The Shaping of Turkish Migration Policy: Competing Influences between the European Union, International Organisations and Domestic Authorities

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Statement:

I hereby declare that this thesis has not been and will not be, submitted in whole or in part to another University for the award of any other degree.

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SUMMARY

This thesis studies Turkish migration policies as an outcome of the interactions between the European Union, international organisations (UNHCR, IOM) and domestic migration governance. Counterbalancing a tendency in the literature to focus on external influences and specifically the EU's power over candidate countries, Turkish migration policy is seen to result from interrelationships between external and domestic actors that vary according to context of policy type, time and relative balance of power between the actors. Changes in international relations, Turkey's relationship with the EU, and internal to migration governance, can relativize the power asymmetry between EU and Turkey, leading to opportunities for domestic authorities to exert influence.

The study has a comparative design across four cases of migration policy decision-making and by actor-type. This allows investigation of interrelations and an actor's efforts to exert influence relative to the others. A prominent policy is examined for each of the main four fields of Turkish migration policy: legislative reform (Law on Foreigners and International Protection), irregular migration (EU-Turkey readmission agreement), regular migration (adoption of the EU's visa lists) and asylum (removal of geographical limitation clause from the 1951 Refugee Convention). Document analysis is supplemented by original data from twenty-one semi-structured interviews, conducted with experts from Turkish Ministries, international organisations and the EU Commission.

The main finding is that the degree of external influence over Turkish migration policy is contextually shaped, by time, the substance of a specific policy field, and most notably by the degree to which a policy field is politicised. EU influence is strongest when a policy field is politicised and driven by 'conditionality'. International organisations are less influential actors but present in shaping more technocratic and less politicised policies through 'social policy learning'. Turkish authorities exert clear agency and use international negotiations to gain leverage to advance domestic migration interests.

Abbreviations

AKP……………………………………………….......Justice and Development Party

CHP……………………………………………….……Republican People's Party

DG………………………………………………………….Directorate General

DGMM…………………………………….Directorate General for Migration Management

ECHR……………………………………...……..European Convention of Human Rights

ECtHR……………………………………………….European Court of Human Rights

ENP…………………………………………...European Neighbourhood Policy

EU……………………………………………….……………..European Union

HDP……………………………………………………People's Democratic Party

IOM…………………………………………..International Organisation for Migration

MHP………………………………………………………Nationalist Movement Party

NGO……………………………………………………Non-Governmental Organisation

OECD…………………………………Organisation for Economic Co-operation and Development

UN………………………………………………...……………………..United Nations

UNHCR……………………………….……United Nations High Commissioner for Refugees

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Chapter 1: Introduction

In March 2016, against the backdrop of the Syrian refugee crisis, Turkey and the EU published a joint statement, endorsing their commitment to the Joint Action Plan on migration activated in November 2015, to eliminate the irregular transit route through Turkey to Europe (European Commission, 2015; European Council, 2016). The parties agreed upon a return and resettlement scheme in return for the acceleration of the visa liberalisation process for Turkey, re-opening of some accession negotiation chapters and additional financial support (European Council, 2016). Within the scope of this agreement, migration policy served as a bargaining tool for Turkey in its relationship with the EU, provided the country leverage to negotiate cooperation in other policy areas, and even restored its accession prospects. This plan is the most recent manifestation of the EU's attempts to influence Turkish migration policies. However, it is not the product of a new policy negotiation framework. Although the backdrop was the extreme conditions of the Syrian refugee crisis, which exacerbated the need for cooperation, it is not an exceptional policy outcome. On the contrary, it is a continuation of the relationship between the EU and Turkey on migration policy. It is built upon a history of negotiations, interactions and exchanges between the parties, accelerated in the last decade. The main themes of the current relationship have been re-appearing as demands, concerns and incentives since the mid-2000s, as the parties have been establishing an inter-relation of power on migration policy.

In this thesis, I sketch the trajectory of EU-Turkey relations on migration policy by analysing the decade preceding these recent developments. I argue these relations did not develop as a one directional EU influence over Turkey. The EU is an influential actor on Turkish migration policies but a one way flow of influence is often overstated in the literature (Boswell, 2003; Schimmelfennig & Sedelmeier, 2004; Jandl, 2007; Lavenex & Schimmelfennig, 2009; Börzel, 2011; Langbein & Börzel, 2013; Langbein, 2014). In reality, Turkish policy makers are active negotiators, seeking leverage from contextual developments and aiming to further their benefits from policy reform. For instance, because of its status as a transit country for irregular migrants from the Middle East and Africa, the country became a crucial EU partner for management of flows emerging from the Arab Spring and Syrian

refugee crisis. These developments empowered Turkey to exert some influence over the EU and seek further concessions for a policy change. In addition to the international context, the changing structure of the country's relationship with the EU, in an era when the power of accession conditionality was at its lowest, also empowers Turkey to negotiate on new terms, concessions and incentives. Thus, in Turkey's migration policies, Turkish influence over the EU is also a significant flow to consider, for a complete narrative of policy developments. In addition to this two way flow between the EU and Turkey, there is also a third flow of international organisations on migration. These organisations, mainly the UNHCR and the IOM, have gained relevance in Turkey as a result of their presence in policy implementation and more recently in policy making processes. The ways they influence the policy preferences of the EU and Turkey are different from two way flows based on leverage. Their normative claims prevail in their attempts to influence Turkish migration policies. Their inclusion does not only add a third level of actor to my research, it also introduces different ways of facilitating change and another form of external influence.

1.1 Aims and Scope

I retain a three way structure throughout this study, presuming interactions between the EU, international organisations and Turkish policy makers play an important role in the formation of Turkish migration policies. I aim to show the multiple directions Turkey, EU and the international organisations influence each other, and the way they shape the country's migration policies. The influence of each actor should vary according to context, characteristics of specific issue of concern and time. The variances between these actor influences are discussed not only with respect to each other in overall migration policy area, but also in relation to different circumstances established under different policy fields. For this contextual evaluation, I divide overall Turkish migration policy into four sub-fields: legislative reform, irregular migration, regular migration, and asylum. These sub-fields reflect the way Turkish policy makers and EU Commission officials divide migration policy area in official documents and to a large extent in their staff arrangements. For a policy oriented research, categorisation should parallel the policy elite. This division enables the establishment of a research structure, parallel to the policy documents, and the policy elite's response to migration policy area. Moreover, the literature on Turkish migration uses such a

division, with different priorities relating to each area (Kirişci, 2003; Içduygu, 2005; 2006). For instance, while policy makers respond to regular migration by prioritizing economic concerns, security prevails for irregular migration. Together, these policy fields illustrate Turkey's policy responses to migration comprehensively.

The main research question is:

> *"How does the changing constellation of the relations between the EU, international organisations and Turkey shape Turkish migration policies? How does it vary across the policy fields and over time?"*

There are three main dimensions to this research question: the constellation of actor relations; policy fields and time. By the first dimension, the constellation of actor relations, I aim to establish the inter-relationships between the actors and the ways they influence each other's policy preferences on migration. Here, inter-relationship is a key word. There is not a one way influence of the EU, or any other external actor, over Turkish policy makers. Instead, Turkish policy makers are active negotiators, who seek leverage against external actors, to obtain more favourable deals for policy change. There is a complex structure of relationships where interactions between all three levels of actors contribute to policy outcomes. I analyse this complex structure by mapping relationships between actors, presenting possible alliances or divisions among them and identifying instances when they are empowered or disempowered through a relationship. With this analysis, I establish the relative influence of each actor on Turkish migration policy. An actor-based study is important for revealing inter-relationships between actors with a balanced approach showing the influence of each actor over another.

The policy fields dimension adds a contextual element to my research. For each policy field, I identify and explain characteristics that influence the level of external involvement and the types of domestic reactions. Thus, I analyse the qualities of each policy field, and how it led to policy development and the current outcome. In conducting such an analysis, from each sub-field of migration, I chose the most predominant policy instruments as case studies. These are: the Law on Foreigners and International Protection; the EU-Turkey readmission

agreement; Turkish visa policy; and the removal of the geographical limitation from the 1951 Convention Relating to the Status of Refugees. Turkey and the EU have been negotiating the terms of these policy elements for at least a decade and international organisations have a stake in most of them. Thus, these policy instruments fit the purposes of my research, seeking to present the evolution of each migration policy field, through the lens of the relationships between Turkey, EU and international organisations. Their main purpose is to add context to the study, by showing how the inter-play between the actors evolve under different circumstances. These case studies establish the role of the policy context on each actor's influence and identify circumstances when external influences succeed or fail.

Regarding the time dimension, the focus is on the policy making processes, rather than solely on policy outcomes. Such a focus is due to the duration of migration policy making in Turkey, and the fluctuation in power distribution among actors during the process. I seek to explain changes in actor relations in different phases of policy making, with a process-oriented approach. Thus, time adds another contextual dimension to my research along with the policy fields. Time is an important dimension of a narrative on Turkish migration policy. The case studies that I chose for the purposes of this study consist of policy elements, which the process of policy change has been continuing since the late 1990s. The long duration of migration policy processes is mainly due to their lower significance in domestic politics and the involvement of the EU, which in some policy areas, transforms policy reform into long negotiations. This is an important contextual dimension for the purposes of this research, as the changes in the international context alters the leverage of each actor. My inclusion of the time dimension in this study is important for elaborating how relationships between the actors evolve and develop over time.

1.2 Chapter Structure

In upcoming chapters, I aim to maintain a balanced discussion of each actor and policy field. I maintain a three-level structure: EU; international; and domestic, throughout the thesis. This order, beginning each chapter with a section on the EU, is an informed decision. In this study my main aim is to challenge a tendency in the literature to analyse policy change in third countries from an EU perspective with an EU "influence-over" conceptualisation. Thus, it is

fitting to this research to initially uncover the EU dimension of the literature and the case studies, and then to present international and domestic sources of influence that evolve independently or as a response to the actions of the EU.

In Chapter 2, I initially address the literature and theoretical approaches of EU external influences. I mainly frame my research around this literature, and also aim to contribute to this literature by questioning its one-way EU influence premise through the example of Turkish migration policy. The literature establishes its main theoretical approaches on two main types of countries, which are adopted as case studies. The premise of the studies is either built on Central and Eastern European countries, with accession prospects (Lavenex, 2002; Schimmelfennig & Sedelmeier, 2004; Jandl, 2007; Lavenex & Schimmelfennig, 2009; Börzel, 2011; Langbein, 2014); or countries in the Middle East and North Africa region, mostly in the European Neighbourhood Policy (ENP) framework, who establish their premises independent of accession prospect (Smith, 2005; Kelley, 2006; Lavenex, 2008; Baracani, 2009). Inclusion of both types of literature and theoretical approaches is important to provide a background of all the elements of Turkey's relationship with the EU. Turkey, as a country still maintaining its relationship with the EU in a framework of accession negotiations, though with marginal prospects of accession, contains elements from both types of literature. Thus, in the EU-level section of this chapter, I combine these two types of literature and present the themes and theoretical approaches relevant to the Turkish case. First, I explicate the suitability of research on Europeanisation to the Turkish case, and present its usage with examples from the literature on Turkey (Diez, Agnantopoulos, & Kaliber, 2005; Tocci, 2005; Içduygu, 2007; Börzel, 2012; Kaliber, 2012; Macmillan, 2012; Nas, 2012; Oğuzlu, 2012; Terzi, 2012; Aydın & Kirişci, 2013). Then, I justify the selection of institutionalist theoretical approaches, by presenting how the EU-Turkey relationship on migration policy has elements that suit an evaluation on an institutionalist basis. From institutional theories, I focus on rational choice and sociological institutionalism. I mainly concentrate on their approach to EU external influence, more specifically on mechanisms the EU uses to influence policy in third countries. I analyse and explain the power of conditionality, socialisation and legitimisation and the circumstances when they have an impact on third countries. In the second part of this chapter, on the international level, I make a similar exploration of influence mechanisms that are available to international

organisations. I evaluate the capabilities of the international migration regime, explain the absence of conditionality, and the ways the international organisations facilitate socialisation and legitimisation (Smith, 2003; Martin, 2005; Kotzian, 2007; Koslowski, 2011; Hansen, 2011; Hansen, Koehler, & Money, 2011; Piedrafita, 2012). In these two sections, I frame the prevailing influence mechanisms that the EU and international organisations are capable of using and their relative impact with respect to context. Such framing enables me to systematically seek these pre-identified mechanisms within the case studies, and present characteristics of the Turkish case, distinctive from the overall findings of the institutionalist literature. In the final part of this chapter, I elaborate the literature on state capabilities on migration, to examine the possible domestic impact of external actors, given the expected facilitators or limits to state capacities on migration policy (Freeman, 1995; Brubaker, 1995; Sassen, 1996; Abadan-Unat, 1997; Joppke, 1998; Guiraudon, 2001; Hollifield, 1998; Joppke, 2005; Boswell, 2007; Hampshire, 2013). This literature is mainly based on countries of immigration in Europe or North America which is not expected to be fully applicable to Turkey. However, the literature is weak in explaining the domestic actors involved in migration policy in transition countries, such as Turkey. Thus, I adopt this literature to systematically seek domestic stakeholders on migration policy in Turkey and expect to contribute it by presenting problems of generalisation for a new immigration country.

In Chapter 3, I present my research design based on a case study analysis, and my data collection methods consisting of document analysis and semi-structured interviews. The selection of the research design and data collection methods are in line with the themes of my research question. I chose a case study design, selecting the above-introduced policy elements as cases, to correspond to its policy dimension, contextualising the research by analysing how the inter-play between actors occurs under different circumstances. I divide each case study into three levels, where I seek specific actor influence for a given policy field in the corresponding section, to meet with the actor dimension of my research question. I also chose my main data collection method, semi-structured interviews in accordance with my focus on actor inter-relations and my research design consisting of in-depth case study analyses. With semi-structured interviews, I explicate the background story on each policy field from the perspectives of key actors, and thus better understand the many directional influence flows during the policy processes. These are hidden in the policy documents that

only provide information about policy outcomes. In this chapter, I also provide the details of offices that I have interviewed, methods that I have used to reach experts and the content of interviews, along with hardships faced in the field, enabling future researchers to replicate a similar study. I had twenty one interviews with key policy officials from Turkey, EU and international organisations, whose identities I keep anonymous, responding to their demands and also to ethical review standards imposed by the University of Sussex. I chose the interviews on positional criteria and mostly contacted them via e-mail. The main problems that I have faced in the field were due to scheduling problems and some political developments which led to cancellations of meetings. The interviewees responded well to my questions which were flexible and in the form of framing devices. Thus, in some cases, they were interpreted less substantially than I had anticipated. Despite these handicaps, in the end, I obtained rich data on actor policy preferences and priorities, and the influence mechanisms they are capable or willing to implement to fulfil those preferences and priorities. The interview data is also satisfactory to establish inter-relations between the actors and reveal the dynamics of these relations in the following case study chapters.

In Chapter 4, I present the historical context and establish a brief background of migration in Turkey. In this chapter, my main aim is to introduce the policy fields, where reform is prioritised by the EU, the international organisations and Turkish policy makers and present each actors' preferred policy elements for undertaking reform. The main function of such a presentation is to provide the reader with necessary contextual information to situate the analyses in the following four case studies on policy elements, to the broader framework of migration in Turkey. In the first part of this chapter, I identify the contextual developments which have generated pressures for a policy response by at least one of the three levels of actors. I initially address the way policy makers in Turkey and in the EU perceive and categorise the migration policy area, as regular migration, irregular migration and asylum and I justify my choice to use this categorisation in this chapter as well as in the upcoming case study chapters.

Then, I present the policy discussions on migration by harmonising it with topical data. I show the decreasing importance of regular migration for all three levels of actors together with the increasing significance of irregular migration and asylum movements to and through

Turkey. In the second part of this chapter, I list the main domestic and external actors that have an influence on migration policy in Turkey. I present their domains of interest and the logic of their action to explain their capabilities and limitations on migration policy, with respect to their overall presence in Turkey. I conclude this chapter by linking the context to the capabilities and policy positions of actors, and introducing their preferred policy elements. I conclude by presenting, Turkish need for an all-encompassing legislation for migration; claims of sovereignty for visa policies; Turkey's status as a transit country for the EU; and the incompatibility of Turkey's policy response to asylum with the country's asylum reality. With these contextual conclusions, I construct a basis for the case study chapters that follow.

Chapter 5 is the first case study chapter where I introduce the Law on Foreigners and International Protection as an all-encompassing legislative response to three migration policy fields: regular migration, irregular migration, and asylum. It is significant to reveal the processes of the Law's adoption and the relative impact of each actor beforehand, as the implications of this policy field reflect on the following case study chapters. This is a technicalised case with lower levels of politicisation, both domestically and at the EU level. Thus, I expect a lower level of domestic limits to policy makers, a higher level of international expert involvement and limited EU incentives. In this case study, the main themes emerge as Turkey's status as a transition country, in the process of becoming a country of immigration, and the policy makers' aim to transform migration as something beneficial to the country . Thus, despite the EU's initiation and continuing presence in Turkish legislative reform, its influence on policy processes remained limited, while Turkey centralised and framed policy reform as a domestic need. In the process of preparation and adoption of the Law, the EU has triggered reform with accession conditionality. Turkish policy makers undertook the reform agenda, international organisations provided technical support and normative legitimisation, while the EU guaranteed its presence with financial aid. Thus here, inter-relationship between the actors shows a flow in multiple directions while the most influential actors are Turkish policy makers.

In Chapter 6, I analyse the irregular migration policy field through its most controversial policy element, the EU-Turkey readmission agreement. As an international agreement

negotiated between the EU and Turkey, this policy element is the most politicised among the case studies I introduce in this study. In this policy field, the power asymmetry between the EU and Turkey, established through the accession framework is disturbed. The EU no longer expects Turkey to fully transfer EU policies to domestic legislation. The parties negotiate concessions and incentives, predominately on visa liberalisation, in return for management of irregular migration, independent of Turkey's accession prospects. In this case study, a two way influence flow is clear, as the international context, its changing relationship with the EU, and the EU's inner dynamics empowered Turkey during the negotiations, to obtain significant concessions. In return, the EU could influence Turkish migration policy in its preferred direction by replacing its main incentive, the accession conditionality with a specific policy conditionality, a short-term viable incentive to Turkey at a time when the credibility of the country's accession prospects were in decline.

In Chapter 7, I present a policy element from the field of regular migration, by a case study of Turkish visa policy and adoption of EU visa lists. This adoption is an accession conditionality for Turkey. However, with the decline of its accession prospects, and EU's inability to present any other specific incentive for this policy, Turkey did not only stop its efforts to adopt EU visa lists, it has also retreated from earlier steps. Since the late 2000s, the country has been implementing a new policy called "visa diplomacy" offering visa facilitations to third countries for strategic or economic gains, and some of these countries are on the EU's negative visa list. The EU or the international organisations are limited in making any normative claims to emphasize their preferences for this policy element. For the policy element of visas, a multilateral regulatory framework is absent and the state claim full sovereignty. This restricts any external involvement, based on a logic of appropriateness. Thus, external actors are limited in influencing policy, as the EU cannot introduce a viable conditionality framework due to the low significance of this policy element and both the EU and international organisations cannot influence policy with normative claims due to the absence of a multilateral framework. Turkey frames its policy priorities around economic and diplomatic gains, and expects a commitment from the EU to meet the costs of abandoning such gains. As a result, resolution for this policy field is stalled by both the EU and Turkey.

In Chapter 8, I analyse external pressures on Turkey to lift the geographical limitation it maintains to the 1951 Geneva Convention, and policy elements introduced by Turkey to satisfy priorities of these external actors without lifting it. In this policy field, both the EU and international organisations aim to influence policy with claims based on human rights, as the strong multilateral framework on asylum empowers their claims. These claims grant the UNHCR and IOM influence because of their long-time socialisation in the field establishing normative legitimacy in Turkey. However, the EU's normative legitimacy on asylum is not well established in Turkey, and further disturbed by the Union's response to the Syrian asylum crisis. Also, the EU did not present credible conditionality mechanisms directly for this policy instrument. Thus, its influence has remained limited, and it had to show some flexibility over its initial policy position on geographical limitation.

In Chapter 9, I make a cross-case comparative analysis of actor relationships aiming to find the relative influence of each actor in the overall migration policy area. The variation in actor influences in overall migration policy area depends on the actors' capability to facilitate each influence mechanism and contextual differences. Accordingly, in this chapter, first, I briefly re-visit the influence mechanisms that are introduced in Chapter 2 in the framework of the external influences literature, and summarise premises applicable to the upcoming analysis. I systematically define mechanisms of conditionality and socialisation to seek applicable characteristics in each relationship. Then, I establish a relationship-based cross-case analysis, seeking the most dominant and efficient form of influence mechanism in each relationship. In the relationship between Turkey and the EU, I present the ways the EU continues to maintain a high level of influence on Turkish migration policies, despite the decline in accession prospects. There is a transformation from accession conditionality to policy conditionality specific to migration policy, and the influence of the latter is increasing. In the migration policy area, the visa liberalisation road map has become the dominant framework defining EU-Turkey relations on migration (European Commission, 2013). Then, I elaborate the indirect interaction between international organisations and the EU, and their leverage to influence policy change in Turkey. Finally, I analyse the relationship between international organisations and Turkey, tracing socialisation and legitimisation in this relationship and finding how these organisations find presence in Turkish migration policy. I conclude this chapter by stressing the significance of the relationship between the EU and Turkey, framed

around policy conditionality, as the main determinant of Turkish migration policies. However, the context in which the EU can establish a credible policy conditionality framework is limited. When the EU is unable to do this, other sources of influence gain relevance. In such instances, if a multilateral framework is present, international organisations influence policy through social policy learning, normative suasion or legitimisation. In the absence of these, Turkish policy makers determine the outcome with a cost and benefit analysis.

In Chapter 10, I conclude this study by systematically presenting my empirical findings to explain the formation of each policy outcome. I discuss the factors that contribute to variance between these policy outcomes and make generalisations upon the relative power of each actor under different policy types. I establish a general position on when, why and in what ways each actor is relatively influential, based on the context of policy type, time and relative balance of power between the actors. Accordingly, I conclude that the degree of external influence on Turkish migration policy is based on the presence of a sense of emergency and the degree to which a policy field is politicised or technicalised. EU influence is strongest in the politicised fields, and when it is driven by conditionality. International organisations are present in technicalised policy fields through social policy learning and normative suasion. The actors of Turkish domestic migration respond to these external influences by exerting clear agency and seeking concessions together with advancing domestic migration interests.

Chapter 2: Literature Review and Theoretical Framework

2.1 Introduction: Identifying the Relevant Theories and Literature for the Research

In this study, I examine changes in Turkish migration policies in the last decade, to explain the processes through which domestic change occurs. I seek such explanation in actor influences based on their preferences, priorities and reservations, with a three level analysis: the EU, the international and the Turkish domestic level. EU-level sections of such analysis is directly connected to literature on Europeanisation and EU external influences, mainly consisting of research built upon cases of Central and Eastern European countries (Lavenex, 2002; Boswell, 2003; Schimmelfennig & Sedelmeier, 2004; Jandl, 2007; Lavenex & Schimmelfennig, 2009; Börzel, 2011; Langbein & Börzel, 2013; Langbein, 2014). Despite its similarities, relations between the EU and Turkey significantly contrast with Central and Eastern European countries, and requires additional theoretical perspectives for explanation. Hence, in this chapter I also provide insights from the literature on countries without any prospect for accession, mostly countries within the European Neighbourhood Policy (ENP) framework (Smith, 2005; Kelley, 2006; Lavenex, 2008; Baracani, 2009). Incorporating these two types of literature makes this chapter more accommodating to Turkey's case, whose relationship with the EU embraces elements from both types.

On external influences at the international level, the relevant literature consists of theoretical perspectives on the capabilities of existing global governance regimes to influence domestic change in nation states (Koser, 2010; Betts, 2011). In addition to those discussions, because of its focus on migration policy, this study also needs to briefly introduce literature on the international migration regime, beginning with the reasons for international cooperation on migration, and effects and complications related to it (Koslowski, 2011; Martin, 2005; Hansen, 2011; Hansen, Koehler, & Money, 2011). Then, it presents influence mechanisms of the international migration regime, similar to the discussion at the EU level (Pridham, 1999; Smith, 2003; Kotzian, 2007; Piedrafita, 2012).

This discussion is followed by a literature review of the concept of globally-limited sovereignty, with a specific focus on the global human rights regime (Soysal, 1994; Jacobson, 1996; Guiraudon & Joppke, 2001). This literature is expected to be relevant in identifying the enablers or handicaps for international-level influence mechanisms on policy change. At the domestic level, existing literature on limits to state capacities on migration policy making in countries of immigration (Freeman, 1995; Brubaker, 1995; Sassen, 1996; Abadan-Unat, 1997; Joppke, 1998; Guiraudon, 2001; Hollifield, 1998; Joppke, 2005; Boswell, 2007; Hampshire, 2013) is not expected to fully comply with Turkey's case, which is a transition country in the midst of becoming a country of immigration, whose relevant actors institutions are still uninterested in or incapacitated to influence policy change on migration. However, there are some relevant elements in this literature which help to explain the current sources of influence on Turkish domestic change. The presence or absence of domestic sources of influence is specifically relevant in enabling the influence of other sources. They are also relevant for making predictions for the future as Turkey becomes a country of immigration.

In line with this overview, in this chapter, I provide a review of the literature and a theoretical background for the upcoming case studies. To ensure a logical flow through the study, I structure this chapter according to the level of each actor function: (a) European Union; (b) international; (c) domestic. Under the EU and the international level, I elaborate the literature on external influences and mechanisms with a specific focus on institutionalist theories on external influences. A discussion of the restrictions on state capabilities follows the external influences. With a specific emphasis on Turkey's status as a transition country, I conclude the chapter with the problems of generalisation and possible shortcomings of the literature for an analysis of Turkish migration policies.

2.2 The EU Level: External Dimension and Coordination beyond Accession

The literature on the external dimension of the EU is established upon relations with third countries, consisting of cooperation on a wide range of policy areas within the limits of the Commission's legislative competence (Lavenex & Schimmelfennig, 2009). While it started with trade relations, the policy areas of external cooperation have expanded in parallel to the

expansion in EU's legislative competence, to policy areas like democracy promotion, environmental issues and migration. This external dimension is essentially based on the EU's *acquis communautaire* and its main aim in establishing an external dimension is to extend rules and policies within the *acquis* to its neighbourhood beyond member states. The need for such extension has mainly occurred due to the EU's perception of interdependence, suggesting its internal policy goals cannot be fulfilled without extending its sphere of influence to its neighbourhood (Lavenex, 2004, p. 681). This perception indicates the need to transform the EU's neighbourhood in compliance with its institutional rules and regulations to maintain the security and stability of the EU. This compliance suggests a process of policy transfer in which EU expertise on policy making and implementation is the basis for policy development in candidate and third countries. Lavenex lists various forms of policy transfer, in a continuum from lesson drawing on a voluntary basis, to direct imposition or conditionality in a coercive fashion (Lavenex, 2002). The EU's choice of each form depends on the peculiarities of the policy area, as well as the EU's relationship with the third country. While the EU expects a complete adaptation from candidate countries and where necessary, uses conditionality to ensure a full transfer, its capabilities for policy imposition are limited against other third countries.

Olli Rehn, the European Commissioner for Enlargement at the time, once stated, "enlargement is at the core of the EU's soft power" (Rehn, 2007). The Commission has succeeded in extending the scope of the Acquis through policy transfer to candidate states, with the enlargement strategy. However, enlargement did not prevail as the main EU strategy for external governance, due to the limits of EU enlargement capacity (Lavenex & Uçarer, 2002; Grabbe, 2005; Schimmelfennig & Sedelmeier, 2005). Beyond accession, the EU expanded its sphere of influence to third countries typically through foreign policy initiatives and bilateral or multilateral cooperation frameworks. The literature responded to this expansion by extending the definition of "Europeanisation", first from member states to accession candidates (Friis & Murphy, 1999; Cowles & Risse, 2001; Featherstone & Radaelli, 2003; Bulmer & Lequesne, 2005), and eventually beyond candidates to countries in the EU sphere of influence. After the 2004 enlargement, when the Union began to offer accession negotiations more cautiously, but simultaneously aspired to increase its influence

in its neighbourhood, the scope of the term was broadened to cover processes of policy change resulting from EU-generated pressures (Lavenex & Uçarer, 2002; Lavenex, 2004).

It is still contested whether Europeanisation is a suitable framework for research on countries without any prospect of membership, such as the ENP countries, or the specific case of Turkey, which, despite the accession prospect, continues its relations with the EU in a framework beyond accession. To ensure the relevance of the Europeanisation theoretical framework for these countries, it is central to perceive Europeanisation as "routes of influence" (Grabbe, 2003). EU external influence functions through these routes of influence, which in the end, ideally leads to domestic change in the form of policy transfer, in line with EU values, directives and norms (Börzel & Risse, 2000; Mair, 2004). This study adopts this "routes of influence" perception against Europeanisation, and to avert the discussions on alternative usages of the term "Europeanisation", which are insignificant for the purposes of this study, it abstains from using the term. However, its theoretical basis is established upon Europeanisation literature, similar to its predecessors on the EU influence in Turkey (Diez, Agnantopoulos, & Kaliber, 2005; Tocci, 2005; Içduygu, 2007; Öniş & Yılmaz, 2009; Bingol McDonald, 2011; Börzel, 2012; Kaliber, 2012; Macmillan, 2012; Nas, 2012; Oğuzlu, 2012; Öner, 2012; Özer, 2012; Terzi, 2012; Aydın & Kirişci, 2013). These studies suggest, although the term, for defining EU influence on candidate countries or countries with no prospect of accession is contested, from a perspective focused on the mechanisms for influence, Europeanisation literature is relevant in an analysis of the EU influence on Turkey.

EU mechanisms of influence differ depending on the policy area and respondent third country. Lavenex and Schimmelfennig identify three sets of factors that establish the EU's capabilities to influence its external environment: *institutions, power,* and *domestic structures* (Lavenex & Schimmelfennig, 2009, p. 792). These three factors are not mutually exclusive, but they complement each other. The literature based on institutional factors gives the most prominent explanation on EU external influence by connecting the choice and the impact of the external action to internal EU rules and modes of governance. These theories suggest that the EU's internal structures of policy making in a given policy area is a template for its external influence. The choice of external influence mechanisms inevitably reflects internal ones. Institutionalist theories assess the level of EU influence by the institutional

compatibility of domestic policies to the EU *acquis* (Knill & Lehmkuhl, 1999). These theories suggest, as the level of institutionalisation in a policy area increases, with the support of a strong legal and normative framework, the level of EU influence also increases in parallel to it (Schimmelfennig & Sedelmeier, 2005). The power factor not only suggests the significance of nation state power in relation to the EU, but also the position of a state in relation to other international sources of influence, including other third countries or international organisations. In the case of nation state interdependence to third parties, EU influence depends upon the Union's bargaining power in the given policy area. Domestic structures are the indispensable factor among the three as they would inevitably enable or challenge the EU external influence. Such influence depends upon the compatibility of EU rules and regulations with domestic institutions as well as the power of possible veto players (Schimmelfennig & Sedelmeier, 2004; Lavenex & Schimmelfennig, 2009).

Despite the explanatory value of theoretical perspectives on power and domestic structures, in interpreting EU external influence on third countries (Grabbe, 2003; Dur & Mateo, 2010; Paoletti, 2011), this study adopts an institutionalist approach. In respect of the features of Turkey and its migration policy, an institutionalist approach is promising to explain the EU external influence. This approach is suitable for the overall EU external influence on Turkey, as it is still a candidate country and despite the decline in its accession prospects, a large portion of its relations is still based on compliance to the EU *acquis* within the accession conditionality framework. Such a structured rule transfer, assessing the EU influence, based on the institutional compatibility of domestic policies to the EU *acquis* through annual progress reports, is suitable to be analysed in an institutionalist framework (Knill & Lehmkuhl, 1999). Moreover, in Turkey, the migration policy incorporates factors introduced by Freyburg et al. which are complementary to an explanation of EU external influences with an institutional approach (Freyburg et al., 2009). EU migration governance is *codified, at* least at a medium level, where the elements are legally determined and incorporated in the EU *acquis,* and also in international law in some cases. The rule adoption is rarely contextual depending on the third country, it is often inflexibly codified. The policy area is strongly *institutionalised*, as all the third countries within the EU's neighbourhood are subject to similar rules and regulations. It is also *internationalised* at least at a medium level, where the

EU mainly promotes the rules, but the international organisations are also involved in such promotion within the boundaries of their mandate (Freyburg et al., 2009). In addition to these, Grabbe and Vachudova identify *monitoring* as a factor complementary to an explanation of EU external influence with an institutionalist approach (Grabbe, 1999; Vachudova, 2005). EU monitoring is not only strong in Turkey in the framework of annual progress reports on the country's accession, but it is also specifically strong in migration policy with additional monitoring specific to the visa liberalisation road map.

2.2.1 Rational Choice Institutionalism and the Mechanism of Conditionality

The literature on EU external influence is predominantly framed around rationalist and sociological variations of institutionalism. Rational choice institutionalism lies on the fundamental premise that institutional political action is facilitated with a logic of consequentiality. During the policy making process, actors and institutions primarily define their preferences for political action with a cost benefit calculation, and then take action to maximize these fixed, inflexible, a priori defined preferences and interests (Kotzian, 2007; Piedrafita, 2012). Institutions shape and in return are shaped by these individual actor preferences. In this model, the actors prefer hard bargaining as the dominant negotiation perspective, in which they face a distribution of interests and they facilitate retractions, commitments and threats. According to this approach, the EU influences policy change by either re-structuring power distribution in certain policy areas by offering some actors additional resources to increase their level of influence and constrains the ability of opposing actors to pursue their goals (Börzel, 2011); or as an external incentive, in which domestic actors or institutions facilitate reforms in the framework of Europeanisation in expectation of rewards or incentives. Each path of influence under this approach presumes an asymmetrical relationship where the stronger actor uses vertical mechanisms to influence the weaker actor (Lavenex, 2008).

Nation-state negotiations with the European Union usually show an asymmetrical characteristic where the states are involved with an interest, for a kind of relation, such as membership, association or a trade agreement. It is expected such power asymmetry to result in a stronger party pressurising the weaker one, aiming to get concessions (Elgström and

Strömvik, 2005). Processes of EU influenced policy change in Central and Eastern European countries suggest, in the candidate countries, the asymmetrical nature of the relationship coupled with the strong accession incentive to implement EU policies grants the EU further power to influence these countries' policy making processes (Grabbe, 2003). These features have also dominated EU-Turkey relations in the first years of its candidacy when Turkey's accession prospects were strong and viable. The accession incentive coupled with asymmetries in the relationship was the catalyst for significant domestic change in Turkey during the early 2000s in the policy areas of justice, freedom, security, judiciary and fundamental rights.

The most prominent asymmetrical mechanism the EU uses within the scope of this approach is conditionality, which comprises the links, established between benefits desired by the third country and the fulfilment of certain conditions (Smith, 2003). It is expected that the recipient state will be rewarded in parallel to the level of compliance with conditions. It suggests policy transfer, rather than a deliberative process (Dimitrova, 2002; Schimmelfennig & Sedelmeier, 2004). Conditionality is a centralised mechanism, in which involved actors consist of high ranking policy elites in the third country and EU Commission, within the limits of its mandate granted by the Council. The conditionality mechanism in the EU, is elaborated within the "external incentives model" developed by Schimmelfennig and Sedelmeier, through their own and others research on accession conditionality especially in Central and East European states (Schimmelfennig & Sedelmeier, 2005; Grabbe, 2005; Vachudova, 2005; Dimitrova & Dragneva, 2013). The external incentives model identifies material benefits of EU membership as the main incentive for compliance with accession conditionality. The model presumes, in the countries and policy areas where conditionality is credible and the size and speed of rewards meets domestic adaptation costs related to implementation, EU induced policy change is anticipated (Schimmelfennig & Sedelmeier, 2005). In essence, the external incentives model is a bargaining model framed around rational choice institutionalism, postulating main actors as strategic utility maximizers. Similar to a typical rationalist bargaining situation, during the policy transformation process, actors exchange information, threats and promises and their bargaining power is central to the outcome of policy negotiations and policy change.

For the purposes of this study, the instrument of conditionality is categorized under two sub-headings, in accordance with the scope of the external incentives: (a) accession conditionality; (b) policy conditionality. As is self-explanatory, accession conditionality refers to structured and extensive EU conditionality presented to the candidate countries, which indicates that accession will be the outcome of compliance. It is the type of conditionality praised for its influence in facilitating compliance in Central and Eastern European countries (Grabbe, 2002; Smith, 2003; Schimmelfennig & Sedelmeier, 2004; Grabbe, 2005; Schimmelfennig, 2007). Until the 2007 enlargement, accession conditionality was presented as the EU's most successful policy tool (European Commission, 2003). Yet, after 2007, with arguments of enlargement fatigue and deepening, effectiveness of accession conditionality began to decline, as neighbouring countries began to lose prospects of membership. Although the accession conditionality framework continued to be implemented in candidate countries, its power to influence domestic change diminished considerably. This trend is also applicable to Turkey. In the first term of the Justice and Development Party (AKP) government, between 2002 and 2007, with the existence of a credible and strong accession conditionality, EU influence on the country's legislative reforms (Özer, 2012) and its foreign policy (Terzi, 2012) were strong and visible. In parallel to loss of credibility in EU conditionality, beginning in late 2006 and early 2007, EU influence on Turkish state policies are in decline.

In contrast to accession conditionality, policy conditionality is not an all-encompassing compliance framework. It is applied to specific policy negotiations, with attachment of shorter-term policy-specific rewards to certain areas of reform (Langbein & Börzel, 2013). Although rewards attached to accession conditionality are larger in size to meet the domestic adaptation costs related to implementation, these policy specific rewards stand out as more credible in the short term (Schimmelfennig, 2005; Vachudova, 2005). The strength of the conditionality mechanism is not only dependent upon the size of rewards, but it is also directly linked to their credibility (Schimmelfennig & Sedelmeier, 2004). In countries with no, or receding prospects for accession, the credibility of accession conditionality is inadequate to influence policy change. However, shorter-term rewards attached to compliance in a well-defined specific policy area have higher credibility. In the Turkish case,

the visa liberalisation road map is a well-defined, shorter-term policy conditionality framework, specific to migration policy; on completion of a number of benchmarks, Turkey will be granted visa liberalisation. In comparison to accession prospects, it is a shorter-term incentive with more credibility.

The financial and technical assistance the EU provides to third countries is also a significant vertical mechanism in which the EU empowers domestic level actors who are in support of compliance to European institutional settings. Such financial and technical assistance re-distributes and re-structures the balance of power within a country, advantaging domestic actors for policy change (Kotzian, 2007; Börzel, 2011; Piedrafita, 2012). Such assistance implies a more indirect connection, in comparison to conditionality in which the EU empowers certain actors to facilitate policy change (Börzel & Risse, 2012). This division between assistance and conditionality is valid in EU relationships with countries it is loosely connected with and in policy areas where the Union's level of institutionalisation is considerably low. However, when the EU has established a well-structured policy conditionality, such as the visa liberalisation road map, these mechanisms are embedded within the terms of the conditionality framework and their influence can hardly be isolated from the influence of the overall conditionality framework. They are capable of increasing the credibility of the conditionality framework. Consistent assistance also facilitates transformation from rule adoption to rule application within the conditionality framework.

2.2.2 Sociological Institutionalism and the Mechanisms of Socialisation and Legitimisation

Sociological institutionalism explains domestic change in member states and candidate countries with the ideational and normative processes of Europeanisation. By emphasizing appropriateness, sociological institutionalism argues that a shared understanding of appropriate and socially accepted behaviour, not the consequentialist expectations for material progress, lead to policy compliance (March & Olsen, 1989; Finnemore, 1996). These understandings lead institutions to seek appropriate ways of behaviour to meet social expectations of the society in which they are a member of (Müller, 2004). The main mechanism of influence, elaborated in the framework of this approach is socialisation, defined as the process by which principled ideas are internalized and implemented to become

domestic norms and collective understandings about appropriate behaviour. Socialisation is a mechanism that functions both at the international level, where these principled ideas consist of the international normative framework of the global migration regime; and at the EU level, where they consist of European norms, principles and institutions. It is a long term mechanism where finally these norms are internalised and institutionalised to change identities, interests and behaviours of institutions and actors of the targeted state (Müller, 1993; Risse & Sikkink, 1999). However, it is misleading to treat these norms, principles and institutions as fixed or even firmly established. These norms are in a constant process of discursive and political reconstruction, both at European and nation-state levels. European norms are substantially re-interpreted, and these re-interpretations occur during policy making processes as well (Diez, Agnantopoulos, & Kaliber, 2005; Kaliber, 2012).

The literature on socialisation designates "norm entrepreneurs," including epistemic communities, advocacy networks and even missions directly commissioned by international and EU-level institutions, to facilitate internalisation and institutionalisation of these norms and ways of appropriate behaviour by domestic actors (Börzel & Risse, 2000; Schimmelfennig & Sedelmeier, 2005). Risse and Sikkink connect the speed of this diffusion of international norms, to establishment and sustainability of networks among domestic and transnational "norm entrepreneurs" (Risse & Sikkink, 1999). These networks are expected to raise awareness for possible norm-violations in the international agenda, support claims of domestic opposition and end up challenging policy making both from above, and from below (Brysk, 1993).

In Turkey, these networks put norm-violating cases of the Turkish state on the international agenda for moral-consciousness raising. Typically, advocacy networks in Turkey appeal to the European Court of Human Rights, which strengthens the leverage of policy makers who are for domestic change and leads to an increase in the consciousness of the country's Western partners about the situation in Turkey. However, other than this linkage, which results in global conscious rising, civil society in Turkey has had a low level of participation in migration policy change, which began to change just recently, after the Directorate General for Migration Management under the Ministry of Interior has adopted a more participatory approach in policy making and increasing asylum movements from Syria have compelled

state agencies to seek cooperation with civil society organisations that are experienced in the field. Turkish civil society on migration policy is still immature, in explaining externally induced domestic change through cultivation of civil society and transnational ties, by adopting a network, or linkage approach (Lavenex, 2008; Lavenex & Schimmelfennig, 2011). Because of these attributes of the Turkish migration policy area, socialisation, in the scope of this paper, does not suggest a linkage or network approach. It suggests a more direct relationship between policy making and implementing bodies of both parties where, rather than a realist cost and benefit framework, social policy learning and normative suasion influence actor policy preferences. In line with this perspective, this paper adopts a "top-down" perspective to socialisation in which internalization of EU norms as rules of appropriate behaviour emerge as a result of a direct interaction between representatives of EU-level institutions and Turkish policy making and implementing bodies, instead of a "bottom-up" one in which civil society and non-governmental organizations perceive these rules as appropriate and lobby the government to adopt these norms (Schimmelfennig & Sedelmeier, 2005).

The level of influence of such a "top-down" socialisation mechanism is dependent on the attributes of the policy area. In more technical and less politicised policy areas, social policy learning is likely to occur through frequent policy consultation (Thomas, 2009). In such a setting, the external actors which have permanent missions in the targeted country or frequent meetings with their domestic counterparts, have an advantage to influence policy change through socialisation. In policy areas where the EU has a normative claim to appropriate ways of behaviour, normative suasion is possible as a mechanism of influence, where the EU presents the normative basis of its policy preferences to influence policy. For facilitation of both social policy learning and normative suasion, the EU needs an established normative claim to support its influence on determining appropriate behaviour.

