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*Mediterranean's Migration
Dilemma and the EU's
Readmission Agreements:
Reinforcing a Centre-Periphery
Relation*

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- In July 2018, a Euro-Mediterranean Research Network on Migration (*EuroMedMig*) was launched during the 15th IMISCOE Annual Conference in Barcelona, with an initial composition of 18 Members in the Steering Committee. Countries covered are: Algeria, Belgium, Egypt, Europe (EU), Greece, Israel, Italy, Jordan, France, Lebanon, Morocco, Palestine, Portugal, Spain, Norway, Netherlands, Tunisia and Turkey. It has initially received institutional support from The Union for the Mediterranean and academically recognized as an IMISCOE Regional Network.
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Abstract

The EU emphasis on externalisation of migration governance hinders cooperation in the Mediterranean and consolidates pre-existing power inequalities. The most controversial examples have emerged in the content and context of the EU-Turkey Readmission Agreement and the EU-Turkey Joint Statement. By analysing the case of Turkey and adding comparative perspective through the cases of Morocco and Tunisia, this article argues that the EU policy instruments of externalisation consolidate an asymmetrical relationship in the long run. They shift the economic, social, political and normative burden of migration management and reinforce a centre-periphery relationship between the EU-Med and non-EU Med regions.

Keywords

Mediterranean, Migration, Readmission, EU, Turkey

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Introduction

The Euro-Mediterranean Partnership, initiated in 1995 with the collaboration of EU (European Union) and non-EU member states of the Mediterranean, had an ambitious aim of ‘turning the Mediterranean Basin into an area of dialogue, exchange and cooperation guaranteeing peace, stability and prosperity’ (Philippart & Edwards, 1997; Zaafrane & Mahjoub, 2000). The Partnership has failed to fulfil this aim, mainly because of the mis-governance of North-South dynamics in the region (Kausch & Youngs, 2009). Throughout the 2000s, EU focus on the protection of its borders against ‘illegal’ or ‘irregular’ migration led to two types of policy responses. Internally, the EU has endeavoured to establish its own migration policies and institutions (Schneider, 2005). Externally, it began to cooperate with its neighbours, aiming to convince them to play active parts in the management of borders and irregular migratory flows (Boswell, 2003; Lavenex, 2006). Within this context, the EU began to employ a strategy of border externalisation, to shift its border control responsibilities to neighbouring countries, by obliging them to readmit migrants with irregular statuses, control borders to block their departure, and provide reception for asylum seekers, all in the peripheries outside of EU borders (Boswell, 2003; Geddes, 2005; Kruse & Trauner, 2008).

Readmission agreements have been the cornerstone of EU externalisation policies (Cassarino, 2007; Coleman, 2009). Their content, negotiation terms, and implementation processes are often contested for their illiberal practices, strengthening EU borders by establishing a non-entry regime (Boswell, 2003; Coleman, 2009; Geddes, 2011; Wierich, 2011; Ratzmann, 2012; Langbein, 2014). With these agreements, the EU aims to encourage third countries to take border control measures and ensure the readmission of persons who have crossed their borders irregularly, presenting incentives – commonly including visa facilitations – as motivation. During the parallel negotiation of readmission and visa facilitation arrangements, the EU tries to establish a balance between the pressure for policy change and incentives presented. These negotiations, based on issue linkages, often lead to consolidation of pre-existing power inequalities in the region, most significantly through burden-shifting (Boswell, 2003; Coleman, 2009; Geddes, 2011; Langbein, 2014).

Within this context, two readmission instruments negotiated and concluded between Turkey and the EU provide a challenging setting to study the contested nature of these policy tools of externalisation. Given the current importance of the EU-Turkey

Joint Statement of 2016, and the continuing academic, political and societal debate on readmission, this article attempts to re-contextualise EU readmission policy instruments with respect to wider discussions on EU externalisation policies. To better understand this latest readmission instrument and contemporary discussions on similar agreements in the Mediterranean, the article revisits the initial readmission debates between the EU and Turkey, particularly in the scope of the long-negotiated EU-Turkey Readmission Agreement of 2013. Despite the current exorbitant focus on the EU-Turkey Joint Statement of 2016, this article stresses that the statement is not a *sui-generis* formation. A comprehensive analysis of the prevalence of readmission instruments in the EU relationship, not only with Turkey but with Mediterranean countries overall, requires the inclusion of these earlier debates to apprehend the processes that led to today's migration policy relationships. The article also adds a comparative perspective by referring to the cases of Morocco and Tunisia. This comparison is significant, allowing a test of the external dimension of EU migration policies in a different context and showing the implications of Turkey's experience for other Mediterranean settings. The analysis in the article shows the ways these instruments consolidate an asymmetrical centre-periphery relationship between EU-Med regions and non-EU-Med regions. It concludes, contrary to the original spirit of the Euro-Mediterranean Partnership, they do not fill the gaps between the Global North and Global South. Rather, they shift the responsibilities of migration management from North to South.

The article's contribution can be categorised in three ways. First, it elaborates the position of non-EU Mediterranean countries within the migratory regimes of the Basin and their relationship with the EU as a context of 'peripherality': the subordination of a country to the authority of a geographical centre or core upon which the periphery is dependent 'with little control over its fate and possessing minimal resources for the defence of its distinctiveness against outside pressures' (Rokkan & Urwin, 1983, p. 2). This characterisation of the Mediterranean Basin as falling into two broad categories of centre and periphery is conceptually and analytically meaningful to the extent that it enables an understanding of the Basin's migration dilemma as a question of the South-North, or East-West, divide. Secondly, it contributes to the rational-choice analysis of EU externalisation policies between the EU and three transit countries in the Mediterranean. It presents the issue-linkages and conditionality mechanisms on action and highlights the generic EU incentives and country-specific modifications, or lack thereof. Finally, it

contributes to a normative analysis of EU migration policy transference instruments in these non-EU countries, showing how their outcomes are far from the European ideals presented within EU borders. The significance of this contribution lies in the comparative characteristic of the article. The three countries selected, Turkey, Morocco and Tunisia, are different in terms of their domestic politics, foreign relations and alignments, though similar in terms of their status as a transit country. It shows how EU relationships with these countries are solely defined by how they impact the EU as transit countries.

