that the ideology of multiculturalism has also revitalised the rhetoric of *tolerance* as a way of concealing the social, economic and political sources of ongoing problems in the life of migrant origin individuals, such as deindustrialisation, unemployment, poverty, exclusion and racism.

Migration has recently been framed as a source of fear and instability for

western nation-states. Yet not so long ago it was rather a source of contentment and happiness. Several different reasons, including de-industrialisation, changing technology, unemployment and poverty and the neo-liberal political economy, can account for this discontent. Migrants have become a source of fear not only because of these structural problems leading to the supremacy of neo-liberal forms of governmentality, but also because of the ways in which migration has become stigmatised and securitised by the ethno-culturalist and right-wing political elite and public intellectuals. The process of securitising migration in the west occurred in tandem with the rise of such discourses as the “clash of civilisations”, “culture wars” and Islamophobia, all of which presented societal heterogeneity in an unfavourable light.

The intensification of Islamophobia was made easier by al Qaeda-type violence, and the radicalisation of some segments of Muslim-origin immigrant communities in several countries reinforced the societal unrest resulting from immigration. The result was the introduction of restrictive migration policies and increased territorial border security *vis-à-vis* the nationals of third countries who originated from outside the European continent. However, keeping in mind the demographic deficit,

emigration in European countries is now becoming a reality of everyday life, and one could conclude that such a migrant-phobic and Islamophobic political climate is not sustainable, and that soon a common sense approach will have to become the mainstream.

The securitisation and stigmatisation of migration and Islam has mainly brought about a backlash against multiculturalism in the west since the mid 1990s. The rise, ubiquity, simultaneity and convergence of arguments condemning multiculturalism have been striking across the Western world, including in EU countries, specifically Germany, the Netherlands, the UK, Denmark, France and Italy. The anxieties associated with “parallel lives” and Muslim “self-segregation” have become very visible in these countries. Muslims and migrant communities are blamed for not integrating into the western way of life. These arguments have become so popular in the west that a spectre started to appear in the 21st century: a backlash against multiculturalism. This backlash has immediately triggered the rise of right-wing extremism that promotes the homogeneity of the nation, free of the others who are ethno-culturally and religiously different. The spectre has not only targeted the Muslims, but also the proponents of multiculturalism coming from the prescribed nation. Obviously,

the mass murder in Norway on 22 July 2011, which targeted multiculturalists, has given significant messages to the mainstream populist political parties competing for voters, parties which seem to be leaning towards right-wing extremism.

The discourse of security should be rephrased in a way that would free migrants and their descendants from the patronising gaze of receiving societies. In other words, migration issues should be desecuritized. Shaping public opinion in an accurate way primarily depends on the existence of a strong political will, which may convince the public that ethnic/religious/cultural revival among migrants might also be seen as a quest for justice and fairness, but not as a security challenge. In this regard, symptoms and reasons should not be confused. States should not reduce integration in the cultural sphere. Integration means more than that as it has political, economic and civic elements as well. The political integration of migrants should be prioritised in order to let them express their claims regarding their state of poverty, exclusion and self-isolation through legitimate political channels, such as the local and national parliaments and the mainstream media.

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Addressing Cross-cutting Issues in Human Trafficking Policy: Recommendations for Turkey

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Abstract

Since the disintegration of the Soviet Union, human trafficking has emerged as one of the major trans-national phenomena affecting Turkey. Although trafficking in human beings is widely acknowledged as a serious crime and is countered by a sophisticated international law, global efforts to prevent trafficking and protect trafficked persons remain a serious challenge. This paper argues that such trafficking is connected to a number of cross-cutting issues such as gender, labour, development, and human security. The paper assesses current responses in the light of these issues, identifying gaps in actual prevention and protection efforts in the global context. The Turkish government's recent reforms regarding migration management have been intended to respond to new migration dynamics. The article provides policy recommendations to address the cross-cutting issues to counter human trafficking in a holistic and comprehensive manner.

Key Words

Human trafficking, trafficking in human beings, trafficking in persons, cross-cutting issues, global efforts in countering human trafficking, prevention, protection, challenges, Turkish policy.

Introduction

Today, it is estimated that between 800,000 and 2,500,000 people every year are subject to human trafficking within or across borders for purposes of exploitation. Human trafficking (also termed trafficking in human beings or trafficking in persons) is a serious crime and a violation of universal conventions, principles, and norms on human rights. Following the global experience of such trafficking over the last decade, states, international organizations, civil society, and the business community have been debating new and innovative approaches to counter human trafficking as a result of a failure of primary approaches to prevent trafficking and protect trafficked persons.

Although human trafficking dates back as far as slavery, in the last quarter of the 20th century the phenomenon has transformed radically, both in terms of quantity and quality, due to a series of factors attributed to “globalization”. Since the end of the Cold War, the concept of

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“security” has expanded to encompass threats such as global warming, refugee issues, and human trafficking, which cannot possibly be handled within national borders, and thus issues against which all states need to seek a common solution. Yet, the extreme complexity and ever-changing nature of human trafficking makes it difficult to combat this crime in practice.¹

Although trafficking in human beings is widely acknowledged as a serious crime and is countered by a sophisticated international law, global efforts to prevent trafficking and protect trafficked persons remain a serious challenge.

Since the beginning of the 19th century, this international legal framework has included various legal instruments to prevent trafficking in women, children, slave trade, and abolition of forced and compulsory labour, elimination of worst forms of child labour and child pornography and prostitution. In addition human rights instruments and principles have been guiding on equal rights and equal treatments. The 1948 Universal Declaration of Human Rights provides a normative basis for international human rights standards

and acknowledges equality, liberty, security, and freedom, while prohibiting slavery, servitude, and the slave trade.

In the last decade, two important new instruments regarding human trafficking have entered into force. The first is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) supplemental to the United Nations Convention against Transnational Organized Crime, which entered into force on 25 December 2003. The Protocol provides the first detailed and comprehensive definition of human trafficking, and applies to all people but particularly women and children due to member states’ recognition of their particular vulnerability. The second instrument is the Council of Europe Convention on Action against Trafficking in Human Beings, which opened for signature in 2005 and entered into force in 2008. The Convention applies to all forms of trafficking, whether national or transnational and whether related to organized crime or not, as well as containing more detailed provisions for protection of trafficked persons. The parties aim to promote gender equality and gender mainstreaming in development, implementation, and assessment of measures assisting trafficked persons. The convention also refers to trafficking

as a violation of human rights and an offence against the dignity and integrity of a human being. One difference of the Convention from the Palermo Protocol is the establishment of an independent monitoring mechanism of independent experts called GRETA (the Group of Experts on Action against Trafficking in Human Beings) that is capable of controlling the implementation of obligations in countries which have adopted the Convention.

Trafficking in persons is a complex phenomenon encompassing a vast set of broader contexts shot through by cross-cutting issues which impact on human rights and human security.

There are thus legally binding instruments for combating human trafficking and these instruments exist within the concept of criminal law with human rights aspects. They have not completely succeeded, however, because trafficking in persons is a complex phenomenon encompassing a vast set of broader contexts shot through by cross-cutting issues which impact on human rights and human security. Thus, although there is an international legal framework in place, global efforts to eliminate human trafficking still face

significant challenges. What needed is enhancement of understanding of a human trafficking and a new, holistic approach to tackling the problem.

With the enforcement of Palermo Protocol, countries have adopted it into their national law and have taken legal and administrative measures to combat human trafficking. Nevertheless, there have been disparities in adopting the Protocol which have resulted in varying practices worldwide. Best practices therefore became an important tool for sharing experiences at national, regional, and international level. Initially, counter-trafficking measures mainly focused on prevention, protection, and prosecution, called the “3P” approach, later enhanced to a “4P” approach with the addition of partnership as it was understood that the fight against human trafficking requires involvement of a diverse array of actors and cooperation as well as coordination at national and international level.

Prevention activities mainly focus on public awareness, and messages have focused on the pitfalls of human trafficking. Although root causes such as demand, gender equality have been repeatedly mentioned by academia and relevant actors, policy and actions have not taken these sufficiently into account when attempting to prevent human trafficking.

Protection measures have aimed to identify and assist trafficked persons. Nevertheless, global efforts at identification seem to have remained limited to victims of sexual exploitation, while the victims of other forms of trafficking such as forced labour or organ removal often remain unknown. Even identifying the victims of sexual exploitation remains a challenge. Worldwide, there are still many trafficked persons who remain unidentified due to perceptions and prejudices, the nature of the crime, and limited support for potential trafficked persons at the identification stage. Non-identification leads to all kinds of vulnerabilities, including the danger of re-trafficking. Assistance to trafficked persons still concentrates on urgent needs such medical and psychological assistance rather than providing long-term solutions, such integration and empowerment. One best practice has been cooperation of non-governmental organizations (NGOs) and law enforcement in the identification process. Yet even this model is not enough in reaching persons who are victims of other forms of human trafficking such as forced labour. There is a need for involvement of many stakeholders like labour inspectors, labour unions, professional associations in different sectors as well as private sector.

Assistance to trafficked persons still concentrates on urgent needs such medical and psychological assistance rather than providing long-term solutions, such integration and empowerment.

Prosecution of human traffickers is essential. Yet, despite the international legal framework, convictions are extremely rare, and do not reflect the real scale of the problem. This is an impact not only on the criminal justice system and the rule of law, but also a moral issue for trafficked persons left with a sense of injustice. Capacity-building training has primarily targeted law enforcement and later the judiciary as important actors in the process in order to increase prosecutions and maintain access to justice for trafficked persons. Capacity-building activities also ensure better understanding of the crime and handling of victims as witnesses to a serious crime. Such activities should include developing specific curricula in law schools and justice academies. Finally, legal assistance systems urgently need to be strengthened in legislation and practice through the active involvement of attorneys. In many countries, the lack of systematic legal assistance to trafficked persons affects both successful prosecution and further

violates the human rights of trafficked persons in the process of access to justice. For this reason, international partnership is essential to further efforts to increase prosecution in the countries of origin, transit, and destination, including mutual legal assistance.

Since 2000, human trafficking has been one of the top crimes in the international arena which obliges countries to take serious measures. By its very nature, the phenomenon is necessitating changes in traditional, *ad hoc* responses. Human trafficking is shot through by cross-cutting issues such as labour, human security, gender and development that impact on human rights, and human dignity and integrity, and which need to be addressed at the policy and programme levels. In 2010, the 10th anniversary of the adoption of the Palermo Protocol, member states renewed their commitment to the fight against human trafficking when the UN General Assembly adopted the Action Plan to Combat Trafficking in Human Beings.² The Plan includes 61 actions in five chapters on the general principles and UN instruments and bodies, prevention of trafficking in persons, protection of and assistance to victims of human trafficking, prosecution of crimes of human trafficking, and strengthening of partnerships against such traffic. The Action Plan highlights broader policies

and programs in prevention of human trafficking, including the following suggestions to deal with cross-cutting issues:

- Mainstream the issue of trafficking in persons into the broader policies and programmes of the United Nations aimed at addressing economic and social development, human rights, the rule of law, good governance, education and natural disaster and post-conflict reconstruction;
- Adopt and implement comprehensive policies and programmes at the national level and, as appropriate, at the sub-regional and regional levels to prevent all forms of trafficking in persons that are in line with relevant policies and programmes on migration, education, employment, gender equality, empowerment of women, and crime prevention, in accordance with relevant international human rights instruments.³

With a better understanding of the new features of human trafficking, learning from experiences and defining gaps for holistic approaches will promote efforts in the fight against it. This should also incorporate cross-cutting issues and create partnerships at all levels.

Labour and Human Trafficking

The International Labour Organization (ILO) estimates that 20.9 million people are victims of forced labour globally, trapped in jobs into which they were

coerced or deceived and which they cannot leave.⁴ A total of 18.7 million (90%) are exploited in the private economy, by individuals or enterprises.

Although all forms of human trafficking are stipulated in international law, global efforts have failed to respond the problem of forced labour.

The UN Special Rapporteur on human trafficking, especially women and children, has shared her observation that:

human trafficking is in most cases committed by non-state actors and that businesses often derive economic benefits from labour or services provided by trafficked persons, whether directly or indirectly, including through their supply chains. Businesses may be linked to human trafficking in various ways. They may be directly implicated in the crime of trafficking when they recruit, transport, harbour or receive persons for the purpose of exploitation during the course of their business. This may occur with or without the knowledge of the management or if the company has recruited the persons itself or through a third party, such as a private recruitment agency.⁵

In the recent years, the efforts in preventing forced and exploited labour focuses supply chain with the link between everyday products and the exploitative conditions under which

these may have been produced by persons being potentially trafficked. This approach aims to raise consumer awareness on human trafficking particularly on labour exploitation as well as urges business community to respond human trafficking including ethical recruitment.

Although all forms of human trafficking are stipulated in international law, global efforts have failed to respond the problem of forced labour. There are several causes, such as the lack of a comprehensive policy or program of systematic labour administration and inspections, the need for the involvement of multi-stakeholders, and the limited efforts at identification of trafficked persons in various sectors.

Human Security and Human Trafficking

As human security addresses both individual and community, it is added value in preventing of trafficking through analysis of the root causes and consequences of the threats.

It should also be remembered that environment of violence, crime, criminal networks threaten security and development of community. It is another dimension in connection to human trafficking.

The concept of human security is also important in addressing vulnerabilities, insecurities as well as protection and empowerment of persons. The holistic human security approach expands the services to vulnerable groups including trafficked persons. Moreover the human security approach builds up cooperation with local authorities, civil society, media and community actors and others.

Although there have been some state initiatives and programs in previous years, there is still a need for wider consideration of this approach. Moreover, gender and development are also important cross-cutting issues that need to be addressed, particularly in terms of inequalities, human development and poverty reduction.

Turkey's Efforts in the Fight Against Human Trafficking

Since the disintegration of the Soviet Union, human trafficking has emerged as one of the major transnational phenomena affecting Turkey. Responding to the problem, the country has developed a counter-trafficking policy and program, implemented by the government in 2002-2010 in cooperation with relevant stakeholders and with high-level political endorsement. Turkey's counter-trafficking policy became

particularly active in 2002, after Turkey became a part of the UN Convention against Transnational Organized Crime and its supplementary Palermo Protocol.⁶ In a very short span of time Turkey made the necessary revisions in national legislation in criminalizing and preventing human trafficking. The legal changes followed consistent monitoring of the implementation of laws related to human trafficking and resulted in further revisions to the legal framework.

The second important step was the establishment of an inter-institutional coordination mechanism by creating the National Task Force on Combating Trafficking in Persons (NTF), which is the main platform in Turkey's actions in the fight against human trafficking. The NTF is chaired by the Ministry of Foreign Affairs (MFA) and more than 30 institutions are represented including three local NGOs which implement a counter-trafficking programme particularly run the shelters for trafficked women within the National Referral Mechanism. The International Organization for Migration (IOM) and the European Union (EU) Delegation to Turkey have been observers on the NTF since 2005.

The NTF prepared Turkey's first National Action Plan on Combating THB (Trafficking in Human Beings),

which was successfully implemented in 2003- 2007. The plan was simple, containing specific actions such as the establishment of a helpline to rescue actual and potential trafficked persons, the opening of shelters, the organization of capacity-building training of law enforcement and the judiciary, as well as legal and administrative revisions to prevent human trafficking. The responsibilities of each institution in implementing the plan were determined in line with their areas of work. Although there was no structured monitoring mechanism, as chair, the MFA conducted regular meetings to define and discuss gaps and further requirements in fulfilling international responsibilities. The NTF and closely followed international debate, including reports such as the *Trafficking in Persons Annual Report* by the U.S. State Department, which categorizes countries according to their actions to comply with minimum standards.⁷ The first plan was partly conceived to raise Turkey's ranking in this report by responding to criticized areas, and thus resulted in *ad hoc* responses in emerging areas. Turkey was moved from tier 3 to tier 2 in 2005 and has remained in the same tier since that time. The main criticism of the report was about the identification & protection of trafficked persons and the sustainability of the program. The EU

Progress Report also highlighted similar issues for Turkey related to Chapter 24 for the last years. 2013 Progress Report⁸ stated that a comprehensive, multi-disciplinary and victim-oriented approach to trafficking still needs to be developed and victim identification needs to be improved. Victims need to have unhindered access to assistance, support and protection.

The system needs to be strengthened regarding women, children, and men subject to human trafficking, all forms of human trafficking whether across borders or internal, and with the involvement of all stakeholders.

The second action plan was accordingly developed within the framework of a twinning project with international partnership and approved by the Prime Minister in June 2009. It is a sectoral action plan which is still valid for long term actions but knowledge about this plan is limited to a few key institutions. As an implementation plan has not yet been discussed and prepared by the NTF, there is no structural implementation and monitoring of this plan. This affects Turkey's efforts in countering human trafficking and in taking comprehensive and timely measures.

Turkish law enforcement agencies have played an important role in the efforts to combat human trafficking, assist trafficked persons, and implement the first action plan. The training of law enforcement officials has improved their effectiveness in investigation and identification of trafficked persons. One of the good practices identified was the law enforcement partnerships with three NGOs in assisting trafficked persons within the National Referral Mechanism (NRM) under the framework of signed agreements. The Department of Foreigners, Border and Asylum (DFBA) of the Turkish Police was assigned as the coordinating agency, including coordination of the NRM in assisting trafficked persons. When the NRM was established in 2004, all identified trafficked persons were foreign women from the former Soviet Union. NRM is designed to assist foreign victims, and therefore DFBA is given the duty of coordinating it. After a while, the relevant institutions in the NTF realized the system was not covering Turkish cases and needed to be restructured to include Turkish cases. Furthermore, the system needs to be strengthened regarding women, children, and men subject to human trafficking, all forms of human trafficking whether across borders or internal, and with the involvement of all stakeholders.

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The Council of Ministers approved free health services for trafficked persons in 2003. In total, the Turkish authorities have been able to identify and assist more than 1,320 trafficked persons since 2004. The majority of trafficked persons were sexually exploited women aged between 18 and 25, originating mainly from the former Soviet Union. As a result, three specialized shelters for trafficked women have been opened. The shelter in Istanbul was opened in 2004 and run by Human Resource Development Foundation. The Ankara shelter was opened with the support of Ankara Greater Municipality and IOM with funding from the Swedish International Development Cooperation Agency (Sida) and is run by the Foundation for Women's Solidarity. The shelter in Antalya was opened in 2009 with the support of IOM and Sida funding and is run by the Antalya Family Counsellors Association. The beneficiaries of the shelters were provided psychological and medical assistance

and legal counselling. Although Turkey provides a 6 months residence permit for trafficked persons, only 45 persons have applied for this residence since 2004, and the rest preferred to return to their home countries. There may be many factors for their return, but two main ones can be mentioned: i) they have families, and 60% of trafficked women are mothers; ii) the support mechanism is limited, with some services but little support for empowerment and integration of the victims into society. The Turkish government has been cooperating with the IOM since 2004 for voluntary, safe, and dignified return of trafficked persons, and 830 trafficked persons have been assisted by the IOM in the framework of the cooperation within the National Referral Mechanism.

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Three public awareness raising campaigns have also been conducted by the NTF in cooperation with the IOM with the support of international donors including the EU and USAID.

The campaigns focused on media prejudices towards women from former Soviet Union, who were labelled “Natashas”. The campaigns helped the understanding of trafficking and its consequences, particularly on trafficked persons, their families, and society, as well as promoting the 157 Helpline for Trafficked Individuals to rescue trafficked persons. Furthermore, preliminary research conducted in 2008 provided recommendations on curbing demand for sexual and labour exploitation and organ trafficking that still need to be followed up.⁹ Similar comprehensive studies monitoring the changing dimensions of human trafficking still need to be carried out to generate strategy and policy recommendations. For example, in 2012, the Turkish government facilitated new registration and work permit procedures, particularly focusing on undocumented domestic workers, in order to prevent labour exploitation and forced labour. Premiums were reduced and work permit procedures simplified, resulting in an increase in the number of work permits issued; while only 422 work permits were issued for foreign domestic workers in Turkish homes in 2011, the regulation allowed for the issuance of 8,878 work permits in 2012. The effects of the new procedure should be carefully monitored in the short and longer term. There is further need to

raise public awareness in Turkish society regarding the new procedures in order to increase legal applications for work permits by domestic workers sponsored by Turkish individuals/families.

Furthermore, capacity building activities for the judiciary have increased prosecutions for trafficking offences, and the Supreme Court of Appeals has also provided guidance to the judiciary by approving more than 70 decisions related to various forms of human trafficking. Although these decisions can be accessed one by one through the National Judiciary Informatics System, it is also important to analyse the main factors in successful prosecutions as well as failed ones to further instruct the judiciary.

Turkey has also signed cooperation agreements with key countries of origin, actively involved itself in the international arena, and established close cooperation with international organizations. This partnership at the national and international level has greatly increased effectiveness. The government has also established cooperation with relevant NGOs and has funded their activities since 2010.

Broadly speaking, we can divide Turkey's efforts to curb human trafficking into two phases: the period of 2002-2010 and the period after 2010. In the first period,

we can observe political will, a good level of preparation at the bureaucratic level, ownership, partnership with NGOs and international organizations, but *ad hoc* responses rather than sustainable policy, strategy, and programmes. In 2010, Turkey evaluated its efforts, defining gaps, best practices, and further needs considering emerging features of human trafficking. After that, we observe a more holistic approach, as well as an institutional handover of coordination of the counter trafficking policy and programme.

Broadly speaking, we can divide Turkey's efforts to curb human trafficking into two phases: the period of 2002-2010 and the period after 2010.

The Turkish government is currently carrying out a thorough reform of its migration policy through establishing a legal, institutional and administrative framework for a modern, well functional and human rights-based migration management system that responds to country needs and migration challenges. These wide-ranging efforts also include drafting a new framework law to prevent trafficking in persons and protect the trafficked persons.

In line with the migration reform, there are new legal and institutional changes in Turkey that will affect policy and programme on countering human trafficking. The most important one is the establishment, with the adoption of the law on Foreigners and International Protection, of a new specialized institution within the Ministry of Interior, called the General Directorate of Migration Management.¹⁰ The General Directorate also has a specific department for Protection of Trafficked Persons. This department will be responsible for the coordination of counter-trafficking actions and all measures in assisting trafficked persons.

Overall, the evaluation of past policies and programmes has also demonstrated that issues such as root causes, particularly demand, as well as cross cutting issues, including gender, labour, human security and migration regulations, all need to be dealt with in a holistic way. Turkey is now in a new phase of its efforts in fighting against human trafficking. The country has gained experience, closely followed global developments, and defined emerging areas to further renew its policy and programme.

Conclusion

This article concludes with policy recommendations for Turkey:

- Prioritise trafficking in women and children as human security threat and provide effective measures.
- Consider domestic violence as a root cause of trafficking in women and children, and recognize that this group is not only at risk of trafficking but also at risk of abuse and gender-based violence. The assistance needs of victims, such as psychological, legal, medical, and social assistance, are often similar. Government can establish a comprehensive and interconnected system to deliver assistance to these persons. When making policy and action plans related to human trafficking and human security, connectivity between the needs to be addressed and inter-agency cooperation should be enhanced. It is also important to address social problems related to human trafficking and domestic violence in order to make policy and provide support to victims and persons at risk.
- Design an education policy to educate the population on issue of gender equality.
- Carry out systematic data collection and research to define at risk and disadvantaged groups, analyse the data to make comprehensive policy, and review all related policies from a perspective of gender equality.

- Create a comprehensive policy on regional discrepancies, poverty, and unemployment to reduce human trafficking.
- Ensure that the new migration policy facilitates creation of legal migration channels to address demand in labour in low-skill sectors and prevent the exploitation of migrant workers and irregular migrants.
- Reduce demand in informal sectors. As demand has a direct impact on supply, this will contribute to countering human trafficking.
- Link the fight against trafficking for labour exploitation with the struggle for decent working conditions as well as fair recruitment policies.
- Implement a functioning and robust labour inspection system to monitor working conditions. There are currently a limited numbers of labour inspectors in Turkey. When capacity is raised, exploitation can be reduced through regular inspections.
- Continue to play a constructive and humanitarian role in major development issues in different regions. The Turkish Cooperation and Coordination Agency (TİKA) has carried out important development cooperation activities. These efforts contribute to sustainable development in the countries assisted. International migration may thus be considered from the perspective of preventing human trafficking through the economic empowerment of disadvantaged populations.
- Put in place a legal framework and policy on discrimination.
- Encourage state institutions such as Ombudsman, Human Rights Presidency to play an important role and broaden their scope to issues related to human trafficking and human security, particularly regarding protection.
- Implement policy and good governance on corruption and all forms of organized crime; essential for the efforts in fighting against human trafficking.
- Implement a framework law to combat human trafficking. The crime is currently sanctioned in the Turkish Penal Code, and there are several articles in the Criminal Procedure Code. Nevertheless, the Ministry of Interior's efforts in completing the draft and adoption of a framework law will be landmark for future efforts in fighting against human trafficking.
- Revise counter-trafficking policy to consider all forms of human trafficking, including local trafficked persons as

- well as assistance to trafficked persons, taking into account the whole range of needs in the long term.
- Restructure the NTF by establishing key thematic groups. The inter-agency cooperation mechanism is crucial in the fight against human trafficking. The Migration Policy Board's decisions will steer the policy countering human trafficking.
 - Set up a monitoring and evaluation mechanism for policy and programme as an integral part of counter-trafficking efforts.
 - Implement a new vision for Turkey to exceed the minimum international standards, as global experience shows that a minimum standards approach may cause serious human rights violations and create the perception of normalizing human trafficking.

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An Overview and Discussion of the New Turkish Law on Foreigners and International Protection

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Abstract

The object of this article is to offer a critical analysis of the impact of the 2013 Law on Foreigners and International Protection regarding the general status of aliens. The examination will focus on the provisions regulating the entry, residence and deportation of foreigners. Primarily, it undertakes a systematic comparison of the provisions of the new law and the relevant old legislation, aiming to evaluate the extent to which public policy priorities challenge the goal of bringing the new legislation into line with modern standards.¹ The second objective is to discuss whether the new legislation constitutes an amelioration of the status of foreign persons in Turkey in comparison with the old legal provisions. The regulation of international protection shall not be the part of our study, except where explanations in certain issues may necessitate reference to the provisions regarding international protection.

Key Words

Law on Foreigners and International Protection, status of aliens, entry of foreigners, residence of foreigners, deportation of foreigners.

Introduction

A new Law on Foreigners and International Protection (LFIP) was adopted in April 2013 by Turkish Grand National Assembly.² This reflected a desire to bring Turkish legislation into accordance with EU standards. The preparation of the new law has required codification of most of the national laws on foreigners and the legal regulations on asylum and migration. The LFIP regulates basic subjects concerning aliens' status in Turkey, excepting the work permits and the acquisition of immovable property. Additionally, it constitutes the first domestic law governing practices of asylum in Turkey. Until the adoption of the LFIP, asylum had been regulated by secondary legislation, namely 1994 Regulation on Asylum and administrative circulars.³ The status of stateless persons is regulated firstly by law in the domestic system. The provisions of the new law generally reflect the impact of EU law. It may be said that the principles of international law and human rights have also been taken into

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consideration, as the Articles affecting the entry, residence and deportation of foreigners, constitutes a manifestation of the principle of non-refoulement.⁴

The principles of international law and human rights have also been taken into consideration, as the Articles affecting the entry, residence and deportation of foreigners, constitutes a manifestation of the principle of non-refoulement.

A semi-casuistic approach seems to dominate the new law which gives priority to the concept of security. Nevertheless, rather than giving a detailed analysis of the new law in its entirety, this Article intends to emphasize the impact of public policy and security concerns in the regulation of entry, residence and deportation issues by the LFIP and to examine whether the new law contributes to the amelioration of the aliens' status in comparison to the old rules. The LFIP regulates issues regarding the status of foreigners almost totally, tending to do so in accordance with "Community acquis" and superseding the old legislation's archaic and dispersed provisions. The new regulation on aliens' status is much more detailed in comparison to the old relevant legislation, and this contributes

to the reinforcement of personal security and immunity. Nevertheless, while the casuistic approach dominating the structure and content of the new legal provision seems to show a remarkable development with regards to human rights, the preponderance of the concept of security make the development in this area questionable.

Entry of Foreign Persons into Turkey

The entry of foreign persons to Turkey is regulated by the Articles in section 1 of the LFIP. The requirements and other regulations regarding this issue may be briefly classified in five groups: (i) Formal requirements concerning the entry of foreigners; (ii) The category of foreigners who shall not be permitted entry into Turkey; (iii) The ban on entry (iv) Competence of the Council of Ministers; (v) Procedural guarantees.

Formal requirements concerning the entry of foreigners

The formal requirements contain the obligation of entry and exit through border gates with valid passport or passport substitute documents (Art. 5) and the obligation to obtain a visa (Art. 11). A last requirement about the absence of prohibition of entry may be

considered in the framework of formal requirements. The importance and the composite content of the relevant regulation makes it necessary, however, to review this issue separately. In the main, the Law on Passports⁵ implies the same obligations, but the new regulation about visas involves some important changes. Nevertheless, the provision of the old law (Art. 8) enumerating the category of foreign persons “whose entry into Turkey is forbidden” has been replaced by the provision which indicates the category of foreign persons “who shall not be permitted entry into Turkey” (Art. 7). The substance of the new provision also differs from the regulation in the Law on Passports.

The obligation to obtain a visa may be roughly characterized as a part of the formal requirements, and some grounds as to the refusal of visas (Art. 15) are rather substantial in nature.

Under the new law, foreigners intending to stay in Turkey for a period of 90 days or less shall arrive in Turkey after obtaining a visa indicating the purpose of the visit. The visa is issued by Turkish consulates in the country of nationality or residence of the interested person. The duration of stay provided by the visa or visa exemption shall not exceed 90 days within 180 successive days. Visas shall be issued exceptionally

by governorates that are responsible for border gates. Foreigners for whom a visa is deemed necessary in view of Turkey’s national interest may obtain visas from Turkish embassies. In that case, the Ministry of Interior and the Ministry of Foreign Affairs are to be notified of all visas issued in accordance with the general procedures for issuing visas (Art. 11). The visa exemptions are included in Article 12.

The regulation about the refusal of visas is a novelty; the Law on Passports contains no similar provision. Some of the grounds regarding refusal of visa concern formal requirements. Firstly, foreigners who do not possess a passport or substitute document with a sufficient validity period and foreigners who are prohibited entry into Turkey cannot obtain visa in terms of Article 15, (1) (a),(b). Other cases which justify refusal of a visa are mostly of a substantial nature. The cases enumerated in Article 15, from paragraph (1)(c) to (1)(ğ) are: undesirability on grounds of public order or public security, carrying a disease identified as a threat to public health, being suspected or convicted of a crime or crimes that are subject to extradition under agreements or treaties to which Turkey is party, not being covered by valid medical insurance covering the intended duration of stay, being unable to provide justification for the purpose

of the entry into, transit through, or stay in Turkey, not possessing sufficient and regular means of subsistence during the intended stay in Turkey, and, finally, refusing paying of fines deriving from legal regulations mentioned by Article 15(1)(ğ).

While most of these situations can be clearly and straightforwardly established, some are also open to question. For instance, Article 15(1)(c) indicating that visas shall be refused to foreigners who are “found undesirable on grounds of public order or public security” attributes remarkable powers of discretion to the competent authorities and is consequently susceptible to arbitrary treatments. The impreciseness and ambiguity of Article 15(1)(c) renders the importance of judicial review more ‘appreciable’. The identification of disease as a threat to public health is similarly debateable and susceptible to controversy, and the notion of public health needs further precision. Finally, whether an individual is suspected or convicted of a crime is to be evaluated in accordance with the rules of Turkish Criminal Law.

On the other hand, Article 16 of the new law provides the cancellation of a visa in the following cases: If it is identified as having been subject to erasure, scraping or other alteration, if the foreigner is prohibited from entering

Turkey, if there is strong suspicion that the foreigner might commit a crime, if the passport or substitute document is fraudulent or expired, if the visa and visa exemption is used for purposes other than those for which it was granted, or if it becomes evident that the conditions and documents on which the decision to issue the visa was based are no longer valid. Additionally, in case where deportation of the foreigner is ordered within the validity of visa, the visa shall be cancelled.

Most of the grounds for the cancellation of visas are interesting formal requirements and consequently they may be considered reasonable. Nevertheless, it is unclear whether the reference to the prohibition of entry stated in Article 16 and also in Article 15 should be interpreted as a reference to Article 7 that indicates the category of foreigners who shall not be permitted entry into Turkey or as a reference to Article 9 that regulates the ban on entry. It is probable that the reference is made to the ban on entry, as the relevant provision mentions “the foreigner [who] is prohibited from entering into Turkey”, not “the foreigner who shall not be permitted entry into Turkey”. Finally, the expression “strong suspicion that the foreigner might commit a crime” is debateable as it may form a basis for arbitrary practices in future.

The category of foreigners who shall not be permitted entry into Turkey

Article 7 of the LFIP includes the cases in which foreigners shall not be permitted entry into Turkey. These cases are: absence/fraudulence of the passport or substitute document, visa, residence or work permit, fraudulent acquisition of these permits; absence of a passport or substitute document which is valid for at least sixty days as of expiry of the associated visa, visa exemption, or residence permit; falling under the scope of the foreigners listed under Article 15(1) regulating the refusal of visa, regardless of the existence/nonexistence of visa exemption. Besides the formal requirements for a passport, visa or residence permit, the relevant provision makes reference to cases that justify refusal of a visa. The evaluations regarding Article 15 shall also apply in the matter of prohibition of entry into Turkey.

Under the old relevant provision (Law on Passports, Art. 8), the category of foreigners denied entry into Turkey includes tramps and beggars, insane persons or those suffering from contagious diseases, persons accused or condemned of one of the crimes subject to extradition under international

treaties to which Turkey is party, persons who had been deported from Turkey and still had no right of entry, persons who were “perceived” to have come to Turkey for the purpose of destroying security and public order or assisting persons who intended do so, prostitutes and persons who incited women to prostitution, or were involved in “white women trading”, and all types of smuggler, persons who could not prove they had enough money to live in or depart from Turkey or could not prove that they would not engage in employment prohibited to foreigners. Some archaic notions are included in this provision, including “tramp”, “beggar”, and “white women trading”. The expression “persons perceived to have come to Turkey with the purpose of [...]” was open to arbitrary and abusive interpretations.

In comparison to Article 8 of the Law on Passports, the list of foreign persons who shall not be permitted entry into Turkey in the new regulation reflects a ‘more contemporary vision’, in which non-fulfilment of formal requirements is considered legitimate ground for prohibition of entry. Nevertheless, Article 7 of the LFIP should be examined together with Article 15 regulating the refusal of visa and containing many grounds of substantial nature. The imprecise notions of “public order and public security” have been used here in

order to legitimate the prohibition of entry of foreigners. Similar hesitations about interpretation in respect of the refusal of visas on the same grounds should also be considered concerning Article 7.

Ban on entry

The new law states that the Directorate General of Migration Management (under the Ministry of Interior) “may” issue a ban on entry against foreigners whose entry into Turkey is found objectionable on grounds of public order or security or public health (Art. 9, par. 1). Foreigners who are deported from Turkey “shall” be issued a ban on entry into Turkey by the Directorate General or governorates (Art. 9, par.2). This may be considered a novelty as there seems to be no similar provision in the old legislation. Such references to public order, public security and public health could excite the same doubts and criticisms mentioned above. Nevertheless, as will be seen below, some procedural guarantees have been recognized by Article 10.