In the literature, such claims of EU normative power are highly contested (Bull, 1982; Manners, 2002; Bicchi, 2006; Manners, 2006; Sjursen, 2006; Diez, 2013). While earlier discussions have focused upon EU civilian power in opposition to military power (Duchene, 1971; Bull, 1982), latter ones distinguish EU normative power from overall civilian existence of the EU and aim to identify characteristics that make the EU a normative power with an

ideational impact, beyond its usage of non-militant mechanisms for influence (Manners, 2002,2013; Diez, 2013). The basic principle of literature on EU normative power distinguishes EU ability to use civilian instruments from its ability to shape conceptions of 'normal' as the former is only an indication of EU civilian power while the latter demonstrates its normative power (Manners, 2002, p. 240). Manners identifies some EU-level core norms, including peace, liberty, democracy, rule of law and respect for human rights, and defines EU normative external influence as interventions made in accordance with these norms, without any obvious material gains (Manners, 2002). Diez questions the universality of these norms and claims that assuming such universality in spreading such norms might lead to harmful interference with the targeted countries (Diez, 2005); while Sjursen suggests such normative universality could be achieved if the EU aims to strengthen international and cosmopolitan law and binds itself with rules and regulations of such universal legislation (Sjursen, 2006). Further discussions over EU normative power is beyond the scope of this study. Rather than examining the overall normative power of the EU, this paper identifies some policy fields where the EU has a normative "claim" regarding appropriate behaviour and aims to influence policy change by normative suasion, by stating compliance as the appropriate direction to follow. This perception is similar to Sjursen's idea of a normative power as an act in compliance with international legislation (Sjursen, 2006). Thus, policy fields where the EU has a normative claim are established as ones where the EU claims to act in compliance with the international legal framework and aims to influence policy change by claiming such universal legitimacy.

Legitimacy is another important theme that frequently occurs within the socialisation approach. In the scope of this study, this theme emerges in two forms. First, it emerges as the EU and other international organisations' legitimacy to influence policy change in Turkey as perceived by domestic actors, mainly the policy elite. This does not suggest a universal legitimacy, but a perceived one, and absence of such legitimacy constitutes grounds for domestic actors to contest compliance with normative claims (Noutcheva, 2009; Stoddard, 2015). With a rationalist perspective, it is possible to establish such perceived legitimacy with a utilitarian approach, in which outcomes of policy are beneficial for all parties that are involved. With such an approach, the EU typically establishes perceived legitimacy with the

conditionality mechanism, where targeted states comply with the EU reform agenda to obtain presented utilities (Sjursen & Smith, 2004). However, with a logic of appropriateness, it is more complex to establish perceived legitimacy. Noutcheva suggests normative legitimacy could only be distinguished through reactions of policy makers in targeted states against external pressures which lack a rationalist cost-benefit scheme (Noutcheva, 2009, p. 1074). Thus, perceived legitimacy of an external actor could only be understood through the influence it can exert through normative suasion, and absence of such legitimacy provides leverage to targeted states for legitimising non-compliance.

Secondly, theme of legitimacy emerges as a mechanism, where states use established legitimacy and normative claims of external actors to legitimise their actions against domestic veto players or other external actors. This mechanism is not only significant for providing assurances to domestic veto players; the Turkish state also uses it as a bargaining tool to legitimise non-compliance when EU induced policy change is perceived as normatively unacceptable by international organisations that are active in Turkey. Moreover, for politically costly reform agendas, legitimisation enables policy makers to delegate responsibility for policy change to international organizations to ensure collective legitimisation and to diminish possible political fallout at national level by shifting liabilities to non-state actors (Lahav, 2004; Lahav & Guiraudon, 2007). The literature on such legitimisation claims that states aim to re-assert control and seek new venues at supra-national level to facilitate this and escape from electoral concerns (Lavenex, 2001; Geddes, 2003). However, even such instrumental and strategic adaptation of international norms is significant, as it leads to domestic structural change and constitutes a stepping stone for future identity building of institutions (Risse & Sikkink, 1999). This suggestion is specifically valid in cases when Europeanisation is used as a mechanism for legitimisation in nation states for implementing policy change in policy areas where domestic opposition is powerful. It is not atypical for nation states to use international organizations and supra-national participation, especially EU membership, to legitimize activities of certain actors in policy making that defends a logic of control (Lavenex, 2001). In Turkey, the AKP government, successfully used the legitimizing impact of Europeanisation to consolidate its governing power against the international community as well as against secular state tradition in Turkey (Tocci, 2005).

In empirical analyses of EU external influence, the literature based on cases of Central and Eastern European countries often overlooks mechanisms of socialisation such as social policy learning or normative persuasion. Instead, they acknowledge the impact of rationalist mechanisms, especially EU accession conditionality, on extension of EU sphere of influence (Schimmelfennig & Sedelmeier, 2004, 2005; Smith, 2005; Kelley, 2006; Börzel, 2011; Sedelmeier, 2011). Unlike these studies, Langbein and Wolczuk, do not attempt to establish dominance of one single mechanism of influence, but aim to identify the relative influence of different mechanisms during different phases of policy compliance: *rule selection; adoption; and application* (Langbein & Wolczuk, 2012, p. 863). From a case study on Ukraine, they conclude, while accession prospects of a third country determines rule selection; policy conditionality, financial assistance and social policy learning are more important for rule adoption and application (Langbein & Wolczuk, 2012). This study also does not perceive mechanisms of rational choice and sociological institutionalism as mutually exclusive. On the contrary, these mechanisms are recognised as complementary to each other in different phases of the relationship and grant permanence to EU external influence. It is significant to establish a balanced understanding between these two approaches without being biased in favour of short-term outcomes of rational choice institutionalism. One needs to see a larger picture in terms of sustainability of reforms and the role of socialisation in the implementation phase. In an empirical sense, it is very hard to establish precise divisions between cases on their fitness to each approach in time or across policy areas. For instance, the early stages of socialisation in which actors and institutions seem like adopting EU norms and values for easing external pressures could accurately be framed in rationalist terms. Moreover, the legitimization aspect of socialisation inevitably harbours some elements of rationalist institutionalism in which policies in favour of the ruling elite are framed with European values to crush opposition. Thus, it shall not be expected in this thesis, to conclude with a pure and ideal approach in which EU induced policy change occurs. This study presents elements of each approach to give meaning to each policy change, but it does not aim to find the ideal approach to explain EU-induced policy change.

2.3 International Level: Global Migration Governance and International Organisations

Despite being one of the most trans-boundary issues on the international agenda and the inherent interdependence of national migration management policies, there is an absence of a formal and coherent 'top-down' multilateral framework to govern international migration. Migration is mainly governed by sovereign states without any binding multilateral framework, except for issues related to asylum and international protection (Betts, 2011). This absence of a formal multilateral institutional framework does not imply the absence of a global migration governance, but it implies absence of a single formal multilateral structure to govern migration, similar to regulatory structures for other trans-boundary issues like the World Health Organization and World Trade Organization. In such an environment, one can expect the most formalized form of migration governance to be established between sending and receiving states, in a bilateral manner (Hansen, 2011). However, for the last two decades, interest in international cooperation on migration management has been increasing, resulting from states' inability to unilaterally or bilaterally cope with the increasing volume of international migration and their desire to manage irregular flows. Moreover, the increasing politicisation of migration, especially in western democracies, direct policy makers to multilateral cooperation, not only for establishing a sustainable migration regime, but also for evading domestic political criticisms (Hansen, Koehler, & Money, 2011).

The elements of multilateralism in international migration governance, exists on two main levels. First of all, there is a legal and normative multilateral governance framework to regulate issues of asylum, international travel and labour migration. Such legal and normative frameworks governing international migration consist of legally binding international law and non-binding best practices and principles. The level of multilateralism varies depending on the policy area of discussion. While asylum and refugee regimes are governed by the most developed multilateralism, the UNHCR refugee regime, labour migration has least, with some ILO treaties applicable to migrant workers as well (Betts, 2011; Koslowski, 2011). Major international instruments on migration, to which Turkey is also a party are: the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol, the 1990 UN

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, the 2000 United Nations Convention against Transnational Organized Crime, and the European Convention on Human Rights. International law derived from these international Conventions and Covenants, limit state power on policy making by granting certain rights to foreign nationals. Rights introduced in the framework of international law are unalienable and binding independent of the migratory status of the person (Martin, 2005). Betts (2011) calls this applicability of states' obligations in a variety of other global governance frameworks to migration as 'embedded governance.' This concept indicates interpretation and application of already existing areas of international law, to international migration (Betts, 2011).

The second form of multilateralism in migration policy, has occurred with emergence of informal multilateral forms of cooperation, in regional or trans-regional settings. With the increasing functional need to cooperate, as a result of the increasing volume of international migration and state desire to manage flows; regional and trans-regional institutions of cooperation are becoming increasingly relevant, and informal regional frameworks of cooperation are now greater in scope in providing a venue for international cooperation. States increasingly prefer these informal and non-binding arenas, rather than formal and binding agreements (Hansen, 2011). These institutions of regional and trans-regional governance consist of sets of formal and informal institutions that connect states within a geographical region or connect different geographical regions to each other, and as a result constitute the behaviour of states and non-state actors in a given policy field (Betts, 2011).

This study focuses on the first form of multilateralism as its interest lies in externally induced policy change, rather than cooperation on a global scale. As the study aims to trace relative actor influences, at an international level, its attention is on the international organisations, which function to implement international legal and normative frameworks. More specifically, it elaborates activities of the UNHCR and the IOM and the influence mechanisms they facilitate. These mechanisms that are available for these institutions, are presented in the next section, by retaining the institutional approach adopted in the previous section.

2.3.1   International Influence Mechanisms on Migration Policy

International organisations use similar influence mechanisms to the EU's. However, their impact varies significantly depending on development of international legal and normative frameworks and the mandate, competence and capabilities of the given international organisation. International and regional financial institutions frequently use conditionality, demanding adoption of a reform package in return for financial assistance (Pevehouse, 2002). Multilateral trade institutions also have a strong presence in domestic politics as they influence policy change with an emphasis on enhanced trade relations (Goldstein, 1998). However, such rationalist conditionality or bargaining mechanisms are beyond the mandate, competence and the capabilities of international organisations that govern international migration, specifically the UNHCR and the IOM. To explain the relationship between these organisations and the actors of Turkish migration governance, sociological institutionalism provides a more plausible theoretical approach.

Institutional perspectives perceive institutions as the main units of analysis assuming that the institutional structure within which policy-making takes place defines the policy outcomes. In the framework of sociological institutionalism, social structures determine rules and values, and establish necessary actors that are relevant in international politics and state policies. These social structures are not material, but cultural, while global cultural norms shape actor behaviour (Finnemore, 1996). Sociological institutionalist literature provides evidence for this theory by presenting the similarity of processes or structures between states, determined by international cultural norms, despite these states' material differences. Empirical evidence on state definition of citizen rights and obligations (Boli, 1987), treatment of foreign nationals (Soysal, 1994) and the structure of education systems (Ramirez & Boli, 1986) suggest that similarities in state policy making are driven by global cultural factors, rather than specific interests of actors. In such a setting, the function of international organisations is identified as elaboration and dissemination of these international cultural norms to ensure institutional coherence at a global level (Finnemore, 1996). Institutionalists suggest state participation in these organisations is a result of state' commitment to a "logic of appropriateness" (March & Olsen, 1989). Rather than a rationalist alliance system, participation in these organisations is perceived in its normative dimension as a commitment

to norms, rules and principles presented by these organisations. This approach was criticised mainly because of its disregard of the role of politics and power on normative contestation (Finnemore, 1996). However, it is a comprehensive approach providing a theoretical background to mechanisms with which international organisations influence policy, in the absence of a clear asymmetrical power relationship.

The influence mechanisms of sociological institutionalism within the scope of these international organisations are similar to ones introduced within the scope of the EU: socialisation and legitimisation. In the absence of a cost-benefit framework, international organisations of migration governance rely dominantly on these mechanisms. The dissemination of their principled ideas depends on social policy leaning and normative suasion, which are built upon a strong claim for legitimacy. Both mechanisms require frequent policy consultation, and social policy learning gains further relevance in technical and scientific policy areas (Thomas, 2009). In the absence of such technicality, international actors support their policy preferences with normative suasion. Thus, ideally, for the socialisation mechanism to effectively influence policy, international organisations need to have a normative claim, together with a scientific or technical claim to determine appropriate behaviour. In such a setting, migration policy in Turkey accommodates a socialisation mechanism. It consists of largely technical issues in which international organisations are experienced in policy implementation. International organisations of migration governance have long term presences in the field, trusted and perceived as legitimate by policy making bodies in Turkey. They also undertake projects on policy implementation in frequent consultation with Turkish state bodies. Moreover, Turkey is bound by various international Conventions and Covenants, stated in the previous section, which strengthens normative legitimacy of these organisations, which are the implementing bodies of this international normative framework.

2.4 Domestic Level: Migration Policy and State Sovereignty

2.4.1   State Sovereignty and Capacities on Migration Policy

For a nation-state level explanation of migration policies, it is necessary to unpack the actors and institutions that constitute the state. Modern liberal states do not have conclusive agendas on migration. Rather, mobilization of conflicting agendas by different actors and institutions shape state agendas. In a systematic analysis based on this approach, James Hampshire introduces four main constitutive features of liberal statehood to provide an understanding of the "contradictory imperatives" of the liberal nation-state that shape their response to migration flows. These are (a) representative democracy; (b) constitutionalism; (c) capitalism; and (d) nationhood (Hampshire, 2013, p. 3). In a typical liberal state, while actors and institutions associated with state representative democracy and nationhood features, support more restrictive migration policies, actors and institutions of constitutionalism and capitalism impose a more liberal regime, thus limiting state capacities to act freely on demands of constituencies and their dominant national identity. This categorisation provides an ample understanding and structural clarity to the literature concerning capacities of the state on migration policy making, and remaining parts of this section are structured accordingly.

The actors and institutions associated with the representative democracy feature of the nation state are a dominant influence on migration policy moving towards more restrictive policies. The main drivers of migration policy, related to state representative democracy, are threefold. First, public opinion, reflecting the preferences, priorities and reservations of constituencies, shape the migration debate by influencing preferred policies candidates for the office propose, and finally, set the tone of the migration debate. Secondly, political parties and interest groups dominate organized political behaviour and selectively bring out demands of some parts of the public over others. Thus, party politics and interest groups determine dominant public opinion by promoting demands of some over others through organized political behaviour. And finally mass media, through political communication, sets the political agenda with the power of politicizing certain issues (Hampshire, 2013). In the end,

the policy impact of these actors and institutions would be restrictive depending on the level of politicisation of the immigration policy and strength of public opinion for inducing meaningful change. In new countries of immigration, such as Turkey, media politicisation of the issue is immature and the public rarely have strong opinions on migration. Thus, it is expected for political parties and interest groups to have further influence and organized political behaviour to dominate policy decision making in favour of restrictionist policies. This de-politicisation debate is further elaborated below to distinguish strengths and weaknesses of actors and institutions related to Turkish representative democracy in influencing migration policy change.

The nationhood feature of the liberal nation state also functions through actors and institutions introduced above for electoral politics and dominates cultural, religious and security framings of immigration by public opinion, political parties, interest groups and the media. Nationhood is one of the most controversial features of the liberal nation state and migration policy making, creates a continuous tension between states' claims for universalism and their commitment to conservation of nationhood. However, the nationhood feature of liberal states only leads to restrictive policies if a national narrative against immigration exists. Turkey, historically, has been a migrant-sending country and claims to protect rights of Turkish immigrants in European countries. Turkey does not have an established understanding of immigration in parallel to its understanding of nationhood. Conversely, immigration is understood as immigration of ethnic Turks during the early republic period, who were welcomed by the local population. Thus, the narrative of nationhood is not expected to have a significant influence in shaping Turkish domestic policies in a more restrictive manner. Conversely, claims of common historical ancestry with some countries such as Azerbaijan, Iran or Iraq lead to more liberal policies towards nationals of those countries, regardless of international pressure to restrict immigration from some of them due to security considerations (Abadan-Unat, 1997).

Despite demands by their constituencies, and a sense of nationhood as foundations of the nation-states that call for restrictive migration policies in nation-states; same states adopt more liberal policies, welcoming considerably more international immigrants or at least delaying implementation of adopted restrictionist policies, contrary to restrictive policy

discourse. This gap between restrictionist policy discourse and a more liberal immigration reality is explained by theories on limits to state sovereignty, either internal or external. Internal limits to state capacities on migration policy-making are deliberated under the context of self-limited sovereignty which claims that domestic political actors, institutions and structures, including client politics (Freeman, 1995) and constitutional-legal processes (Joppke, 1998) limit state sovereignty, causing a gap between restrictionist policy intent and expansionist migration reality (Joppke, 2005).

Joppke frames self-limited sovereignty around constitutionalism and claims institutions and normative implications of liberal statehood act as interferences upon coercive practices against immigrants. He argues, through courts, judiciaries and non-governmental organizations, that liberal constitutionalism limits state capacities both in legislative as well as in a normative framework (Joppke, 1998). Thus, governments are self-limited by liberal norms they have adopted, and their policies to restrict unwanted migration, independent of the category of immigration flow, which includes irregular migrants, asylum seekers and family migrants. In ideal liberal democracies, fundamental freedoms based on human rights, instead of citizenship, are guaranteed to immigrants by independent courts, which are institutions of liberal nation states themselves. Thus, this acts as a pure case of self-limited sovereignty, a constitutive feature of the liberal state, by an independent court system which limits state control on entry and stay of people in its own territory (Guiraudon & Joppke, 2001) even in cases where states have no or little interest. The right to family reunification or to seek asylum are significant examples of constitutionalist self-limited sovereignty.

Internal limits on state sovereignty based on capitalism are established upon the assumption that, migrant labour is essential for advanced capitalist societies and business networks push national immigration policies in a more liberal direction (Freeman, 1998). Thus, the gap between restrictionist demands of the public and official policies, is the outcome of "client politics" based on preferences of a small group of actors in which economic benefits of labour migration are accumulated. Freeman argues these organized business and ethnic lobby groups, inevitably have greater influence over policy, in comparison to the unorganized public (Freeman, 1995). Thus, in conclusion, Freeman argues, in liberal nation states, during policy making processes of labour migration, policies are determined by the relative strength

of organized client politics (Freeman, 2006). This approach is criticized for overlooking preferences and priorities of state actors and institutions in terms of providing access to a small number of businesses and unions that pursue similar agendas to their own (Boswell, 2007). Moreover, Brubaker, together with agreeing this model would fit settler societies like the USA, argued this model would not be suitable for countries in Europe, where immigration has post-dated nation building (Brubaker, 1995). Despite criticisms, the model is worth discussing to explain the scope and impact of client politics in facilitating domestic change in labour migration policies while accepting the theory's inadequacies for other categories of migration.

2.4.2 External Limits to State Capacities on Migration Policy

The literature on globally-limited sovereignty presents two main types of external restraints on state capabilities on migration policy making: (a) international norms and a global migration regime that states are bound to (Jacobson, 1996; Soysal, 1994) (b) increased "de-nationalization" of the global market economy with co-existence of free flow of capital and information in contrast with restrictions on mobility of people (Sassen, 1996). The initial type of globally-limited sovereignty literature mainly presents the global human rights regime and other international structures as limiting state sovereignty in migration policy making (Jacobson, 1996). Under this category, Soysal's theory of post-national membership is worth a mention (Soysal, 1994). She argues that immigrants and their descendants bypass state jurisdiction in their claims for social and political inclusion and derive their rights from the international human rights regime instead. Thus, their membership of the international community is perceived as being beyond nation state citizenship as a form of post-national membership (Soysal, 1997). Soysal's post-nationalist arguments on loss of sovereignty based on global human rights and a "universal personhood" (Soysal,1994; Jacobson, 1996) are mainly challenged by constitutionalist self-limited sovereignty arguments, introduced above, stating that these norms are not external constraints imposed upon liberal states by the global migration regime. Conversely, these norms establish the basis of liberal nation states and the normative framework of the global migration regime is also constructed by these states (Guiraudon & Joppke, 2001). This approach is also challenged by claims of the non-existence of a substantial global migration regime, framed around an international organization

(Freeman, 1998). The International Organization for Migration (IOM) does not have a clear mandate under the UN system, and except for issues related to asylum and refugee protection, which are regulated by the UNHCR, there is not an established multilateral migration regime consisting of a formal set of international agreements.

The second category of external limits to state capacities on migration policy, focuses on the incompatibility of the co-existence of two contradictory trends: re-nationalization of immigration policies and de-nationalization of the global market economy. Sassen claims that the co-existence of these two contradictory trends is indeed unstable and the latter will end up limiting the activities of the former (Sassen, 1996). This claim mainly puts emphasis on the deficiency in the system for implementing different regimes for capital and people, although closely connected economically. It displays need for a formalized labour migration policy as globally as the one for skilled migrants or for the global economic regime itself (Sassen, 1998). She supports her claim with the inexorable mobility of elite personnel together with movement of capital and argues this movement will inevitably spill-over to other categories of labour migration (Sassen, 1996). In the same direction as Sassen's theory, Hollifield introduces the "liberal paradox" in which nation state policy makers struggle between keeping their markets open to foreign investments and keeping their borders closed to international migration. These policy-makers are expected to establish a balanced policy, between keeping their economies open to trade and investment; together with regulating international migration, to satisfy popular scepticism towards migration (Hollifield, 2004). To be more precise, Hollifield supports the idea that, nation-states struggle to find an optimum point between the economic logic of liberalism with its ideal of openness, and political and the legal logic of closure (Hollifield, 1998). Yet, neo-functionalist spill-over theory states that it is not necessarily a zero-sum game in which the logic of liberalism shall be presented as the opposite of political and legal logic of closure. Instead, due to the interconnection of various issue areas, it is expected that, integration in one policy area, the economic sphere, performs as a catalyst for spill over into related policy areas. For instance, development of the EU Justice and Home Affairs dimension can be perceived as a direct consequence of earlier market integration policies such as the Single Market and the Schengen Agreement (Macmillan, 2008).

2.5 Conclusion: The Questions of Generalisation

Leading theories on migration policy making in nation states were presented above to form a basis for the nation-state level discussions on domestic change in Turkey. Empirical evidence for theories that are introduced under this section are often found in traditional settlement countries and migrant receiving countries of Europe. These countries have established electoral and party systems, constitutional structures, civil societies, a traditional national narrative on immigration and they experience an advanced level of capitalism. Generalising these theories has been challenged in various empirical studies and cross-country differences, numerous studies occurring among these migrant receiving countries. For instance, in a study on British immigration policies, Statham and Geddes present evidence both challenging Freeman and Joppke by showing that elite positions dominate policy making processes to make them more restrictive while the power of organized public and judiciaries remain limited. They present British immigration policies as driven by relatively autonomous elites, and these elites have the power and autonomy to act against restrictionist policies, if they had the political will to do so (Statham & Geddes, 2007).

Considering the cross-country variance between Western liberal democracies, it is not surprising to come upon stronger inconsistencies in the case of Turkey, as the country does not fully possess any of the features that are mentioned above. Its electoral and party systems have been dominated by single party rule for the last fourteen years without much space for active opposition. Its constitutional structures and civil society are weak as a result of a strong state tradition. Turkey does not have a traditional national narrative on immigration resulting from its status as a transition country, in the process of transforming to a migrant-receiving country. Its level of advanced capitalism is most certainly the most compatible feature with Western liberal states, though that feature is premature as well, resulting from the relatively new introduction of the full capitalist system in the 1980s. However, it is also difficult to find an established migration policy theory for a transition country, like Turkey, which is in the process of becoming an immigrant-receiving country, rather than just a sending one. These theories will inevitably present various shortcomings in explaining Turkish migration

policies, but an established theoretical structure is necessary to start a structured empirical analysis.

In this chapter, I have introduced theoretical approaches to external influences and state capabilities on migration policy making. In upcoming case study chapters, with respect to the institutionalist theoretical framework, I evaluate actor influences based on their ability to induce compliance with their own institutional features, rules and regulations, either by mechanisms of rational choice or sociological institutionalism. A literature review of facilitators and limits of given mechanisms at EU and international level, has simplified the search for these mechanisms in these actors' relationships with Turkey. Such a review has established differences between mechanisms available to international organisations of the global migration regime and the EU, based on their capabilities. Essentially, such difference emerges from weakness of the global migration regime, due to absence of a formal and coherent 'top-down' multilateral framework to govern international migration. This absence inhibits the global migration regime from acting on conditionality, the main mechanism the EU uses for enacting domestic change in third countries. It is also hard to mention any international-level retractions, commitments or threats without a unified body to govern international migration. While the EU's most successful mechanism for enacting domestic change, the conditionality framework, is framed around rational choice institutionalism, the global migration regime can only act upon socialisation without any background to facilitate cost and benefit structures.

Chapter 3: Research Design and Methodology

3.1 Research Design: A Case Study Analysis

As presented in the introduction chapter, the underlying research question of this study is:

"How does the changing constellation of the relations between the EU, international organisations and Turkey shape Turkish migration policies? How does it vary across the policy fields and over time?"

In line with this question, in this study, I focus upon three sets of factors that establish the outcome in Turkish migration policies: (a) the constellation of actor relations; (b) their evolution with respect to time and context; (c) their variations with respect to characteristics of four different policy fields. In this study, I seek these factors in a case study analysis. In this way, I indicate a systematic examination of diagnostic evidence that is selected and analysed in a way compatible with the research questions (Collier, 2011). In such a systematic analysis, cases are phenomena limited within space and time, such as individuals, groups, policy areas or institutions (Burnham et al., 2004). For an analysis of Turkish migration policy change, I employ a multiple case study design, selecting diverse policy fields as cases. Such a multiple case study design, focusing on each policy field independently enables me to better assess the deployment of influence mechanisms by each actor, with respect to contextual differences embedded within each case.

Accordingly, I have selected four migration policy fields as case studies to represent Turkey's migration reality and the nature of external influences on migration policy change: Turkey's legislative reform and the introduction of the Law on Foreigners and International Protection; irregular migration and the EU-Turkey readmission agreement; regular migration and Turkish visa policy; the condition of asylum seekers and removal of geographical limitation from the 1951 Convention. These cases correspond to the different types of migration, regular migration, irregular migration, and asylum, and as a result are representative of characteristics of policy responses and the nature of external influences against them. As the study seeks an analysis of actor influences, I chose cases among the policy fields where the

EU or international organisations are involved with an interest to influence policy change. Thus, I chose them from among policy fields stressed in Chapter 24 of the EU annual progress reports for Turkey, published since 1999 (Commission of the European Communities, 1999-2009; European Commission, 2010-2015).

The case studies incorporate discussions on the migration literature, and their impact on actor influences. The cases are representative of different types of migration, regular migration; irregular migration; and asylum. Such representation enables this research to make grounded generalisations and better identify contextual specificities which facilitate or block a causal relationship. Case selection also enables the researcher to illustrate the logic behind policy responses to each category. I expect each policy field to be framed with an economy, security or human rights based logic. A representation of each type of logic, facilitates cross-case comparison to understand implications they have on the impact of external influences, and influence mechanisms applicable to each logic. Prominence of concerns over state sovereignty embedded in each case study also adds an important variable to analysis of external influences.

The first case study is on Turkey's legislative reform and introduction of the Law on Foreigners and International Protection. It embraces all three types of logic during the development of migration legislation, containing an economic dimension related to regular migration, politicisation and security framing related to irregular migration and human rights concerns of asylum policy making. It gives an introductory understanding of the changing impact of actor influences with respect to different types of migration under the legislative reform umbrella. This case is also strongly related to discussions over state sovereignty embedded in external influences, as Turkish policy makers aim to maintain assistance provided by external actors, but at the same time to avoid preparing initial migration legislation of the country under external influences. Turkish policy makers' aim to re-assert power without losing external assistance is a main theme of this case study.

The second case study, irregular migration and the EU-Turkey readmission agreement, reflects politicisation and securitisation of irregular migration, especially in relations between the EU and Turkey. This case involves imposition of an international agreement on the

country's domestic policies, which implies a more structured and binding external influence compared with other policy fields. This imposition here and its absence in others is significant and elaborated in respect of politicisation. Moreover, a comparison of influence mechanisms established through an international agreement and accession conditionality framework further strengthens the relevance of this case in this study.

The third case, regular migration and Turkish visa policy, analysed with a specific focus to the policy element of EU positive and negative visa lists, incorporates elements of the state sovereignty debate, while economic concerns on policy making prevail. This policy field is distinguished from others with its links, both economic and diplomatic, to third countries neighbouring Turkey. Here, a strict international bargaining framework between the EU and Turkey is applicable, and there are no other international organizations that have presented a policy preference. In this case study, policy change, responds to economic and diplomatic interests and commitments of Turkey, and its choice of partners in line with such interests.

The final case study, the condition of asylum seekers and the removal of the geographical limitation from the 1951 Convention, incorporates the human rights dimension of migration policy change and is the most suitable case for international organisation involvement. Only in this case, are international organisations expected to have comparable influence with the EU. This policy field shows external pressures on Turkey, by international organisations, to prepare a policy with respect to human rights; and by the EU for maintaining a human rights and security balance. The significance of this case lies in the indirect relationship between these two levels of actors, and EU attempts to balance its claim to normative power without clashing with international organisations, together with protecting Union security interests.

I have structured analysis of these four case studies, upon three levels of actor influences on policy outcome. I initially map relationships between actors and present an overview of external influence mechanisms, under EU and international level sections of each case study chapter. I place the findings of this initial mapping into the domestic context, present domestic reactions to each influence attempt, and evaluate their influence with respect to policy outcome under the domestic level sections. I conclude each case study with an analysis of the relative influence of each actor. I then introduce a comparative chapter, to make a

cross-case comparison and to present the dominant forms of influence mechanisms that actors use; the contextual peculiarities that support or undermine each influence mechanism; and the developments in the form of each actor relationship with respect to the context. Within these case studies, I do not seek a pure form of influence mechanism, but to identify the contextual differences when one mechanism grants superior influence in comparison to another, and the instances when these mechanisms complement each other.

3.2 Data Collection Methods: Document Analysis and Semi-Structured Interviews

3.2.1   Document Analysis: Primary and Secondary Sources

I chose qualitative data collection methods of document analysis and semi-structured interviews to suit the case study research design this study employs. An adequate analysis of the case studies necessitates in depth information about policy making processes which can only be obtained through interviews with key officials. I began the data collection process for this study with compilation and analysis of related documents. Undertaking such an analysis prior to the fieldwork was an informed decision. I have postponed my fieldwork until I have absorbed related documents, to provide a more informed discussion during the interviews, and to better evaluate interview data during the fieldwork. While I have established the main narrative of the thesis through interview data, I have benefited from documents to crosscheck and contextualize this data. I have used the documents to establish policy background where policy reactions derived from the interview data materialize; and to reveal official policy outcome shaped by these reactions.

The documents analysed in this study consist of primary and secondary sources. The primary sources suggest original materials in the form of organisation and government agency original records, such as annual reports, treaties or legislations. Secondary sources are interpretations of these primary sources, which means reports and papers, prepared by research centres and academics, interpreting and evaluating primary sources. Primary sources are fundamental to this study, preparing a timeline of actor positions during policy processes and to understand the context in which changes in official bargaining positions, priorities and

attitudes occur at each actor level. However, secondary sources prepared by experts are also valuable to understand more specialised documents, such as legislation and treaties.

The primary sources this study uses consist of Turkish national legislative documents, parliamentary decisions and action plans, EU assessment documents and agreements concerning Turkey and international conventions. The collection of these documents was not a difficult task. Careful online research has enabled the project to be comprehensive of all related important documents, published by the EU, international organisations and the Turkish state.

The main Turkish national legislative documents that I have examined in the scope of this study, are the Law and Foreigners and International Protection *(Law No. 6458, dated April 4, 2013)* and embedded migration legislation preceding this Law, such as the new Law on Settlement *(Law No. 5543, dated September 19, 2006),* Passport Law *(Law No. 5682, dated July 15, 1950),* the Law on Residence and the Travel of Foreign Nationals *(Law No. 5683, dated July 15, 1950),* and Turkish Citizenship Law *(Law No. 403, dated February 11, 1964)[1].* Due to my focus on policy making processes and considering I don't have a legal background, I have benefited from some secondary sources prepared by academic scholars and non-governmental organizations, to gain a better understanding of these documents. For instance, I have especially benefited from a report prepared for the Turkish Migration Studies Group at Oxford University (Açıkgöz & Arıner, 2014) and another published in the Oxford Monitor of Forced Migration (Soykan, 2012) in order to understand policy implications of the Law on Foreigners and International Protection.

EU Commission documents analysed during this study consist of documents that set up objectives for migration and asylum reform as pre-conditions for Turkey's accession to the Union and the documents that assess Turkey's progress on those objectives. The Accession

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[1] The Law on Foreigners and International Protection is translated into eleven languages and these translations are available in the website of the Directorate General for Migration Management: <http://www.goc.gov.tr/icerik6/11-dilde-yukk_327_328_1174_icerik> . However, preceeding Laws are only available in Turkish and they can be searched from Turkish legislative information system: <http://www.mevzuat.gov.tr/> . *Retrieved in January 9, 2015.*

Partnership Documents for Turkey[2] , adopted in 2001 and revised in 2003, 2006 and 2008, are documents prepared by the Commission, setting out long and short term objectives for Turkey on migration and other policy areas. Annual Progress Reports, published every year since 1998[3] assess progress on those objectives. In addition to these, three documents specific to migration policy have been fundamental for the analysis in this study: the readmission agreement signed between the EU and Turkey (Official Journal of The European Union, 2014); the visa liberalisation road map (European Commission, 2013); and the report from the Commission to the European Parliament and Council on progress by Turkey in fulfilling requirements of its visa liberalisation roadmap (European Commission, 2014). In this study, I also sought information concerning the EU relationship with Turkey, in the Council of the EU, the JHA Council, the Commission and the Parliament Conclusions and Communications[4]. These documents were only remotely relevant as they were not as detailed as those documents specifically prepared for the Union's relationship with Turkey and did not add any further insights.

As a response to each Accession Partnership document presented by the EU Commission, Turkey has prepared a National Programme for the Adoption of the Acquis, first published in 2001 and revised in 2003 and 2008, to present its reform agenda to be undertaken as a response to its relationship with the EU[5]. Turkey also adopted a National Action Plan for the Adoption of the EU Acquis in the area of Asylum and Migration in 2005[6]. Prior to the adoption of the visa liberalisation road map, this document established the basis for reforms Turkey is willing to undertake within the framework of its relation with the EU, in specific

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[2] Accession Partnership Documents are available at the Turkish Ministry for EU Affairs' website:
<http://www.abgs.gov.tr/index.php?p=46226&l=2> *Retrieved in January 8, 2016.*
[3] All of these documents are available at the Turkish Ministry for the EU Affairs' website:
<http://www.ab.gov.tr/index.php?p=113&l=2> *Retrieved in January 8, 2016.*
[4] An extensive document database is provided by the Commission in the following link:
<http://europa.eu/publications/official-documents/index_en.htm>. *Retrieved in January 9, 2016.*
Moreover, the websites of the specific EU institutions that provide official documents are as follows:
Council of the EU: <http://www.consilium.europa.eu/documents>
European Parliament:
<http://www.europarl.europa.eu/RegistreWeb/search/simple.htm;jsessionid=E478D22B3D0048D094C2AB4E55337C2B
?language=EN>. *Retrieved in January 9, 2016.*
[5] NPAAs are available at the Turkish Ministry for the EU Affairs' website:
<http://www.ab.gov.tr/index.php?p=113&l=2> *Retrieved in January 8, 2016.*
[6] The full text of the National Action Plan for the Adoption of the EU Acquis in the area of Asylum and Migration is available at the Directorate General for Migration Management's website:
<http://www.goc.gov.tr/files/files/turkiye_ulusal_eylem_plani (2).pdf >. *Retrieved in January 8, 2016.*

policy fields of asylum and migration. This document is relevant for a comparison of reforms Turkey has agreed to undertake in relation to its accession conditionality; and reforms it has agreed to implement concerning the visa liberalisation road map, after the introduction of the visa incentive.

The main international conventions referred to in this study are the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. For the purposes of this study, these agreements are significant, especially for understanding Turkey's position as a party to the Convention, still maintaining the geographical limitation. As it is not a very contemporary topic, such analysis was not undertaken within this study, but implications of refugee status and the geographical limitation on each policy field introduced in this study were understood from secondary sources. Together with UNHCR and legal expert reports explicating implications of the UN based multilateral framework on EU external influences, there is also a vast literature on the specific case of Turkey and geographical limitation[7].

3.2.2   Semi-Structured Interviews

The research design of this study introduced above suggests an in-depth case study analysis. The qualitative data collection method of semi-structured interviews is particularly suitable for this. My choice to conduct semi-structured interviews is due to my expectations not only to obtain data on positions of actors on specific topics, but also to explicate the background story that they tell to justify their positions. Thus, I did not propose a strict questionnaire, but open questions that frame the contents of the interview, and allow interviewees to present their experiences, perceptions and priorities within that framework. I gave interviewees some flexibility to pursue the direction they prefer in answering these framework questions and to share their thoughts and subjective experiences.

The main data I was trying to acquire from these interviews was based on actor policy preferences prior to the outcome; and the relative influence these preferences have on Turkish migration policy, through the mechanisms they facilitate. For the purposes of this research

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[7] The works of Ahmet Içduygu and Kemal Kirişci, cited in the Bibliography of this study, are especially relevant for such an analysis.

interviews with key officials were not only necessary to comprehend these policy preferences and influence mechanisms, they were also essential to examine the relationship between policy preferences, the influence mechanisms and the contextual differences. Examining these relationships through a document analysis is not reliable as consequentiality between policy preferences, context and outcome presented in the documents is not always straightforward. While a newspaper discourse analysis of high-rank official statements could partially overcome this shortcoming, declarations on contemporary affairs are often politically charged and reveal calculated opinions on actor negotiation positions, rather than pure policy preferences. However, key officials who were interviewed at a time after the policy outcome was set, are less likely to be politically charged, as their opinions would no longer influence outcome. Moreover, anonymity of interviews is a big advantage compared to newspaper analysis, granting relative assurance to interviewees to reveal their opinions without risking the political aftermath.

In total, I had *twenty one* interviews with key policy officials from Turkey, EU and international organisations. I have conducted interviews with high and middle-ranked officials from the Turkish Ministry of Foreign Affairs, the Turkish Ministry of the Interior, and the Directorate General for Migration Management, the Turkish Ministry for EU Affairs; Delegation of the EU to Turkey; IOM Turkey; UNHCR Turkey; the European Commission Directorate General for Home Affairs; and the European Commission Directorate General for Enlargement. I have also conducted *six* additional interviews with representatives of Turkish non-governmental organisations on migration and academia for purposes of gathering substantive and statistical information though an analysis of their policy positions are not of concern to this research.

I chose interviewees with a "purposive" sampling, meaning the project's purpose and the researcher's knowledge has guided the sampling in parallel to the needs of the research, based on positional and reputational criteria (Tansey, 2007, p. 770). My sampling relied dominantly on the positional criteria as I identified my potential interviewees based on their positions, provided by their institution website. In line with the positional criteria, I interviewed higher rank officials, such as directors or heads of offices, in offices with a specific focus on migration within the Turkish state, and with a specific focus on Turkey and migration within

the EU Commission. In parallel to this study's aims, I preferred to contact higher ranked officials, assuming they would be more capable of talking for the whole institution rather than lower ranked ones. Also based on positional criteria, I interviewed "experts" within these institutions, appointed to advisory positions, producing statistics and reports for the institution. I have asked interviewees to use their institutional voice, rather than their individual opinions, as I would be using their views in my research as representative of their organisation. I have asked them to state when they are suggesting an individual opinion, rather than their institutional position. While I have obtained more politically framed data from high ranked officials on policy making decisions of their institutions, data obtained from medium rank experts and advisors was more contextualised, consisting of policy reactions to domestic and international developments.

I have mostly contacted my interviewees via e-mail, prior to going into the field. In total, I contacted *thirty-nine* officials via their work e-mail addresses, obtained from institution websites. I have previously met two of the officials from the Turkish Ministry of Foreign Affairs and the Directorate General for Migration Management for another research project, thus, I knew their personal e-mails. I have also obtained the e-mail address of an official from UNHCR and another from the IOM, from my research network. Additionally, I sent *seven* e-mails to the central e-mail address of offices. The central offices often forwarded my e-mails to officials to whom I have already sent an e-mail. Only the EU Delegation to Turkey forwarded me to an official whom I had not already contacted. In the end, I sent e-mails to *forty-six* officials or offices, requesting meetings by explaining this research project and got *twenty-one* positive replies. I have also contacted another three correspondents via telephone and got *two* positive replies. I also had *four* more interviews, in the "next room" facilitated by my interviewee introducing me to their colleagues in nearby offices. Although I had a total number of twenty-seven appointments for interviews, I had six cancellations prior to the meetings due to scheduling problems or other engagements. Thus, finally, I could conduct a total of *twenty-one* interviews with high and middle-ranked officials from the Turkish Ministry of the Foreign Affairs; the Turkish Ministry of Interior, the Directorate General for Migration Management; the Turkish Ministry for EU Affairs; the Delegation of the EU to

Turkey; IOM Turkey; UNHCR Turkey; the European Commission Directorate General for Home Affairs; and the European Commission Directorate General for Enlargement.

I stayed in Ankara for a month in January 2014, to undertake the interviews with Turkish officials. I conducted *twelve* interviews in Ankara in January 2014, with officials from the Ministry of Foreign Affairs, the Migration Department, and the Ministry for EU Affairs Directorate of Political Affairs; the UNHCR Ankara Office; the IOM Ankara Office and the Delegation of the EU to Turkey. In Ankara, I had additional meetings, based on information and data sharing with officials from Amnesty International. I had *one* Skype meeting with a senior policy advisor for the Ministry of Foreign Affairs in October 2014 and made an additional trip to Ankara to meet with *two* key officials from the Directorate General for Migration Management in June 2015. I also had meetings with academic scholars from Bilkent and Hacettepe Universities in Ankara and Koç University in Istanbul, to discuss the subject and seek topical data. I made a field trip to Brussels in April 2014 to meet with EU officials and I had interviews with *six* high and medium rank officials from Turkey units of the DG Enlargement and DG Home Affairs. As the names of the offices also suggest, within the Turkish state, I visited offices with a specific focus on migration, while in Brussels, I visited DG offices with a specific focus on Turkey and migration.

The main problem I had in reaching related officials was scheduling an appointment with officials from the Turkish Ministry of the Interior, Directorate General for Migration Management. I contacted my potential interviewees in Ankara in late 2013 and asked for an appointment in January 2014. However, during this time, the Directorate was preoccupied with the implementation phase of the Law on Foreigners and International Protection, which was adopted in April 2013 and would enter into force in April 2014. I asked my other interviewees, especially ones in the IOM and the UNHCR for help but was informed they were not able to reach the Directorate either. I continued to send e-mails to the officials, and I only got a response on April 2015. I arranged another interview in June 2015 via e-mail, visited Ankara once more for these two meetings, and later added them to my analysis. I also had various other problems with lesser potential influence, which I did not pursue. For instance, I tried to establish meetings with officials from the Turkish Armed Forces, both Land Forces and the Coast Guard, considering it is the institution which, to a large extent, is

currently responsible for Turkish border protection. Although I was denied a meeting, they sent me topical data on detainment statistics, which were valuable for my research. Also, during the progress of research, I decided to abandon the issue of the border as a case study, so absence of an interview with the Turkish Armed Forces did not impact considerably on the quality of my research. In another instance, Turkish ministerial officials became less responsive to e-mails after events of 17 December 2013, which led to the criminal investigation of several key Turkish government officials. Also, some interviews scheduled for early January 2014, were more politically framed than I would prefer.

During the interviews, there were no problems based on language and an interpreter was not needed. I undertook interviews with some Turkish officials in Turkish and others English. The main limitations that I experienced during the interviews were the impositions of anonymity and use of a voice recorder. Because of ethical review standards demanded by of the University of Sussex, I offered interviewees the opportunity to ask for anonymity and almost all requested it. Thus, to maintain a coherent research, interviewees were cited by name of institution and rank. *One* EU-level and *three* Turkish ministerial level key officials also asked not to be quoted. This constituted a problem for the research, which mainly uses quotes to present evidence for my claims. The information obtained from these unquoted interviews was presented in the empirical chapters without a reference to respect their wishes, while some officials were over-quoted in order to present evidence. In regard to the voice recorder, while representatives of international organisations mostly agreed its use; except for two, the Turkish state, governmental and EU Commission officials asked me to take notes instead. Although it is possible to grasp the general idea of the interview by taking notes, it was problematic capturing accurate quotes in hand writing. I had to ask interviewees to repeat statements, sometimes several times, to obtain an accurate quote.