The research in this study is based on the collection and analyses of data obtained from related official and policy documents, statements by associated actors, and semi-structured interviews with selected officials. Documents analysed consist of primary sources, including Turkish legislative documents, action plans, and EU assessment documents. Secondary sources consist of the vast literature on EU externalisation policies. *Eight* interviews were conducted with high ranking officials, including ambassadors to Turkey from EU member states at the frontline of Mediterranean migration – Greece, Italy, Spain and Malta – the German ambassador to Turkey, due to the role the country played in the conclusion of the EU-Turkey Statement, the EU ambassador to Turkey,¹ and two high ranking key government officials from Turkey.² With respect to anonymity, interviewees are not quoted but paraphrased and integrated into the text.

1. Mediterranean’s migration dilemma: When the Global South meets the Global North

French historian Fernand Braudel (1949) viewed the entire Mediterranean Basin as a collective whole that linked peoples and cultures. The Mediterranean nowadays, however, serves as a frontier. As poverty and conflict push people from the countries of the Global South to seek a better future in the Global North, the political climate often reflects ‘images related to cross-Mediterranean migration which stress not this tragic reality but the assumed threat of uncontrollable human flows’ (Rappas, 2017). The most recent example of this was seen in the summer of 2015. The earliest examples, however, were witnessed in the early years of the post-Cold war period, when Mediterranean

¹ Interviews with the ambassadors were conducted April-May 2019, in Ankara.

² Interviews with the Turkish government officials were conducted in March 2019, in Ankara.

human mobility was often reduced to a security threat. With increasing securitisation of migration in the 1990s, it became common in Europe to draw attention to irregularities in border-crossings.

In the 2000s, a search for a policy response to the securitisation of migration in the EU led to two types of developments. On the one hand, the EU tried to establish its own policies and institutions. On the other, it attempted to oblige its neighbours to play an active part in preventing irregular migratory flows. These trends were partly a continuation of long-established ‘Fortress Europe’ policies but also a fresh outcome of the newly developed political climate regarding the Eastern Enlargement, the western countries’ fight against terrorism after 9/11, and the rising importance of migration management in the EU, where cultural borders were increasingly contested (Pollak & Slominski, 2009). European countries felt greatly disturbed by migratory flows coming from the Global South and formulated restrictive immigration policies to control and curtail them. These policies ranged from more indirect soft control measures, such as requests for visas, to direct and harder measures such as the construction of border fences. Accordingly, the EU allocated significant resources to border control, investing in the establishment of its Border Agency, Frontex, and continuously increasing its budget, increasing from €6 million in 2005 to €320 million in 2018. Within this geopolitical context, the EU began employing a strategy of border externalisation by shifting some migration control responsibilities to neighbouring countries (Lavenex, 2006). These attempts have required active involvement and investment by neighbouring countries. They are initiated by the EU, or individual EU member states including Greece, Italy and Spain, and accompanied by a collaborative focus on pragmatic and technical cooperation, including bilateral agreements and military border control operations between EU states and their third country neighbours – such as between Italy and Libya, Italy and Tunisia, Spain and Morocco, and Greece and Turkey. However, they are often encumbered by sensitive responsibility – or burden – shifting issues (Garlick, 2006; Uçarer, 2006).

Over the last decade, growth in the number of detections of irregular border crossings registered at Europe’s external land and sea borders has fluctuated from one year to another. In 2008, for instance, over 159,000 detections were recorded.³ This

³ These figures concerning the detections of irregular border crossings which were registered at Europe’s external land and sea borders are compiled by the authors from Frontex reports.

number then declined to around 104,000 in 2010, rose to 141,000 the next year, but then declined to 72,000 in 2012, which is the lowest figure recorded in the last ten years. Then there was a rising trend. First, detections rose to 107,000 in 2013, more than doubled the following year to 238,000, and then multiplied almost seven-fold in 2015, reaching the level of 1,827,000 detections. In 2016, a total of 511,000 detections of irregular border crossings were registered, indicating a more than a 70 percent decline compared to the previous year, but still showing the second highest figure recorded in recent decades. Even though the 2017 figure, 205,000, indicated a nearly 50 percent decline within a year, it was still almost three times higher than the lowest figure over the last decade. While the declining trend continued in 2018 and 2019, the corresponding figures still showed persisting migratory flows in the direction of periphery-centre relationships in the Mediterranean Basin.

Irregular migratory flows in the Mediterranean Basin are not homogenous in terms of the origins of migrants, their chosen routes, or their status as economic migrants or asylum seekers. Migration routes throughout the region also continuously change, as the data on detections show. Over the last decade, the number of those coming through the Eastern Mediterranean route, which crosses through Turkey, has been usually higher than those coming by any other route (for instance, 55,000 in 2010; 885,000 in 2015; 182,000 in 2016). This is mainly because of its wider neighbourhood and where asylum seekers are mobilised: countries such as Afghanistan, Iran, Iraq and Syria. However, in the period between 2013 and 2014 and after 2016, the Central Mediterranean route seemed to be more active (45,000 in 2013, 170,000 in 2014, and 119,000 in 2017), indicating migrants chose to mobilise through Libya to Italy. Another important route was the Western Balkan route in 2015 (764,000), which also overlaps with the Eastern Mediterranean route and circular migratory movements between Albania and Greece. Finally, a relatively more visible migration corridor is the Western Mediterranean route, which carries irregular flows through the Maghreb to Spain. Although the number of irregular migrants in this corridor is not as high as on other routes, fluctuating numbers display a notable rising trend in recent years (nearly 5,000 in 2010; 8,000 in 2014; 7,000 in 2015; 10,000 in 2016, and 57,000 in 2018). The Atlantic route overlaps with the West African route as observed in 2006 with mass flows to the Canary Islands. It is interesting to note that in 2017, the emergence of another route was observed; this is the Black Sea route, which shows a shift in routes due to the restrictive measures taken along other

routes (Frontex, 2015). Looking at the recent history of border closure policies and practices initiated by the EU in the Mediterranean requires further analysis to reveal the implications and weaknesses inherent in their nature and scope (Paoletti, 2011; Üstübcici & İçduygu, 2018).

