

THE MIGRANT CRISIS EFFECTS ON THE RELATION BETWEEN TURKEY AND THE EU

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1. Introduction

As far as the relation between EU and Turkey is concerned, they have a long past. Turkey's desire to join the EU has stretch for more than 40 years as negotiations began and it still continues till this day. Turkey is a founding member of the United Nations (1945), a member of NATO (1952), the Council of Europe (1949), the OECD (1960) and the OSCE (1973) and was an associate member of the Western European Union (1992).

On the 31st July 1959, Turkey made its first application to join the newly-established organisation. The Ankara Agreement, signed on the 12th September 1963 started relation between Turkey and the EU. The aim of the Ankara Agreement, as stated in Article 2, was to promote the continuous and balanced strengthening of trade and economic relations between the parties. After the Customs Union's decision, Turkey-EU relation entered in a totally new dimension as it was one of the most important steps for Turkey's EU integration objective.

Unfortunately, the EU has highlighted many negative reasons objecting to the joining, such as human rights' problems, immigration problems and also the Kurdish problem in Turkey. Recently, on the 100th anniversary of the Armenian Genocide, the EU passed a non-binding agreement asking Turkey to recognize the Armenian Genocide. This was also followed by some EU Member States, like Germany and Austria, recognizing the genocide. This has not gone well with Turkey and the diplomatic ties have soured.

The dispute over human rights is not a new one. Turkey has been monitored under the lens due to its historical past and recent crackdown on opposition parties, press and the judicial system. The EU has locked the concerned chapters which form critical part of the 35 chapters, which a country must fulfill for the membership. Although there are issues in the process, we have to look at the bigger picture, the economic future for EU and Turkey and the other alternatives.

In March 2016, EU and Turkey reached a deal to solve the ongoing migrant crisis. Under this deal, the two nations would work together and any migrants arriving in Greece, who fail to apply for asylum or have their claim rejected would be sent back to Turkey. However, for each such Syrian returned, EU would accept a Syrian refugee from Turkey. The deal also came with promises for visa liberalization, financial aid to Turkey to improve care of the Syrian refugees to the tune of \$3.3 billion and speeding up the Turkey's bid to join EU.¹

The deal reduced the inflow at EU borders, however the sequence of events in the following months like the failed military coup in Turkey,² Turkey's crackdown over the journalists, soldiers or anyone possessing critical views towards the government or having

¹ Migrant crisis: EU-Turkey deal comes into effect. <http://www.bbc.com/news/world-europe-35854413>

² Turkey coup 2016 explained: What happened and what is a military coup?
<http://www.mirror.co.uk/news/world-news/what-happened-turkey-attempted-coup-8432395>

any trace of association with Fethullah Gülen the US based cleric considered responsible by Turkish government for the failed coup,³ have escalated the tensions between the two. Concerned, the EU has sought changes in anti-terror laws used by the Turkish government for crackdown and made the changes a pre-requisite for any visa liberalization for the Turkish citizens. However, the same law is considered as necessary by the Turkish government and any such criteria for visa liberalization by the EU is viewed as dishonoring the promises which in the eyes of Turkish officials is as good as bringing an end to the migrant deal itself.

In connection with the Anti-Terror Law in Turkey, the so called TMY, which the EU has asked Turkey to change according to the EU, this law interprets too widely the definition of terror. It is not a new criteria of the EU. Turkey and the EU in 2013 made an agreement in connection to Turkish anti-terror law. It is one of the criteria from the EU to give the visa liberation to Turkey. Turkey said that because of the current situation in Turkey, like the failed coup on the 15th of July, it is not the right time to change the laws, when the terror situation in Turkey is very high.⁴ The EU was very concerned about the state of emergency in Turkey which was extended by President Erdogan for another 90 days.⁵ As part of this paper, I would examine the migrant crisis and how it is impacting the relations between Turkey and EU.