Competence of the Council of Ministers

Certain parallels can be observed between the old and new legislation

in respect of the competence of the Council of Ministers relating to entry of foreigners into Turkey. Without going into detail, it should be mentioned that the competences according to the new law are composed of exemptions and facilities concerning the visa obligation, restrictive measures to be applied in cases of war or other extraordinary circumstances with regard to foreigners’ passports, and powers to apply restrictions or exemptions to a region or whole territory of the country, and generally any restrictive measures with regard to the entry of foreigners into Turkey (Art. 18). The old Law on Passports provides for retaliatory measures against nationals of states forbidding or restricting the entry of Turkish citizens (Art. 9), introduced facilities in the matter of visas and passports (Art. 10), and permitted exceptional measures in war and other exceptional circumstances (Art. 11).

Procedural guarantees

The notions of public order, public security, and public health are frequently used in the LFIP in order to create bases for ‘barriers’ to entry into Turkey. The granting of procedural guarantees by Article 10 of the new law may be appreciated and considered as having a somewhat balancing effect with regard to the provisions that prioritise public order/

security concerns. By virtue of Article 10, notification regarding the ban on entry against foreigners who come under the scope of Article 9(1) is to be given by the competent authority at the border gates when they arrive to enter into Turkey, and by governorates to foreigners who come under the scope of Article 9(2). The notification shall include the way in which foreigners can ‘effectively’ use their right of appeal against the decision as well as information on their other rights and obligations.

The introduction of the humanitarian residence permit and the permit for victims of human trafficking (Art. 46 and 48) reflect the impact of developments in the field of International Law and Human Rights.

On the other side, the non-refoulement principle constitutes an important guarantee in the issue of entry as well as in the matter of deportation. Finally, Article 8 emphasizes that non-fulfilment of requirements stipulated in Articles 5, 6 and 7 (as to entry into and exit from Turkey through border gates with valid passports, to document checks and to not falling under the scope

of the category of foreigners who not permitted entry into Turkey) shall not be interpreted or implemented in a way to prevent the application of international protection. It can be said, therefore, that the regime of international protection is according an ‘extra’ favour to foreigners in the field of entry into Turkey.

Residence of Foreign Persons in Turkey

The residence of foreign persons in Turkey is regulated in Section 2 of the LFIP. The new regulation introduces important novelties concerning formalities and it provides new and different types of residence permit. The Law no. 5683 on Residence and Travel of Foreigners in Turkey,⁶ which regulates this issue in general will be abrogated by the entry into force of the LFIP.

Regulation on formalities

Article 19 of the new law indicates that foreign persons who intend to stay in Turkey longer than the visa or visa exemption period or in excess of 90 days are obliged to obtain a residence permit. The old Law on Residence and Travel of Foreigners makes this obligatory for foreigners staying in Turkey more than a month to obtain residence permit, but this duration has been exceeded to

90 days by a Decision of the Council of Ministers.⁷

Article 21 regulates applications to obtain residence permits. The competent authority to decide on the applications for residence permits is the Directorate General of Management of Migration. The current legislation (Law no. 5683) designated local police authorities as competent. Differently from the procedure adopted by Law no. 5683, the new law establishes a system of application outside Turkey.

Residence permit applications shall be made to Turkish consulates in the foreigner's country of nationality or legal residence. It is stipulated, however, in Article 22 that in exceptional cases the application may be made to governorates. These cases include, among others, application for long-term/student/humanitarian residence permits and residence permits for victims of human trafficking.

A new and positive regulation with regard to the residence of foreigners is that a valid work permit (or exemption from work permit pursuant to the Law on Work Permits for Foreigners)⁸ shall also substitute for a residence permit (Art. 27).

Different types of residence permit

The LFIP also introduces six types of residence permit (Art. 30): short-term, family, students, long-term, and humanitarian residence permits, as well as those issued to victims of human trafficking. Without going into details, short-time residence permits for a maximum period of one year are to be granted to foreigners who, for example, intend to conduct scientific

research, establish businesses, possess immovable property, will receive medical treatment, enter for touristic purposes, or participate in student exchange programs in Turkey. Family

residence permits shall be given to (1) the spouse, the minor children, and the dependent children of Turkish citizens, foreigners falling under scope 28 of the Turkish Citizenship Law (a group of ex-Turkish citizens with advantageous status), foreigners holding residence permits and refugees/ subsidiary status holders, and (2) to the minor child, and dependent children of the spouses of the above mentioned persons. The maximum period of validity of the family residence permit is 2 years. Long-

In comparison to the old legislation, the new regulation of the refusal, non-extension, or cancellation of residence permits is much more detailed and precise.

term residence permits are granted to foreigners who have resided in Turkey with a residence permit for at least 8 years uninterruptedly and to foreigners meeting criteria to be determined by the Migration Policies Board. This type of permit grants the holder a very advantageous status (granting the same rights as those accorded to Turkish citizens except for political rights and some other public rights). The old legislation stipulated a few different types of residence permit (for spouses of Turkish citizens and students for example) but only by secondary legislation (notices of General Directorate of Security).⁹ The introduction of the humanitarian residence permit and the permit for victims of human trafficking (Art. 46 and 48) reflect the impact of developments in the field of International Law and Human Rights. The categories of foreigners who may obtain humanitarian residence permits are determined largely by considering the process of international protection, the impossibility or great difficulty of expelling a foreigner from the country, and other probable necessities in respect to extraordinary circumstances.

The conditions for the acquisition and the refusal, cancellation, or non-extension of residence permits are regulated for each type separately. Nevertheless, concerning refusal, cancellation, and non-extension,

some common grounds may be observed for the majority of permits, such as not meeting the conditions stipulated or the existence of a deportation decision or ban on entry, etc. Staying outside Turkey for a certain period forms the basis for the refusal, non-extension, or cancellation of short-term, long-term or family residence permits. Constituting a serious threat to public order or public security justify cancellation of long-term permits. The regulation on long-term residence permits in particular reflects the impact of European law. The grounds for granting resident permits for humanitarian reasons or to victims of human trafficking are related to the termination of the need to grant these permits (Art. 47 and 49).

In comparison to the old legislation, the new regulation of the refusal, non-extension, or cancellation of residence permits is much more detailed and precise. The introduction of grounds that justify refusal, non-extension, or cancellation of permits is a novelty, and these grounds are generally indicated through clear criteria. The old Law on Residence and Travel of Foreigners in Turkey includes only the grounds for refusal of residence permit. The legislation contains no detailed regulation about the grounds for non-extension and cancellation. Under the old law, application for residence permits shall be refused by

virtue of Article 7 only for foreigners who arrive in Turkey with intent to work in a job open only to Turkish citizens by law, who do not act in conformity with Turkish traditions or political requirements, who are determined to be unable to ensure their subsistence legally, who are prohibited entry into Turkey but have somehow entered, or who violate peace and security during their stay in Turkey. Some of these situations imply the discretionary power of the administration because of the ambiguous nature of notions such as Turkish traditions, political requirements, and violating peace and security. The relevant grounds in respect of the regulation of the LFIP are more concrete and more acceptable with regards to utility.

Procedural guarantees

The LFIP introduces important guarantees with regards to refusal, cancellation, and non-extension of residence permits which do not exist in Law no. 5683. These guarantees contain the requirement that, in issuing the decision of refusal, non-extension or cancellation, the competent authority shall take into consideration certain factors and the obligation to relevant notification, as well as the content of that notification.

Article 25 of LFIP indicates that rejection of residence permit applications

filed in Turkey, non-extension or cancellation of residence permits, and notifications about these procedures shall be made by the governorates. It is emphasized that, during these procedures, factors such as foreigners' family links in Turkey, the duration of their stay, foreigners' situations in the country of origin, and the best interests of any affected children shall be taken into consideration. Foreigners or their legal representatives or lawyers are to be notified of decisions concerning residence permits. The notification shall describe how foreigners can effectively use the right to appeal against the decision, as well as their legal rights and obligations in this process.

Deportation of Foreign Persons from Turkey

Articles 53 to 60 of Section 4 of the LFIP regulate deportation. Currently, deportation is regulated mainly by Law no. 5683 on the Residence and Travel of Foreigners in Turkey and Article 34 of the Law on Passports. The grounds justifying deportation of foreigners have been significantly increased, particularly those related to irregular entry, stay, and work. To compensate, a new category of foreign persons exempted from deportation has been introduced. The procedural guarantees related specifically

to deportation have been indicated in the relevant provision, while, in the old legislation, it was necessary to refer to general rules and principles of Turkish Administrative Law in this issue. On the other hand, administrative detention in the framework of deportation has been provided a legal basis by the LFIP.

Grounds for deportation

Cases which justify deportation from Turkey may be classified as follows: (i) the foreign person's presence in Turkey is considered dangerous; (ii) irregular entry and residence; (iii) application as a security measure in the context of the Criminal Law (for foreigners condemned in Turkey). This classification is valid for both the new and old legal regulations. Article 54 of LFIP lists foreigners against whom a deportation decision shall be issued.

The foreigner's presence in Turkey is considered dangerous

Under the LFIP, the persons to be deported in the framework of this ground are those who are leaders, members, or supporters of a terrorist or benefit-oriented criminal organization, who provide for their subsistence by illegitimate means during their stay in Turkey, or who constitute a threat to

public order, security or public health. The last subcategory includes abstract and ambiguous notions which could be concretized in practice and in the light of the judicial review process. The other subcategories are described by clearer notions.

The old Law on Residence and Travel of Foreigners in Turkey provides the deportation of foreigners whose residence in Turkey is considered contrary to general security or political and administrative requirements (Art. 19) and specifies that the Ministry of Interior is competent to deport foreign nomads (stateless/not related to Turkish culture) (Art. 21 (3)). The new regulation in the LFIP does not target a determined group of persons and it replaces the notions of "general security" and "political and administrative requirements" with those of "public order/security/health," which nevertheless also lack clarity and precision.

Irregular entry into and irregular residence in Turkey

The foreigners against whom a deportation decision shall be issued pursuant to irregular entry and residence are those who use false information or fraudulent documents in procedures related to entry into Turkey or false visas

or residence permits, who exceed the duration of their visas or visa exemptions by more than 10 days, whose visas or residence permits have been cancelled, who exceed the duration of their resident permit for more than 10 days without an acceptable excuse, who are identified as having been working without a work permit, who violate the provisions of entry into and exit from Turkey, who are identified as having arrived in Turkey in spite of a ban on entry, who have applied for but are not entitled to benefit from international protection status due to circumstances described in the relevant provision and who stay in Turkey, and whose applications for extension of residence permits have been rejected but who don't leave Turkey within 10 days.

Currently, irregular entry and residence in Turkey are taken into consideration in practice and in Turkish doctrine in the framework of Article 19 of Law no.5683.¹⁰ The old legislation provides two specific situations necessitating deportation; foreigners who come to Turkey without passports (Art. 34 of the Law on Passports) and foreigners who do not renew their passport after they lose it (Art. 20 of the Law no.5683). The first situation automatically leads to deportation (without discretion), while in the second the deportation of the affected person depends on the discretion of the competent authority. In the LFIP,

by contrast, there are a large number of grounds for deportation depending on irregular entry and residence, and also irregular work and exit. Differently from the old legislation, all these grounds seem to automatically justify deportation and do not grant interested authorities discretion in evaluating if the conduct of the foreign person evaluated as irregular entry/residence/work in the framework of Article 54 would render reasonable or fair the deportation decision. By taking into consideration the very serious consequences of deportation, it can be said that a certain power of discretion should be attributed to the competent authorities in the context of irregular entry/exit/residence. This proliferation of grounds for deportation, including irregularity of entry, residence, or exit, reflects the priority given to public policy and security concerns. This preference may be explained by the problems related to transit migration as well as by the reinforcement of security concerns after 11 September 2001 in Europe, which has affected the evolution of European law on this issue.¹¹

Applications of deportation as a security measure

Foreign persons against whom a deportation decision is deemed necessary according to Article 59 of Penal Code

are those sentenced to prison. After the end of the custodial sentence or release on probation of the affected person, the Ministry of Interior is to be informed so as to be able to evaluate the necessity of an application for deportation.

Law no. 5683 contains similar provision concerning foreigners who have been convicted in Turkey for a crime that come under the jurisdiction of the criminal court (Art. 22). Although the strict construction of the provision implies that deportation will be applied automatically in this case, this provision is interpreted considering Article 59 of the Penal Code. It is consequently accepted in the doctrine that the issue of the deportation decision shall depend on the discretion of the Ministry of Interior.¹²

Foreigners exempted from deportation

The introduction of a category of persons who are “not deportable” is a new regulation in the LFIP, and no similar provision is included in the old legislation. Foreigners who shall not be deported regardless of whether they fall under the scope of Article 54¹³ are listed in Article 55 of the new law. The categories of persons against whom a decision for deportation shall not be issued includes those who will likely

be subjected to the death penalty, torture, cruel or degrading treatment or punishment in the country to which they will be deported, whose travel is considered risky due to a serious health problem, age, or pregnancy, who cannot continue treatment for a life-threatening health problem in the country to which they will be deported, who are victims of human trafficking benefitting from a victim support process, or who are at the time being treated as victims of psychological, physical, or sexual violence. The content of Article 55 makes it clear that developments in international and European law have been taken into consideration in the drafting of these provisions, and it may be said that a certain humane approach is prominent in this regulation. Foreigners falling under Article 55 can obtain a humanitarian resident permit (Art. 46(1)(c)).

A decision of deportation may be issued against applicants or beneficiaries of international protection only when there are serious indications that they constitute a threat to the security of the state or when they are convicted of a crime which constitutes a threat to public order.

The new regulation also grants an advantageous status to two groups; stateless persons and applicants or beneficiaries of international protection. Stateless persons holding a Stateless Person Identification Document (Art. 50) shall not be deported unless they constitute a serious threat to public order or public security (Art. 51(1) (b)). A decision of deportation may be issued against applicants or beneficiaries of international protection only when there are serious indications that they constitute a threat to the security of the state or when they are convicted of a crime which constitutes a threat to public order. The grounds for deportation have been restricted for these groups pursuant to international principles related to the protection of stateless persons and refugees/asylum seekers.

Process of deportation

Competent authorities

Under the new law, governorates are competent to issue the deportation decision, while under Law no. 5683 on Residence and Travel of Foreigners in Turkey, deportation decisions still depend mainly on the Ministry of Interior, and only exceptionally on governorates of border and coastal provinces when this power was granted by the Ministry. The issuance of the

decision by a hierarchically superior administrative authority could mean a certain “security” at the bureaucratic level; the new regulation’s provision seems debateable on this point.

Notification of the decision and instruction to leave Turkey

Under Article 53 of the LFIP, foreigners and their legal representative or lawyer shall be notified of the deportation decision and the reasons thereof. In cases where the affected person is not represented by a lawyer, the person or legal representative will be notified of the decision as well as the procedures and time limits for appeal. The introduction of this obligation is a novelty and it should be considered an important contribution with regards to the use of procedural guarantees for the person against whom a deportation decision is issued. In the absence of a similar provision in the relevant legislation actually in force, it is obligatory to refer to the general rules of Administrative Law.¹⁴

Article 56 of the new law provides that foreigners shall be granted a period between 15 days and 30 days to leave Turkey. The provision, however, also stipulates the cases where this period will not be recognized. Foreigners who may abscond or disappear, who violate rules for lawful entry and exit, who use fraudulent

documents, who attempt to obtain/are identified as having obtained a resident permit with fraudulent documents, and who constitute a threat to public order and public security or public health shall not benefit from this period. Evaluating exceptional cases as a whole, particularly the largely ambiguous notions specifying the latter situation, it can be concluded that deportation without period granted shall become the general practice. It is not difficult to envisage that in the majority of the cases, the position of the interested person may be considered as included in scope of the relevant provision. Article 19 of Law no. 5683

indicates that the foreigners shall be instructed to leave Turkey “within the specified time”. Foreigners may be expelled immediately by decision of governors in urgent situations (Art. 21), though the content of “urgent situation” is not specified by the law. The new regulation is much more detailed and clear, although it seems to not be so beneficial with regard to the multiplicity of exceptional cases.

Administrative detention

The provision on administrative detention for deportation (Art. 57 of the LFIP) is one of the most important novelties introduced by the new legislation. The detention of foreigners to be deported thus finds a real legal basis for the first time. The practice of detention of foreign persons to be deported remains unjustified by a precise regulation until the adoption of the new

The practice of detention of foreign persons to be deported remains unjustified by a precise regulation until the adoption of the new law, and consequently a special procedure of appeal in respect of the decision of detention is not provided.

law, and consequently a special procedure of appeal in respect of the decision of detention is not provided. With the entry into force of the new relevant regulation it may be expected that appeals against Turkey will decrease.¹⁵ Briefly,

among the foreigners for whom a deportation decision is issued, those who may abscond or disappear, who violate rules for entry and exit, who use fraudulent or unfounded documents, who do not leave Turkey in the specified period without an acceptable excuse, or who constitute a threat to public order and security or public health shall be placed under administrative detention by governorates. Foreigners subjected

to this measure shall be transferred to removal centres. The period of detention shall not exceed 6 months. It is possible, however, to extend this period for 6 additional months due to non-cooperation or provision of false documents or information by the person in question. The necessity of continuing the detention shall be re-evaluated every month by the governorate.

The foreign person under detention or his/her legal representative or lawyer may appeal against the detention decision to a Magistrates' Court judge who shall conclude a review within 5 days. In the law, cases that justify the issuing of the detention decision are generally reasonable and understandable, with the exception of the criteria of public order and security/public health, which are open to abusive interpretation and consequently in danger of rendering this measure a general practice in respect to deportation decisions.

The conditions of detention, the substance and the procedure of this measure, and the methods of appeal against the relevant decision are indicated very clearly in Article 57. The operation of removal centres and the services to be provided therein are regulated by Articles 58 and 59. One interesting point regarding the removal centres concerns the regulation indicating that

the Ministry of Interior, determined as the authority competent to operate these centres, may sign protocols to delegate operation of the centres to public institutions and organizations, to the Turkish Red Crescent Society, or to other associations working in the public interest with expertise in the area of migration.

The consequences and the execution of deportation

As mentioned above, the new law provides for a ban on entry for foreigners deported from Turkey (Art. 9). The ban may not exceed 5 years, but in cases where a serious threat exists to public order and security, this period may be extended for another 10 years. While the consequences are very serious, there are attendant rules for foreigners who leave Turkey in the specified period and for those who apply to leave before it is established that the validity of their visa or residence permit has expired. Additionally, a deportation decision causes the refusal, non-extension, or cancellation of any short-term, family, or student residence permits (Art. 33/ç, 36/c, 40/ç).

Law no. 5683, by contrast, subordinates the return of deported persons to Turkey to the authorisation of the Ministry of Interior. It may be concluded that the

consequences regulated by the new law are more serious and systematically designed.

The execution of the deportation decision is regulated in Article 60 of the new Law. This regulation is more detailed in comparison to the old legal regulation in Law no. 5683. It can briefly be said that all travel costs are to be covered by the deported persons or, in cases where this is not feasible, by the Directorate General. The provision which states that the Directorate General shall cooperate with international organizations, the institutions of relevant countries, and non-governmental organizations with regard to deportation procedures (Art. 60 (4)) is an important novelty to note.

Procedural guarantees

The new law introduces a specific procedure of appeal against the deportation decision (Art. 53 (2), and (3)). Because of the absence of specific regulation in this respect, the old legislation rendered it obligatory to refer to the general rules of administrative jurisdiction. The LFIP states that the foreigner or his/her representative or lawyer is entitled to appeal to the administrative court against the decision within 15 days of notification of the decision. The decision of the court shall be pronounced in 15 days and

is final. No further application to the Council of State against the decision of the administrative court is possible. This new regulation is susceptible to paralyzing the development of case law and increasing overly elaborate decisions. There are examples which show that the Council of State effectuated an efficient and “inclusive” control in respect of deportation decisions.¹⁶ An appeal has a suspensive effect on deportation as the foreigner may not be deported until the finalization of the judgment. The suspensive effect is undoubtedly beneficial for foreign persons, although the process of appeal is to be achieved within 30 days. The advantage provided by this guarantee is therefore questionable, and the procedure may be qualified as “fast-track”.

Conclusion

The new Law on Foreigners and International Protection brings very important modifications in respect to foreigners’ entry into, residence in, and deportation from Turkey. It is difficult to summarize our evaluations so as to give a single qualification, positive or negative. The new legal regulation is much more detailed and systematic and may be characterized as an “aliens’ code” in comparison to the old legislation. The principle points to be appreciated

are the granting of special procedural guarantees in respect to entry, residence, and deportation, the indication of the cases on which rejection, cancellation, and non-extension of residence permits shall be based, the introduction of a category of non-deportable persons, and the new types of residence permit reveal that the links of foreigners with Turkey and humanitarian concerns have been taken into consideration. It may also be said that many guarantees are in relation to the non-refoulement principle.

On the other hand, the new legislation reflects the priority given to public policy and security concerns. This tendency may be detected especially in the provisions that give considerable importance to the discretionary power of the administration. The entry of foreigners is subjected to many barriers (formal requirements, categories of foreigners who are not permitted entry into Turkey, visa refusal, bans on entry, etc.) and public policy grounds are present in all of these barriers. Enumeration of all kinds of irregularity of entry and residence as grounds for deportation give all indicate this priority. The regulation of detention

in the framework of deportation is a positive aspect, except the “fast-track” character of appeals which could invite some doubts about its efficiency as a guarantee. Deportation on the grounds of public order, security, and health render indispensable a vigorous judicial review practice that should not be content with limited control over the administrative initiative. The brevity of the process of appeal and the definitive character of the decision of the administrative court (the suppression of review by the Council of State) are susceptible to reducing the effectiveness of such guarantees.

Both the recognition of special procedural guarantees for foreigners’ benefit and the introduction of new barriers on entry, new grounds for deportation and the probable generalization of exceptional procedures and detention in the execution of deportation are contrasting aspects of the new regulation. It may be expected that, if the procedural guarantees prove ‘effective’ in practice, this effectiveness will depend largely on the scope of the judicial review.

Endnotes

- 1 For basic information on the relevant legislative work in the context of Turkey's EU accession process, see, Cavidan Soykan, "The New Draft Law on Foreigners and International Protection in Turkey", *Oxford Monitor of Forced Migration*, Vol. 2, No. 2 (November 2012), pp. 38-39.
- 2 Law no. 6458 of 4.4.2013, O.J. 11.4.2013, 28615. Most of the provisions of the new law will entry in force on 11.4.2014.
- 3 O.J. 30.11.1994, 22127.
- 4 Article 4 of the LFIP indicates that no one who falls under the scope of this law shall be returned to a place where he or she may be subject to torture, inhuman or degrading punishment or treatment, or where his or her life or freedom may be under threat on account of his or her race, religion, nationality, membership of a particular social group or political opinion.
- 5 Law no. 5682 of 15.7.1950, O.J. 24.7.1950, 7564. Most of the provisions of this law will be abrogated by the entry in force of all the provisions of the LFIP.
- 6 Law of 14.7.1950, O.J. 24.7.1950, 7564.
- 7 Decision no. 2306 indicates that the duration shall be applied as 90 days within 180 days preceding exit from Turkey in cases where the duration of visa exemption or the duration of stay in Turkey stipulated in the visa is sufficient.
- 8 Law no. 4817 of 27.2.2003, O.J. 6.3.2003, 25040.
- 9 See, Bülent Çiçekli, *Yabancılar Hukuku*, Ankara, Seçkin, 2013, pp. 111-118.
- 10 Aysel Çelikel-Günseli Gelgel (Öztekin), *Yabancılar Hukuku*, 18th ed., İstanbul, Beta, 2012, p.112.
- 11 See the Action Plan related to the application of Amsterdam Treaty, *Journal Officiel des Communautés Européennes*, n° C 19, 23.1.1999.
- 12 See, Çiçekli, *Yabancılar Hukuku*, pp. 194-195.
- 13 It has been maintained in doctrine that article 55 shall not be applied to deportation decisions issued by virtue of international agreement as it, here, clearly refers to deportations occurring in accordance with article 54: See, Nuray Ekşi, İstanbul, Beta, 2012, p.161.
- 14 It is generally accepted in doctrine that the notification of administrative acts is obligatory: See Kemal Gözler, *İdare Hukuku Dersleri* Bursa, Ekin, 2004, p.262; A. Şeref Gözübüyük and Turgut Tan, *İdare Hukuku*, Vol.2, *İdari Yargılama Hukuku*, Ankara, Turhan, 2006, p. 508.
- 15 It has been announced by the European Court of Human Rights many times that Turkey has violated article 5 of the European Convention on Human Rights, because of the detention of the foreigners to be deported, without recognizing an effective right of appeal for the interned persons. See, Ekşi, *Yabancılar ve Uluslararası Koruma Kanunu Tasarısı*, pp.164-167.

- 16 In some cases, the Council of State has exercised a vigorous control on deportation decisions, regarding their legal grounds. For example, one decision pronounced on 24.4.1978 concerned the deportation of the team of the Swedish Radio and Television Corporation. In this case, the Council of State examined in which way the discretionary power accorded to the competent authority should be exercised. This power should be exercised in accordance with objective criteria and the requirements of public service. The High Court concluded that the deportation decision had been issued without sufficient investigation as required by national and international regulations and consequently annuled it. See, Rona Aybay, "Implementation of the Helsinki Final Act by a Turkish Court", *The Turkish Yearbook of International Relations*, Vol. 18, 1978, pp.76-79. For an analysis of the jurisprudence of the Council of State with regard to deportation decisions see, Esra Dardağan Kibar, "Türk İdarî Yargısında Sınır Dışı Etme Kararlarının Ele Alınması", *Uluslararası Sempozyum: Vatandaşlık, Göç, Mülteci ve Yabancılar Hukukundaki Güncel Gelişmeler- Eskişehir 15-16 Mayıs 2009*, Türkiye Barolar Birliği Yayınları, Ankara, 2010, p.531.

Binding the *Almancı* to the “Homeland” – Notes from Turkey

Barbara PUSCH* and Julia SPLITT*

Abstract

The Turkish- German migration movement did not start with the recruitment agreement in 1961. However, with this agreement, migration from Turkey became a new dynamic. As migration is usually accompanied by return migration, we may also say that the Turkish-German migration movements have not been only characterised by the migration of Turkish citizens to Germany, but also by their return. Consequently, we can observe different types of return migration parallel to the changing nature of migration movements to Germany in the last 50 years. Today, more than 50 years after the recruitment agreement, the population with Turkish migration background has significantly changed. For immigrants with Turkish background in Germany, we can identify several aspects, such as rising age, the increasing number of naturalisations and the rising educational level of the second and particularly the third and fourth generations. As a result, the type of people returning to Turkey has also varied: A rough segmentation reveals three types of returnees today: (i) those retirees who decided to live their retirement days in Turkey, (ii) those retirees who spend half of the year in Germany and half of the year in Turkey and (iii) those second and third generation young and educated people who come to Turkey for job possibilities. In

*particular, the last group- the young and highly educated- cannot be called returnees as such as they were born in the country where their forebears settled. However, this group of young and educated migrants is often lucky in the sense that their professional skills correspond to the needs of the Turkish labour market. While previous returnees often drove taxis or delivery trucks, built rental houses or set up small businesses and became part of the service sector, they now work in many different sectors ranging from arts and culture to telecommunications, engineering, banking and are often involved in the global economy. In this article, we will first give an overview of the return migration from the 1960s onwards. Then we will refer to the return and reintegration policies of the Turkish state. By doing so, we will not only point to the changing nature of these policies in general, but particularly look at rather new developments, such as the introduction of the Mavi Kart (Blue Card) and the foundation of the Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı (Presidency of Turks Abroad and Related Communities) for binding highly educated *Almancı*s to their parents' or grandparents' homeland.*

Key Words

Almancı, return migration, Turkey, Germany, reintegration policy.

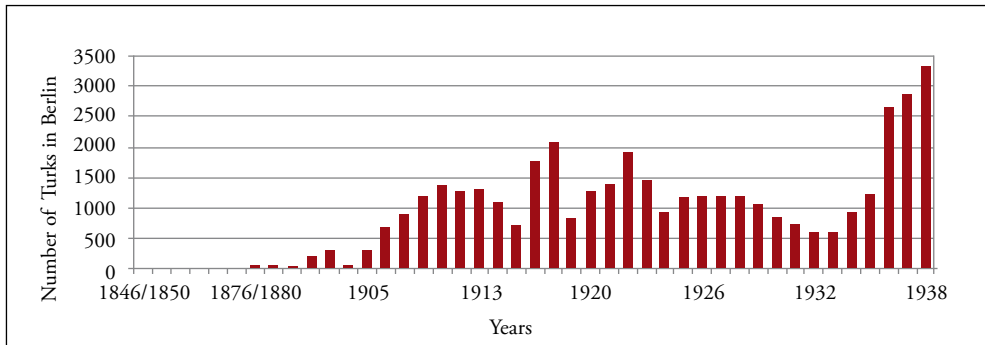
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Introduction

Migration is as old as human history and return migration has always been an integral part of humans' geographical movements. This also applies to the Turkish context. However, the large-scale migration since the early 1960s from Turkey to Europe in general and Germany in particular has considerably influenced the general image of the Turkish migration nexus and has led to the simplistic notion that Turkey is exclusively a migrant-sending country. This image of Turkey, however, characterises only one aspect of the rather diverse Turkish migration reality. An analysis of these manifold migration processes would go beyond the scope of this article. Therefore, we would just like to point out some important dimensions related to this multi-faceted migration activities as a preliminary remark: First, throughout history, Turkey has also always been a host country for important population movements.¹ Second, it has to be underlined that the Turkish-

German migration movement did not start with the recruitment agreement in 1961. History has a number of examples. We neither have the time nor the historical expertise to go into this large field in detail, but we would like to point to some examples in order to make clear that Turkish-German migration is not a new phenomenon as such.

Many years before the recruitment agreement Ottoman subjects and Turkish citizens migrated for a long or short time to Germany. Beside envoys, visitors, authors and businessmen who went to Germany either on diplomatic or private basis, there were also Young Turks such as Mehmet Talat Pasha who were fleeing the late Ottoman Empire in 1918.² However, also ordinary people such as workers, students and craftsmen³ settled in Germany for a particular time, mainly for education or professional training.⁴ Figure 1 indicates the rising number of Ottoman subjects or Turkish citizens in Berlin between the middle of the 19th and the beginning of the 20th century.

Figure 1: Ottoman Subjects and Turkish Citizens in Berlin

Source: Gültekin Emre, *300 Jahre Türken an der Spree. Ein vergessenes Kapitel Berliner Kulturgeschichte*, Berlin, Ararat Verlag, pp. 94-95. Calculation by the authors.

Third, it has to be stressed that migration from Germany to Turkey also goes back to earlier times. On the one hand, we can observe- sociologically spoken- “return migration” from the above mentioned groups from Germany to Turkey. On the other hand, a glance into historical sources reveals that Germans without Ottoman and/ or Turkish background settled in the Ottoman Empire or the young Turkish republic. Well-known examples in this context are the German officers who were invited to reform the Ottoman Army.⁵ The German scientists in Turkish exile who fled Nazi Germany are another well-known examples.⁶ However, there were not the only prominent people from Germany who ended up in the Ottoman Empire. The first half of the 19th century also many other Germans, including craftsmen, businessmen

and domestic workers,⁷ migrating to Istanbul. Due to their settlement in Turkey, a large number of institutions, such as the German Hospital,⁸ the German School⁹ and German speaking Christian churches,¹⁰ were founded.¹¹

In spite of this, there is no doubt that the migration from Turkey became a new dynamic with the ratification of the recruitment agreement in 1961. The number of Turkish citizens, who went mainly as so-called “guest-workers” to Germany, rose rapidly from 10,000 in 1962¹² to 1,607,161 in 2011.¹³ The number of migrants with Turkish background- this includes Turkish citizens, former Turkish citizens who have naturalised in Germany and their descendents- is even higher at 2,956,000 in 2011.¹⁴ Turkish citizens and people with Turkish migration background are

the largest group of all foreigners and persons with migration backgrounds in Germany, comprising 18.5% and 23.2% of the totals, respectively.¹⁵

Migration from Turkey to Germany continued, less due to labour migration but mainly due to family reunification in this period.

Needless to say that the dynamics of return migration have changed over the time, parallel to the altering patterns of out-migration from Turkey to Germany and the modifying characteristics of the *Almancı*¹⁶ in Germany today. Currently, the total number of people in Turkey with life experience in Germany is high, estimated to be around 4 million.¹⁷

In this article we want to analyse the official Turkish state policies to bind *Almancı*s to their “homeland”¹⁸ or Turkey. In this context, we will first refer to the return and reintegration policies of the Turkish state. However, we will not only point to the changing nature of these policies, but particularly look at other and rather new developments such as the foundation of the Presidency of Turks Abroad and Related Communities (*Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı*, hereafter YTB) and the

introduction of the *Mavi Kart* (Blue Card). In order to contextualise our analysis, we initially give an overview on Turkish-German migration flows from the 1960s onwards and evaluate the different stages.

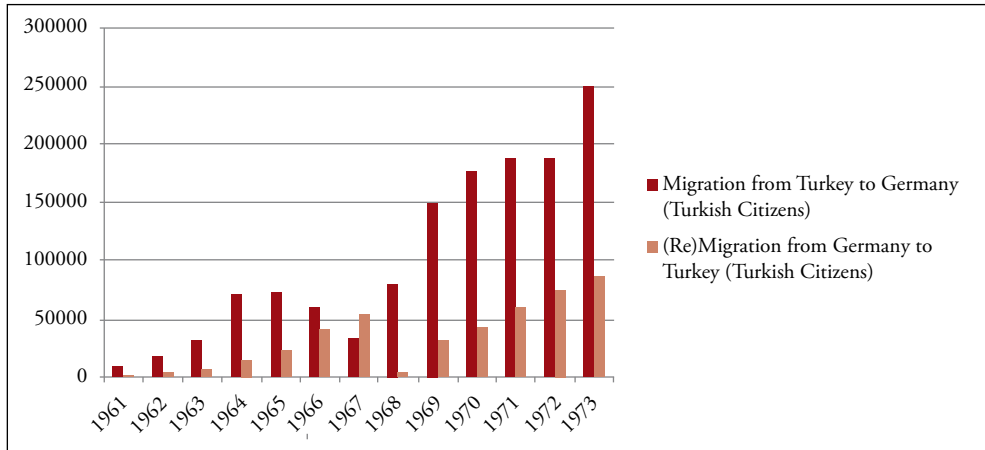
The Main Characteristics of the Turkish-German Migration Nexus

Turkish labour migration to Germany started as a temporary vocational training programme invented by the World Economic Institute (*Weltwirtschaftsinstitut*) in Kiel in 1957, through which trainees from Turkey were sent to Germany with the objective of facilitating German capital investments and branches in Turkey where the trainees should work as foremen.¹⁹ In fact, this was the beginning of a long-lasting unofficial labour recruitment without bilateral agreements or regulations and which was organised by private persons and institutions. It was ignored by the Turkish government before it turned into an official labour recruitment agreement between both states.²⁰ With the ratification of a recruitment agreement in 1961, the migration from Turkey became a new dynamic as mentioned above. More and more workers from Turkey were sent to Germany for a limited time,

most of them of middle and “upper lower” socio-economic background in the beginning, followed by members of poorer households.²¹ We can characterise this first stage of migration as circular migration organised and controlled by the two states involved. However, the Turkish state had little influence on the increasing extent of out-migration in this first period.²² So the total number

of Turkish citizens in Germany rose from around 10,000 in 1962 to around 530,000 in 1973.²³ Figure 2 shows the number of workers who were sent from Turkey to Germany every year. By 1973 it is estimated that about 2 million migrants from Turkey were involved in this cyclical form of temporary migration.²⁴

Figure 2: The Turkish-German Migration Balance (1961-1973)



Source: Statistische Jahrbücher 1961-1973, calculated by the authors.