2. How does the EU experience and perceive South to North migration?

The literature on the EU experience of South to North migration is predominantly built upon the external dimension of EU migration policies, consisting of the union's cooperation with non-European countries, as well as regional and international organisations (Lavenex & Schimmelfennig, 2009). Here, externalisation refers to the policies and instruments the EU uses to transfer the location of migration management outside of its borders, including community readmission agreements. These agreements aim to simplify the removal and return procedures of irregular migrants. A typical EU readmission agreement obliges a third country to readmit irregular migrants who are its own nationals and nationals of third countries who have transited through its territory before irregularly entering the EU. However, as the governments of non-EU Mediterranean countries do not feel any ownership of these agreements, their negotiation processes often become a subject of migration diplomacy between the EU and non-EU Mediterranean countries (Paoletti, 2011; İçduygu & Üstübcici, 2014).

The EU, and the transit countries that are under pressure to prevent immigration to Europe or readmit those who had already reached it, fall into complex bargaining processes on the content of and incentives for adopting a migration policy instrument (Paoletti, 2011). A successful outcome of these policies is dependent on three sets of factors: *institutions*, *power*, and *domestic structures* (Lavenex & Schimmelfennig, 2009, p. 792). The institutions factor establishes the correlation between strong internal EU rules and modes of governance and the impact of an EU external policy transfer instrument. This suggests EU internal structures of policy-making are templates for its external influence (Schimmelfennig & Sedelmeier, 2005). Thus, an institutionalist perspective assesses the level of EU influence through the institutional compatibility of domestic politics in a given country with EU policy instruments or the Acquis (Knill & Lehmkuhl, 1999). Concerning EU experiences with South to North migration, the predominant institutionalist framework for making presumptions about EU impact is the

external incentives model. The model proposes that material benefits are the main incentives for compliance. It also establishes a correlation between clear, credible, sizeable, and swift incentives and the success of an external policy instrument (Schimmelfennig & Sedelmeier, 2005; Grabbe, 2005; Vachudova, 2005; Dimitrova & Dragneva, 2013). Although developed as a model corresponding to EU accession conditionality, it is a bargaining model with a rational-choice institutionalist approach, perceiving actors as strategic utility maximisers and putting their bargaining power at the centre of the negotiation process. In the literature, the model is also implemented in policy conditionalities that attach short-term policy-specific rewards to certain policy fields (Langbein & Börzel, 2013).

The power factor refers to the bargaining leverage of a country in relation to the EU. The literature often assumes power asymmetry between the EU and third countries, resting in the nation states' position of desiring a type of concession from the EU, such as accession, association, or a trade agreement (Elgström & Strömvik, 2005). The EU has bargaining leverage as long as it can present a strong incentive for implementing EU policies. In the migration policy area, EU need for a strong incentive is further intensified due to the strong asymmetry of interests. This asymmetry suggests that while the governments of the Global North prioritise stemming irregular migration through border management and readmission agreements, the governments of the Global South seek mobility opportunities for their nationals, expecting economic benefits (Hampshire, 2016). In such a setting, reaching an agreement requires strong incentives in the form of issue-linkages with different policy fields, such as economy, democratisation, or development.

In the context of EU external influence, power also suggests the position of a nation state in relation to other international sources of influence. If a policy clashes with a state's regional commitments or expectations, it will often delay its response or not respond at all to EU incentives. This is seen in states' reaction to the third nationals' clauses in readmission agreements and EU expectations of implementing visa obligations for other third countries. For instance, Turkey, even after adopting the visa liberalisation road map, is still seeking ways to avoid implementing visa obligations for the citizens of Iran.

The domestic structures factor stresses the significance of domestic political dynamics. Accordingly, the success of an EU policy instrument depends on a cost-benefit

calculation by the ruling government wherein they assess the financial, institutional, and societal costs that manifest themselves through veto players. The level of politicisation of an EU external policy shapes the involvement of these veto players, as well as the governments' electoral concerns, and thus determines the initial agreement and subsequent implementation of EU policy instruments (Wolff, 2014). Technical policy instruments that are not politicised are immune from such contestation. Thus, while governments negotiate politicised policy instruments with a larger number of domestic stakeholders, de-politicised policy instruments have technical negotiation processes (Demiryontar, 2016).

3. Turkey within the EU migratory system

After securing candidacy for EU membership in 2004, Turkey, to meet EU pre-accession requirements, began to harmonise its migration and asylum legislation in areas identified in the EU accession partnership document (Özçürümez & Şenses, 2011; Benvenuti, 2017). In this respect, the most significant step was the adoption of the *Action Plan on Asylum and Migration* in March 2005, which laid out the tasks necessary for the development of a migration and asylum management system. After the adoption of the *Action Plan*, implementation of the indicated tasks came at a snail's pace. This was partly due to the uncertainty of Turkey's accession, considering that if Turkey cannot become an EU member-state, but nevertheless harmonises its policies, it would become a buffer zone due to EU externalisation policies. Despite the mistrust, Turkey took on board the EU recommendations by drafting the *Law on Foreigners and International Protection*, enacted in April 2013.⁴ The law introduced a legal and institutional framework for migration and asylum management in line with EU standards. It demonstrated that Turkey acknowledges the need for migration and asylum legislation, despite the uncertainty of EU accession.