2. Importance of the migrant agreement

Since January 2015, the EU has been struggling with mass influx of migrants coming from various war torn countries including Syria, Afghanistan, Iraq, Somalia and other countries. The extent of the crisis could only be understood by the fact that by March 2016, more than one million migrants had attempted to reach the EU from Turkey. A large number of these migrants have taken the dreadful journey over the Mediterranean Sea with more than 460 loss of life according to the datas of the International Organization for Migration.⁶

This irregular migration to Europe has been described as the biggest crisis the region has seen since 1945.⁷ The inflow has been overwhelming and has divided the EU over the management with approach varying from identifying and accepting some of the asylums seekers and setting migrants' distribution quota by the EU for Member States⁸ to some countries setting up border controls to some Eastern European countries like Hungary, protesting the quota and sealing their borders to restrict the inflow of migrants.⁹

However despite the measures in place the migrants continued to arrive at the EU borders with over 143,000 arriving in first three months of 2016 itself. In addition, with the increasing casualties of migrants attempting to cross sea to reach Greece or Italy, the human right activists, UN appealed for opening up the borders and requested for an empathetic approach.

³ Turkey Targets Gulen Followers; Dismisses Military Personnel and Closes Media Outlets. <http://thewire.in/54551/turkey-targets-gulen-followers-dismisses-military-personnel-and-closes-media-outlets/>

⁴ Vize pazarlığında son durum. <http://www.hurriyet.com.tr/vize-pazarliginda-son-durum-40228719>

⁵ Avrupa'dan OHAL uyarısı: Normale dönün.

<http://www.hurriyet.com.tr/avrupadan-ohal-uyarisi-normale-donun-40242886>

⁶ Migrant crisis: EU-Turkey deal comes into effect.

<http://www.bbc.com/news/world-europe-35854413>

⁷ Migrant crisis explained in numbers.

<https://www.ft.com/content/7f7e0d28-5225-11e5-8642-453585f2cfd>

⁸ Relocation quotas. <http://www.economist.com/blogs/graphicdetail/2015/09/europe-s-migrant-crisis>

⁹ The Great Wall of Europe: Hungary splits continent in two with huge fence to stop migrants. <http://www.express.co.uk/news/world/648269/Hungary-plan-fence-border-Romania-migrants-refugees-crisis-Viktor-Orban-Schengen>

With pressures from all sides, the EU worked with Turkey to resolve the issue and in March 2016, migrant deal came into place.

The deal is of paramount importance for both the EU and Turkey. The deal mentions about returning any irregular migrant entering Greece from Turkey post 20th March. Though the asylum claim would be processed on an individual basis but this meant all migrants travelling by sea to be returned which till now have been huge in number. In addition, the deal had provision: the one for one exchange for migrants i.e. any Syrian migrant reaching Greece, who fails to apply for asylum or whose claim is rejected would be returned to Turkey. While in exchange, EU would accept a Syrian refugee from Turkey. However, important thing to note that even then the number is capped at 72,000¹⁰ which is very low compared to the influx of millions of migrants, the EU has been dealing with. Additionally, the deal automatically discourages the illegal migrants from travelling to EU or risking their life over the sea in pursuit of asylum in EU.

On the other hand, the promises coming with this deal to Turkey are critical and fall in line with its long possessed ambitions. One of the important provisions of the deal is the visa liberalization i.e. Turkish nationals would get access to the Schengen passport free zone by June. The other important provision of the deal is the promise to speed up the Turkey's EU accession. As part of this, new chapters required for EU membership candidate are to be opened up. Both the provisions are what Turkey has sought for decades i.e. to work closely with EU and be part of EU, the membership which Turkey officially applied for in 2005.¹¹ In addition to the abovementioned provisions, the country would get aid to the tune of \$3.3 billion from EU to help support the Syrian refugees on its soil.

3. Implementation of the deal and its impact on EU Turkey relations

Though the deal came into effect in March 2016, the implementation of the deal has run into various hiccups for either side which have varied from logistics to human rights concerns.