The year 1973 is an important turning point in the history of Turkish-German migration since the German government stopped the recruitment of migrant labour from Turkey. However, as figure 3 indicates very clearly, this policy change did not lead to a migration stop from Turkey to Germany. Migration from Turkey to Germany continued, less due

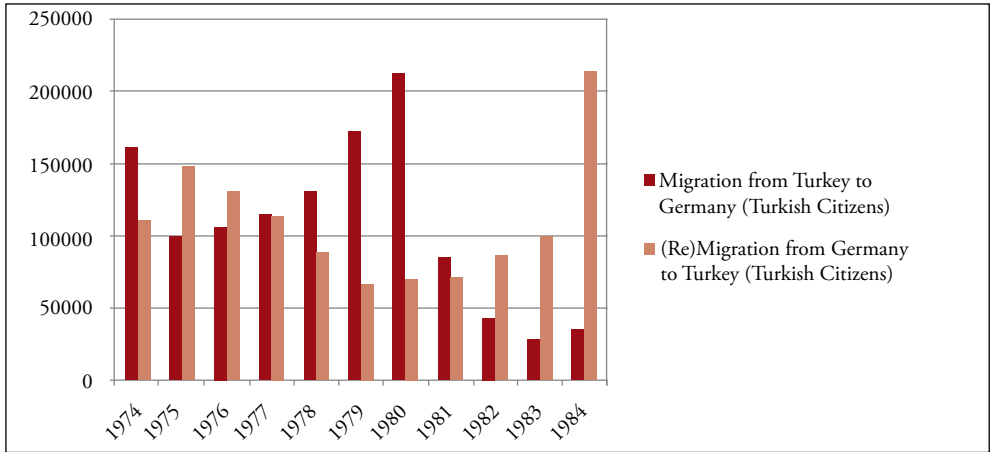
to labour migration but mainly due to family reunification in this period. In addition to that, a large number of refugees came to Germany due to violent struggles in the country and political persecution in the aftermath of the military coup in 1980.

However, this period was also characterised by return migration. As

figure 2 and 3 illustrate, returnees never exceeded 150,000. Only in the period from 1983 to 1984 did the number of

returnees reach 310,000 as a result of the return promotion policy of the German state.

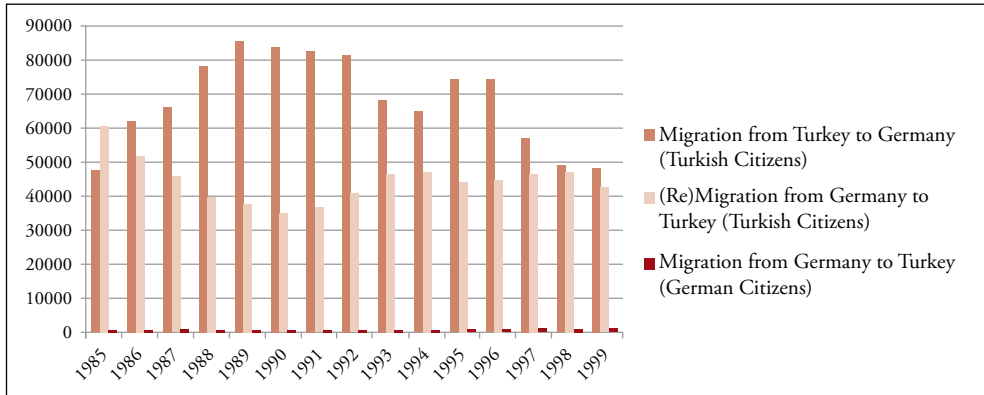
Figure 3: The Turkish-German Migration Balance (1974-1984)



Source: Statistische Jahrbücher 1974-1984, calculated by the authors.

This return act and the corresponding public debate in Germany is also reflected in a large number of German publications on return migration and support of return through the whole 1980s, many of which also had a political impetus.²⁵ While after the return promotion policy of the German

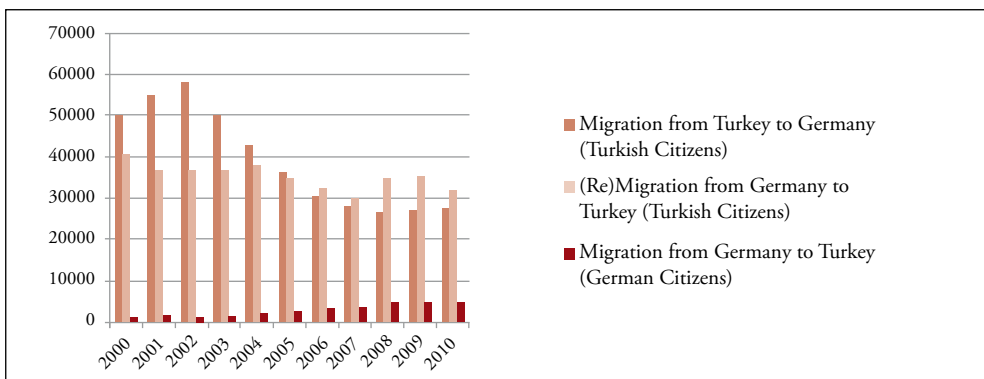
state the return rates of Turkish citizens rapidly decreased again, from 1985 onwards migration from Turkey to Germany suddenly increased again, with the the peak of the Kurdish conflict in East Anatolia seen in the literature as the main reason for this rise.²⁶

Figure 4: The Turkish-German Migration Balance (1985-1999)

Source: Statistische Jahrbücher 1985-1999, calculated by the authors.

The migration from Turkey to Germany remained higher than the migration from Germany to Turkey until 2005. From 2006 onwards, the migration rates to Turkey started to become higher than the out-migration from Turkey. In addition to that, it has to be mentioned that the number of German citizens leaving Germany for Turkey started to grow slowly but

steadily. As it is assumed that many of these Germans are naturalised Turkish citizens and/or descendants from the so-called guest-workers generation, these figures have to be added to the out-migration rates of Turkish citizens in order to estimate the total amount of people with Turkish migration history in Germany leaving for Turkey.

Figure 5: The Turkish-German Migration Balance (2000-2010)

Source: Statistische Jahrbücher 2000-2010, calculated by the authors.

Parallel to the different stages of the German-Turkish migration history we can also observe a change in the type of returnees: While until 1973, in the first phase, mainly individual workers returned to their families in Turkey, return migration in the 1980s and 1990s was very much a decision made by and for the family. Most of the return migrants settled in their region of origin, became involved in agricultural production (again),²⁷ especially in this first phases of German-Turkish migration,²⁸ set up small-scale businesses²⁹ and/or lived as retirees on rental income, both became increasingly common from the 1990s onwards.³⁰ Generally speaking, returnees at this time invested their savings in consumer goods, housing, land and setting up individual businesses.³¹ Therefore, they did not really have a significant socio-economic impact on Turkish society in terms of employment, industrialisation or economic development beyond the individual and family level.³² Moreover, according to the Turkish-Dutch Boğazlıyan study of the 1970s, return migration often meant “an acceptance of failing to achieve aspirations”, with family and health issues, unemployment and official expulsion as common return motives. These unsuccessful or failed return migrants, some of which were illegal “tourist” migrants who could not

find work in Germany, mostly settled in their villages of origin.³³ On the contrary, rather successful return migrants appear to have resettled, at least in part, in Turkish (provincial centre) cities at that time.³⁴ Since the 1990s, direct investments by the second generation, particularly in the textiles industry, have increased.³⁵

While until 1973, in the first phase, mainly individual workers returned to their families in Turkey, return migration in the 1980s and 1990s was very much a decision made by and for the family.

Today, more than 50 years after the recruitment agreement, the population with Turkish migration background has significantly changed. For the immigrants with Turkish background in Germany we can identify several aspects such as rising age, the increasing number of naturalisations and the rising educational level of the second and particularly the third and fourth generations.

According to these changes, the type of people returning to Turkey has also varied. A rough segmentation reveals three types of returnees today: (i) those retirees

who decided to live their retirement days in Turkey, (ii) those retirees who spend half of the year in Germany and half of the year in Turkey and (iii) those second and third generation young and educated people who come to Turkey for job possibilities.³⁶ According to Baykara-Krumme and Nauck, the active population aged between 25 and 50 make up the majority among the returnees; only about one quarter of the return-migrants is older than 50 years.³⁷ This means that Turkey is not only a significant reference point for the first generation of migrants but also for its successor generations.

In particular the last group- the young and highly educated- cannot be called returnees as such as they were born in the country where their forebears settled.³⁸ Thus it seems to be more correct to refer to them as highly-qualified migrants with a migration background from Turkey. However, this group of young and educated migrants are often lucky in the sense that their professional skills correspond to the needs of the Turkish labour market. While previous returnees often bought taxis or delivery trucks, built rental houses or set up small businesses and became part of the service sector,³⁹ they now work in many different sectors ranging from arts and culture to telecommunications, engineering and banking.⁴⁰ The economically developed

cities such as Istanbul, Ankara, Antalya and Izmir are the hotspots for these migrants from Germany. Thus it is not surprising that they are often involved in global and transnational economies⁴¹ and considered as prototypes of transnational migrants.⁴² However, since transnational ties have various forms, dynamics and levels,⁴³ the evaluation of an overall transnationality seems to be over-interpreting this phenomenon.

The Changing Nature of Return and Reintegration Policies in Turkey

Turkey as a migrant-sending country promoted the out migration of workers to Europe in the 1960s in the hope for a positive impact on the Turkish economy as part of its national development planning.⁴⁴ In order to enhance economic growth and development, the State Planning Organisation (*Devlet Planlama Teşkilatı*, DPT) was established after the Turkish military intervention in 1960 and in response to the high trade deficit in Turkey developed so-called Five Year Development Plans from the 1960s onwards.⁴⁵ These plans also targeted the export of labour⁴⁶ in the hope that migrant workers would bring foreign currency, reduce unemployment and return with new skills, thus contributing to industrialisation in Turkey.⁴⁷

Therefore, a special exchange rate for migrants' remittances was introduced after the recruitment agreement with Germany that remained until 1970. Shortly before the German recruitment ban in 1973, the Turkish and German government also signed an agreement on the economic reintegration of the "guest workers", which included the (not reached) goal of new companies founded by returnees. German-Turkish joint ventures- or rather the establishment of German branches in Turkey- as potential employers for return migrants were also promoted, as the DTP and the Turkish industry chamber was started in the early 1970s.⁴⁸ Other regulations introduced in the 1970s included special foreign currency accounts in Turkey for workers abroad in order to encourage them to transfer their savings to Turkey, accompanied by an agreement between the Turkish Central Bank and the German Dresdner Bank⁴⁹ that remained valid until 1984.⁵⁰ As shown by various studies, the Turkish economy heavily relied on migrants' remittances to compensate for its trade deficit, although the money sent from abroad

The Turkish economy heavily relied on migrants' remittances to compensate for its trade deficit, although the money sent from abroad mainly increased consumption, imports and private investments rather than national production and employment.

mainly increased consumption, imports and private investments rather than national production and employment.⁵¹ Moreover, remittances began to decline in 1974 for the first time⁵² and have rapidly declined since the late 1990s.⁵³

Apart from these economic aspects, the Turkish government had no specific policy concerning these workers in the first phases of German-Turkish migration,⁵⁴ which is illustrated by, for example, a lack of information, preparation and vocational training before and during migration, as well as by insufficient consular or other institutional assistance.⁵⁵ After the military intervention of 1971, four short-term governments under martial law pursued similar economic objectives concerning the migrants abroad.⁵⁶ During the following election campaigns and again several short-term elected as well as technocrat governments in the 1970s and early 1980s, Turkey's major political parties increasingly attempted to influence the political opinion of migrant workers and their families at home as well as through the language, religious, and

cultural education of migrants’ children by sending teachers abroad.⁵⁷

While the German state strongly promoted the return of the “guest workers” in the 1970s and 1980s, the Turkish state promoted the hope for economic growth through emigration and- to some economically productive extent- return migration after the recruitment agreement.⁵⁸ Therefore, the Turkish state particularly supported village development cooperatives until 1973 and workers cooperatives⁵⁹ from 1966 onwards, which both remained rather unproductive due to various problems, including a lack of coordination, capital and skilled workers.⁶⁰ This similarly applies to other unsuccessful reintegration initiatives by the German and/or Turkish state such as the support of vocational training, shares in Turkish state companies or financial support.⁶¹ Generally speaking, the Turkish state’s perspective towards return and reintegration during the first few decades of German-Turkish migration appears to be torn between economic goals and cultural ideas. On the one hand, the workers’ return was clearly imagined and promoted in a far future,⁶² and thus there was no attempt to strengthen their rights in the destination countries.⁶³ On the other hand, the recruitment ban of 1973⁶⁴ and again the German return promotion policy of 1983⁶⁵ were a shock

to Turkish representatives who feared a “mass return” that would cause serious economic problems like a further rise of unemployment in Turkey.

The recently discovered political, socio-economic, ethnic, and religious diversity of the *Almanci*, the academic and economic potential of the highly skilled as well as their potential political impact in Europe have become a new target of Turkish migration and diaspora policy today.

As the migrants had long been called “guest workers” in Germany, which implied only a temporary stay without permanent settlement, in Turkey they were referred to as *bizim vatandaşlarımız*⁶⁶ (our citizens), *işçilerimiz* (our workers) or *gurbetçimiz* (our people abroad),⁶⁷ which similarly stresses the “natural” bond to the sending country.⁶⁸ As the migrants were assumed to be away only temporarily, from the Turkish perspective they were not seen as actual emigrants.⁶⁹ This view that the migrants still belong to Turkish society was despite there being no national return and reintegration policy (as well as no overall migration strategy) from the 1960s to the 1990s, and instead only had programmes by

business organisations, trade unions and political parties.⁷⁰ This is partly due to the unstable political situation in Turkey as described above, which resulted, for example, in an increasing influence of local politicians interesting in returning migrants.⁷¹

Just as the Turkish state had little control over the extent of out migration in the beginning, it later also had- in relation to family reunions, long-term settlement abroad and the decrease in remittances- not much influence on their decisions whether to return or not. Instead, Turkish return migration policy continued to be influenced by migration policies of the host countries.⁷² This was particularly true for Germany's strong return promotion policy in the 1980s, which was even applied to Turkish asylum seekers⁷³ and had a considerable impact on decisions to return in this period (see figure 3). In the context of the increasing return rate in the 1980s, several studies on the schooling of the migrants' children and their respective education and reintegration problems after their return to Turkey emerged in the third phase of German-Turkish migration.⁷⁴ Mainly due to these problems, reintegration courses (*uyum kursları*) with a focus on the Turkish language and adaptation to rules in Turkey were introduced. Additionally, in order to provide the children of return

migrants better chances in the Turkish school system, special secondary schools with German as a main language were established by the Turkish Ministry of Education within the foreign language state schools, referred to as *Anadolu Lisesi*.⁷⁵ In 1986, the governments of Germany and Turkey agreed to cooperate with regard to the reintegration of return children into the Turkish school system, for example by sending German teachers to such *Anadolu Lisesi*.⁷⁶

In the last decade, the current government then tried with its “colour change” from the Pink Card to the Blue Card to re-define the functions of the card more clearly and improve its usability as well as to extend Turkey's binding policy to further generations.

With the decrease of return rates, permanent settlement and increasing naturalisation of Turkish citizens in the destination countries, the Turkish state also shifted its policies away from reintegration more and more towards the destination countries. Thus it introduced an identity card for former Turkish citizens (the *Pembe Kart*, Pink Card) in 1995, in order to still provide them

important rights in Turkey even if they had to give up their Turkish citizenship.

Today, in the context of globalisation and transnationalisation, migration policy and research have shifted their attention towards new phenomena. With regard to Turkey, it increasingly deals with irregular migration to and through Turkey (e.g. refugees, asylum seekers, transit migration and trafficking), historical displacements, migrant domestic work in Turkey and labour migration from and to non-EU countries like Russia.⁷⁷

As for the Turkish state, the General Directorate of the Ministry of Labour for Services for Workers Abroad (*Çalışma Bakanlığı Yurtdışı İşçi Hizmetleri Genel Müdürlüğü*) assists Turkish labour migrants abroad with the help of new established labour attaches, for example in Germany,⁷⁸ which shows a considerable policy change compared to the poor consular assistance in the early days of Turkish labour migration. In contrast, the former labour migrants and their following generations in Western Europe, also called “Euro-Turks”,⁷⁹ are not a major concern of Turkish migration research anymore- and even less in Turkish public discourse.⁸⁰ Accordingly, the Turkish government neither promotes remittances from Europe today⁸¹ nor has developed any

specific return or reintegration policy in response to the increasing numbers of return migrants in the last few years.⁸² Instead, the recently discovered political, socio-economic, ethnic, and religious diversity of the *Almanca*, the academic and economic potential of the highly skilled⁸³ as well as their potential political impact in Europe have become a new target of Turkish migration and diaspora policy today.⁸⁴

This is reflected in a variety of new developments by the current government, including the YTB, which was founded in 2010, and the shift from the former *Pembe Kart* (Pink Card) to the new *Mavi Kart* (Blue Card) in 2004, with further changes in 2012.

Binding the *Almanca* to the “Homeland”

Even though our focus of this article lies on new developments in the “binding policy” of the Turkish state, we outlined how the emigrants have always been seen as part of Turkish society. This perspective is expressed, for example, by representatives of diverse political parties in Turkey who have referred to them as “our citizens” until today. From the beginning of German-Turkish migration, there have been various political attempts by different

governments to bind the *Almanca* to their “homeland”, with a particular focus on the economic and cultural/educational dimensions. As most of these policies were not very effective or in part governed by the migration policies of the destination countries, the new developments of the current government can be seen as an attempt to continue, improve and extend former binding policies, under consideration of their own political objectives.

Current binding policies with regard to citizenship and “diaspora management” can also be seen as state responses to this globalising and transnationalising world.

For example, the former Pink Card was introduced long before the JDP government, namely by a political coalition of the True Path Party (*Doğru Yol Partisi*, DYP) and the Social Democratic Populist Party (*Sosyaldemokrat Halkçı Parti*, SHP) in the 1990s. In the last decade, the current government then tried with its “colour change” from the Pink Card to the Blue Card to re-define the functions of the card more clearly and improve its usability as well as to extend Turkey’s binding policy to further generations.

The recently established YTB is also not the first institution that deals with (former) Turkish citizens abroad, but an attempt to coordinate the various organisations involved and to ensure their efficiency. Relatively new is, however, the YTB’s focus on diaspora policies rather than on integration/reintegration policies.⁸⁵

Building and keeping ties to Turkic societies and “related communities” are not new either. For example, the Turkish International Cooperation and Development Agency (*Türk İşbirliği ve Koordinasyon Ajansı Başkanlığı*, TİKA) was established in 1992 “as a technical aid organisation under the Ministry of Foreign Affairs to respond to the restructuring, adaptation and development needs of the Turkic (Turkish-speaking) Republics after the disintegration of the Soviet Union”.⁸⁶ Since 1999, TİKA has been affiliated to the Prime Minister’s Office, providing development assistance⁸⁷ and being present “particularly in the countries with whom we have shared values, as well as in many other areas and countries.”⁸⁸ With the JDP government, TİKA has extended its activities, development aid and established coordination offices in more countries, mainly in the Balkans, the Middle East and Africa.⁸⁹ Moreover, it also cooperates with the YTB’s Cultural and Social Relations Department.⁹⁰

However, despite our focus on the Blue Card and the YTB, these are not the only developments of the JDP’s binding policy as part of its overall foreign policy. For example, the Yunus Emre Institute (*Yunus Emre Enstitüsü*, hereafter YEE), established in 2007 and with its cultural centres in various countries, is, according to the former Minister of Culture and Tourism Attila Koç, supposed to “undertake the mission of presenting the Turkish language and culture to the world just like many other Western institutions such as the Goethe and Cervantes institutes”.⁹¹ This goal includes a variety of activities like cultural events or summer schools, in order “to be part of the global world and to contribute to world culture”, as emphasised by its current chairman Hayati Develi.⁹² Even though the YEE is less directed towards (former) Turkish citizens abroad, the locations of the cultural centres in Europe, the Middle East and the Balkans can be seen in line with Turkey’s overall foreign policy.

In the contemporary world of globalisation and transnationalisation, migrants are able to maintain close transnational ties to their countries of origin and settlement, whereas in the 1970s migrants’ correspondence with their family in Turkey “regularly each month” was considered as frequent in migration research.⁹³ Therefore, current binding policies with regard to

citizenship and “diaspora management” can also be seen as state responses to this globalising and transnationalising world.

In the following two sub-sections we will consider Turkey’s politics of binding in greater detail by focusing on the YTB as well as the Pink Card and the Blue Card.

The Presidency of Turks Abroad and Related Communities (YTB)

Turkish governments have given importance, at least in theory, to their citizens who left Turkey in the first step for labour-related reasons and later on for family reunification. Thus it is not surprising that most governments designated state ministers who were in charge of the policies related to these citizens abroad. However, the duties of these state ministers have never been clearly defined, which has led to various coordination problems between the large numbers of institutions involved.⁹⁴ In order to ensure the efficiency of services, the YTB was set up in 2010.⁹⁵ This is a public institution and affiliated with the Prime Minister’s Office.

The main objective of the YTB can be summarised in four points: (i) to improve the situation of Turkish citizens abroad as well as to coordinate their activities; (ii) to strengthen and coordinate the “historically determined” social, cultural

and economic ties with Turkic societies; (iii) to coordinate and develop the higher education of foreign students in Turkey apart from projects related to the EU, the Council of Higher Education and universities; and (iv) to support non-governmental organisations by Turkish citizens in Turkey and abroad.⁹⁶ In other words, we can say that the YTB is designed to support, shape and control the life worlds, activities, institutions and perspectives of Turkish migrants in Europe and their descendants as well as to set up new policies with so-called “related communities”.⁹⁷

This short overview on the main objectives of the YTB clearly shows that the binding of the *Almanca* to

the “homeland” is by far not its sole objective. As a detailed analysis of the overall goals of the YTB would go beyond the scope of this article,⁹⁸ we will concentrate on their activities related to (former) Turkish citizens abroad and the Blue Card.

The YTB’s motto is: “Wherever we have a citizen, kin or relative, there we are” (“*Nerede bir vatandaşımız, soydaşımız, akrabamız varsa biz oradayız*”).⁹⁹ This motto has become its slogan and is on the top of its webpage, various banners etc. It is highly distinctive for this young public institution’s self-conception.

A glance at the YTB’s webpage (see figure 6) confirms this pro-Turkish, activist and service character very clearly.

Figure 6: The Presidency of Turks Abroad and Related Communities’ Webpage



Source: Presidency of Turks Abroad and Related Community, at <http://www.ytb.gov.tr> [last visited 6 August 2013].

On the homepage, apart from the Presidency’s logo and motto, a picture of Atatürk and the toolbar at the top of the webpage, there are also some buttons to click for information on and about the YTB. On the right side there are six buttons for further information on Blue Cards, scholarships, voting abroad, studying abroad, juridical matters and financial support. Just by clicking through these buttons, the user achieves an idea of the main concerns of the Presidency: Besides sensibilities for Muslim issues¹⁰⁰ and clear linkages to the Turkish Republic and the Muslim world,¹⁰¹ the YTB wants to provide practical information and services for their three target groups: Turkish citizens abroad, Turkic people and students. The providing of detailed information on the Blue Card for former Turkish citizens, new possibilities to participate in Turkish elections for Turkish citizens abroad¹⁰² and scholarships for students can be mentioned in this context.

In addition, the Presidency supports non-governmental organisations that have been established in Turkey or abroad by Turkish citizens, members of kin and related communities and international students¹⁰³ by financing particular projects.¹⁰⁴ Kemal Yurtnaç, Chairman of YTB, states in this context that the YTB wants these NGOs to “actively participate in public life in

the countries where they are established (and) perceive their ties with Turkey”.¹⁰⁵ Gürsel Dönmez, Vice-Chairman of YTB, underlines accordingly that YTB is open to all NGOs¹⁰⁶ that fulfil the criteria mentioned above and that it supports them as long as their projects “make sense to us”.¹⁰⁷ The criteria of “making sense to us” seems to be part of YTB’s strategy: On the one hand, they intend to be open for ideas and projects they have not thought about before themselves, but on the other hand the ideas have to contribute to achieving YTB’s overall goals while playing their cards close to their chest. However, the support of Turkish NGOs abroad (e.g. by training courses how to defend their rights and interests), an intensified cooperation among each other and the foundation of further new NGOs, appear to be important steps in the context of the YTB’s major strategic goal, the strengthening and mobilising of the Turkish diaspora.¹⁰⁸

However, neither the service mission nor the support of projects naively fulfil the purpose to facilitate the access to information for (former) Turkish citizens abroad or to support the diaspora, but rather are political instruments in order to attach these people to Turkey. Ayhan Kaya argues in this context:

The current political elite is inclined to position Turkey as a hegemonic power

among its regional neighbours (the Middle East, the Balkans, North Africa and the Caucasus as well as the Central Asian Turkic republics) using a neo-Ottoman and Turco-Islamist discourse, while tending to instrumentalize migrants of Turkish origin and their descendants to promote Turkey in European countries.¹⁰⁹

A glance at the current governments' foreign policy in general and culture as its "civil pillar"¹¹⁰ indeed clearly shows linkages to neo-Ottoman and Turco-Islamist discourses and the political instrumentalisation of (former) Turkish citizens abroad. However, a general romanticisation and/or new interpretation of Ottomanism, Turkism and Islamism is not the main issue at this point, but instead we are concerned with its achievement of its overall objective, i.e. strengthening Turkey's position in the region and the world. In this context, the maintenance of links with countries formerly under Ottoman rule, other Muslim and Turkic societies as well as with the Turkish diaspora in several countries is seen as a "natural" continuation of traditional linkages. However, according to Gürsel Dönmez, the emphasis lies not on an upholding of traditions but on the vision of the current policy makers to establish Turkey as a cultural, political and economic power in and beyond the region.¹¹¹

This focus of Turkish foreign policy has been emphasised in the literature¹¹²

as well as in various official statements. Yurtnaç notes for instance that Turkey has given up its "inward-looking" foreign policy¹¹³ and had "sought to expand foreign policy instruments at its disposal, coming to acquire new tools in such fields as public diplomacy, cultural diplomacy, development aid and humanitarian assistance."¹¹⁴ Bilge Aydın, an assistant expert at the YTB, even goes a step further and argues that in the current world of globalisation and transnationalisation policies have to change accordingly.¹¹⁵ All this indicates a general rethinking which is clearly visible on various levels of the realpolitik. The foundation of new state institutions such as the YTB and the YEE,¹¹⁶ the mission of these institutions, and the development of various other "soft" strategies such as programmes for academics of Turkish origin¹¹⁷ can be seen as examples in this context. The efforts with which the YTB tries to improve the Blue Card are another example for this policy. The following section will look at this issue in more detail.

From the Pink to the Blue Card: Specific identity cards for former Turkish citizens

The so-called Blue Card and the previous Pink Card is a particular Turkish identity card for former Turkish

citizens who have been naturalised in countries where dual citizenship is not recognised.¹¹⁸ The card provides them with a bundle of rights in Turkey despite their official non-citizenship status there. Although Blue Card holders are legally not Turkish citizens anymore, they are entitled to certain rights such as residence, work, investment and inheritance free from the various restrictions of Turkish laws on foreigners. Blue Card holders have a privileged status among non-Turkish citizens in Turkey. In other words, we can also say that they provide former Turkish citizens with a legal status between formal citizens and “aliens”. For that reason Ayşe Çağlar also refers to this card as “citizenship light” and Vera Artz describes the holders as “nationals in quotation marks” (*Bürger in Anführungsstrichen*).¹¹⁹

Currently, the exact number of Blue Card holders is not known. Estimates only give an idea of approximate numbers. The number of German citizens with Turkish migration background who obtained one is estimated to be between 150,000 and 200,000¹²⁰ the estimated figures of former Turkish citizens worldwide vary between 300,000 and 400,000.¹²¹ Taking into consideration that there are around 3 million people with Turkish background living in Germany¹²² and around 6.5 million Turkish citizens living in more than 150 countries,¹²³

the popularity of the Blue Card can be described as rather poor. We will discuss the reasons for this low attractiveness below. At this point we would only like to note that Turkey’s current government is developing new strategies and policies to raise the popularity of the Blue Card. According to some newspaper articles, the number of holders will increase to one million due to these changes.¹²⁴ It is impossible to say today whether this number will be reached. However, based on a telephone survey, which was carried out after these legal changes in June and August 2012 in Germany, we may assume that these changes have already led to an enormous boost of attractiveness.¹²⁵ However, according to E. Elif Gönüllü and İsmail Demiryürek from the YTB, all these numbers are rather speculative. In this context the two experts also pointed out that the goal of the YTB is not simply an increase of Blue Card holders as such, but rather to ensure that they have easy access to all their rights.¹²⁶ In addition, it has to be underlined that the main aim of the YTB is not to promote return migration. On the contrary, it rather prefers a strong and successful diaspora with strong ties to Turkey in order to create a political lobby and close economic linkages with the countries of emigration.¹²⁷ Ensuring former Turkish citizens several rights in their country of origin is part of this policy.

In this context it has to be noted that the binding of former citizens to Turkey is not a new phenomenon as such since the Blue Card was originally introduced by the DYP-SHP coalition government as the Pink Card in 1995. The main reason for the introduction of this card was that Germany, the main migrant-receiving country from Turkey, and many other European countries with migrant population from Turkey did not and still do not accept dual citizenship.¹²⁸ In these countries naturalisation for migrants mainly meant and means the abandonment of their birth citizenship. Despite the fear of some political circles that the Blue Card would enable minority groups such as Armenians and Greeks, who had renounced their Turkish citizenship in order to acquire another citizenship, to come back to Turkey and reclaim their property, the Blue Card was invented to enable social, political and economic integration of “guest workers” and their descendents in Europe without losing their rights in Turkey.¹²⁹ This primary aim has been stressed throughout the whole process of inventing, establishing and improving the cards.¹³⁰ New, however, is the enthusiasm and efficiency with which this aim is carried out.

According to Law No. 4112, the Law Amending the Law on Turkish Citizenship (*Türk Vatandaşlığı*

Kanununda Değişiklik Yapılmasına İlişkin Kanunun) which led to the introduction of the Pink Card in 1995, those Turkish citizens who obtained their Turkish citizenship by birth and got permission from the Turkish Ministry of the Interior to abandon their Turkish citizenship to obtain another citizenship “continue to have the opportunity to enjoy the same rights such as residence, travel, work, heritage, the purchase or lease of movable and immovable property like Turkish citizens”.¹³¹ However, this wording led to enormous discussions of how to deal with those rights which are not explicitly mentioned in the law. These discussions were finally stopped due to another amendment in 2004 (Law No. 5203) according to which the wording “rights such as...” was replaced by a list of duties and rights Blue Card holders are excluded from. Among these exceptions are the compulsory military services, the active and passive right to vote, become civil servants and they can import vehicles, instruments or household goods for free.¹³² At the same time the card was renamed the Blue Card.

However, these clarifications were not enough to solve the problems of Blue Card holders and therefore did not raise the attractiveness of the system. Thus another change in the law was made in 2012 (Law No. 6304).¹³³ Although this

law mainly reforms the voting rights for Turkish citizens abroad, it also includes important changes for the registration and obtaining of a Blue Card. Concerning the right to apply for a Blue Card it has to be stated that since this amendment not only former Turkish nationals who obtained Turkish citizenship by birth have the right to obtain one, but also their descendants. Until now, it was possible to obtain the Blue Card for children and grandchildren of former Turkish citizens only. However, with recent reforms this right will be extended to further generations.

Within the globalising and transnationalising world, migrants increasingly retain close ties to their countries of residence and origin.

This legislative reform clearly implies the principle of descent and indicates the interest of the Turkish lawmaker to maintain strong linkages to former Turkish citizens and their descendants for generations to their country of origin. In addition to that, the law includes various attempts to coordinate the registration of Blue Card holders, which has been very insufficient before and led to administrative problems. Now a *Mavi Kart Kütüğü* (Blue Card Register) will

administer the data in the central civil registration system. With these changes, improvements in the administration of the holders and several facilitations for holders are expected. Advances in this respect are very necessary since the list of problems holders were facing was long and ranged from technical deficits such as missing ID numbers on the card to civil servants, the administrative staff in the private service sector, employers, etc. lack knowledge of the system which led to various problems with official transactions and operations, as well as to problems with purchase contracts and difficulties on the labour market. These and many other difficulties related to the Blue Card are not only highlighted in the literature¹³⁴ but also by the holders themselves. Online discussion forums on social networks illustrate for instance that the experiences of Blue Card holders vary not according to the transactions and operations as such but rather to the people (civil servants, clerks etc.) involved in these operations.¹³⁵ For that reason, the YTB currently also plans a publicity campaign in order to introduce the Blue Card to civil servants and clerks.¹³⁶

Referring to these problems and the recent amendments, Yurtnaç stated in an interview in 2011 that:

These people can't open bank accounts or buy property because their ID

numbers are no longer active, but these citizens, who are estimated to number between 300,000 and 400,000, will no longer be treated like foreigners. They will not be registered in the Foreigners' Registry but the Overseas Citizens' Registry, which has been set up in the General Directorate of Population Affairs. That way, their ID numbers will be active, enabling them to exercise their rights.¹³⁷

Deputy Prime Minister Bekir Bozdağ even went one step further by saying that “those who possess the ‘Blue Card’ will from now on be able to benefit from all of the same opportunities as Turkish citizens and won’t have to deal with the problems that they’ve confronted in the past”.¹³⁸ By proclaiming “Whatever a Turkish identity card does, the ‘Blue Card’ will also do. It will be used like a citizen’s identity card at the land registry office, at the public notary and at all government offices”,¹³⁹ he describes the Blue Card as quasi-citizenship. However, the fact that for instance retirement issues are still complicated for Blue Card holders indicates that he embellished the situation.¹⁴⁰ Nevertheless, time will soon show the degree of improvement due to these amendments. However, it is important to note at this point that the YTB is determined to carry out reforms until Blue Card holders have their rights not only on paper but also in practice.¹⁴¹

Conclusion

In this article, our aim was to analyse the official Turkish state policies to bind the *Almanlı* to Turkey. Therefore, we first gave an overview on the changing return and reintegration policies from the beginning of German-Turkish migration, thereby considering notions of belonging and “homeland” from the Turkish perspective. The chapter has shown a considerable policy shift from reintegration towards residence countries and transnational ties over the years, which has been further extended by the Turkish government in its most recent “binding” policies.

By establishing appropriate policies to achieve the political objectives, it is obvious that they bridge between the old blood- and religion-based understandings of belonging and the new necessities of the globalising and transnationalising world.

Within the globalising and transnationalising world, migrants increasingly retain close ties to their countries of residence and origin. Theoretically, dual citizenship provides

(transnational) migrants with the best legal framework for participating in two societies. However, the invention of the Pink/Blue Card system was a creative tool to by-pass the strict citizenship laws in the immigration-receiving countries, which do not recognise dual citizenship, and to catch up with the needs to develop a legal framework for multiple belongings in the age of migration, globalisation and transnationalisation, while safeguarding the interests of the state.

The establishment of the YTB can be seen in the same vein. It is a newly established state institution with the

overarching objective to strengthen Turkey’s ties with (former) Turkish citizens and “related communities” in order to become a strong cultural, political and economic player in and beyond the region. By establishing appropriate policies to achieve the political objectives, it is obvious that they bridge between the old blood- and religion-based understandings of belonging and the new necessities of the globalising and transnationalising world. This bridging, however, is an interesting subject for further research since it gives insights into the functioning of various “soft pillars” of Turkish foreign policy and the understanding of Turkishness.