However, there were certain other policy issues, such as the formulation of a readmission agreement, where Turkey's needs and gains were not as straightforward, mostly due to the country's apprehensions concerning 'responsibility shifting' rather than 'responsibility sharing'. In the negotiation processes on both of Turkey's readmission instruments, first in the scope of the EU-Turkey Readmission Agreement and then in the

⁴ Law No. 6458, dated April 4, 2013.

scope of the EU-Turkey Statement, the EU aimed to alleviate respective Turkish governments' apprehensions, not by presenting sufficient responsibility sharing frameworks but rather by introducing issue linkages on politically valuable incentives, including visa liberalisation frameworks and financial assistance. Although both agreements were signed at the end, the EU-Turkey Readmission Agreement was shelved without being implemented due to the unreliability of the visa liberalisation prospect. In March 2016, the EU introduced a new readmission instrument with the EU-Turkey Statement, with a narrower scope and relatively more credible incentives, again including a visa liberalisation framework and a form of financial assistance. The following two sections of this article will present an analysis of these two interrelated but separate readmission instruments with respect to the problems related to externalisation, responsibility shifting and issue linkages and their contribution to furthering power inequalities in the region, in the past two decades, currently and in the foreseen future.

3.1. EU-Turkey Readmission Agreement of 16 December 2013

Since the early 2000s, even before the country's accession negotiations began in October 2005, the conclusion of an EU-Turkey readmission agreement has been an essential element of Turkey's inclusion in the EU migratory system (İçduygu & Aksel, 2014). The prominence of the readmission agreement in the EU-Turkey relationship parallels the extent to which irregular migration is politicised and securitised in the EU (İçduygu, 2011). By 2011, as the Arab Spring began to result in transit mobility through Turkey to Greece and irregular migration became a topic of frequent discussion in the domestic politics of EU member states, the Commission accelerated technical negotiations over the agreement. In February 2011, the parties concluded negotiations on a draft, though the absence of a clear road map for visa liberalisation for Turkish citizens delayed the agreement's initiation.

In addition to the long history of transit migration through Turkey to Europe, (İçduygu, 2011) the arrival of Syrian refugees in Turkey that started in 2011 created a fertile ground for EU desire to conclude a readmission agreement with Turkey. As EU member states began to be alarmed about the likelihood of rising irregular flows, EU officials started to recognise Turkey's demand for visa liberalisation in return for signing a community readmission agreement. Cyprus' upcoming term for Council presidency also reinforced a sense of urgency in establishing a migration policy with specific relation to Turkey during the Danish presidency, before the relationships would be interrupted

during the next term (Demiryontar, 2016). As a result, in June 2012 the Council granted the Commission a mandate to negotiate visa liberalisation for Turkish citizens. On 16 December 2013, the parties signed the readmission agreement in parallel to the launch of a dialogue on visa liberalisation. They agreed upon the road map towards a visa-free regime with Turkey in the form of a conditionality document, presenting a package of required reforms, grouped into five blocks: document security, migration management, public order and security, fundamental rights and readmission of irregular migrants.

The EU and Turkey ratified the Readmission Agreement in May and August respectively and the agreement came into force on 1 October 2014. In the same month, the Commission published a report on Turkey's progress in fulfilling the requirements of its visa liberalisation road map (European Commission, 2014). Against the backdrop of increasing migratory flows from Syria, the document pinpoints the problematic areas as management of external borders, visa-free access to all EU citizens, police cooperation, data protection, and implementation of the country's readmission obligations. In the EU-Turkey Summit of 29 November 2015, Turkey committed to accelerating the completion of the road map's benchmarks and agreed to implement the Readmission Agreement, including the third country nationals' clause, by 1 June 2016. The parties committed to the objective of granting visa liberalisation to Turkish citizens by October 2016 if the benchmarks of the road map were met.⁵ In the EU-Turkey Statement of 18 March 2016, this date was shifted to June 2016.⁶ In the third and final report on progress made by Turkey in fulfilling the requirements of its visa liberalisation road map, published in 4 May 2016, the Commission accepted that Turkey either fulfilled or was soon expected to fulfil its reform obligations under the document security, migration management, and readmission of irregular migrants blocks. While there were some achievable shortcomings under the public order and security block, the Turkish government considers the revision of the terror legislation benchmark under the fundamental rights block to be the hardest to fulfil, due to the sensitivities related to terrorism in domestic politics.

⁵ For the full text of the statement adopted at the meeting of EU heads of state or government with Turkey see <http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/>. Retrieved 4 November 2018.

⁶ For the full text of the statement adopted at the meeting of EU heads of state or government with Turkey see <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>. Retrieved 4 November 2018.

3.2. EU-Turkey Statement of 18 March 2016

There are persisting uncertainties related to the implementation of the Readmission Agreement and timing of the incentives presented by the EU. At the latest, as the number of irregular migrants in Greece began to rise in 2015, the EU has shelved the implementation of the Readmission Agreement's provisions related to third country nationals, further delaying them to 1 October 2017 to focus on the urgent matter at hand: curbing irregular immigration in the Mediterranean to the Greek islands. Currently, the readmission of all third country nationals within the scope of the Readmission Agreement has been halted and there are no reports available concerning the implementation of this clause. They were replaced by a new readmission instrument within the scope of the EU-Turkey Statement of 18 March 2016, which is more limited in its scope and, at the same time, more credible in terms of its incentives.

In 2015, against the backdrop of Syrian Civil War and continuing turmoil in the Middle East, 853,650 migrants arrived in Greece by sea, a steep increase in comparison to the 34,442 of the previous year.⁷ While the asylum system in Greece was on the brink of collapse, the EU intensified negotiations with Turkey to alleviate Greece's burden. As a result, in November 2015 the EU and Turkey agreed upon a Joint Action Plan on Migration, followed by a Joint Statement on 18 March 2016. The parties agreed upon a return and resettlement scheme, acceleration of the visa liberalisation process for Turkey, re-opening of certain accession negotiation chapters, and initial EU financial support in the amount of three billion euros followed by another three billion to be delivered by the end of 2018 (European Council, 2016; European Commission, 2015). Thus, the negotiation framework between the parties on migration policy has moved from the visa liberalisation road map to the terms of this statement.