The structure of interviews was based on sixteen empirically informed questions which I sent to interviewees via e-mail prior to interview (see Appendix 1). Questions consisted of four parts, the first on their general organisational role, the second on their organisation position on specific policy fields selected for my research the third on their role in relation to other actors and the fourth on their reactions to changing context and future expectations. Considering possible time limitations, the fourth part consists of questions that do not directly

contribute to analysis of actor influences, but have potential to support the narrative with intriguing details. It was beneficial to have additional questions to introduce when the actors signalled more time, or to be able to omit a section when they had stated time limitations. Some interviewees preferred to abandon the question structure totally, and asked me to describe the essence of my research and talked accordingly. Though most of them answered my questions. Finally, having the structure of a questionnaire enabled me to systematically compare policy positions of interviewees.

The first set of questions aimed to gather data on the organisations' level of involvement in Turkish migration policy change, their policy preferences, and perceptions on the level of success of imposing them. Here, I asked interviewees general questions about migration policy change in Turkey, rather than directing them to case-specific claims in order to understand which policy field and instrument they talked about predominantly and where their main interests were directed. I asked questions about the role, status and main aims of their organisation, the reason for prioritising these aims and their perceived level of success. The interviewees responded to these initial parts of questions with longer answers in comparison to other parts, considering this part consists of more general questions, open to interpretation. However, this openness also led interviewees to misinterpret the substance of these questions and led some to give details about their organisations' historical role and status, which could be easily obtained from their websites. For instance, in interviews conducted with representatives of the international organisations, especially UNHCR, interviewed officials overstressed their strict mandate. Also, in the ministerial offices and DG offices, officials elaborately presented their actions concerning migration policy change, undertaken in the last few years, which could also be obtained by analysing documents. However, all levels of actors responded substantially to the question concerning the basis of their decision to prioritise given aims by providing in-depth information, and began to hint at mechanisms they were employing in pursuit of these aims. The perceived level of success question following this, led them to establish parallels between the basis of their decisions and the outcome. In the end, the perceived level of success became an important question for further analysis, as their satisfaction with the current state of migration policy change established reactions to that question.

In the second part, I began to directly ask the organisations' positions on policy instruments which would become case studies in this thesis. As expected, a proportion of reactions to these specific policy instruments varied depending on the focus of the organisation interviewed. Domestically, while the focus of the Ministry of Foreign Affairs and the Ministry for the EU Affairs was directed to the readmission agreement and visa liberalisation, the Ministry of Interior's focus was on the Law on Foreigners and International Protection, which they had spent the last two years preparing. Due to the Union's present focus, officials from the Commission spent a long time talking about readmission and irregular migration, while legislative reform with an emphasis on asylum was the preferred topic of international organisations. Despite these selective responses, I managed to obtain rich and substantial data on all policy fields that I selected to analyse in this thesis, except for one. In the initial version of this thesis, I included the transfer of Turkish border management to a civilian unit as a case. However, most of the interviewees did not present an organisational position or policy preference on this matter. They mostly disregarded that part of the question. Moreover, I was not planning to include the Law on Foreigners and International Protection as a case study because it is a very comprehensive policy instrument, embedded in all of the cases presented in this study. I planned to explicate it within cases when it was relevant. In the interviews, I discovered that it was viable to establish legislative reform as a case study on its own. Although its implications are embedded in other policy fields, policy making is established as an independent process, with specific external influence mechanisms. Also, as its implementation was contemporary to the timing of the interviews, interviewees discussed it enthusiastically. Thus, I omitted the case study on borders and replaced it with a case study on legislative change.

In the third part, I began to explicate actors' perceptions and understandings over their relationships with one another, to understand how actors support or undermine each other's level of influence on Turkish migration policy. I asked about possible alliances and disagreements between actors on policy preferences. Here, the answers of all key officials became more politicised as they began to state instances when their organisation was in cooperation or conflict with others and the ways they have tried to influence each other's policy preferences. I also questioned their perception of power and the most powerful actor

in this policy reform agenda. Consistency in the answers given to this power question for each case study has enabled me to identify the actor, which other actors were directly aiming to influence, to facilitate policy in their preferred direction. These answers made it easier to seek influence mechanisms, as I assumed they would be directed to the actor identified in the answers for this question. In this part, I also attempted to explain and analyse policy making processes and forms of interaction among parties. However, very few interviewees responded elaborately to this part of the question. This final part became significant in identifying forms of interaction for each policy field. This part analyses horizontal or vertical mechanisms in each field, while frequent technicalised interactions facilitate the former, occasional higher level interactions facilitate the latter.

In the fourth part, I asked questions about changes in actor policy preferences with respect to international and domestic context. This question helped to identify policy fields where actors had relatively more room for flexibility and ones where actor policy preferences were final. I concluded interviews with a question on predictions for the future of Turkish migration policy change. Some answers to this question were quite descriptive, revealing the calendar for implementation, stating reports that will be published in the near future and listing expected contextual developments like the elections. These types of answers were valuable to understand the expected future contextual facilitators and obstacles on policy implementation as well as to present the documents to follow during the implementation phase. However, for the purposes of this study, the few answers concerning future mechanisms the parties were planning to implement to maintain their influence upon each other, were more relevant.

Although all interviewees were asked the same questions, some interviews took much longer than others. While the shortest one lasted for fifteen minutes, the longest one was around two hours. No interview was limited by time. As my questions were generally open to interpretation, none of the interviewees reacted negatively, or refused to answer any questions. However, as they were framework questions, each interviewee chose a different direction and a different focus in answering them. These differences among actor responses were also included in the analysis as an indicator of prioritised policy fields and relative

dominance of political, economic, or human rights based approaches adopted as priorities by representatives of these organisations.

In most interviews, interviewees presented the organisations' perceptions concerning policy, their priorities and their relations with other actors. In a few, they only repeated the official position of their organisation, which could have been easily obtained from their websites. The EU-level officials generally provided substantive views on their organisation's position on migration, the policy making process behind closed doors and relations with Turkey and international organisations. Most of this data was unobtainable from any official document other than these interviews. This was surprising as I had been warned prior to going into the field by my research network, of EU officials' tendency to repeat their organisations' official line, and their reservations about presenting their views on politically charged policy fields. It has also been beneficial to have meetings in both DG Home Affairs and DG Enlargement. In the former I was able to meet with officials who have been directly involved in the policy and implementation phase with frequent visits to the field and was able to get the focused perception officials concerned with the application. In the latter, I was able to meet officials with a political perception, looking at the issue from a more general point of view. Being able to evaluate both perceptions enabled me to present the EU position more accurately. My meetings with Turkish officials had a similar pattern. Similar to the ones in the DG Enlargement, officials from the Ministry of the Foreign Affairs and the Ministry of the EU Affairs have presented dominantly expected political benefits from policy and steps to be taken if they were not met. However, officials from the Ministry of Interior focused more on the reform agenda, and possible facilitators and obstacles to its implementation. Unlike officials from the EU Commission and Turkish state, representatives of international organisations were cautious to present their perceptions beyond the official line. Except for a few instances, interviews held with representatives of international organisations ended up quietly descriptive, with a focus on activities undertaken by these organisations. However, this cautiousness is also valuable data, showing the hesitancy of these organisations in presenting a solid position in Turkish domestic politics, especially in policy fields that are not strictly defined within their mandate.

The performance of each interview also varied depending on the timing of the interview. For instance, I began to conduct these interviews just three weeks after the readmission agreement was signed, the Ministry for EU Affairs especially made an effort to promote the benefits expected from this agreement and the visa liberalisation road map to the public. They were preparing an information campaign. Thus, rather than presenting their concerns over each policy field, they had a tendency to focus on the readmission agreement. Moreover, interviews also coincided with the adoption of the Law and its entrance into force. Therefore, both officials from the Turkish state as well as international organisations were preoccupied with its implementation and issues related to the Law dominated interviews. Also, the process of adoption of the Law was satisfying for international organisations as the Directorate General for Migration Management had included them in decision making, during the preparation and implementation phase. Good relations established during legislative reform have overcome past grievances between these actors. Thus, because of the good environment established by the participatory process of the Law, I was not able to capture international organisation perceptions on their relationship with Turkish state in other policy fields.

Despite problems related with sampling, anonymity and the substance of interviews, in general, interviews were adequate for an analysis of the dynamics of migration policy change in Turkey. I obtained rich data on each level of actor policy preferences and priorities and mechanisms implemented to influence policy change in line with these preferences and priorities. The gathered data is also viable for an assessment of the relative impact of influence mechanisms with cross-case comparison of the mechanisms the actors present, and their perceptions on their organisations' level of success, regarding policy outcome. The interview data also established the dynamics of relations between actors, and a basis for identifying the relative influence of each actor for each policy field.

Chapter 4: Turkish Migration Policy Change in Context

4.1 Introduction

In the last decade, Turkey has been transforming its migration policy. While Turkish policy makers frame such transformation as an attempt to make migration beneficial for Turkey, a large portion of the reform agenda consists of externally influenced policy changes, introduced as a response to pressures generated by the EU and international organisations. It is not possible to evaluate Turkish migration policy change without these external influences. The contextual factors that generated these external influences, along with domestic need for a policy response, are the main themes of this chapter. Here, I present background, not of the overall migration history of Turkey, but the context that generated pressures for a policy response at domestic, EU and international level. The main function of this chapter is to equip the reader with contextual information necessary to situate analyses in the following four case studies within the broader framework of migration in Turkey. I aim to display problems in the existing migratory context and reveal occasions when this context has compelled the three levels of actors given in this study to establish policy responses.

In this chapter, initially introduce the size, scale, scope and nature of immigration flows from, to and through Turkey. Then, I situate this demographic data within policy discussions as contextual evidence shaping actor preferences, priorities and reservations. In the first section, I establish a narrative of the migration story of Turkey, categorised under three main types of migratory flows the country experienced. Thus, I lay out the migration context of the country, to reveal areas potentially perceivable as requiring obligatory policy responses from the Turkish state and international institutions. Afterwards, in the second section of this chapter, I introduce the main actors that are influential in policy change in Turkey, displaying the role and function of each actor within Turkish policy making. In the conclusion I link these two, and introduce policy outcomes that will be analysed in the empirical chapters of this thesis.

4.2 International and Domestic Context: Migration in Turkey

The history of migration in Turkey has long been perceived as a history of emigration, because of bias based on the influx of Turkish guest workers in 1960s to Europe, especially to Germany, continuing in the 1970s, reaching to Australia. However, since the 1920s, the country has experienced mixed flows of immigration and emigration. In the early Republic period of the 1920s and 1930s, Turkey has welcomed people from "Turkish culture and origin." In the 1980s, asylum flows to the country from its Eastern neighbours, especially Iran, began to rise. With the end of the Cold War, migratory flows increased and diversified as Turkey began to receive immigrants from Eastern Europe and Middle Eastern countries. In parallel to these flows, irregular immigration to the country also increased. As a considerable portion of these immigrants intended to transit to Europe, Turkey also began to be labelled as a transit country. In the last decade, with the economic development of Turkey and a rise in the number of immigrants who migrate to Turkey with an intention to settle, migration scholars in Turkey began to categorize it as a "transition country," in the process of transition from a country of emigration to a country of immigration (Abadan Unat, 2002; Içduygu & Kirişci, 2009).

All of these migration flows, and many others elaborated below have shaped actor preferences, priorities and reservations, and as a result, triggered domestic and internal pressures for domestic change in the country's migration policy. Before moving on to systematically examine these flows here, it is significant to mention the problem of categorisation of policy making in migration management. While policy responses to migration are shaped under three categories, regular, irregular and asylum flows, the distinction between irregular and asylum flows are rarely that clear. Empirical evidence suggests overlaps in categories of irregular migration and asylum. They are similar in terms of countries of origin and mode of entrance into the country. The status of rejected asylum seekers and irregular immigrants are almost identical (Içduygu, 2005). Moreover, immigrants can identify themselves as belonging to a different category. For instance, an individual immigrant could adopt the title of refugee and labour migrant interchangeably as a response to policy developments in the destination country. These complexities related to

categorisation also concerned policy makers in Turkey, during preparation of legislation, policy and implementation (Seyhan, 2014). Accepting overlaps between these categories, due to state's need to divide security concerns and commitment to human rights, policy making and implementation is executed with strict division between these categories. While empirical evidence suggests a fairly blurred line between irregular immigrants and asylum seekers, this division is strict in legislation, policies and choice of implementing agencies. Moreover, Turkey's international relations and responsibilities further consolidate this division as international pressures to curb irregular migration through the country supports a securitized approach. Turkey's' international responsibilities oblige it to approach asylum seekers from a human rights perspective. Considering the main research question of this thesis is focused on policy processes, this section will also adopt the policy-makers' threefold policy response to categorisation as regular migration, irregular migration and asylum.

4.2.1   Regular Migration

Initial immigration flows to Turkey began right after establishment of the Republic in 1923, in the form of return migration from the Balkan countries, especially Greece and Bulgaria, of people from Turkish ethnicity and Islamic Faith. These flows were typically institutionalised by bilateral agreements (Eminov, 1997; Erdal, 2006; Kirişci, 2007). The legislative outcome of this state policy is the Law on Settlement[8] of 1934, which specifically limits immigration and asylum to people of "Turkish descent or culture." Despite its narrow scope, the Law remained in force until 2006, until the New Law of Settlement[9] was adopted as a response to external pressures from the EU. However, this law also limited immigration to people of Turkish descent and culture, and it was inadequate in providing a legislative framework for asylum seekers or other categories of immigrants. Similar to the previous law, this New Law on Settlement was also limited to defining categories of people whose immigration were desired by the Turkish state.

These initial immigration flows were followed by large scale emigration from Turkey, which began after an agreement signed between Turkey and West Germany in October 31st, 1961.

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[8] Law No. 2510; dated 14 June 1934.
[9] Law No. 5543; dated 19 September 2006.

It enabled German firms to hire Turkish workers with temporary work contracts (Içduygu, 2010). Similar agreements with other countries in Western Europe followed. As an outcome of these bilateral labour migration agreements, between 1961 and 1974, a total number of around 800,000 Turkish workers went to Western Europe, 649,000 to Germany, 56,000 to France, 37,000 to Austria and 25,000 to the Netherlands. In 1974, Western European countries stopped accepting labour migration. However, most of the temporary workers expected to return after their work contracts ended, settled permanently and family reunification followed their permanent settlement in the 1970s. In the 1960s and 70s, the Turkish state response to these emigration flows was based on economic concerns, focusing on regulation of remittances and managed return migration. In the following decades, emigration to Europe continued in different forms such as refugee movements, triggered by the 1980 military coup d'état and clandestine labour migration (Mügge, 2011).

Although there were cases of return migration to Turkey especially after the oil crisis on 1974, the number of Turkish migrants living in Europe is still considerably high and growing due to family reunification, childbirth and continuing asylum flows from Turkey to Europe. Currently, there is a second, and a third, generation in Europe of Europe-born children of Turkish workers. Stable Turkish migrant stocks were developed in European countries such as Germany, Austria, France, and the Netherlands (Içduygu, 2010; Gassmann & Içduygu, 2013). Since 2000, according to data provided by the United Nations Population Division, Department of Economic and Social Affairs, Turkish migrant stock in EU member states has stabilized around 2.5 million, with an annual increase rate around 0.8 per cent[10]. Thus, regular migration of Turkish citizens is losing its significance. Only policies on integration of already existing migrants maintain their significance in bilateral relations with some European countries, especially Germany. There are no significant signs of migratory pressure from Turkey to Europe, or to any third country, by Turkish nationals. The flow data based on residence permits, provided by the OECD shows a declining trend in inflows by Turkish citizens to OECD member countries until 2007, and afterwards, the number stabilizes around 60,000[11] (see Figure 4.1).

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[10] The data is available in the website of the UNPD: http://esa.un.org/unpd/wpp/.
[11] The data is compiled by the OECD and obtained from the following website:
http://stats.oecd.org/Index.aspx?DatasetCode=MIG.

Figure 4.1: Inflows of Turkish Citizens to OECD Countries, 2000-2013
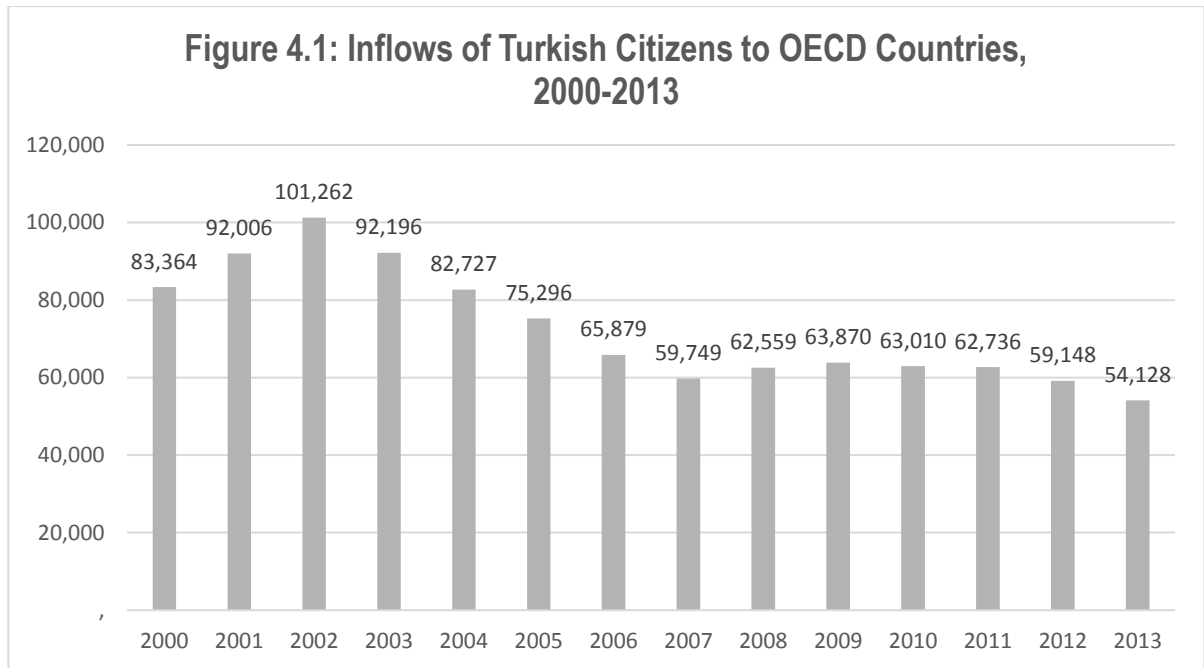
Together with the decline in the numbers of Turkish citizens immigrating to OECD countries, especially in the last two decades, immigration flows towards Turkey, is transforming the country into a "country of immigration" (Içduygu, 2006; Kirişci, 2008). There is a significant increase in regular immigration flows to Turkey, consisting of businessmen, professionals and students, as well as European retirees who are settling in the Aegean and Mediterranean coasts of Turkey. There are some indications that Turkey is increasingly becoming a country of immigration. Figure 4.2 shows, data provided by the UN population division on estimates of the net number of migrants (number of immigrants-number of emigrants). There is an increasing trend in Turkey, from -100,002 between 2000 and 2005 to 2,000,003 between 2010 and 2015[12].

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[12] The data is available in the website of the UNPD: http://esa.un.org/unpd/wpp/.

Figure 4.2: Net Number of Migrants in Turkey (thousands) 1950-2015
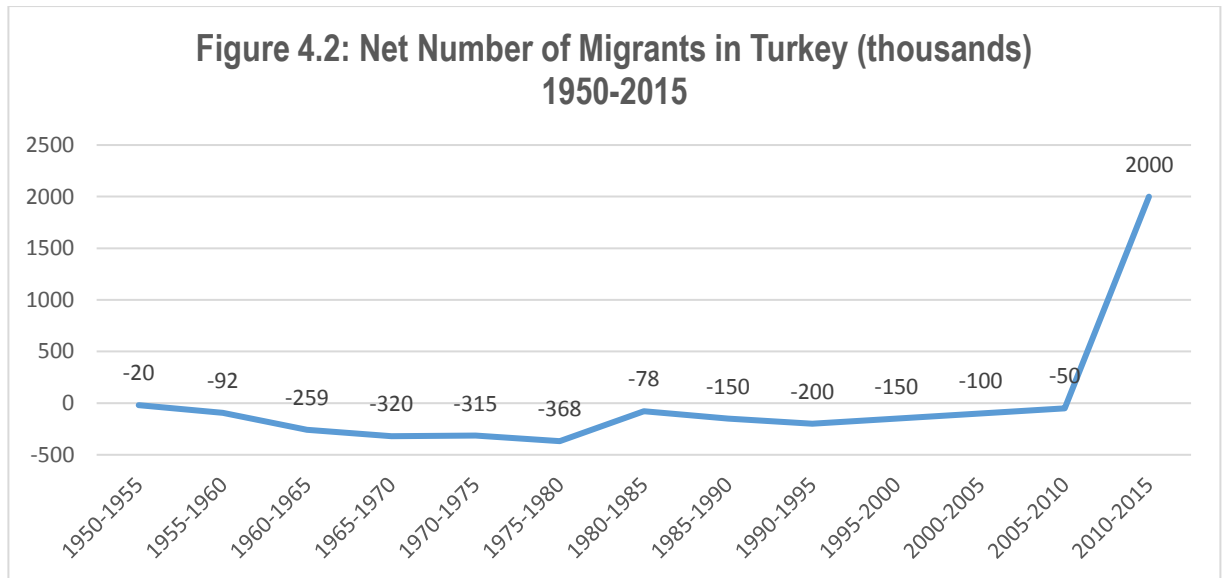
Although this number is significant; due the ongoing Syrian refugee crisis, such steep increase in the net number of migration does not directly indicate a direct transformation in Turkey's migration identity. Following two indicators are more relevant in support of this transformation. The first one is the increasing trend of provision of residence permits to third country nationals. The number of residence permits provided by the Turkish state to foreign nationals almost doubled between 2010 and 2013, from 182,301 to 313,692 respectively[13]. Secondly, in parallel with residence permits, the number of work permits provided to third country nationals is also on the rise, increasing from 14,023 in 2009 to 45,834 in 2013[14]. Foreign nationals who reside in Turkey are from a diverse range of countries, including Germany, Russia, Ukraine, Azerbaijan, Iran, Iraq, Afghanistan, Armenia and Georgia (Düvell, 2014). This transformation in Turkey's migration identity to an immigration country, attracting people from diverse backgrounds, will occur as one of the main justifications of the Law on Foreigners and International Protection, in the next chapter of this study.

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[13] Data is obtained from the website of Turkish Directorate General of Migration Management: http://goc.gov.tr/icerik6/goc-istatistikleri_363_363_378_icerik.
[14] Data is obtained from the website of Turkish Ministry of Labour and Social Security: http://www.csgb.gov.tr/csgbPortal/ShowProperty/WLP%20Repository/csgb/dosyalar/istatistikler/yabanciizin_2013.

4.2.2 Irregular Migration

Turkey became a destination for irregular migration after the 1970s, mainly as a result of political developments in neighbouring countries, including the Soviet invasion of Afghanistan, regime change in Iran and insecurities arising in the Middle East by Saddam Hussein's regime in Iraq. Moreover, with the fall of communist regimes in Eastern Europe and the Soviet Union in the late 1980s and 1990s, economic migrants from these countries also began to migrate to Turkey. Though their entrance was typically legal, they became irregular by overstaying their visas. A review of scholarly literature on irregular migration shows it is difficult to give an estimation of the number of irregular migrants (Içduygu & Toktaş, 2005; Sirkeci, 2009). Derived from the nature of irregular and "undocumented" migration, there are only some indicative estimates available, for instance, an evaluation of figures of irregular migrants apprehended by the Turkish security authorities.[15] These figures are *indicative*, but they help to draw a picture of the extent of irregular migration in Turkey.

Figure 4.3: Number of Detained Irregular Migrants in Turkey, 1995-2015

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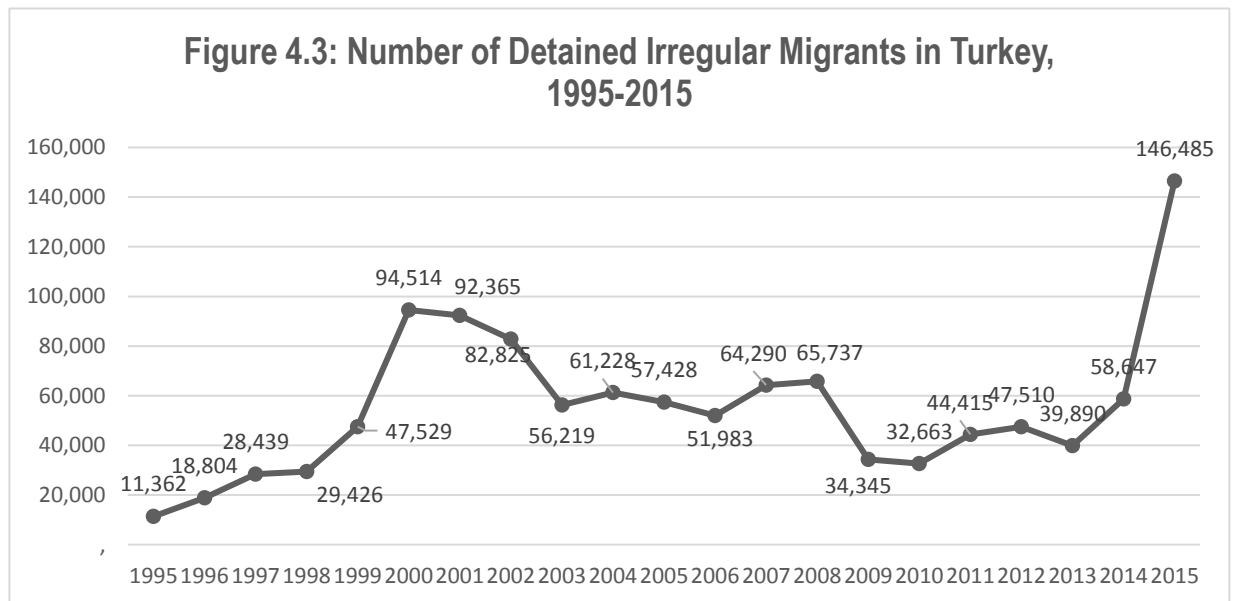
[15] Since the mid-1990s, this data is compiled by the Bureau for Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior.

Apprehension data obtained from the Directorate General of Migration Management[16] suggests a significant increase in the number of irregular immigrants apprehended from the mid-1990s until the year 2000. While around 11,300 immigrants were apprehended in the year 1995, this number reached 94,500 in 2000. This figure began to decline in 2001 and dropped to around 32,500 in 2010. It has been increasing since then, reaching an all-time high in 2015. These figures indicate an average annual number of around 55,500 apprehensions of irregular migrants for the period 1995-2015, while the total number of apprehensions is around 1.1 million.

The literature states two main categories of irregular immigrants among these apprehension cases. First, there are *economic* irregular immigrants, who are discussed under circular or shuttle migration headings. They typically enter the country regularly, but they overstay their visas, seek employment or residence, without having valid documents to do so. Secondly, there are *transit* irregular migrants who come to Turkey with the intention to transit through Turkey to immigrate to a country in the West, mostly in Europe (Içduygu, 2008; 2005). They are distinguished from the other category by irregular entrance and attempts to transit through the country. Apprehension statistics do not allow us to make a clear distinction between these categories. In the literature, this division is made through assumptions, derived from available empirical data. The following part of this section is based on these assumptions in an attempt to identify the composition, size and scale of each irregular immigrant group.

Historically, irregular migration flows to Turkey began in the late 1970s, with the first category, shuttle or circular migration. This kind of migration refers to the mobility of people making multiple trips to Turkey for economic reasons. These immigrants typically enter the country legally and become irregular as a result of overstaying their visas, or working without permits. They are mostly nationals of Turkey's neighbouring countries, with whom Turkey has a quite free visa regime[17] including Moldavia, Ukraine, Russia, Georgia, Armenia, Romania and Bulgaria. While shuttle trading declined during the 1990s, nationals of the

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[16] For more information, see the statistics heading in the webpage of Directorate General for Migration Management: http://goc.gov.tr/icerik/goc-istatistikleri_363_378.
[17] The nationals of Armenia, Azerbaijan, Belarus, Georgia, Moldavia, Russia, Tajikistan, Turkmenistan and Ukraine can enter the country with a sticker type visa, which is easily obtained in the airport and the nationals of Iran, Kazakhstan and Kyrgyzstan can enter the country visa-free.

above stated countries began to work in unregistered sectors such as domestic labour, entertainment, construction, agriculture and sweatshops.

Currently, there are neither domestic nor external pressures for policy change to curb irregular migration of overstayers from the above countries. The main reason for this absence of pressure, is not necessarily sufficient management of these flows, but is related to the countries they typically come from. The mobility of people from post-Soviet Republics and Eastern Europe is not framed as a security concern as their border crossing is typically legal and public reaction to their presence is not politically charged. Moreover, some of their countries of origin, such as Azerbaijan, Georgia, Tajikistan and Turkmenistan have historical bonds with Turkey and others, such as Russia, have valuable economic ties. Turkey is not prepared to risk those links by curbing such de-politicised irregular migration. Irregular immigrants from this category do not concern the European Union either because a few of them attempt transit to Europe via Turkey, but most of them stay and work illegally within Turkey (Kirişci, 2007). This first category of circular or shuttle irregular immigrants are significant in relation to irregular migration trends in Turkey. However, due to the absence of solid pressure for a policy response to curb or regulate this kind of migration, they will not feature further in this study, because of its focus on policy change.

In parallel to domestic and external pressures on Turkish policy makers, the main focus of policy change has been directed to the *second* category of irregular migration to, or through, the country. In the literature, Turkey is described as a "transit country[18]", which irregular immigrants use as a stop on their journey to their destination country, typically in Western Europe. Various state officials and scholars argue that, and this is supported by data compiled by the General Command of Gendarmerie and the Coast Guard Command under the Turkish General Staff, that irregular migrants who come from the Middle East, North Africa and Asia, irregularly crossing eastern and southern borders of the country, are more likely to use Turkey as a transit country on their way to their destination countries in Western Europe. They tend to enter and leave Turkey irregularly from its land or sea borders, assisted by human

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[18] Even though the usage of this term could be controversial due to the indication of an intentional transition with the consent of Turkish authorities, existing literature on the issue dominantly uses this term. Thus, for practical reasons, this study will continue to use this term though cautiously, by being aware of its possible implications on the motives of the Turkish authorities.

smugglers or traffickers. Turkey's eastern borders with Iraq, Iran and Syria are particularly prone to irregular border crossings because of geographical features and local political instabilities. While immigrants in this category typically use the land route on their journey to Turkey, they usually prefer the Mediterranean Sea route on their journey to Europe, especially to Greece.

A data set, made available by the General Command of Gendarmerie and the Coast Guard Command on the total number of detained immigrants at the country's various borders, gives an indication of the scale of irregular migration through Turkey. This data reveals the balance between the numbers of attempted entries to the country with attempted exits from it. It should be noted here that this data does not include asylum movement from Syria, begun in December 2011. Whereas asylum seekers typically enter Turkey irregularly and then apply for refugee status, Turkey has opened its borders for Syrians and accepted them under a different category as "guests" from the moment of entrance. This has been legalised under a conditional refugee categorisation introduced into the Law on Foreigners and International Protection. Thus, although the data shows that irregular entries from Syria are on the rise since 2011, these entries do not include mass refugee movements from Syria entering the country from designated checkpoints.

Table 4.1: Persons Detained in Turkish Borders 2004-2014 (January-June) [19]												
Entry	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**Total**
Syria	448	469	989	1373	1150	610	548	986	8910	11,454	42,381	69,318
Iran	1983	502	988	818	1122	388	337	295	216	143	34	6826
Iraq	127	144	1544	1153	756	859	646	463	293	126	388	6499
Total	2558	1115	3521	3344	3028	1857	1531	1744	9419	11,723	42,803	**82,643**
Exit	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**Total**
Greece	87	47	62	519	1080	647	184	5251	6346	3592	1076	18,891
Bulgaria	51	115	111	60	879	716	1708	3657	3365	3762	1323	15,747
Aegean	941	1288	1392	4432	7502	3580	1069	340	2383	7357	3823	34,107
Medit.	0	46	273	354	68	97	8	201	118	368	42	1575
Total	1079	1496	1838	5365	9529	5040	2969	9449	12,212	15,079	6264	**70,320**

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[19] This data set was provided by the Turkish General Staff upon my online request in the framework of the Law on Right to Obtain Information (Law No. 5432 and 6495). I have filled the following form and the data-set was sent to me via e-mail: http://www.kkk.tsk.tr/BilgiEdinme/Bebasvuru.htm.

The data shows an increase in the number of persons detained at Turkish border areas, both borders of entrance and borders of exit, between 2004 and 2014. It suggests an annual number of 7867 attempted entrances and 6697 attempted exits, which means for every 117 immigrants attempting to enter, another 100 immigrants attempt to leave. These detainment numbers show a balance between the irregular entry and exits. They are indicative of Turkey's status as a transit country, and parallel to that, of, prioritisation of policies related to this status both by domestic and external pressures.

So far, this section has elaborated irregular migration to and through Turkey, while irregular migration of Turkish citizens is not discussed. This is because of the negligible number of cases and lack of any internal and external pressures for a policy response. In the EU, Turkish citizens fall into irregular status mainly by overstaying, or violating the terms of their visas. Although the readmission agreement between the EU and Turkey is still premature in implementation, in the framework of customary international law, Turkey is a good example of cooperation on readmitting its own nationals. The report from the Commission to the European Parliament and the Council on progress by Turkey in fulfilling requirements of its visa liberalisation road map also stresses Turkey's internal procedures for returning irregular migrants are "smoothly implemented" for Turkish citizens (European Commission, 2014).

4.2.3   Asylum and Implementation of Geographical Limitation

In Turkey, it is hard to distinguish between irregular migration and asylum flows, considering both begin with irregular entry to the country and both are outcomes of similar events, mainly in the southern and eastern neighbours of the country. Thus, as with irregular transit migrants, Turkey is a significant stopping point for asylum seekers too, who mainly comprise of Iranian and Iraqi citizens. The reason Turkey is a stopping point for asylum seekers, rather than a destination for seeking refugee status, is the geographical limitation clause Turkey maintains on the 1951 Geneva Convention. After the end of the Second World War, Turkey, as one of the original signatories of the 1951 Geneva Convention Relating to the Status of Refugees, became a country of asylum but, in the 1967 Protocol of the Convention, the country chose to maintain the geographical limitation clause of the 1951 Convention. This limits refugee status only to asylum seekers from Europe. By doing this, Turkey has formalised that it will

not grant refugee status to non-European asylum seekers and has embraced a two-tiered asylum policy, the first covering asylum seekers from European countries and the second dealing with people from outside Europe (Kirişci, 2007).

In the framework of the first tier of its asylum policy, Turkey, during the Cold War received asylum seekers from Communist Bloc countries in Europe and granted them official refugee status. Turkey welcomed these refugees consistent with its alignment during the Cold War. Their numbers were considerably small and Western European countries were willing to accept them for resettlement. As a result, they did not constitute any socio-economic or political problem and were resettled easily by some international organisations (Kirişci, 1996). During the Yugoslav Wars, Turkey granted asylum to around 40,000 predominantly Muslim asylum seekers, escaping from conflicts in Bosnia and Kosovo. Although these asylum seekers were eligible for refugee status in Turkey, they were only granted temporary protection, as they expected their escape to be temporary. Indeed they returned home after the end of the conflict, and did not generate pressures for a policy response. After the end of the Yugoslav Wars, except for around 300 Chechen refugees from Russia, the number of asylum seekers regulated under this first tier has been negligible (Kirişci, 2007; 2008).

Currently, despite the geographical limitation, almost all asylum seekers in Turkey are from non-European countries, and governed by the second tier framework. Especially after the Iranian Revolution of 1979, with increasing instability, political irregularities and turmoil in the region, e.g. the Iran-Iraq War, Iraqi occupation of Kuwait, Gulf Wars, recent Arab Revolutions and the Syrian Civil War, Turkey became a major destination for asylum seekers from the Middle East. Turkey grants them temporary protection while their asylum applications are processed, and if they obtain refugee status, they are re-settled in third countries. According to figures acquired from the UNHCR population statistics, the top ten countries of origin for asylum applications to Turkey are all evaluated in the framework of geographical limitation. In the eleven year period between 2004 and 2014, Turkey have received 226,397 asylum applications, in which around 93 per cent were from the top five countries of origin, while 85.5 per cent were from the top three, Iraq, Iran and Afghanistan (see Table 4.2).

Table 4.2: Top 5 Countries of Origin, Asylum Applications to Turkey 2004-2014[20]											
	2004	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**Total**
Iraq	964	1,047	722	3,571	7,005	3,808	3,863	8,012	6,992	25,406	50,510	**111,900**
Iran	2,029	1,716	2,619	2,032	2,392	2,259	4,124	4,318	3,841	6,813	8,970	**41,113**
Afghanistan	341	364	317	753	2,794	1,653	1,874	3,097	4,635	9,130	15,652	**40,610**
Syria[21]	16	10	8	25	24	53	57	208	40	123	8,366	**8,930**
Somalia	308	473	790	1,223	772	312	511	780	822	1,320	642	**7,953**
Top 5	**3,658**	**3,610**	**4,456**	**7,604**	**12,987**	**8,085**	**10,429**	**16,415**	**16,330**	**42,792**	**84,140**	**210,506**
Others	250	311	645	764	824	858	1,126	1,439	1,227	3,757	4,690	15,891
Total	3,908	3,921	5,101	8,368	13,811	8,943	11,555	17,854	17,557	46,549	88,830	226,397
Positive Dec.'s	1,690	1,368	1,895	7,066	8,646	6,074	6,485	9,329	10,892	13,273	22,414	**89,132**
Accept. Rate	43,2%	34,9%	37,1%	84.4%	62,6%	68 %	56,1%	52,2%	62,0%	28,5%	25,2%	39,4%

This data shows the incompatibility between Turkey's asylum reality and policy reactions to it. This incompatibility is the root of external pressures for policy change, both from a humanitarian, and a realist perspective. From a humanitarian perspective, although the acceptance rate of Turkey is around world average[22], external pressures for policy change legitimise their position by stressing the length of the process and the inability of refugees to obtain all of their rights related to this status, until resettlement, due to the geographical limitation clause. They often wait for years, while their rights corresponding to refugee status are delayed. The task of finding a place for resettlement is undertaken by the IOM and UNHCR Turkey, with the help of various international and non-governmental organisations.

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[20] The data is compiled from the UNHCR population statistics: http://popstats.unhcr.org/en/asylum_seekers. *Retrieved May 23,2016.*

[21] Majority of the Syrians were excluded from these general statistics, as they reside in Turkey with the temporary protection provided by the Turkish government. For up to date information on Syrians, please visit UNHCR'S Syrian Regional Refugee Response, Inter-agency Information Sharing Portal: http://data.unhcr.org/syrianrefugees/regional.php. *Retrieved in January 15, 2016.*

[22] For more information, see UNHCR Statistical Yearbook 2013, Asylum and Refugee Status Determination: http://www.unhcr.org/54cf9a629.html.

Figure 4.4: Asylum Applications to Turkey, 2004-2014
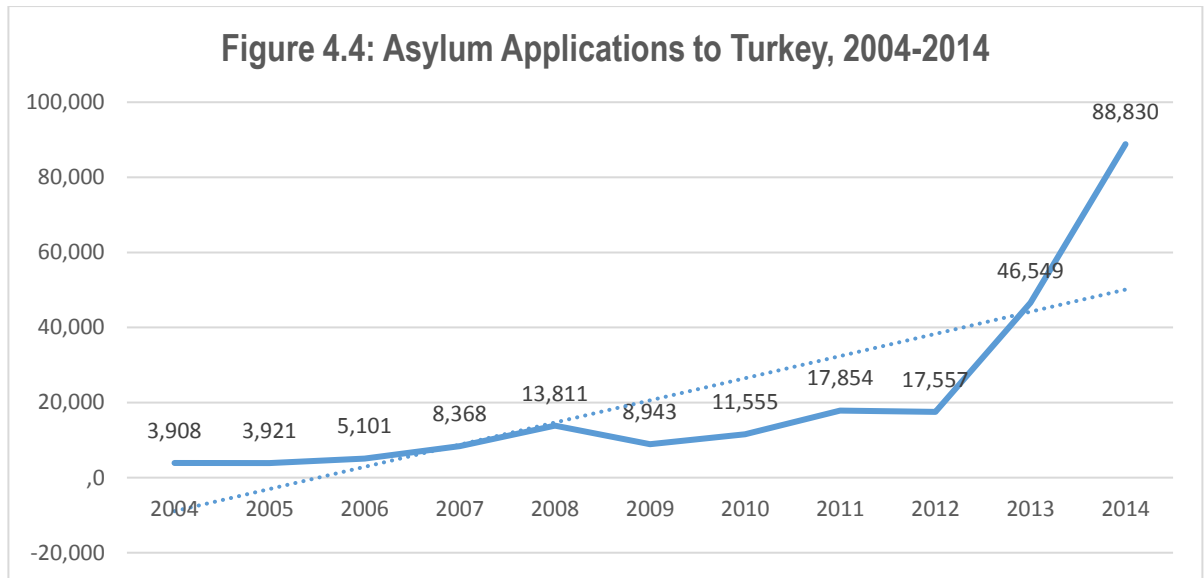
Given the high and ever increasing number of asylum applications to Turkey (see Figure 4.4)[23], and continuing uncertainties in the Middle East, especially Syria, the EU also approaches e geographical limitation from a realist perspective. Turkey's right for resettlement obliges some member states to accept unwanted refugees and conditions in Turkey push asylum seekers to EU countries through irregular means. The resettlement statistics of the IOM suggest that only 3 per cent of resettlements from Turkey are directed to EU member states[24] which suggests the second reason is more viable. A socio-economic analysis of the push factors that lead refugees to reach Europe by irregular means is beyond the scope of this study. However, perceptions of EU-level officials on why refugees do not stay in Turkey, and Turkish apprehensions on the EU's motives will be further elaborated in Chapter 7, as they have significant impact on EU influence on Turkish asylum policies.

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[23] The data is compiled from the UNHCR population statistics: http://popstats.unhcr.org/en/asylum_seekers. *Retrieved May 23,2016.*

[24] This data is compiled from the resettlement statistics in the IOM's website <http://www.turkey.iom.int/operations.htm>. *Retrieved in January 15, 2016.*

Figure 4.5: Syrian Persons of Concern in Turkey, 2011-2015
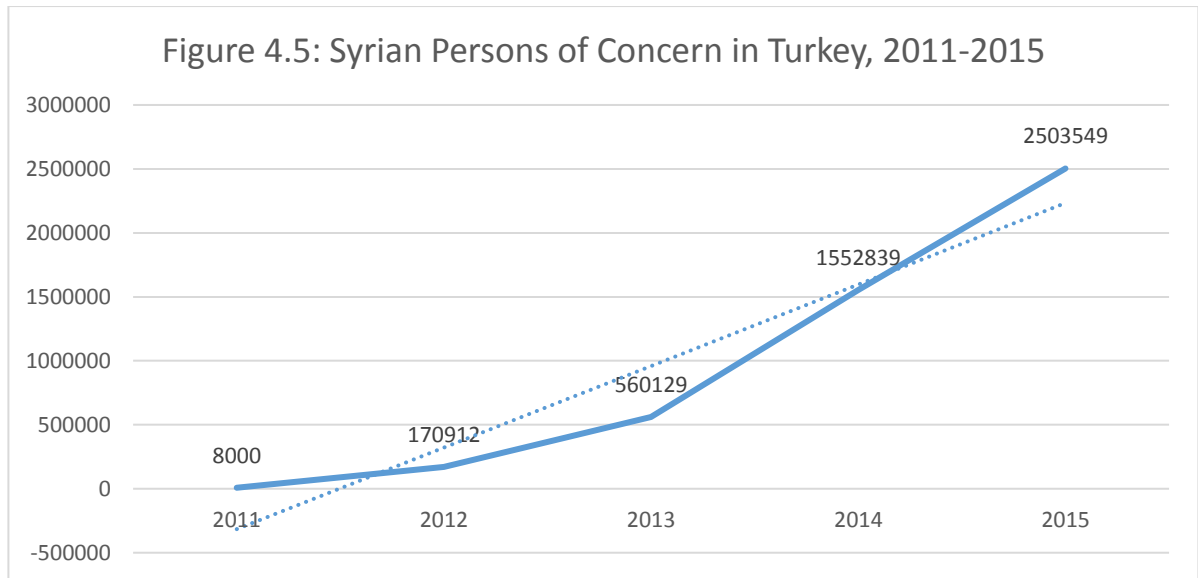
As Turkey was already struggling with its asylum system; with the inflow of Syrian asylum seekers, escaping from conflict in Syria, beginning in December 2011 (see Figure 4.5)[25], Turkish apprehensions about lifting geographical limitation, were further strengthened. The number of Syrians entering the country are excluded from data presented in Table 4.2 as Syrians reside in Turkey with a special kind of temporary protection provided by the Turkish government, though they are identified as "persons of concern" by the UNHCR. By December 2015, the number of these persons of concern was around 2,503,549[26] though the actual number of Syrians residing in Turkey is assumed to be much larger due to the open border between Turkey and Syria. Figure 4.5 shows the sharp increase in these numbers. It indicates Turkey's ever-increasing need to maintain its claim for resettlement as the country hosts the largest refugee population in the world (UNHCR, 2014).