Endnotes

- 1 There were for instance several waves of population movements as a consequence of the collapse of the Ottoman Empire and the subsequent nation-building processes. Most important were the immigration of Muslim populations from the Balkans to Anatolia and the emigration of non-Muslim minority groups. For this, see, Kemal Kirişci, “Migration and Turkey: The Dynamics of State, Society and Politics”, in Reşat Kasaba (ed.), *Turkey in the Modern World*, London, Cambridge University Press, 2008, pp. 175-198; Kemal Kirişci, “Post Second World War Immigration from Balkan Countries to Turkey”, *New Perspectives on Turkey*, Vol. 12 (Spring 1995), pp. 61-77.
- 2 Ingeborg Böer, Ruth Haerkötter and Petra Kappert, *Türken in Berlin 1871-1945*, Berlin/ New York, de Gruyter, 2002, pp. 195-202.
- 3 For the life of a Turkish shoemaker in Germany, see, Börte Sagaster, *Achmed Talib: Stationen des Lebens eines türkischen Schuhmachermeisters in Deutschland von 1917 bis 1983: Kaiserreich - Weimarer Republik - Drittes Reich – DDR*, Köln, ÖNEL, 1997.
- 4 Gültekin Emre, *300 Jahre Türken an der Spree. Ein vergessenes Kapitel Berliner Kulturgeschichte*, Berlin, Ararat Verlag, 1983.
- 5 Eberhard Demm, “Zwischen Kulturkonflikt und Akkulturation. Deutsche Offiziere im Osmanischen Reich”, *Zeitschrift für Geschichtswissenschaft*, Vol. 53 (2005), pp. 691-715; Eberhard Demm, “Deutsche Offiziere in Istanbul”, in Matthias von Kummer (ed.), *Deutsche Präsenz am Bosphorus*, Istanbul, Generalkonsulat der Bundesrepublik Deutschland Istanbul, 2009, pp. 221-237.
- 6 Christopher Kubaseck and Günter Seufert, *Deutsche Wissenschaftler im türkischen Exil. Die Wissenschafts-migration in die Türkei, 1933–1945*, Würzburg, Ergon, 2008.
- 7 Anne Dietrich, *Deutschsein in Istanbul. Nationalisierung und Orientierung in der deutschsprachigen Community von 1843 bis 1956*, Opladen, Leske & Budrich, 1998; Anne Dietrich, “Deutsche Frauen in der Türkei- Arbeitsmigrantinnen, Heiratsmigrantinnen, Emigrantinnen”, *Zeitschrift für Türkeistudien*, Vol. 1 (1996), pp. 99-112.
- 8 Malte Fuhrmann, “Das Deutsche Krankenhaus”, in von Kummer (ed.), *Deutsche Präsenz am Bosphorus*, pp. 257-269.
- 9 For the changing nature of the German School in Istanbul, see, Barbara Pusch, “Gesellschaftlicher Wandel und die Deutsche Schule Istanbul”, in Arnd-Michael Nohl and Barbara Pusch (eds.), *Bildung und gesellschaftlicher Wandel. Historische und aktuelle Aspekte*, Würzburg, Ergon Verlag, Istanbul Texte und Studien 26, 2011, pp. 225-239.
- 10 Anne Dietrich, “Deutsches Gemeindeleben- ein Aspekt christlichen Lebens in der Türkei”, *Zeitschrift für Türkeistudien*, Vol. 2 (1999), pp. 285-291.
- 11 For an overview on German institutions in Turkey see, Barbara Radt, “Von der Teutonia bis zur Brücke- Zur Deutschsprachigen Infrastruktur in Istanbul”, *Zeitschrift für Türkeistudien*, Vol. 19, No. 1 (2006), pp. 152-159.
- 12 Ahmet Akgünüz, *Labour Migration from Turkey to Western Europe, 1960-1974*, Aldershot, Ashgate Publishing Limited, 2008, p. 104.

- 13 Bundesamt für Migration und Flüchtlinge, *Migrationsbericht 2011*, Nürnberg, Bundesamt für Migration und Flüchtlinge, 2013, p. 158.
- 14 Ibid., p. 164. Since 2005, “migration background” is an official term of the German statistics. The Federal Statistical Office defines persons with foreign citizenship, people who were born abroad and those whose at least one parent was born abroad or has foreign citizenship as “with migration background”.
- 15 Ibid., pp. 159 and 165.
- 16 In popular language usage the population from Turkey in Germany is called “*Almanca*”. The term is composed by the noun *Alman* (German) and the denominal suffix *-ca*, which is used to form agent nouns having a certain occupation or a habit. However, the term has got a negative connotation over the time and implies various prejudices of the majority population in Turkey against the “guest workers” and their descendents in Germany. However, as other terms frequently used to describe this group of people, such as “German-Turks” or “Turkish migrants in Germany”, have an ethnical connotation, which ignores the variety of ethnic groups among the migrants from Turkey in Germany, we decided to use the term *Almanca*.
- 17 The former German ambassador Eckart Cuntz mentioned this number in his opening speech at the founding ceremony of the Orient-Institut Istanbul in December 2010 in the energy museum *Santralistanbul* in Silahatarağa, Istanbul. This estimation appears to be realistic according to various official migration data from the German Federal Statistical Office and the generally known fact that not all return migrants notify the central registration office of their resettlement; Yaşar Aydın, “Der Diskurs um die Abwanderung Hochqualifizierter türkischer Herkunft in die Türkei”, *HWWI Policy Paper*, at http://www.hwwi.org/uploads/tx_wilpubdb/HWWI_Policy_Paper_3-9_01.pdf [last visited 9 September 2013].
- 18 In this article we refer to “homeland” as the country of one’s origin or family roots in traditional opposition to “abroad” or “diaspora”, in line with common language usage and most of diaspora and migration research. See, Nedim Ögelman, “Documenting and Explaining the Persistence of Homeland Politics among Germany’s Turks”, *The International Migration Review*, Vol. 37, No. 1 (March 2003), pp. 163-193; Ayhan Kaya and Fikret Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, in Şeyda Ozil, Michael Hoffmann and Yasemin Dayıoğlu (eds.), *50 Jahre türkische Arbeitsmigration*, Göttingen, V&R Unipress, 2011, pp. 37-57. This “homeland” is imagined and does not necessarily match the citizenship and/or identity of the actors. We are aware of the limitations of this notion, which has been challenged by new forms of mobility, belonging and citizenship in the globalising world where “homeland” and “diaspora” are rather relative, see, Yasemin Nuhoglu Soysal, “Citizenship and Identity. Living in Diasporas in post-war Europe?”, *Ethnic and Racial Studies*, Vol. 23, No. 1 (January 2000), pp. 1-15; and also several contributions at the conference “Travelling Towards Home: Mobilities and Home Making” at the School of Oriental and African Studies (SOAS), University of London, on 23 and 24 June 2011, at <http://www.soas.ac.uk/migrationdiaspora/seminarsevents/23jun2011-travelling-towards-home-mobilities-and->

- home-making.html [last visited on 10 September 2013]. However, as the Turkish state, whose binding policies we investigate in this article clearly imagines Turkey as the “natural homeland” of the *Almanca* we refer to this understanding accordingly.
- 19 Faruk Şen, *Türkische Arbeitnehmersgesellschaften. Reintegrations- und Integrationsproblematik der Türken in der Bundesrepublik Deutschland*, Frankfurt a. M./Berlin, Verlag Peter Lang, 1983, p. 33.
 - 20 Nermin Abadan-Unat, Ruşen Keleş, Rinus Penninx, Herman Van Renselaar, Leo Van Velzen and Leylâ Yenisey (eds.), *Migration and Development. A Study of the Effects of International Labor Migration on Boğazlıyan District*, Ankara, Ajans -Türk Press, 1976, pp. 27 and 47.
 - 21 Ibid., p. 175; Suzanne Paine, *Exporting Workers: The Turkish Case*, London, Cambridge University Press, 1974.
 - 22 Abadan-Unat et al., *Migration and Development*, pp. 192-193 and 386.
 - 23 Akgünüz, *Labour Migration from Turkey to Western Europe, 1960-1974*, p. 104.
 - 24 Kaya and Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, p. 39.
 - 25 See, Auslandsbeauftragter, Senator für Gesundheit, Soziales und Familie, *Rückkehrförderung und Reintegration ausländischer Arbeitnehmer*, Berlin/München, Verlag Schwencke und Hehmes, 1982; Manfred Werth, *Rückkehr- und Verbleibeabsichten türkischer Arbeitnehmer. Analyse der Rückkehrbereitschaft und des Wanderungsverhaltens sowie des Sparverhaltens und der Anlagepläne türkischer Arbeitnehmer im Raum Rheinland-Pfalz/Saarland*, Saarbrücken/Fort Lauderdale, Verlag Breitenbach, 1983; Institut für Entwicklungsforschung, Wirtschafts- und Sozialplanung ISOPLAN, *Der Rückkehrberater 1 – Handbuch für die Beratung rückkehrender Ausländer*, Saarbrücken, 1984; Werner Meys and Faruk Şen, *Zukunft in der Bundesrepublik oder Zukunft in der Türkei? Eine Bilanz der 25 jährigen Migration der Türken*, Frankfurt a.M., Dağyeli Verlag, 1986; Rüdiger Voigt, *Gastarbeiter zwischen Integration und Remigration*, Siegen, Universität Gesamthochschule Siegen, 1986; Ali Nejat Ölçen, *Türken und Rückkehr: Eine Untersuchung in Duisburg über die Rückkehrneigung türkischer Arbeitnehmer als Funktion ökonomischer und sozialer Faktoren*, Frankfurt a.M., Dağyeli Verlag, 1986; Adelheid Gliedner-Simon, *Ausländer zwischen Integration und Remigration. Forschungs- und Literaturdokumentation 1985-1986*, Bonn, Informationszentrum Sozialwissenschaften, 1987. For an overview on Turkish migration in German publications until 1984, see, Ursula Boos-Nünning, *Die türkische Migration in deutschsprachigen Büchern 1961-1984. Eine annotierte Bibliographie*, Opladen, Leske & Budrich, 1990. For a bibliography on return migration to Turkey until 1988, see, Petra Behrens, *Rückkehr in die Türkei. Eine kommentierte Bibliographie*, Berlin, Institut für Vergleichende Sozialforschung, 1989.
 - 26 Ibrahim Sirkeci, Jeffrey H. Cohen and Pınar Yazgan, “The Turkish Culture of Migration: Flows Between Turkey and Germany, Socio-Economic Development and Conflict”, *Migration Letters*, Vol. 9, No. 1 (2012), pp. 33-46.
 - 27 Abadan-Unat et al., *Migration and Development*, pp. 310 and 378; Ali Gitmez, “Geographical and Occupational Re-Integration of Returning Turkish Workers”, in Daniel Kubat (ed.),

- The Politics of Return*, Rom, Center for Migration Studies, 1984; Ali Gitmez, “Migration without Development: the Case of Turkey”, in Demetrios G. Papademetriou and Philip L. Martin (eds.), *The Unsettled Relationship: Labor Migration and Economic Development*, New York, Greenwood Press, 1991, pp. 115-34.
- 28 Kaya and Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, p. 41.
- 29 Helga Rittersberger-Tılıç, *Vom Gastarbeiter zum Deutschler. Die Rückkehrergemeinschaft in einer türkischen Kleinstadt*, Potsdam, Verlag für Berlin-Brandenburg, 1998, p. 144; Kaya and Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, pp. 37-57.
- 30 Especially the percentage of retirees among return migrants increased from 14% in 1990 to 19% in 2000, as outlined by Özge Aktaş in her presentation “Social and Spatial Integration Pattern of Return Migrants from Germany to Istanbul” at the Orient-Institut Istanbul on 29 May 2013. A small service business was, according to various studies, the most favoured professional activity of the early returnees, even though most of them ended up in the agricultural sector at that time, see, Ali Gitmez, *Yurtdışına İşçi Göçü ve Geri Dönüşler*, Istanbul, Alan Yayınları, 1983.
- 31 Rittersberger-Tılıç, *Vom Gastarbeiter zum Deutschler*.
- 32 Abadan-Unat et al., *Migration and Development*; Paine, *Exporting Workers: The Turkish Case*; Ali Gitmez, “Batı Avrupa’ya İşçi ve Göçü ve Kültürel Etkileme”, *Bilim ve Sanat*, Vol. 9 (September 1981), pp.32-35; Kaya and Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, pp. 37-57. Whilst there has been broad research consent on migrant workers’ investments after return, this does not apply to their contribution to development in Turkey. For example, Azmaz considered “development” as a normative concept at the national and industrial level, which underestimated individual and socio-cultural changes, see, Advıye Azmaz, *Migration and Reintegration in Rural Turkey. The Role of Women Behind*, Göttingen, edition herodot, 1984, p. 238. Generally speaking, structural issues at the macro level were the focal point of migration research at that time. See, Sema Erder and Deniz Yükseser, “Die türkische Migration nach Westeuropa und die Migrationsstudien in der Türkei”, in Barbara Pusch (ed.), *Transnationale Migration am Beispiel Deutschland und Türkei*, Wiesbaden, Springer VS, 2013, p. 54.
- 33 Abadan-Unat et al., *Migration and Development*, pp. 190-193. This view has been challenged in that unsuccessful migrants avoided settling in their villages of origin due to their lack of status symbols, see, Heiko Körner and Manfred Werth, *Rückwanderung und Reintegration von ausländischen Arbeitnehmern in Europa*, Saarbrücken, Verlag Breitenbach, 1981. Or continued to stay in Germany for a lack of life prospects in Turkey, see, Werth, *Rückkehr- und Verbleibeabsichten türkischer Arbeitnehmer*; Ursula Mehrländer, “Rückkehrabsichten der Türken im Verlauf des Migrationsprozesses 1961-1985”, in Meys and Şen (eds.), *Zukunft in der Bundesrepublik oder Zukunft in der Türkei?*, p. 55. Other scholars, however, referred to early Turkish migration and return as material “betterment with high costs” rather than as a failure, see, Azmaz, *Migration and Reintegration in Rural Turkey*, p. 237.

- 34 Abadan-Unat et al., *Migration and Development*, pp. 190-193; Nurhan Akçaylı, “Die türkischen Rückkehrer und ihre Chancen in den Türkei-Auswirkungen des Rückkehrförderungsgesetzes aus türkischer Sicht”, in Meys and Şen (eds.), *Zukunft in der Bundesrepublik oder Zukunft in der Türkei?*, p. 31. In addition, the source of income after return is also important when it comes to the place of resettlement: Villages were places for agricultural work, whereas service work or individual businesses took place in urban regions. In this context, their resettlement has also been characterised as “rurban” (i.e. a combination of rural and urban elements) by Azmaz. According to her study in the 1970s, returnees settled with one foot in villages and one in provincial centre cities. Only a few of the early returnees, however, settled in the largest cities like Istanbul unless they had lived there before. See, Azmaz, *Migration and Reintegration in Rural Turkey*, pp. 78, 103-105 and 244.
- 35 Thomas Faist, “Transnational Social Spaces out of International Migration: Evolution, Significance and Future Prospects”, *Archives Européennes de Sociologie*, Vol. 39, No. 2 (1998), pp. 213-247.
- 36 Kaya and Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, pp. 37-57.
- 37 Helen Baykara-Krumme and Bernhard Nauck, “Familienmigration und neue Migrationsformen. Die Mehrgenerationenstudie LineUp”, in Aytac Eryılmaz and Cordula Lissner (eds.), *Geteilte Heimat-50 Jahre Migration aus der Türkei*, Essen, Klartext, 2011, pp. 136-146.
- 38 The statistical data on highly-qualified “German-Turks” are unfortunately very poor. Neither the German Statistic Institute (*Statistisches Bundesamt Deutschland*) nor the Turkish counterpart (*Türkiye İstatistik Kurumu*) provides data of the educational and/or professional characteristics of emigrants. However, there are a few estimations about their size: We know that, for instance, in 2009 10% of the 1.65 million Turkish citizens in Germany hold an academic degree and about 15% were mid- and high-level employees, see, Yaşar Aydın, “Der Diskurs um die Abwanderung Hochqualifizierter türkischer Herkunft in die Türkei”; Yaşar Aydın, “Rückkehrer oder Transmigranten? Erste Ergebnisse einer empirischen Analyse zur Lebenswelt der Deutsch-Türken in Istanbul”, in Şeyda Ozil, Michael Hoffmann and Yasemin Dayıoğlu (eds.), *50 Jahre türkische Arbeitsmigration*, Göttingen, V&R Unipress, 2011, p. 63. Accordingly we may assume that 10-15% of German-Turks who leave Germany for Turkey are highly educated. Apart from that, we know from the German statistics that in the last few years 30,000 Turkish and about 4,000 German citizens leave for Turkey annually. According to this, we can estimate around 5,000 highly-skilled German-Turks migrating to Turkey every year. However, we also know from the relevant literature that highly-educated people are more likely to migrate due to their better job opportunities in the global labour market and their higher developed transnational social capital. In addition, we know that many German-Turks don't officially de-register in Germany for various reasons. This is one reason why Turkish statistics indicate about 73,000 people from Germany who settled in Turkey in 2000. Due to all these factors we may assume that the number of highly-qualified German-Turks coming to Turkey every year is even much higher. See, Barbara Pusch and Yaşar Aydın,

- “Migration of Highly Qualified German Citizens with Turkish Background from Germany to Turkey: Socio-Political Factors and Individual Motives”, *International Journal of Business & Globalisation*, Vol. 8, No. 4 (2008), pp. 471-490.
- 39 Abadan-Unat et al., *Migration and Development*, pp. 102, 306 and 378; Gitmez, “Geographical and Occupational Re-Integration of Returning Turkish Workers”; Akçaylı, “Die türkischen Rückkehrer und ihre Chancen in den Türkei-Auswirkungen des Rückkehrförderungsgesetzes aus türkischer Sicht”, p. 32.
- 40 See, Kaya and Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, pp. 37-57; Pusch and Aydın, “Migration of Highly Qualified German Citizens with Turkish Background from Germany to Turkey”, pp. 471-490; Isabel Sievers, Hartmut Griese and Rainer Schulte, *Bildungserfolgreiche Transmigranten. Eine Studie über deutsch-türkische Migrationsbiographien*, Frankfurt am Main, Brandes & Apsel, 2010; Hartmut Griese and Isabel Sievers, “Bildungs- und Berufsbiographien erfolgreicher Transmigranten”, *Aus Politik und Zeitgeschichte*, Vol. 46-47 (November 2010), pp. 46-47 and 22-28.
- 41 See, Yaşar Aydın, “Zur Bedeutung von gesellschaftlichen Veränderungen und transnationalen Orientierungen bei Mobilitätsentscheidungen: Abwanderung türkeistämmiger Hochqualifizierter aus Deutschland nach Istanbul”, in Barbara Pusch (ed.), *Transnationale Migration am Beispiel Deutschland und Türkei*, Wiesbaden, Springer VS, 2013, pp. 147-169; Tatjana Baraulina and Axel Kreienbrink, “Transnationale Lebensführung von RemigrantInnen in der Türkei? Rückkehrerinnen in Ankara und Antalya”, in Pusch (ed.), *Transnationale Migration am Beispiel Deutschland und Türkei*, pp. 235-251; Alexander Bürgin and Defne Erzene-Bürgin, “Abwanderungsmotive türkeistämmiger Personen mit deutschem Schulabschluss: Ergebnisse einer Online-Umfrage”, in Pusch (ed.), *Transnationale Migration am Beispiel Deutschland und Türkei*, pp. 339-355.
- 42 Yaşar Aydın, “Transnational” statt “nicht integriert”. *Abwanderung türkeistämmiger Hochqualifizierter aus Deutschland*, Konstanz/München, UVK, 2013; Kaya and Adaman, “The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society”, pp. 37-57.
- 43 Ludger Pries, *Die Transnationalisierung der sozialen Welt*, Frankfurt a.M., Suhrkamp, 2008; Thomas Faist, Margit Fauser and Eveline Reisenauer, “Perspektiven der Migrationsforschung: Vom Transnationalismus zur Transnationalität”, *Soziale Welt*, Vol. 62 (2011), pp. 201-208; Margit Fauser and Eveline Reisenauer, “Diversität und Dynamik transnationaler persönlicher Beziehungen türkischer MigrantInnen in Deutschland”, in Pusch (ed.), *Transnationale Migration am Beispiel Deutschland und Türkei*, pp. 171-185.
- 44 Abadan-Unat et al., *Migration and Development*, p. 1 and 51.
- 45 Another task of the DPT was the collection of data, support of research, development and control of political strategies with regard to issues at the macro level such as demography, wages and investments of migrant workers; Erder and Yükseser, “Die türkische Migration nach Westeuropa und die Migrationsstudien in der Türkei”, p. 53. For an overview on Turkish migration in Turkish publications until 1984, most of which is research by state authorities, see, Nermin Abadan-Unat and Neşe Kemiksiz (eds.), *Türkdışgöçü: 1960-1984. Yorumlu Bibliyografya*, Bonn, Türkiye Araştırmaları Merkez, 1986.

- 46 The political basis for the beginning of this out migration was the fundamental right of freedom to travel for Turkish citizens, established in the constitution of 1961, which at the same time implied a beginning opening of the Turkish society; Nermin Abadan-Unat, *Bitmeyen Göç: Konuk İşçilikten Ulus-Ötesi Yurttaşlığa*, Istanbul, İstanbul Bilgi Üniversitesi Yayınları, 2006, p. 53 and 58; Erder and Yüksek, “Die türkische Migration nach Westeuropa und die Migrationsstudien in der Türkei”, p. 52.
- 47 Abadan-Unat et al., *Migration and Development*, p. 28. For example, in a conference of experts on “guest workers” in Nuremberg in 1974 with regard to economic aspects, the contributions from the Turkish perspective referred to Turkish out migration as rather positive for the above mentioned reasons. See the two contributions by Emin Atalay and Ekmed Zadi, in Walter Althammer (ed.), *Das Gastarbeiterproblem. Rotation? Integration? Arbeitsplatzverlagerung? Jugoslawien, Griechenland, Türkei. Ergebnisse einer Fachtagung*, München, Selbstverlag der Südosteuropa-Gesellschaft, 1974, pp. 135-149.
- 48 G. Adomeit, *Almanya da Çalışan Türk İşçilerin Yurda Dönüşlerinde İş Alanları İle İlgili Memleketin Endüstrileşmesi Yolunda Alınacak Tedbirler Hakkında Rapor*, Ankara, DPT, 1971; Emin Atalay, “Gastarbeit und Industrieplanung”, p. 142.
- 49 Anonym and Daniel Kubat, “Türkei”, in Ernst Gehmacher, Daniel Kubat, and Ursula Mehrländer (eds.), *Ausländerpolitik im Konflikt. Arbeitskräfte oder Einwanderer? Konzepte der Aufnahme- und Entsendeländer*, Bonn, Verlag Neue Gesellschaft, 1978, p. 253.
- 50 Osman Tuncay Aydas, Kivilcim Metin-Ozcan and Bilin Neyaptı, “Determinants of Workers’ Remittances- The Case of Turkey”, *Emerging Markets Finance and Trade*, Vol. 41, No. 3 (May-June 2005), p. 66.
- 51 Abadan-Unat et al., *Migration and Development*, p. 3 and 325; Atalay, “Gastarbeit und Industrieplanung”, p. 138; Zadi, “Wiedereingliederungsprobleme in der Türkei”, p. 148.
- 52 Abadan-Unat et al., *Migration and Development*, pp. 100 and 381-382.
- 53 Erder and Yüksek, “Die türkische Migration nach Westeuropa und die Migrationsstudien in der Türkei”, p. 59; Kaya and Adaman, “The Impact of Turkish-Origin Returnees/ Transmigrants on Turkish Society”, p. 46.
- 54 Şen, *Türkische Arbeitnehmergesellschaften*, p. 38.
- 55 Abadan-Unat et al., *Migration and Development*, p. 48; Anonym and Kubat, “Türkei”, p. 254.
- 56 Abadan-Unat et al., *Migration and Development*, p. 54.
- 57 See, “Yurt Dışındaki Türk İşçi Çocukları Hakkında Eğitim-Öğretim Danışma Kurulu Raporu”, *Çağdaş Eğitim*, Vol. 5, No. 50 (November 1980), pp. 27-43; Aydın Zevkliler, “Yurt Dışındaki Türk İşçi Çocuklarının Başlıca Eğitim Sorunları Nasıl Ele Almalıyız?”, *Çocuk ve Eğitim Derneği III. Eğitim Toplantısı (25-26 October 1979)*, Ankara, TED Yayınları, 1980, pp. 194-207 and 259-264; Muzaffer Andaç, “Almanya’da İki Terbiye Arasında Bocalayan Türk Çocukları”, *Türkiye 1. Din Eğitim Semineri*, Ankara, İlahiyat Vakfı Yayınları, 1981, pp. 294-301; Mevlide Birsun, *Almanya’daki Türk İşçilerinin ve Çocuklarının Sorunları*, İstanbul, 1982. For a comprehensive overview on the education of migrants’ children abroad in Turkish publications, with several political reports by the Turkish Ministry of Education, see, Abadan-Unat and Kemiksiz, *Türkdışgöçü: 1960-1984*, pp. 468-523.

- 58 The economic dimension of and assumed socioeconomic development by (return) migration has also been a shared interest in international migration research at that time, see, Russell King (ed.), *Return Migration and Regional Economic Problems*, London, Croom Helm, 1986; Philip L. Martin, *The Unfinished Story: Turkish Labour Migration to Western Europe with Special Reference to the Federal Republic of Germany*, Genf, International Labour Office, 1991.
- 59 See, Nevzat Yalçıntaş, “İşçilerin Yurda Dönüşleri ve Şirketleri”, *Ekonomide Para Kredi*, Vol. 1, No. 1 (January 1981), pp. 22-24; Rasih Demirci, “Yurt Dışındaki İşçilerimizin Geri Dönüşü ve Kooperatifler”, *Karınca*, Vol. 49, No. 551 (November 1982), pp. 7-9.
- 60 Atalay, “Gastarbeit und Industrieplanung”, p. 140; Akçaylı, “Die türkischen Rückkehrer und ihre Chancen in den Türkei-Auswirkungen des Rückkehrförderungsgesetzes aus türkischer Sicht”, p. 35. On the contrary, the German industry capitalised on these cooperatives through an export of its machines to Turkey, see, Şen, *Türkische Arbeitnehmerschaften*, p. 52.
- 61 See, Angelika Pöschl and Peter Schmuck, *Die Rückkehr- Ende einer Illusion. Türkische Gastarbeiterfamilien in der Bundesrepublik Deutschland und die Probleme ihrer Rückkehr in die Türkei*, München, Verlag Deutsches Jugendinstitut, 1984; Faruk Şen, “Rückkehrproblematik und Verbleibeabsichten türkischer Familien in der Bundesrepublik Deutschland”, in Deutsches Jugendinstitut, *Ausländerarbeit und Integrationsforschung-Bilanz und Perspektiven*, München, Verlag Deutsches Jugendinstitut, 1987; Elmar Hönekopp (ed.), *Aspekte der Ausländerbeschäftigung in der Bundesrepublik Deutschland*, Nürnberg, Institut für Arbeitsmarkt- und Berufsforschung, 1987.
- 62 See the following statements by Turkish representatives: “Of course our citizens cannot stay abroad forever”, Zamil, “Wiedereingliederungsprobleme in der Türkei”, p. 146; “The guest worker must know that he must return when his time comes”. Fevzi Aksoy, “Die Anpassungsschwierigkeiten eines Gastarbeiters”, p. 154.
- 63 Şen, *Türkische Arbeitnehmerschaften*, p. 39.
- 64 Zamil, “Wiedereingliederungsprobleme in der Türkei”, p. 147; Şen, *Türkische Arbeitnehmerschaften*, p. 50.
- 65 Akçaylı, “Die türkischen Rückkehrer und ihre Chancen in den Türkei-Auswirkungen des Rückkehrförderungsgesetzes aus türkischer Sicht”, p. 43.
- 66 This term has also been used by Turkish state representatives in the context of the current “binding” policy until today.
- 67 In 1974, Fevzi Aksoy, chief physician of the city neurology clinic in Istanbul, who referred to psychological adaptation problems of the “guest workers”, and thus he argued for an opening of cultural sites in the host country by the “home government” in order not to lose their interest in their “homeland”, see, Aksoy, “Die Anpassungsschwierigkeiten eines Gastarbeiters”, p. 154.
- 68 This even went as far as referring to a worker’s stay abroad as fulfilling a “mission” to his homeland in the host country, i.e. contributing to the development of his “homeland” with his new knowledge and skills, see, Ibid.

- 69 Erder and Yüксеker, “Die türkische Migration nach Westeuropa und die Migrationsstudien in der Türkei”, p. 51. This view corresponds with the German perspective which did not consider them as “immigrants” either until recently. It also shows how the so-called “myth of return” was kept alive by the Turkish state as much as by the German state, see, Pöschl and Schmuck, *Die Rückkehr – Ende einer Illusion*.
- 70 Abadan-Unat et al., *Migration and Development*, p. xxiv, 97, 383 and 386; Faruk Şen, “Reintegration unter dem Aspekt der neuen türkischen Wirtschaftspolitik”, in Helmut Birkenfeld (ed.), *Gastarbeiterkinder aus der Türkei. Zwischen Eingliederung und Rückwanderung*, München, Süddeutscher Verlag, 1982, p. 151; Şen, “Rückkehrproblematik und Verbleibeabsichten türkischer Familien in der Bundesrepublik Deutschland”.
- 71 Abadan-Unat et al., *Migration and Development*, p. 98.
- 72 Ibid., pp. 41- 42.
- 73 Institut für Empirische Psychologie, *Leitfaden für die Beratung türkischer Asylbewerber zur Förderung der Rückkehrbereitschaft*, Köln, Selbstverlag, 1981.
- 74 These topics have become a focal point of research on return migration in Germany in the 1980s, see, Arnold Stenzel and Hans Günther Homfeldt, *Auszug in ein fremdes Land? Türkische Jugendliche und ihre Rückkehr in die Türkei*, Weinheim, Beltz, 1985; Hasan Topraklar, *Zur Situation türkischer Rückkehrfamilien- Ursachen, Folgen, Probleme*, Berlin, Fachhochschule für Sozialarbeit und Pädagogik Berlin, 1986. It also was one of the main topics in Turkish migration research, see, Mahmut Tezcan, *Yurtdışından Dönen Gençlerin Uyum Sorunları. Eğitim Sistemi ve Çevre Uyumları*, Ankara, Engin Yayınları, 1987; Hüsnü Arıcı, “Adjustment Problems of Returning Turkish Migrant Children”, in Ina M. Greverus, Konrad Köstlin and Heinz Schilling (eds.), *Kulturkontakt- Kulturkonflikt. Zur Erfahrung des Fremden*, Frankfurt am Main, Schriftenreihe des Instituts für Kulturanthropologie und Europäische Ethnologie der Universität Frankfurt am Main, Vol. 28 (1988), pp. 269-281.
- 75 Helmut Birkenfeld, “Auffangschulen in der Türkei”, in Helmut Birkenfeld (ed.), *Gastarbeiterkinder aus der Türkei. Zwischen Eingliederung und Rückwanderung*, München, Süddeutscher Verlag, 1982, pp. 153-161; Ayhan Kaya and Fikret Adaman, “Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe. Final Country Report Turkey”, at http://eu.bilgi.edu.tr/images/pictures/FCR_TR_mainreport_EN.pdf [last visited 9 September 2013].
- 76 Zentrale für Amtvermittlung – Auslandsabteilung, *Lehrkräfte an türkischen Schulen*, Frankfurt a.M., 1986, p. 1.
- 77 For a comprehensive overview on current migration research in Turkey see, Erder and Yüксеker, “Die türkische Migration nach Westeuropa und die Migrationsstudien in der Türkei”, pp. 56-61.
- 78 Can O. Ünver, “Social Assistance to Labour Migrants as a New Form of Public Service: The Case of Turkish Labour Attaches in Germany”, in Emrehan Zeybekođlu and Bo Johansson (eds.), *Migration and Labour in Europe: Views from Turkey and Sweden*, Istanbul, Marmara University, 2003, pp. 82-102.
- 79 Ayhan Kaya and Ferhat Kentel, *Euro-Türkler*, Istanbul, İstanbul Bilgi Üniversitesi Yayınları, 2005.

- 80 This surprises as the increasing out migration of (highly-skilled) people of Turkish origin from Germany since 2006 has been widely discussed in German media.
- 81 Ahmet İçduygu, “International Migrant Remittances in Turkey”, *CARIM Research Reports*, No. 7, European University Institute, Florence, 2006. On the contrary, while remittances from Germany to Turkey dropped even further in recent years, an opposite pattern of increasing money transfers from Turkey to Germany has emerged since 2009, due to economic growth and the increasing number of *Almancı* in Turkey who send money back to their families in Germany. For further information on this issue, see, Seçil Elitok, “Remittance Flows between Germany and Turkey: A Reverse Trend?”, *IPC-Mercator Policy Brief* (August 2013), at <http://ipc.sabanciuniv.edu/wp-content/uploads/2013/08/Remittance-Flows-Between-Germany-and-Turkey.pdf> [last visited 10 September 2013].
- 82 Kaya and Adaman, “Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe”, p. 28.
- 83 For example, the Scientific and Technological Research Council of Turkey (TÜBİTAK) has launched various scholarship programmes under the name “Target Turkey” to attract Turkish-origin researchers and doctoral candidates to come to Turkey. TÜBİTAK also uses the Framework Programs of the European Commission and the Marie Curie Programmes to attract Turkish-origin scholars from Europe. In addition, the Turkish Academy of Sciences (TUBA) as well as the Higher Education Council of Turkey (YÖK) have also become active in planning to attract researchers and graduates of Turkish origin. Kaya and Adaman, “Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe”, pp. 27-29.
- 84 Zeynep Kadirbeyoğlu, “Changing Conceptions of Citizenship in Turkey”, in Rainer Bauböck, Bernhard Perching and Wiebke Sievers (eds.), *Citizenship Policies in the New Europe*, Amsterdam, Amsterdam University Press, 2009, p. 421; Erder and Yürkseker, “Die türkische Migration nach Westeuropa und die Migrationsstudien in der Türkei”, p. 58. In particular their successful socio-economic integration in the destination countries-without cultural or religious assimilation- is a major goal of Turkey’s current government, see, Liza Mügge, “Managing Transnationalism: Continuity and Change in Turkish State Policy”, *International Migration*, Vol. 50, No. 1 (February 2012), p. 27; Özge Bilgili and Melissa Siegel, “Understanding the Changing Role of the Turkish Diaspora”, *UNU-MERIT Working Papers*, Maastricht Graduate School of Governance, September 2010, p. 10 and 23.
- 85 Exceptional in this context are the scholarships and programmes to attract researchers and students of Turkish origin to come to Turkey. According to Kaya and Adaman, the YTB intends, for example, to increase the contingent reserved for successful Turkish-origin students to enrol in Turkish universities, see, Kaya and Adaman, “Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe”, p. 28.
- 86 See official website, *TIKA’s History*, at <http://www.tika.gov.tr/en/about-us/history/1> [last visited 14 September 2013].
- 87 Major fields of activity include education, health, water and water hygiene, administrative and civil infrastructure, other social infrastructure and services, see *TIKA’s official website*,

- Fields of Activity*, at <http://www.tika.gov.tr/en/fields-of-activity/2> [last visited 14 September 2013].
- 88 See official website, *About TIKA*, at <http://www.tika.gov.tr/en/about-us/1> [last visited 14 September 2013]; Ayhan Kaya and Ayşe Tecmen, “The Role of Common Cultural Heritage in External Promotion of Modern Turkey: Yunus Emre Cultural Centres”, *Working Paper*, No. 4 (2011), p. 13, at http://eu.bilgi.edu.tr/docs/working-paper4_2.pdf [last visited 10 September 2013].
- 89 According to TIKA’s website, the number of coordination offices increased from 12 in 2002 to 25 in 2011 and 33 in 2012; *ibid.* We counted 28 countries with TIKA Coordination Offices on the official website: Afghanistan, Albania, Azerbaijan, Bosnia and Herzegovina, Ethiopia, Palestine, Georgia, Montenegro, Kazakhstan, Kenya, Kyrgyzstan, Kosovo, Macedonia, Egypt, Mongolia, Moldova, Niger, Uzbekistan, Pakistan, Syria, Senegal, Serbia, Somalia, Sudan, Tajikistan, Turkmenistan, Ukraine and Yemen, Official website, *Coordination Offices*, at <http://www.tika.gov.tr/en/coordination-offices/3> [last visited 14 September 2013].
- 90 Bilgili and Siegel, “Understanding the Changing Role of the Turkish Diaspora”, p. 11.
- 91 “Yunus Emre Institutes to Introduce Turkish Culture”, *Today’s Zaman*, 4 July 2007.
- 92 Hayati Develi, chairman of the YEE, in his discussion of Klaus Kreiser’s presentation “From the House of Friendship to Yunus Emre. A Century of German-Turkish Cultural Relations” at the Istanbul Policy Center (IPC) on 4 September 2013.
- 93 Abadan-Unat et al., *Migration and Development*, p. 339.
- 94 For an overview on the ministries and governmental organizations involved in migration issues, see, Bilgili and Siegel, “Understanding the Changing Role of the Turkish Diaspora”.
- 95 The basis of the YTB is the Law No. 485 on the Organisation and Duties of the Presidency of Turks Abroad and Related Communities (*Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı Teşkilat ve Görevleri Hakkında Kanun*), at <http://www.tbmm.gov.tr/sirasayi/donem23/yil01/ss485.pdf> [last visited 10 September 2013].
- 96 See, <http://www.ytb.gov.tr/index.php/kurumsal/hakkimizda.html> [last visited 3 September 2013].
- 97 On the Presidency’s homepage, “related communities” are defined as societies “in different geographies with whom we share a common culture and feeling”. This is a rather vague definition and is thus open to various interpretations. Gürsel Dönmez, the vice chairman of the YTB, stated three strands in this context: Turkic peoples, Muslim societies and “in-law” societies such as Germany and the Ukraine, due to the rising number of intercultural marriages (personal interview with Gürsel Dönmez, the vice chairman of the YTB, Barbara Pusch, Ankara, 28 August 2013). While the first two can be seen in the vein of neo-Ottoman and Turco-Islamic discourse of the current government, the third strand implies the possibility to attach new relatives.
- 98 For further analysis, see, Çağlayan Çetin, *Turkey’s Identity Question in European Union Accession Process*, unpublished master thesis, Istanbul Bilgi University, 2011.
- 99 Kemal Yurtnaç, “Turkey’s New Horizon: Turks Abroad and Related Communities”, *SAM Papers*, No. 3 (October 2012).