The key article of this document proposes readmission by Turkey of the migrants who had irregularly passed through Turkey to the Greek islands after 20 March 2016. In return, the EU is expected to resettle Syrians residing in Turkey in EU member states, amounting to the same number of Syrians readmitted by Turkey, by selecting refugees in consideration with the UN Vulnerability Criteria and absence of prior irregular entry, or

⁷ The data has been retrieved from the IOM Press Release dated 5 January 2018 and titled 'Mediterranean Migrant Arrivals Reached 171,635 in 2017; Deaths Reach 3,116'. For the full text see <https://www.iom.int/news/mediterranean-migrant-arrivals-reached-171635-2017-deaths-reach-3116>. Retrieved November 4, 2018.

entry attempt, to the EU. This article is expected to facilitate orderly readmission and be a deterrent measure for possible irregular entries both by returning irregular arrivals and by presenting a legal and safe pathway to resettlement. In implementation, this statement, coupled with increased border surveillance in the Aegean Sea, has resulted in a considerable decline in the number of arrivals to the Greek islands. While the daily average number of arrivals from October 2015 to February 2016 was around 3,574, for the period between 21 March 2016 and November 2017, this declined to around 82.⁸ Although the number of returns from the Greek islands to Turkey are lower than EU expectations, 2,059 for the period between March 2016 and November 2017,⁹ quicker implementation of this statement – in comparison to the EU-Turkey Readmission Agreement – is perceived as an advantage, considering member states' pressure for measures to prevent mass mobility. Within the scope of this agreement, while the parties have postponed the implementation of the third country nationals' clause of the original readmission agreement, by limiting the geographical region to the Greek Islands, they have accelerated readmission of the migrants who were the majority target of the readmission agreement in the first place.

From a human rights perspective, the main criticisms to this deal are related to the right to apply for asylum and Turkey's status as a safe third country (Arribas, 2016; Collett, 2016). While the non-refoulement principle dictates the return of asylum seekers can only take place after their applications are concluded with a negative decision, their passage through a safe third country makes this clause dubious with the 'first country of asylum' principle, as they are expected to apply at first arrival in a 'safe third country'. These two principles, 'first country of asylum' and 'safe third country', are central themes of the Dublin Regulation, an agreement to which only EU member states and Norway are parties. However, the EU claims universality for these principles and justifies the return of asylum seekers who could not apply for asylum in the first place, or whose applications were still under investigation, from the Greek islands to Turkey – a country recognised as a safe third country by the EU. The discussions over Turkey's recognition as a safe third country by the EU is unsettling on a human rights and legal basis. On the one hand, especially in the last decade, the country has been adopting a relatively liberal stance

8 The data has been retrieved from the European Commission document dated 14 December 2017 and titled 'EU - Turkey Statement: The Commission's Contribution to the Leaders' Agenda'. For the full text see <https://www.avrupa.info.tr/en/node/7373>. Retrieved 4 November 2018.

9 Ibid.

toward refugees in its policies and practices, evolving from admission to settlement to integration and to naturalisation (İçduygu & Millet, 2016). Its new asylum legislation has gained praise from international organisations for granting the necessary protections to refugees and, despite a few claims over deportation and pushbacks, the country respects the non-refoulement principle. However, on the other hand, the country's refugee protection capacity is hindered by its deep-rooted limitations. On a legal basis, the main problem for Turkey's recognition as a safe third country under the EU Asylum Procedures Directive, specifying common procedures for granting and withdrawing international protection, is its refusal to lift the geographical limitation clause it has maintained on the 1951 Geneva Convention relating to the Status of Refugees and, as a result, its denial of refugee status to non-European asylum seekers. In the Directive, among other qualities, a safe third country is defined as a country where 'the possibility exists to request refugee status, and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.'¹⁰ However, due to the geographical limitation, Turkey grants refugee status only to those fleeing as a consequence of 'events occurring in Europe'. Thus, in Turkey, there is no possibility of requesting refugee status for people seeking asylum as a consequence of 'events not occurring in Europe'. Additional, albeit not equally critical claims regarding Turkey's recognition as a safe third country involve the continuation of terrorist attacks and armed conflict within the country's territory, which could possibly result in asylum flows originating from Turkey, leading to the criticism that a potential refugee-producing country cannot be recognised as a safe third country for other refugees.

In this statement, an asymmetry of interests is present, considering the EU prioritises stemming irregular migration and Turkey prioritises mobility opportunities for its nationals. Visa liberalisation, the opening of an additional accession negotiation chapter, and financial support are strong enough incentives between different policy fields to prevail in a cost-benefit calculation by the ruling government, overcome the societal costs, and satisfy its electoral concerns domestically. Visa liberalisation remains the most significant source of political justification by Turkey to protect the future of this deal. However, as our interviewees also consistently suggested, with the election of the new EU Parliament, possibilities for a visa liberalisation agreement between the EU and Turkey further declined. Continuing non-implementation of the EU-Turkey Readmission

10 Official Journal of the European Union, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), Article 38.

Agreement and suspension of the EU-Greece Readmission Agreement in 2017 do not paint a bright picture for the future of this deal either. Readmissions within the scope of the EU-Turkey Statement are currently at their lowest point; as of the first four months of 2019, only 47 cases of readmission were actualised compared to 117 in the first four months of 2018 and 293 in the same period of 2017.¹¹

This agreement not only manifests EU attempts to shift its migration management responsibilities to the periphery beyond its borders, but it also shows the problems of burden-sharing within the EU itself. Human rights organisations often criticise the conditions of asylum seekers in Greece, their inability to apply for asylum, and fear of refoulement through a chain of readmissions. Against these criticisms, and despite the Greek demand of processing asylum seekers on the mainland, within the scope of the agreement, the status determination issue was limited to the islands. Thus, asylum seekers are contained in the Greek islands, and the country faces societal, economic, and political costs due its inability to manage the situation. EU assistance is limited to the financial and technical spheres, while Greece and the asylum seekers need a functioning resettlement scheme within the EU for a durable solution.