The first obstacle came from the logistics point of view. As part of the deal, migrants reaching Greece need to be held up, their requests processed and if their asylum claim is rejected, they need to be returned to Turkey. However, as soon as the deal was announced, Greece lacked the officials to process the asylum requests. Around 2300 experts including security, migration officials and the translators were required to handle the process. In addition, there was no process in connection with sending the rejected applicants back. The deal coming into effect also meant that huge number of migrants seeking asylum in Germany were now stuck in Greece. The deal along with measures against the people smugglers across the Turkish coast is considered to have stemmed the inflow of migrants to EU. The number of migrants reaching Greece on a given day dropped down to 50 in May 2016 compared to 6,800 a day in October the peak of migrant crisis. Though, the number of migrants reaching dropped but just 30% of the asylum claims were rejected which was unexpected because as per the deal all the migrants coming from Turkey were illegal and

¹⁰ Migrant crisis: EU-Turkey deal comes into effect. <http://www.bbc.com/news/world-europe-35854413>

¹¹ Turkey's long road to EU membership just got longer. <https://www.theguardian.com/world/2016/jul/20/turkeys-long-road-to-eu-membership-just-got-longer>

needed to be returned to Turkey. With the process being slow, the asylum applicants continue to pile up and be held in the detention centers.¹²

In June 2016, Turkey had a failed military coup, where a faction of Turkish armed forces used tanks and arms to bring down President Tayyip Erdogan. As part of the coup, nearly 265 people were killed including civilians, pro-government forces and the plotters.¹³ Turkish government blamed Fethullah Gülen, US-based cleric for attempting to bring down the government. It also initiated a crackdown against anyone found having any trace of association with Gülen or possessing critical views against the government. As part of the crackdown, more than 131 media outlets were shut down,¹⁴ more than 32,000 people were put behind bars, in addition to 100,000 plus individuals, who were dismissed from their jobs in security and civil services. Even the top military officials were not spared amounting to roughly 40% of all generals and admirals in Turkey's military.

The coup and crackdown however, strained the Turkey EU relations. Turkish government felt a delay in any support or response from the EU despite the huge number of deaths of civilians and pro-government forces. While European leaders raised concerns over the crackdown carried out in response to coup by the Turkish government. The EU sees this as increasing concentration of power in Erdoğan's hands and the EU members have become concerned about the rule of law in Turkey and have sought changes in anti-terrorism laws, which are deemed too broad and oppressive for European standards. In addition, the EU is concerned about the direction Turkey is taking under President Tayyip Erdoğan i.e. the target of shifting Turkey to an executive presidential system, role of Turkey in Syria, Iraq and Ankara's relations with Moscow.¹⁵ The situation is so dire that Austrian government, Nicolas Sarkozy (French's presidency candidate) have stressed the need to end Turkey membership talks citing the country's attempt to flout EU policies.

Following the events described above, EU sees the changes in anti-terror laws as a prerequisite for allowing visa free access to the Turkish nationals. Additionally, the EU despite its promises to speed up the EU accession process for Turkey has been reluctant due to the human rights issues and out of opened chapters only one has been closed and the only new one chapter opened was on finance and budgetary affairs.¹⁶ However, the progress is seen as very slow and recently Turkish EU Affairs Minister Omer Celik raised that these requirements of changes in anti-terror laws translate to EU not honoring its part of the deal and if by the end of year the visa related provisions of the deal were not implemented, Turkey would stop the readmission of migrants. Celik added that Turkey has done its part and the results can be seen already by looking at the number of illegal arrivals on the Greek islands which has dropped to 20–30 people a day way down from 7,000 in 2015. Çelik also raised that the only way to save the deal would be to engage in a dialogue.

¹² Greece Struggles to Return Migrants Under EU-Turkey Deal. <http://www.wsj.com/articles/greece-struggles-to-return-migrants-under-eu-turkey-deal-1463653671>

¹³ Prime Minister says 265 people killed in attempted military coup, including at least 100 'plotters'. <http://www.independent.co.uk/news/world/europe/turkey-coup-dead-erdogan-military-chief-ankara-istanbul-death-toll-plotters-how-many-killed-wounded-a7140376.html>

¹⁴ Turkey dismisses military, shuts media outlets as crackdown deepens. <http://www.reuters.com/article/us-turkey-security-journalists-idUSKCN1070NO>