- 100 See, for instance, the flash news on the nullification/abolishment of the headscarf ban in Swiss schools, at <http://www.ytb.gov.tr/index.php/yurtdisi-vatandaslar/947-2013071201.html>. [last visited 10 November 2013].
- 101 For this, see the scholarships for Turkish students abroad, at <http://www.ytb.gov.tr/index.php/yurtdisinda-burs-imkanlari.html>, and the scholarships for international students in Turkey, at <http://www.turkiyeburslari.gov.tr/>, that were announced on the Presidency’s website.
- 102 Law Nr. 6304 gives Turkish citizens the right to vote in embassies and consulate generals abroad. Until 2012 this was not possible.
- 103 Most scholarships were received by students from the Turkic states in Central Asia, followed by students from Africa, the Middle East and the Balkans, see, Aydın Albayrak, “Turkey Works to Transform Overseas Turks into Diaspora”, *Today’s Zaman*, 30 April 2013. These regions can also be seen in line, at least in part, with the “related communities”.
- 104 According to the published financial plan of the YTB in 2013, project proposals can be submitted in the following categories: vocational and academic counselling for international students, education of “our citizens” abroad, expansion of NGOs and not specified “direct projects”. In general, projects that strengthen the cultural and social binding to Turkey, support Turkish families abroad, cultural exchange “or similar activities” are to be financially supported by the YTB, see, “Finanzielle Unterstützung für türkische Familien”, at <http://www.sabah.de/de/finanzielle-unterstutzung-fur-turkische-familien.html> [last visited 9 September 2013].
- 105 See, Yurtnaç, “Turkey’s New Horizon: Turks Abroad and Related Communities”.
- 106 However, as it is not possible for any institution to support all submitted projects and as we do not have a list of supported projects and NGOs, the question of who and what is supported cannot be answered within this article. Nevertheless it seems to be important to note that a lot of critical assumptions circulate in the press. According to German newspaper reports, for example, the YTB organised the speech of the Turkish Prime Minister in Düsseldorf 2011 (see, <http://www.tagesspiegel.de/politik/rede-in-duesseldorf-erdogan-warnt-vor-auslaenderfeindlichkeit/3889364.html>; <http://www.spiegel.de/fotostrecke/erdogan-in-deutschland-ihr-seid-meine-geschwister-fotostrecke-65145-7.html>). Other reports, however, mention the “AKP lobby organisation” Union of European Turkish Democrats (*Avrupalı Türk Demokratlar Birliği*, UETD), which is said to have contributed to the foundation of the BIG party in Berlin, as being responsible for the event (see <http://www.spiegel.de/politik/deutschland/migrantenpartei-big-erdogans-berliner-lobby-truppe-a-786207.html>). As an analysis of the YTB’s relations to other state and non-governmental organisations would go beyond the scope of this article, we would just like to point to certain topics the YTB suggested for project proposals of NGOs in general; teaching the Turkish language, encouraging political participation and defending “against the violation of human rights and identity”, see, Albayrak, “Turkey Works to Transform Overseas Turks into Diaspora”. These preferred topics- language, politics and identity- can also be seen in line with the overall binding policy of Turkey’s current government.
- 107 Personal interview with Gürsel Dönmez, the vice chairman of the YTB, Barbara Pusch, Ankara, 28 August 2013.

- 108 In order to reach this goal, a first general assembly of Turks abroad was held in Turkey in 2010 as well as further smaller meetings with diaspora representatives organised by the YTB in recent years. See, Albayrak, “Turkey Works to Transform Overseas Turks into Diaspora”.
- 109 Ayhan Kaya, “Yunus Emre Cultural Centres: The AKP’s Neo-Ottomanism and Islamism”, *Perspectives*, Vol. 5, No. 13 (2013), p. 56.
- 110 The former minister of culture and tourism, Ertuğrul Günay, calls for instance the Yunus Emre Cultural Centres the “pillar of foreign policy”, and Ahmet Davutoğlu notes, “Foreign policy is not only carried out solely with diplomacy but also with cultural, economic and trade networks”, cited in *ibid.*, p. 57. This understanding of culture as a dimension of foreign policy in Turkey as well as its continuities from the beginning of the Republic were outlined by Klaus Kreiser in his presentation “From the House of Friendship to Yunus Emre. A Century of German-Turkish Cultural Relations” at the Istanbul Policy Center (IPC) on 4 September 2013.
- 111 Personal interview with Gürsel Dönmez, the vice chairman of the YTB, Barbara Pusch, Ankara, 28 August 2013.
- 112 Yücel Boydağlıoğlu, “Modernity, Identity and Turkey’s foreign policy”, *Insight Turkey*, Vol. 10, No. 1 (2008), pp. 55-57.
- 113 This is also reflected in the YTB’s focus on international students in Turkey and cultural exchange.
- 114 Yurtnaç, “Turkey’s New Horizon: Turks Abroad and Related Communities”, p. 4.
- 115 Personal interview with Bilge Aydın, an assistant expert at the YTB, Barbara Pusch, Ankara, 28 August 2013.
- 116 Kaya and Tecmen, “The Role of Common Cultural Heritage in External Promotion of Modern Turkey: Yunus Emre Cultural Centres”; Çetin, *Turkey’s Identity Question in European Union Accession Process*.
- 117 Kaya and Adaman, “Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe”, pp. 27-29.
- 118 Poland, India and Mexico provide similar identity cards for their former citizens.
- 119 Ayşe Çağlar, “‘Citizenship light’: Transnational Ties, Multiple Rules of Membership and the ‘Pink Card’”, in Jonathan Friedman and Shalini Randeria (eds.), *Worlds on the Move: Globalization, Migration and Cultural Security*, London/New York, I.B. Tauris, 2004, pp. 273-292; Vera Artz, “Bürger in Anführungsstrichen”? *Die Mavi Kart zwischen Staatsbürgerschaftsersatz und neuen Formen der Mitgliedschaft*, unpublished master thesis, Osnabrück University, 2013.
- 120 Artz, “Bürger in Anführungsstrichen”, p. 2.
- 121 Ali Aslan Kılıç, “Relinquishing Turkish Citizenship won’t Affect Rights in Turkey”, *Today’s Zaman*, 1 May 2011.
- 122 Bundesamt für Migration und Flüchtlinge, *Migrationsbericht 2011*.
- 123 These numbers were mentioned by Kemal Yurtnaç in a press interview. See, “Blue Card to grant Turkish Germans special privileges in Turkey”, *Today’s Zaman*, 12 October 2011.

- 124 See, “Mavi Kart Müjesi”, *Yeni Akit Gazetesi*, 3 May 2013; “Mavikartlılar için yeni dönem”, *Radikal*, 3 May 2013.
- 125 According to this survey, 41% of the sample of former Turkish citizens in Germany obtained a Blue Card, see: http://www.stark-fuer-erfolg.de/sites/www.stark-fuer-erfolg.de/files/user/downloads/Deutsch-Tuerkische_Werte-_Lebenswelten_2012-1.pdf [last visited 3 September 2013]. Moreover, the number of naturalisations of Turkish citizens in Germany increased by 18.3% to 33,246 persons in 2012; Ulrike Pape, “Deutschland: Zahl der Einbürgerungen gestiegen”, in Netzwerk Migration in Europa e.V., *Newsletter Migration und Bevölkerung*, No. 7 (September 2013), pp. 4-5. Whether this is related to the Blue Card and its latest legal changes in 2012 or just reflects the general trend of increasing numbers of naturalisations in Germany since 2008, is an interesting question for further research.
- 126 Personal interview with Barbara Pusch, Ankara, 28 August 2013.
- 127 Personal interview with Gürsel Dönmez, the vice chairman of the YTB, Barbara Pusch, 28 August 2013, Ankara. See also, Albayrak, “Turkey Works to Transform Overseas Turks into Diaspora”.
- 128 For a comprehensive overview on the social and political backgrounds of the Pink Card initiative as well as the debate on double citizenship in Germany including its exceptions see, Çağlar, “Citizenship Light”; Kadirbeyoğlu, “Changing Conceptions of Citizenship in Turkey”. For political and public opinions towards the Blue Card, which refer to it, for example, as an interesting approach, a “dual citizenship light” or a part of the JDP’s election tactics, see also several German newspaper reports; Felix Dachsel, “Glücklich, wer ein Türke ist?”, *Zeit*, 3 March 2011; “Integrationsdebatte: Polenpflicht Erdogans umstrittenen Appellen bei”, *Spiegel*, 1 March 2011; “Erdogan stärkt Auslandstürken”, *Fazjob.net*, at http://fazjob.net/ratgeber-und-service/karriere-im-ausland/faz-archiv/120228_Erdogan-staerkt-Auslandstuerken.html [last visited 26 August 2013]; “Interesse am Doppelpass light”, *TAZ*, at <http://www.taz.de/!66665/> [last visited 26 August 2013].
- 129 See, Kadirbeyoğlu, “Changing Conceptions of Citizenship in Turkey”, p. 424.
- 130 This is even stated in the preamble of the Law No. 4112 of 7 June 1995. The then Turkish government felt responsible to mitigate the effects of naturalisation in the countries of destination and denaturalisation in Turkey respectively. For this, two reasons are of crucial importance: Firstly, the lawgiver wanted to promote the social, cultural, political and economic integration and consolidation of their citizens by encouraging naturalisation in the countries of destination and secondly, the lawmaker did not want to lose the juridical, social, cultural and economic binding of “their citizens” to Turkey. In this context it has to be underlined that the term *vatandaşlarımız* (“our citizens”) introduced in section 2 has been used frequently in this context by various political representatives and groups over the last decades. For this, see for instance the opening speech of Süleyman Demirel in Berlin in 1997 cited in Çağlar, “Citizenship light”, and the wording of Kemal Yurtnaç in various interviews “‘Blue Card’ to Grant Turkish Germans Special Privileges in Turkey”; Kılıç, “Relinquishing Turkish Citizenship Won’t Affect Rights in Turkey”.

- 131 The law is available at http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc078/kanuntbmmc078/kanuntbmmc07804112.pdf [last visited 3 September 2013].
- 132 The law is available at <http://www.tbmm.gov.tr/kanunlar/k5203.html> [last visited 3 September 2013].
- 133 The law is available at <http://www.tbmm.gov.tr/kanunlar/k6304.html> [last visited 3 September 2013].
- 134 See, Çağlar, “Citizenship Light”, pp. 273-292; Artz, “*Bürger in Anführungsstrichen*”; Kaya and Adaman, “Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe”.
- 135 See, for example, the discussions started by *Mavi Kart* holders in the Facebook group “Rückkehrerstammtisch”, at www.facebook.com [last visited 16 July 2013].
- 136 Personal interview with E. Elif Gönüllü and İbrahim Demiryürek, Barbara Pusch, Ankara, 28 August 2013.
- 137 Kılıç, “Relinquishing Turkish Citizenship Won’t Affect Rights in Turkey”.
- 138 “Blue Card’ to Grant Turkish Germans Special Privileges in Turkey.”
- 139 Ibid.
- 140 While Turkish citizens living abroad are able to apply for a Turkish pension, Blue Card holders is not given this right yet, see, <http://www.haberturk.com/yazarlar/ali-tezel-1016/786619-gurbetclilerin-borclanma-ile-emeklilik-hakki-bitiyor> [last visited 3 September 2013].
- 141 This was clearly stated by E. Elif Gönüllü and İbrahim Demiryürek during the personal interview with Barbara Pusch, Ankara, 28 August 2013.

Turkish Migration Policies: A Critical Historical Retrospective

Ahmet İÇDUYGU* and Damla B. AKSEL**

Abstract

As the Turkish state's position on the issue of international migration is being transformed, new questions have arisen about the state's policies on immigration and emigration. These are two issues that have long been seen as separate in migration literature. The aim of this article is to unite these two issues in order to present a retrospective on the Turkish state's responses to the realities of immigration and emigration. We describe the migration patterns in Turkey by focusing on four key periods: a) the two-way immigration and emigration circulation in the early period of modern Turkey; b) the emigration boom since the 1950s; c) the emergence of new migration patterns in the 1980s; and d) the new forms of migration governance employed since the 2000s. By examining these patterns and the state's responses, we aim to analyse the diverging political nationalities of different periods.

Key Words

Immigration, emigration, migration policies, nation-building, globalisation.

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Introduction

As noted by Massey,¹ migration studies have historically paid relatively little attention to the nation-state “as an agent influencing the volume and composition of international migration”. In the last decade, although this picture has changed considerably and nation-states are now recognised as important actors in migration, these efforts have been focusing primarily on the cases of migrant-receiving countries. Relatively little work has been done on migrant-sending countries, and even less has been written on the state's role both in emigration and immigration, either in promoting or in limiting. This essay takes up that challenge and aims to elaborate on the dynamics and mechanisms of international migration policies in Turkey. It provides us with a fascinating case study on how emigration and immigration policies are made and transformed over time as a result of changing economic, social and political contexts at the global and local levels.

Since the collapse of the Ottoman Empire and the emergence of the modern Turkish state, both emigration and immigration have become integral parts of deep-rooted state policies concerning the nation-building process and national integrity.

Since the early 20th century, migratory movements have fundamentally shaped the structure and nature of Turkish society. One of the basic characteristics of this phenomenon is that the Turkish state has exploited mobility across and within its borders, either explicitly or implicitly, as a tool of the modernisation process. Since the collapse of the Ottoman Empire and the emergence of the modern Turkish state, both emigration and immigration have become integral parts of deep-rooted state policies concerning the nation-building process and national integrity. For instance, while people of Turkish origin and Islamic faith were encouraged to migrate to Turkey, non-Muslims in Turkey were discouraged from remaining. When Westernisation defined the main political dimension of the state-centric Turkish modernity, one aspect of its sociological grounding was a top-down vision of urbanism that was viewed as a necessity for the making of

Turkey as a civilised and modern nation-state. This contributed to the mobilisation of millions of people, first from rural to urban areas within Turkey, and later from Turkey to other countries. In the mid-20th century, emigration was viewed through the political economy lens and served the country's developmentalism projects. In recent decades, there have been two important developments which have led to important changes in the Turkish state's position on the issues of international migration. First, when transnational spaces built up alongside the formation of Turkey-originated diaspora communities, and as the global changes affected these transnational spaces and networks, the Turkish state engaged in diaspora politics by dynamically using these spaces and networks as diplomatic tools and its expatriates as political and cultural agents abroad. Second, as Turkey has begun to attract non-Turkish and non-Muslim immigrants for the first time in its recent history, it has increasingly become a transit and destination country for immigration, forcing the state to develop new policies and programmes on immigration. The implementation of such measures implies a cautious transition from long-established policies, which were mostly formulated through the lens of nationalism, to new liberal ones that have been partly

affected by Turkey's engagement with global dynamics and its involvement in European Union affairs.

In this essay we do not only intend to address the Turkish state's roles in shaping the nature of immigration and emigration flows concerning Turkey, but will also elaborate on its responses to the shifting realities of immigration and emigration. We portray migration patterns in Turkey by focusing on four key

periods: *first*, the two-way immigration and emigration circulation in the early periods of modern Turkey; *second*, the emigration boom since the 1950s; *third*, the emergence of new migration patterns in the 1980s; and *fourth*, the new forms of migration transition and its governance since the 2000s (see Table 1). By examining these patterns, and the state's responses, we aim to analyse the diverging political rationalities of these different epochs.

Table 1: Selected Milestones in Turkish Immigration and Emigration Policy

Since early 20th century

Two-way immigration and emigration circulation (1923-1950s)

- The Treaty of Constantinople between the Ottoman Empire and the Kingdom of Bulgaria, facilitating reciprocal optional change of populations (1913)
- Armenian deportation (1915)
- Treaty of Lausanne (1923)
- Foundation of Turkish Republic (1923)
- Convention concerning the Exchange of Greek and Turkish Populations (1923)
- Law 2510/1934 Settlement Act (1934)

The migration boom after the 1950s

- Law 5682/1950 Passport Law
- Law 5683/1950 related to Residence and Travels of Foreign Subjects (1950)
- United Nations Convention relating to the Status of Refugees (1951)
- Greek emigration from Turkey (1955)
- Early suitcase traders from USSR (late 1950s)
- Turkey-West Germany labour recruitment agreement (1961)
- United Nations Protocol relating to the Status of Refugees (1967)
- Oil crisis and the halt of labour emigration to Europe (1973-1974)

The emergence of new migration patterns in the 1980s

- 1982 Constitution
- Soviet Union's invasion in Afghanistan and Afghan immigration
- The First Persian Gulf War between Iran and Iraq (1980-1988)
- The End of the Cold War and immigration from post-Soviet territories
- 1989 expulsion of Turks from Bulgaria (1989)
- Gulf War and mass immigration of Kurdish populations (1991)
- Regulation No. 6169/1994 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country (1994)
- Law 4112/1995 Act on Amendments to Citizenship Law (1995)
- Helsinki European Council (1999)

New modes of migration transition and its governance since the 2000s

- Law on the Work Permit for Foreigners No. 4817 (2003)
- Turkish National Action Plan for Asylum and Migration (2005)
- Law 5543/2006 on Settlement (2006)
- Law 5901/2009 Turkish Citizenship Law (2009)
- The Presidency for Turks Abroad and Related Communities (2010)
- Syrian refugees migration (2012)
- Law 6458/2013 on Foreigners and International Protection (2013)

Two-Way Immigration and Emigration Circulation (1923-1950s)

The area which today comprises the Turkish Republic witnessed several periods of Turkification and Islamisation. These changes occurred prior to the establishment of modern

Turkey, namely before, during and after the First World War.² The changes and the homogenisation of populations were based on a dual pattern: (i) the emigration of non-Muslim populations, mainly Armenians and Greeks, from Anatolia, and (ii) the immigration of Turkish Muslim populations, especially from the Balkan countries. According to estimates, about 16 million people were

living in the region that covers today's Turkey at the start of the First World War, including 13 million Muslims and 3 million non-Muslims.³ Among the 3 million non-Muslims were 1.5 million Rums, 1.2 million Armenians, 128,000 Jews and 176,000 non-Rum and non-Armenian Christians.⁴ These figures suggest that about 19% of the population, or one person in five, was from the minority groups in the Ottoman population in 1914.⁵

The state-led emigration of the late 19th century and the early Republican period was maintained by agreements of reciprocity with other countries (in 1913 and 1925 with Bulgaria and in 1923 with Greece) and forced displacements (as in the case of the 1915 Armenian emigration). The principal concern during this period was the management of immigrants (*muhacir*) who entered the country, rather than emigration. This concept of "migrant" was applied by the state to those of Turkish origin moving to Turkey, not to migrants of other origins or to the non-Muslim populations who voluntarily or involuntarily left the country. The institution for settling the immigrants (*Muhacirin Komisyon Alisi*) was established in 1872,⁶ and in 1916 was transformed into the General Directorate on Tribes and Immigrants (*Aşair ve Muhacirin Müdüriyet-i Umumiyesi*). This was followed by laws

and institutions that were implemented on the eve of the foundation of the Republic and in the following period. Examples include the establishment of the Ministry of Population Exchange, Development and Settlement (1923), the Constitution (1924), the Turkish Citizenship Law (1928) and the Law on Settlement (1934).

Among the social engineering initiatives for Turkifying the population living in the Turkish Republic were the administrative and legal arrangements, that were primarily established in the 1930s.⁷ The 1934 Law on Settlement is considered by scholars as the principal text that defined the cornerstones of the nation-building process.⁸ This law established two divergent statuses by (i) facilitating the migration and integration of those of "Turkish origin and culture" either as migrants or as refugees and (ii) preventing and impeding the entry of those who did not meet this criterion as migrants or refugees. While these two statuses were in line with what had been the state's migration policy since the late 19th century, they also paved the way for succeeding patterns of migration to and from Turkey. The same law also regulated the assimilation process of Turkish citizens who "were neither of Turkish descent nor culture" (including those with a non-Turkish mother tongue). While this second regulation was relaxed

in the late 2000s so as to grant more rights to minorities,⁹ the perception regarding the migration and settlement of non-citizens without Turkish descent and culture has not changed.

While the previous patterns of international migration persisted, economic modernisation, intensive urbanisation and rural-urban migration triggered new problems around the settlement and employment of internal and international migrants.

The migration policies facilitating the mobility and settlement of Turkish communities in the early periods also had the intent of promoting the rapid growth of the post-war population in order to support the economic recovery. During the peak of the modernisation process, the objective for economic recovery was also supported by state-led student migration to Europe and the United States of America. The aim was to generate return migration and a “brain-gain” based on social and professional capital. However, the mass immigration gradually became a problematic issue after the late 1940s.¹⁰ Despite the changing discourse, the migration patterns from the Balkans

(primarily Bulgaria, Romania and Yugoslavia) and other neighbouring countries such as Iraq continued from 1923 throughout the 1950s- creating a migrant population of nearly 850,000 people exclusively from the Balkans. The two-way immigration and emigration circulation resulted in the reduction of the non-Muslim population in Turkey from 19% in 1914 to 3% in 1927, and then later on decreased to nearly 1%, approximately 225,000 people.¹¹

The Migration Boom After the 1950s

Following the early days of the Republic, the period between 1950-1980 was marked by the entrenchment of the nation-building process at the “local” level. While the previous patterns of international migration persisted, economic modernisation, intensive urbanisation and rural-urban migration triggered new problems around the settlement and employment of internal and international migrants.¹² Moreover, modern-day Turkey, for the first time, witnessed mass emigration of Turkish and Muslim populations abroad with the labour migration mainly to Europe and other industrialised countries.¹³ Turkey’s integration with the global migration regime also occurred during this period through the signing of the

1951 UN Convention and the 1967 Protocol which determined the status of refugees and asylum seekers. In the period 1950-1980, the non-Muslim population decreased from 225,000 to less than 150,000.¹⁴ A number of events were behind the acceleration of this mobility. One reason can be pointed to the events occurring on 6-7 September 1955, which led to violence against the non-Muslim population. Other events which caused the decrease of the non-Muslim population was the displacement of the Rum population from Istanbul after the 1963-64 crisis in Cyprus and increasing violence against the minority populations during the 1960s, along with the effects of the Turkish invasion of Northern Cyprus in 1974. In addition, the migration of the Jewish population to Israel after the establishment of the state of Israel also caused an increase in non-Muslims leaving Turkey. As for the immigration of Muslim populations to Turkey, the state was less enthusiastic in accepting them. Although the movements after the political crises continued, the new public discourse considered co-ethnics as settled in their historical homelands and Turkey as their second and relative homeland. This was evident in the new terminology that was adopted to define co-ethnic communities- "Turkish factors" or "external Turks".¹⁵

During the 1960s, the rise in unemployment was among the top issues on the agenda. The solution to this problem came through state-sponsored labour emigration and official agreements between the Turkish state and the labour-demanding industrialised countries. The main goals during these labour agreements¹⁶ were different from the view of the labour-requesting versus the labour-requested country (i.e. Turkey). This reflects the classical core-periphery model of migration theories. The interests of the European core countries to the post-war labour shortages were met via short-term migration from less developed countries, while the interests of the periphery countries were met through migrants abroad. In this way the periphery countries would benefit from emigrants' economic (export of surplus labour power and remittances) and social (transfer of knowledge and know-how) capital that they would gain in Europe. For both sides, migration was supposed to be temporary.

The overall state policy in Turkey was based on facilitating remittance flows and the easy return of labour migrants during the first decade of migrations. According to official Turkish records, a total of nearly 800,000 workers went to Europe through the Turkish Employment Service between 1961 and 1974. Out of these workers, 649,000

(81%) went to Germany, 56,000 (7%) to France, 37,000 (5%) to Austria and 25,000 (3%) to the Netherlands.¹⁷ Compatible with the 1960s state of mind, which was founded on the basis of a planned economy for boosting economic growth and development, the State Planning Organisation (DPT) and the Turkish Employment Service (İİBK) were at the core of the administrative circle regulating the flows of migrants.¹⁸ Other institutions and programmes supported these two main bodies.¹⁹ Remittances were considered a solution to the perennial shortages of foreign currency to pay for imported goods and services.²⁰ In fact, remittances contributed greatly to the country's economy in the 1990s, even though it was argued that they were somehow insignificant compared to the migrants' saving potential.²¹ Turkey received over US \$75 billion from remittances since 1960, an average annual figure of US \$1.9 billion.²² Remittances equalled more than one third of the trade deficit in the 1990s, declining to 20% in the early 2000s and 2% by 2004.²³

This pattern continued until the 1973 oil crisis, which triggered economic stagnation and led to a pause in state-led labour migration in Western Europe. In the 1970s, new geographical locations, such as Australia, the Middle East and North Africa, became the target of

immigrants. Subsequent emigration waves to Europe were mainly family reunifications, family formations, refugee movements and clandestine labour migration,²⁴ which differed significantly from the previous flows of emigrants and consisted primarily of young single men and women from rural backgrounds.²⁵ Although the overall policy was based on promoting returns, the first signs regarding the permanent settlement of emigrants in Europe appeared in the early 1970s, for which the state responded by taking measures against cultural assimilation and encouraging returns. For instance, the Presidency of Religious Affairs (*Diyanet*) became involved in the management of workers abroad, even sending imams to European countries in 1971. A programme for temporary return migration (Transfer of Knowledge through Expatriate Nationals) was implemented together with the UNDP in order to promote voluntary returns.²⁶

The Emergence of New Migration Patterns in the 1980s

In the 1980s the Turkish migration regime changed drastically as a result of a transition in migration patterns and the transformations in the social, cultural and economic environment. On the one hand, the emerging mass immigration

of “non-Turks”, for the first time in the history of modern Turkey, compelled the state to take new measures with regards to the management of migrants and asylum seekers. However, the adoption of liberal policies attracted increasing flows of foreign direct investments (FDI), lessening the role of remittances in the Turkish economy. The FDI inflows to Turkey increased consistently, from an annual average of US \$65.4 million from 1980-1984, to an annual average of US \$271.2 million from 1985-1989. From 1990 to 1994, the FDI inflows to Turkey had increased to an annual average of US \$716.4 million.²⁷ As the economic mentality vis-à-vis the situation of the emigrants faded away, the management of social and cultural affairs became increasingly important in maintaining ties with the now-permanent emigrants abroad.

The political turmoil and the economic transformations over the last 30 years in the region compelled people to move to safer and more developed countries, and Turkey was a passage.

All in all, the identity questions of the 1980s, including binary oppositions such as Turk/Muslims vs. foreigners

and Turkish emigrants vs. non-Turkish emigrants, occupied a significant position in the policy-making process. After the 1980 coup in Turkey, the identity question became an important issue both for internal and international politics following the global rise in identity politics. Both external factors (i.e. the end of Cold War) and internal factors (including the emergence of the Kurdish issue and left-right politicisation) were behind these phenomena. Inside the country, as Turkey increasingly became a country of immigration, new encounters occurred between the Turkish/Muslim and “foreigner” populations. Outside of the country, the emigration of Turkish citizens with different ethnic and religious backgrounds triggered new tensions between the emigrant populations, as well as between the Turkish state and certain emigrant groups.

Even though modern Turkey had been affected by immigration waves since the 1920s, those were different in that they were based on ‘common descent and culture’. The incoming migration on the 1980s was, for the first time, a migration of ‘foreigners’ who were neither Turk nor Muslim. Some of the immigration flows to Turkey were related to the overall globalisation process that facilitated and boosted the movement of people as well as goods, technologies, ideas and finance. In addition, the political turmoil and

the economic transformations over the last 30 years in the region compelled people to move to safer and more developed countries, and Turkey was a passage. In the east, the draconian politics of Afghanistan, Iran and Iraq, especially towards minorities, as well as the humanitarian insecurity after the Iran-Iraq war and the Gulf crisis, pushed people to enter Turkey seeking asylum. In the West, the collapse of the Soviet Union and the socialist systems in Eastern Europe prompted the citizens of these countries to arrive in Turkey in search of temporary work.

A significant portion of the “non-Turk, non-Muslims” immigration to Turkey since the 1980s has been irregular and such immigrants are defined by the Turkish law as “illegal”. Until the 1994 Asylum Regulation, a handful of texts laid down the clauses and modalities regarding the entry, exit, stay and residence of aliens,²⁸ while not addressing topics such as asylum or labour. The 1994 regulation defined the conditions for applying for asylum in Turkey; however, there still remained a limited opportunity for being recognised legally due to the geographical limitation clause of the 1951 Geneva Convention. Despite criticism, the Turkish state did not lift the limitation and allowed only temporary asylum to non-European asylum seekers until they resettled in a

third country. Analysing this from the perspective of nation-state paradigm and international migration, the policies with regards to immigrants in Turkey have been reluctant to recognise the immigration of non co-ethnics and have been resistant in reforming the nation-state centred migration policies in response to the rising migration challenges.

Beginning with the first Turgut Özal government (1983-1987), the government began paying special attention to the politicisation of the Turkish communities abroad, which was in line with the revised Turkish foreign policy objectives.

As for the management of emigrants abroad, the focus has shifted away from the economic mentality of the 1960s to social, cultural and political measures. Despite the efforts in the 1970s for returning migrants, most emigrants stayed in the European countries. This has gradually become an accepted fact by the Turkish state and the public changed its perception of Turks abroad from distant workers to migrant workers, and from Turkish citizens abroad to minorities in Europe. The post-1980 period has been characterised by the

increasing engagement of the Turkish state with emigrants in the host countries rather than within Turkish territories.²⁹ It is argued that a number of reasons were behind this policy change: the settling of former labour migrants, as elaborated above, the emerging patterns of political migration of different opposition groups (communists, Islamists, Alevis and Kurdish nationalists) fleeing from the military junta to Europe and the rising cultural revivalist movements of Turkish citizens in European countries.³⁰ Especially in the early 1980s, the policy of the military rule was to reduce the political opposition both within the territories of Turkey and abroad.³¹

As a result, the state provided legal and official incentives to maintain ties, monitoring and it worked on improving the conditions of Turkish emigrants in Europe. In 1981, the state introduced a law that allowed dual citizenship for the first time in Turkey- significantly increasing the number of Turkish citizens who also obtained the citizenship of a host country.³² This was followed by the inclusion of Turkish citizens abroad in the 1982 Constitution, in which the government was charged with taking measures “to ensure family unity, educate their children, meet their cultural needs, provide social security, protect their link and facilitate their coming back”. Beginning with the first

Turgut Özal government (1983-1987), the government began paying special attention to the politicisation of the Turkish communities abroad, which was in line with the revised Turkish foreign policy objectives. The state started sending “minor armies of Turkish teachers and Imams” via the Ministry of Education and the Directorate of Religious Affairs.³³ These groups were supported by religious organisations, such as the Turkish-Islamic Union of the Religious Affairs (DİTİB), which was established in the Federal Republic of Germany in 1985, and then in Austria, Belgium, France and other European receiving countries in the following years.³⁴

Turkey’s current ambition to become a member of the EU, and the accompanying political liberalisation, has been altering the state’s traditional conception of national identity.

The state took other legal and administrative measures to facilitate the political and social participation of Turkish emigrants.³⁵ The early 1990s were marked by a number of incentives facilitating the political and social engagement of emigrants with Turkey, such as the Pink Card procedure

(replaced by the Blue Card in 2009) granting rights to those who had given up Turkish nationality and the change in the Turkish Party Law allowing the establishment of branches of Turkish parties outside of Turkey. According to Kadirbeyoğlu,³⁶ the reason behind the institution of the Pink Card was the emerging problem of citizenship and the rising xenophobia in Europe, which had emerged with events such as Solingen in 1993. During this period there was a binding belief that voting (and hence obtaining citizenship in Germany) was the key to finding long-term solutions to the problems faced by the Turkish people living there.

New Modes of Migration Transition and Its Governance Since the 2000s

As noted by Fargues³⁷ the relationship between international migration and the nation-state has in all times and all places been an uneasy one. As observed in Turkey during the 20th century, “while the nation state is a community that recognises itself as one people sharing one territory and one narrative, international migrants are perceived as transgressors to the founding principle of the nation: emigrants, because they live outside the territory of which they still share the narrative; immigrants, because

they are not yet part of the narrative attached to the territory in which they are newcomers”.³⁸ In fact, one must view the challenges of the new modes of migration transition and its governance in Turkey since the 2000s, within this context of nation-state and international migration dilemma.