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[25] The data is obtained from the UNHCR Syria Regional Refugee Response webpage: http://data.unhcr.org/syrianrefugees/country.php?id=224.
[26] The data is obtained from the UNHCR Syria Regional Refugee Response webpage: http://data.unhcr.org/syrianrefugees/country.php?id=224.

4.3 A Review of Actors involved in Turkish Migration Policy Change

Following a contextual background section to situate actor influences in the case studies to the overall migration experience of Turkey, in this section, I introduce the main actors involved in Turkish migration policy change, their domains of interest and the logics of their action. In this section, I aim to reveal priorities, capabilities and limitations of both external and domestic actors involved in Turkish migration policy, within the contextual peculiarities of Turkish politics and policy making. Accordingly, the main function of this section is to explain actor influences with respect to their overall presence in Turkey and their level of inclusion in Turkish politics and policy making.

4.3.1   EU Level Actors: the European Council, the Commission, and the Delegation in Turkey

The European Commission is the Union's supra-national executive body, competent to pursue negotiations with candidate and third countries. Consequently, the Commission and its relevant Directorate Generals (DGs) are the main correspondents of Turkish policy makers during selection, adoption and application processes of the reform agenda. In the case of migration policy change, the relevant DGs are the DG for Migration and Home Affairs and the DG for Enlargement, sustaining the relationship with Turkey during policy compliance, and assessing progress. While the reform agenda, in the form of transferring EU institutional legal frameworks to third countries, is administered by the Commission, it needs to get a mandate from the Council to negotiate any further concessions, outside of the institutionalised policy compliance framework. In the process of policy change, the Council mainly functions by authorising or restricting the Commission by establishing its mandate, negotiating concessions in return for policy compliance.

The Council determines the scope of rewards and, in parallel, the mechanisms of influence to be employed by the Commission. In politically significant issues that require an imminent policy decision, the Council introduces concessions to the negotiation table, for the Commission to negotiate. For instance, before the introduction of the visa liberalisation road map to Turkey, in return for signing the readmission agreement, the Council granted the Commission the mandate to negotiate visa liberalisation with Turkey. This mandate was

presented in a Conclusion, issued in a meeting of the Council of Ministers of the Interior in June 2012, inviting the Commission to take steps towards visa liberalisation (Council of the European Union, 2012). It initiated the negotiation process between the Commission and Turkey which eventually led to the introduction of the visa liberalisation road map. Thus, although negotiations are pursued by the Commission, the terms of negotiation are determined by the Council and member states. These terms end up defining the influence mechanisms that are available for the Commission to use.

The Commission has a permanent representative in Turkey, The Delegation of the EU to Turkey, located in Ankara, which is not involved in policy negotiations, it represents the EU Commission at a diplomatic level and maintains external relations with Turkey. It is a diplomatic mission and the Head of the Delegation holds the rank of an ambassador. It employs around 120 EU and Turkish national experts, to monitor Turkey's progress for accession. After this monitoring, the Delegation submits reports to the Commission, to provide a basis for preparation of the annual progress reports for Turkey. It also allocates funds generated by pre-accession assistance the country receives from the EU in its candidacy framework. This allocation is especially significant for agenda-setting purposes. Typically, project ideas are presented to the Delegation by Turkish institutions and selected by consultation between representatives of the Commission and Turkish authorities. Then, the programmes that receive EU funds are chosen by mutual deliberation prioritizing objectives set out in strategic documents such as the Accession Partnership Document, the National Programme for the Adoption of the Acquis or the annual National Programme of Turkey.

In policy areas where there is very little political pressure for reform, as migration was in Turkey prior to the Syrian Refugee Crisis, allocation of this pre-accession assistance is valuable, providing resources for domestic change. As a prominent issue in Turkey's relations with the EU, but at the background in domestic politics, migration policy change in costly areas would seem out of reach without this assistance. The Delegation website suggests that between 2007 and 2013, around 7%, of EU pre-accession assistance was allocated to support 34 projects in policy fields related to Justice, Freedom and Security[27].

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[27] For more information on the EU support on reforms and development in key sectors, see the website of the Delegation of the EU to Turkey: http://avrupa.info.tr/eu-funding-in-turkey/eu-funded-programmes.html.

These projects include various programs on migration policy development and implementation, such as the establishment of an integrated border management system in Turkey, with a budget around 40 million Euros, modernisation of the Turkish asylum system, with a budget of around 62 million Euros and establishment of reception and removal centres, with a budget around 11.5 million Euros. Moreover, twinning programmes are also significant to introduce best practices of member states by linking related institutions in member states with Turkey. In Turkey, the largest number of twinning projects were completed under Justice and Home Affairs. In the period between 2002 and 2008, 30 out of a total number of 91 twinning projects were in this area with a budget of 40.6 million Euros. In particular projects included the development of a training system for border police in cooperation between the Turkish Ministry of Interior and Spanish counterparts and support to set up an asylum and country of origin system project in cooperation between the Turkish Ministry of Interior and migration-related state institutions in Germany, Sweden, Denmark and the Netherlands and are evaluated as successful institution building (ECORYS Research and Consulting, 2011).

Whereas assistance in the framework of the country's accession is managed by the Delegation, transformation commenced with the visa liberalisation road map, mainly administered by the Commission's DG Enlargement and Migration and Home Affairs. During implementation of the road map, the Commission became more directly involved in Turkish policy. After the readmission agreement signed in parallel with initiation of dialogue on visa liberalisation with Turkey in December 2013, the Commission organized a number of missions in Turkey, in order to monitor progress made in benchmark areas. The most substantial Commission mission concerned passports, identity cards, civil registration and issue of travel documents in order to understand Turkish legislation, mechanisms and procedures. These missions, led by EU experts assigned by the Commission, have meetings with Turkish authorities, examine data and analyse the Turkish system, for drafting reports. These reports are regularly presented to the Council for approval to proceed with implementation. While, the EU Parliament is not directly involved in these discussions, after full implementation approved by the Council, Parliament's approval will be sought for granting visa liberalisation to Turkey. The ultimate stated objective of these missions is to

present the Council and Parliament a fool-proof Turkish system, which guarantees legal travel for all people passing through its borders.

In conclusion, presence of the EU in Turkish migration policies continues, split into two interdependent branches. Primarily, although weakened, accession conditionality still remains. While hard to imagine a viable accession prospect to shape Turkish policy makers' decisions, pre-accession assistance is still effective in agenda setting and prioritizing some policy areas over others in accordance with the EU Acquis. Secondly, after the readmission agreement was signed simultaneously with initiation of dialogue on visa liberalisation in December 2013, a policy conditionality framework was established within the visa liberalisation road map. This more technicalized conditionality framework, with shorter term incentives, enabled EU influence on Turkish migration policies to continue in a more focused manner by detaching it from the politically charged accession process. In this second kind of external influence, the Commission emerged as an influential actor, considering the international negotiation characteristic of the policy. Moreover, the Commission got directly involved in the implementation phase with monitoring missions specific to this policy area. Thus, through focusing on a policy area, technicalising it and establishing an international negotiation on its own terms, the Commission guaranteed inclusion in Turkish migration policies, despite the decline in Turkish accession prospects.

4.3.2   International Organisations

The main international organisations actively involved in policy-making but more specifically in policy implementation in Turkey are the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM). These are also included in the Turkish Directorate General of Migration Management's website, as stakeholders[28] for migration management and policy making in Turkey. Despite this emphasis, their inclusion in policy making processes is very recent. However, they are

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[28] For more information see the Stakeholders section of the Directorate's Website: http://goc.gov.tr/icerik6/international-organisations_915_1044_1046_icerik.

extensively involved with the implementation phases, both as consultants and, in some cases, as implementing bodies. For instance, the role of finding a country for refugee resettlement belongs to the UNHCR and the IOM. They, with the assistance and funding from various international agencies,[29] resettle refugees in the USA, Canada, Australia and Europe. Instead of challenging existing legislation, in the implementation phase, these international organisations aim to implement best practices, derived from existing legislation. They avoid putting further pressure on Turkish policy makers, which could cause further exclusion from policy processes and lead to criticisms for interfering in areas where the state is the sovereign decision maker. As a result, organizations tend to hold back for preventing further exclusion from implementation. This tendency has changed recently, during preparation of the new Law on Foreigners and International Protection, when the Directorate General of Migration Management invited these organisations as advisory bodies. It is the first step of diversion from centralised state migration policy making, leading to a more participatory process.

4.3.3   Domestic Actors: Ministries, Political Parties and Turkish Civil Society

Numerous actors including political parties, interest groups, non-governmental organisations and the bureaucracy are involved in the change in Turkish migration policies. The scope of their activities and influence are inevitably shaped by the country's centralised state tradition as well as its rapprochement with international organisations and with the EU. Each actor focuses on a different policy field within migration policy-making depending on its domain of interest. While political parties and the Ministry of Foreign Affairs focus on policy fields with electoral potential, practitioners in the Ministry of Interior focus on the viability of implementation. Human rights organisations typically work on asylum seekers and business groups show an increasing interest in the issue of visas. This section introduces domestic actors involved in migration management including ministries, political parties, interest groups and non-governmental organisations aiming to reveal the scope of their activities in migration policy. It will describe to the reader Turkey's domestic political environment, as a basis for understanding actor preferences in case study discussions. It will also structurally

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[29] For more information see IOM Turkey, Refugee and Migrant Resettlement Webpage: http://www.turkey.iom.int/operations.htm.

enable the researcher to refer to upcoming case study chapters, to understand the position of a domestic actor in detail.

4.3.3.1 Ministerial Actors: Turkish Ministry of Interior, Foreign Affairs and EU Affairs

The website of the Turkish Directorate General of Migration Management under the Ministry of Interior, lists a total of twenty-one ministries as stakeholders[30] in migration management, including the Ministry of Justice, the Ministry of Family and Social Policies, the Ministry for European Union Affairs, the Ministry of Labour and Social Security, the Ministry of Environment and Urban Planning, the Ministry of Foreign Affairs and the Ministry of Economy. In a liberal democracy, conflicting agendas in policy making is expected in diverse Ministries. However, since 2002, Turkey is governed by a single party, and agendas of each ministry are developed in harmony with each other. Thus, except for expected disputes between political bodies focused on international relations, such as the Ministry of Foreign Affairs; and policy making and implementing bodies regulating the domestic arena, such as the Ministry of Interior, there are no visible conflicts among these governing bodies, nor any clash of agendas.

Political bodies shaping Turkey's international relations and migration policy change, are the Ministry of Foreign Affairs, which is the competent body in negotiations between the EU and Turkey and the Ministry for EU Affairs, a separate body, founded to ensure coordination between line ministries. In meetings held with high and medium rank officials from these ministries[31] implementation of the readmission agreement between EU and Turkey is stated as the main priority, followed by border management. These ministries mainly stress the transformative impact of EU and Europeanisation in migration management. Officials in these ministries have emphasized that they support this policy change framework, for drawing Turkey closer to the EU in general and providing incentives such as visa liberalisation in particular.

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[30] For more information see the website of Republic of Turkey, Ministry of Interior, Directorate General of Migration Management: http://goc.gov.tr/main/Eng_3

[31] The meetings with the officials from the Ministry for EU Affairs were held in 14.01.2014 in Directorate of Political Affairs, Ministry for the European Union, Mustafa Kemal Mh. 6.Cd. No: 4, Bilkent, 06800 Ankara, Turkey.

Preferences of the Ministry of Foreign Affairs and the Ministry for EU Affairs are mainly significant in the negotiation process of international cooperation and agreements, such as the readmission agreement, but these agreements, together with all migration related domestic reforms, are adopted and implemented by the Ministry of Interior. This is the central actor, in Turkish migration policies, the main policy maker and implementing body for migration policy change. The Ministry of Interior is further empowered with the establishment of the Bureau for Development and Implementation of Border Management Legislation and Administrative Capacity within the Ministry of Interior in 2008, which later in April 2013 transformed into the Directorate General for Migration Management.

The Directorate General for Migration Management[32] unifies migration policy implementation in a civilian authority, which has been dispersed among many authorities, most of whom have a securitised perspective on migration management, organised under the General Directorate of Security and Turkish Armed Forces. Preparation and implementation of the new Law on Foreigners and International Protection is undertaken by this institution. It was granted a mandate to undertake operations related to foreigners and international protection under the new Law and in 2015, it has established its provincial organisation. The Directorate is also in charge of implementation of the EU-Turkey readmission agreement, including management of removal centres. It is growing to become the unifying state organisation for all migration policy making and implementation, and promising more effective civilian migration management in Turkey.

4.3.3.2 Turkish Parliament and the Political Parties

Since 2002, Turkey has been ruled by the Justice and Development Party (AKP). In 2002, only the Republican People's Party (CHP) could enter Parliament. Since the 2007 general elections, political parties represented in the Turkish Parliament, are those which have passed the 10 per cent election threshold in the latest general elections. These are: the ruling right-wing Justice and Development Party (AKP) occupying around 56 per cent of the seats in the Parliament; the centre-left Republican People's Party (CHP) with an average of 23 per cent and the far-right Nationalist Movement Party (MHP) with around 10 per cent. In the 2007

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[32] For more information see: http://www.goc.gov.tr/.

and the 2011 elections, Kurds were represented by independent MPs, due to the 10 per cent threshold, though in 2015 People's Democratic Party (HDP), a pro-Kurdish political party entered the elections and passed the threshold. Between 2007 and 2015, the pro-Kurdish movement was represented in parliament with an average of 7 per cent of seats. Thus, since 2002, the Turkish Parliament consists of a single ruling party with a majority of seats, and dispersed opposition parties with diverse agendas and priorities. Sayarı suggests that, after the AKP won the majority of seats in parliament in three (four by 2015) successive elections and began to govern Turkey without a coalition, Turkish party politics developed a "predominant party system." Moreover, the Turkish party system has stabilized since 2002, as electoral swings and party switching were replaced by majority governments by the AKP (Sayarı, 2012, p. 188). This system has implications for migration policy adoption and implementation. Weakness of opposition in the Turkish political party system is one of the main reasons possible veto players in migration policy are disempowered, and the AKP is enabled to pursue an agenda on migration parallel to its domestic and foreign policy interests.

Numerical distribution of parties in the Turkish political system is not the only reason for opposition's weakness in implementing their will on migration policy change. Until the Syrian refugee crisis peaked in 2013, migration was not a politicised, and close to bottom of the opposition parties' prioritised policy areas. As stressed in the first section of this chapter, Turkey has very recently become a country of immigration. According to statistics provided by the IOM, in 2013, only 2.5 per cent of the Turkish population were immigrants, a large proportion of Turkish culture or descent. Apart from around these 1.8 million[33] resident immigrants, immigration flows to Turkey were considered temporary. That is why, despite the significant location of the country in one of the main migratory routes between Europe, the Middle East and North Africa, issues related to migration have only recently begun to be politicised, with inclusion of the Syrian refugee crisis on political party agendas. Thus, until very recently, there was an absence of party politics on migration. None of the major parties campaigned for, or against immigration in national elections that were held on 12th June 2011. The only instances when immigration became an issue of discussion at a political party level,

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[33] For more information see the webpage of UN Department of Economic and Social Affairs, Population Division: http://www.un.org/en/development/desa/population/migration/publications/wallchart/index.shtml.

concerned Turkish immigrants in Germany, where they have faced high-level criticism on integration or experienced a xenophobic attack.

The level of politicisation of migration in Turkey is rapidly increasing in parallel to the number of Syrians migrating to the country. A report published by the Hacettepe University Migration and Politics Research Centre on Turkey's public opinion on Syrians, revealed that a majority of people who support the return of Syrians are voters of these two opposition parties. Clearly, while supporters of the governing party as well as opposition party who mainly represent Turkey's Kurdish population are more attentive to the Syrians, the majority of the opposition tend to disclaim them (Erdoğan, 2014). The basis of public apprehension in Turkey was initially framed around security and economy, typical of initial public response to a refugee crisis elsewhere. Official positions of opposition parties have been transforming in response to their constituencies. In the 2015 elections, all of the major parties in Turkey incorporated the asylum issue in their election manifestos, consistently with their foreign policy visions. While the majority AKP stressed the humanitarian dimension of its non-discriminatory open door policy, the nationalist MHP and pro-Kurdish HDP party disputed this non-discriminatory policy. While the MHP has opposed AKP policies for not providing sufficient care for Syrian Turkmens, the HDP claimed that they discriminated against Syrian Kurds. The HDP has maintained a humanitarian discourse, while the MHP, approached it from a national security angle. The CHP, the main opposition party, focused on the economic aspect, questioning the Syrians' position in the job market, investments, even in tourism. While both the CHP and MHP have mentioned return and resettlement, the ruling AKP did not imply temporality (Tuğsuz & Yılmaz, 2015). All these discussions suggest an increase in the level of politicisation in migration policy. While policy analysed in the framework of this study took place at a time when migration policy area was immune from any considerable political debate, the domestic context is changing. This change is expected to be an important element when making predictions for the future, on the level of politicisation of migration policy.

4.3.3.3 Civil Society: Non-Governmental Organisations, Business Networks and Labour Unions in Turkey

In parallel to increasing migration and asylum flows to Turkey and its rising significance in the international and EU migration regime, civil society and non-governmental organisations within the country have enhanced their scope and influence. Non-governmental organisations such as Amnesty International, the Association for Solidarity with Asylum-Seekers and Migrants (Ankara), the Human Rights Foundation of Turkey, the Human Rights Association (IHD), the International Strategic Research Organisation (Ankara), the Migrant Solidarity Network (Istanbul), The Association of Human Rights and Solidarity for Oppressed People (Mazlum-Der), the Helsinki Citizens' Assembly (HYD) and some informal networks are actively working on the issue, providing humanitarian or legal assistance and also supporting awareness programs. They are in close cooperation with both international organisations such as the IOM, UNHCR, the EU, and government agencies.

Traditionally, Turkish policy making in any area is centralised and casts out any NGO involvement. In recent years, although the general state approach remains reluctant towards NGOs, there are some individual efforts from state bureaucracy to establish state-NGO cooperation in the migration policy field. These efforts are both a result of EU pressure to include NGOs in policy processes as well as the de-politicised, technical character of migration policy making within the country, enabling use of technical assistance from NGOs. For instance, officials from the Ministry of Interior, the Directorate General of Migration Management, cooperated with representatives of non-governmental organisations in the process of preparing the Law on Foreigners and International Protection. It was an impetuous process, necessitating technical assistance from these organisations. However, it would be unrealistic to expect this traditionally constructed environment of mistrust to be replaced by cooperation any time soon. Despite cooperation during the preparation of the Law, when the Syrian refugee crisis erupted with initial inflow of 8.000 asylum seekers in December 2011, NGOs in Turkey were denied access to camps or to any information on conditions of asylum seekers. An official representing Amnesty International Turkey has stated, the state can easily leave human rights organisations out of the decision process and there is no national or international institution to challenge the states' authority Thus, representatives of human

rights organisations indicate that, state institutions are not considered allies. They are decision-making authorities and do not deliberate with human rights organisations during decision-making processes. Therefore, NGOs working on migration policy end up reacting to state policies rather than participating in preparation. The most effective reaction to malpractices in state policies are sought in the European Court of Human Rights (ECtHR), by NGOs working in Turkey. Amnesty International in particular, uses the ECtHR as an authority to balance state practices.

In Turkey, business networks and labour unions do not have the clear positions on immigration which are typical in Western migrant receiving liberal democracies. Turkish business and labour unions did not develop a tradition like their Western counterparts to influence state migration policy decision making on labour migration, mainly due the persisting labour surplus in the country with a 2000 to 2013 annual average general unemployment rate of 9 per cent, raising to 14 per cent for the 20 to 35 age group[34]. However, apathy towards labour migration does not imply no influence at all on migration policy. Turkish business networks are interested in visa policies, particularly negotiations with the EU on Schengen visa facilitations. The Turkish Industry and Business Association (TUSIAD) and the Independent Industrialists' and Businessmen's Association (MUSIAD), Turkey's largest and most influential business interest groups, continuously lobby within Turkey as well as in Europe on visa liberalisation for Turkish businesses[35]. Moreover, these businesses also facilitate and benefit from the newly established visa diplomacy. As explained in the previous section, this new approach to visas, established in the last decade, refers to facilitating visas or lifting restrictions for countries that have significant economic and strategic links with Turkey. Although this new approach to visas is counter-productive to visa facilitation negotiations with the EU, because most of them are in the negative visa list of EU Schengen regulation, it is ultimately beneficial for both small and big businesses, stabilising and strengthening the Turkish economy against a possible Euro-crisis.

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[34] These statistics are obtained from the Turkish Statistical Institute Website: http://tuikapp.tuik.gov.tr/isgucuapp/isgucu.zul.

[35] For more information, see: (a)The press release on the "common position" of TUSIAD and its various European counterparts: http://www.tusiad.org/__rsc/shared/file/basin-bulteni-ek2-2012-60.pdf ; (b) An interview with the head of MUSIAD Munich Office: http://www.musiad-munchen.de/index.php/tr/basinda-musiad-munchen/arsiv/49-zaman-isadamlarina-vize-cilesi-sona-ersin. Retrieved in December 29th, 2014.

4.4 Conclusion: Contextual Peculiarities and their Impact on Actor Influences

In this chapter, I have initially elaborated the contextual factors in Turkey, which have generated need for a policy response, both by domestic and external actors. Presenting these factors in a background chapter in a structured manner, is important for identifying problematic policy fields that require a policy response; and providing a basis for understanding each actor's policy preferences. In the second part of this chapter, I presented capabilities, role and function of involved external and domestic actors in Turkish migration policy change. I introduced their historical policy positions, their presence in Turkish migration policy change so far, and their capabilities. In this section I conclude these discussions by linking these two parts, and introducing main policy responses relating to context and actors capability. Thus, here I establish a transition to the case study chapters, where I examine actor influences with analysis of interview data.

Evidence provided in this chapter suggests, since the mid-2000s, that migration of Turkish citizens, regular or irregular, is losing its significance as a priority concern for Turkish policy makers, and external actors, beginning with EU and individual member states. For the last two decades, there has been no significant domestic or external pressure for a policy response to Turkish immigration, or asylum pressure by Turkish citizens. The main source of external pressure to Turkey concerns third country nationals, and management of irregular migration through Turkey, consisting of transit migrants from its East and South. This pressure is based on data of the number of detainments on both sides, given the equilibrium between borders of entry and exit in this study, and the politicised, securitised nature of irregular migration. The policy response of the EU introduced to overcome this pressure is the readmission agreement, with its controversial third country national clause. External pressures over irregular migration have spilled over to policy on regular migration, as Turkey's visa policies and especially its newly established visa diplomacy grants visa-free travel to citizens of some countries in the EU's negative visa list.

This background revealed the insufficiency of Turkish legislation concerning comprehensive migration law, prior to adoption of the Law on Foreigners and International Protection in

April 2013. The context given in this chapter significantly presented pressures for a policy response, as a priority policy for all levels of actors. While at the domestic level such pressures mainly concern economy, international organisations focused on international protection and EU pressures were mainly generated by concerns over management of irregular migration. Similar insufficiency is also present in the country's asylum policies, as the incompatibility between Turkey's asylum policies and its asylum reality shows. Despite the geographical limitation clause Turkey maintains, which grants refugee status only to asylum seekers escaping from events arising in Europe, almost all asylum seekers within the country are from Turkey's south and east. Such incompatibility generates external pressures both from a humanitarian and also a rationalist perspective, considering that asylum seekers in Turkey end up as transit refugees because of resettlements generating from this clause. While Turkey refuses to lift its geographical limitation with apprehensions over international burden sharing, no external pressures provide a solution to these apprehensions.

The actors in this chapter identify their priorities depending on this context, while their capabilities and limitations are mainly determined by their competence in the given policy field and their presence in Turkish migration policy making. The transformation in Turkey's status from a country of emigration to a country of immigration and the sense of urgency for a policy response to the Syrian refugee crisis is also transforming Turkish policy, making it more participatory, in contrast to the country's centralised state tradition. Thus, it is a valid time to discuss external influences. In the past, they consisted solely of EU conditionality. Now, international organisations directly represented at policy tables. Turkey is also slowly abandoning its securitised approach to migration, at least institutionally, as it transfers migration management to a civilian unit, discontinues some national police and armed forces services. Moreover, political parties in Turkey are beginning to discuss immigration, based on a response to the Syrian refugee crisis. All of these are manifestations of the transformations Turkey is experiencing, changing from a country of emigration to a country of immigration, where both external actors and the main constitutive features of liberal statehood influence state capacities on migration policy. However, unlike Western countries of immigration, in Turkey, external influences have preceded the impact of these constitutive features. Turkey began to become a country of immigration, after it established structured

top down mechanisms for EU policy compliance, and bottom-up mechanisms on policy implementation with international organisations. This feature distinguishes the Turkish case from Western countries presented in the literature review and intensifies the role of external influences.

Chapter 5: Case Study 1, Law on Foreigners and International Protection

In April 2014, a year after its adoption by the Turkish Parliament, the Law on Foreigners and International Protection (Law No. 6458) entered into force. The Law is a comprehensive legislation addressing both regular and irregular immigrants, managing their entry, exit and residence. As the title suggests, the Law consists of articles concerning both international protection and rights of foreigners within the country. It establishes clear procedures for asylum seekers, simplifying identification and registration; and introduces additional categories for non-European asylum seekers who cannot be granted refugee status because of the geographical limitation clause Turkey maintains in the 1951 Geneva Convention. This Law transformed Turkish legislation on migration, which previously consisted of articles from a diverse range of legislation, leading to misinterpretation in operation. By introducing a single legal document and legal definition for categories of foreigners within Turkey, the Law has eliminated the complications of the previous system and simplified implementation for practitioners in the field. This Law also centralised migration policy by assigning a single authority, the Directorate General for Migration Management, with responsibilities for migration policy making and implementation. An analytical discussion of the contents and scope of this Law is beyond the purpose of this study, though corresponding studies are available in the literature (Soykan, 2012; Açıkgöz & Arıner, 2014; Kilberg, 2014). Adhering to this study's aims, in this chapter, I examine processes of preparation, introduction and brief implementation of this Law. I review the context and analyse development of actor responses, mainly in the form of influence mechanisms.

5.1 EU-Level Actors

Facilitating legislative reform in Turkey's migration policies has long been in the EU's agenda. Apprehensions over absence of comprehensive immigration legislation in Turkey appeared in EU progress reports since 1999. Though, it was not a priority in comparison with border management or the readmission agreement. Turkish policy makers also formally introduced a legislative reform agenda, responding to external pressures from the EU in

Turkey's 2005 Action Plan for Asylum and Migration[36]. This document stated the steps needed to fulfil the EU accession conditionality requirements in relation to migration policy. As the external incentives model anticipates, eventually, with the decline in Turkish accession prospects, the power of conditionality inevitably declined as policy reform linked to conditionality slowed down. In the late 2000s, with Turkey needing to respond to transition from a country of emigration to one of immigration and asylum, the EU trigger for comprehensive migration legislation began to gain domestic support. Therefore, the EU has aimed to re-establish its influence on Turkish legislative reform by linking this policy field to the policy conditionality framework established between readmission and visa liberalisation and by directly participating in policy making processes by providing technical and financial assistance.

The EU began to re-establish its influence on Turkish legislative reform via policy conditionality, after the Commission began to indicate the link between overall Turkish migration policy reform and visa liberalisation. Although none of the interviewees from the Commission have implied such indication prior to the Council has granted the Commission a mandate to negotiate visa concessions with Turkey in June 2012 (Council of the European Union, 2012), Turkish officials, both from the Ministry of Interior and Foreign Affairs[37] have suggested the unofficial presence of this issue linkage since 2008, which was only officially documented in July 2013, three months after the adoption of the Law. However, this policy conditionality framework did not add much to EU leverage on Turkey as Turkey had already framed legislative reform as domestic need, not a response to EU conditionality. They also did not welcome further additions to the linkage between visa liberalisation and signing the readmission agreement, already perceived by Turkish ministries as politically balanced.

In preparing the Law, the EU has more successfully exerted influence as an advisory body in policy tables, with means to support its policy preferences by technical and financial assistance. The Delegation of the EU to Turkey has assumed an advisory role and directly

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[36] National Action Plan of Turkey for the Adoption of EU Acquis in the Field of Asylum and Migration adopted in 25 March 2005 is available in the DGMM's website: < http://www.goc.gov.tr/icerik3/iltica-ve-goc-ulusal-eylem-plani_327_344_699 >

[37] This data is obtained from two interviews. An interview with a senior policy advisor from the Ministry of Foreign Affairs was undertaken in October 17, 2014 via Skype. Another with a migration expert from the Ministry of Interior, Directorate General for Migration Management, was undertaken in June 17, 2015 in Ankara.

influenced policy through deliberation, also by allocation of technical and financial assistance in their priority areas for policy change. Commission officials have specifically stressed financial rewards for capacity building as EU level mechanisms to influence policy in this area. A policy officer from the DG Enlargement of the European Commission stressed the significance of the assistance Turkey is eligible for in the following way:

"Turkey gets a lot of EU money, EU taxpayers' money with the aim for Turkey to pass legislation, to strengthen its institutions, to develop systems and mechanisms in order to improve its effectiveness and the management of the overall situation (Official B, Brussels, 25 April 2014)."

This stress on financial assistance, as a form of burden sharing, given to Turkey as a token of EU's commitment to this reform process had significant legitimising power for domestic stakeholders. Though except the stress on financial assistance, migration legislation is not a policy field where Turkish policy makers supporting change can effectively use the EU as a source of legitimisation against possible veto players and their political constituencies. The external dimension of EU migration policies is frequently approached sceptically by policy makers in countries of origin and transit. The Union is accused of externalisation policies, shifting its asylum and migration burden to third countries; failing to introduce sufficient burden sharing mechanisms and strengthening its borders by establishing a non-entry regime, despite asylum flows experienced by its neighbours (Boswell, 2003; Coleman, 2009; Geddes, 2011; Langbein, 2014; Ratzmann, 2012; Vachudova, 2000; Wierich, 2011). These criticisms and scepticism also dominated Turkish policy maker and state elite discourses, while a problem of trust to the EU persists. For instance, when the normative basis of the Law was questioned by stakeholders, Turkish policy makers presented involvement of international and non-governmental organisations in policy processes as a source of normative legitimisation.

Not the EU itself, but the European Court of Human Rights (ECtHR) supporting the EU position, has supplied European normative claims. The Court has been a catalyst for reform during the preparation of the new Law on Foreigners and International Protection. Most significantly, in September 2009, in the *Case of Abdolkhani and Karimnia v. Turkey, the* ECtHR sentenced Turkey for wrongful detention of two Iranian asylum seekers in a Turkish

reception centre[38]. The Court reached a verdict on, due to the insufficiencies in Turkish legislation to provide effective remedies for asylum seekers, it would no longer oblige applicants with exhaustion of domestic remedies before applying to the ECtHR as a higher authority. Although there were several court decisions against Turkey on asylum in the last two decades[39], this was the primary one stressing upon the lack of sufficient legislation for managing migration and asylum. It signalled an escalation in the number of cases relating to the "exhaustion of national remedies" clause. This decision was identified as a catalyst for reform by various state officials. A senior migration management policy advisor for the Turkish Foreign Ministry called this event "*a miracle that emphasized the necessity of a new Law (Official A, Skype Interview, 17 October, 2014)*" considering this decision both strengthened the leverage of policy makers wanting domestic change and led to an increased consciousness in Western partners about the Turkish situation. While the Court initially aimed to raise awareness of a human rights abuse, it ended up raising awareness on a policy void, and supported policy reform. As a result of international moral-consciousness raising, because of the Court's decision, leverage of the actors in Turkish domestic migration governance who worked for domestic change increased significantly.

Triggered by accession conditionality, supported by EU assistance and accelerated by the ECtHR's international consciousness raising, the outcome of this legislative reform satisfied prioritised policy preferences of the EU. Both the Delegation and the Commission prioritised transfer of migration management to a civilian authority. An official from the Delegation of the EU to Turkey has stated: *"Our main aim is to strengthen this instrument to transfer migration management to civilian measures (Official B, Ankara, 16 January 2014)."* A high ranking policy officer from the DG Home Affairs also supported this by suggesting: "*Our approach is you always try to have an overall migration management held within civil authorities (Official C, Brussels, 30 April 2014)."* Another high ranking policy officer from DG Enlargement added reasons for this by stating:

> *"Coordination and leadership are very important because de facto there are many services and many authorities involved within this area. For example, in border management, you have the military, you have the gendarmerie, you have the police,*

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[38] For a full text of the verdict see: <http://hudoc.echr.coe.int/eng#> *Retrieved in March 20, 2015.*
[39] For a full list see: <http://www.goc.gov.tr/icerik/aihm-kararlari_327_345> *Retrieved in March 20, 2015.*

and you have the customs, you have the governorships, you have in some cases the Ministry of Labour and Social Affairs, you have the Ministry of Agriculture…. So you have a lot of authorities and the question is everyone could be good at their work, but in the end, the outcome may not be satisfactory. So there is a need for leadership, for a holistic approach and for integrated management (Official A, Brussels, 25 April 2014)."

These claims indicate that the shape of policy change satisfies EU priorities, as a coherent civilian institution was established with the Directorate General for Migration Management, extending its authority after the introduction of the Law. The EU now has a single authority as correspondent on migration matters However, a significant point that needs to be stressed here is that, this outcome is not the result of EU pressure directly in this policy field but in another one. This Bureau, which later became a Directorate, was initially established as a response to pressures generated during the negotiation process of the readmission agreement, where the EU influenced policy through policy conditionality. Thus, EU external influence on readmission spilled over to legislative reform benefiting EU policy preferences.

In conclusion, despite EU's inability to implement any efficient policy specific influence mechanisms, the outcome ended up being satisfactory for EU, due to *five* main reasons. Firstly, the initial road map for such policy change, was established through accession partnership documents and Turkish national plans developed as a response to it, while Turkey's accession prospects were viable. Afterwards, with migratory pressure, and a contextual need to introduce new legislation, Turkey had these documents as frameworks to establish its responses to these pressures. These documents were in line with the EU Acquis from the beginning. Secondly, despite declining accession prospects, Turkey continued to receive EU assistance, allocated to the EU's prioritised policy fields. Thirdly, ECtHR decisions established international consciousness rising and normatively supported EU's claims for migration policy change. Fourthly, higher EU influence on other policy fields, i.e. the agenda triggered by readmission negotiations, spilled over to this one, influencing policy change indirectly. Finally, as will be discussed in the next section, the involvement of international organisations on Turkish migration policy change resulted in a Law compliant with the international migration regime. Parallels between this regime and the EU Acquis finally led to legislation compliant with EU policy preferences. In the report from the Commission to the European Parliament and the Council on progress by Turkey in fulfilling

the requirements of its visa liberalisation road map, the Law is stated as a satisfactory legislation providing effective migration management but with concerns about its implementation and secondary legislation expressed (European Commission, 2014).

5.2 International Actors

The Law on Foreigners and International Protection was welcomed by international organisations mainly for introducing necessary human rights principles to Turkish migration legislation. UNHCR spokesperson Melissa Fleming has commented on the Law's adoption as a "*reflection of Turkey's strong commitment to humanitarian values and principles[40].*" Indeed, Turkey's membership of a range of international and regional institutions as well as participation in several international conventions, provided a foundation for policy makers to determine the nature and scope of the Law. Moreover, the IOM and the UNHCR have actively participated in the preparation phase, and they are also expected to undertake some projects for its implementation.

As the theoretical discussion in this study also suggests, organisations of the international migration regime have limited capabilities to enforce conditionality. Thus, although they have evolved to become valuable partners for Turkish policy implementing bodies in the field, their capabilities for triggering a reform agenda remain limited compared to organisations which can introduce a conditionality framework. Given this, these organisations benefit from the EU trigger for policy reform and present policy preferences only after this. In the case of the Law, this trend has persisted as the initial push for introduction of it came from the EU in the framework of accession conditionality. However, together with accepting the significance of this initial push, officials from both the UNHCR and IOM have persistently stressed that this Law was not a direct adoption of the EU Acquis, but it was prepared considering the country's circumstances and international responsibilities. A protection assistant from UNHCR Turkey has indicated the EU's significance, but also the limits in the role of the EU in adoption of this law, by stating:

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[40] April 12, 2013. "UNHCR Welcomes Turkey's New Law on Asylum." *UNHCR, The UN Refugee Agency.* <http://www.unhcr.org/5167e7d09.html> *Retrieved in March 20, 2015.*

"The EU is important in terms of adopting a good practice example. This example was instrumental in the process of preparing the new Law. However, the EU does not alter Turkey's international obligations (Official B, Ankara, 15 January 2014)[41]."

Similar to this emphasis upon Turkey's international responsibilities, independent of its relations with the EU, a project expert from IOM Turkey, stressed the significance of preparing a Law suitable to the peculiarities of the Turkish case, together with accepting the significance of related EU instruments:

"Turkey has aimed to harmonize its legislation with the EU acquis, but the important thing was to avoid the reflection of the EU's wrong practices. We did not make a copy paste law from the EU. We took the sensitivities into consideration (Official B, Ankara, 17 January 2014)[42]."

In this policy field, while the EU was significant, providing the initial push through consequentiality, progress of the preparation process was supported normatively by technical assistance from international organisations. This led to direct participation by international organisations in the preparation process of the Law presenting policy preferences and priorities with direct attendance in policy meetings. The following quote by a project officer from the IOM Turkey shows the level of participation, as well as the paradigm shift in Turkish migration policy making, from a state-centric approach to a more participatory one:

"This is a process that we take an active role in institutionally. In the preparation process of the Law, we were given the opportunity to present our institutional views at the Parliamentary Commission Meetings. We have attended the committee meetings of the Law. We were given the opportunity to speak up. IOM and UNHCR took an active role in the process. Both of these institutions took active roles separately on the issues related to migration and asylum. This was a highly participatory and transparent process. It was so precious to us. Primarily, the Ministry of Interior contacted us for contributions and partnerships. This has both motivated and encouraged us. We gave

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[41] The original Turkish text is as follows: "AB bir iyi uygulama örneğinin benimsenmesi açısından önemli. Bu örnek, kanunun hazırlanmasında etkili oldu. Ancak AB, Türkiye'nin uluslararası yükümlülüklerini değiştirmez."
[42] The original Turkish text is as follows: "Bu kanunu yaparken evet AB'ye uyum olabilir ama önemli olan yanlış uygulamaların yansımasına da engel olmaktı. Copy-paste kanun yapmadık, hassasiyetler göz önüne alındı."

all of our support in this regard and we are continuing to give it (Official A, Ankara, 17 January 2014)[43]."

Such direct contribution of international organisations is rare in Turkey due to the centralised decision making process. However, the sense of urgency for comprehensive migration legislation; establishment of a new, inexperienced, but participatory Bureau, a relatively low level of politicisation prior to Syrian refugee flows and a higher level of technicalisation facilitated direct participation by international organisations. These factors are further elaborated within the domestic framework level in the following section.

During the preparation of the Law, together with providing necessary technical support, international organisations also acted as mediators between policy maker bodies, bureaucracies, practitioner bodies and civil society. A high-rank official from UNHCR Turkey defines the organisation's position taken during these negotiations as follows: *"In the negotiations and during the preparation of this law, the UNHCR has acted like a government agent (Official A, Ankara, 14 January 2014)[44]."* Thus, during the process of preparation of the Law, while, socialisation to international norms was presented as legitimisation, siding with UNHCR enabled Turkish policy makers to further strengthen their normative claims against any possible domestic veto players. In the past, Turkish policy makers have used a similar form of legitimisation, in terms of adherence to EU norms, justifying claims for reform in a wide range of policy areas, such as democratic consolidation. However, unlike democratic consolidation, in migration policy, the EU faces harsh criticisms against the Acquis for its shortcomings on a human rights emphasis. Moreover, practitioners especially in the Turkish Ministry of the Interior have doubts about EU burden sharing mechanisms and worry about the increase in the country's migration and asylum burden because of reforms. Thus, it was tactical for Turkish policy makers for domestic change, to turn to international

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[43] The original Turkish text is as follows: *"Kurumsal olarak aktif rol üstlendiğimiz bir süreç söz konusu. Kanunun hazırlanma sürecinden tutun, TBMM Komisyon toplantılarında kurumsal görüşlerimizi belirtme fırsatı verildi. Kanun için komisyon toplantılarına katıldık. Bize konuşma fırsatı verildi. IOM ve UNHCR aktif rol aldı. Bu 2 kurum da göç ve mülteciler konularında ayrı ayrı aktif bir rol aldı. Son derece katılımcı ve şeffaf bir süreçti. Bu bizim için çok değerliydi. İçişleri bakanlığının bize ilk yaklaşımları, bize ilk onlar geldiler katkı ve ortaklık için. Bu bizi çok cesaretlendirdi ve heveslendirdi. Bu konuda tüm desteğimizi verdik hala da veriyoruz."*
[44] The original Turkish text is as follows: *"UNHCR bu müzakerelerde ve bu yasanın oluşturulmasında bir "hükümet ajanı" gibi hareket etti."*

organisations' normative power to legitimise the contents of the Law against stakeholders such as political parties, practitioners and civil society within the country.

To continue their activities in cooperation with policy makers and practitioners and to avoid exclusion on grounds of limiting state sovereignty, these organisations act cautiously in their involvement with state policy making and legislation. Instead, they aim to be more active in the implementation phase, in respect of available policies and legislation. During preparation of this Law, UNHCR especially limited demands for avoiding exclusion. For instance, parallel to its mandate, UNHCR was expected to put pressure on Turkish policy makers to lift the geographical limitation. However, UNHCR did not insist on it because of its political significance for the Turkish state and officials. A high-rank official, from UNHCR Turkey have stated his discomfort with the following:

> *"Did the UNHCR act according to the international norms? In this law, there is no mention of lifting the geographical limitation, no mention of asylum. Progressive steps are taken, but this is not a reforming law (Official A, Ankara, 14 January 2014)[45]."*

These critical words by a UNHCR official of the organisation's inability to push for further alignment with the international migration regime exemplifies how these organisations hesitate on long-term policy preferences, such as removal of the geographical limitation for UNHCR, to avoid exclusion from the policy implementation phase. However, in this policy field, such hesitation ultimately benefited these organisations. They have presented their principles, instead of policy implications of these principles. They have avoided politically charged policy discussions which would frequently result in their exclusion. Maintaining their normative presence and in detailed discussions accommodated these basic principles to the government's main apprehensions on international protection. Thus, they have contributed to a legislation, which the representatives of both organisations are content with. For instance, a project officer from the IOM Turkey suggests:

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[45] Original Turkish text is as follows: "UNHCR normlarla mı hareket etti? Bu yasada coğrafi kısıtlamanın kaldırılmasına dair bir şey yok, iltica yok. Progressive adımlar var ama bu yasa bir reform değil"

"Certain principles have been introduced with the Law: human rights and security balance, participation, transparency. It became a Law that everyone considers their own. It is not perfect, but certain issues were handled. The first Law is very important (Official A, Ankara, 17 January 2014)[46]."

These organisations are expected to undertake significant roles in the implementation of the Law, cooperating with the Directorate General for Migration Management. Currently, the IOM already has significant programs relating to counter trafficking and assistant voluntary return, and it provides technical cooperation on migration to the Turkish government. Moreover, it facilitates the resettlement of refugees to third countries. Meanwhile, although UNHCR has transferred its duty as the main authority for refugee status determination after adoption of the Law, it still has significant presence on asylum policy implementation, especially in the management of refugee camps within the country. Thus, although in the preparation phase of the Law, international organisations influenced legislative change in Turkey by providing technical assistance and debating basic principles, their greatest impact is expected during implementation. With a functional approach to legislation, these organisations have guaranteed presence during implementation where they can strongly influence policy implementation of best practices.