¹⁵ Britain and Turkey talking about the future of the EU? <http://www.hurriyetdailynews.com/britain-and-turkey-talking-about-the-future-of-the-eu.aspx>

¹⁶ EU opens new chapter in Turkey membership talks. <http://www.middleeasteye.net/news/eu-opens-new-chapter-turkey-membership-talks-49617643>

In such times of refugee crisis and their rehabilitation across EU countries, there is a growing sense of fear and xenophobia among the people. The situation in Turkey is not helpful. It was in fact the possibility of Turkey being given visa free travel to Schengen area and the inflow of migrants it might bring that dominated the Brexit debates and later Britons choosing to vote in favor of UK leaving EU.¹⁷

4. Turkish Constitution and the problems related to freedom of press

If we like to understand the difficulties between EU and Turkey, we need to look at the media/ press problems in Turkey right now, which is also a topic that makes EU worried. Understanding constitution is important, as in recent years, it has been misused by government to suppress freedom of expression in the name of protection of nation's sovereignty, unity, law and order or even national security. The Preamble of the constitution focuses on the sovereignty of the nation and its unity. The State attempts to achieve an everlasting existence with prosperity, spiritual and material well-being of the nation and be an honorable member of world nations and enjoy equal rights.¹⁸ The Preamble gives utmost importance to the will of the nation. Though the sovereignty is unconditional and a core requirement of the nation. But anyone trying to preserve sovereignty shall not deviate from the liberal democracy which is provisioned in the constitution.

The constitution very clearly mentions that any activity which is against the Turkish national interests, its existence, unity, values shall not enjoy any protection. In addition, constitution is strict about preserving secular principles and mentions that politics should not be mixed with any religious feelings. Constitution grants each and every citizen rights to live an honorable life and improve his or her economic and spiritual well-being while following the rule of law and exercising various freedoms and rights granted to the citizen. All citizens share responsibility towards the nation and enjoy right to demand a peaceful life and live with mutual respect and understanding. Regarding the freedom of expression, the article 26 in constitution gives every individual the right to express and share his/her opinions through various communication mediums. Though these freedoms can be restricted if they endanger national security, law and order, nation's unity. Regulatory provisions do not form a part of these restrictions. In addition, for freedom of press and publications, the article 28 in constitution gives press all the freedom and mentions that the same shall not be censored. Limitations maybe imposed only based on conditions cited in article 26, 27. These include any news or articles which can compromise the national security and its boundaries, instigate riots or reveal state secrets. Distribution of media maybe limited or delayed if deemed necessary based on above conditions and requires orders from the judge. Though in case of ongoing criminal investigations, the periodical or non-periodical publications maybe seized. The article has provisions which allow temporarily suspension of periodicals in case of violations with respect to the content but if the violations persist over a period of time, the same shall be seized by decision of a judge. With regards to protection of printing facilities, article 30 in the constitution safeguards the printing house and its equipment against seizure or restriction from operation on the basis of having been used in a crime. In recent years, the freedom of press has deteriorated in Turkey. As part of this section, we look into the state of media and attempt to analyze the

¹⁷ Britain's 'Brexit' Debate Inflamed by Worries That Turkey Will Join E.U.

<http://www.nytimes.com/2016/06/14/world/europe/britain-brexit-turkey-eu.html>

¹⁸ Constitution of the Republic of Turkey. http://global.tbmm.gov.tr/docs/constitution_en.pdf