After decades of being known as a country of substantial emigration, Turkey in the 2000s faced challenges to its immigration policies. As debated above, the country’s traditional immigration policy was shaped very much by nation-building concerns, as well as by efforts to sustain a homogenous national identity. In this respect, Marcus³⁹ and Zolberg’s⁴⁰ contributions to the literature on immigration show that the relationship between state-nation formation and often forced movements of people help to better understand Turkey’s experience with immigration in the first half of the 20th century. However, in the early 21st century, the situation was quite different. Several external and internal developments have shaped Turkey’s experience with immigration in the post- Cold War era. Globalisation has been clearly a major external force behind Turkey quickly becoming a “migration transition” country. This broader phenomenon is captured by Castles, Miller⁴¹ and Stalker.⁴² İçduygu and Keyman⁴³ demonstrate the impact

of globalisation in the specific case of Turkey. However, they also point out the importance of internal developments within Turkey as factors transforming Turkey into a “migration transition” country. Turkey’s liberal market economy, characterised by informality, is another internal factor that attracts migration into Turkey. Yet another internal factor has been government policies making entry into Turkey much easier than what was the case during the Cold War. As will be discussed in the following pages, the single party rule of the Justice and Development Party - JDP (*Adalet ve Kalkınma Partisi* in Turkish), with its partly liberal stance, has been instrumental in the country’s immigration policy reforms since the early 2000s. Lastly, Turkey’s current ambition to become a member of the EU, and the accompanying political liberalisation, has been altering the state’s traditional conception of national identity. There has been a growing pressure to adopt policies that recognise Turkey’s own ethnic and cultural diversity. Inevitably, this has had a bearing on how the Turkish state and society look at foreigners and migrants. In turn, government policy is under growing pressure to be reformed and adapted to the realities of Turkey becoming a “migration transition” country- a transformation from mainly being a country of emigration to a country of immigration.

The 2000s signifies the changing migration flows with respect to four different categories of immigration in Turkey: (i) irregular labour migrants; (ii) transit migrants; (iii) asylum seekers and refugees; and (iv) regular migrants. The irregular migrants (labour/shuttle and transit migrants) are those who either use Turkey as a transit state to cross into a third country, or those who stay or work in the country without the necessary permits. Asylum seekers and refugees are considered in parallel with irregular migrants due to their entry to Turkey, which is often made through irregular border crossing. Regular migrants are comprised of the immigrants and their family members who arrive in Turkey for employment, education, settlement or long-term residence and recreational purposes. Empirical evidence of the last two decades, 1995-2013, directly and indirectly shows the volume and nature of these new immigration flows to the country. It is estimated that in those two decades, there were more than half a million transit migrants apprehended in the country, primarily from the Middle Eastern, Asian and African countries, trying to make their way to Europe. Another half a million, mostly coming from the post-Soviet countries, were apprehended while they were irregularly working in various sectors. In the same period, there were more than

a 100,000 asylum seekers individually arriving in Turkey, in addition to the mass movements of half a million Kurds from Iraq during the first Gulf War in 1991, and another half a million Syrians with the recent crisis. In addition, there is a stock of around a quarter of million foreigners who have residence permits, most of which are professionals, students and retired “sun” migrants.⁴⁴

The early signs of a changing policy in the area of immigration are becoming increasingly apparent and the EU has been an important driving force since the early 2000s. For example, Turkey, as part and parcel of pre-accession requirements, has to harmonise its legislation in areas identified in the EU “Accession Partnership” document.⁴⁵ Specifically, the *Action Plan on Asylum and Migration* adopted by the government in March of 2005 lays out the tasks and the timetable Turkey intends to follow in order to prepare for the development of a fully fledged national status determination system, lift the geographical limitation and adopt EU directives on asylum and migration in general.⁴⁶ However, the uncertainty over Turkey’s membership prospects is discouraging officials from advising the government to make these changes too precipitously. Furthermore, there is a deep-seated concern that Turkey may become a “buffer zone” or a kind of a “dumping ground” for the

EU’s illegal migrants and rejected asylum seekers. Yet, the pressures for policy reform are unequivocal. For example, the government has completely overhauled its work permit laws and regulations. The new law was a remarkable change in legislation pertaining to irregular migration and its labour outcomes. In 2003, the Turkish parliament enacted a new law, the Law on Work Permits of Foreigners (Law No. 4817) in order to concentrate the administration of permits in one authority, thus enabling foreigners to obtain their documents in Turkey more easily. The law aims to ensure that the work permit acquisition process in Turkey matches international standards, in particular to those of the EU. Today it has become relatively easier for foreign nationals to seek work and be employed in Turkey.

Although Turkey’s migration policies have been undergoing a remarkable transformation since the early 2000s, there seem to be various paradoxical developments about the direction of these changes. There are uncertainties about whether these changes will lead to more liberalisation with new regulations or whether they will be faced with resistance by long-established regulations in migration policies. Evidence from the last decade presents mixed and confusing results.

For instance, the prospects of Turkey loosening its traditional immigration policies seem less likely. Although the new Settlement Law of November 2006 has made similar changes towards the liberalisation of migration policies, it continues to limit formal immigration to Turkey to individuals and groups of “Turkish descent and culture”. This approach is very closely related to the traditional conception of “Turkishness” and is reminiscent of the 1930s. The identifying features of “Turkishness” are not solely related to Turkish ethnicity, but the ability and willingness to adopt the Turkish language and to be a member of the Muslim Sunni ethnic group often closely associated with past Ottoman rule. Technically, Albanians, Bosnians, Circassians, Pomaks, Tatars and Turks- mostly from the Balkans- who are included in this definition will be able to immigrate to Turkey. Minorities claiming a link to Turkey who are not Sunni Muslims, that is, everyone from Armenians and Assyrians to Greeks and Jews, as well as unassimilated Kurds and Alevis, are likely to face difficulties in immigrating to Turkey. Such a policy is not in accord with the emerging EU common immigration policy, which increasingly emphasises civic connections to host territory and employment prospects rather than ethnic or national origin as grounds for immigration. How

will the government treat demands from descendents of former non-Muslim Turkish citizens to immigrate and settle in Turkey? Similarly, what will be the position of Turkey in the face of foreign individuals who may wish to immigrate on the grounds of family connections, even if they are not of “Turkish descent and culture”? What will happen to those Kurds or descendents thereof who may have left willingly or unwillingly in the past and want to return and resettle in Turkey? If and when Turkey lifts the geographical limitation to the 1951 Geneva Convention, will the recognised refugees have the right to “integrate” to Turkey and be allowed to become citizens?

As doubtful questions such as these increasingly occupy the public policy agenda of Turkey, one positive aspect out of all of this has been the recent shift towards a liberal immigration and asylum regulation. A new Law on Foreigners and International Protection was adopted by the parliament in April 2013. Combining the two previously planned separate laws, the Law on Aliens and the Law on Asylum, this law introduces some landmark reforms that provide Turkey with a modern, efficient and fair management system in line with core international and European standards. With the new law, Turkey commits itself to taking necessary steps towards

integrating immigrants into the country and treating asylum seekers and irregular migrants according to international norms. The law officially declares the foundation of the General Directorate of Migration Management, which was established under the Ministry of Interior, and will be a hub for implementing and regulating the entry, stay and exit from Turkey for foreign nationals, and for the protection of the rights of migrants and asylum seekers. Critically assessing the fact that while these tasks are currently carried out nationwide by the Security General Directorate they will be gradually replaced by the General Directorate of Migration Management after its establishment in one year, we can conclude that these developments, brought on by this new law, mark genuine progress around the promotion of the idea of “migration management” to the country’s public policy agenda.

How will Turkey as a state manage immigration against the backdrop of its domestic pull and push factors accompanying globalisation? Hollifield⁴⁷ in his article “The Emerging Migration State”, refers to two types of states with respect to regulating migration: a state that follows relatively open-door policies and extracts advantages from immigration, and a state that builds walls around itself and restricts immigration. Which of these states will

Turkey resemble? This is a topic that deserves greater attention. However, it is likely that Turkey will be caught between pressures in both directions. As the letter and spirit of the new Settlement Law suggests, Turkey will remain relatively closed to formal immigration. Yet, the new Law on Foreigners and International Protection, possibly realising the empirical reality in the country, suggests that people abroad will increasingly continue to come to Turkey as migrants for short or long durations. Turkey will be subject to contradictory forces from the outside as well. The Syrian refugee crisis is one of the most recent and worthy examples. This also implies that a case in point is the day to day management of the movement of people into Turkey.

As pointed out earlier, the single party rule of the JDP, with its partly liberal stance, has been instrumental to the country’s immigration policy reforms since the early 2000s. This was mainly due to the fact that the JDP government has been very keen on the progress of the EU membership process, particularly between 2004- 2010. Accordingly, it took an exceptionally active position to harmonise the immigration and asylum regulations with the EU’s regulations, as seen by the two new laws- the Law of Settlement in 2006 and the Law on Foreigners and International Protection in 2013.

However, the Turkish government has not always taken a compatible position concerning the harmonisation efforts of the EU pre-accession period. For instance, travel restrictions have been eased and visa requirements lifted for travellers mainly from nearby countries such as Azerbaijan, Jordan, Lebanon, Libya, Russia, Syria, and Ukraine, as well as from various distant countries, such as Brazil, Tanzania, Guatemala, Venezuela, Colombia, Andorra and Paraguay.⁴⁸ Interestingly, many of these new visa arrangements are contradictory to the EU *acquis* and are paradoxes in Turkey's EU membership agenda. Turkey is in the process of adopting the EU Schengen visa system, which requires member countries to apply a common visa policy to third country nationals. This requires replacing Turkey's current relatively liberal visa system with a much stricter one. Although this will align Turkish practice with that of the EU, it will also make it more difficult for nationals of neighbouring non-EU countries to enter Turkey. This may result in a net cultural, economic and social loss for Turkey.⁴⁹ It may also exacerbate illegal migration by forcing people to circumvent visa restrictions. So far, in spite of the requirements of the EU, the Turkish government has been reluctant to adopt the Schengen visa system fully, allowing the movement of people between Turkey

and neighbouring countries to continue to grow. One way in which the country's new liberal visa policies could be interpreted is as a part of a larger context of the JDP's foreign affair policies of "zero problems with neighbours" and as part of the ideological setting of policy makers, which favours the legacy of the Ottoman past.

Indeed, the reflections of this newly emerged ideological setting have become very clear with the establishment of a new government department, the Presidency for Turks Abroad and Relative Communities (*Yurtdışı Türkler ve Akraba Toplulukları Başkanlığı*) which is linked to the Prime Minister Office. The Presidency was set up in 2010 with the objective to maintain and strengthen the relationship of the Turkish state with Turkish citizens living abroad, those of Turkish origin living outside of Turkish territories and with the foreign students in Turkey. The motto and philosophy of the group is "wherever there is our citizen and kin, we are there". This is the first time that the emigrants abroad and the Turkish ethnic communities who are not citizens of Turkey have been brought together under the same institutional roof. According to the Presidency, close contact with Turkish citizens living abroad is of foremost importance and "citizens who are dispersed to a vast geographies in the world, from Germany

to Jordan, Balkans to Australia, are increasingly becoming more effective and successful in their residence countries in different fields including economics, science, arts, sports and politics”.⁵⁰

From the mid-1990s until recent times, the Turkish state’s position regarding international migration has broken away from the approach of “ignorance and neglect” that dominated the 1980s and early 1990s: both emigration- and immigration-related issues have gained importance on the public policy-making agenda.

A content analysis of the quarterly journal entitled *Artı 90 (Plus 90)*, published by the Presidency for Turks Abroad and Relative Communities since January 2012, reveals the nature of the official worldview towards the Turkish expatriates and ethnic Turks living abroad. The journal has a nearly equal distribution of articles focusing on host countries of emigrants and countries with co-ethnic populations. Yet, while the Balkan region is represented as a special section, the cover sections have always had coverage on the emigrants in the European countries and are longer

than the other sections. The journal places an emphasis on the Turkish state’s belated interest in re-connecting with the emigrant populations, which has been done in other countries. This was maintained by Kemal Yurtnaç in the latest issue in January of 2013:

Institutions such as Ministry of Overseas Indian Affairs in India, Ministries of Diaspora in Central Asian countries, Secretary of State for Foreign and Commonwealth Affairs in Britain, General Secretariat for Greeks Abroad, International Organization of the Francophonie in France, Federal Agency for the Commonwealth of Independent States, Compatriots living Abroad and International Humanitarian Cooperation and Jewish Agency for Israel [that reinforce the ties between the state with emigrants] show us how important it is to have administrative structures. [...] Unfortunately we have a lag of 50 years in this arena. However, I believe that it is better to have them belated rather than not having at all.⁵¹

Besides this interest, the journal projects a discourse, which often makes references to the glorified Ottoman past, to its history, people and geography. Following Minister of Foreign Affairs Ahmet Davutoğlu’s call in July of 2012 for the reconnection of Armenian, Greek and Jewish populations who have emigrated from Anatolia during the Ottoman era,⁵² the journal also makes references to former Ottoman populations. This discourse can be followed by the references to the Ottoman history: “A great number

of ‘Ottomans’ live in South America” (January 2012), “Cities of the Balkans that bear the Ottoman colours, Sarajevo, Skopje, Tiran, Novi Pazar, Pristine, Prizren and even Belgrade, Sofia and Thessaloniki are now the target of a part of Turkish tourists who place importance on culture....” (July 2012). By calling upon the emigrants, co-ethnics and ex-Ottoman citizens to reconnect with the Turkish state, the Presidency and the journal reinvent Turkey as a hegemonic power. As Prime Minister Recep Tayyip Erdoğan said in a speech in January 2013:

My brothers who are living abroad should know this well: They are not alone anymore. They have the strength of the Turkish Republic. With TİKA we thrust our hand to every corner of the world, bring heirloom objects to daylight. With the Presidency for Turks Abroad and Relative Communities we evoke the warmth and power of Turkey. By establishing Yunus Emre Institutes we teach Turkish to the world. With TRT Avaz, TRT Turk, TRT Arabic, TRT Şeş we broadcast Turkey’s messages to the world.

Since the early 2000s, various external and internal factors have made Turkey take more systematised steps towards institutionalising the “management of international migration flows and their outcomes”. It seems like there has been a considerable shift within the last decade towards a proactive policy-making position on emigration and immigration issues. However, with the changing

global, regional and local outlook, it is too early to say whether the country is on a smooth path with regards to its policy-making on international migration.

Conclusion

This essay tries to constitute the first step towards mapping the changes in government policies on emigration and immigration as observed in Turkey over time, and addressing some of the challenges associated with the transformation of the migration paradigm from one based on nationalism and the nation-state to one founded on transnationalism and the globalised world. Given the history of the 90-year-old Turkish Republic, which has been characterised by emigration and immigration, the above discussion relates to both relatively old as well as new cases of migratory contexts involving Turkey.

A number of paradigmatic shifts since the early 20th century have initiated a process of revisionism with regards to Turkey’s international migration policies. For the first half of the 20th century, nation-building concerns determined the nature of emigration and immigration flows in the country as the departure of non-Muslims and arrivals of Turks and Muslims dominated the flows. In the mid-20th century, migration policies focused on the economic gains

from emigration flows: labour migration to Europe was seen as a tool for reducing unemployment, obtaining remittances and acquiring skills. Starting in the early 1980s, Turkey was faced with flows of immigrants with different national, ethnic and religious backgrounds: regular and irregular labour migrants, transit migrants, asylum seekers and refugees. In the 1980s and early 1990s, any noticeable policy concern on emigration and immigration issues was absent from politics. From the mid-1990s until recent times, the Turkish state's position regarding international migration has broken away from the

approach of “ignorance and neglect” that dominated the 1980s and early 1990s: both emigration- and immigration-related issues have gained importance on the public policy-making agenda. Today, in the early 21st century, Turkey is confronted with very dynamic questions about the consequences of emigration and immigration, and how various migration patterns can be managed by policy makers. It appears that the country's migration policy-making processes are now caught up between “the politics of the past” (nationalist legacies) and “the politics of future” (globalist trajectories).

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Turkey's Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows

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Abstract

Turkey has long been a land of asylum due to its geographical location as well as shared social, cultural and historical ties with the Balkans, the Caucasus, Europe, and the Middle East. Since the 1980s, the influx of refugees and irregular and transit migrations to Turkey, particularly from the Middle East but also from Africa and Asia, have intensified. In 1988 and 1991 Turkey was confronted with the Iraqi Kurdish refugee flows, and since the onset and intensification of violence in Syria from 2011 onwards, Turkey is trying to cope with a growing number of refugees with its temporary protection regime. The solution Turkey opted for in both crises is the same: creation of no-fly zones and safe havens for refugees outside of Turkish territory and inside the refugees' country of origin, which has been implemented in the Iraqi case but has yet to find international support in the Syrian case. These two cases are significant, as they reflect the complex shifting nature of the refugee crises and relief efforts in the post-Cold War era, and present important challenges for Turkish policymakers of foreign and refugee policies, particularly in formulating a new refugee and asylum policy that is in line with Turkey's new foreign policy vision and its emerging regional

and global agency. These two crises also reveal the need for a substantial change and update in the Turkish refugee regime that is long overdue.

Key Words

Turkish refugee and asylum regime, Iraqi Kurdish refugees, Syrian refugees, safe haven, no-fly zone, Turkish foreign policy.

Introduction

Turkey has long been a land of asylum, particularly for refugee flows from the Balkans, since its inception in 1923. Since the 1980s the influx of refugees and irregular and transit migrations to Turkey, particularly from the Middle East but also from Africa and Asia, have intensified. In 1988 and 1991 Turkey had to deal with the Iraqi Kurdish refugee flows. The 1991 refugee flow, when more than one and a half million Iraqi Kurds were amassed by the mountains bordering Turkey, Iraq, and Iran, was the

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biggest refugee crisis in recent memory,¹ and Turkey opened its border to around half a million Iraqi Kurds. Today, due to the onset and intensification of violence in Syria since early 2011, Turkey is trying to cope with another refugee influx from Syria. The number of Syrian refugees has currently reached half a million² and is expected to grow given the escalation of violence in Syria, which will further strain Turkey's already overburdened refugee and asylum regime. These two cases – influx of Iraqi Kurds and Syrian refugees- are significant, as they reflect the complex shifting nature of the refugee crises and relief efforts in the post-Cold War era, and present important challenges for Turkish policymakers, particularly in formulating a new refugee and asylum policy that is in line with Turkey's new foreign policy vision, as well as its emerging regional and global agency. Even if there are significant differences in terms of Turkey's and other international actors' stances towards the two crises, the solution Turkey suggested for both crises is the same: creation of no-fly zones and safe havens for refugees outside of Turkish territory and inside the refugees' country of origin. However, Turkey at the crossroads of the Mediterranean, the Black Sea and its hinterland, the Balkans, the Caucasus, the Middle East and North Africa, is situated in a historically and culturally

charged strategic space, and has been and will be home to refugee flows in the region. Turkey, taking account of shifts in the international refugee regime, and the high propensity of regional crises to produce new refugee flows that target its territory, must cast aside its reactive and strained refugee and asylum policy, and proactively develop a new refugee regime in accordance with its new regional policy, global agency and humanitarian diplomacy.

Turkey has long been a land of asylum due to its geographical location as well as shared social, cultural and historical ties with the Balkans, the Caucasus, Europe, and the Middle East.

This paper evaluates Turkey's response to these two refugee crises and the impact of these flows on the Turkish refugee regime. The paper is divided into five sections. The first section puts forward the main outlines of the Turkish refugee and asylum regime by highlighting its continuities and changes. The second section provides a description of the influx of the Iraqi Kurds into Turkey in 1988 and 1991, and briefly discusses the evolution of the international refugee regime in the post-Cold War era as well as the changes in

the Turkish refugee regime following the Iraqi Kurdish refugee influxes. The third section covers the evolution of the Syrian crisis, and the influx of Syrian refugees to Turkey since 2011 up to the present day, and in three subsections evaluates the experiences of refugees staying in and out of camps, and the combatants of the Free Syrian Army (FSA). The fourth section discusses, compares and evaluates Turkey's and, to a limited extent, other international actors' response to the two crises. The concluding section gives a concise analysis of the impact of and challenges posed by the major refugee influxes on the Turkish asylum regime, which underscores the need for a long overdue substantial change and update of the Turkish refugee regime.

Turkey's Two-Tiered Asylum Regime

Up to the present day, Turkey has preferred to deal with refugee influxes with pieces of legislation, rather than a single fully-fledged law. Two important legal documents have determined the

basic outlines of the Turkish asylum regime. The first one is the 1934 Law on Settlement (*İskân Kanunu*), regulating rules for entry, settlement and application for refugee status.³ This law is indicative of the important role that migration and asylum played in the Turkish nation-building process following the disintegration of the Ottoman Empire. The Law does not allow the settlement of those that do not belong to 'Turkish descent and culture' (*Türk soyu ve kültürü*) and authorises the Council of Ministers to decide who qualifies for settlement and Turkish citizenship. Within the framework of this law, people from Turkish speaking communities in

the Balkans as well as the Muslim communities, such as Albanians, Bosnians, Circassians, Pomaks, and Tatars were allowed to settle in Turkey, in the belief and expectation that they could easily assimilate into Turkish identity.⁴ The new law on settlement (The Law No. 5543) passed in 2006 did not transform the traditional admission policy. According to Article 4 of this new law, those who do not belong to Turkish

Even if there are significant differences in terms of Turkey's and other international actors' stances towards the two crises, the solution Turkey suggested for both crises is the same: creation of no-fly zones and safe havens for refugees outside of Turkish territory and inside the refugees' country of origin.

descent and culture are not eligible for settlement.⁵ Based on this law, from 1923 to 1997, more than 1.6 million people immigrated to Turkey, mostly from the Balkan countries.⁶

The influx of refugees was a major foreign policy challenge for Turkey, as it tried to follow a cautious policy amidst the growing tension between Iraq and the U.S. and due to the escalation of conflict between the Turkish security forces and the PKK in the region.

The second key legal document that has shaped Turkey's asylum regime is the 1951 Geneva Convention Relating to the Status of Refugees. Turkey was among the original drafters and signatories of the Convention. Turkey is also a party to the 1967 Protocol, which replaced the geographical and time limitations from the Convention with a geographical limitation alone.⁷ Therefore, Turkey has a two-tiered asylum policy, which makes a distinction between the Convention and non-Convention refugees. This means that Turkey does not grant refugee status to asylum-seekers coming from outside Europe, who are therefore subject to the general Turkish law on foreigners. These legal instruments, drafted and

adopted during the Cold War years, were in compliance with Turkey's role as a NATO member neighbouring the Soviet Bloc countries, and based on these Turkey accepted asylum-seekers fleeing persecution under the communist regimes (around 13,500 between 1970 to 1989). However, the majority of the Convention refugees were resettled in third countries in line with the 1934 Law on Settlement,⁸ while the members of the Turkish minority fleeing political and religious persecution in communist Bulgaria were granted the right to settle in Turkey or acquire citizenship. Therefore, despite the significant changes in Turkey's refugee policy after it signed the 1951 Convention, one thing remained constant throughout the Cold War years and afterwards: non-acceptance of those who do not belong to Turkish descent and culture.⁹

The second tier of Turkey's asylum policy, which deals with non-Convention refugees, was developed as a response to growing refugee influxes due to wars, ethnic strife and political instability in the Middle East, Africa and South-East Asia since the early 1980s. Following the Iranian Revolution in 1979, around 1.5 million Iranians have arrived in Turkey. The Iran-Iraq War, which lasted eight years, led to further flows. However, the largest refugee flows resulted from the 1988 and 1991 mass influxes of Kurdish

refugees that paved the way for changes in Turkish refugee and asylum regime.

The 1988 and 1991 Iraqi Kurdish Refugee Flows to Turkey

At the final stage of the Iran-Iraq War in 1988, as the Iraqi Kurds took control of Halabja and Hurmalin, the Iraqi forces started the military campaign known as al-Anfal (the Spoils) and used chemical weapons against the Kurdish population, killing around 100,000 Kurds.¹⁰ Following the end of the war, the operations of the Iraqi forces forced 70,000 Kurds to Turkish and Iranian borders. Turkey's first response was to close the border, concerned that opening the borders would allow entry of the PKK militants into its territory. However, due to the rapidly growing influx of refugees, it bowed to domestic and international pressure and agreed to temporarily accept Kurdish refugees on humanitarian grounds without granting them refugee status.¹¹

As a result of the refugee flow that started on 28 August 1988, 51,542 people entered into Turkey from 16 different points on the Turkish-Iraqi border.¹² The influx of refugees was a major foreign policy challenge for Turkey, as it tried to follow a cautious policy amidst the

growing tension between Iraq and the U.S. and due to the escalation of conflict between the Turkish security forces and the PKK in the region. On the one hand, there was mounting pressure on the Iraqi regime, and Turkey's opening of its borders to refugees allowed the international media to broadcast the plight of the refugees and accounts of atrocities by the Iraqi regime. Moreover, the U.S. and Britain demanded a UN inquiry to determine whether chemical weapons¹³ were used against the Kurds.¹⁴ On the other hand Iraq demanded to use its right of hot pursuit based on the 1984 protocol.¹⁵ Turkey responded by stating that the Iraqi Kurds were unarmed and that Turkey will not allow them to do anything against the Iraqi interests. Although Turkish officials declared that there were no signs of chemical weapons being used on the Kurds,¹⁶ this did not stop the Iraqi regime from cancelling the hot pursuit protocol.¹⁷ While this was a serious blow to Turkish-Iraqi relations, which had grown stronger since the 1980s, the Iraqi administration started to pursue a harsher policy towards its Turkmen minority. The crisis also allowed the PKK to find a stronger base in northern Iraq as Iraqi forces withdrew.¹⁸

Caught unprepared for such an influx, Turkey sought international support to share the economic burden

(US \$300 million) of the refugee relief efforts. However, Ankara did not seek to collaborate with the UNHCR, which defined the Iraqi Kurds in Turkey as refugees, a term that Turkey refused to use.¹⁹ As the Iraqi regime declared an amnesty for the Kurds, around 13,193 Kurds in Turkey and Iran returned to Iraq,²⁰ while the Kurdistan Democratic Party (KDP) leader Barzani accused Turkey of forcing the refugees to return home.²¹ Between 1988 and 1991, around 25,675 Kurdish refugees are known to have remained in Turkey.²²

As the refugees lost their ideological value in the post-Cold War era, states receiving the refugees became more concerned about their own rights, interests and particularly security, rather than refugee protection.

Soon after the refugee influx from Iraq, Turkey faced another massive influx, this time from neighbouring Bulgaria, starting in May 1989. The presence and treatment of the sizable community of ethnic Turks in Bulgaria has been a constant theme in Turkish-Bulgarian relations,²³ and the Cold War rivalry paved the way for successive waves of (forced and voluntary) migration to

Turkey. The communist government had consistently cracked down on the Turkish minority, and the assimilation campaign reached its peak in 1984, paving the way for the 1989 Bulgarian-Turkish exodus from Bulgaria and the arrival of more than 300,000 people in Turkey. 154,937 of these refugees returned home and 212,688 of them remained in Turkey.²⁴ To facilitate the economic and social integration of the Bulgarian Turks, Turkey passed the Law No. 3583 in 1989,²⁵ built 23,495 houses for their settlement using state funding²⁶ and by March 1994 granted 245,000 of them Turkish citizenship.²⁷

The problems encountered in refugee relief, and Turkey's refusal to grant the Iraqi Kurds refugee status, led the Parliamentary Assembly of the Council of Europe to issue its "Recommendation 1151 (1991) on the reception and settlement of refugees in Turkey". The Recommendation compares the treatment of the Bulgarian and Iraqi refugees by Turkey, and criticises Turkey for trying to discourage the Iraqi refugees from integrating into Turkish society by detaining them in camps, not allowing the refugee children to have access to educational services and not allowing international aid agencies to have access to refugee camps, while striving to integrate the Bulgarian-Turkish refugees into Turkish society. Therefore, it asks

Turkey to lift its geographical limitation and treat all the refugees from different origins equally and fairly.²⁸

A much bigger influx of Iraqi Kurdish refugees to Turkey came in 1991. As a response to Iraq's invasion of Kuwait in 1990, the U.S.-led coalition started the aerial bombardment of Iraq in January 1991, followed by ground assault. Following the defeat of the Iraqi forces, the U.S. president Bush declared a ceasefire on 28 February 1991.²⁹ Soon after the ceasefire, the 'Kurdish rebellion' erupted in northern Iraq in March 1991, but was repressed by the Iraqi forces.³⁰ Even though President Bush called on the Iraqis to rebel against the Saddam regime in February 1991, the U.S. did nothing to stop the Iraqi forces from crushing the 'Kurdish rebellion' in the north and the Shiite rebellion in the south.³¹ The Iraqi regime's operations to end the 'Kurdish rebellion' forced approximately three million Kurds out of their homes.³² Around 500,000 Iraqi Kurds fleeing the violence were trapped in the Turkish-Iraqi mountain range close to the Turkish border. Turkey, having experienced the influx of Kurdish refugees in 1988, did not want to experience the same problems in refugee relief and face similar criticisms from the West. Turkey's concern that international help would be inadequate was coupled with the fear that the PKK

militants could infiltrate into Turkey alongside the Kurdish refugees, and Turkey would become a 'buffer zone' between the refugee producing countries and Europe. Therefore, Turkey closed its border and the Turkish security forces moved into the Iraqi side of the border to keep the Kurdish refugees out of Turkish territory.³³

As the situation worsened, the UN Security Council passed Resolution 688 on 5 April 1991, which for the first time interpreted Article 39 of the UN Charter in the light of a humanitarian crisis, and authorised intervention in a state's domestic jurisdiction against the violation of human rights- rights of its own nationals- if it poses a threat to international peace.³⁴ The UN Resolution stated that the situation arising due to the refugee crisis 'threatens international peace and security in the region', and asked the Iraqi regime to end the repression of the Kurds and allow international organisations access to the refugees in need.³⁵ Following the adoption of Resolution 688, Turkey agreed to open its borders and temporarily settled the refugees in camps,³⁶ while Iraq, deeming it a violation of its sovereignty, strongly opposed Resolution 688 and the actions of the U.S., British and French forces to create safe zones for refugees.³⁷

Following the adoption of the UN Resolution, the Turkish President Turgut Özal urged the UN peacekeeping forces to intervene and establish a safe zone in northern Iraq for the Kurdish refugees.³⁸ Initially both the U.S. and the UN Security Council refrained from this solution, and the Soviet Union and China considered it to be an intervention in Iraq's domestic affairs. Iraq's opposition to such a solution was another factor that made its implementation difficult.³⁹ However, Özal kept on pushing for this solution, and finally the U.S. decided to take the lead in creating safe zones and a no-fly zone at the Turkish border based on Resolution 688. Due to opposition from the Soviet Union, China, and India, a UN-led action was not possible, instead the U.S.-led Operation Provide Comfort coalition forces, composed of 20,000 troops from 11 different countries, were to create a safe haven in Zakhu and deter the Iraqi forces from attacking the refugees in the safe haven.⁴⁰ On 6 April 1991 Operation Provide Comfort joint task force, established for the refugee relief, was deployed at the NATO base in Incirlik, Turkey. On 7 April 1991 the task force airplanes started dropping aid packs at refugee camps at the Turkish border. By 8 April around 250,000 refugees entered Turkey from 14 different points. Turkey established 20 camps in Şırnak and Hakkari, and refugees on the

mountains were brought down to Silopi and Şemdinli.⁴¹ Throughout this process serious problems were encountered in the distribution of aid, and some refugees were wounded, leading to international criticism. On 9 April the U.S.-led forces entered Southeast Anatolia. In the meantime, Iraqi forces blocked the roads to impede the flow of Kurdish refugees to Turkey⁴² and the Iraqi president Saddam Hussein visited northern Iraq and invited the Kurds to return to their homes,⁴³ which, however, failed to persuade the Kurds.

On 23 April 1991, the commander of the Operation, General Shalikashvili, signed an agreement with the Iraqi forces forbidding Iraqi troops or airplanes from entering north of the 36th parallel, and from 24 April onwards 460,000 refugees at the Turkish-Iraqi border were brought to the safe zone in Dohuk. Following the completion of refugee relief efforts, the seventh and last Kurdish refugee camp in Turkey, near the border town of Çukurca, was closed down in early June.⁴⁴ Meanwhile, the first camp in Iraq was established in Zakho and the second in Amadiye by the U.S.-led coalition forces.⁴⁵

On 7 June, the UNHCR took over the control and monitoring of the camps in Iraq, and on 15 July the coalition forces left the safe zone to be redeployed in

Southeast Anatolia. Throughout the refugee crisis, the fighting between the Turkish security forces and the PKK continued; so did the Turkish army's operations against the PKK camps, which led to criticisms and even allegations that these operations harmed the Kurdish refugees and the relief efforts. The Turkish security forces rejected the allegations, arguing that the operations targeted the mountainous region at the Turkey-Iran-Iraq triangle, far from the refugee camps located at Zakho or Dohuk.⁴⁶ As the Operation Provide Comfort ended on 24 July 1991, the U.S. in collaboration with Turkey decided to establish Operation Poised Hammer, later on referred to as Operation Provide Comfort II, on 18 July 1991 to prevent the Iraqi regime's attack on the refugees. The Turkish Parliament extended the rapid reaction force's mandate in consecutive terms until March 1996.⁴⁷

The 1991 crisis, as the first major refugee crisis in the post-Cold War era, reflected the paradigm shift in the international refugee regime. As the refugees lost their ideological value in the post-Cold War era,⁴⁸ states receiving the refugees became more concerned about their own rights, interests and particularly security, rather than refugee protection.⁴⁹ Keeping the refugees away from the industrialised countries that once took the lead in the creation of the

1951 refugee regime is an important aspect of the new refugee regime, undermining the efforts for refugee protection.⁵⁰ As the country of origin is defined as the main party to be blamed for displacement, this relieves other states of their responsibility, and justifies other containment, temporary protection and repatriation options.⁵¹ Therefore, the regime's focus shifted from refugee protection to containment⁵² and from durable to temporary solutions.⁵³ Despite the ambiguity of terms such as 'safe havens/zones' or 'humanitarian corridors/zones', the safe haven option is among the basic features of the new refugee regime.⁵⁴ This new regime was implemented in northern Iraq, Bosnia, Kosovo, Somalia, and Haiti.⁵⁵

The 1991 Iraqi Kurdish refugee influx was indicative of a new understanding that the UNHCR's refugee relief efforts should not only be limited to the country receiving the refugees, but should also extend to the refugees' home country as the responsible party for producing the refugees.⁵⁶ The 1991 Kurdish refugee crisis, together with the Yugoslav crisis, set important models of humanitarian intervention and signify a new trend in the internationalisation of asylum.⁵⁷ Faced with the influx of Kurdish refugees, Turkey resorted to temporary protection, which could be defined as 'mass protection without

individual determination of eligibility' for refugee status⁵⁸ and referred to the Iraqi Kurds as 'temporary guests for humanitarian reasons'.⁵⁹ The Operation Provide Comfort for the relocation of the refugees was deemed successful at the time. However, it was not debated whether providing asylum close to the conflict zone is secure for the refugees. Neither was the impact of the refugee camps on the locality and local population well assessed or addressed. The Kurds were not given a choice of whether to stay in the safe zone or seek asylum. The resolution of the 1991 crisis did not stop the influx of Iraqi migrants and asylum seekers into Turkey and, due to the protraction of the Iraqi crisis,⁶⁰ Iraq became one of the source countries of immigrants and asylum seekers.