4. EU's externalisation policies and readmission agreements: The cases of Morocco and Tunisia in a comparative perspective

Migration policy cooperation between the EU and the Southern Mediterranean countries follow a similar pattern with Turkey, wherein the EU links incentives from different policy fields to the policy areas related to the prevention of irregular migration mobility, including border control and readmission. In the 1990s, despite the initiation of the Barcelona Process in 1995, these relationships were bilateral. In this decade, Morocco has been the main country of concern due to its geographical location in the Strait of Gibraltar. In 1991, Spain introduced visa obligations for citizens of Maghreb states, which caused the escalation of irregular mobility from Morocco and led to the conclusion of certain bilateral readmission agreements between individual EU member states, including Spain, Germany, France, Portugal and Italy, and Morocco, whose scope was limited to Moroccan nationals (Fargues, 2017).

¹¹ This data was provided by the Police and Coast Guard Liaisons Officers of the Greek Embassy to Ankara on 3 June 2019.

In the 2000s, while irregular migration gained momentum in the Mediterranean, international organisations, the EU, and nation states began to introduce different policy responses with parallel aims. In 2000, the EU Commission obtained a mandate to negotiate a Community readmission agreement with a ‘third country nationals clause’ with Morocco. This event was the first policy manifestation of the changing EU relationship with its Mediterranean neighbours on migration matters. In 2003 and 2004, the European Neighbourhood Policy (ENP) began to be consolidated, and it considered all Southern Mediterranean countries as potential partners. In December 2003, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, entered into force, followed by the Protocol against the Smuggling of Migrants by Land, Sea and Air in January 2004. While Morocco was not a party to either protocol, Tunisia ratified both. All these developments pressured Southern Mediterranean countries to introduce policies to manage mobility from, or through, their territories. Accordingly, in 2003 and 2004, Morocco¹² and Tunisia¹³ introduced laws criminalising the exit of undocumented migrants. While Morocco was influenced by the international context, Tunisia’s case resembles Turkey’s, which changed its domestic legislation after ratification of the above-mentioned protocols to meet their principles.

With the introduction of the ENP, contrary to the increasing supra-nationalism in EU migration management instruments, the Mediterranean countries began to become isolated in their relationships with the EU. As they drifted away from the multilateral setting of the Barcelona Process, their relationships with the EU shifted to a bilateral framework between the EU, as a supranational entity, and the Southern Mediterranean countries as nation states. This resulted in the expansion of EU power against an unorganised region, negotiating with each of their governments individually. In the 2000s, these bilateral, EU-nation state negotiation frameworks manifested themselves through cooperation with authoritarian governments in North Africa. In Tunisia, successive governments under President Ben Ali proactively participated in dialogues on migration. This relationship depended on Ben Ali’s expectations of consolidating his rule and curbing opposition, by benefiting not only from the legitimising impact of cooperation with the EU but also from the securitised policies of the EU migration regime to reinforce control over the country’s population. For instance, implementing the process

12 Law No. 02-03, dated 11 November 2003.

13 Law No. 2004-6, dated 3 February 2004.

of the law criminalising irregular exit has resulted in a grave societal cost, as the legislation has become a tool for the judiciary and executive powers to monitor and control society (Cassarino, 2014). Later, following the 2008 uprisings in Tunisia, which were mobilised by the diaspora in France and Italy, the Tunisian government signed a bilateral agreement with Italy for the removal of irregular Tunisian immigrants. This raised concerns over the fate of political dissidents who had escaped to Italy. Moreover, cooperation with the EU has increased the legitimacy and reliability of the Tunisian regime in the international arena, while domestic dissidence has persisted within the country.

In the early 2010s, in a manner similar to the EU-Turkey relationship, during and in the aftermath of the Arab Spring, the EU began to perceive cooperation on migration management with the countries in its southern periphery with a sense of urgency. In 2011, due to the disorganisation of the police and the nonexistence of coastal control, undocumented migration from the Central and Western Mediterranean routes shifted to Tunisia and Libya. Consequently, the number of irregular arrivals to Italy by sea rose to 62,692, in comparison to the 4,406 of the previous year (Fargues, 2017). During this decade, the EU response has depended on the formation of strong issue-linkages between migration and other policy areas.

For Tunisia and Morocco, incentives presented by the EU were institutionalised through Mobility Partnerships, which within their broader focus, also formed an issue-linkage between a readmission agreement and a form of visa facilitation. Both partnerships were signed in the aftermath of the Arab Spring uprisings, when the countries were relatively vulnerable and weaker against economic and political pressure from the EU (Limam & Del Sarto, 2015). With Tunisia, negotiations started at a time of political transition, economic difficulties and regional instability. In March 2011, in the scope of ‘A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean,’ the EU committed to strengthening its collaboration with the new government, supporting the country’s reforms towards democratisation, and providing an extensive package of financial assistance, with an incentive-based approach (European Commission, 2011). As a crucial component of this deal, in 2014 the EU and Tunisia signed a Mobility Partnership, which included terms for facilitating the legal migration of Tunisian citizens and for securing the EU border by, most significantly, opening negotiations for a readmission agreement. Accordingly, in October 2016 the EU and Tunisia started parallel

negotiations of a readmission and a visa facilitation agreement whose scope remained vague. This vagueness in both policy change and the form of incentives reflect Tunisia's attitude toward this agreement, perceiving it as a token of their need for, and alignment with, the EU in economic and political terms. Curtailing irregular migration through a functioning readmission agreement was not the country's priority in a post-crisis setting, while the EU benefited from such a setting for guaranteeing its future objectives with a partnership.