5.3 Domestic Actors

The Introduction of the Law on Foreigners and International Protection is the only policy instrument, among the four that is analysed in this study, to gain support from all levels of domestic actors. The adoption process reflects a new and unique occurrence in Turkish policy making, moving away from strong state tradition and including civil society, non-governmental organizations and academia in policy making. A senior migration management policy advisor for the Ministry of Foreign Affairs has stressed the participatory nature of the policy making process with the following words:

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[46] The original Turkish text is as follows: Belli temel prensipler ortaya konuldu. İnsan hakları ve güvenlik dengesi, katılımcılık, şeffaflık. Herkesin benim kanunum dediği bir kanun oldu. Mükemmel değil ama belli hususlara dokunuldu. İlk kanun çok önemli.

"The IOM and UNHCR were invited to the preparation and inscription of the law. Academia was also invited. NGOs were also called in and with the Directorate's will, even the NGOs that are in the state's black list, were invited. There was actual participation from these institutions (Official A, Skype Interview, 17 October, 2014)[47]."

An explanation of this participatory approach lay in actors who constitute Turkish representative democracy: public opinion, political parties, interest groups, and their perceptions against migration policy making. Although in Western liberal democracies, these actors typically demand more restrictive policies, in Turkey, because of the de-politicised and technicalised nature of migration, they either participate in technical discussions or do not participate at all. Politically, costs related to migration reform are not considerable, because of lack of interest from the public, political parties or interest groups. Until the Syrian refugee crisis began in 2011, Turkish political parties did not campaign at all on migration related issues. There was also a scarcity of civil society working on migration management while most NGOs are focused only on asylum and refugees. Moreover, bar associations and unions in Turkey do not have the motive or the infrastructure to examine migration. A UNHCR official has supported the idea de-politicisation ensuring policy makers more room for manoeuvre: *"We still do not have a well-established immigration policy, but this is also an advantage, because in the lack of a policy, there is no opposition (Official A, Ankara, 14 January 2014)[48]."* In this technicalised environment, policy makers benefited from the expertise of actors involved, without struggling with political agendas. An official from Amnesty International Turkey confirmed this argument, stating:

"Normally, state tradition in Turkey excludes NGOs from the policy making processes. Resulting from its de-politicisation, migration is one of the first policy areas where NGO involvement is possible (Ankara, 15 January 2014)[49]."

The de-politicised nature of this policy instrument was also visible in the ratification process. The Law was ratified and adopted by the Turkish Parliament on 4 April 2013 with the

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[47] The original Turkish text is as follows: "IOM, UNHCR, kanunun yapım ve yazılımına davet edildi. Akademi de davet edildi. STK'lara da aynı şey söylendi hatta Büro'nun iradesi ile devletin kara listesindeki STK'lar bile çağrıldı. Bu birimlerden fiili katılım oldu."

[48] The original Turkish text is as follows: "Hala bir göç politikamız yok ama bu aynı zamanda bir avantaj çünkü politika yoksa muhalefet olmaz. Bilgi ve ilgisizlik bir yandan lehimize çalışan bir şey."

[49] The original Turkish text is as follows: "Devlet geleneği STK'ları politika yapımından dışlıyor. Göç, politik bir konu olmamasından ötürü STK katılımının mümkün olduğu ilklerden."

approval of both government and opposition parties. This is rare, considering the polarised nature of the Turkish Parliament and the major parties' tendencies to vote against draft bills proposed by the other. While the main reason for this consensus in migration policy is its technical nature, further credit should be given to the Directorate General of Migration Management, which succeeded in distancing itself from political discussions and prepared the legislation in participation. In an interview, a project expert from IOM Turkey, stressed the significance of establishing a non-politicised unit, by stating: "*In this process, it was important to establish a general directorate with a vision, which is not political but functional. It is crucial to sustain this cooperation (Official A, Ankara, 17 January 2014).*" A migration expert from the Directorate General for Migration Management, implies such functionality emphasising migration management consisting of policy responses based on compiling data:

> "*The main aim of our organisation is 'managing migration.' Under the Turkish National Police's authority, they were responsible for 90.000 people annually, however now 40.000.000 people enter or exit the country annually. We have established our own system accordingly. The Goc.net website will be available soon. We have divided the statistics into some parameters to obtain better data (Official A, Ankara, 17 June 2015)[50].*"

Together with low levels of politicisation in migration policy, domestic consensus on the Law on Foreigners and International Protection was also due to the lack of any comprehensive legislation prior to this Law. Thus, constitutionalism, as a normative limit to state capacities, promoting a more liberal migration regime, did not effectively restrict Turkish migration policy making. Until the adoption of this law, migration management in Turkey was regulated through some outdated secondary legislation under Passport Law and the Law on Residence and Travel of Foreigners in Turkey as well as through some administrative regulations. Insufficiency of previous legislation and the establishment of a Directorate specifically founded for drafting the Law, enabled policy makers to manoeuvre in a relatively free manner in the absence of veto players or any opposition (Açıkgöz & Arıner, 2014). In the end, these actors formed the basis of constitutionalism in Turkish

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[50] The original Turkish text is as follows: "*Kurumumuzun amacı 'göçü yönetmek.' Emniyet Genel Müdürlüğü zamanında 90.000 kişiye bakıyordu ama şimdi 40.000.000 giriş çıkış söz konusu. Kendi sistemimizi kurduk. Göç.net yakında kullanıma açılacak. Parametreleri parçaladık, güzel istatistikler elde ettik.*"

migration policies in Turkey, with a Law in a de-politicised environment, promising a more liberal approach towards migration. Various principles that were non-existent in migration legislation in Turkey, have been incorporated into the Law and are guaranteed constitutionally. Coordination of Refugee Rights, an association consisting of five main human rights organisations[51] working on the issue, published a declaration on June 2014, stating this Law as a significant opportunity to respond to needs of migration management in Turkey[52]. Both non-governmental and international organisations that are active in Turkey had a consensus on the significance of constitutionalisation of policy, despite stressing the Law's shortcomings for some cases of international protection.

Although interest group pressure is absent from Turkish legislative reform in migration policy, during the preparation of the Law, state bureaucrats, policy makers and government took into consideration possible pressures from the global labour market. Policy makers did not experience any pressure from business groups, but their initial aim of preparing this law was based on economic grounds, to make migration economically beneficial. The introduction of the Law occurred at a time when Turkey was beginning to be recognised as a country of immigration, rather than just a country of emigration or transit. Initially, the Law was presented as a necessity to make migration flows constructive for Turkey. A director from the Turkish Ministry for EU Affairs highlighted the need for immigration legislation relating to domestic developments in Turkish economy by stating:

"Turkey's economic development has been the main facilitator behind the introduction of the Law. In an attempt to convince decision makers and institutions on new legislation, economic development was introduced as the main factor. There was a dire need for a significant policy to be applied to foreigners, in the process of Turkey becoming a main country of destination (Official A, Ankara, 14 January, 2014)[53]."

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[51] These five organisations are: Helsinki Citizens Assembly; Human Rights Association; Human Rights Agenda Association; Association for Solidarity with Refugees and; Amnesty International Turkey Office.
[52] June 20, 2014. "20 Haziran Mülteciler Günü Açıklaması (20th June, Day of Refugees Declaration)." *Amnesty International Turkey*. <http://www.amnesty.org.tr/icerik/37/1378/20-haziran-multeciler-gunu-basin-aciklamasi> *Retrieved in March 20, 2015.*
[53] The original Turkish text is as follows: "Aslına bakılırsa ekonomik gelişme kanunun çıkmasına etken oldu. Karar vericiler ve kurumlar ikna edilirken bu da ortaya konuldu. Türkiye'nin hedef ülke haline gelmesiyle yabancılara uygulanacak anlamlı bir politikaya ihtiyaç duyuldu."

Likewise, under the general justification section of the initial Proposal on the Law on Foreigners and International Protection, emphasis on Turkey's rising economic power and continuing instability , resulting in increased numbers of regular and irregular migration dominate the reasons why this law shall be prioritised in Turkish General Assembly's agenda.

In this case, domestic limits to state capacities on migration policy making did not have a direct impact in the way they were theorised for traditionally migrant receiving countries. Eventually, these features led indirectly to more liberal policies. This is not only an outcome of different migration experiences of two categories of countries, but also an outcome of different institutional structures, party politics and forms of economic development. Representative democracy is the main feature of Turkey where it was expected to result in a more restrictive migration policy but the direct opposite occurred. Due to lack of politicisation in the policy field, actors related to Turkish representative democracy did not function as limits to state capacities for more restrictive policies. Conversely, this de-politicisation and technicalization enabled various non-governmental organisations and interest groups to be included in policy processes, as they would be typically considered as inconveniences lengthening the process, and would be excluded from policy making in politically charged areas. This participatory process led to more liberal legislation. Constitutionalism feature of Turkey did not limit state capacities either. Instead, the absence of an all-encompassing law for migration management and the establishment of a new Directorate, specifically for this legislation, enabled policy makers to act in relative freedom. However, considering this Law will be the primary constitutional limit for state capacities and the approach was participatory, almost independent from political pressures, it is expected to constitute a liberal constraint in the future. And finally, business networks did not have a significant influence on Turkey in the form of interest group pressure. However, policy makers, state bureaucracy and government officials used Turkey's economic growth and its transition to a migration receiving country, as justifications for this law. Thus, expectations from migration legislation is framed around ensuring Turkey benefits from a global market economy, to gain further support for this legislation.

5.4 Conclusion

The initiative for Turkey to reform its migration legislation came from the EU by adding legislative reform to the agenda of Turkey's accession conditionality framework. However, with the decline of the country's accession prospects, the conditionality framework began to lose power for facilitating reform. The push that initiated the actual reform process came from domestic contextual factors, supported by the spill-over effect of EU policy conditionality established upon the possible readmission-visa liberalisation deal. This spill-over has initiated the establishment of a new Bureau in Turkey in 2008, which was later transformed into the Directorate General for Migration Management, the state body responsible for the preparation of the Law on Foreigners and International Protection. The establishment of the Directorate has become important as it centralised the domestic position for legislative reform as a technical and functional body essentially established to undertake reform. Such technicality and functionality enabled the Directorate to adopt a participatory approach, which escalated the relative influence of international organisations. While EU influence continued through deliberation and agenda setting facilitated by technical and financial assistance, the Directorate undertook this reform process a safe distance from the EU, framing legislative reform as a domestic need, not a requirement of Turkey's relationship with the EU. The re-framing granted the Directorate a higher level control on migration policy change, enabling it to prepare a law corresponding to Turkish priorities and liberated from the EU's conditionality framework, which suggests policy transfer from the EU acquis.

This domestic need determined the content and timing of legislative reform and lies upon two developments. Firstly, the increase in the number of immigrants who migrate to Turkey with an intention to settle distorted the understanding that Turkey is a country of emigration, re-established it as a country in transition to a country of immigration. This transformation established the basis for the Directorate's claim for a new migration legislation, to make immigration beneficial for Turkey, as an economically developing transition country. Secondly, absence of a coherent asylum legislation in Turkey to manage the asylum movements, which were relatively high in number even before the Syrian asylum crisis, and international pressures from international organisations and the ECtHR, stressing this

absence, increased the sense of urgency, and the proportion of asylum related terms within the Law. Especially the ECtHR decision stressing absence of legislation caused domestic and international moral consciousness-raising and accelerated the process. These two contextual circumstances established the basis for re-initiating legislative reform primarily built upon the EU push, but frozen as a result of decline in the accession conditionality.

During the preparation of the Law, due to low levels of politicisation, Turkish policy makers acted with relative freedom from public opinion, political parties, interest groups and the mass media. Thus, one might assume their insignificance in promoting more restrictive policies would free policy makers from the burden of legitimisation. However, migration in Turkey is governed by a number of stakeholders from approximately twenty one Ministries, each having its own priorities. As a result, in the Law, the Directorate General of Migration Management used external influences to legitimise this reform agenda against possible domestic veto players. While financial assistance from the EU was presented to legitimise economic costs of the agreement, Turkey's participation in the global migration regime provided a normative basis and a human rights based legitimisation for this policy change. While the European Court of Human Rights imposed its preferences and reservations through individual court cases, introduced by networks among transnational and domestic actors, the IOM and the UNHCR were directly involved in policy processes and guaranteed involvement in the implementation phase. During the preparation of this Law, the inclusion of these organisations helped to present the Law as human rights based legislation. This presentation would not be possible if the sole source of external influence was the EU, due to the Union's inability to establish itself as a normative power in migration management.

The outcome of this legislative reform process, the Law on Foreigners and International Protection, was dominantly shaped by the Directorate as a response to the domestic and international context. It was able to act with relative independence from both domestic and external influences as a result of this policy instrument's low level of politicisation and its framing as domestic need. Both international organisations and the EU were present in policy discussions, though international organisations were more influential through social policy learning, due to trust established from long-term presence in the field. The EU influenced the

policy outcome through technical and financial assistance, valuable resources which direct policy makers to prioritise policy fields where assistance is granted.

When focus is directed on policy preferences of each level of actors and fulfilment of these preferences, it is seen that all levels of actors are highly contented with the outcome. This does not imply fulfilment of policy preferences of all levels of actors, but suggests a favourable outcome. The Law has satisfied policy preferences of external actors to an extent the Directorate found fitted the sensitivities of Turkish migration management. For instance, despite external pressures, the Law still maintains the geographical limitation. However, the actors' basic policy principles were fulfilled. This is mainly due to their initial policy preferences and insistence on basic principles, and not policy implications. Unlike other case studies analysed here, in this legislative reform process, there was no significant conflict of interests among actors. Overlaps between EU and international organisation priorities complement each other by using diverse mechanisms in different phases of policy. The EU initially triggered it, the Directorate undertook the reform agenda, international organisations provided technical support and normative legitimisation while the EU provided financial backup. In upcoming cases, these three level actors tend to legitimise their positions against each other, or aim to change the other's policy preferences through leverage. Here, in the absence of any significant conflict of interests, all three levels have supported policy reform agenda in a similar direction.

Chapter 6: Case Study 2, EU-Turkey Readmission Agreement

In international relations, readmission agreements are proposed to enable parties to readmit irregular immigrants who are their own nationals and nationals of third countries who have transited through their territory. In essence, these agreements arose to simplify removal procedures for irregular immigrants. The introduction of readmission agreements in EU immigration policy was also based on simplification of return procedures of irregular migrants from signatory countries as well as transit migrants from third countries. Established by the supra-national governance of migration principle after the 1999 Treaty of Amsterdam, the common migration policy of the Union used readmission agreements as tools to manage migration in cooperation with third countries (Kruse & Trauner, 2008).

Theoretical perspectives on EU-third country relations highlight their asymmetrical nature. In a relationship where third countries are involved with an interest or a demand, power asymmetry empowers the EU in its relations with third and candidate countries (Elgström & Strömvik, 2005). Migration policy, presents an empirical challenge to this theoretical understanding, especially in cases of major countries of origin or transit bordering the EU, such as Libya, Morocco and Turkey. In migration relations, these third countries can be empowered and gain some negotiating leverage, due to increasing significance, politicisation and securitised perception of migration in the EU. Paoletti, has revealed such empowerment in the case of Italy, Libya and the EU, where Libya utilised securitisation of migration, as a powerful asset in its relations with these entities (Paoletti, 2009). In this chapter, I anticipate a similar empowerment for Turkey in the case of the EU-Turkey readmission agreement because of the dynamic nature of the process. As negotiations progressed, the context has changed, to weakening the EU's initial position and empowering the Turkish government's.

To make this chapter clearer, I introduce a brief timeline of the EU-Turkey readmission agreement below. However, neither this timeline, nor a discussion on the nature and contents of the agreement is within the purposes of this study. In the literature, there is research available focusing on these agreements' legal nature and implications (Aka & Özkural, 2015; Billet, 2010; Kruse & Trauner, 2008); refugees and human rights dimensions (Abell, 1999;

Coleman, 2009); negotiation processes (Bürgin, 2013; Dedja, 2012; Içduygu & Aksel, 2014; Roig & Huddleston, 2007; Wolff, 2014); and implementation in third countries (Korneev, 2014). Instead, aiming to explain reasons behind the policy, in this chapter, I analyse the relative impact of each actor, through a three-level analysis of the preparation, negotiation and the conclusion process of the EU-Turkey readmission agreement.

6.1 EU-Level Actors

It is theoretically viable to assume dominance of EU-level actors in influencing domestic change in the framework of an agreement whose terms were introduced by the EU itself. The attributes of asymmetrical power relationships between the EU and candidate countries support this perception. It is expected for candidate countries, to fulfil EU requirements with little room for negotiation, in the framework of the accession conditionality framework. However, this section presents peculiarities related to the nature of Turkey-EU relations and irregular migration policy area which establishes empirical challenges to these theoretical understandings. In the fourth chapter, I already stressed the significance of irregular transit migration through Turkey and revealed the necessity of international and EU-level cooperation for managing this. Because of this, Turkey has been successful in claiming significant concessions from the EU during the readmission negotiation process. The prominence of the issue led the Commission and the Council to abandon persisting in negotiating the readmission agreement in the framework of Turkey's accession conditionality and establishing a separate negotiation process with its own terms and concessions. Then, the EU would introduce a visa liberalisation road map, instead of, the visa facilitations the EU's preferred option. Thus, from Paoletti's (2009) findings and this outcome, this section initially reveals factors that enabled Turkey to negotiate such concessions from the EU, and constitutes an empirical deviation from theory on asymmetrical power relations. It presents the processes and international context which assigned further leverage to Turkey to challenge the asymmetrical nature of EU third country negotiations.

In the last decade, the EU induced reform agenda on Turkish migration policies focused on conclusion of a readmission agreement between the parties. The main EU demand was the

readmission of third country nationals and stateless persons who have transited through Turkey. This main demand was also Turkish officials' main apprehension, based on concerns of a burden the country was not institutionally, economically and politically prepared to bear. While Turkey aimed to delay negotiations, insisting on concluding readmission agreements with countries of origin first, enabling return of readmitted immigrants; the Commission linked progress in the country's EU accession talks onto the progress on readmission. Following this, Turkish officials agreed to negotiate a readmission agreement with the EU in March 2004, announcing their intentions to readmit Turkish nationals and permanent residents to Turkey, and official negotiations began in May 2005 (Coleman, 2009). This was barely a concession considering Turkey already had a good record of readmitting those groups, though officials aimed to postpone the third country nationals' clause until a solid incentive from the EU was introduced, either in the form of accession or policy conditionality; and until the country concluded readmission agreements with immigrants' countries of origin first (Coleman, 2009). Although Turkey succeeded in concluding some readmission agreements[54], except for Pakistan, none of these countries were the major countries of origin for the transit migrants. Concluding a readmission agreement with countries of origin has been difficult for Turkey, with the lack of an incentive to present in return. As a result, these attempts to decrease Turkey's burden, did not relieve apprehensions about this agreement.

In December 2006, the EU's main incentive of accession offered during these negotiations, was interrupted with the EU decision to freeze the opening of eight out of thirty-five negotiation chapters, because of Turkey's failure to fully implement the Customs Union Agreement to all EU member states by declining to open its ports to Cypriot traffic. After this decision, readmission negotiations were also abandoned. In 2009, the Republic of Cyprus unilaterally blocked the opening of six chapters in Turkish accession negotiations, including Chapter 24, on Justice Freedom and Security. This blockage further weakened Turkey's incentives for signing a readmission agreement, considering the negotiation chapter covering the issue was blocked and progress in the readmission agreement would not result in progress

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[54] Turkey concluded readmission agreements with the following countries: Greece (2001); Syria (2001); Kyrgyzstan (2003); Romania (2004); Ukraine (2005); Pakistan (2010); Nigeria (2011); Russian Federation (2011); Yemen (2011); Bosnia Herzegovina (2012); Moldavia (2012).

in an accession negotiation chapter (Bürgin, 2013). Thus, negotiations stagnated in 2006, continuing until 2010. (Nas, 2011).

Although the decline in Turkey's accession prospects was presented as the main reason for abandoning progress on the readmission agreement; progress of accession was not Turkish negotiators' main expectation from this agreement. They initially agreed to negotiate this agreement with expectations of establishing a link between readmission and visa facilitations. The EU has established this link in readmission negotiations with third countries since 2004, with the Western Balkan states, the Russian Federation and the Ukraine. In 2007, the Commission offered Turkey negotiations on a visa facilitation agreement as well, though these negotiations would only start after Turkey concluded the readmission agreement. Moreover, the Commission introduced visa facilitations with a narrower scope, similar to the ones offered to the Russian Federation and Ukraine. Turkey did not consider this offer to be satisfactory, because of the limited scope of the proposed visa facilitation agreement and over claims that facilitations, and even liberalisation, were already granted, but not implemented in Turkey's Association Agreement. Moreover, the procedures introduced in Turkey, were different from the Balkan countries. They were presented with a visa liberalisation road map in conclusion of their readmission processes. This raised further concerns over unequal treatment to Turkey. Framed around these three claims, (i) the proposed incentive shall adequately meet the burden of the agreement; (ii) Turkey already deserves a visa-free regime with the EU in the framework of its Association agreement; and (iii) Turkey seeks fair treatment, Turkish policy makers refused to settle for any incentive other than visa liberalisation, as compensation for concluding a readmission agreement with the EU.

Aiming to obtain visa liberalisation, Turkey re-started technical discussions in 2008 and negotiations were officially re-launched by the EU in 2010. After negotiations between 2004 and 2010, the parties finally agreed a draft agreement in January 2011. In the following month, due to strong opposition from EU member states, especially Germany and France, the Council only gave the Commission a mandate to initiate a visa dialogue with Turkey to negotiate limited visa facilitations, without any target for visa liberalisation (Council of the European Union, 2011). While the Turkish Foreign Minister officially stated that any offer other than visa liberalisation was not acceptable for implementing the agreement, the Council

did not present further incentives for the Commission to negotiate because of the low priority given to migration related issues during the Hungarian and Polish presidencies in 2011 (Bürgin, 2013).

After this offer was found unsatisfactory by Turkey, in 2011, the country's significance to migration related issues began to increase because of asylum and migration flows caused by the Arab Spring, and transit through Turkey to Greece. This development strengthened Turkish policy makers' position for persisting on visa liberalisation as a balanced shorter-term deal, independent from the accession process. This was also found legitimate by Commission officials who recognised the significance of cooperation in migration policy, and such cooperation solely in the accession framework of was unsustainable. A high-ranking official working in the Turkey unit of the European Commission's DG Enlargement stressed the significance of engagement between the parties, independent from the accession process:

> "It's actually strictly speaking, enlargement and migration, in this case readmission and visa liberalisation are two different strands. We have readmission agreements and visa liberalisation processes with countries, who, for instance, have no prospect of accession to the EU. Beyond accession, we need to cooperate. Readmission and visa liberalisation processes confirmed that there is room for cooperation outside of the accession process (Official C, Brussels, 29 April 2014)."

Commission officials interviewed in this study, have not only stressed the significance of keeping migration related issues immune from complexities related with the accession process, they have also signalled the suitability of readmission for establishing a negotiation process beyond accession, considering it is an international agreement, negotiable with any third country. The need to keep negotiations on readmission immune from politics and the deadlocks of the negotiation process by introducing a balanced shorter term deal to Turkey, became significant, for guaranteeing continuation in this separate relationship. A policy officer from the Commission's DG Home Affairs stated the significance of this continuation and the need for a balanced shorter term deal:

> "Turkey is a candidate country… our relations should normally lead to enlargement, taking particular requirements leading to enlargement. This was more of a philosophical and far reaching aim, but more to the ground, our short and mid-term aim is, I mean, we have a clear issue with Turkey, Turkey is a very important country,

for migration reasons. It is a transit country for irregular migration as well. Addressing this issue is crucial… But we see it as a joint endeavour. In any case, migration management is a joint endeavour. So, we need to always look for convergence, this is important for us to address irregular channels. But Turkey also has its priorities, so hence we end up with visa dialogue (Official C, Brussels, 30 April 2014)."

Added to the increased importance of Turkey responding to the changing context, another development that has facilitated the readmission-visa liberalisation deal has been the rotation and replacement of high ranking officials in the Council and member states by officials who made the negotiation environment more favourable. This has also become an enabling factor for Turkey to negotiate a better deal than the Council was willing to offer. A senior migration management policy advisor at the Turkish Foreign Ministry has strongly stressed the significance of personalities in transforming these negotiations:

"In the EU's Home Affairs meeting in February 2011, an unsatisfactory situation arose for Turkey. However, in the meantime, Denmark came into the presidency of the Commission and personalities played a major role in the progress and conclusion of the negotiations (Official A, Skype Interview, 17 October, 2014).[55]"

In the first half of 2012, the Danish presidency aimed to conclude the readmission agreement, before the Cyprus presidency would most probably interrupt negotiations during the next term. Moreover, a change in Germany's approach towards visa liberalisation and a change in government in France in favour of relations with Turkey enabled the Council presidency to act in relative freedom in cooperation with the Commission, preparing a document acceptable both by the Turkish government and the Council (Bürgin, 2013). By the end of Denmark's presidency, in 21 June 2012, the Council gave a mandate to the Commission to negotiate visa liberalisation with Turkey by introducing benchmarks to be completed on road to visa liberalisation (Council of the European Union, 2012).

Visa liberalisation has notable political significance in the Turkish domestic arena, further elaborated in the domestic level section. Introduction of the full implementation of the EU-

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[55] Original Turkish text is as follows: *"Avrupa Birliği'nin Şubat'taki Home Affairs toplantısında Türkiye için tatminkar olmayan bir durum ortaya çıktı. Ancak bu sırada Danimarka Komisyon Başkanlığı'nı sürdürmeye başladı. Müzakerelerin sürdürülmesi ve sonlandırılmasında personality'ler büyük rol oynadı."*

Turkey readmission agreement as the primary condition in the visa liberalisation road map, is therefore presented as a balanced deal. As a senior official of the DG Home Affairs stated:

> *"... We believe that the agreement is a very good agreement. I see the deal is balanced, visa dialogue was also something very dear to Turkey so I think we are both winners (Official C, Brussels, and 30 April 2014)."*

Despite its political significance, the visa liberalisation road map did not fully overcome the apprehensions of Turkish implementing bodies, such as the Turkish National Police and the Directorate General for Migration Management under the Ministry of Interior. They had reservations over burden-sharing, in respect of financial and technical assistance. These reservations diminished with introduction of technical assistance clauses in the agreement. A senior policy advisor for the Turkish Ministry of Foreign Affairs indicated the forms this assistance will take by interpreting clauses in the agreement:

> *"... This technical assistance clause actually implies financial assistance as well, without suggesting it implicitly. Between the lines, "general sources" of the EU are mentioned. This means Turkey would not only benefit from the funds related to its accession process to the EU, the funds we call IPA funds, it would also get a contribution from a more general budget (Official A, Skype Interview, 13 November, 2014)."*

These assurances for assistance, have been valuable for overcoming the Ministry of Interior's reservations. Moreover, much needed flexibility absent in the accession process, was present in these negotiations and deliberation based on such flexibility further facilitated preparation of an agreement satisfactory to both sides. The draft text of the agreement was negotiated thoroughly and amended in detail. This detail-oriented approach is most visibly seen in the joint declaration added to the end of the agreement stating that it would be implemented in "good faith." This declaration guaranteed the EU would primarily show an effort, sending third country citizens to their countries of origin, before sending them to Turkey. It is significant parties did not perceive these details as given and aimed to produce a definitive document for sufficient implementation.

The EU and Turkey signed the readmission agreement on 16th December 2013, in parallel with the launch of a dialogue on visa liberalisation. With the introduction of the visa

liberalisation road map[56], presenting a package of reforms and introducing an implementation framework, one of the most structured negotiation processes between the EU and Turkey began. Almost all officials interviewed in the EU Commission stated that Turkey overcame deadlock in the relations by signing the readmission agreement; as the Council presented the lack of concessions from the Turkish side as a justification for using its power to block negotiations. As soon as Turkey presented a concession by signing the readmission agreement, the Council was trapped to act accordingly. As a senior official from the EU Commission, DG Home Affairs puts it:

"On our side, for a long time, the power has been on the Council who used this power to block the Commission. Turkey believed, by hard negotiations, they were doing on their best advantage, but they were supporting the blockage that the Council was so willingly implementing. When they accepted the readmission agreement, they liberated the Commission, who is their best friend within the EU, from the blockage. If Turkey plays a fair game in the negotiations, Turkey and the Commission can act as a team and in a few years' time, the Council will have to recognize Turkey's progress (Official A, Brussels, 28 April 2014)."

After the Council's blockage on relations was lifted, the level of consultation and deliberation between parties increased. Since the establishment of the road map, Commission officials have taken frequent visits to Turkey, in addition to the establishment of two permanent missions in the country for its implementation. There are also relatively independent technical staff involved in these missions as experts. They have the task to contribute to the Communication presented to the Council by the Commission, concerning developments related to implementation of the visa road map. The scope of their task is explained by a senior official from the EU Commission, DG Enlargement:

"In these missions… we are accompanied by a number of experts from the member states. The role of these experts will be to draft technical assessments, on the situation in Turkey, to make their comments about weaknesses, about strengths, about challenges, about issues to be addressed… And on the bases of these assessments and on the bases of the Commission's and EU Community's priorities, we will draft the Communication. The experts are member states' experts. We choose them on the bases

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[56] See the Road Map towards a Visa-Free Regime with Turkey: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131216-roadmap_towards_the_visa-free_regime_with_turkey_en.pdf. *Retrieved in February 4, 2014.*

of experience, of availability. We are trying to diversify (Official A, Brussels, 25 April 2014)."

The participation of these independent experts in the process promises to reinforce trust between parties, especially on issues related to the assessment. Also, their involvement provides a venue for unofficial socialisation with practitioners in the field, which is valuable for the overall progress of the policy implementation.

At the end, Turkey's "success" in this negotiation process could be disputed considering the process concluded only with a road map for signing an actual agreement. It is expected the Council will push for further assessment to delay visa liberalisation for Turkey. Moreover, controversies that have arisen from similar arrangements with the Western Balkan countries are not encouraging, that the EU will lift visas with Turkey anytime soon. Currently, the Council, especially Germany is discussing re-introduction of visa obligations to these countries, because of the misuse of the visa free travel scheme for seeking asylum in the EU[57]. In Turkey, establishment of a negotiation process for the readmission agreement, outside of the accession process, also strengthens Turkey's position for possible EU retractions. As stressed throughout this thesis, Turkey's accession prospects are low and the country is not willing to bear the burden of the readmission agreement for the distant possibility of accession. Thus, unlike the Western Balkan countries, Turkey can actually denounce the agreement if conditions set in this separate negotiation process are not met, without any concern for possible EU retractions on accession. The readmission agreement Turkey has signed with the EU is an international agreement with provisions for denouncement and appeal. In the absence of any significant progress from the Council or Parliament to ensure visa liberalisation, while Turkey fulfilled the visa road map provisions, it may retain a hard-bargaining strategy to denounce the agreement. This clause, as a last resort for Turkey, was highlighted by officials from the EU Commission. A senior official from DG Enlargement stated:

"Turkey retains the right, if for instance, we make the proposal to change visa regulation and, if say, the Council drags its feet, the Parliament drags its feet, or

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[57] For more information see "EU Commission reports on visa free travel from the Western Balkans": http://europa.eu/rapid/press-release_IP-15-4482_en.htm.

member states oppose it, at the end of the day they don't really want to give visa-free access. Turkey then retains the right to denounce the readmission agreement (Official C, Brussels, 29 April 2014)."

These denouncement and appeal clauses guarantee that for continuity of relations on migration policy, EU institutions need to show some progress on visa liberalisation, considering the accession prospect is no longer a credible term at the table and no party can risk the severance of relations in migration management.

This section presented peculiarities related to the nature of Turkey-EU relations and the irregular migration policy field. Due to the growing importance of irregular transit migration through Turkey and a number of enabling factors, Turkey has been successful in claiming significant concessions from the EU. These enabling factors came from different sources and the most significant ones were not directly related to the negotiation process. The commitment of the Danish Council Presidency to conclude this negotiation process before Cyprus' presidency influenced the negotiations more than any negotiation tactic possibly facilitated by Turkish negotiators. Moreover, concluding these negotiations was precipitated by the EU response to migration flows as a result of the Arab Spring. This was conveniently added to the Danish presidency's intentions, empowering the Turkish position. The decline in accession prospects for Turkey, accepted by both parties, also functioned as an enabling factor, establishing a more flexible negotiation framework liberated from the rigid assessments of accession. Rather than the one-way system of the usual accession process, where the Commission dictates terms and timetable, in this case, Turkey altered the EU terms and timetable fundamentally, and even dictated some significant negotiation terms.

This section identified three main issue linkages, used by the EU to influence Turkish migration policy regarding the readmission agreement. First, in 2004 the Commission linked progress in accession to advancement of the readmission agreement. This facilitation of accession conditionality proved ineffective due to the decline in the country's accession prospects with the partial freeze in relations in 2006, followed by Cyprus' unilateral decisions in 2009. In the meantime, Turkish officials began to openly express their interest in a visa facilitation agreement in return for signing a readmission agreement. As a result, the second issue linkage was introduced in 2007, when the Commission introduced limited visa

facilitations to Turkey. Due to limited scope and terms different to the visa facilitation agreements introduced to Eastern Europe, this offer remained inconclusive. After the 2011 visa dialogue setback, increasing significance of the country on migration due to the flows occurring as a result of the Arab Spring, and the change of presidency in the Council led to the introduction of a final issue linkage. In June 2012, the Council gave a mandate to the Commission to negotiate visa liberalisation with Turkey. This final issue linkage led to the conclusion of the negotiation process with a readmission agreement, though the EU needed to introduce further mechanisms to guarantee implementation. These issue linkages show that negotiations over a readmission agreement began as a subset of accession, but then evolved, establishing its own separate trajectory. During the long negotiation process, the significance of migration for the EU has increased to a level that progress could no longer be risked by keeping it dependent on the progress of accession. This finding also shows that for candidate countries, a promise for accession is not decisive to determine the scope and nature of relations between parties. On the contrary, when parties are stuck in deadlock, persisting in using accession conditionality as a negotiation framework it is ultimately counterproductive. This case shows such engagement outside of accession is not only possible, but also more efficient to facilitate a negotiated agreement.

6.2 International Actors

International organisations active in Turkey did not directly participate in the EU-Turkey readmission agreement negotiations. They were concluded between the Turkish state and the EU. The visa liberalisation road map is also an EU made document, introduced by the Council and amended with suggestions from the Commission and, to a limited extent, from Turkish officials. Through an analysis of interviews conducted with key officials from representatives of international organisations in Turkey, I have identified three main reasons why these organisations did not participate in these negotiations. First of all, they were excluded from these negotiations, because of the centralised nature of the negotiation process. Politicisation of negotiations with introduction of threats, retractions and issue linkages led to further centralisation. This exclusion due to the politicisation of the

negotiation process is further discussed below, under the domestic actors section, by introducing the similar exclusion Turkish non-governmental organisations have experienced.

Secondly, beyond their exclusion, the nature of the negotiation process which progressed with long interruptions and some hard bargaining methods, discouraged both the IOM and UNHCR to actively participate in negotiations, concerned over taking sides and losing their presence in Turkish migration policy making. An official from UNHCR Turkey expressed the organisations reasoning with the following:

> *"From time to time, UNHCR had to put some distance between itself and the EU. The main political reason behind this disengagement is that UNHCR has been trying to avoid being an organization that implements whatever the EU dictates. We couldn't be in the position of the EU's spokesmen. EU-Turkey relations always experience ups and downs, however, UNHCR could not allow any ups and downs in the implementation of international standards (Official A, Ankara, 14 January 2014). [58]"*

Similar to these organisations decisions to lay low during policy making processes in other policy fields, averting exclusion from implementation; in this negotiation process, they established a safe distance from the EU, to prevent interrupting their relations with Turkey, in parallel to possible interruption in relations between EU and Turkey.

Finally, these organisations avoided getting involved in these negotiations to maintain their normative standings on asylum and migration. As a result of possible human rights violations related with readmission agreements, representatives of both the UNHCR and IOM Turkey have stated that an involvement in these negotiations would lead to controversies over their normative consistency. Since the introduction of the first EU level readmission agreements in the early 1990s, UNHCR has taken a stance against these agreements, criticising absence of asylum-related provisions. The organisation has claimed, that this not only jeopardizes the states' responsibility for providing fair procedures for determination of refugee status, it could also lead to refoulement as a result of a chain of readmissions. Regarding this, a "safe third country" concept implemented together with the readmission agreements, is specifically

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[58] The original Turkish text is as follows: *"UNHCR zaman zaman AB ile arasına mesafe koydu. Bunun ana politik sebebi ise UNHCR'ın AB'nin diktesini uygulayan bir kurum olmaktan kaçınması oldu. Kendimizi AB'nin sözcüsü konumuna düşüremezdik. AB-Türkiye ilişkilerinde iniş ve çıkışlar oluyor ancak UNHCR international standartların uygulanmasında iniş çıkışlara göz yumamazdı."*

controversial as states can refrain from obligations of fair status determination and shift the responsibility to the first safe third country through a chain of readmissions (UNHCR, 1994). These concerns of burden shifting are specifically relevant to countries at the periphery of the European Union, like Greece, Bulgaria and Turkey, where asylum systems are overburdened.

For these three reasons, both IOM and UNHCR Turkey did not actively participate in negotiations. Instead, they were indirectly involved in promoting emphasis on some issues and providing advice on how to address them. They mainly explain their positions on the human rights dimension of the issue and specify preferences based on best practice. A policy officer interviewed in the IOM Ankara Office has summarised their role during the negotiations:

> *"We are not active actors in the negotiations, Turkey is on its own in the negotiation process. We can only demonstrate our support for the consideration of certain matters and introduction of certain instruments… we can reveal the best practices in policy making and the reasons for these changes. We prepare and present some analyses, reports and desk reviews to reveal the elements, cause, effect and the outcomes of the process (Official A, Ankara, 17 January 2014).[59]"*

Indeed, during negotiations, these organisations had only limited participation as advisory bodies, expressing their priorities and comprehensions, though without any mechanisms to influence Turkey to alter the direction of domestic change. However, these organisations are expected to play considerable roles during implementation of the agreement together with the visa liberalisation road map. It is typical for these organisations to avoid, or to be excluded from, participation in politicised processes of policy making, but afterwards to get involved in the best implementation of available policies. The IOM is especially experienced in providing assistance for implementation of the readmission agreements, with a wide range of countries at the peripheries of the EU, including Armenia, Azerbaijan, Georgia, Moldova, Ukraine and the Russian Federation. This assistance is usually in the form of institutional capacity building through training and technical assistance. In its Turkey office, officials who

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[59] The original Turkish text is as follows: *"Müzakerelerde aktif aktör değiliz, TR bunu kendisi sürdürüyor. Fakat belli hususların dikkate alınması ve belli enstrümanların ortaya konması konusunda ancak destek olabiliyoruz … varsa politika yapımında iyi uygulamaları, değişiklik sebeplerini ortaya koyabiliyoruz. Sürecin unsur, neden, etki ve sonuçlarını ortaya koyacak şekilde bazı analiz, rapor ve desk review ların sunumlarını yapıyoruz."*

were interviewed also stressed their role in terms of enhancing the country's institutional capacities. Above-mentioned project officer from IOM Ankara stated *"There will be a good process of institutionalization. We have influence in terms of institutional capacity (Official A, Ankara, 17 January 2014).[60]"* The IOM's role in the implementation phase signifies continuation of a trend in Turkish migration policy making. While state and government officials often exclude international organisations from policy decisions due to expectations of political gains and an aim to conclude policy making without facing complications introduced by these agencies, they need assistance from these organisations to implement these policy decisions. As a result, these organisations become influential in capacity building, and are able to shape implementation of these policy decisions. This trend was visible in the implementation of the Law on Foreigners and International Protection, implied in the implementation of the readmission agreement and the visa liberalisation road map, and continued in the country's asylum policy.

In the implementation of the readmission agreement and visa liberalisation road map, the IOM is actively involved in completion of benchmarks related to border management. The organisation supported the integrated border management action plan and prepared necessary risk assessment guidelines in cooperation with Frontex. Currently, it is working on a cross border project between Greece, Bulgaria and Turkey, aiming to ensure continuous border communication through some parallel and common templates, aiming to share information among border staff. For this project, and many similar, involving cross border cooperation, the existence of the IOM as an honest broker is specifically significant, considering hindrances resulting from historically established lack of trust between parties. As seen in the implementation phase of the Greek-Turkish bilateral readmission protocol, this lack of trust can easily politicise technical issues and block the effectiveness of any agreement. These projects implemented by the IOM not only enhanced institutional capacities, they also made necessary border cooperation possible, through bridging provided by the IOM. Moreover, the IOM's assisted voluntary return programme, implemented since 1979, becomes relevant for implementation of readmission agreements, preventing a chain of readmissions for immigrants who had intentions of going back to their countries of origin.

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[60] The original Turkish text is as follows: *"İyi bir kurumsallaşma süreci olacak. Biz kurumsal kapasite yönünde etkiniz."*

In conclusion, both the IOM and UNHCR Turkey did not participate in the EU-Turkey negotiations of the readmission agreement. This was due to the centralised nature of the politicised negotiation process. These organisations also evaded participation in these negotiations for reasons related to instabilities of the EU-Turkey relations, as well as for concerns over their own normative identities, which they were unwilling to compromise by involvement in such controversial agreements. During the negotiation process, these organisations were only present to promote discussion of some issues. However this presence was not supported with any mechanisms to enforce Turkey to direct domestic change in accordance with their policy preferences. This nonparticipation in the negotiation process is changing drastically in the implementation phase as these organisations' expertise for capacity building is becoming essential. As it is common in Turkish migration policy making, in this policy field too, international organisations did not participate in policy decisions, but enforced their will through the implementation phase by assisting establishment of necessary institutional capacities, enabling them to enforce preferred best practices.

6.3 Domestic Actors

During the EU-Turkey negotiations over a readmission agreement, domestic actors who had the potential to claim their interests and influence outcomes were the Turkish parliament, civil society, public opinion, political parties, business groups and state institutions that are responsible for policy implementation, such as the Turkish National Police and the Directorate General of Migration Management under the Ministry of Interior. Each of these actors were relevant in the negotiation process of the agreement, establishing domestic pressures necessary for Turkish negotiators (a) to maintain their position on visa liberalisation (b) to negotiate terms for financial and technical burden sharing and (c) to ensure the agreement was concluded with respect to human rights. Their capabilities to establish such pressures were important in determining the outcome of the negotiation process and the expectations over implementation.