The 1988 and 1991 Iraqi refugee crises also had a significant impact on the Turkish asylum regime. Security concerns linked with these flows, and the escalation of fighting between the Turkish security forces and the PKK, led Turkey to issue the Asylum Regulation in 1994. The Regulation aimed to bring status determination under the Turkish government's control and set the rules for 'temporary asylum regime'. Prioritising national security concerns rather than refugee rights, it set very rigid rules in terms of asylum applications, such as obliging asylum seekers to apply to the

Turkish authorities no later than five days after their entry into Turkey, and sidelined the UNHCR, hampering the working relationship between the organisation and the Turkish authorities. However, due to fierce criticisms from the European institutions and human rights advocacy groups, Turkey decided to extend this five-day limit to ten days, and since 1997 the Turkish government started once again to closely collaborate with the UNHCR. The 1994 Regulation was amended in 1999 and then again in 2006 with the Implementation Directive.⁶¹ According to data current as of 10 January 2011, out of 77,430 asylum applications made under the 1994 Asylum Regulation, 30,342 were made by Iraqi nationals and more than half of them, 15,647, were granted the refugee status.⁶²

The Syrian Crisis and the Mass Influx of Syrian Refugees to Turkey

The Syrian crisis dates back to January 2011, when public protests started in Syria on 26 January 2011 as part of the wider Arab revolutions and turned into a nationwide struggle against the Bashar al-Assad regime. In March 2011 the Syrian army was deployed to quell the peaceful demonstrations in different cities, killing many civilians.⁶³ Opposition to the

regime soon took the form of insurgency. The fighting is ongoing between Syrian security forces and insurgents unified under the FSA, as well as Islamist fighters including al-Qaeda-linked militants. Nearly two and a half years of civil war and growing unrest and violence in Syria has led to widespread destruction of the country and has affected millions of Syrians. According to the most recent UN estimates, the death toll in Syria has reached 100,000.⁶⁴ The UN World Food Program states that the escalation of violence in Syria has put access to food at risk and has led to an increase in food prices and food shortages.⁶⁵ UN figures for September 2013 show that 5 million people in Syria are internally displaced,⁶⁶ and, by late August 2013, the total number of registered Syrian refugees in Lebanon (726,340), Jordan (519,676), Turkey (463,885), Iraq (171,984) and Egypt (111,424) surpassed 2 million (2,007,598).⁶⁷ Around half of this Syrian refugee population are children.⁶⁸ Every day, around 5,000 Syrian refugees seek refuge in neighbouring countries, and the number is expected to rise due to growing violence in Syria, while the task of refugee relief becomes harder due to lack of funding; only 47% of the funds necessary for refugee relief have been provided.⁶⁹

To bring an end to fighting in Syria through diplomatic means, the UN

appointed Kofi Annan as the UN and Arab League Envoy for Syria in early 2012. However, he resigned as his six-point plan for political negotiations failed.⁷⁰ The new envoy, Lakhdar Brahimi, is currently seeking a peaceful resolution of the crisis, but this does not seem imminent. Brahimi, in his meeting with the Russian Foreign Minister Lavrov on 29 December 2012, long before the number of Syrian refugees topped the two million mark, stated that the growing number of refugees risks transforming the Syrian crisis into a regional one, as any further increase in the number of refugees would be 'unbearable' for Lebanon and Jordan, urging all parties, particularly Russia, to work for a rapid yet viable political solution.⁷¹ Today, the situation in Syria and therefore the refugee crisis has reached a point which the UN High Commissioner for Refugees António Guterres describes as "a disgraceful humanitarian calamity with suffering and displacement unparalleled in recent history",⁷² affecting the whole region.

As one of the major recipients of the Syrian refugees, Turkey, for many years, from 1946- when Syria became independent- to October 1998, has pursued a 'controlled tension' policy with Syria.⁷³ Negative images on both sides constructed throughout the dissolution of the Ottoman Empire,

and the growth of Arab nationalism, the unification of the Republic of Hatay with Turkey in 1939, and the Cold War rivalry placing Turkey and Syria in opposite camps, did not bode well for good neighbourly relations between Turkey and Syria. Throughout the 1980s and the 1990s the dams that Turkey built on the Euphrates and the Tigris rivers for development projects, at a time when Syria's need for water was growing, was a significant source of tension between the two countries. This tension was exacerbated as Syria provided support to the PKK by allowing the presence of the PKK camps and their leader in its territory.⁷⁴ With the signing of the Adana Accord in 1998, Turkey adopted a policy of constructive engagement with Syria, and relations had improved considerably. In September 2009 Turkey and Syria mutually agreed to lift the visa requirements and to establish a high-level strategic cooperation council.⁷⁵ However, with the onset of the Arab revolutions, particularly from March 2011 onwards, relations started to deteriorate at the same pace as they had improved in the previous decade.

The killings and the arrests have forced many Syrians to seek refuge in Turkey since 29 April 2011. The majority of those arriving in Turkey are from the north, particularly from the provinces of Idlib and Aleppo.⁷⁶ Turkey, having

recently adopted an open borders policy, responded to these flows by allowing the refugees in and by immediately setting up refugee camps close to the Turkish-Syrian border around the city of Hatay.⁷⁷ Turkey initially referred to the refugees as 'guests'. However, the term 'guest' has no place in international refugee law, and as Aktar states, it "opens the door to all sorts of practices lacking in consistency and transparency".⁷⁸ Therefore, as both the number of refugees and criticisms continued to grow, the Migration and Asylum Bureau under the Ministry of Interior devised a 'temporary protection regime' and declared this policy shift in November 2011 at a UNHCR conference in Geneva. This regime entails unobstructed entry of Syrians into Turkey without any travel document or ID, no forcible return (non-refoulement), no individual status determination process,⁷⁹ and accommodation and provision of basic services in camps. This regime is in compliance with the minimum international and European standards. Moreover, when the law on asylum⁸⁰ is going to enter into force in April 2014,⁸¹ this regime will be based on legal safeguards and not merely on political discretion.⁸²

As the number of Syrian refugees in Turkey reached 24,000, Turkey appealed to the UN for assistance.⁸³ After Turkey adopted the temporary protection

regime, the UNHCR suspended the registering of Syrian refugees and processing of those who had already registered. Moreover, it is not conducting individual refugee status determination, which means that the Syrian refugees are allowed to stay temporarily but will not be permitted to settle in Turkey. Turkey followed the same policy *vis-à-vis* the Iraqi refugees between 2003 and 2006.⁸⁴

As of September 2013, the number of Syrian refugees in Turkey has reached half a million, with 200,000 staying in camps and 300,000 staying outside.⁸⁵ At the time of writing, the Disaster and Emergency Management Presidency (AFAD) under the Prime Ministry and the Turkish Red Crescent had set up a total of 14 camps, one temporary admission centre, and three container cities in seven provinces.⁸⁶ There are also international organisations or agencies such as the IOM, the UNFPA, the UNHCR, the UNICEF, the WFP and the WHO working in refugee relief since 2011 as part of the Regional Response Plan.⁸⁷ However, the Turkish government does not allow international agencies to have access to the camps. Even though Article 16 of the 1994 Asylum Regulation states that international organisations may visit camps, depending on the permission granted by the Ministries of Interior and Foreign Affairs,⁸⁸ the UNHCR was able to access camps only after

February 2012, when it deployed a team of advisers to the Turkish authorities. Independent international humanitarian agents' access to camps and transparency are key in well-managed civilian refugee protection. A lack of transparency also makes it difficult to verify the allegations that some of the 'voluntary returns' to Syria are not indeed voluntary.⁸⁹ The growing number of refugees also shows that Turkey cannot unilaterally deal with the crisis and needs to closely collaborate with international organisations.

As women and children comprise the majority of the refugee population, the provision of educational services has been a priority of the Turkish authorities.

The Syrian refugee crisis has taken a new turn following the chemical weapons attack on civilians in the Ghouta region on 21 August 2013, which killed 1,429 people.⁹⁰ While the international community is currently debating whether the Syrian regime or the insurgents are behind the attack and if and how it should respond to the use of chemical weapons, it is highly likely that neighbouring countries will face a growing number of refugees. At the "Ministerial Meeting of Syria Bordering

Countries” organised by the UNHCR in Geneva on 4 September 2013, Turkish Minister of Foreign Affairs Ahmet Davutoğlu warned that the number of Syrian refugees had already reached a massive scale and would continue to grow if the international community failed to act against the regime’s use of chemical weapons. He also stated that, given the lack of international support for refugee relief, Turkey and other countries hosting Syrian refugees would seek to increase global awareness about the plight of Syrian refugees and would attend the High-Level Meeting on “Solidarity and Burden-Sharing with the Countries Hosting the Syrian Refugees”, to be held during the UNHCR’s 64th Executive Committee Meeting in Geneva from 30 September to 4 October 2013. This may mean that Turkey will seek to increase its collaboration with international refugee relief organisations in the near future.⁹¹

After Turkey adopted the temporary protection regime, the UNHCR suspended the registering of Syrian refugees and processing of those who had already registered.

A closer look at this point at the experiences and problems of the Syrian refugees in and out of camps in Turkey

would serve to better evaluate Turkey’s relief efforts. The challenges posed by the presence of the FSA members in Turkish territory for the protection of Syrian refugees are also discussed in a separate section.

Life in the refugee camps

The majority of the Syrian refugees in Turkey are staying in camps, and reports of international agencies confirm that the conditions in camps meet basic international standards. The Helsinki Citizens Assembly Refugee Advocacy and Support Program Report submitted on 23 March 2012, when 16,000 refugees were staying in the camps, stated that the refugee camps are well equipped.⁹² Staff from Refugees International who visited the refugee camps and interviewed the refugees also stated that the camps, while “not ideal”, are “acceptable”.⁹³ The UN Secretary General Ban Ki Moon visited the Islahiye refugee camp in Turkey on 7 December 2012 and thanked Turkey for its efforts in refugee relief.⁹⁴ Following a visit to the refugee camps, Canada’s Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, also praised Turkey for its refugee relief efforts and social and educational services.⁹⁵

However, the growing number of refugees started to stretch the capacities of these camps. As the refugee camps

reached its full capacity, Minister of Foreign Affairs Ahmet Davutoğlu stated that Turkey would not accept more than 100,000 refugees; a number deemed a 'psychological threshold'.⁹⁶ However, the number of refugees has far exceeded this threshold, compromising Turkey's capabilities to cater for the needs of refugees staying in camps, who have varied types of problems. First of all, Syrian refugees in Turkey criticise the Turkish asylum policy, demand to have a clear status in accordance with the international law and ask for the opening of the camps to the monitoring of the UN and other civil society organisations.⁹⁷ Furthermore, discontent due to food and water shortages and lack of space in the camps can sometimes lead to protests or clashes with the police. In July 2012 riots broke out in the Islahiye camp following the arrival of 1,500 Turkmen refugees, wounding some of the refugees and the Turkish officials. There are allegations that some of the refugees took down the Turkish flag at the camp's entrance and hung up the Syrian flag instead. The police detained 17 people for instigating the riot.⁹⁸ Another incident occurred when a group of Syrian refugees who wanted to stay at the container city in Harran with their relatives clashed with the security forces in the camp when they were not allowed. 20 Turkish security forces and 15 refugees were wounded.⁹⁹

Even though the Syrians are not allowed to work, as their basic needs are catered for, there are reports that the refugees in the Islahiye camp work as seasonal workers in agriculture or in factories for 15 Turkish liras a day.¹⁰⁰ Despite precautions, mishaps occasionally occur, such as fires in the camps that have claimed some lives or wounded some refugees.¹⁰¹

As women and children comprise the majority of the refugee population,¹⁰² the provision of educational services has been a priority of the Turkish authorities. Currently there are 45,000 Syrian students studying in Turkey.¹⁰³ Even though the Turkish Ministry of Education opened schools in the camps, some of the refugees want to send their children to unlicensed schools established by Syrian refugees themselves outside the camps, which rather than the Turkish curriculum follow the official Syrian one.¹⁰⁴ Regarding higher education, the Turkish Council of Higher Education issued a circular to grant the Syrian refugees the right to continue their studies for the 2012-13 academic year with 'special student' status in one of the seven universities at the provinces bordering Syria.¹⁰⁵ Regarding the refugees' access to health services, refugees can get treatment in Turkish hospitals or field hospitals in the region.¹⁰⁶

Life outside the camps

Among the Syrian refugees in Turkey, there are some who have arrived with valid passports and prefer to stay out of the camps in rented flats or with their relatives. However, there are many who are hiding from the Turkish authorities since they would either have to go to the refugee camps or return to Syria after their visa exemption ends. Even if they are under Turkey's temporary protection regime, without the refugee status, Syrians living outside the camps have no right to work, to go to school, to open a business or to access free healthcare. Refugees International criticises the lack of support mechanisms or services for those outside the camps and recommends that Turkey start the registration process for the refugees, to make the temporary protection directive for Syrian refugees public and clearly state how this scheme is going to be applied to those staying out of the camps.¹⁰⁷

The majority of the urban refugees live in provinces close to the Turkish-Syrian border. Hatay province on the border with Syria is one of the main provinces hosting Syrian refugees both in and out of camps. Hatay has always been a source of tension between Turkey and Syria.¹⁰⁸ For many years, Hatay was the 'stolen territory' and was shown as part of Syria on the official Syrian

maps.¹⁰⁹ Only under the Bashar al-Assad rule did Syria cease this practice.¹¹⁰ As improved relations between Turkey and Syria benefited Hatay, a sharp fall in cross-border trade along with the onset of the crisis was a significant blow to Hatay's economy. Moreover, the arrival of refugees disturbed the delicate ethno-religious balance in the city and led to the rise of, as Ruşen Çakır puts it, a "new Hatay problem".¹¹¹ As a journalist who closely followed the 1988 and 1991 refugee flows from Iraq and who is following the Syrian crisis, Çakır argues that the major difference between the two crises is the attitude of the people in the region affected by the flows. The Iraqi Kurdish refugees were warmly welcomed by the local people, as they had kinship and ethnic ties. While the Sunni Turks in Hatay, particularly in the villages, host their Syrian relatives, the Alawite community¹¹² in Antakya is suspicious of the Syrian refugees, as they tend to feel sympathy for the Syrian leader and the regime due to its modern, secular image. In September 2012 more than 1,000 demonstrators protested the Turkish government's Syria policy. The protestors alleged that the government allowed the al-Qaeda militants to pass through Antakya to fight in Syria and asked the government to close down the Apaydın camp sheltering defected Syrian army officers.¹¹³ Şenay Özden,

a researcher from Koç University, also states that the Syrians are ethnically and religiously discriminated against in Antakya, and that many of them are forced to leave the city centre. Some in Antakya fear that with the arrival of refugees the Sunnis will soon substantially outnumber the Alawites and that the Syrian refugees, who in their opinion are in fact al-Qaeda militants, will purge the Alawites from the city.¹¹⁴ Many Alawites in the region are also critical of Turkey's policy of giving refuge to defecting Syrian officials.¹¹⁵ Some media reports also claim that the Turkish police are forcing the Syrian refugees in Antakya to either go to the camps or return to Syria.¹¹⁶ However, there are still refugees who live in Hatay outside the camps and even work in carrot farms alongside the seasonal migrants from Southeast Anatolia.¹¹⁷

On 11 May 2013, twin car bomb explosions in Reyhanlı, a town in Hatay province hosting Syrian refugees, exacerbated the tensions between the local population and the refugees. After the deadliest terror attack in Turkey's history, killing 52 people and wounding more than a hundred, some Syrian refugees became the target of attacks by the local population, who believed that refugees had been involved in the bombings.¹¹⁸ Even though five Syrian refugees were among those killed in

the explosions, the refugees attracted blame and threats. While some refugees who did not feel safe in the town were transferred to tent cities in other towns, others decided to go back to Syria. And yet some stayed.¹¹⁹ Protests in Hatay were rekindled as the protests that erupted on 31 May 2013 in Istanbul as a reaction against the municipality's plans to demolish Gezi Park spread across Turkey. Such protests, particularly in some towns such as Samandağ, also expressed opposition to the government's Syria policy and the growing number of Syrian refugees in the region.¹²⁰

Apart from border provinces, there are many urban Syrian refugees in Istanbul. It is possible for many to reach Istanbul just by paying 200 Turkish liras to smuggling networks operating on the Turkish-Syrian border. In Istanbul many Syrian refugees face big challenges. To survive in Istanbul, trying to make ends meet and struggling to cover high living expenses and rents for overcrowded apartments, some have no option but to turn to begging or prostitution. Those who cannot afford to stay in a hotel or rent a place or room stay in public parks.¹²¹ Recently, the Turkish government tasked AFAD with the registration of 300,000 Syrian urban refugees in Turkey. Moreover, the government is working on a plan to allow urban refugees to access health services free of charge.¹²²

There are also Syrians who have entered into Turkey clandestinely and seek to reach Europe through Greece. This route, however, does not promise a safe passage, as was proved in September 2012 when a boat carrying Syrians, Iraqis, and Palestinians heading towards Britain sank in the Aegean and approximately 60 people died.¹²³ Those who fail to set off on this dangerous journey and are apprehended by Turkish authorities are not forced to go to Syria, but are sent to the refugee camps.¹²⁴

Combatants or refugees: The Free Syrian Army in Turkey

At the beginning of the crisis, the Syrian security forces tried to prevent the arrival of refugees into Turkey¹²⁵ and, since the beginning of the flow of the refugees towards Turkey, the Syrian regime accuses Turkey of providing refuge and giving logistical support to the Syrian 'terrorists' in its territory.¹²⁶ In his speech in early January 2013, President Assad alleged that the 'terrorists' enter Syria from the Turkish border.¹²⁷ Referred to by the Syrian regime as terrorists, the FSA was established on 23 September 2011, and is composed of defected members of the Syrian army.¹²⁸ However, Turkey started hosting members of the FSA from July 2011 onwards.¹²⁹ Despite Syria's allegations, Turkey officially denied supplying weapons to FSA.¹³⁰

The Syrian-Turkish border plays a strategic role for the FSA's struggle with the Assad forces, where there are many towns and villages under its control, such as Idlib right across the city of Hatay in Turkey, hosting Syrian refugees.

Hosting both the refugees and the FSA is an important challenge for Turkey. Naftalin and Harpviken¹³¹ argue that the 1994 Regulation, which requires the separation of combatants and non-combatants, has not been put into use in the Syrian case. The Syrian-Turkish border plays a strategic role for the FSA's struggle with the Assad forces, where there are many towns and villages under its control, such as Idlib right across the city of Hatay in Turkey, hosting Syrian refugees. Moreover, they claim that the presence of a camp for 2,000 or more defected Syrian soldiers at Apaydın in Turkey, only 15 km away from the refugee camps, is against the Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum. Even though the refugee camps should be at least 50 km away from the border, most of the camps in Turkey are very close to the border.

Certain incidents have shown how the proximity of camps close to the border

could pose problems. A refugee group trying to enter Turkey was caught in between the ongoing fighting between the Syrian insurgents and government forces close to the Turkish border, which killed two refugees and wounded many. The bullets also hit a refugee camp in Turkey, which wounded two Syrian refugees and two Turkish officials working in the camp.¹³² Another case has shown that civilians in border towns are not safe either. On 3 October 2012, a Syrian shell killed five civilians in the town of Akçakale. Turkey responded first by firing mortars, then Turkish Parliament passed a provision allowing the government to take military action outside Turkey's borders for a one-year term when necessary.¹³³ However, this move did not stop stray bullets from Syria wounding or killing Turkish citizens in border towns in different incidents.

Furthermore, Naftalin and Harpviken¹³⁴ claim that the presence of the opposition forces at the Turkish-Syrian border and within Turkey, the allegations that fighters are moving back and forth alongside the border, and that refugees joining the FSA in the camps in Turkey, compromise and put the refugee relief efforts at risk, while blurring the distinction between the refugees and rebels. Defected officers also keep on joining the FSA in Turkey.¹³⁵ There are further allegations that Turkey together

with Qatar, Saudi Arabia and the CIA established a base in Adana to coordinate the Syrian rebels.¹³⁶ Even though none of the countries above accepted the presence of such a camp, these allegations serve to further escalate the tension between Turkey and Syria.

Turkey's latest cause of concern on Turkish-Syrian border is the growing number of smugglers, who, in various instances from June 2013 onwards, have tried to cross into Turkey. On 30 July, 2,000 smugglers of fuel and other goods attacked the Turkish military with stones and attempted to enter Turkey; another indication of how booming illegal trade can pose security risks for Turkey and refugees and how porous the Turkish-Syrian border has become.¹³⁷

A Comparison of Turkey's Responses to the Iraqi and Syrian Refugee Flows

The influx of the Iraqi Kurds and the Syrian refugees posed intricate challenges for the Turkish policymakers, the most important being striking a balance between security concerns and allowing the refugees to seek refuge in Turkish territory. The security concerns mainly stem from the Turkish security forces' ongoing struggle with the PKK within the region, and the preoccupation that

the crisis would weaken Turkey's hand against the PKK. Another important challenge is to limit the damage that the refugee crisis would create in bilateral relations with the refugee producing country. The third challenge has been, when supporting and joining the humanitarian relief efforts of the international community, to avoid any moves that would hamper territorial integrity of Iraq and Syria, and to avoid the creation of another *de facto* Kurdish state or Kurdish-controlled areas within these states bordering the predominantly Kurdish provinces in Turkey. Despite the similarity of the challenges and concerns, there are also significant differences depending on the circumstances in which the two crises erupted and evolved, as well as the responses of Turkey and other actors involved.

Despite the similarity of the challenges and concerns, there are also significant differences depending on the circumstances in which the two crises erupted and evolved, as well as the responses of Turkey and other actors involved.

In terms of the Iraqi refugee crisis, as Kirişçi argues, in the beginning Operation Provide Comfort relieved Turkey, not

only because it was difficult for Turkey to provide refugee relief all alone, but also because the influx of refugees threatened to undermine Turkey's security. Even if Turkey had reluctantly agreed to host refugees temporarily, it could not avoid international criticisms regarding its relief efforts. Turkey was also concerned about the implications of the crisis on the Kurdish issue, which it considered a domestic problem at the time.¹³⁸ However, while the Operation solved an urgent problem, it paved the way for the rise of another problem that would threaten Turkey in the long run. Due to the creation of a safe haven north of the 36th parallel, the Iraqi administration lost control over a segment of its territory, which threatened Iraq's territorial integrity, negatively affected Turkish-Iraqi relations, made it possible for the PKK to find support and a strong base in its fight against the Turkish security forces, and paved the way for the rise of a *de facto* Kurdish state.¹³⁹ Concerned about the establishment of a Kurdish state in northern Iraq, the Turkish government decided to improve its relations with the Iraqi administration.¹⁴⁰ Furthermore, Turkey showed the utmost care not to contribute to the mounting pressure on the Iraqi regime, nor to allow the crisis to affect its relationship with Iraq. Therefore, Turkey did not call for international action against the Iraqi

regime. The crisis also forced Turkey to establish direct relations with the Kurdish actors, such as the KDP and the Patriotic Union of Kurdistan (PUK), and become more involved in regional politics.

The Syrian crisis posits a much more complex case for the Turkish policymakers of foreign and refugee policies. It is possible to categorise Turkey's policy towards Syria in five stages. As the Arab revolutions started, Turkey attempted to persuade Assad to take necessary steps for reform through Turkish Minister of Foreign Affairs Davutoğlu's visits to Syria. However, when this approach failed, Turkey decided to cut its diplomatic ties with Syria in September 2011. When this move also failed, Turkey started to support regional and international initiatives, such as the Arab League and the UN envoy Annan's plans to achieve a political solution to the crisis. Yet, as international efforts proved inadequate or ineffective, Turkey grew more critical of the international actors. Shortly before the American Secretary of State John Kerry's visit to Turkey in February 2013, Turkish Prime Minister Recep Tayyip Erdoğan criticised the U.S. for not taking concrete steps to resolve the crisis, and the UN Security Council, the Organisation for Islamic Cooperation, the Arab League and Iran for not taking a firm stand.¹⁴¹

While pushing for an international solution, as a fourth step Turkey has started supporting the Syrian opposition. Due to the failure of the Syrian National Council (SNC)¹⁴² to unite the fragmented Syrian opposition, Turkey, alongside other countries within the region, recognised the united Syrian opposition group in Doha in November 2012.¹⁴³ Since the onset of the crisis, Istanbul is one of the main centres of Syria's opposition. However, Turkey's support for the Syrian opposition and the hosting of the FSA has been a source of growing tension between Turkey and Syria. In June 2012 a Syrian air defence artillery battery shot down a Turkish military aircraft, killing two Turkish pilots, claiming that it was flying over its territory. Turkey stated that the aircraft entered into the Syrian airspace accidentally and only 'momentarily', and that in fact it was shot at when flying in international airspace. Defining it a hostile act, Turkey threatened to retaliate and redefined its rule of engagement with Syria.¹⁴⁴ Furthermore, Turkey, concerned that Syria, under pressure from growing FSA insurgency, would use chemical weapons, requested the deployment of surface-to-air missiles at its border with Syria to strengthen Turkey's defence capabilities. NATO approved Turkey's request on 4 December 2012 and began deployment of German, Dutch and

American Patriot batteries in January 2013, the last six batteries becoming operational by 15 February 2013.¹⁴⁵ Another important incident to note is the car bombing at the Cilvegözü border gate in Hatay province on 11 February 2013 that killed 14 people. The leader of the SNC, George Sabra, stated that he and some members of the SNC executive bureau, who were travelling from Syria to Turkey to meet the commanders of the FSA, were the real targets of the attack.¹⁴⁶ The tension between Turkey and Syria further escalated following the 11 May explosions in Reyhanlı, with Turkey accusing the Syrian regime of being behind the deadly attack.¹⁴⁷

Seeing that all previous moves had failed, Turkey finally urged the UN Security Council in mid-2012 to authorise the creation of a buffer zone or a no-fly zone on the Syrian side of the Turkish-Syrian border, similar to the one enforced between 1991-2003 in northern Iraq, and if necessary for military action against the Assad regime.¹⁴⁸ Turkey does not see any viable solution as long as Assad is in power, as expressed by Prime Minister Erdoğan on several occasions¹⁴⁹ and, as Minister of Foreign Affairs Davutoğlu states, foresees the possibility of creating a democratic Syria only when he is gone.¹⁵⁰ This is a considerably different policy stance, since Turkey followed a very cautious policy to not

further alienate the Iraqi regime, while it openly condemns the Syrian regime today and calls for international action against it. In contrast, the U.S. and the international community, which played a key role in the resolution of the Iraqi refugee crisis, despite being critical of the Syrian regime, have so far refrained from the humanitarian intervention option.

Syrian refugees staying in camps close to the Syrian border, whose number might dramatically grow prior to any international action in Syria, may also become the target of missile strikes or chemical weapons attacks.

The UN Security Council could not endorse action on Syria as Russia and China vetoed sanctions against Syria on three occasions.¹⁵¹ The “Friends of Syria” group met at a summit in Rome in late February 2013 and ‘pledged more political and material support for the civilian Syrian opposition’. On 27 May 2013, under British and French pressure, EU foreign ministers agreed to end the embargo on supply of arms to the Syrian opposition by 1 July, but did not allow any member state to take action until 1 August.¹⁵² Despite these moves, neither the U.S. nor the EU took any concrete action. While the chemical attack against

the Syrian civilian population in late August has caused international uproar, a UN action is highly unlikely, as Russia refutes allegations that it was carried out by the regime and signals it would again work with China to block any UN Security Council resolution authorizing military action.¹⁵³ On 26 August, a UN investigation team, with the permission of the Syrian regime, visited the sites of the attacks with a mandate to determine whether chemical weapons were used, though not who used them, and returned to Hague to prepare their report, which will be ready in a few weeks' time.¹⁵⁴ Convinced that the Assad regime used chemical weapons against its own people, the Obama administration is seeking to build a coalition for an action 'limited in duration and scope' to 'deter' the use of chemical weapons and to 'degrade' the Syrian regime's military capabilities.¹⁵⁵ The U.S. Senate Foreign Relations Committee approved the Obama administration's plan to use military force in Syria. The Senate and the House of Representatives will also vote on the Committee's resolution, which set a 60-day limit and possible 30-day extension for air strikes on Syria, but did not permit the use of ground troops.¹⁵⁶ The British Parliament did not authorize British participation in military action against Syria, while France has declared its support.¹⁵⁷ Turkey, which accused the

Syrian regime of the chemical attack on civilians based on Turkish intelligence reports and expert opinions, initially declared its support for the military action.¹⁵⁸ However, frustrated by the international community's inaction so far, Prime Minister Erdoğan stated that a limited military action that would stop short of toppling the Assad regime would not satisfy Turkey, arguing for the need for a Kosovo-type intervention.¹⁵⁹

Despite the difficulties it had encountered in refugee assistance, Turkey could muster international support, and the U.S. support particularly was instrumental in the creation of a safe haven in Iraqi territory.

Turkey's concerns over and criticism of limited action in Syria is understandable. Participation in a limited US-led operation that would fall short of ousting the regime and might end up strengthening it carries considerable risks for Turkey, as it would turn Turkey into a target of the Syrian regime and its allies. The Syrian regime has openly declared that it will retaliate against Israel, Turkey and Jordan if they take part in the operation.¹⁶⁰ Syrian refugees staying in camps close to the Syrian border, whose number might dramatically grow prior

to any international action in Syria, may also become the target of missile strikes or chemical weapons attacks. Furthermore, the Syrian regime may seek to undermine Turkey's settlement process with the PKK and try to block the resolution of the Kurdish issue, while supporting Reyhanlı-type terrorist attacks against Turkish civilians or supporting efforts to trigger sectarian conflicts in Turkey.¹⁶¹

As was the case with the Iraqi crisis, Turkey's major concern in the Syrian case is the preservation of Syria's territorial integrity, since the territorial disintegration of Iraq or Syria would set a precedent that would have direct consequences for Turkey. Another important priority for Turkey is, similar to the Iraqi case, to prevent the PKK benefiting from the power vacuum and establishing a stronghold in Syria.¹⁶² The regime's move to pull its forces out of Kurdish towns in Syria, where the Democratic Union Party (PYD), with linkages to the PKK, took control, gravely disturbed Turkey.¹⁶³ Turkey has accused President Assad of providing weapons to the PKK, which has stepped up its attacks against the Turkish security forces between 2011 and 2012. Furthermore, the Syrian conflict allowed the PKK to develop a regional strategy spanning the Kurds of Syria, Iraq and, to a lesser extent, Iran.¹⁶⁴ Therefore, Turkey decided to take new steps to resolve the

Kurdish issue and 'decouple' it from the Syrian crisis.¹⁶⁵ Against the prospect of an autonomous Kurdish region in Syria, Prime Minister Erdoğan stated the importance of maintaining the territorial integrity of Syria and added that Turkey would not allow the creation of an autonomous Kurdish region in northern Syria similar to that of northern Iraq.¹⁶⁶ Turkey, concerned that such a prospect would undermine the ceasefire and the settlement process with the PKK and apprehensive of the fierce fighting between the PYD and al-Nusra Front in the Kurdish region of Syria, has revised its stance and invited Salih Muslim, the PYD leader, to Turkey for official meetings in order to convince the organisation to join the Syrian opposition and cut its ties with the Syrian regime.¹⁶⁷

The power struggle between the al-Nusra Front and PYD directly concern Turkey, since it directly affects the Kurdish population in not only Syria but also the whole Middle East. The fighting as well as the deterioration of the socio-economic situation has recently pushed many Syrian Kurds into northern Iraq. In just one week, around 40,000 Syrian Kurds crossed the border into northern Iraq, bringing the total number of Syrian refugees in Iraq to almost 200,000. Upon the arrival of the Kurdish refugees, Kurdish Iraqi leader Masoud Barzani

threatened to send security forces to Syria to defend the Kurds. Moreover, the northern Iraqi administration is planning a Kurdish conference in late September, which will bring Kurds from Turkey, Iran, Iraq, and Syria together in Arbil to draft a strategy for Kurdish unity in the region.¹⁶⁸ Watchful of the developments in northern Iraq and Syria, Prime Minister Erdoğan stated that Turkey would reconsider its relations with the Kurdish administration in northern Iraq if this initiative leads to divisions within Turkey.¹⁶⁹

As Turkey's EU bid for membership turns Turkey into a hub for irregular migrants, the 'politicisation', 'securitisation' and 'economisation' of international migration and asylum in Europe also push asylum seekers to safe third countries and countries of transit such as Turkey.

As for Turkey's refugee relief efforts, Turkey was caught unprepared for the Iraqi Kurdish refugee flow, which took place shortly after the end of the Cold War, just as Turkey was realising that it could not proceed within Cold War parameters within a radically altered foreign policy environment. Nevertheless, despite

the difficulties it had encountered in refugee assistance, Turkey could muster international support, and the U.S. support particularly was instrumental in the creation of a safe haven in Iraqi territory. Turkey's relief efforts since the onset of the Syrian crisis show that Turkey has come a long way in terms of managing and coordinating relief efforts for a large number of refugees, which has brought praise from the international community. Besides the humanitarian concerns, political concerns also guide Turkey's stance towards the Syrian refugees. It is true that the Syrian case presents both a foreign policy and refugee policy challenge for Turkey. However, by opening its doors to the Syrian refugees, Turkey wants to consolidate its ties with the Middle Eastern societies, which also helps Turkey gain leverage in international politics.¹⁷⁰ Current Turkish foreign policy positions Turkey at 'the centre' of a new civilisation based on its history, culture, and internal strength stemming from its transformation¹⁷¹ and as a global actor. Proactive diplomacy and 'zero problems with neighbours' are important principles of this new formulation. 'Zero problems' aims at 'reconnecting' Turkey with its neighbours and neighbouring regions through partnership and cooperation,¹⁷² while 'zero visa' agreements seek to eliminate an impediment to the improvement of

good neighbourly relations.¹⁷³ Good neighbourly relations with Syria formed the backbone of the zero-problems policy, and lifting visa requirements was a natural consequence of this policy.

Factors such as regional instability, global economic crisis, and shifting power balances across continents have a high propensity to uproot many people from their homes and countries.

Even though for many critics the Syrian crisis and the deterioration of Turkish-Syrian relations meant a death knell for the zero-problems policy, Minister of Foreign Affairs Davutoğlu argues that the policy is still “alive and well”.¹⁷⁴ However, the emphasis gradually shifted to “value-based foreign policy”, giving prominence to democracy and popular legitimacy to enhance Turkey’s capacity to shape the course of events and future developments in the region.¹⁷⁵ Taking this policy one step further, Davutoğlu has recently introduced “humanitarian diplomacy” as a new dimension of the Turkish foreign policy.¹⁷⁶ Humanitarian diplomacy consists of three dimensions: improving the lives of Turkish citizens living abroad, active involvement in crisis regions, and cultivating and emphasising

humanitarian sensibilities within the UN system. This new policy framework means that Turkey will continue to liberalise its visa regime and open new diplomatic offices abroad, and will take a more active role in refugee relief in Myanmar, Somalia, the Gaza Strip, Afghanistan, and all around the world. This framework, according to Davutoğlu, also justifies Turkey’s relief efforts and expenses for the Syrian refugees,¹⁷⁷ which amount to US \$ 2 billion.¹⁷⁸ The new framework also means that Turkey must revisit its current refugee and asylum regime and adjust it to its humanitarian diplomacy.

Conclusion: Is Turkey’s Refugee Policy Sustainable?