The EU relationship with Morocco has also proceeded in a similar pattern. In October 2011, against the backdrop of regional instability, the parties established a Dialogue on Migration, Mobility and Security, which resulted in the conclusion of the EU-Morocco Migration and Mobility Partnership agreement in June 2013 (Council of the European Union, 2013). This partnership has revived negotiations over a readmission agreement that has been on the agenda of the parties' relationship since the early 2000s. It has parallels to the road map to visa liberalisation signed between the EU and Turkey, establishing a direct link between visa facilitations and the readmission agreement, as well as presenting a comprehensive programme of expected reforms. The negotiation process, with its problematic themes and the timing and nature of the EU incentives, also resembles the Turkish case. The main problematic clause is the readmission of third country nationals who had irregularly passed through the territory of Morocco to EU countries. In this matter, Tunisia and Morocco are both reluctant and refuse to collaborate, given the current incentives and concerns over sovereignty and unfair responsibility sharing (Carrera et al., 2016). Also, for Morocco, disagreements over the technical details, such as the proof of transit, and the EU inability to sign readmission agreements with the countries of origin or transit, including Algeria, make this clause further problematic, and make Morocco the final destination country for immigrants from African countries refusing to readmit their nationals. Like Turkey, Morocco also has an aim of being a regional power by reviving its economic and political ties with Sub-Saharan and West Africa, both for economic and political pursuits. Thus, it is uneasy about the cost of deporting their citizens at the demand of the EU and hurting its external image.

In the domestic politics of both countries, claims against the readmission agreement also show similarities with the Turkish case with respect to fairness, responsibility and burden sharing. In parallel to the main premise of this paper, policymakers are against the burden shifting essence of the readmission agreements from

the EU centre to the North African periphery. While officials perceive visa facilitation as a credible and sizeable incentive to meet these costs in this negotiation process, the limits to the scope of visa facilitations are the main shortcoming to reaching a negotiated agreement. From a normative perspective, the civil society in both countries are against the inclusion of the third country nationals' clause, both due to concerns over a chain of readmissions leading to refoulement and also because of the insufficiency of the countries' reception facilities in the short-term and integration policies in the long-term. The civil society, especially in Tunisia has concerns over this insufficiency, as in the absence of institutional and legislative regulatory frameworks, migrant populations may face anti-immigrant sentiments (Abderrahim, 2019).

In both cases, similar to Turkey's unimplemented initial readmission agreement, the development from the Mobility Partnerships to the initiation of functioning readmission agreements is hindered by the lack of credibility and flexibility in the incentives introduced by the EU. Within the framework of Mobility Partnerships, the EU expects commitments from Tunisia and Morocco on concluding and implementing a readmission agreement but only offers the possibility of negotiating a form of visa facilitation. These issue linkages are unbalanced, lack credibility and meet the countries' specific needs with a one-size-fits-all approach. Moreover, the issue of visa liberalisation also has symbolic value in an asymmetrical relationship, with reference to reciprocity and respect. In these circumstances, a policy change in the form of compliance is unbalanced in economic, social, political and normative terms. Thus, within the scope of the readmission agreements, the relationships between the EU and these North African countries are expected to continue in a steady deadlock, until a sense of urgency disturbs the power asymmetries in the Mediterranean, similar to what happened with Turkey in the summer of 2015, and leads the EU to negotiate with more incentives and flexibility.

5. Reinforcing a centre-periphery relationship?

Established upon strong asymmetries of power, the external dimension of EU migration policies towards its Mediterranean neighbours exhibits a clear failure to realise the 1995 Euro-Mediterranean Partnership's objectives of defining a common area of peace and stability and constructing a zone of shared prosperity. Instead, the externalisation of migration management and the instrument of readmission reinforce a

centre-periphery relationship. Readmission agreements shift the economic, social, political and normative burden of migration management and reinforce a centre-periphery relationship between the EU-Med and non-EU Med regions. EU incentives are presented in the form of issue linkages, which often do not respond to the initial burden they create but contribute to the interests of the electorate and provide political leverage to ruling parties.

The *economic* aspects of the readmission instrument for non-EU Med countries are often considered to be costs related to the reception and return of readmitted irregular migrants. However, for the countries whose case studies were presented above, the cost also involves the services provided to long-term staying or permanently residing migrants, including those with the intention to use the country to transit to Europe but stay due to enhanced border protection, and those readmitted by the transit country but not readmitted by their countries of origin. In the process of negotiation for an EU readmission agreement, the EU often presents financial aid to third countries for capacity building on border protection and the preparation of necessary infrastructure for readmission. After the adoption of the EU-Turkey statement, in the scope of the Facility for Refugees in Turkey (FRIT), the EU granted Turkey €6 billion. In the scope of its negotiations over a readmission agreement, Morocco received €140 million in EU support for border management and the fight against the trafficking of human beings. These funds are monitored by the EU, often distributed on a project basis, to international organisations, civil society, local governments and ministries. Thus, their distribution is bound to long processes and often do not respond to the imminent costs of migration management. Their benefits are experienced in long term, and they are often in the form of policy compliance, where non-EU countries adopt EU policy processes and procedures through a top-down approach. The initial responsibilities of migration management still overburden the Southern Mediterranean and reinforce the *economic* inequalities that already exist; the final outcome of EU financial support is often compliance with EU policies that aim to expand the EU sphere of influence in its periphery rather than sharing the financial burden of migration management.