Domestic pressures for visa liberalisation in return for a readmission agreement mainly came from Turkish public opinion and business groups. Their perspective against readmission was

mainly shaped by expectations from visa liberalisation rather than the agreement itself. For public opinion, political parties, and the mass media, the issue of visas is not only significant for removing travel barriers, but also symbolically significant for challenging Turkey's status as the "other" of Europe. In Turkey, especially in the last decade, public opinion on being a part of the EU has been replaced by closeness to the EU and visa liberalisation was successfully presented by Turkish policy elites as a main indicator of that closeness. According to the 2015 Spring Eurobarometer, support for membership of the EU declined to 33%, while it was 62% in autumn 2004[61]. However, in 2015, a national survey by the Centre for Economic and Foreign Policy Studies (EDAM) in Turkey revealed that a majority of public opinion, 22.7% consider the EU as the main entity for Turkey to cooperate with for a stronger economy and foreign policy, followed by the Arabian Peninsula at 11.1%[62]. Moreover, the Turkish electorate aspiration to maintain their links with relatives or children abroad is undeniable. For instance, according to Eurostat, in 2012, around 20,000 Turkish students registered in EU higher education institutions[63], while the total number of Turkish nationals living in the EU was around 4 million. In these circumstances, interviewed policy makers implied that visa liberalisation for all Turkish citizens to the EU has a domestic, electoral power even exceeding EU membership, though they avoided to use such wording because of concerns over maintaining Turkey's claims on accession. In 2012, a political figure, former Turkish Minister for EU Affairs, Egemen Bağış declared the following:

> *"The readmission agreement will be indexed to our citizens' visa-free travel. We will complete the process in 3-4 years. For our citizens, visa-free travel is more important than accession[64]."*

Issues related to visas, are the only areas in Turkish migration policy, where Turkish business groups are interested in policy change. Despite their political differences[65], representatives from two of the most significant business associations in Turkey, the Turkish Industrialists'

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[61] Eurobarometers are available in the following link:
http://ec.europa.eu/public_opinion/archives/eb_arch_en.htm. *Retrieved in February 04, 2015.*
[62] The survey is available in the following link: http://www.edam.org.tr/tr/File?id=2164. *Retrieved in February 04, 2015.*
[63] For more information see: http://ec.europa.eu/eurostat/web/products-datasets/-/educ_momo_dst.
[64] July 11, 2012. "Halk Üyelik Değil Vizesiz AB İstiyor (Public does not want Membership, They Prefer Visa-Free EU)", *Radikal.*
<http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1093806&CategoryID=78> *Retrieved in July 31, 2014.*
[65] For a comparative analysis of these associations see Öniş & Türem, 2001.

and Businessmen's Association (TUSIAD) and the Independent Industrialists' and Businessmen's Association (MUSIAD) agree on the need for determination in this issue at all costs. Both organisations supported the agreement to obtain visa liberalisation in return and expressed contentment on its conclusion. The main claims of Turkish business groups are formed around inconsistencies of Turkey's Customs Union agreement. In line with Sassen's theory (Sassen, 1996), these business groups stress the incompatibility of free flow of goods, capital and information with restrictions on the mobility of people. This also contradicts the competition principle implemented by EU Law, disadvantaging Turkish firms in the EU market by allowing them to ship their goods, but, blocking entrance of personnel. In relation to this, one of the most significant claims on the issue of visas came from these actors, when two Turkish lorry drivers were denied access to Germany with their vehicles. In the Soysal and Savatlı case[66], the Court of Justice of the European Union ruled against Germany for violating terms of the 1973 Additional Protocol to the Association Agreement with Turkey (Köktaş, 2009). There are various similar national and international court decisions for the Netherlands and UK as well. However, these court cases did not expand to become a norm and visa free travel for service providers continued to be tied to harsh procedures.

Parallel to these groups' claims on visas from EU member states, Turkish policy elites shaping terms of this readmission-visa liberalisation deal, sustain their pressures for a visa-free regime with a stance built upon these groups' grievances. Indeed, these groups' cases are the most relevant, since they do not benefit from any facilitations for obtaining visas, while, in Turkey, diplomats, members of the parliament, ministers, state bureaucrats, long term civil servants, public officers and their families do not need a visa for short term stays in the EU. Thus, the conditions for Turkish business people is specifically significant who, because of their business links, act in a more transnational manner than most groups though their travel rights are limited. A policy officer from the EU Commission's DG Enlargement division, described the rationale behind the Turkish negotiators' emphasis upon conditions of Turkish businesspeople:

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[66] C-228 / 06 Soysal and Savatlı v Germany, judgment of 19 February 2009.

"Turkey, has long requested the abolishment of visa obligations Turkish citizens need, in order to travel to EU member states. Not all citizens need a visa because, for example Turkey has four types of passports as I remember. Diplomatic passports do not need a visa, special passports do not need a visa. So actually when we say Turkish citizens need a visa we mean that a big number of Turkish citizens need a visa to travel to the EU member states while others do not need visas. Among other things, Turkey is complaining about visa obligations of Turkish businesspeople, lorry drivers and many others, students, scientists and so on (Official B, Brussels, 25 April 2014)."

Accordingly, although these business groups were not directly involved in this negotiation process their claims for visa liberalisation enabled Turkish negotiators to remain persistent during negotiations. Moreover, business groups, public opinion and political actors acted coherently, supporting the agreement for liberalisation. As a result, policy makers did not have to balance preferences of these parties. Coherent domestic pressure from these groups strengthened Turkish negotiators' leverage to not compromise their demand for visa liberalisation.

While coherent domestic pressure from these groups enabled Turkey to negotiate concessions from the EU, absence of such pressure from the Turkish Parliament limited its capabilities to demand further concessions. In international negotiations, typically, domestic pressures for maintaining further concessions from third parties come from Parliament, shaped around the threats to veto if domestic constituency preferences are not met. However, this trend is absent from Turkish international negotiations. The Parliament rarely, if ever, vetoes any agreement signed by government officials. Since 2002, the AKP has held an average of around 56 per cent of seats in the Turkish Parliament and members of parliament elected from this party consistently act as a voting bloc. Thus, although international agreements need to be ratified in the Turkish Parliament, this process does not constrain negotiators because of the distribution of MPs in Parliament.

This appears like an enabling factor for Turkish negotiators, in terms of release from Parliamentary pressures and being able to negotiate in a relatively free manner. However, the absence of parliamentary restrictions decreased Turkish negotiators' leverage and empowered the EU. In a negotiation process such as readmission, where Turkey is not demanding an agreement, but seeks compensation for the EU request of an agreement,

Parliament's possibility to veto the agreement could increase compensation. With a passive Parliament, guaranteed to ratify any agreement concluded by government officials, EU officials were aware that they were negotiating with a few policy officials and Ministers, rather than the whole Parliament with concerns over constituencies. Absence of Parliamentary restrictions also justifies the Council's efforts until 2011, to conclude the agreement with visa facilitations, despite political pressures for obtaining visa liberalisation. Concerns for ratification in the Turkish Parliament could prevent the Council from adopting such a hard bargaining position, considering the agreement would just be vetoed in Parliament. Aware of the compliance of Parliament, the Council sustained its pressure on Turkish negotiators, though their persistence coupled with some other enabling factors revealed in this section, led to a more satisfactory agreement for Turkish officials.

The state institutions that are responsible for migration policy implementation, mainly the Turkish National Police and the Directorate General of Migration Management under the Ministry of Interior were the main actors to put pressure on Turkish negotiators as well as EU institutions to ensure sufficient financial and technical burden sharing. While bodies under the Ministry of Foreign Affairs and Ministry of the EU Affairs were more focused on satisfying pressures from political actors, these implementing bodies insisted on ensuring sufficient burden sharing mechanisms being added to the agreement. This also drew the attention of Commission officials. A high ranking official from the international affairs unit of the DG Home Affairs suggested:

> *"The Ministry of the Interior comes from the angle of Turkey, in which there are already many problems. Things that the EU request are an additional burden. The Ministry for EU Affairs have a different angle. They should be the best advocate for our cause, but they need to show the political masters and public opinion that they are not betraying Turkey by cooperating with us (Official A, Brussels, 28 April 2014)."*

A policy officer from the same unit also stated:

> *"When you speak to the Turkish authorities and their Ministries, each Ministry basically looks from their own perspective. You speak to the Ministry of Foreign Affairs, they will always look at the general picture. They will not care so much about the detail. Sure, overall they defend the interests of Turkey. It will be easier to try to reach a solution with the Ministry of Foreign Affairs, not because they are easier to*

handle, but sometimes you get drawn into the details between technicians. This leads you to sometimes forget the broader picture. Whereas if you have a broader picture, then you can forget about details if the overall picture is good for your country, then you can progress. That's more the reasoning of Ministry of Foreign Affairs. While the Ministry of Interior will always tell you about the details (Official C, Brussels, 30 April 2014)."

Awareness about these factions led Commission officials to conclude that, if the EU wants to close a deal with Turkey, it has to satisfy these actors. As a result, detail, or more precisely implementation, oriented pressures from institutions under the Turkish Ministry of Interior led to inclusion of financial and technical assistance clauses in the agreement. Thus, these differences in opinion between Turkish Ministries also acted as an enabling factor, for Turkey to conclude the readmission agreement by negotiating further concessions than the EU was willing to provide.

Despite government and state institution satisfaction with the visa liberalisation road map and financial and technical burden sharing, there are significant reactions against readmission agreements from non-governmental organisations, think tanks and academia. These reactions are primarily due to possible human rights violations related to the agreement, based on the risk of a violation of terms of the 1951 Geneva Convention, by not giving irregular migrants a chance, or time, to apply for refugee status and causing refoulement by a chain of readmissions. Moreover, many NGOs are specifically uneasy about the introduction of visa liberalisation in exchange for a readmission agreement, silencing possible opposition by introducing incentives in an indirectly related policy field. The coordinator for refugee rights of Amnesty International Turkey stated:

"It is surprising to see the parallelism between the readmission and visa liberalisation. Normally, visa liberalisation shall not be conditional to readmission. We are uneasy about this bargain. Readmission, if implemented in this state, will end up causing violation of rights (Ankara, 15 January 2014).[67]"

Despite their apprehensions, these organisations could not constrain negotiators and were ultimately incapable of establishing necessary pressures to determine the outcome of the

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[67] The original Turkish text is as follows: *"Geri kabul ve vize paralelliği şaşırtıcı. Vize muafiyetinde normalde bu ibare olmamalıdır. Biz bu pazarlıktan rahatsızız. GKA'nın bu haliyle imzalanması hakların engellenmesine yol açar."*

negotiation process. The main reason for their incapacity has been their exclusion from processes because of the highly politicised and thus centralised nature of this agreement. An attaché assigned to the border management division of the Delegation of the EU to Turkey, had these insights, explaining this centralisation:

> *"Readmission negotiations are much more centralised… In the policy fields that are more politicised, centralisation increases and the involvement of other actors' decreases… The readmission could have been signed years ago, but politics got in the way (Official A, Ankara, 16 January 2014)."*

Officials from the Ministry for EU Affairs has also commented on the centralisation and lack of transparency in negotiations over the readmission agreement. A high ranking official from the directorate for political affairs of the Ministry for the EU Affairs verified this centralisation with the following statement:

> *"The negotiation process and the road map were occasionally kept secret from the member states as well. There has been a lack of transparency even against them. The negotiations with the Commission on the road map was kept behind closed doors. The important thing is not the process of the negotiations, but its outcome. Transparency would affect the outcome. Due to the nature of the negotiations, it is not necessary to disseminate what is spoken inside. After the negotiations are concluded, there can be a dissemination of information about the process, then, the transparency would not cause shortcomings. We need to avoid misinforming the public. Transparency may cause this misinformation (Official A, Ankara, 14 January, 2014).[68]"*

This statement adequately summarises the politically fragile nature of negotiations. It also suggests, despite their inclusion in the processes of preparation of the Law on Foreigners and International Protection, the general state trend excluding international organisations and civil society from policy processes persists, due to political considerations. Moreover, in the absence of an established constitutionalism on migration and refugee protection, these actors had no resources to get involved in the processes and, finally, preferences of politically and economically prevalent actors had the major influence in the policy processes.

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[68] The original Turkish text is as follows: *"Üye ülkelerden bile zaman zaman müzakere süreci ve yol haritası gizli tutuldu. Onlara karşı bile şeffaf davranılmadı. Komisyon'la yol haritası konusunda bulunulan görüşmeler kapalı kapılar ardında oldu. Önemli olan müzakerelerin süreci değil sonucudur. Şeffaflık bu sonucu etkilerdi. Müzakerelerin doğası gereği ne konuşulduğunun dışarı verilmesinin gereği yoktur. Sonuca vardıktan sonra süreçle ilgili bilgilendirme yapabilir, o zaman sıkıntı olmaz. Kamuoyunun yanlış bilgilendirilmesinden kaçınmak lazım. Şeffaflık buna sebep olabilir."*

In conclusion, added to its importance and the change in the wider environment, domestic pressures also became enabling factors for Turkish negotiators to influence the outcome of the readmission agreement and visa liberalisation negotiations. Turkish public opinion, political parties and business groups' approach to visas had a significant impact on domestic pressures necessary for Turkish negotiators to maintain their position on visa liberalisation and negotiate quite significant concessions from the EU. While Turkish negotiators recognised public demand for visa liberalisation, expecting electoral gains, they chose to stress the grievances of these business groups at the negotiation table, to sustain pressure for a visa free regime with the EU. On the other hand, the absence of parliamentary pressures caused Turkey to lose leverage and enabled the Council to persist its hard bargaining by re-offering visa facilitations until migration flows resulting from the Arab Spring made an agreement imminent, empowering Turkey.

The Turkish National Police and the Directorate General of Migration Management under the Ministry of Interior became the sources of domestic pressure for ensuring sufficient financial and technical burden sharing. Domestic confrontation between the Ministry of Foreign Affairs and the Interior, established the necessary checks and balances system, initially expected from but unfulfilled by Parliament. The negotiating officials, under the Ministry of Foreign Affairs, have benefited from this friction, as a justification for insisting upon financial and technical burden sharing. In a negotiation process where Parliament's power to veto was almost absent, implementing bodies under the Ministry of Interior claimed a similar role with power to deny sufficient implementation. As a result, these implementation oriented pressures from the Turkish Ministry of Interior guaranteed inclusion of financial and technical assistance clauses in the agreement which also enabled Turkey to conclude the readmission agreement by negotiating further concessions.

6.4 Conclusion

This case study has shown that despite expectations from the asymmetrical power relation between the EU and Turkey, the negotiation process of the readmission agreement between the parties did not conclude with the sole adaptation of EU preferences and expectations.

Instead, Turkey was more influential than expected from its position as a candidate country, and it could negotiate significant concessions from the EU. In this chapter, I identified the domestic, international and EU level factors that empowered Turkey and enabled the country to be influential in negotiations over an EU-Turkey readmission agreement. At the EU level, arguably the most significant factor has been the increasing prominence of irregular migration and the EU's urgent need to cooperate with Turkey in managing these flows. By 2011, Turkey was especially empowered by the sense of urgency emerging in Europe as a response to migration flows arising from the Arab countries, during and in the aftermath of the Arab Spring. Moreover, Cyprus' inherent opposition to Turkish accession and any possible concessions or incentives to Turkey, paradoxically empowered Turkey to claim them. While the apparent blockage of Turkey's membership both necessitated and enabled parties to establish a negotiation process outside of accession, expectation of a blockage in EU-Turkey relations during Cyprus' Council presidency, encouraged the Council to rapidly conclude negotiations during Denmark's presidency. At the international level, non-participation of international organisations in the negotiation process enabled Turkish negotiators to act more freely during the negotiation process. At the same time, these organisations provided assurances to Turkey of assistance during implementation, which helped Turkish negotiators to overcome policy implementing bodies' apprehensions over the conclusion of the negotiations. At the domestic level, the value of visa liberalisation for the Turkish public was added to pressure rising from grievances of business groups. This strengthened Turkish negotiators to maintain their persistence on visas. On the other hand, absence of concerns over ratification from the Turkish Parliament, stripped Turkey of significant leverage in negotiations demanding further concessions from the EU.

Overall, the majority of factors listed above are results of contextual changes that arose from the dynamic nature of the negotiation process. These changes weakened the EU's position by the end of negotiations and empowered Turkey to persist in its demands for further concessions. The empirical evidence suggests that, in the EU-Turkey negotiations over a readmission agreement, contextual changes occurring during the process, were the central elements that shaped the outcome and empowered Turkey to seek further concessions. Here, EU institutional complexities, causing EU-third country negotiations to take much longer

than bilateral international negotiations, disempowered the EU, while EU-level and Turkish domestic context changed in a way that increased Turkey's leverage. Thus, this case not only constitute an empirical challenge to the outcomes of asymmetrical relations between the EU and candidate countries, it also challenges the efficiency of EU negotiation techniques with third countries. These usually lead to long negotiation processes in an attempt to satisfy all EU institutions as well as member states. This challenge could be added to debates on supra-nationalisation of some policy areas, which persist around political concerns, and the member states' uneasiness to grant authority to the Commission to negotiate with third countries. The EU shall also consider the supra-nationalisation of some issues to ensure shorter negotiation processes, to prevent the possibility of losing leverage in increasingly significant policy fields, as a result of lengthy negotiations.

Ultimately, this case study has revealed the possibility of relations between the EU and Turkey, beyond accession. In the EU-Turkey readmission agreement, real progress was made through incentives and concessions established outside of accession negotiations. Although EU-Turkey relations on migration policy were initially a subset of the accession process, due to the increasing importance of migration, they were separated with an independent trajectory. Here, together with accepting the political significance attached to the continuation of the accession process, the parties could not risk continuation of the talks on irregular migration, in the scope of the to the politically charged accession process, where relations were frequently interrupted. Thus, this case also suggests, the commencement of the EU accession process with a third country is not decisive on continuation of relations in the accession framework. Conversely, in policy fields with increasing importance, establishment of a separate process with its own concessions and incentives, as begun between these parties after the Council introduced visa liberalisation in 2012, establishes a more direct way to reach a negotiated agreement. This establishment has shown the possibility of alternative trajectories to sustain relations between the EU and candidate countries, and questions the accession framework's decisiveness as a structure for facilitating policy change.

Chapter 7: Case Study 3, Turkish Visa Policy and Adoption of the EU Visa Lists

On the subject of regular migration, this thesis analyses Turkish visa policy as a case study, due to the complex presence of external influences, more specifically the EU, aiming to balance its position with respect to Turkish state sovereignty and its own interests. The main contested policy element in this field is on Turkey's adoption of EU negative and positive visa lists, to harmonise its visa regime with the EU. The EU visa lists determine countries whose citizens are required a visa to enter the Schengen area. These lists are a product of the Schengen agreement and introduced in Council Regulation 539/2001. There are around 135 states and non-state entities in the negative visa list and 46 in the positive visa list[69]. Adoption of these lists was established as a non-negotiable requirement for candidate countries during their accession process, while progress on reform in their visa policies became an important criterion in annual progress toward accession reports. In the framework of its accession conditionality, Turkey is also required to adopt EU positive and negative visa lists, by establishing a visa free regime with countries in the positive list and introducing visa requirements for ones in the negative list. To fulfil this requirement, Turkey needs to impose visa requirements to countries which it has a visa-free or a sticker visa regime, as other candidate countries in Eastern Europe also did.

Fulfilling this requirement is more complex for Turkey, as unlike post-communist countries in the Eastern Europe, Turkey has been using visa facilitations as tools of foreign policy since the mid-1950s, primarily to present its allegiance during the Cold War and afterwards with the expectations of political or economic gains (Açıkgöz, 2015). Traditionally, Turkey has a liberal visa regime, dependent on the country's foreign policy but also as much on its economic interests from trade and tourism. Since the mid-2000s, with a foreign policy called "visa diplomacy", this liberal regime has culminated in numbers of visa exemption agreements, offering visa facilitations to third countries for strategic or economic gains.

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[69] Council Regulation (EC) 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement [2001] OJ L 81/1.

Moreover, Turkey has historical and ethnic bonds with some countries such as Iran and Azerbaijan, with whom it persists in maintaining a visa-free regime (Aygül, 2013). As a result, for Turkey, adopting those lists does not only refer to introducing visas to some third countries, it also means retracting some previous concessions. While the EU demands that Turkey introduces visa requirements to various countries that it has an established visa-free or sticker visa regime with; Turkey favours maintaining the existing regime until accession to the EU is secure and even negotiates to maintain some after accession. In this policy field, Turkey is facing a significant dilemma between keeping good relations with the EU within or outside of its accession process, and its political and economic interests with neighbouring countries (Düvell, 2014).

In this chapter I focus upon Turkey's level of compliance with EU positive and negative visa lists, and analyse how Turkey determines its priorities on its visa regime. Proceeding from the previous section's findings, in this chapter, I expect to find limited EU influence on Turkey's visa policies in comparison to the negotiation process of the readmission agreement. The main incentive for this policy change is still accession conditionality, and due to the decline of Turkey's accession prospects, the asymmetrical relationship between the EU and Turkey does not empower the EU as much as it used to, when a solid accession conditionality was present. As a result, the EU was expected to present some incentives and concessions beyond accession conditionality. However, in Turkey's visa policy, where there is no sense of urgency for a policy response, the EU was not able to present any significant incentives or concessions for long term returns. Instead, the EU linked visa policy to an already existing incentive, presented in return for the readmission agreement, the visa liberalisation road map.

7.1 EU-Level Actors

In the early 2000s, at the peak of the country's accession prospects, Turkey began to reform its visa policies in compliance with the EU, and introduced visas to some countries in the EU's negative visa list, despite the traditionally liberal nature of its visa policies. The Commission's annual progress reports for Turkey show that, until 2006, Turkey made progress, harmonizing its visa policy with the EU by imposing visas to some countries on the

EU's negative visa list. During this time, the only EU incentive for Turkey to adopt these lists was the accession conditionality. This functioned as an adequate incentive for Turkish compliance, until the decline in accession prospects in the mid-2000s, especially resulting from the interruption of accession negotiations in 2006. This was a result of Turkey's Cyprus policy and the Council's decision to freeze negotiations on eight Chapters. With this development, Turkey did not only halt efforts for compliance, but also began to act directly on non-compliance by lifting visa obligations for some countries in the EU's negative visa list. After 2006, Turkey began to adopt a liberal visa regime which would later transform itself to "visa diplomacy." With this new approach, the Turkish government stopped prioritizing EU requirements, lifted the visa obligations for many countries of the EU negative list, including Azerbaijan, Mongolia, Uzbekistan, Tajikistan, Turkmenistan, Libya, Jordan, Lebanon, Russia and Syria and introduced sticker visas that can be easily obtained at around fifty airports. These drawbacks and the suspension of efforts to harmonise Turkish visa policies with the EU are the direct outcomes of decline in Turkish accession prospects and the parallel decline in the power of accession conditionality.

Table 7.1: Changes in the Turkish Visa Regime, Before and After 2006[70]			
		Countries on the EU's negative visa list whose nationals are <u>added</u> to Turkey's visa free regime	Countries on the EU's negative visa list whose nationals are <u>removed</u> from Turkey's visa free regime
Before 2006	2001		Kazakhstan, Bosnia-Herzegovina
	2002		Bahrain, Qatar, United Arab Emirates, Kuwait, Saudi Arabia, and Oman (sticker-type border visas)
	2003		Azerbaijan, Bahamas, Barbados, Belize, Fiji Islands, Grenada, Indonesia, Jamaica, Kenya, Maldives, Mauritius, Seychelles, Saint Lucia, and South Africa
	2005		Marshall Islands and Micronesia
After 2006	2006	Azerbaijan, Mongolia, Tajikistan, Turkmenistan and Uzbekistan	
	2009	Jordan, Kosovo, Libya and Syria	
	2010	Cameroon, Lebanon, and Russia	
	2011	Georgia, Sudan and Yemen	
	2013	Belarus, Colombia, and Moldova	

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[70] The dates that are given in this table correspond to the year when the parties have agreed to remove the visa obligation for travel to Turkey, though the implementation of some of those agreements may have been delayed.

Despite this decline in the power of accession conditionality, the Commission did not attempt to establish a separate trajectory for this policy field, as it has successfully done for the readmission agreement. Officials from the EU Commission still continue to frame the issue as a requirement for accession. They present the adoption of these lists as an indispensable step for progress in accession negotiations, and resent the changing direction of Turkish visa policy. For instance, a policy officer from the Commission's DG Home Affairs stated:

> *"We have profound concern with this policy. I totally understand that Turkey has its own visa policy, just like any other country in the world. The policy that Turkey was carrying on for a couple of years, somehow clashes with enlargement. Because in enlargement, you try to strive, even if you're not a full-fledged member, but if you want to negotiate, the negotiations are about how to align your law, Turkish law, with the EU law. And it happens that, visa policy is an EU competence, which means that, white and black lists, as we call it, of the EU would become binding on Turkey eventually. Now, the issue is that, Turkey is granting visa-free access to all those countries which are on the EU black list, we will have inevitable clash. Because on one hand, negotiations will be difficult with us, because we will be telling you, listen, you have Syria, you have I don't know, Iraq, Morocco on those lists. Those are all countries from which we request visas. Until you have settled it, we cannot progress in the negotiations (Official B, Brussels, 28 April 2014)."*

This statement shows how the Commission frames compliance on visa lists as a requirement for a future member state. However, as the credibility of the accession framework declined, Turkey began to seek alternative partners for obtaining some positive gains from its visa regime, which the EU was then unable to give. As Turkey deepened its relations with these alternative partners, the political commitment and in parallel to it, the cost of severing such commitment increased for Turkey. Currently, the cost of retracting from the visa diplomacy established with the country's south and east does not meet with distant prospect of accession, as the discussion in the next section further elaborates. The post-2006 visa exemption agreements signed with countries in the EU negative visa list have further increased the expected cost of compliance. The Commission officials are particularly concerned with these developments. In light of these new arrangements, it not only questions Turkey's dedication to its relationship with the EU, it is also uneasy about possible tensions in the international arena, expected if ever Turkey aligns its visa policy with the EU. A policy officer from the Commission's DG Home Affairs Unit explains these possible tensions:

"If Turkey eventually agrees to re-align its laws, then there will be another set of tensions with those countries. Because obviously no-one likes to see himself being put back on the blacklist by anyone. I saw it for example, between Poland and Ukraine, where there was previously a free visa regime. After the entry of Poland into the EU, it introduced visas, and you know, as much as at the political level people understand, people on the ground, they don't care, all they could see that yesterday they could cross the border without any problem and today they need to queue up for a couple of days for the visa. So, this inevitably brings tensions (Official C, Brussels, 30 April 2014)."

As Turkey continued to reform its visa policies in non-compliance with the EU, the Commission maintained its position on not offering Turkey any incentive for compliance other than the remote possibility of accession. This attitude reflected the low significance of visa policy. Moreover, the EU officials were aware of Turkish government officials' position to postpone this policy change until accession, to prevent a political backlash from allies in the East, before compensation was guaranteed by the West. However, in 2011, when the Syrians began to come to Turkey from the country's southern borders, benefiting from the visa free arrangement between the countries, the issue gained importance and was ultimately included in the visa liberalisation road map as a benchmark. The Commission added visa lists to the road map to overcome member states' worries against transit migration through Turkey, especially from Syria, which is expected to increase if Turkey is granted visa liberalisation. A high ranking official from the Commission's DG Enlargement stressed the significance of alignment of Turkish visa practices with the EU's:

"... This was one of the key demands by some member states and it's formulated in a bit of an ambiguous way in the road map. You have member states who ask that Turkey aligns with EU's visa policy. When member states ask this, they have this Syria thing in mind. Because we are going to have a visa-free regime with Turkey but Turkey does not have the same visa policy as the EU, towards foreign, other third countries. It means that, as long as there's free movement of people between Syria and Turkey, all these Syrians one day, they might go to the Schengen area. It will be easier for them if they already had free access to Turkey, then it will be less difficult for them to join the Schengen area in one way or another, than if there was a visa obligation between Turkey and Syria, you see (Official C, Brussels, 29 April 2014)."

In 2014, the report from the Commission to the European Parliament and the Council on progress by Turkey in fulfilling requirements of its visa liberalisation road map[71] has

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[71] European Commission, Report from the Commission to the European Parliament and the Council on Progress by Turkey in Fulfilling the Requirements of its Visa Liberalisation Roadmap, COM (2014) 646 Final (October 2014).

highlighted the Commission's demand to discontinue issuing visas at borders for the 89 countries including ones representing a high migratory risk to the EU (European Commission, 2014). As the report suggests, currently, there are not any substantial policy changes in this policy field. Moreover, except for the demands for reform on e-visas and visas on the border, there are no prospects for further progress as Turkey continues to value its relationships with those countries that are on the EU negative visa list. The inadequacy of the issue linkage established between the visa liberalisation road map and the adoption of the EU negative and positive lists to facilitate compliance to the EU is the main reason behind the EU's low level of influence in this policy field.

7.2 International Actors

Nation states typically claim absolute sovereignty on visa policies. As a result, international organisations rarely comment on nation-state choice of visa policies, to avoid criticism of interfering with state sovereignty. International organisations that are active in Turkey did not intervene in Turkish visa policy for this reason, also because it was irrelevant for their mandates, unrelated to any significant international human rights norms. This phenomenon presents a diversion from the other three case studies that have been undertaken in this thesis. Visa policy is the only area where international organisations do not have any comments on policy change. Thus, in the absence of a normative framework, neither one of the actors are able to strengthen or justify their position with reference to pressures from international organisations. This non-involvement automatically lifts normative claims from policy, suggesting the outcome is solely determined by a cost-benefit calculation made by domestic actors, more specifically by policy elites. Visa policy is also the only case study here where non-EU nation states have an interest in policy and are directly affected by the outcome of domestic change in Turkey. A change in Turkish visa policy cannot be perceived solely in a framework of relations with the EU. Wider international relations and the country's foreign policy objectives will also be considered. That is why, unlike other case study chapters in this study, this case study, introduces a brief analysis of Turkish international relations, to show the shift in Turkey's geopolitical position away from the EU, while it overlooks the non-existent international organisation involvement on policy.

Turkey's non-compliance with EU visa lists, is not a sole outcome of the Turkish policy elite dissatisfaction with progress in the EU accession process or with concessions introduced by the EU. It is also an outcome of change in Turkish foreign policy, aiming to diversify the objectives of its international relations and to improve political and economic relations with the Middle East and North Africa (Suvankulov, Akhmedjonov, & Ogucu, 2012). Under AKP rule, Turkey has lost its identity-based commitment to the EU in its foreign policy and established a new, pragmatic foreign policy approach, determined by a cost-benefit calculation (Oğuzlu, 2008). Beginning in its second term in 2005 and continuing until today, AKP governments have been shifting their priorities in their foreign policy, from a deep commitment to EU accession to a looser commitment, mainly due to disappointment with progress of Turkey's accession process but also resulting from the AKP's neo-Islamic identity. While AKP commitment to Turkey's EU accession prospects were loosened, the country's Eastern neighbours were the centre of attention. The AKP focused particularly on using the "soft power" of trade and diplomacy to develop its relations with neighbouring countries (Öniş & Yılmaz, 2009).

Turkish officials interviewed in this study frame Turkish policy preferences on the country's visa policy, around economic and strategic expectations. Because of this, a comparison of data on Turkish trade to these countries and the EU is relevant to indicate the benefits of this visa regime for Turkey and the cost of abandoning such a regime to comply with the EU. Indeed the Turkish government's expectations for these visa waiver policies were met in the economic front. Turkey's trade relations with its Eastern neighbours has been catalysed and also stabilised by the removal of visa requirements for nationals of six Arab countries in the late 2000s, including Syria, Jordan, Lebanon, Libya, Morocco and Tunisia. Following initiation of economic relations with these visa policies, Turkey signed free trade agreements with Jordan, Lebanon and Syria. Between 2004 and 2014, despite the Civil War in Syria, Turkish exports to these six countries have more than quadrupled, from around 1.78 billion US dollars to 7.87 billion US dollars. Imports have also risen from 700 million US dollars to 1.5 billion, though a significant decrease is observable in imports from Lebanon and Syria, due to conflicts in these two countries[72]. Despite these increases in imports and exports, these

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[72] The data is obtained from Turkish Statistical Institute: http://www.turkstat.gov.tr/.

trade relations should not be overvalued. Even with these increases, in 2014, these six countries only had a share around 0.5 per cent of Turkish exports. However, these trade relations are significant in terms of both generating and being supported by frequent high ranking official visits from Turkey to these countries. From these visits, several agreements have emerged, in policy areas of agriculture, commerce, education, the military and transportation. As a result, economic interdependence established by the trade links, led to an improvement in diplomatic and security relations as well and further strengthened Turkey's ties with this region.

Along with these newly-established relations, there are also some continuities in Turkey's international relations, criticised in the framework of its EU accession. These continuing relations, especially with Iran, are even harder to dispute than the above introduced new ones and establish further challenges to Turkey's alignment with EU visa policies. Turkish policy makers consider Iran to be an historical partner which Turkey drew away during the early Republican period, due to fears of Islamic fundamentalism spilling over from Iran to Turkey. Since it came to power in 2002, the AKP government has embraced Islamic identity instead of renouncing it, and it has been re-establishing links between the two countries in fields of security and economy (Ehteshami & Elik, 2011). Since 2004, Turkish exports to Iran have increased from around 800 million US dollars to 3.9 billion in 2014. With this increase, Iran became the tenth destination country of Turkish exports, with a share of around 2.5 per cent in Turkish exports. Iran is also the sixth country of origin for Turkish imports with 9.8 billion worth of imports, and has a 4.1 per cent share in Turkish imports[73]. Since the end of the Cold War, Turkey has also been re-developing its diplomatic and economic relations with the post-Soviet Turkic Republics in the Black Sea and Caspian Sea, and more recently, with Russia. In the late 2000s, to show good faith, Turkey established visa-free regimes with Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Turkmenistan and Russia. The Turkish government has been trying to improve its relations with these countries, especially aiming to complete energy related projects in cooperation with these countries, to establish Turkey

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[73] The data is obtained from Turkish Statistical Institute: http://www.turkstat.gov.tr/.

as an energy corridor for pipelines transporting Black Sea and Caspian oil through Turkey to Europe.

Although the increase in trade between Turkey and its Eastern neighbours is noteworthy, EU member states are still Turkey's main trading partners, with a share around 43.5 per cent in Turkish exports and 37 per cent in Turkish imports in 2014. While Germany is the major partner for Turkish exports with an average share of 10 per cent , UK, Italy, France, Spain, Netherlands, Switzerland, Belgium and Poland are all top twenty destination countries for Turkish exports. The discussion above does not suggest a complete shift in Turkish foreign policy. Rather, it suggests a diversification of focus from a purely Western orientation to a wider area. Öniş and Yılmaz define this as a "shift from a commitment to deep Europeanisation to loose Europeanisation and a simultaneous shift to soft Euro-Asianism" (Öniş & Yılmaz, 2009, p. 20). Thus, together with maintaining a looser commitment to Europeanisation, Turkey shifts its foreign policy focus from the EU and seeks alternative partners, in an era when the country's EU accession prospects are extremely low.

In such an environment, Turkey's visa policy is no longer a sole part of its migration policy, but a reflection of the country's approach to its foreign policy, and its allegiances. A change in Turkish visa policy requires and also signifies a shift in Turkish foreign policy focus, as removal of current visa arrangements are likely to damage these established relations. Thus, unlike the other policy instruments, Turkey's harmonisation efforts concerning EU negative and positive visa lists are dependent on a number of variables in the international context of Turkey's international relations with its other partners. Turkey's visa policy is neither a pure policy change, as it was in the Law on Foreigners and International Protection, nor a bilateral negotiation process between the EU and Turkey as in the readmission agreement. It is a component of multi-faceted international relations, influencing and influenced by relations with third parties.

7.3 Domestic Actors

While EU expectations over influencing Turkish visa policies are centred on possible risks related to unwanted migration flows, the country's visa policies have been shaped by its foreign policy interests or expectations over economic gains (Açıkgöz, 2015). Especially since the mid-2000s, the governing AKP (Justice and Development Party) has been shaping Turkey's visa policy in parallel to its foreign policy goals, as an emerging power in the region seeking a proactive role in the future of the region. Such change in the country's visa policies is clearly an outcome of disappointment the country faced in its EU accession process. After the decline in the country's accession prospects in the mid-2000s, the Turkish government aimed to enhance economic relations based on trade and tourism with its Eastern and Southern neighbourhood, presenting alternative partners to its business elite. Also, the economic crisis the EU was facing at the time has supported these aims as Turkey was seen as stronger with the diversification of its trade partners. In parallel to the traditional Turkish state perception against visa policy, the AKP government continued to approach the country's visa regime pragmatically, to compensate for the decline in the relations with the EU by establishing close relations with alternative partners.

As noted above, in this policy field, the Turkish policy elite is relatively independent from the external limits to state capacities established by the international normative framework and, except for the business groups who have not yet revealed a precise position on the matter, they are independent from domestic limits as well. Turkish business groups, especially the Turkish Industry and Business Association (TUSIAD) and the Independent Industrialists' and Businessmen's Association (MUSIAD), continuously stress the significance of the implementation of the visa liberalisation road map and the eventual establishment of a visa free regime with the EU. However, as data presented in the previous section shows, they also benefit from Turkey's current visa regime. Considering that adoption of the EU's negative and positive visa lists are added to the visa liberalisation road map, Turkish business groups face a dilemma too, similar to the Turkish policy elites' though they have not yet stated a position to influence policy.

This relative independence from external and domestic limits enables Turkish policy makers to shape their policy preferences pragmatically, around their cost and benefit calculations. In the centre of these calculations, there are uncertainties related to EU commitment to its relationship with Turkey both in the framework of accession and the visa liberalisation road map. At the time when interviews were conducted, the visa liberalisation road map was already introduced; and the adoption of the EU negative and positive visa lists added to this document as prerequisites of visa liberalisation. However, none of the Turkish government officials met during the fieldwork of this study, mentioned this issue linkage. Turkish policy makers overlook this issue linkage and sustain the accession conditionality framework, as they prefer to stall EU induced policy change, until sufficient compensation from the EU is guaranteed. And according to Turkish government officials that were interviewed during this study, both in the Ministry of Interior and in the Ministry of Foreign Affairs, the only acceptable compensation is accession. According to them, Turkey needs to sufficiently align itself to the EU by accession and become part of the Schengen arrangement, before the country can risk such a bold foreign policy move by re-introducing visas to its Eastern partners and compromising relations with them. A senior official from the Ministry for EU Affairs put it bluntly, that, with a rationalist perspective, the country would only implement this domestic change after it becomes a member of the EU:

> *"Positive and negative visa lists will be implemented after the accession to the EU. Right now, Turkey has a sui generis visa policy. Turkey is providing visa liberalisation to the different regions where it is doing business. This is a foreign policy tool, in the same way that it is a foreign policy tool for the EU. These lists do not have any meaning for us, we just see visas as a foreign policy tool. Also, there is not a clear framework for the official Schengen negotiations between Turkey and the EU. These are the considerations that will be implemented during the accession process, maybe even after the accession. As there are still discussions on delaying Turkey's introduction to Schengen even after the accession (Official A, Ankara, 14 January, 2014).[74]"*

This cost-benefit calculation further reveals itself when Turkey's relations with its stronger neighbours are questioned. In particular, the country's partnership with Russia on trade and

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[74] The original Turkish text is as follows: "Negatif ve pozitif vize listeleri üyelikten sonra uygulayacağımız hususlar. Türkiye'nin su andaki vize politikası nevi şahsına münhasır. Farkli bölgelerde iş yapıyor ve oralara vizeyi kaldırıyor. Bu bir dış politik aracı. Nasıl AB için dış politika aracıysa. Bu listeler bizim için bir anlam taşımıyor. Vize bizim için de bir dış politika aracı. Resmi Schengen müzakereleri çerçevesi daha açık değil. Üyelik sürecinde hatta üyelikten sonra uygulanacak hususlar bunlar. Biliyorsunuz Tükiye'nin üyelikten sonra bile Schengen'e alınması geciktirilebilir."

energy-related deals is relatively new and volatile. A visa liberalisation agreement was signed between the parties in 2010 and has strengthened this partnership. For such a new relationship, the retraction of a newly established visa liberalisation regime could very well compromise the relationship. A senior official from the Ministry of Foreign Affairs remarked:

> *"Signing a visa liberalisation agreement with Russia was a very significant development for us. This is an issue, mainly influenced by the international juncture. In the future if the EU demands us to re-introduce visa requirements to Russia, we will have to do a situational analysis between markets. This may cause us to consider postponing the positive-negative visa lists considerations for a few years (Official A, Skype Interview, 17 October, 2014)."*

Turkish government officials from both the Ministry of Interior and the Ministry of Foreign Affairs have also stressed the significance of Turkey's relationships with some Middle Eastern countries. These continuing relations, especially with Iran and the Gulf region, are considered the outcome of an historical continuity and cannot be challenged. A senior migration and policy advisor for the Ministry of Foreign Affairs have stated that, in an attempt to ensure compatibility with EU visa legislation, sticker-type on the border and an online e-visa regime was introduced to nationals of Gulf countries, including Kuwait, Bahrain, Oman, Qatar, Saudi Arabia and the United Arab Emirates. He argued that, despite the introduction of the new Law, this visa regime was intentionally governed in a very relaxed manner. He suggested that even after Turkey's membership of the union, Turkey might ask for special treatment considering the value of its links with these countries by stating:

> *"... Visas were introduced to some countries in the EU's negative visa list, though visas were easily obtained at the border. Despite the new law, the issue of visas continued to be governed in a very relaxed manner. Turkey has a special relationship with Iran and the Gulf countries. Turkey's position is very different from the rest of the EU and thus the country does not yet need to adopt EU visa lists. For instance, Turkey indicates that it will not introduce visa obligations to some countries in the EU's negative visa list, such as Iran. Maybe in the future we could suggest a practice in which Turkey refuses to introduce a visa obligation to Iranian citizens, but readmits*

any Iranian citizens detained irregularly in the rest of the Europe (Official A, Skype Interview, 13 November, 2014).[75]"

In conclusion, adoption of the EU's negative and positive visa lists by Turkey is an outcome of a cost and benefit calculation, where Turkish policy makers adopt a bargaining position to ensure economic and political gains presented from the EU will meet the costs of risking Turkey's ties with its Eastern neighbourhood. These costs and benefits will be identified by Turkey and the EU, according to international and domestic context. There are not any other limits to Turkish state capacities on decision making. These visa lists do not have any implications in the global human rights regime and none of the international or non-governmental organizations are concerned about Turkey's compliance or non-compliance. Moreover, domestic and international conjuncture is shaping up against this policy change as a considerable portion of Turkish investments and trade continues with various countries in EU's negative lists such as Russia and the ones in the Gulf Region and the Middle East.

It is necessary for the EU to introduce new incentives for this policy field if it seeks convergence. Long-term gains attached to accession conditionality do not present any viable political gains to justify concessions to the domestic arena. Nor do they compensate for Turkey's possible losses resulting from introducing visas to third countries. Likewise, the issue linkage established between the visa liberalisation road map and adoption of the EU negative and positive visa lists proved inadequate for facilitating compliance to the EU as the visa liberalisation road map was already established as a compensation for a politically and financially costly arrangement, the readmission agreement. Linking another issue to the same incentive introduced for an already costly reform framework was not welcomed by the Turkish policy elites. In these circumstances, Turkish officials also deny risking their existing relations with other third countries when there was no imminent concession. Thus, it is expected that Turkey will continue stalling domestic change, even though the issue is linked

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[75] The original Turkish text is as follows: *"Sınırda vize uygulaması başlatıldı. Yeni kanuna rağmen vize çok laubali bir sistemle yönetilmeye devam etti. Türkiye'nin İran ve Körfez ülkeleri ile kendine has ilişkileri var. Türkiye'nin konumu AB'den farklı olduğu için AB vize listelerini kabulüne henüz gerek yok. Türkiye İran'a hiçbir şekilde vize uygulamayacağını belirtiyor. Belki gelecekte Türkiye'nin İran vatandaşlarına vize uygulamadığı, ancak öteki AB ülkelerinde düzensiz yakalanmaları halinde bu kişileri geri kabul ettiği bir uygulama önerebiliriz."*

to the visa liberalisation road map. Turkish officials will continue to seek sufficient compensation, which, in their opinion, is accession and full integration to the Schengen area.

7.4 Conclusion

This section was built upon Turkish policy elite's main dilemma on the country's visa policy, maintenance of good relations with the EU and ensuring the implementation of visa liberalisation, sustaining its political and economic interests with countries in its Eastern neighbourhood. This section revealed that a resolution for this dilemma will be stalled by Turkish policy makers, as long as possible, preferably until the country's accession to the Union is secured. However, if the EU demands a resolution sooner, as expected to do, considering the policy instrument is already linked to the visa liberalisation road map, Turkish policy makers are expected to do a cost benefit calculation and shape the country's visa policy accordingly. In this policy field, Turkish policy elites are relatively independent from the limits to state capacities. A normative international framework to define appropriate ways of behaviour is absent from policy decision making. Domestic limits to states' capacities are also weak, as the only relevant actor is the Turkish business elite, and even they do not have a concrete preference on whether to prioritise EU demands or relations with Turkey's East.