As the number and economic costs of the Syrian refugees keep growing, and hopes of finding a political solution to the crisis fade day-by-day, the sustainability of Turkey’s policy towards the Syrian refugees is increasingly coming under question. Turkey’s calls for the creation of a safe haven have so far failed to convince the international community to act, a fact which also strains Turkey’s relief efforts and resources. There are also concerns that the creation of a no-fly zone at the Turkish-Syrian border may not stop the refugee flows out of Syria and may even increase the flows towards

Jordan and Lebanon. Moreover, even if protraction of the crisis increases the number of refugees, deepens the human suffering and undermines the regional stability, there is not much hope for a rapid solution, since, as Beehner argues, “it is not the size of the refugee flows that prompt the outside world to take action, but rather self-interested geopolitics”.¹⁷⁹

While the growing number of Syrian refugees reveals the limitations of the Turkish temporary protection regime, and as international action is not forthcoming, Turkey's current Syrian refugee policy depends on two expectations: that the Assad regime will fall and then afterwards Syrian refugees will return home. Even if the first expectation becomes real, there is no guarantee that the second expectation will materialise. A new administration in post-Assad Syria would have to address the challenges and tensions that would threaten the transition period or destabilise the newly established regime, as has been the case in Tunisia and Egypt just after the Arab revolutions. When trying to cope with the growing number of Syrian refugees, repatriating them might prove to be a greater challenge for Turkey.¹⁸⁰

It is not only the Syrian refugees that stretch Turkey's refugee regime to its limits. Besides being a land of asylum,

Turkey is also a destination and/or transit country for irregular migrants, among whom there are many *de facto* refugees and asylum-seekers. It is hard to know the exact number of asylum-seekers in Turkey, as many of them do not even apply for refugee status, since they lack the basic information about the procedure, and the status determination and resettlement in a third country may take years. The number of refugees registered by the UNCHR was around 29,000 on 31 August 2012, and additionally there are many more unregistered refugees. Asylum applications reach 10,000-15,000 per year.¹⁸¹ The number of asylum applications has increased significantly in the last 15 months to around 30,000 people, the majority of whom are Iraqis, having applied for asylum. Moreover, when international sanctions on Iran are hard-hitting the Iranian economy and taking their toll on the Afghan refugees and migrants,¹⁸² Iran has started to force Afghani refugees to leave Iran and go to Turkey, which increases the number of Afghani refugees in Turkey.¹⁸³ All these seriously strain Turkey's current registration and status determination system.

The asylum-seekers whose applications are rejected are supposed to be deported back to their country of origin.¹⁸⁴ However, there are many who remain clandestinely and stranded in Turkey,

while some seek to reach European cities through Turkey by resorting to their own ethnic human smuggling networks operating in Istanbul.¹⁸⁵ As Turkey's EU bid for membership turns Turkey into a hub for irregular migrants, the 'politicisation', 'securitisation' and 'economisation' of international migration and asylum in Europe also push asylum seekers to safe third countries and countries of transit such as Turkey.¹⁸⁶ The Turkish authorities are concerned that this might turn Turkey into a buffer zone¹⁸⁷ and a country of first asylum, and therefore insist on maintaining the geographical limitation.

Geopolitical, geoeconomic and geocultural factors also make Turkey a land of immigration and asylum. Factors such as regional instability, global economic crisis, and shifting power balances across continents have a high propensity to uproot many people from their homes and countries. George Bush's "New World Order" speech on 6 March 1991 came right after the expulsion of Iraqi forces from Kuwait and the declaration of the ceasefire on 28 February 1991,¹⁸⁸ and this new world order in the making produced many refugees, which has directly affected Turkey. The Arab revolutions, shaking the very foundations of autocratic regimes

across the Arab world and destabilising the political and social order in the Middle East have already produced and will continue to produce asylum seekers, refugees, and irregular migrants. Turkey, in the face of growing tension and unrest in the region, is and will be one of the transit and target countries of migrant and refugee flows. Therefore, Turkey has to be well prepared for further refugee flows in the region.

Even though Turkey pursues a multi-dimensional foreign policy, migration and asylum remains one of the least elaborated dimensions in the new Turkish foreign policy. While Turkey seeks to reposition itself in a region and world in transformation, it is high time for Turkish foreign policymakers to better integrate migration and asylum aspects into their foreign policy vision. Turkey has taken steps in that direction with its recent asylum legislation, which will serve to create fully-fledged refugee reception mechanisms and administrative infrastructure for the protection of asylum-seekers and refugees. It is to be hoped that this would form the basis of a human rights-oriented and sustainable refugee regime based on long-term planning that is in line with Turkey's new humanitarian foreign policy vision.

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Qatar: A Modern History

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Sixty years ago, today's glittering cities like Dubai, Abu Dhabi and Doha were tiny Bedouin or fishing villages with no real infrastructure or urban history, usually labelled "sleepy backwaters" of the Persian Gulf by the scholars of the Middle East. All this changed, however, with the advent of oil. With the incorporation of the profits arising from hydrocarbon resources, Arab Gulf states started to build their countries from scratch. The rise of the oil industry starting from the 1950s not only brought enormous wealth into the region, but also raised the profiles of Gulf oil-producing

states in the eyes of Arab nations.¹ Talk of a shift in the gravity of power in the Middle East from the *Levantine* to *Khaleeji* world became commonplace.

Nearly all Arab Gulf countries or Gulf Cooperation Council (GCC) member states have experienced tremendous structural changes in the last two to three decades, but Qatar has been a very special and distinctive "success story." Qatar has emerged not just as an important oil and gas producer which has become the world's wealthiest country per capita but has also started to be perceived as an influential diplomatic

actor; a sought after mediator and a *bona fide* powerhouse in the Middle East and beyond, even despite its small size and limited human resources.²

Nevertheless, in spite of the growing significance of the country in the international medium, the academic literature on Qatar remains limited. Observers and scholars of the Middle East have long neglected the smaller states of the Arabian Peninsula, and those who have studied the region have mostly focused on Saudi Arabia and to some extent on the United Arab Emirates. Indeed, prior to 2012, academic books specifically dedicated to Qatar could be counted on the fingers of one hand. Here we should mention the late Rosemarie Said Zahlan's *Creation of Qatar* (Croom Helm, 1979), Jill Crystal's *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (Cambridge University Press, 1995), which, although a comparative study on Qatar and Kuwait, remains one of the essentials of the field, and Habibur Rahman's *The Emergence of Qatar* (Kegan Paul International, 2005).³

Fortunately, in the last 18 months, three new volumes on Qatar have appeared.⁴ Although written before Sheikh Hamad bin Khalifa Al Thani handed power to his son, Sheikh Tamim- a historical moment not just for the country itself,

but also for the Arab world in general, where cases of stepping down voluntarily and deliberate power transitions are rare- these three volumes contribute a lot to our understanding of contemporary Qatari politico-economic structure. The concerns of the authors of the three volumes are also complementary: Fromherz, a Middle Eastern historian who also taught at Qatar University, emphasizes the modern political history of Qatar, while Gray stages a vigorous analysis of the political-economy of the country, and Kamrava focuses on the emergence of Qatar as an influential and significant player in the international politics of the Middle East and elsewhere.

Fromherz's book, *Qatar: A Modern History*, fills a gap in the academic literature as it provides an up-to-date account of the making of Qatar, while also underlining the continuities and changes in country's power structure configuration. In the first three chapters, Fromherz describes in detail the emergence of modern Qatar and the establishment of Al Thani rule. In chapters 4 and 5, he portrays the Qatari relationship with the British until independence while in the following chapters he discusses the drastic transformation during the "Hamad era," briefly visiting "rentier-state" debates and analysing the nature and challenges of the exercise of authority in the country.

The three main arguments of the book can be summarized as follows: First, the “Al Thani ruling family has used historical myths and heritage to maintain their rule”, second, “mediation is key to Qatar’s success,” and, lastly, “tribes and lineage still matter within Qatar’s internal political scene” (p. 29–31). Fromherz rightly criticizes the universal claims of Western philosophical and sociological perspectives on debates over tradition vs. modernity and elucidates why French sociologist Emile Durkheim’s well-known notion of *anomie* is not applicable to Qatar. Thus, despite massive socio-economic changes, he argues, “individual Qataris are still grouped according to traditional lineage and tribal connections” (p. 6) and are thus “less impacted by the anomie of modernization than by the inheritance of tradition” (p. 158).

Perhaps rightly, Fromherz identifies the historical roots of the contemporary power configuration of Qatar, arguing that “the British elite’s understanding of the [Gulf] Sheikdoms as authoritarian, desert aristocracies created the legal foundations of present day authoritarianism” (p. 69). Fromherz also shows how Al Thani rule came to dominate Qatar and how the ruling family’s grip on the state and society transformed from a purely paternalistic to a more institutionalized control. No doubt, the legacy of the British era is

crucial for understanding the making of Qatar and the rest of the Arab Gulf, but the “authoritarianism issue” should certainly have been elaborated in a more detailed manner.

Reductionist economic determinism that attempts to tell the story of modern Qatar based only on its discovery of oil and gas surely overlooks the cultural and historical aspects that shape the country. However, the hydrocarbon industry and its related sectors certainly account for the lion’s share of “the great transformation” experienced in the country. Fromherz thus arguably downplays the importance of oil and gas.⁵ He rather maintains that a complex and real set of historical and social influences make up the particular circumstances of Qatari society today. While that is undeniably true, it still misses or downplays the essential part of the picture. Finally, a critical remark should be made about the numerous typing and copyediting errors in Fromherz’s book. Hopefully, they can be corrected in the next edition.

Mathew Gray’s *Qatar: Politics and the Challenges of Development* is a very well-conceived book and a product of solid academic research, especially in the field of energy. After a brief elaboration of the historical context, Gray focuses on the energy-driven political economy of the country and demonstrates Qatar’s transition from a classical rentier state to

a “late rentier” one. Gray conceptualized “late rentierism” in an earlier paper,⁶ and he applies the notion in detail to the case of Qatar in this book. According to Gray’s conception:

The GCC states have become more globalized and seemingly spend their rentier wealth more intelligently to develop their economies and societies, diversify away from their strong reliance on oil, build new international images and roles for their cities and states, and even change the state’s relationship with society.⁷

Gray describes Qatar’s political economy as rentier and under the rule of Hamad bin Khalifa (1995–2013) as “late-rentier,” noting that country’s strong state capitalism is intensely interrelated with its rentierism. He further argues that, due to the very nature of merchant class-government relationship (e.g., the reliance of the weak merchant class on the royal family for commercial opportunities), some sort of state capitalism would have emerged even in the absence of hydrocarbon reserves (p. 22).

Gray points to the insufficiency of the classical conceptualization of the rentier state by Giacomo Luciani and Hazem Beblawi⁸ and others, as contemporary rentier states are more activist and economically engaged and the state is no longer autonomous from society (p. 88). He indicates that the royal family and the political elite are of the society and

intimately linked to it and that the Qatari state therefore cannot be separated from the actors and individuals that constitute its political order.

In chapters 4 and 5, Gray ably elaborates the oil and gas sectors and the energy-driven economic model of Qatar. Referring to an anonymous Qatari gas policy expert, he indicates that the broad external involvement in the gas-related sectors especially, “is a deliberate attempt by Qatar to build its international linkages and increase the number of firms and states with an interest in its long-term stability, thereby demonstrating and strengthening an explicit link between its energy and foreign policies” (p. 99).

Needless to say, Qatar, like other GCC members, pays close attention to the diversification of its economy. Although the oil and gas related sectors still constitute the majority of state revenues, varying yearly from about 50 to 70 percent, diversification is high on the agenda. As a good example of this sensitivity, the country’s Sovereign Wealth Fund (SWF), the Qatar Investment Authority (QIA), valued at approximately US \$115 billion at the end of 2012, “does not invest in the Qatari energy sector” (p. 105). Although a late-comer compared to similar SWFs in Kuwait, Oman and UAE, the QIA has invested heavily in Western markets

since its creation in 2005. For instance, QIA either outright owns or has stakes in many international firms, including UK supermarket chain Sainsbury's, the London Stock Exchange, Barclay's Bank, London's famous department store Harrods, the Parisian department store Printemps, and a major French soccer club, Paris Saint-Germain. Qatar also has large stakes in Volkswagen and Siemens of Germany, Banco Santander of Brazil, and the Agricultural Bank of China. Very recently, QIA decided to invest more than US \$600 million in developing City Center DC; a shopping and residential complex in Washington DC. In light of this, Gray claims that QIA "was created either primarily or partly as a deliberate strategy of the Emir toward balancing out the fluctuations in energy rents and diversifying the economy" (p. 107).

The overall theme of Gray's book is that, even though there has been some true reform and diversification of the economy, little economic power has shifted from the state to the private sector, and that, therefore, the political economy is still rentier because of the centrality of energy rents and their allocation by the state (p. 119). In conclusion, Gray points out that Qatar's diversification strategy has been somewhat successful, but its ultimate success is uncertain as the economy remains so energy centred (p. 151).

Mehran Kamrava, a well-known expert on the Middle East and the Persian Gulf, continues to contribute immensely to the intellectual life of Doha where he has been working since the establishment of Centre for International and Regional Studies at Georgetown University's School of Foreign Service in Qatar. Therefore, his book entitled *Qatar: Small State, Big Politics* came as no surprise and indeed is very much welcome.

Kamrava finds the study of Qatar important in four significant respects: First of all, it allows us to re-examine some of the basic premises of rentier state theory; secondly, the country's hyperactive diplomacy makes it an interesting case study; thirdly, one can draw broader lessons in the discipline of international relations from the country's profile and diplomatic initiatives; and, finally, Qatar's very experimental nature as a country offers students of this field insights into the processes of state and nation building, with another main argument of the book revolving around the developmental capacity of the Qatari state (p. 10-12).

Regarding international relations, Kamrava poses the fundamental question regarding the prognosis for Qatar's active foreign policy role, arguing that, despite all its limitations, Qatar's powers are more than temporary. He states that there has been "a steady

shift in the regional balance of power in the Middle East away from the region's traditional heavyweights" and in the direction of GCC states. Furthermore, he points to the changing nature of power in international arena in general and its utilization by Qatar in particular, labelling the new form of power that Qatar has carved out "subtle power".

Kamrava's description of this subtle power focuses on a combination of interrelated elements such as, military security, wealth, an aggressive national branding campaign and active diplomacy. He argues that "traditional conceptions of power no longer adequately describe emerging trends shaping the international system," and that realist and neorealist conceptions of power in terms of access to and control over tangible resources like manpower and military strength cannot properly account for the rise of a small state like Qatar in the international area (p. 47).

According to Kamrava, "small states can indeed become influential players in the international arena, and, although they may be in need of military protection from others, they can use foreign policy strategies such as hedging to greatly strengthen their leverage" (p. 48). He also points out that "Qatar's influence and power are neither military nor cultural, but are derived from a carefully combined mixture of diplomacy, marketing, domestic

politics [...] and increasing access to and ownership over prized commercial resources" (p. 49). To sum up, Kamrava underlines the fact that, during the leadership of Sheikh Hamad bin Khalifa (1995–2013), "Qatar has successfully employed a combination of diplomatic hyperactivism and hedging, the American security umbrella, economic prowess and branding to position itself as an influential actor in the region and beyond" (p. 102).

As Kamrava correctly suggests, at least for the foreseeable future, Qatar's prospects for continued growth remain positive, mainly due to its immense hydrocarbon reserves and clever policy-making (p. 169). We therefore have many reasons to continue studying the experience of this tiny but influential country in the coming years.

All in all, these three volumes on Qatar will all be of immense help to students of the Arab Gulf states and policy-makers. Not only will they help the readers to gain a sound understanding of the subject matter, but will also open the door for further research.

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Endnotes

- 1 Sean Foley, *The Arab Gulf States: Beyond Oil and Islam*, Boulder, Lynne Rienner Publishers, 2010.
- 2 Qatar's overall population is estimated to be around 1.8 million by 2013, of which only less than 15 percent are native Qataris, and the peninsula is just 11.571 square kilometers.
- 3 We might also mention the less well-known work by Zekeriya Kuşun which appeared in English as *The Ottomans in Qatar: A History of Anglo-Ottoman Conflicts in the Persian Gulf* İstanbul, Isis Press, 2002. And then in Turkish as *Basra Körfezi'nde Osmanlı-İngiliz Çekişmesi: Katar'da Osmanlılar*, İstanbul, Türk Tarih Kurumu Yayınları, 2004. Unfortunately, many established scholars of the Arab Gulf miss this important volume in their analysis, although it mines both the Ottoman (Başbakanlık Osmanlı Arşivleri) and Qatari Archives (Archive of the Emiri Diwan) in a detailed manner. While most of the scholars in the field, including Fromherz, Gray and Kamrava, continue to rely on British and other Western sources, for a more objective analysis of the history of Arab Gulf sheikhdoms, Ottoman and Iranian accounts should also be taken into consideration.
- 4 Francophone students of the Arab Gulf and Qatar might also wish to include Nabil Ennasri, *L'énigme du Qatar*, IRIS Editions, 2013; Christian Chesnot and Georges Malbrunot, *Qatar: Les secrets du coffre-fort*, Michel Lafon, 2013 into their reading lists, although the latter is written in a non-academic fashion.
- 5 This point was originally raised by Kristian Coates Ulrichsen in his review of Fromherz's book in *International Affairs*, Vol. 89, No.1 (January 2013), p. 222.
- 6 Matthew Gray, "A Theory of 'Late Rentierism' in the Arab States of the Gulf", *Occasional Paper No. 7*, Center for International and Regional Studies, Georgetown University School of Foreign Service in Qatar, 2011.
- 7 *Ibid.*, p. 2.
- 8 Hazem Beblawi and Giacomo Luciani, *The Rentier State: Nation, State and the Integration of the Arab World*, London, Croom Helm, 1987 is widely seen as the classic account of the rentier state model.

Οι Τελευταίοι Οθωμανοί: Η μουσουλμανική Μειονότητα της Δυτικής Θράκης, 1940–1949 (The Last Ottomans: The Muslim Minority of Greece, 1940–1949)

By Kevin Featherstone, Dimitris Papadimitriou, Argyris Mamarelis and Georgios Niarchos

Αθήνα: Αλεξάνδρεια, 2013, 574 pages, ISBN 9789602215784.

The end of the First World War resulted in the dissolution of long-lasting old empires and the formation of new nation states in the Balkans and Europe. As the new map of Europe was drawn, millions of people with different ethnic, religious, and linguistic characteristics had no option but move from one place to another. In particular, most of the persons belonging to Europe's historical, imperial, and national minorities had to leave their historic lands and migrate to lands that were new to them while others remained *in situ* and continued living on native lands though governed by new regimes 'alien' to them.

The Muslim minority in Western Thrace is one example of the latter group of historical minorities in Europe. All Muslim Turks residing in Western Thrace were exempted from the population exchange that took place between Greece and Turkey in the early 1920s. Under the 1923 Peace Treaty

of Lausanne, they became citizens of Greece and were granted the status of an official minority, and the ethnic Turkish, Muslim and minority identities still survive across the Western Thrace region of Greece. Notwithstanding that a number of fundamental problems of the minority's group-based rights still await a solution in Greece, the minority regime established in the 1920s persists.

Researchers studying the minority have elaborated many aspects of this community. There are numbers of academic studies, primarily in Greek and Turkish, which focus on the past and present of this community. However, until recently, almost no Greek or Turkish academic studies of the minority of Western Thrace focused analytically on the turbulent decade of the 1940s when Greece had to fight first the invasion of the Axis Powers (Germany and Bulgaria during the first half of the 1940s) and later the Greek Civil War (1946–1949);

one of the most influential phenomena in contemporary Greek history. Due to this oversight, a number of interrelated questions, albeit complicated, remain unanswered about the history of the Muslim minority of Western Thrace: Why did members of the Muslim Turkish minority remain overwhelmingly passive and disengaged during the decade of the 1940s? Although they suffered greatly under the Axis Occupation and the Greek Civil War, why did they show great loyalty to Athens when there were different opportunities to fragment the unity of Greece, e.g., siding with the Axis Powers or the Communist Army in the Greek Civil War?

First printed in English by Palgrave Macmillan in 2011 and later translated into Greek, *The Last Ottomans* is the first major study to try to find answers to the aforementioned passivity of the Muslim Turkish minority during the 1940s; one of the least-studied periods regarding the minority presence in post-Lausanne Greece. The book is composed of nine chapters written collectively by the authors where issues relating to the minority in the 1940s are analysed chronologically. Although the research focuses primarily on issues related to the Muslim minority, it often provides information on smaller ethnic and religious groups living within Western Thrace such as Jews and Armenians (pp.

221–234). In fact, Featherstone et al. do not solely explain events inside Western Thrace, but also give information about general conditions in wider Greece and the bilateral relations of Greece and Turkey, providing a broader and clearer picture of the country in the 1940s.

In the Preface, the authors begin by underlining the “sensitivity” of tackling matters of the Western Thracian minority, which may seem quite strange for those readers with little knowledge of Turkish-Greek relations. Also, they clarify why they prefer using religious denomination, i.e., Muslim, and the term “The Last Ottomans” while referring to a minority group whose members are citizens of Greece but do not refrain from declaring their ethnic Turkish identities as well. Chapters 1 and 2 provide extensive information on the general characteristics of the Muslim Turkish minority and Western Thrace while Chapter 3 studies different minority-related phenomena of the Second World War. Chapter 4 constitutes one of the most significant sections of the book since it provides extensive analysis of Western Thrace under *Belomorje* (White Sea in English), which refers to the Bulgarian administration of the region between 1941 and 1944; one of least elaborated periods of the historiography in both Turkish and Greek academia.

Chapters 6, 7, and 8 explore issues faced by the minority before and during the Greek Civil War, which raged so rampantly across Greece that even brothers could be found on opposite sides of the war, fighting and killing each other primarily on an ideological basis, as Communists or Anti-Communists/Royalists. Here, Featherstone et al. want to show the reader why the minority remained passive and constituted no threat at all to Athens during the Civil War although it seemed caught between the devil and the deep blue sea; under the control of the Communist forces during the night and the Royalist forces during the day. In the final chapter, the main findings of *The Last Ottomans* actually challenge the Greek argument that the Muslim Turkish minority in Western Thrace assumed the role of Turkey's 'fifth column' or 'Trojan Horse' throughout the 1940s.

Overall, Featherstone et al. most frequently mention and scrutinize the following issues relating to the passivity of the Muslim Turkish minority: the Greek policies that contributed to the marginalization and disengagement of the Muslim minority, enabling them to come closer to neighbouring Turkey; the schism between traditional and modernist factions of the minority; the differences of living conditions between those minority members living in the

highlands and lowlands; the lack of a uniform group identity and a single leadership; the growth of anti-Bulgarian and anti-Communist sentiments inside the minority, and; the role of Turkey as the external actor and kin state of the minority.

The Last Ottomans has several strengths. First, it uses various sources printed in different languages, primarily Greek, Turkish, English and Bulgarian. It is a usual practice amongst Greek and Turkish academics to prefer sources written in their own respective languages when writing about issues of the minority in Western Thrace. Unusually, Featherstone et al. use various available sources printed in all four relevant languages. In this respect, *The Last Ottomans* provides a valuable academic contribution regarding the historiography of the Western Thrace minority.

Second, it provides data from diplomatic archives, charts, maps and statistical data some of which were either previously either unknown to or unused by researchers studying the history of the minority, e.g., names and service numbers of the minority soldiers who died during the World War II, including those who are missing (pp. 148–153). Third, the voices of the minority are still absent from most of the research

into the Western Thracian minority, but are present in *The Last Ottomans*, albeit not fully, through a number of interviews, participant observations and local Turkish newspapers. The aforementioned points not only increase the objectivity of this research but also help the reader to see the multiplicity of perspectives and interpretations on this particular aspect and period of modern Greek history.

As for the study's weaknesses, the Greek archives are frequently used while the usage of those from Bulgarian and Turkish archives remains comparatively limited. Moreover, there should have been more references to records gathered from interviews conducted with older minority informants who witnessed the 1940s and are still alive, which would have strengthened the minority voices in this project. As Featherstone et al. aptly underline (p. 507), further research is needed to clarify two key topics: First, the stories of Bulgarians who were settled in Western Thrace by the Bulgarian administration and later migrated back to Bulgaria after the end of *Belomorje* in Western Thrace, and second, the individual narratives of those minority members who witnessed both

the *Belomorje* and the Greek Civil War and then migrated to Turkey in the late 1940s.

Taking into consideration the above-mentioned weaknesses, strengths and contributions, I recommend *The Last Ottomans* to any student, scholar and researcher interested in the history of the Muslim Turkish minority of Western Thrace and that of Greece. Although this book is about a particular period in the history of the Muslim Turkish minority, it still sheds light on some current issues that have to do with the minority and Greece, providing a clearer picture of the past and present of the Western Thracian minority. Last but not least, the main theme of this book is quite relevant for Turkish-speaking people living inside or outside Turkey. Therefore, following its translation from English into Greek, I highly recommend the translation of this book into Turkish so that it can be accessible by a wider community of readers interested in the historiography of the Western Thracian minority.

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Foreign Policy Begins at Home: The Case for Putting America's House in Order

By Richard N. Haass

New York: Basic Books, 2013, 208 pages, ISBN: 9780465057986.

The American politician Richard N. Haass has been the president of the Council on Foreign Relations since 2003, having previously served in the George H.W. Bush, Reagan and Carter administrations. Haass has written twelve other books, and the present work has grown out of two of his previous books, *The Reluctant Sheriff* (1997) and *The Opportunity* (2005). *Foreign Policy Begins at Home* is focused on the domestic policy of the United States of America.

The book is divided into three parts. The first is focused on the structure of the world after the end of the Cold War, where America played a primary role and governments tried to both administrate their countries and develop cooperation abroad. The author maintains that shortcomings at home threaten America's ability to exert influence abroad and set an example for other countries. America is thus underperforming, for the author, in both its domestic and foreign policy, as U.S. policy should focus on what countries do outside their borders rather than within them.

Haass argues that today's world is not dominated just by one power, but is a non-polar world which with time will be influenced by several states exemplified by economic, military, or cultural powers. Ruling such a world will become more difficult as types of power are diffused and it becomes ever harder to maintain a balance. For Haass, "states are challenged from above by regional and global organizations and from below by militias, cartels and the like, from the side by NGOs and corporations". (p. 16). The author is of the opinion that, even though the U.S. is not the only dominant country, it remains one of the most powerful countries worldwide because it shares the world's greatest economy, with an annual GDP of US \$16 trillion -one-fourth of global economic output- and still possesses the world's most capable military. All these facts are exemplified in the book by the various policies applied by the U.S., especially after the 9/11 attacks.

In the first part of the book, the author enumerates the potentially biggest powers

today according to their economic, military, and political capacities; among them, China, Japan, India, Pakistan, and Russia. Haass argues that China has the potential to become the second pole of the global system, if the world is indeed to become a bipolar one.

The present era is different because of the number of actors attempting to have an impact on the world. At the same time, there exists a global gap between what the world requires and the real situation; a gap which spoils the balance of global forces, allowing conflicts to appear. By describing the economic and military characteristics of certain countries, the author outlines existent threats such as Iran and Pakistan's possession of nuclear weapons which threatens the world's stability and safety. The Middle East region is defined by Haass as "the least successful region of the world [...] a patchwork quilt of top-heavy monarchies, authoritarian regimes trying to hang on, sectarian strife, unresolved conflicts between and among states, regional rivalries, and nationalities that cross and contest boundaries." (p.74). Thus, for Haass, the Middle East is a region with an uncertain future and limited capacities.

The second part of the book focuses on what America should and should not do abroad. For the author, America should

take a new approach to both its domestic and foreign policy. Here the author introduces a new choice of American foreign policy according to which the government should concentrate more on the Asia-Pacific and Western Hemisphere regions rather than on restructuring the Middle Eastern countries. Haass suggests new foreign policy doctrines by which the American government can succeed abroad: spreading democracy (a rather problematic issue); humanitarianism; counterterrorism (a doctrine which became a challenge for America after 9/11 attacks, though the author nevertheless proposes combating terrorism); integration (by bringing countries together and/or to a common ground); and restoration (of the internal sources of American power). The new doctrine of restoration implies rebuilding domestic policy and refocusing on the foreign one. Only by putting its own house in order will the U.S. have the resources necessary to remain an exemplary country.

The third part of the book concentrates on how America should approach its domestic challenges. Haass is of the opinion that one centrally important foreign policy that strengthens America is the success of its economy and political system; but still, in order to aspire even higher, the U.S. should increase the number of international trade agreements and forge and sustain

policies at home that allow the country to remain strong and able to face threats.

As the author states himself, the main argument of the book is that America is able to do many things but not everything. At the same time, the U.S. does not need the world's permission to act but is certain of the fact that it needs the world's support to be able to act successfully, as, for Haass, "the world needs American leadership, but this requires the United States to put its house in order." (p. 160).

Haass' book is a considerable contribution to the field, especially for those who are interested in exploring the

domestic and foreign policies of the U.S.. Taking in account the fact that at present the biggest threat to America's security and prosperity comes not from abroad but from within, it is essential for America to restore the domestic foundations of its inner power. The book is worth reading not only because it presents the policies which the U.S. Government is applying at the moment, but also because of the author's clear-headed analysis of the current deficiencies of U.S. policy.

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Regional Powers and Security Orders: A Theoretical Framework

By Robert Stewart-Ingersoll and Derrick Frazier

New York: Routledge, 2012, 280 pages, ISBN 9780415569194.

Regional Powers and Security Orders: A Theoretical Framework by Robert Stewart-Ingersoll and Derrick Frazier offers a comprehensive analytical framework that helps scholars and students of international politics examine the ways in which regional powers influence regional security orders. Frazier and Stewart-Ingersoll

raise a set of questions in this regard (p. 3): How does one know which states to identify as regional powers? Do all states that possess a substantial concentration of regional power serve the function of a regional power? What functions do regional powers play within the design and maintenance of order? What sorts of behaviours do regional powers engage

in that set them apart from other states within their regional systems? How can the various effects of specific regional powers be compared across regional domains in order to develop a better understanding of the overall influence of regional powers? The authors attempt to answer these questions by introducing their own concepts through extensive discussion in the book.

The book stands apart from other works that focus on regional security issues largely owing to its proposed framework, called the Regional Powers and Security Framework (RPSF), “for identifying regional powers and exploring the nature of their influence on regional security orders and on the region’s relationship with the broader international system that considers state strength as well as behaviour” (p. 3). The RPSF consists of three essential pillars: regional structure, regional power roles and regional power orientations. The authors give importance to two of these pillars in the book within separate chapters and comprehensively discuss them. Yet, in their empirical domain, Frazier and Stewart-Ingersoll employ the RSC (Regional Security Complex) framework, defined as “set of units whose major processes of securitization, de-securitization, or both are so interlinked that their security problems cannot

reasonably be analysed or resolved apart from one another” which was developed by Buzan and Waever (p. 6). Specially, they apply their theoretical findings in three RSCs: Central Eurasia, South America and South Asia. Due to the unipolar structure of these three RSCs, they are able to concentrate on the variation in regional power behaviour since this has had significant impacts upon the diversification of regional security orders. The authors have not arbitrarily selected the cases to support their theoretical arguments but instead have systemically chosen the cases that will help the application of the framework to other cases and RSCs. The authors contend that decolonisation and the end of the Cold War have heightened the prominence of regional systems. These transformative events have allowed several regions to exist independently, as well as given the states in the regions the potential for influence on their own regions.

After the introductory chapter, the authors focus upon the dependent variable of their theoretical framework, i.e., the regional security order, in Chapter 2. Revising the term “regional security order” that they borrow from Morgan, they define it as “the governing arrangements among the units of a regional system, including their rules,

principles and institutions, which are designed to make security-related interactions predictable and to sustain collectively salient goals and values related to patterns of securitization and de-securitization” (p. 20). After examining the literature on the typology of regional security orders, concentrating primarily on the “patterns of management” that are intended to promote security within the region, they provide five ideal categories of regional security orders: hegemony-based, strength-based, concert-based, integration-based and unordered. In their empirical part, where they are exploring the three RSCs, they propose that Central Eurasia, South America and South Asia have been classified as strength-based orders and not as hegemony-based due to their being in a transition process.

In Chapter 3 the authors explore regional structure as the first pillar of the RPSF. The authors identify three components of regional structure: the geographical boundaries which designate and identify a particular RSC, the membership which falls within each designated region and the polarity of the region within the confines of the established boundaries and membership. They also allow for multiple RSC membership as long as the relevant state is geographically attached to each

RSC of which it is a member. The third key component of regional structure is distribution of power, which helps in understanding which states are more likely to have a significant influence upon regional structure regarding assessing the region’s polarity. Since they define regional powers as “states who possess sufficient capabilities to project power throughout and who disproportionately influence the security dynamics within their RSC” (p. 50), they agree with realist scholars that the possession of material capabilities will make a state more capable and likely to behave as regional powers. By paying attention to material capabilities when identifying regional powers, the authors also give weight to the behaviours of regional powers that provide a set of case studies that demonstrate how differences lead to divergent outcomes in the nature of regional security orders. Yet, even though the authors assert that they integrate realism and constructivism within the theoretical construction of the RPSF, it appears that they are not able to succeed in this. However, as seen in their definition of regional powers, they only focus their attention on material capabilities. On the other hand, paying attention to the behaviours of the regional powers does not mean that they have achieved a balanced theoretical account between

realism and constructivism. To do so, they would need to pay attention to socio-cultural differences in the regions, as well as the different identities and religious perspectives. Focusing simply on the behaviours of regional powers and ignoring the behaviours of other regional members is a major shortcoming of their theoretical framework.

In Chapters 4 through 6, the authors focus upon the behaviours of regional powers as they argue that the possession of a substantial share of the region's material capabilities is a necessary but not sufficient precondition for being a regional power. Building on the second component of the RPSF, the authors establish a typology of three foreign policy roles that regional powers play: leadership, custodianship and protection. First, they provide a definition of each role and determine its principal components, and later they provide a more practical analysis by evaluating how important and effective each role is in Central Eurasia, South America and South Asia. The authors contend that it is possible that regional powers may perform one, two or all of these three roles. While analysing the influence of regional powers upon their regional security orders, the RPSF approaches these roles in a holistic manner, which means that these roles are not mutually exclusive.

In Chapters 7 through 9, as the final component of the RPSF the authors examine foreign policy orientation, which is defined as “the inclination, disposition (satisfaction or dissatisfaction) or preferences of a state with respect to the development and maintenance of the security order” (p. 12). They assess foreign policy orientations along three separate axes: status quo vs. revisionist, unilateral vs. multilateral and proactive vs. reactive. Since the end-points of each are ideal classifications, the authors do not contend that every state will neatly fit into any of these categorisations. Reasonably, regional powers will tend towards one or another and these tendencies will have a substantial impact on their own regional security order. Again, they explore the cases of Russia, Brazil and India with specific reference to their foreign policy orientations and the implications of this for their particular security orders.

All in all, this book puts forward a novel practice for identifying regional powers and their influence in their regional security order, and addresses not only international relations but also the fields of regional and security studies by introducing a theoretical framework and using case studies. Whereas Frazier and Stewart-Ingersoll determine 12 different RSCs in the world, they argue that

the Middle East exhibits a multi-polar structure with Turkey, Iran and Saudi Arabia as regional powers. Thus, this theoretical framework might be useful in studying the latest developments in the Middle East. It could be interesting to see to what extent this theoretical framework and conclusions can be applied in today's

Middle East, since Turkey's foreign policy towards the region has been studied from many angles.

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Official Papers

Parliamentary Papers: Select Committee on Manufacturers (Parl. Papers, 1833, VI), 0.456. Subsequent references as:

SC on ... (PP, 1839, VII), 00.2347.

Hansard (Commons), 4th ser. XXXVI, 641-2, 22 Aug. 1895.

Theses

For titles of published and unpublished theses use italics:

John E. Smith, *Title of Thesis*, unpublished Ph.D. thesis, Name of the University, Year, Chapter #, p. #

Internet References

Center for Strategic Research of the Ministry of Foreign Affairs, "A Global Spring- Why NATO needs to go Global", at <http://www.sam.gov.tr/perceptions/volume13/autumn/DustinDehEz.pdf> [last visited 21 October 09]

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Numbers under 10 should be spelled out.

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Figures should be used to express numbers under 10 that are grouped for comparison with figures 10 and above: *The results showed that 2 out of 20 recipients disagreed with the proposal.*

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