reason behind this worsening of the state. In August 2015, following the breakdown of the Kurdish peace process, the media came under attack. One such instance was the three journalists of *Vice News*, who were taken into detention in response to their reports from South-East Turkey which is known for Kurdish presence. Months later in October 2015, as the run up to the elections, the government had carried out investigations to identify ties of the journalists and media houses with the US based Islamic cleric, Fetullah Gulen, who is accused by the government for attempting to destabilize the state. Based on the reports and various government suspicions, the media was severely attacked by the government. Turkish daily *Hurriyet* columnist, Ahmet Hakan, was physically attacked. While Media house, *Koza-Ipek*, was seized and based on the court orders it was to be placed under the management of the trustees. The situation was seen as crackdown on media. Following these events, editors from world leading media groups including *The New York Times*, *Agence France-Presse* and *Germany's ARD* among others collectively as part of World Association of Newspapers and News Publishers expressed concern over the worsening freedom of press in Turkey. They requested that the Turkish President, Recep Tayyip Erdogan, has to look into the situation and ensure freedom of speech for both citizens and the journalists and they be allowed to work without any obstacles.¹⁹ In addition, European Commission raised concerns about the situation, that is crucial and it is in-fact critical for Turkish membership to the European Union. Turkey must ensure human rights including right to free speech. Human Rights Watch (HRW) group in its recent World report mentioned that after the November elections, President, Recep Tayyip Erdoğan, has indulged in policies which violate human rights, the rule of law and undermined democracy. Researcher at HRW raised concerns that Turkey is moving towards authoritarianism and is dismantling institutions which had the potential to keep a check on the leaders and their policies. A part of the process has been to defame the opposition. In last few months, there have been growing tensions between Russia and Turkey around Syrian war and accusations have been made that Turkey is providing arms to the Islamic State. Any effort by the journalists to uncover the truth has been seen as a violation and an action against the national state itself. Journalists Can Dündar and Erdem Gül were arrested in November for news report, which exposed truck laden with arms on their way to Syria.²⁰ The HRW report also highlighted that critical reporting be it by journalists through media houses or by ordinary citizens using social media has faced actions like defamation charges and convictions and even job loss. The legislation of the Internet bill, which allows government to block websites without any court order, is considered a big blow to the exchange of information. The government is widely criticized for blocking Twitter accounts and YouTube, the ban which lasted more than 2 years. In Dec 2015, European Court of Human Rights in its ruling mentioned that the ban on YouTube had violated freedom of expression and transmission of information.²¹

¹⁹ Editors from dozens of countries sound alarm on media freedom in Turkey.

<http://www.theglobeandmail.com/news/world/editors-from-dozens-of-countries-sound-alarm-on-media-freedom-in-turkey/article27046546/>

²⁰ Rights violations, media crackdown deteriorating in Turkey.

<http://www.platform24.org/en/articles/343/rights-violations--media-crackdown-deteriorating-in-turkey>

²¹ Turkey YouTube ban violated freedom of expression: Europe court (Update).

<http://phys.org/news/2015-12-european-court-slams-turkey-youtube.html>

5. Conclusion

The Syrian crisis is one of the main world problems nowadays, especially for Turkey because it will determine its economic position. Besides the human rights issues, there are many other significant problems in Turkey right now, which makes it even more difficult for the country to change its perception on the media. In such an atmosphere, as Turkey's image on the world stage deteriorates, Turkey would find it extremely difficult to mobilise its own public relation system in order to win hearts and minds.

The migrant deal which in recent times has escalated tensions between the two countries must be evaluated by the involved parties both the EU and Turkey separately and together. As Turkish EU Affairs Minister Omer Celik highlighted: the only way to save the deal would be to engage in dialogue. Some of the promises made like visa fee travel, speeding up the EU accession for Turkey do not seem reachable with current set of Turkish laws and human right violations. The two have to discuss, identify achievable targets and be willing participants to an eventual agreement.

The two nations have to work together and keep in mind the important relation they share with each other. For Turkey, EU is largest trading partner and with ongoing war in its neighbor's territory, it needs all the investment it can. While EU which has enjoyed the taste of migrant deal for months would not like to see any severing of ties with Turkey and the migrant issues any such event may unfold. Turkey and the EU must continue co-operation over security, migration, trade. The accession talks could lead to Cypriot reunification. EU Member States must regroup and review the promises as they may have to give in if Turkey keeps its end of the deal for visa liberalization.²² Dialogue and co-operation is the only way ahead for both the nations.

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²² Turkey's bid to join the EU is a bad joke; but don't kill it. <http://www.economist.com/news/europe/21708693-two-cheers-hypocrisy-turkeys-bid-join-eu-bad-joke-dont-kill-it>

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