Such absence of external and internal limits to state capacities, has centralised policy and transformed it into a rationalist bargaining process between the EU and Turkey, in which policy compliance will occur in Turkey after the EU has introduced incentives to meet the costs of compliance. However, in this case, the EU was unable to present necessary incentives to meet costs for a policy change in Turkey. Instead, the EU has linked this issue to the visa liberalisation road map. This issue linkage is not expected to be effective in facilitating policy change, because visa liberalisation was already linked to the readmission agreement and the cost of both policy changes is unlikely to be met. This linkage can even be counterproductive to implementation of the readmission agreement as lack of progress in visa liberalisation because of this linkage would not be welcomed by the Turkish government. As a result, linking this policy change to the politically valuable expectation of visa liberalisation could

lead to negative spill-over and interrupt domestic change for the readmission agreement as well. If the costs related to the readmission agreement, coupled with the alignment of the Turkish visa regime, do not meet with the benefits expected from visa liberalisation, Turkish policy elites may halt progress in both these areas, and this could intercept implementation of the readmission agreement. Thus, while Turkish government officials both in the Ministry of Interior and in the Ministry of Foreign Affairs do not even mention such an issue linkage, even Commission officials accept that it is a long shot and continue their claims in the framework of accession conditionality.

This issue linkage was added to the visa liberalisation road map, to overcome member states' concerns on transit migration from Syria to Turkey, when the Danish Council presidency was aiming to rapidly conclude the readmission-visa facilitation deal with Turkey before Cyprus' presidency. The language used in the visa liberalisation road map, concerning this policy instrument, is particularly vague. For instance, instead of using the phrase of the annual progress reports "countries in the EU's positive and negative visa lists", the road map states "countries representing important sources of illegal migration for the EU" which signals flexibility, for some countries that are important to Turkey. The parties also signal this term's negotiability as a pre-request of visa liberalisation, as both Commission officials and Turkish policy makers continue to consider this policy change as an accession conditionality. Continuing to consider it in this way satisfies preferences of Turkish policy makers who aim to benefit from the deadlock in accession by stalling this policy change until the country's EU accession is secure.

Although, it is not viable for the EU to accept Turkey's preferred outcome in these negotiations and stall policy until the country's accession, this case study shows that currently there is no plausible alternative available. Since the interruption in the accession negotiations in 2007 and in line with the AKP's foreign policy goals, Turkey has been using visa liberalisation agreements as initiatives for rapprochement with the country's Eastern neighbourhood. This new foreign policy approach has profited Turkey by increasing trade volume, improving diplomatic relations and establishing links for cooperation with countries in the Black Sea, the Caucasus the Middle East, and North Africa. Though valuable, these newly established links are still volatile and Turkish government officials are not willing to

test the strength of these links, by re-introducing visas for these countries, without solid compensation from the EU. Moreover, Turkish government officials plainly express their apprehensions on applying visas to these countries. Turkey has an established common history narrative with the Turkic Republics and Iran, even after the country's accession to the EU is secured.

In such an environment, a significant shift in Turkish foreign policy is required to facilitate policy change in this policy field. Considering Turkey shifted its foreign policy approach initially as a response to the decline in its EU accession prospects, a shift back to EU oriented foreign policy alignment can only be secured if Turkey changes its foreign policy approach once more, prioritising its relationship with the EU. In other case studies presented here, the EU has facilitated domestic change through detaching migration policy area from the deadlock of accession negotiations. However, as Turkish visa policy is not only a part of Turkish migration policy, but also an element of its foreign policy, Turkish policy makers expect compensations for a change in the country's foreign policy. If Turkey is going to align its foreign policy solely to its partnership with the EU by interrupting its links with its Eastern neighbourhood, Turkish government officials expect concessions from the EU to secure this alignment.

Chapter 8: Case Study 4, Removal of the Geographical Limitation

The geographical limitation Turkey maintains on the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol, limits refugee status to asylum seekers coming to Turkey from events arising in Europe. However, since the late 1970s, the majority of asylum seekers who come to Turkey are from the Middle East and Africa and currently, except for a negligible number of Chechens from Russia, almost all asylum seekers who seek refugee status in Turkey are from non-European countries[76]. In the last ten years, the citizens of Iraq, Iran and Afghanistan have constituted 85.5 per cent of all asylum applications to Turkey, while between 2011 and 2015, the number of Syrians, whose status is evaluated independently from these overall flows, has reached 2.5 million[77]. Although these non-European asylum seekers are granted *non-refoulement,* if they are granted refugee status, they wait to be resettled in a third country. However, this waiting period could take years, and before the new legislation was introduced in 2013, during this period, refugees' basic rights were delayed until resettlement, due to the temporariness of their condition.

Prior to adoption of the Law on Foreigners and International Protection, this incompatibility between the nature of asylum movements to Turkey and Turkey's dominant policy response shaped around the geographical limitation, produced external pressures on Turkey to lift the geographical limitation. With the introduction of the Law, although Turkey maintained the geographical limitation, it also introduced an alternative category for non-European asylum seekers whose refugee status is approved by the Turkish authorities, as *conditional refugees*. With this category, the Turkish asylum system aimed to eliminate inequalities non-European asylum seekers face due to their temporariness (Açıkgöz & Arıner, 2014). While the Law has introduced social and economic rights, such as health benefits and access to employment, to conditional refugees, Turkey has preserved its right for resettlement, which implies that conditional refugees are still expected to be resettled to a third country.

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[76] An elaborate explanation of the implications of geographical limitation, presented with contemporary data, is available in the Background Chapter of this study.

[77] For up to date information on Syrians, please visit UNHCR'S Syrian Regional Refugee Response, Inter-agency Information Sharing Portal: http://data.unhcr.org/syrianrefugees/regional.php. *Retrieved in January 15, 2016.*

In this chapter, I analyse and compare the relative influence of the EU and international organisations on removal of the geographical limitation, before and after the introduction of the Law. I expect a shift in the leverage of external influences pressuring policy change, after the Law was introduced and external pressures based on human rights to begin to lose impact. Turkey's role during the Syrian civil war has further reduced the impact of external influences, as Turkey's apprehensions over burden sharing began to be supported by contextual developments. The EU's weakness in responding to the crisis has strengthened Turkish claims on the need for the resettlement clause in the scope of the geographical limitation, to ensure at least some burden sharing.

As implied above, the EU is not the only international organisation, aiming to influence domestic change in this policy field. Turkey's membership of UNHCR and IOM has also contributed largely to the change in Turkish asylum policies. Accordingly, in this chapter I also show how Turkish policy makers have strategically used these diverse actors' positions against each other. This case study is significant in analysing how domestic actors balance their relationships with external actors, and gain leverage from the context as well as from positions of other external actors. Consistent with the pervious case studies in this thesis, in this chapter, I undertake such analysis by focusing on the relative actor influences, during the dynamic process of policy change, analysing the influence mechanisms implemented by external actors and Turkish policy responses to these mechanisms.

8.1 EU-Level Actors

The EU has presented the removal of the geographical limitation from Turkish asylum legislation and practices as an accession conditionality, whose significance has been consistently stated in progress reports for Turkey, since 1998. The decline in Turkey's accession prospects, beginning in 2006, affected EU influence in this policy field too. The EU's inability to present Turkey an alternative incentive to accession, to compensate for costs related to lifting the geographical limitation has left this policy field solely dependent on the power of accession conditionality. Commission officials have presented such inability as a tactical policy preference, not to divert the focus of migration policy relations between the

parties to the issue of asylum. Responding to Turkish policy preference to stall policy until accession, the Commission left this low priority policy field as a negotiating point for Turkey and chose to focus on higher priority ones like readmission. A high-ranking officer from the Justice, Freedom and Security department of Delegation of the EU to Turkey shared the following remarks:

> *"We want them to do it. But we know the Turkish government's position on accession. This policy area is constantly mentioned in the progress reports, but Turkey stated that this will be upon accession. It's a negotiation point for Turkey. In reality, asylum seekers are here, but they are here with different titles. Turkey already provides services to them. It is only a matter of negotiations. Negative and positive lists and geographical limitation will stay as they are until the accession. We will not raise our voice on these matters (Official B, Ankara, 16 January 2014)."*

The Commission's choice to leave the geographical limitation as a final negotiation point was also based on loss of relevance in the EU's main claims to influence policy. In the EU accession documents, the pressures for lifting the geographical limitation are established upon two main principles: respect for the international human rights regime and assuming responsibility through burden sharing. The Commission officials dominantly stress human rights concerns related with the delay of rights non-European asylum seekers experience, during their stay in Turkey, because of their temporary status while they wait for resettlement. A policy officer from the DG Enlargement describes the Commission's apprehensions based on the geographical limitation with the following statement:

> *"... So, Turkey receives them, these people apply for asylum. They apply to Turkey, Turkey examines their application. But at the same time, these people apply also to the UN, where, for a number of reasons, the deadlines for examination of their application by the UN may take years. So these people are practically blocked in Turkey without having a status ... Because Turkey cannot give them the status of an asylum seeker, and in some cases, I presume, that these people just whenever they find the opportunity, they escape from where they are and they pass to Europe or elsewhere in Europe. Because, can you imagine, somebody being found in Turkey for any reason and waiting for the UN to consider, to examine its application three, four, five years. If I remember right somebody there gave us some figures: any application for an asylum seeker, submitted to the UN will be considered by 2017 or something like this. It will be examined, not resolved. So what will these people do there until 2017 or 2018? So, I don't have the solution for this question, but I'd say, empirically and reasonably, that Turkey will have to take some measures in order to address this problem… I mean, Turkey says to these people, OK, stay there in a limbo, you have no status, you have no*

identity, I don't know exactly how they are, until 2017-18 I don't know what. It's impossible. What these people will do there? So it is an inconsistency I'd say (Official B, Brussels, 25 April 2014)."

After the accession prospects of Turkey began to lose credibility, the EU has continued its presence in this policy field with an emphasis upon these two main principles. However, after 2010, the EU began to lose leverage on influencing Turkish policy change on both grounds. While its claims over respect for the international human rights regime began to decline with the introduction of the Law on Foreigners and International Protection, the claims over burden sharing lost their relevance with the role Turkey has undertaken in the Syrian refugee crisis.

The Law on Foreigners and International Protection, introduced in April 2013, granted the same social and economic rights to non-European asylum seekers whose refugee status has been confirmed by the Turkish authorities, by establishing a new category for their status called conditional refugees. By maintaining the geographical limitation, Turkey has aimed to continue the practice of resettlement for conditional refugees. As the first case study presented in this thesis has also shown, the Law was prepared with a participatory approach, where Turkish policy makers have legitimised their policy positions, through their cooperation with international organisations. These legitimisation efforts have continued after the introduction of the Law. It has gained the approval[78] of international organizations that are active in Turkey, for granting necessary protection to the asylum seekers. Turkish policy makers have strategically used this approval to legitimise their actions against the EU, and to reduce EU leverage to influence Turkish asylum policy change on humanitarian grounds with an emphasis on the global migration regime.

As the EU's human rights based claims weakened after the introduction of the Law, the union's position for influencing policy change became solely shaped around burden sharing,

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[78] This claim is derived from the interviews conducted with the representatives of the international organisations in Turkey. Relevant quotes supporting this claim are presented in the international actors section of this chapter, and also in the international actors section of the case study on Law on Foreigners and International Protection.

with a direct emphasis on the practice of resettlement. However, the dramatic increase in the number of Syrian asylum seekers coming to Turkey in 2013[79], and the EU member states policy responses against this, which praised Turkey's open border policy on humanitarian grounds, but supported a non-entrée regime to the EU itself; decreased EU leverage for criticising the geographical limitation, with an emphasis on burden sharing. These claims have lost further relevance as, according to the UNHCR's 2014 Global Trends report, the country became the largest refugee-hosting country worldwide with 1.59 million refugees and the Turkish government and international organisations demands for burden sharing from the EU have escalated (UNHCR, 2014). Thus, the EU has lost its leverage to influence change in Turkish asylum policies with claims around burden sharing while, by the beginning of 2016, the country has been hosting a rising number of 2.5 million Syrian refugees[80].

As the union began to lose leverage for influencing policy, considering the credibility of accession was already in decline, and the geographical limitation was a low priority policy instrument for the member states to introduce any further incentives; the EU shifted its position on the removal of the geographical limitation and adopted a more flexible position against this policy change. Although the EU has linked geographical limitation to the visa liberalisation road map as a benchmark as well, within two years, the union was also flexible in its insistence on such a position. In the 2014 report from the Commission to the European Parliament and the Council on progress by Turkey in fulfilling the requirements of its visa liberalisation road map, the Commission recognizes that in recent years Turkish authorities have granted asylum to thousands of asylum seekers from Syria as well as from many other countries, without any reported push-back cases (European Commission, 2014). Thus, the Commission acknowledges that Turkey has fulfilled its obligations under the benchmark, considering its border management carried out in accordance with international refugee law and respect for the non-refoulement principle. Furthermore, under the benchmark considering removal of the geographical limitation, the Commission states that the new Law has reduced the impact of the geographical limitation to a marginal level as "conditional

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[79] Although the initial flows began in December 2011, the number of Syrian asylum seekers registered in Turkey has raised alarm for the Turkish policy makers only in mid-2013, as their numbers have reached to 500,000.
[80] The data is obtained from the UNHCR Syria Regional Refugee Response, available in:
<http://data.unhcr.org/syrianrefugees/country.php?id=224 > *Retrieved in February 15, 2016.*

refugee" status grants almost the same security as the Convention does. It is implied that as long as the provisions of the law are effectively implemented and necessary secondary legislation is adopted, the removal of the geographical limitation may be re-negotiated (European Commission, 2014).

This re-negotiability was also implied by a senior official from the DG Enlargement, emphasising the necessity of continuing relations concerning migration policy:

> *"We said in the road map that Turkey should lift the geographical limitation. But as we have explained to Turkey, the Commission Working Documents, are for the Commission, it's how the Commission sees things at the beginning of the process. We believe, to the best of our knowledge, that to protect asylum seekers in Turkey, is to lift the geographical limitation. Now Turkey says, 'no way are we ever, never going to do this etc. But we have another way of reaching the same goal. This is the Law on Foreigners.' If the goal is to give asylum seekers, refugees, rights in international standards and if Turkey reaches through its Law on Foreigners or through lifting the geographical limitation, we might say, at the end of the day 'OK, Maybe Turkey did not lift the geographical limitation, but nevertheless, it attains to the same objective through other means.' This is why you're having a number of benchmarks that we put on the roadmap (Official C, Brussels, 29 April 2014)."*

This statement implies flexibility in EU policy preferences in this policy field. This is mainly due to the low political significance of the country's asylum policies for EU member states, and for the Council. This is also a tactical move, as with the increase in the number of asylum seekers in Turkey, the EU became aware that to demand a substantial policy change, such as the removal of the geographical limitation, the Union needed to share some of Turkey's burden. Being unable to introduce mechanisms for burden-sharing with Turkey because of political reactions from its member states, the Commission increased the tone of its normative discourse on asylum legislation, which was never absent, though subtle while the accession conditionality was powerful, and declared satisfaction with Turkey's new Law on Foreigners and International Protection. By doing this, the Commission successfully set this issue of geographical limitation in the background and evaded criticism for the absence of burden sharing with Turkey.

In this policy field, neither the vertical mechanism of conditionality, nor the horizontal mechanisms of social policy learning or normative suasion have been influential on policy

change. As for vertical mechanisms, the EU did not introduce any external incentives other than weak accession conditionality. In consideration of horizontal mechanisms, in the asylum policy field, the EU could not establish itself as an ideational or normative authority in Turkey, in the presence of an active UNHCR office. Moreover, the Commission directed its personnel in Turkey, to politically more significant policy instruments, such as implementation of the readmission agreement and border control. While the intensity of interactions between domestic actors and EU institutions in these areas are much higher, the Commission even having a permanent task force in Turkey for implementing the readmission agreement, the representatives of EU institutions rarely meet with Turkey to discuss the implications of the geographical limitation. As a result, in this policy field, socialisation in the framework of Europeanisation is weak. Top-down socialisation is immature as representatives of EU-level institutions rarely meet with policy-makers and bottom-up socialisation is ineffective as Turkish civil society and non-governmental organisations do not perceive the EU as the normative authority. Consequently, the EU's relative influence on urging Turkey to lift geographical limitation is minimal in the absence of sufficient vertical or horizontal mechanisms to act upon domestic change. The following section demonstrates the shift in international organisations' preferences on this policy instrument, and further clarifies how the EU has lost its normative push on geographical limitation, as international organisations have indicated contentment with the existing policy reform.

8.2 International Actors

Among the policy fields that I have analysed in this study, asylum policy is the only one having a formal and coherent multilateral global governance framework. Turkey is a party to the related international conventions and bound by the rules and regulations of the international migration regime. The UNHCR and the IOM have offices in Turkey to closely monitor the condition of asylum seekers and refugees within Turkey and assess the country's performance with respect to compatibility with international Conventions and Covenants to which the country is a party[81]. These organisations directly participate in policy

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[81] These Covenants and Conventions were specified in the theoretical framework and the background chapters of this study.

implementation and more recently in policy making as well. Thus, in this policy field, the higher relative influence of these international organisations is anticipated in comparison with the other case studies here, where a coherent multilateral global governance framework is weak, or even absent. Thus, although in EU policy, the issue of geographical limitation is very similar to the case of visa lists, meaning the EU accepts that Turkey would delay the response until post-membership. The EU is not the only source of external influence on Turkey. As Turkey's other international commitments also influence policy, the Turkish government benefits from frictions at the EU and international level and evolves its position to strategically respond to each actor's policy preferences. This section presents the ways international organisations have aimed to influence change in Turkish asylum policies. It also shows intersections and discrepancies between the EU and international organisation policy positions to provide a basis for the next section which elaborates further how domestic actors strategically use external actors' positions against each other.

Until the late 2000s, the international organisations that are active in Turkey, the IOM and the UNHCR, benefited from the pace of EU-Turkey accession negotiations, to implement their objectives in Turkey. The documents and reports prepared by the EU, beginning with the Accession Partnership document adopted in 2001, presented both concrete goals to be completed for accession and provided legitimacy for these organisations' objectives on reforming Turkey's asylum system within the framework of the country's relation with the EU. As also noted previously, these organisations' objectives inevitably overlap with EU legislation on asylum, as the latter is established upon the former. Accordingly, until accession conditionality began to lose power in 2006, international organisations which were unable to present any external incentives for reform, benefited from the power of EU accession conditionality, to establish their presence in the asylum policy change in Turkey. A high-ranking official, working in the Turkey office of UNHCR stated:

> *"The UNHCR has benefited a lot from the acceleration of Turkey-EU relations. After a framework was introduced to the political will, the UNHCR guided the Turkish government in harmonising the country's asylum system to the EU's 24th Chapter. In return, Turkey presented an approach which is more committed to change. In terms of Turkey's commitment, the 2001 Accession Partnership Document is very significant. As a response to this document, in the same year, the first national program was prepared. With this program, Turkey has agreed that it may lift the geographical*

limitation and pass a new law on migration. In this matter, the UNHCR supported Turkey by mainly providing training programs. These training programs actually began in 1994, but we didn't have a concrete purpose (Official A, Ankara, 14 January 2014).[82]"

Although these organisations have benefited from the EU trigger to establish a reform agenda on asylum, as decline in the credibility of the accession conditionality began in 2006, UNHCR chose to distance itself from being the implementing agency for the EU conditionality. As elaborated in the fourth chapter of this study, the international organisations that are active in Turkey often abstain from challenging Turkish government officials and bureaucrats during policy making processes, to prevent exclusion from the implementation process. Both UNHCR and the IOM situate themselves in the field, rather than on policy making negotiations, and aim to be seen as technical practitioners rather than political entities, aware that politicisation leads to exclusion in Turkey. In line with this attitude, after EU-Turkey relations began to decline, UNHCR tried to disassociate itself from the EU and establish itself as a non-politicised normative authority, reforming Turkish asylum legislation. The above-mentioned official explained this shift in the UNHCR's attitude:

"From time to time, the UNHCR has put some distance between itself and the EU. Because, UNHCR's objectives are international standards, not EU criteria. The main political reason behind this disengagement is that the UNHCR has been trying to avoid being an organization that implements whatever the EU dictates. We couldn't be in the position of the EU's spokesmen. EU-Turkey relations always experience ups and downs, however, the UNHCR could not bear these ups and downs in the implementation of international standards. The UNHCR used the EU pragmatically for the implementation of international norms (Official A, Ankara, 14 January 2014).[83]"

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[82] The original Turkish text is as follows: *"Türkiye-AB ilişkilerinin ivme kazanmasından UNHCR çok faydalandı. Siyasi iradenin önüne bir çerçeve konulunca UNHCR, Türkiye'nin iltica sisteminin AB'nin 24. Faslına uyması için Türk hükümetine yardım etti. Türkiye de değişikliğe daha bağlı bir yaklaşım gösterdi.Türkiye'nin bağlılığı açısından 2001 katılım ortaklığı belgesi çok önemli. Buna karşılık olarak ilk national program hazırlandı, aynı yılda. Bu programla Türkiye coğrafi çekinceyi kaldırabileceğini ve bir yasa çıkarabileceğini kabul etti. Bu yolda UNHCR Türkiye'ye destek verdi. Training programları sağladı. Bu training programları aslında 1994'te başlamıştı fakat önümüzde somut bir hedef yoktu."*

[83] The original Turkish text is as follows: *"UNHCR zaman zaman AB ile arasına mesafe koydu. Çünkü UNHCR'ın hedefi AB kriterleri değil, uluslararası standartlar. Bunun ana politik sebebi ise UNHCR'ın AB'nin diktesini uygulayan bir kurum olmaktan kaçınması oldu. Kendimizi AB'nin sözcüsü konumuna düşüremezdik. AB-Türkiye ilişkilerinde iniş ve çıkışlar oluyor ancak UNHCR uluslararası standartların uygulanmasında iniş çıkışlara göz yumamazdı. UNHCR AB'yi uluslararası normların uygulanmasında pragmatik olarak kullandı."*

This distance between the UNHCR and the EU on policy objectives has become evident in both parties' position against geographical limitation in Turkey. During the preparation phase of the Law on Foreigners and International Protection, the UNHCR Turkey office withdrew from its position on geographical limitation, as a response to the government's commitment to policy reform. After the Law on Foreigners and International Protection was adopted in April 2013, the UNHCR further backed down from its claims on geographical limitation and maintained its focus on rights provided for conditional refugees and implementation of the Law. A protection assistant from the Turkish office of UNHCR stressed the significance of protection rather than maintaining their position on the removal of the geographical limitation:

> *"Until the Law on Foreigners and International Protection was adopted, geographical limitation was a significant problem. However, with this law, the "conditional refugee" concept was developed. In terms of rights, refugees and conditional refugees are equal. The only difference between them is that, conditional refugees are subject to resettlement. However, their rights are protected by law, during the time they are in Turkey. Although the limitation is still present, in the implementation, the Law brought a more durable solution by improving the rights of conditional refugees and bringing them closer to obtaining international refugee rights. We are satisfied with the implementation. It is a much more important and urgent issue to establish and implement the new system rather than pressuring for lifting the geographical limitation. It is significant to ensure that the geographical limitation is not an obstacle to an effective and fair protection system. The political implications of this does not concern us at all. What is important to us is to ensure that all asylum seekers can obtain full protection granted by refugee status (Official B, Ankara, 15 January 2014).[84]"*

As noted by this official and many others that were interviewed during this study, the main difference between conditional refugee status introduced by the new Law, and the internationally acknowledged refugee status that Turkey would adopt if the geographical

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[84] The original Turkish text is as follows: *"Bu kanun çıkana kadar coğrafi kısıtlama bir sorundu ancak bu kanunla beraber "şartlı mülteci" konsepti geliştirildi. Haklar bağlamında şartlı mülteci ve mülteciler eşitler. Tek farkı şartlı mültecilerin resettlement'a tabi olmaları ancak Türkiye'de bulundukları süre içinde hakları korunuyor. Bu kısıtlama kalkmasa da, uygulamada şartlı mültecilerin haklarının uluslararası mülteci haklarına yaklaşması daha kalıcı bir çözüm getirdi. Uygulama bizi tatmin etti. Yeni sistemin kurulması ve uygulanmasındaki işbirliği, kısıtlamanın kaldırılması için baskı yapmaktan çok daha mühim bir konu.Coğrafi kısıtlamanın etkin ve adil bir koruma sisteminin önünde engel oluşturmaması önemli. İşin politik tarafı bizi hiç ilgilendirmiyor. Tüm sığınmacıların mülteci statüsüyle tam korunmaya sahip olması bizim için çok önemli."*

limitation is lifted, is the clause on resettlement. Conditional refugees are primarily held subject to resettlement, which is to a large extent undertaken by the IOM, in Australia, Canada and the USA. Though up-to-date data is not available on this, until 2009, the IOM have resettled around 65 per cent of asylum seekers, whose refugee status have been determined by the UNHCR[85]. Only 3 per cent of these resettlements have been to EU member states. In meetings held in the IOM Ankara office, both project officers and experts framed Turkey's insistence on maintaining the geographical limitation as a result of the Turkish government's intention to continue this resettlement program, as the number of refugees within the country has been increasing since 2011. Together with supporting the UNHCR's priorities on refugee protection, a project officer from the IOM added the following remarks on the maintenance of geographical limitation:

> *"It is not important whether there is a geographical limitation or not. What is important is the access to services and enhancement of human rights standards. Thus, new regulations were introduced in this matter. Turkey does not want to give up its right to resettlement. After a good system is established, it is significant from the first moment, to ensure the right to asylum application within a mixed group of people and sustaining the process with procedures that are not taking too long (Official A, Ankara, 17 January 2014).[86]"*

In conclusion, this section has initially shown UNHCR's functional use of EU accession conditionality as a trigger for policy reform. Despite having the highest level of multilateralism in comparison to other cases presented here, in this case too, international organisations remained inadequate to introduce concrete incentives to trigger policy change. Although these organisations participate in policy making and implementation, without the power to trigger policy with a concrete incentive, they cannot initiate the reform agenda. Thus, here, the UNHCR has pragmatically used EU conditionality to overcome this shortcoming. However, with decline in the power of EU accession conditionality in the late 2000s, the UNHCR has distanced itself from the EU, and especially withdrew support from the EU's agenda in the issue of geographical limitation. Derived from its strict mandate on

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[85] This data compiled from the resettlement statistics in the IOM's website (http://www.turkey.iom.int/operations.htm) and UNHCR Turkey's data on refugee status determination, provided in the background section of this study.
[86] The original Turkish text is as follows: *"Coğrafi kısıtlamanın olması ya da olmaması değil, hizmetlere erişim ve insan hakları standartlarının arttırılması önemli. Yeni düzenlemeler getirildi. Türkiye resettlement hakkından vazgeçmek istemiyor. İyi bir sistem kurulunca, ilk andan itibaren o karma grup içinde sığınmacıların başvuru hakkının olması, çok uzamayan süreçlerde prosedürlerin sürdürülmesi önemli."*

refugee protection, UNHCR succeeded in establishing itself as the normative authority in Turkey, and beginning in the late 2000s, the EU was obliged to act consistently with this organisation's policy preferences. To put it more precisely, after the UNHCR and IOM became content with the refugee protection introduced under the Law on Foreigners and International Protection with "conditional refugee" status, they set aside their apprehensions on geographical limitation. The EU persistence on its removal lost strength as the union was neither the main normative authority on this matter nor providing any assistance to Turkey for the fulfilment of its demands in the domestic arena.

8.3 Domestic Actors

At the domestic level, actors that express their preferences on geographical limitation are government actors and state bureaucracy, that oppose lifting it until Turkey is a member of the EU; and the non-governmental human rights organisations that have supported lifting the geographical limitation but shifted their emphasis to good practices after the introduction of the Law on Foreigners and International Protection. Focusing upon these two types of actors, this section both examines domestic pressures on policy change, but more dominantly, it analyses domestic level reactions to external pressures introduced in the previous two sections. The section argues, while these two types of domestic actor preference for removal of the geographical limitation varies, their attitudes against external influences on policy change are similar.

Since the accession negotiations with the EU began, Turkish government officials and state bureaucracy have been consistently against lifting the geographical limitation. It is not a policy instrument, such as the adoption of the EU's negative and positive visa lists where policy was directly influenced by the progress of accession negotiations. There has been no progress resulting from strong accession conditionality nor any retractions resulting from decline in the power of accession conditionality. Thus, it is not valid to assume that Turkish negotiators have backed down from their position on lifting the geographical limitation as a result of absence of a strong conditionality. What can be derived from the interviews with Turkish officials is that Turkish negotiators began to question their commitment to the EU in

asylum policy, as a result of EU preoccupation with the issue of geographical limitation, ignoring Turkish reforms in other areas of its asylum policy. A high-ranking official from the Ministry for EU Affairs stressed that Turkey was given the right to maintain the geographical limitation in the framework of international law, so there would be no foundation for external actors to compel Turkey to lift the geographical limitation as an international responsibility and as a pre-condition to provide sufficient protection to the asylum seekers:

> *"As the Turkish state, we do not hesitate to provide humanitarian aid on our Eastern Border. Turkey strictly adheres to the non-refoulement principle. In the last 3-4 years, there is no case filed against Turkey in the European Court of Human Rights. Non-refoulement is currently under complete legal guarantee. The humanitarian dimension of the situation is important for Turkey. Turkey follows certain principles to face the situation. It is very welcoming within the bounds of its capabilities. The geographical limitation is not a drawback imposed by Turkey. The agreement is signed in this fashion. Turkey is using its rights arising from the text of that agreement (Official A, Ankara, 14 January, 2014).[87]"*

In the previous two sections, this study have suggested that in the absence of a concrete incentive to offer Turkey for lifting the geographical limitation and in the presence of UNHCR as the main established normative authority within the country, the EU could not succeed in influencing domestic change in Turkey either through vertical mechanisms, or with horizontal ones. Moreover, the implementation of the readmission agreement signed between the countries has caused further doubt as, with the removal of the geographical limitation, Turkey would obtain the status of a "safe third country" which would enable the EU to ask for readmission of asylum seekers by Turkey as well. In such an environment, the Turkish state elite, perceives EU insistence on domestic change, with suspicion. An expert from the Directorate for Political Affairs in the Turkish Ministry for EU Affairs has expressed his apprehensions on EU pressure for the removal of the geographical limitation, stating both the inability and unwillingness of the EU to establish a working asylum system and also

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[87] The original Turkish text is as folows: Biz Türkiye olarak doğu sınırında insani yardımdan gocunmuyoruz. Türkiye non-refoulement ilkesine titizlikle uymaya çalışıyor. Son 3-4 senedir Türkiye'nin aleyhine açılmış bir dava yok. Non-refoulement şu anda tamamen yasal güvence altında. Durumun insani boyutu Türkiye açısından mühim. Türkiye bu konularda belli ilkeler çerçevesinde hareket ediyor. İmkanları çerçevesinde misafirperver. Coğrafi kısıtlama Türkiye'nin koyduğu bir çekince değil. Anlaşma o şekilde yapılmış. Türkiye o anlaşma metninden doğan haklarını kullanıyor.

indicating the EU's incompatibility to constrain Turkey on geographical limitation when the UNHCR was approving the county's asylum management:

> *"The fundamental objective of the EU on the matter is to prevent Turkey being a bridge to the EU as it is now, and ensuring these irregular immigrants stay in Turkey. Greece's acceptance rate is very low, its asylum system is collapsing. The EU wants Turkey to cope with asylum seekers. We need to understand why currently UNHCR does not put pressure on Turkey in this matter but the EU does. If Turkey becomes a "safe third country" by lifting the geographical limitation, the EU will be able to return asylum seekers as well in the framework of the readmission agreement. This topic does not articulate a lot, but it is true. EU's motivations are suspicious. Thus, Turkey will not lift the geographical limitation (Official B, Ankara, 14 January, 2014).[88]"*

Currently, the most significant form of international burden-sharing Turkey experiences in its asylum management is resettlement to third countries. In the area of resettlement, there is limited support for Turkey from the EU, with only 3 per cent of resettlements being to EU member states. While lifting the geographical limitation suggests withdrawal from this claim, Turkish officials become further sceptical of EU intentions as EU pressure on geographical limitation does not only suggest an increase in the number of asylum seekers within the country as a result of granting them refugee status; it also suggests such increase as a result of the above mentioned cases of readmission, as well as by giving up the claim to resettle a significant portion of refugees within the country. The above mentioned expert from the Directorate for Political Affairs in Turkish Ministry for EU Affairs expresses such conflict of interest with an emphasis upon the correlation between the ability to influence change with the level of burden sharing:

> *"In the framework of the geographical limitation, third countries have resettlement programs. Every year, the United States accepts 5-6000 people. However, none of the EU countries have such a scheme or a quota. Burden-sharing is very significant. The EU has to show Turkey its spirit of international cooperation and solidarity. However,*

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[88] Külfet paylaşımı çok önemli. AB'nin uluslararası işbirliği ve dayanışma ruhunu Türkiye'ye göstermesi lazım. Ancak bu konuda esas külfet paylaşımı Kanada, ABD ve Avusturalya ile gerçekleşiyor. UNHCR'ın bu konuda bir baskısı olmadığı halde AB'nin neden baskı kurduğunun anlaşılması lazım. Türkiye "safe third country" haline gelirse, AB, GKA çerçevesinde sığınmacıları da geri gönderebilecek. Bu konu dillendirilmiyor ama gerçek. AB'nin motivasyonları şüphe uyandırıcı. Bu yüzden Türkiye bu kısıtlamayı kaldırmayacak.

in this matter, we experience real burden-sharing with Canada, USA and Australia (Official B, Ankara, 14 January, 2014).[89]"

In such an environment, while representatives of all human rights NGOs, interviewed during this study, were in agreement with the demand for unconditional removal of the geographical limitation, they were uneasy about this issue becoming an issue of political contestation between the EU and Turkey. The coordinator for the refugee rights at Amnesty International Turkey has revealed their preferred form of domestic change in Turkey by stating: *"There is not any aspect of the geographical limitation that can be defended. It should be lifted without any conditions or limitations. This is a fundamental right that cannot be presented as a condition for EU membership (Ankara, 15 January 2014).[90]"* Thus, despite their unequivocal support for the removal of the geographical limitation, these organisations are against establishing it as an item in the EU's reform agenda, influenced by fluctuations in the accession process. Inherently, their position is similar to the international organisations as both types of actors are concerned about refugee protection influenced by instabilities related to EU accession negotiations.

Overall, this section suggests, both governmental and non-governmental domestic actors involved in refugee protection in Turkey seek a domestic, or at least a non-EU solution to the country's asylum policy, independent of their opinion on lifting the geographical limitation. Turkish state and government officials refuse to implement the EU's reform agenda without a concrete incentive for a policy change. This refusal is revealed more clearly as Turkey has recently prepared a new comprehensive legislation on international protection, and chose to introduce novel categories for asylum seekers rather than lifting the geographical limitation. Moreover, non-governmental actors are not only uneasy about refugee protection becoming an item for international bargaining, they are also apprehensive over the issue of asylum being influenced by instabilities in EU-Turkey relations. Recent developments coupled with sceptical perceptions of Turkish domestic actors against the EU, support the conclusion of

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[89] Coğrafi kısıtlama çerçevesinde üçüncü ülkelerin yerleştirme programları var. Her sene ABD 5-6.000 kişi alıyor. Ancak AB ülkelerinin böyle bir yerleştirme şemaları ya da kotaları yok. Türkiye'nin sağladığı geçici korumadaki destek ve kanuna koyduğu güvenceler ortada. Bu kişilerin Türkiye'de sıkışıp kalmaması için elden gelen yapılıyor. AB'nin düştüğü hatalara düşmeden hedef ülke olmanın sorumluluğunu toparlamak çok önemli.
[90] Coğrafi çekincenin savunulacak hiçbir durumu yok. Şartsız ve sınırsız olarak kaldırılmalı. AB'ye üyeliğe şart koşulamayacak temel bir hak bu.

the EU-level actors section of this case study. The flexibility the EU Commission presented to Turkey, by temporarily removing the geographical limitation from the negotiation agenda, can be interpreted as an international organization avoiding burden sharing in a policy field in which it is normatively expected to intervene. In the end, together with the introduction of a satisfactory law in Turkey, flexibility the EU presenting is also an outcome of its inability to share Turkey's burden. With significant decline in membership prospect and the lack of any rewards attached to this policy change, the EU could not continue to put pressure on Turkey, without providing any assistance.

Moreover, not only the EU, but also the UNHCR is losing its external influence on Turkey as international law is becoming embedded in domestic practices. Until the introduction of the new Law on Foreigners and International Protection, state and government practices were externally limited by Turkey's commitment to international norms and the global migration regime, where the UNHCR was a point of reference for policy implementation. In the case of asylum, these external limits are being transformed into domestic constitutional limits to Turkish state authority, with the introduction of the new Law on Foreigners and International Protection, established upon these norms and within the framework of Turkey's membership to international entities. In May 2015, the Directorate General of Migration Management undertook all the work and operations of Turkish asylum policy. Thus, in the near future, it is expected Turkish state bureaucracy to further strengthen itself with the new Law and for EU and international level actors to further lose their influence on policy change in Turkish asylum policies.

8.4 Conclusion

The analysis in this case study has revealed that, in the case of domestic change in Turkey's asylum policies and discussions over the removal of the geographical limitation, EU level external influence is limited in comparison to the other case studies introduced here. This decline in the EU's influence is mainly due to the absence of credible conditionality mechanisms. When compared with the other two cases preceding this one, in this case, the EU did not facilitate a strong issue linkage, by maintaining its position on the removal of the

geographical limitation as a benchmark for the visa liberalisation road map. Instead it has showed some flexibility in the first assessment report for the visa liberalisation road map.

In this chapter, I explain the reasons behind such flexibility, around two main factors. The first factor is constituted around statements of Commission officials suggesting that the EU chooses to postpone discussions in this non-priority policy instrument to a more suitable time in the future, to prioritise more important ones in its relations with Turkey. The interviews suggest, seeing Turkish state and government actors' consistent response against discussions on the geographical limitation, the EU Commission left this issue as a final negotiation point for Turkey. As current migration policy negotiations between the entities continue in an intense manner in the implementation phase of the readmission agreement and the visa liberalisation road map, the Commission has considered the addition of another politically deadlocked issue would be ill timed. The second factor is not constituted around the EU's choice to postpone negotiations but developments that have compelled the EU to do so. The EU has been legitimising its position for removal of the geographical limitation around claims based on the global human rights regime and burden sharing. The loss of relevance of the bases of these claims, after the introduction of the Law on Foreigners and International Protection and Turkish response to the Syrian refugee crisis, reduced the EU's leverage dramatically and thus led to such a flexible approach to its external influence.

On the contrary, in this policy field, international organisations had the highest level of external influence, in relation to other case studies introduced here. UNHCR, especially, has emerged as a powerful external actor. Although the organisation did not have any vertical mechanisms in the form of concrete incentives, the organisation has succeeded in using socialisation as a mechanism for facilitating domestic change. The organisation primarily established top-down mechanisms of socialisation in Turkey, after the country became a party to the Geneva Convention. The UNHCR has had an active office in Turkey since the 1960s and the organisation has been working on refugee status determination in collaboration with the Turkish state and government officials. Afterwards, it began to benefit from bottom-up socialisation to further establish its normative authority as Turkish domestic actors began to recognize the organisation as such. Being in the field and managing not to politicise itself also enabled this socialisation as the organisation managed to remain the implementing

agency of Turkish asylum policy for a long time. In asylum policy reform, the Turkish policy elite did not only grant UNHCR a seat on the policy table, during the preparation of the Law on Foreigners and International Protection, they have also used them as a source of legitimisation against EU's claims for lifting the geographical limitation. It is a common practice for the Turkish government and state actors to use EU conditionality for legitimising radical policy changes against domestic veto players. However, this is a rare instance where Turkey used international organisations, dominantly the UNHCR but also the IOM, to legitimise its actions on policy change. Turkish policy makers could facilitate this legitimisation due to the UNHCR's established normative precedence and superiority over the EU in asylum and refugee protection.

This section has identified UNHCR as the main source of external influence, though this does not suggest an increase in its power. It was empowered as a source of legitimisation against the EU, though its overall power in Turkey is in decline, mainly due to the internalisation of the external constraints to state policy making with increased constitutionalism in the asylum policy field. By introducing legislation for international protection, which was prepared in collaboration with the UNHCR and the IOM, Turkey not only constitutionalised refugee protection, it also reclaimed UNHCR's duties on implementation, such as refugee status determination, to the Turkish Ministry of the Interior, the Directorate General for Migration Management. While introducing domestic limits to state sovereignty in asylum policy making, the Law also restricted external influences. As a result, although UNHCR emerged as the dominant source of external influence, in the future, this policy field is expected to be more dominantly determined by the Turkish state and government actors.

Chapter 9: Actor Relationships and Influence Mechanisms

The cases presented in this study have so far explicated the influence of domestic, international and EU-level actors on domestic change in Turkish migration policies. The case studies focus on three levels of actors that influence domestic change in Turkey and their relative success in determining policy outcome. In the case study chapters, I have examined the influence of each actor on policy change and identified the most influential actors for each policy field. In this chapter, I establish a narrative based on actor relationships and compare their relative influences across policy fields and instruments. Here, I specifically focus on the literature on external influences and influence mechanisms and aim to identify the impact of each mechanism, depending on the actor who facilitates it, and the context.

In the following sections, I initially introduce influence mechanisms expected to be found in this analysis, derived from the literature on external influences. I have elaborated these mechanisms with respect to relevant theoretical frameworks in the second chapter of this study. Here, I briefly re-introduce them to clarify findings of the analysis on relative influences. Then I present a relationship-based cross-case analysis where I seek these mechanisms in relation to migration policy, between three levels of actors. I conclude the chapter by identifying the relative influence of each actor, and the mechanisms they facilitate at the peak of their influence. In the conclusion, I re-visit the international and domestic context for these peak events, and explain the significance of context on the relative influences of actors and their choice of influence mechanisms.

9.1 Mechanisms of External Influence in Turkish Migration Policy Change

Based on evidence presented in the case studies in previous chapters and with reference to the literature on external influences, both in the EU and at international level, in this chapter I expect to find *three* main mechanisms of external influence, implemented varyingly, by all levels of actors in different phases of their relationships on the Turkish migration policy change. Available literature on external influences at the EU level, mainly focus on either the Central and Eastern European countries, or on third and the ENP countries. Regarding EU

external influence on policy change, Turkey is an intermediary case between these two groups of cases, as it is still a candidate country, with an accession conditionality framework, receiving funds, assistance and assessment related to accession; but it has also lost its prospects for full accession and negotiates with the EU as a third country, demanding short-term concessions beyond the remote prospect of accession. Thus, it is not viable to expect the full applicability of influence mechanisms presented in the literature for those cases, to Turkey. Moreover, while the literature on the EU and international level mechanisms of policy change is dominantly focused on policy fields with a solid international normative framework, such as democratic consolidation (Youngs, 2002; Baracani, 2009; Freyburg, et al., 2009; Kubicek, 2011; Lavenex & Schimmelfennig, 2011), most of the issues within migration still lack such a framework which makes it harder for external actors to use mechanisms based on a logic of appropriateness. With these considerations, in this chapter, I seek the following mechanisms in each relationship in Turkish migration policy change mainly based on the conditionality and socialisation division in the literature on external influences. Further discussion on the theoretical foundations and the implications of these mechanisms is available in the second chapter of this study.

Conditionality is a top-down mechanism where an international or an EU level actor introduces external incentives, conditional to policy in a state (Kotzian, 2007; Piedrafita, 2012). It is an issue linkage established between benefits desired by a state and fulfilment of certain conditions presented by an international or an EU-level actor (Smith, 2003). The mechanism of conditionality depends on a cost and benefit calculation where leverage or bargaining power is central to determine the actors' relative influence. Although conditionality is essentially a bargaining process, where actors exchange threats and retractions to maximise their benefits from the process, it is distinguished from a regular *competitive bargaining* framework with the existence of a structured and, in most of the cases, well documented, rewards scheme presented to nation states in the initial stage of negotiations. Such a scheme can be modified to some extent during the bargaining process, but modifications are centred on core incentives presented at the initial stage. In a regular competitive bargaining process, the incentives are introduced during the process, as a response to exchange of information, threats and retractions.