Table 1: EU Readmission Instruments in the Mediterranean

Readmission Instruments	Issue Linkages	Implementation / Negotiation	Economic Burden	Social Burden	Political Burden	Normative Burden
EU-Turkey Readmission Agreement	-Accession Conditionality -Visa Liberalisation Road Map	-Signed on December 2013 with the dialogue on visa liberalisation -Readmission of TCNs is at a halt	-Burden sharing within the scope of accession	-Increase in the migrant population -Inability to return the readmitted	-Accession Process -Isolation from the South / Curtailment of regional ties -Benchmarks of the visa liberalisation road map -Asymmetry of interests	-Securitisation -Human Rights Violations -Issue Linkage: Visa and Readmission
Readmission within the scope of the EU-Turkey Statement	-Visa Liberalisation Road Map -Accession Chapters -Facility for Refugees in Turkey(FRIT)	-Signed on March 2016 -Readmission of TCNs function -Numbers in decline	-Issue-specific burden sharing through FRIT (€6 billion) project-based, long-term -Integration of migrants/irregular economy	-Increase in the migrant population -Inability to return the readmitted - “Transit” migrants settling	-Isolation from the South / Curtailment of regional ties -Implementation of visa liberalisation -Law on fight against terrorism -Asymmetry of interests	-Securitisation -Human Rights Violations Issue Linkage: Visa and Readmission -Deaths at sea - ‘Safe third country’ -Over-capacitating
EU-Morocco Readmission Agreement	-ENP Association Agreement -Mobility Partnership -Visa Liberalisation	-Negotiations continuing since 2000, transferred to ENP under Mobility Partnerships in 2013	-Issue-specific burden sharing (€140 million) -Border management and anti-trafficking specific	-Expected increase in the migrant population -Inability to return the readmitted	-Isolation from the South / Curtailment of regional ties -Limits to visa liberalisation -Asymmetry of interests / Vulnerability	-Securitisation -Human Rights Violations -Issue Linkage: Visa and Readmission
EU-Tunisia Readmission Agreement	-ENP Association Agreement -Mobility Partnership -Visa Liberalisation	-Negotiations started in 2014 with the Mobility Partnerships Instrument	-Burden sharing within the scope of European Neighbourhood Instrument	-Insufficiency of country’s reception facilities -Absence of integration policies	-Cooperation with authoritarian governments -Consolidation of rule -Limits to visa liberalisation -Asymmetry of interests / Vulnerability	-Securitisation -Human Rights Violations -Issue Linkage: Visa and Readmission

Despite its shortcomings, the financial components of burden-sharing in EU readmission agreements with third countries are relatively tangible and easier to compensate, in comparison to these agreements' potential social, political and normative costs. The *social* cost involves the expected increase in migrant population stocks in these countries in the absence of functioning readmission arrangements with the countries of origin and inability of signatories to EU readmission agreements to return irregular migrants. The arrival, reception and residency of readmitted migrants in countries with insufficient institutional and legislative capacities are expected to induce anti-immigrant sentiments in the local populations and cause hostilities within the society. The absence of any long-term policies related to integration will likely further these hostilities and cause societal problems.

The *political* burden of these agreements is twofold: (i) to the local population; (ii) to the governing parties themselves. The impact on the local population is due to the EU cooperation with Mediterranean partners with little consideration for the democratic qualifications of their governments, thereby consolidating and legitimising their rule and thus hindering the processes of democratisation. The political impact on the governing parties is often related to the asymmetry of interests between involved parties, resulting in the issue linkage established between visa liberalisation and the readmission agreement. Completion of the requirements for a form of visa liberalisation agreement means the governments are expected to take unpopular steps both against their constituents, such as the anti-terror law in Turkey, and against their non-EU neighbours, such as enacting visa obligations. Isolation from the direct neighbourhood and curtailment of regional ties as a direct consequence of the readmission agreement negotiation processes is a typical illustration of a power relationship in a centre-periphery setting.

The *normative* burden-shifting of these agreements often occurs as an outcome of externalisation, where the EU accepts few, if any, responsibilities concerning its actions outside its borders. Here, by normative power, the article suggests the EU representation of itself as an entity abiding by the principled ideas of the global migration regime and 'core norms' including peace, liberty, democracy, rule of law and respect for human rights is unfounded (Manners, 2002). Thus, the normative burden suggests challenges to this power based on 'appropriateness', due to behaviour contradicting these norms. With the readmission agreements, the EU shifts this normative burden of human rights abuses

related to its non-entrée regime to non-EU countries, as EU externalisation instruments guarantee that humanitarian costs – such as death in the Mediterranean Sea, a chain of readmissions to the origin country and poor conditions during asylum evaluation due to exceeding state capacity – occur beyond the member states' territories.

6. Concluding remarks

Despite the need for a mutually beneficial cooperation framework on migration policies around the Mediterranean Basin, securitised Euro-centric perspectives have led to the practice of externalisation. This article has explored the implications of readmission agreements, as EU-driven externalisation policies, for non-EU partners. In the case of Turkey, incentives such as the opening of acquis chapters or visa liberalisation for Turkish citizens, are direct components of the EU use of its bargaining power to shift its migration management responsibilities beyond its borders. Our analysis of other case studies in Morocco and Tunisia indicate comparable bargaining processes in the Southern Mediterranean. All these countries seek mobility opportunities for their citizens, in contrast to the EU priority of curbing irregular migration. The EU presents incentives concerning visas in the form of issue-linkages and seeks readmission agreements to guarantee state cooperation. These pre-set incentives for cooperation are attempts to shift the economic, social, political and normative burdens of migration management to the EU's Southern neighbours. Instead of formulating a cooperation framework in consideration of country-specific interests, when the relationship comes to a halt the EU often reinforces the incentive. For instance, financial aid is increased, or the scope of the visa liberalisation road map is enhanced. This bargaining process is characteristic of an asymmetrical and hegemonic relationship, wherein the relatively powerful partner increases the incentives to solve a conflict instead of participating in meaningful deliberation.

The EU-Turkey Statement of 18 March 2016 is the most recent institutionalised manifestation of externalisation in the Mediterranean. It shares similar characteristics with previous examples in Turkey and the Southern Mediterranean, not only in terms of its components, including a readmission deal in return for a visa arrangement, but also in terms of its problematic aspects, being an ad hoc tool to curb irregular migration to EU member states despite the recorded humanitarian costs of similar instruments. Most

recently, although the number of arrivals has been declining since the peak of 2015, continuing discourse of a ‘refugee crisis’ and the rise of far-right parties in Europe forecast a continuing trend of externalisation, as exhibited by EU proposals to create ‘regional disembarkation platforms’ in North Africa to process migrants intercepted in the Mediterranean Sea. The EU persistently generates conditionality requirements that challenge the balance of its relationships with non-EU partners and curtail their ability to have a say in the management of migration flows in the Mediterranean Basin. These asymmetric relationships result in the perpetuation of a continual setting of centre-periphery exchanges. No issue is more likely to dominate migration-related debates in Europe for the coming years than that concerned with the relationship between the developed (EU) and developing (non-EU) countries around the Mediterranean Sea.

List of Abbreviations

ENP: European Neighbourhood Policy

EU: European Union

IOM: International Organisation for Migration

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

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