While conditionality is an effective mechanism facilitated by both the EU and also international organisations (Pridham, 1999), due to the incapacity of international organisations to establish a conditionality framework on migration policy, for the purposes of this study, it is presented dominantly as an EU-level mechanism. On Turkish migration policy change, the EU level mechanism of conditionality functions both as *accession conditionality* and *policy conditionality*. While the former presents the long term prospect of accession as a final reward for policy change, the latter attaches shorter term policy-specific rewards to certain areas of reform (Börzel & Risse, 2000; Grabbe, 2002; Schimmelfennig & Sedelmeier, 2005; Vachudova, 2005; Kotzian, 2007; Schimmelfennig, 2008; Kubicek, 2011; Langbein & Börzel, 2013). In a cost-benefit analysis, accession conditionality is recognised as the most effective incentive, during the processes of democratisation in Central and Eastern European states (Schimmelfennig, 2005; Vachudova, 2005). However, the strength of accession conditionality to influence policy change on third countries depends directly on the credibility of the candidate countries' accession prospects (Schimmelfennig & Sedelmeier, 2004). In consideration of the declining accession prospects of Turkey, although accession has a much greater benefit in comparison to the policy conditionality framework presented by the visa liberalisation road map (European Commission, 2013), it does not have the necessary credibility. An elaboration of the relative success of policy conditionality will be presented below, for the intermediary case of Turkey, as a result of its low prospect of accession, situated between EU candidate countries and neighbourhood countries.

Socialisation is a process by which external influences function through *social policy learning* or *normative suasion* aiming to change and determine domestic norms and collective understandings about appropriate behaviour in targeted states. It is a long term mechanism where, in the final stage, the international or EU level actors expect internalisation and institutionalisation of these norms to change the identities, interests and behaviours of the institutions and actors in policy making processes of the targeted state (Müller, 1993; Risse & Sikkink, 1999). This internalisation and institutionalisation is expected to occur through norm entrepreneurs, including epistemic communities, advocacy networks, and even missions directly commissioned by international and EU-level institutions, who socialise the domestic actors into norms and appropriate ways of behaviour

by facilitating persuasion and social learning (Börzel & Risse, 2000; Schimmelfennig & Sedelmeier, 2005). Due to Turkish civil society's low level of participation in migration policy change, socialisation in the scope of this paper does not suggest a linkage approach through cultivation of civil society and transnational ties (Lavenex & Schimmelfennig, 2011), it suggests a more direct relationship between policy making and implementing bodies of both parties where rather than a realist cost and benefit framework, social policy learning and normative suasion influences actor policy preferences.

Social policy learning in the framework of socialisation is likely to occur through frequent policy consultation when highly technical or scientific issues are under discussion (Thomas, 2009). This suggests an increased level of external influence in policy fields where external actors have permanent missions or frequent meetings with their domestic counterparts. However, in less technical policy fields, for socialisation to be influential, *social policy learning* needs to be supported with *normative suasion* where external actors present normative reasons to domestic actors to influence policy. Thus, for an effective socialisation mechanism, facilitated through a collaboration of *social policy learning* and *normative suasion,* external actors need a normative claim to support their influence on determining ways of appropriate behaviour. In this study, policy fields where the EU or an international organisation have a normative claim are identified as areas where these actors are able to shape conceptions of "normal" and "appropriate" ways of behaviour, through ideational means (Diez & Manners, 2007). The policy fields where the EU has a normative claim is established as ones where the EU claims to act in compliance with the international legal framework and aims to influence policy change by claiming such universal legitimacy (Sjursen, 2006).

Legitimisation is a mechanism that frequently arises in the early stage of socialisation, where states use normative claims of external actors to legitimise their actions against domestic veto players or other external actors. The main difference from domestic power re-distribution resulting from technical and financial assistance provided within the conditionality framework, is its ideational nature. It does not involve any means of external aid and it is expected to influence policy change through acceptance of any normative claim as legitimate. Legitimisation is a powerful mechanism to empower domestic actors who support policy

reform, especially in policy fields where an international normative framework exists. For politically costly reform processes, legitimisation is specifically valuable for state governments as they can legitimise their actions through external influences and diminish political fallout at the national level (Lavenex, 2001; Geddes, 2003; Lahav, 2004; Lahav & Guiraudon, 2007).

The following sections present a relationship based, cross-case analysis of relative influences with the final aim of identifying actors who dominantly influence change in Turkish migration policies. Initially, the following sections seek these above-introduced mechanisms within each relationship to determine the relative impact of each mechanism of influence. In respect to context, the following sections identify suitable international and domestic conditions for each mechanism. By doing so, in this chapter I aim to explain the reasons behind the three levels of actors' relative influences with respect to the choice of mechanisms, time and context.

9.2 Relationship between Turkey and the EU: Conditionality Supported with Socialisation and Balanced with Power Politics

In the early 2000s, the EU initiated Turkish policy change in migration through accession conditionality. During this time, the prospects for accession were credible and the newly elected AKP government was keen to implement EU conditionality to strengthen the country's political and economic connections with the EU (Kubicek, 2011). At the peak of Turkey's accession prospects' credibility, the EU induced the preparation of the Turkish Action Plan for the Adoption of the EU Acquis in the Field of Asylum and Migration and set a systematic reform agenda for Turkish migration policies[91]. However, the EU's power to influence Turkish policy with accession conditionality began to decline by 2006, in parallel to the decline in Turkey's accession prospects. In subsequent years, resulting from the EU's decision to freeze the relations on eight chapters followed by France's and Cyprus' unilateral

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[91] "Turkish Action Plan for the Adoption of the EU Acquis in the Field of Asylum and Migration (İltica ve Göç Alanındaki Avrupa Birliği Miktesebatının Üstlenilmesine ilişkin Türkiye Eylem Planı)" adopted in 25 March 2005. Full text in Turkish is available at: http://www.goc.gov.tr/files/files/turkiye_ulusal_eylem_plani(2).pdf. Full text in English (unofficial translation) is available at: http://www.carim.org/public/legaltexts/LE2TUR003_EN.pdf. Retrieved in 13 February 2015.

decisions to block ten others, the EU began to lose its leverage on accession conditionality and sought alternative ways to influence policy in Turkey.

This section focuses on these alternative ways, and explains how, despite Turkey's receding accession prospect, the EU continues to maintain a high level of influence on Turkish migration policies. The most prominent explanation for the continuation of EU influence on domestic change in Turkish migration policies, is the replacement of accession conditionality issue linkage with policy conditionality, by establishing a connection between compliance with EU demands and visa liberalisation (Langbein & Wolczuk, 2012; Ademmer & Börzel, 2013). Thus, the EU has replaced the vertical mechanism of accession conditionality, with yet another vertical mechanism. This new policy conditionality issue linkage was strongly established in policy fields where the EU was seeking a rapid conclusion to negotiations on migration policy change, while the link was kept looser for policy fields of lesser importance.

9.2.1 Visa Liberalisation Road Map: A Policy Conditionality Framework for Migration Policy Reform

The issue linkages of each policy instrument to the visa liberalisation road map vary in strength, depending on the timing of the linkage, the context, and the perseverance of EU level actors to maintain such a linkage, by risking delays in implementation in other policy fields. Thus, the same policy conditionality ensures the EU varying levels of influence and leads to different policy outcomes depending on the strength of the issue linkage in each policy field. Since the decline in the country's accession prospects, the strength of the issue linkage between any given policy instrument and visa-free travel to the EU has been the most prominent factor determining EU influence on Turkish migration policies.

The initiation and implementation of the readmission agreement has the strongest issue linkage to visa liberalisation. Turkish government initially demanded visa related concessions as compensations solely in return for the EU-Turkey readmission agreement. Although the EU introduced some visa-related concessions during the 2000s, they were limited in scope and were not welcomed by the Turkish state and government officials as sufficient compensation to meet with the costs of the EU-Turkey readmission agreement.

After 2010, they were expanded to include visa-free travel for all Turkish citizens, resulting from contextual developments, increasing EU need to imminently conclude the readmission agreement with Turkey. These contextual changes were both international, expectations of increased mobility through Turkey as a result of the Arab Spring, and EU-level domestic, Denmark Council Presidency's aspiration to conclude a deal before Cyprus' term interrupts relations with Turkey.

However, the EU did not directly grant Turkey visa liberalisation in return for concluding the readmission agreement. Instead, the Commission introduced a road map to visa liberalisation, adopted in parallel to the conclusion of the readmission agreement in December 2013 (European Commission, 2013). This road map consists of the benchmarks that Turkey needs to fulfil for obtaining visa liberalisation for all Turkish citizens (European Commission, 2013). This new, structured conditionality framework foresees that upon completion of these benchmarks, Turkey will overcome EU member state apprehensions over establishing a visa-free regime and be granted visa liberalisation. All of the policy instruments included in this study and many more on migration management, including ones on border security, are among the benchmarks of this document. In essence, it is a policy conditionality document, similar to its accession conditionality counterpart, the Acquis. While the fulfilment of the Acquis' terms is conditional to accession, the fulfilment of benchmarks in the road map, including full implementation of the readmission agreement, is conditional on obtaining a specific policy goal, a visa free regime. Thus, although the EU has replaced the long term and unobtainable goal of accession with a short term and relatively more obtainable goal of visa liberalisation, in essence, it continues to facilitate conditionality as a mechanism to externally influence Turkey.

This policy conditionality framework granted the EU leverage comparable to the accession conditionality, but diverged from such a comprehensive, long-term and inflexible framework by being a short-term, attainable and flexible policy goal. It is a custom-made document prepared for the specific case of Turkey, and hence, more accommodating for its policy preferences in comparison to its accession counterpart. The establishment of such a structured process independently from the accession conditionality also changed the venue for Turkish migration policy negotiations from the accession framework to migration specific

negotiations. This has enabled parties to isolate migration policy, from Turkey's politically charged problem of trust to the EU, established during accession negotiations. For instance, a medium rank official from the DG Home Affairs of the EU Commission defines this new policy conditionality framework as *"a confidence and a cooperation building process between the member states and Turkey (Official C, Brussels, 30 April, 2014)."*

The policy conditionality framework established around the visa liberalisation road map facilitated policy change in Turkey by introducing mechanisms for compensating for the social, economic and political costs of this change. The politically valuable incentive of visas, coupled with assurances of financial and technical assistance helped to overcome Turkish government and policy makers' apprehensions over the introduction of the readmission agreement and facilitated its conclusion. The position of both Turkish government and policy makers on the readmission-visa liberalisation deal was summarised by a senior migration policy advisor for the Ministry of Foreign Affairs with the following statement:

> *"The main objective of Turkey for the readmission agreement was to establish the balance between EU support in a burden sharing framework, and visa liberalisation. We have been successful in accordance with the aims we have specified for ourselves (Official A, Skype Interview, 17 October, 2014)[92]."*

This issue linkage did not produce similar results of policy compliance in the policy fields of asylum and visa[93]. Turkey and the EU have been negotiating the readmission agreement, in return for a visa-related concession since the mid-2000s. Turkish policy makers have perceived the addition of other policy instruments, to the visa liberalisation road map, as last minute and unwelcome additions to the initial link between the readmission agreement and visa liberalisation. A senior official from the Turkish Ministry for EU Affairs states his uneasiness on this addition:

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[92] The original Turkish text is as follows: "GKA'daki Türkiye'nin ana amacı AB desteği (burden-sharing çerçevesinde) ve vize arasındaki dengeyi korumaktı. Belirlenen amaçlar konusunda başarılı olundu."

[93] Although legislative reform was also a benchmark in the visa liberalisation road map, the new Law on Foreigners and International Protection was prepared and adopted prior to the introduction of the road map. The legislative reform framework was loosely and flexibly linked to the visa liberalisation during the preperation process, but the official documentation in the road map was introduced after the introduction of the new Law.

"Essentially, geographical limitation and visa are not two topics of negotiations yet. These issues have never been in a position to be negotiated. We have always stressed that these negotiations would begin in parallel to the accession. In this policy area, the most important negotiations are on the readmission agreement (Official A, Ankara, 14 January, 2014)[94]."

However, Turkey has accepted the road map, presuming the Commission introduced these linkages to overcome member states' apprehensions, impetuously introducing the road map before the Cyprus' Council presidency. Similar to the Commission's position, Turkish government officials also perceive the introduction of the road map as a big leap forward, separating the country's reform agenda on migration policies from its accession process. They expect this new reform framework to be more flexible and negotiable than the accession framework. They accepted it as it is despite their reluctance to implement the reform agenda on visa lists and geographical limitation. A migration expert from the Turkish Ministry of Interior, Directorate General of Migration Management, expressed views of the agency responsible for the implementation of the readmission agreement:

"The EU already knew about our visa policy (during the preparation of the road map). The apprehensions on this issue shall be expressed during the negotiations ... We will implement the readmission agreement. If the political will suspends the relations, we respect that... (Official A, Ankara, 17 June, 2015)[95]. "

As evidenced in these statements from diverse ministries, the Turkish government and policy elite have perceived additional benchmarks as negotiable. EU Commission officials also have a similar approach. For instance, a medium-level manager from the Delegation of the EU to Turkey has clearly stated: *"Negative and positive lists and geographical limitation will stay as they are until accession. We will not raise our voice any further on these matters (Official B, Ankara, 16 January, 2014)."* A senior Commission official from the EU Commission's DG Enlargement, also clarified their stance on negotiability of benchmarks other than the readmission agreement with the following statement:

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[94] The original Turkish text is as follows: "Coğrafi kısıtlama ve vize aslen henüz müzakere konusu değil. Bu konularda müzakere edilebilecek bir duruma gelinmedi hiç. Hep bu müzakerelerin üyelikle paralel olacağı söylendi. Bu alandaki en önemli müzakereler geri kabul anlaşması üzerine."
[95] The original Turkish text is as follows: "Vize'yi zaten biliyorlardı. Bu müzakerelerde dile getirilir…Biz Geri Kabul Anlaşması'nı uygulayacağız. Olur da siyasi irade ilişkileri askıya alırsa, biz buna saygı duyarız…"

"These are the benchmarks we consider important because they are to reach a specific goal. If this specific goal could be reached through other means, we are happy to discuss this. This is where you have a margin of discussion. Having said this, I believe there will be no margin of discussion about things like the implementation of the readmission agreement to third country nationals for instance. It will have to be implemented. But on the other topics, Turkish authorities may say let's do it this way rather than this way (Official C, Brussels, 29 April, 2014)."

Due to this negotiability, stated since the introduction of the visa liberalisation road map, this policy conditionality framework granted the EU limited influence on domestic change in policy instruments other than the implementation of the EU-Turkey readmission agreement. This flexibility and negotiability were officially documented in the Commission's report to the European Parliament and the Council on progress of Turkey in fulfilling the requirements of its visa liberalisation road map (European Commission, 2014). It shows the transformation in the EU's position against adoption of visa lists and removal of the geographical limitation, which signals discontinuation of external pressures in these policy instruments. Such change of attitude, is an outcome of the EU Commission and member states' attempt to maintain the credibility of the visa liberalisation road map as a reward for implementing the readmission agreement. Readmission has been the prioritised policy instrument in Turkey's migration policy reform agenda, long before other issues were linked to the visa liberalisation road map in 2013. Against the background of the Syrian refugee crisis, and with the increasing significance of irregular migration through Turkey, the EU has further prioritized implementation of the readmission agreement, and did not risk the credibility of the reward for this agreement by strongly linking issues of secondary importance, which Turkish government actors have strong positions against implementing. As a result, to maintain the credibility of this policy conditionality, the Commission has presented some flexibility and negotiability on other policy instruments, linked to the visa liberalisation road map. Also, within one year between the introduction of the visa liberalisation road map (European Commission, 2013) and the publication of the assessment report (European Commission, 2014), Turkey progressed significantly in establishing the organisation and infrastructure necessary for the implementation of the readmission agreement. Such flexibility is also an assurance for Turkey to continue its efforts on readmission.

9.2.2 Socialisation as a Supportive Mechanism: EU Influence through Ideational Means

Although the EU has highly influenced the change in the policy field of readmission through the vertical mechanism of policy conditionality, in other policy fields, its influence through such a conditionality framework remained at a lower level. In the literature, international organisations that have limited capacities to use vertical mechanisms of conditionality, typically aim to influence policy change through horizontal mechanisms of socialisation, assuming that they obtain normative claims on determining the appropriate direction for policy (Müller, 1993; Risse & Sikkink, 1999). An overview of the case studies introduced in this study, in terms of the means used to influence policy change and the ends that the EU aimed to obtain, shows that only policy fields of legislation and asylum partially fit such normative claims and are suitable for the EU to influence policy change through horizontal mechanisms of socialisation, social policy learning and normative suasion. The aims of readmission and visa policies are obvious material gains, and the means the EU uses to influence domestic change is conditionality framed around rational choice institutionalism. Whereas the EU is expected to benefit from a better institutionalised migration legislation and an asylum policy in Turkey, the gains are not as obvious and the means the EU uses to influence domestic change include indisputably horizontal mechanisms as well. Moreover, the EU's policy change agenda for Turkey is parallel to policy preferences of international organisations that are representative of the international migration regime which suggests EU policy preferences are internationally "appropriate." In the absence of such a parallel, the EU significantly loses its power to influence policy in Turkey through socialisation, as these organisations, especially the UNHCR, are strongly established in Turkey.

The EU, due to the limited effect and long time frame of influencing policy change through socialisation only facilitates it as a supportive mechanism to conditionality or uses it to maintain a low level of influence in policy fields where EU-level actors do not seek rapid policy change. In the case of Turkey, these horizontal mechanisms are either supplementary to vertical ones or emerge when introduction of any vertical mechanisms is not viable, due to member states' unwillingness to introduce any in areas of lesser significance. For instance, the EU has successfully used social policy learning through frequent policy consultation in highly technical discussions during the preparation of the Law on Foreigners and

International Protection. The Delegation of the EU to Turkey, being the permanent EU mission in Turkey, participated in frequent meetings with policy makers and after the introduction of the Law, were closely involved with the implementation phase. An attaché from the Delegation summarises their involvement as: *"We have worked with the Turkish authorities in terms of international norms and EU acquis (Official A, 16 January, 2014)."*

Although the EU has the means, including a permanent centralised mission, additional missions in the field, inclusion in the policy processes and a normative claim, its power to influence domestic change through socialisation is limited. This limited influence is an outcome of the changing nature of migration policy in Turkey, where even the most technicalised and scientific issues as well as ones defined with a strict international normative framework, are influenced by the politicisation of the migration policy area and the absence of mutual trust built in parallel to it. For instance, for the removal of the geographical limitation clause, the EU has strongly established normative claims, in parallel to international Conventions and international organisations. However, suspicions over the motives of the union, which are caused by experiences in other policy instruments, like the readmission agreement, strip the EU influence through mechanisms of socialisation, most significantly, by normative suasion. The Turkish state elite claims such a change coupled with the readmission agreement could lead Europe to shift its overall asylum burden to Turkey, through safe third country policy .Turkish policy makers initially expect a concrete compensation for policy change, in the form of sufficient burden sharing mechanisms, to perceive the union as an equally committed partner in policy reform and eventually build trust to the EU. This tendency is applicable to all case studies presented here, as only after the union presents its commitment by establishing the burden sharing structures with Turkey, can it begin to have a normative influence on Turkish migration policies through socialisation.

Established presences of the UNHCR and the IOM in Turkey also limit the EU's capability to establish itself as a normative authority in the country. In policy fields where Turkish government officials seek normative legitimisation, they primarily seek it from these organisations by legitimising their policies domestically and internationally. Moreover, when these organisations' claims over appropriate behaviour clash with the EU's, Turkish

government officials present these organisations as normatively superior to the EU, which the EU Acquis also recognises, and legitimise non-compliance. This most visibly occurred when the UNHCR stated the new Turkish legislation sufficiently protected the rights of refugees and Turkey should focus on best practices rather than lifting the geographical limitation[96]. In that instance, international contextual factors also diminished the EU's normative power. Especially , after the Syrian asylum mobility escalation began in late 2011, not only Turkish domestic actors, but also international actors began to criticise the EU on insufficient burden sharing with Turkey as the country rose to become one of the top refugee-hosting countries worldwide. As the number of Syrians within the country rose above 1.5 million, in 2014, the country introduced a new Law on Foreigners and International protection, which gained praise from international organisations that are active in Turkey for legally granting sufficient protection to asylum seekers[97]. The Commission, to evade criticisms on insufficient burden sharing and to abstain from clashing with international organisation support of Turkey, backed away from its persistence on the removal of the geographical limitation and began to signal its negotiability. These events have blocked EU ability to influence Turkish domestic change with normative claims over appropriate behaviour.

In policy fields where the EU had a higher level of influence, the readmission agreement, and to a large extent the legislative reform, the union combined a strong issue linkage, more precisely the policy conditionality established upon the visa liberalisation road map, with financial and technical burden sharing mechanisms. In the policy field of medium level of influence, asylum policy, the EU has unsuccessfully sought normative claims to induce policy change, though induced changes to a certain level were through the burden sharing mechanisms initially established for the other two policy fields, but spilled over to influence this one as well. However, the EU had a very low level of influence on Turkish visa policy. States claim full sovereignty on visa policy, in the absence of any international norms or regulations to govern regular migration. This restricts EU ability to influence policy change through socialisation. Due to the lesser importance of the policy field in the member states'

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[96] Interview with a middle-rank official from the UNHCR Ankara, Turkey, January 15, 2014.
[97] Interviews with officials from the UNHCR Ankara, Turkey; and IOM Ankara, Turkey, January 13-17, 2014.

domestic agendas, the EU cannot facilitate any vertical mechanisms to influence change either. Thus, it is understandable for the EU not to be as influential as the other policy fields presented in this study, but to explain the drawbacks from the already implemented compliance after 2006, one needs to look further than influences arising from the EU, and further than migration policy.

Unlike the other three policy fields introduced here where Turkish government only needed to justify its actions on compliance to the EU, and to its domestic constituencies; the visa lists impact relations with third countries, their adoption is a foreign policy decision with symbolic, diplomatic and economic implications. Especially after 2006, when the Turkish government initiated "visa diplomacy" as a foreign policy goal, the issue of visas extended its scope from solely being a sub-heading in Turkish migration policy, it also became a tool of foreign policy. As a result, visa policies are not only a representation of state sovereignty exempt from external influences; but they also represent Turkish foreign policy's adaptability to other partners when the EU's credibility in the country is in decline in parallel to the country's accession prospects.

9.2.3   Turkish Responses to the EU-level Mechanisms: Bargaining, Legitimisation and Re-framing

Domestic, international and EU level contextual changes in the last decade empowered Turkey to transform itself from being a sole receiver of EU conditionality to a powerful actor able to negotiate significant concessions from the EU. At the domestic level, the country's economic development in the last decade and its transformation into a country of immigration, generated the need for a coherent migration policy, whereas previous discussions for adoption of such a policy were centred on the country's relationship with the EU. This development enabled Turkish policy makers to re-frame policy as a domestic need which provided further flexibility in implementation. At the international level, the Syrian refugee crisis and the settlement of more than 2.5 million[98] registered Syrian asylum seekers in Turkey by the end of 2015 granted the country leverage on its negotiations initially on the

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[98] The data is obtained from the website of the UNHCR Syrian Regional Refugee Response: http://data.unhcr.org/syrianrefugees/country.php?id=224, Retrieved on 19 November, 2015.

introduction and afterwards on the implementation of the visa liberalisation road map. At the EU level, the decline in the power of accession conditionality, and the establishment of a more flexible policy change framework with the visa liberalisation road map, enabled Turkish policy makers to influence EU policy preferences and negotiate concessions for implementing policy. Against this background, the Turkish government and policy officials were empowered to respond to EU-level influence mechanisms, with methods determined in accordance with the country's leverage, generated by the relative significance of policy in both Turkey and the EU.

In policy fields where the EU has signalled some flexibility for adopting a less costly policy instrument for Turkey, the Turkish government proceeded with policy negotiations to adopt such an alternative, together with negotiating to obtain similar concessions, or more precisely assistance, presented by the EU for the EU's initial policy preferences. This flexibility is due to the low level of pressure on the EU Commission by member states for rapidly concluding policy in fields of lesser significance. Turkey's legislative and asylum policy reform are in this category where the Turkish government has implemented policy, similar to EU initial policy preferences, with the assistance of the EU but without adopting some of the socially, economically and politically costly elements, most significantly the removal of the geographical limitation. In these policy fields, Turkish policy makers became able to be selective from a comprehensive reform package, by re-framing policy beyond their relationship with the EU, as a domestic need for a transition country in the midst of being recognised as a country of immigration. For instance, a senior official from the Turkish Ministry of the Interior, Directorate General of Migration Management suggests: "*We want to regulate our own migration flows. In the meantime, these efforts also regulate relations with the EU and have a positive impact on the readmission agreement (Official A, Ankara, 17 June, 2015)[99]."* Turkish government officials and policy elite have perceived and legitimised these policy changes as tools to transform migration flows to be beneficial for Turkey, instead of turning to their old habit of using EU accession conditionality to legitimise

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[99] The original Turkish text is as follows: "Biz kendi göçümüzü düzenlemek istiyoruz. Bu AB ile ilişkileri de düzenliyor. GKA'ya da pozitif etkisi oluyor."

their actions against practitioners in the field, beginning with the Turkish National Police and the Armed Forces.

As a result, in these policy fields, Turkey executed policy not as an EU conditionality where the country fulfils a list of benchmarks presented by the EU, but as a policy change triggered by the external influences where policy is implemented as a response to the domestic and international context. The EU continued to exert influence on Turkish legislative and asylum policy reform directly by the Commission and its Permanent Delegation in Turkey. This re-framing transformed the process of policy change from being a top-down EU conditionality framework to a negotiation process where both parties influenced each other's policy preferences. The policy outcomes did not end up in full compliance with EU policy preferences. The legislative reform has introduced new categories for asylum seekers that do not have any equivalent in the EU Acquis and Turkey did not even consider lifting the geographical limitation. However, these reformed policies were much closer to fulfilling the EU's policy preferences, than their predecessors. Coupled with the context, limiting the EU influence on Turkish migration policies, especially the EU's inability to introduce any sufficient burden sharing mechanisms as a response to the Syrian asylum flows, and the member states' unwillingness to introduce incentives for policy change in these areas, the EU Commission has settled for the existing outcome.

On the other hand, since the mid-2000s, in negotiations over the readmission agreement, the EU did not signal any flexibility for adopting a less costly policy outcome for Turkey, due to the importance of policy for EU member states and high level of pressure the Commission was facing to conclude the agreement without any modifications. However, along with the usual technical and financial assistance the EU provides to Turkey in the policy area of migration, such importance led the Council and the Commission to be more accommodating to present incentives to Turkey in the form of compensation for the political costs of the agreement. Such a cost-benefit framework enabled the Turkish government to bargain as well, by using retractions and threats for non-compliance to increase its gains from the deal as much as possible. The Turkish government's leverage in these negotiations peaked in the early 2010s, due to the above-mentioned contextual factors. While EU member states have increased their pressure on the Commission to conclude a readmission agreement with

Turkey to minimize the expected costs of the asylum and migration flows related to the Arab Spring and the Syrian Civil War, the Turkish government's leverage to negotiate a more beneficial deal has increased considerably. While these external factors urged the Council to conclude the readmission agreement, some internal factors, beginning with the expected stagnation in relations with Turkey under the upcoming Cyprus Council presidency, pushed the member states to finalise negotiations in a swift manner. As a result, Turkey became more influential and negotiated significant concessions from the EU.

As a policy instrument where non-compliance has a high political significance for Turkey and compliance has a relatively lower significance for the EU, the adoption of EU visa lists has the lowest level of mutual influence. The low significance of the policy field for the EU has prevented the union from presenting any incentives or compensation, where Turkey could build its negotiation position to influence the EU's position in return. The union also did not signal any possibility for flexible compliance, where Turkey could negotiate partial compliance, as in the case of Turkey's legislative reform or the removal of the geographical limitation. For the adoption of the visa lists, although the EU's attitude for full implementation remained similar to the readmission agreement; it was not willing to provide compensation to Turkey that would justify a cost-benefit calculation. Consequently, although the EU's fixed, a priori determined policy preference resembled rational choice institutionalism, the mechanisms for influencing domestic change in such a framework were missing. In such an environment where compliance to the EU meant losing the expected economic and political gains established by its "visa diplomacy" without any compensation, the AKP government has retreated from its endeavour to adopt the EU's policy preferences and introduced a completely diverse visa policy in parallel to the their foreign policy alignment. With this new visa policy, the Turkish government further increased the cost of adopting the EU's negative and positive visa lists. As a result, among the case studies introduced here, the adoption of the EU's negative and positive visa lists has remained as the only policy field where EU external influence is still attached to accession conditionality and the Turkish government postponed compliance after the remote possibility of accession.

In conclusion, the Turkish government and policy elite chose the mechanisms to influence the policy preferences of the EU-level actors, in correspondence to the EU's chosen

mechanism for influencing policy change, which is determined as a response to the changes in the international, EU-level and domestic context. Resulting from an increasing sense of urgency in the Commission and the Council to induce policy change in Turkey, in the readmission-visa liberalisation deal, the Turkish government did not become a sole receiver of EU external influence, but it has influenced the EU's policy preferences by bargaining coherent costs and benefits such as the readmission-visa liberalisation deal. In the policy fields where change is not urgent , and the EU signals flexibility, Turkish policy makers have influenced EU policy preferences by re-framing policy domestically and presenting these new policies as being in the same direction as the EU policy preferences though not fulfilling them in fields where Turkish policy makers are apprehensive. When Turkish policy makers could legitimise their position with the support of other international organisations, the EU also implied contentment with policy. Undertaking policy as a national priority, rather than compliance to the EU acquis, has enabled Turkish policy makers to ensure adjustability to their policy preferences and apprehensions. While in all of the case studies introduced here, Turkey has primarily sought to influence EU policy preferences for either providing further incentives in return for a policy change, or for altering EU reform agenda to meet apprehensions of Turkish policy makers. In the case of the visa lists, the country has followed a completely diverse path. The main reason why the Turkish government did not aim to influence EU policy preferences in this policy field is the absence of the mechanisms Turkey uses to influence the EU, introduced in the first three cases. Coupled with its foreign policy salience, the Turkish government took the position of not negotiating with the EU at all, until the policy field becomes highly salient for the union as well, motivating the Council to present compensation to meet with the costs of altering Turkey's foreign policy position.

9.3 Relationship between the EU and the International Organisations: Indirect Influences of Socialisation and Legitimisation

There is an indirect interaction between international organisations that are active in Turkey and the EU, which influences the leverage of each level of actor for influencing policy change in Turkey. The IOM and the UNHCR have often benefited from Turkey's relationship with the EU and are empowered by the EU influence on Turkey, undertaking the reform agenda

on migration, initiated by the EU through conditionality[100]. In a similar way, these organisations add leverage to the EU-level actors' policy objectives by normatively legitimising EU policy preferences or reducing their leverage by questioning the legitimacy of the policy[101]. Thus, these two levels of actors complement each other on external influences, while the EU uses the mechanisms of conditionality and assistance, the international organisations contribute by providing legitimisation and normative suasion. These actors also support each other in the implementation and assessment of policy. For instance IOM Turkey undertakes projects on implementation of the integrated border management and UNHCR provides information and feedback to the Delegation of the EU in Turkey, regarding Turkey's asylum system. However, the EU prefers to exclude these organisations from politicised negotiation processes, established with strong issue linkages and a cost and benefit calculation. Discussions on the limits of the mandates of these organisations and the apprehension related to state sovereignty are also present in such negotiation processes, which international organisations prefer to avoid.

Accordingly, for the readmission agreement and visa lists policy instruments, these actors did not directly or indirectly influence, or attempt to influence each other. The issue of visas is beyond the mandate of international organisations, and there is no precedent for international involvement in any country's visa policy, as it would interrupt the nature of state sovereignty. Thus, international organisations do not present any position on state visa policies and Turkey was not an exception in this matter. On the other hand, since their first introduction, international organisations have been questioning the legitimacy of the EU-level readmission agreements, because of possible human rights violations related to their implementation (UNHCR, 1994). This clash would de-legitimise agreements and cause a decline in EU leverage on Turkey, if the union had any normative claims on the issue of readmission. However, since the beginning the union has acknowledged the possible political costs related to the questionable normative legitimacy of the readmission agreement, and built its negotiation position with a focus on compensating them with issue linkages in a cost-benefit framework. EU strategy on the readmission-visa liberalisation deal was not focused

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[100] Interviews with officials from the UNHCR Ankara, Turkey; and IOM Ankara, Turkey, January 13-17, 2014.

[101] Interviews with the officials from the EU Commission DG Home Affairs and DG Enlargement, Brussels, April 24-30, 2014.

on legitimising it globally by maintaining the support of international organisations, but focused on providing compensations to Turkey, for possible reactions the country may face in implementing the readmission agreement. When parties established such a strong and functioning cost-benefit framework, international organisations who lack those mechanisms could not effectively influence policy with claims over legitimacy. Thus, the EU did not seek any change of perception in the case of EU-Turkey readmission agreement in these organisations' Turkey offices and did not attempt to gain their support.

Among the cases that were introduced in this study, the policy fields of legislative and asylum policy reform are the only two, where international organisations that are active in Turkey have supported the EU by providing legitimacy, but also recently began to challenge EU influence. These policy fields are framed with a high level of multilateralism, through Turkey's participation in binding international Conventions and Covenants, as well as its membership of international organisations that are responsible for monitoring those. The areas of legislative and asylum policy reform contain significant elements that are directly within the mandates of these organisations. Thus, after the reform process is initiated, these organisations became influential on Turkish policy processes with an advisory status, having a permanent seat in policy discussion meetings. However, these organisations have limited power to initiate the reform process, with such an advisory status while Turkish policy makers seek viable financial or technical assistance or political compensation for initiating a reform agenda with external influences. They only campaign for promoting reform in some specific policy fields, stating their policy preferences. They do not have the mechanisms for issue linkages, conditionality or compensation, except for an idea of normative appropriateness.

However, the EU does and in the policy fields where the policy preferences of the union overlap with the IOM and UNHCR these organisations benefit from the EU trigger for domestic change through conditionality. EU policy preferences on legislative and asylum policy reform in Turkey, not only overlap with these international organisations but they were built upon the same principles in the first place. Hence, in the early 2000s, these organisations supported the initial EU push for policy reform. They welcomed the introduction of a structured reform agenda with the 2005 Action Plan for Asylum and

Migration and adopted an advisory status for its implementation. When EU influence over Turkey was interrupted in 2006, these organisations distanced themselves from the EU reform agenda, to evade a similar interruption in their relationship with Turkey. They maintained their positions in Turkish policy change, which they solidified through their involvement in policy implementation. A high-ranking official from the UNHCR Turkey describes the organisation's position as having *"... benefited from the developments, but also kept a certain distance in the process (Official A, Ankara, 14 January, 2014)."* In such an environment, international organisations that are active in Turkey have been normatively supporting the EU. This support is specifically important when there is a political conflict of interests between Turkey and the EU, with the possibility of blocking the EU induced reform agenda in Turkish migration policies. In such instances, these international organisations who make substantial efforts to avoid involvement in these political disagreements, unofficially overtake the responsibility to implement the reform agenda and prevent setbacks from previous efforts. This happened in the aftermath of the partial freeze in the accession talks in the mid-2000s, when international organisations overtook the EU trigger for legislative and asylum policy reform in Turkey as advisory bodies with strong claims on appropriate ways of behaviour.

When in conflict with the EU in policy fields where they have socialised in Turkey to determine the appropriate ways of behaviour, these international organisations have the power to considerably diminish EU influence. In such instances, the EU may establish a strong issue linkage, or a policy conditionality to re-frame mechanisms of policy change to restrict these organisations' claims on appropriateness and maintain its influence. However, despite such a conflict, if the EU tries to continue maintaining its influence through normative claims, its leverage declines considerably and it needs to re-evaluate its policy preferences as its claims on appropriateness clash with the UNHCR or the IOM. Such re-evaluation was evident in Turkey's asylum reform, when both the UNHCR and IOM stated their contentment with the protection guaranteed with the new Law on Foreigners and International Protection[102]. Both international organisations suggested continuing the reform process in

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[102] Interviews with officials from the UNHCR Ankara, Turkey; and IOM Ankara, Turkey, January 13-17, 2014.

the framework of this Law, by ensuring its sufficient implementation. The organisations have backed out from their claims on removal of the geographical limitation as the only way of providing sufficient protection to the asylum seekers, and accepting such alternative paths as being normatively appropriate. The international organisations' changing position against the removal of the geographical limitation have influenced EU policy preferences as Turkish policy makers have used such positioning to legitimise the progress by maintaining the geographical limitation. Thus, in the end, international organisations indirectly influenced EU policy preferences by granting legitimisation to domestic actors, to act in non-compliance with the EU.

In conclusion, the EU supports international organisation involvement in Turkish migration policies by initiating a structured reform process in policy fields where EU policy preferences are parallel to these organisations. EU support began in the early 2000s, when the union presented a structured reform process which had significant parallels to these organisations' policy preferences, and continued during its implementation. The EU has supported the leverage of these organisations through conditionality and assistance, while these organisations lacked such mechanisms. In return, the EU has benefited from the legitimacy provided by these organisations to continue with its reform agenda. However, the EU did not facilitate their inclusion to policy processes in areas where the Commission has foreseen a possible clash between EU policy preferences and these organisations'. When the policy fields overlap, while the initial EU conditionality and assistance enhances these organisations' influence, this influence is maintained through these organisations' ability to transform themselves as principal advisory bodies, rather than implementing agencies of EU conditionality. This transformation enables them to maintain their influence even after the EU's ability to support that influence declined dramatically by the mid-2000s, in parallel to the decline in the power of accession conditionality.

9.4 Relationship between the International Organisations and Turkey: Socialisation, Legitimisation and Policy Implementation

International organisations that are active in Turkey only attempt to influence Turkish policy making in the policy fields where a strong multilateral governance framework exists to legitimise their involvement in policy processes. In the policy fields where Turkish state's claims over sovereignty dominate policy preferences, the governments perceive international organisation involvement as an interruption of state sovereignty. Furthermore, in policy fields where the EU has established policy as a rationalist negotiation process, by introducing incentives dear to the Turkish government, these organisations' influence on Turkish policy preferences are reduced to a minimum, and their involvement is only sought in the implementation processes. In such cases, presented with the readmission agreement-visa liberalisation deal in this study, the negotiations proceed independent of any normative claims, while the EU is the sole source of external influence.

To maintain their presence in the policy making processes, both the UNHCR and the IOM balance their priorities on migration policy change in Turkey by taking these apprehensions into account. Turkey has a centralised tradition in policy making where state and government bodies exclusively participate in policy making without any involvement of international and non-governmental organisations. However, this trend is changing for technical policy instruments of migration management. Since the establishment of the Directorate General for Migration Management in 2008, Turkish policy elite is granting these organisations direct inclusion in policy making discussions in these more technical fields, together with excluding them from more politicised ones, and indicating overall exclusion from migration policy areas if they try to get involved in the areas they are excluded from. These organisations value direct participation in policy making processes. It is the most efficient way of influencing migration policy in Turkey, considering the low level of public or political interest in migration makes it ineffective to influence policy decision making through pressuring the government by raising awareness. Thus, to maintain their influence in direct

contact with policy makers, these organisations avoid presence in politically contested policy fields, where the government prefers a more centralised decision making[103].

For instance, both the UNHCR and the IOM have internationally stated their position against the readmission agreements in reference to possible human rights abuses related to these agreements, most noticeably, refugee refoulement with a chain of readmissions (UN High Commissioner for Refugees (UNHCR), 1994). However, although these organisations were present in policy decision meetings preparing the new Law, which were undertaken in parallel to negotiations on the readmission agreement, these organisations have refrained from presenting their policy preferences on readmission, in respect of the centralised negotiation process. In another instance, after the introduction of the new Law on Foreigners and International Protection, these organisations have considerably changed their approach against the removal of the geographical limitation. Despite their international offices implementing refugee protection worldwide in the framework of the Geneva Convention, these organisations agreed to implement an alternative form of protection in Turkey. Due to the increased number of Syrian refugees in Turkey, which politicised the issue of refugee protection, Turkey offices of these organisations were content with the new Law considering the domestic context of Turkey, and guaranteed inclusion in the implementation phase[104]. Their ability to distinguish politically charged areas from technical ones, and maintaining an advisory technical body's status by situating themselves in the field have ensured direct involvement of these international organisations in Turkish migration policy making.

This direct involvement has most noticeably emerged in areas of legislative and asylum policy reform, through mechanisms of socialisation, normative suasion and social policy learning. In both policy fields, although the reform process was initiated by the EU trigger, established upon accession conditionality, as EU power to influence Turkish policy change began to decline by the mid-2000s, these organisations undertook reform in these policy fields. With a logic of appropriateness, and utmost attention to keep the reform agenda on legislation and asylum policy immune from disturbance related to EU-Turkey accession negotiations, these organisations have influenced Turkish policy change as advisory bodies.

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[103] Interviews with officials from the UNHCR Ankara, Turkey; and IOM Ankara, Turkey, January 13-17, 2014.
[104] Interviews with officials from the UNHCR Ankara, Turkey; and IOM Ankara, Turkey, January 13-17, 2014.

The long term presence of these organisations in policy implementation in Turkey and their active involvement in the field, in areas such as refugee status determination and resettlement, enabled them to more effectively socialise with their Turkish counterparts in policy implementation, as well as with Turkish policy makers. This long-term socialisation, not only built trust, which is essential for establishing a normative power, but also enabled these organisations to embrace the peculiarities and sensitivities related to Turkish migration policies and shape their influences accordingly. As a result, these organisations' policy preferences were established with a case-specific perspective, and gained acceptance to influence policy change, with solely normative mechanisms.

The domestic context in Turkey also helped to increase these organisations' influence in shaping policy preferences of the Turkish policy elite. Before the Syrian mobility in Turkey reached alarming numbers in 2013[105], policy change in Turkish migration legislation and asylum policies were technicalised and de-politicised. Turkish public opinion, political parties or interest groups did not have any strong opinions on these policy changes. For instance a senior external affairs official from the UNHCR Turkey suggests that *"on the one hand, lack of information and interest (on migration) are working to our advantage (Official A, Ankara, 14 January, 2014)[106]."* This de-politicisation enabled international organisations to be influential in policy processes, which otherwise could be restricted due to political sensitivities related to policy. Also, at the institutional level, the establishment of the Bureau for Migration Management, specifically to undertake reform of Turkish migration policies and afterwards transformed into the Directorate General for Migration Management (DGMM), has increased these organisations influence. The DGMM partnered the UNHCR and IOM, both for seeking advice, but also for legitimising the reform agenda against other national stakeholders, who also accept these international organisations as normative authorities. In such a context, these organisations have played the role of mediator among government officials, bureaucrats and the law enforcement officers. This partnership enabled these organisations to participate in the policy processes of the Law on Foreigners and

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[105] In January 2013, the number of registered Syrian refugees in Turkey have reached 175,000. Although the border crossings have begun in December 2011, the problems related with such mobility became a topic of political discussion only by 2013.

[106] The original Turkish text is as follows: "Bilgi ve ilgisizlik bir yandan aleyhimize çalışan bir şey."

International Protection, and as a result, to directly influence the policy making as advisory bodies in the policy meetings. These case studies show that, in the policy fields where the IOM and UNHCR have used the mechanism of socialisation efficiently, having been in the field for a long time, and domestically acknowledged as normative authorities, they have succeeded in transforming the EU-triggered reform agenda with a logic of appropriateness.

In conclusion, international organisations that are active in Turkey maintain their influence in the technical policy discussions of migration policy change, such as the legislative and asylum policy reform and withdraw their persistence from politically contested policy instruments, such as the readmission agreement, to prevent exclusion from the overall migration policy making processes. These organisations have benefited from the EU trigger, but successfully distanced themselves from it when accession related disputes between the EU and Turkey began to hamper the progress of migration policy reform and continued to influence policy making as purely technical advisory bodies. Their influence was based on their active socialisation in the field which built trust and made these organisations sensitive to the peculiarities of Turkish migration policy making. Establishment of a new Directorate General for Migration Management in Turkey, which was initially an inexperienced but cooperative and transparent body, have further facilitated the inclusion of these organisations in policy processes. These organisations have directly influenced policy making and the final product of Turkish legislative and asylum policy reform has been parallel to their policy preferences, in which representatives of these organisations are content.

9.5 Conclusion: Drivers of policy and the Mechanisms of Influence

In this chapter, with an analysis based on the actor relationships, I have identified variations in actor influences during the policy processes, the relationships beyond EU influence on Turkey that hinder, or support EU influence; and Turkish attempts to use these other relationships to enhance its influence on the EU. In this chapter I suggest the relative influences of actors, vary in the course of time, and are the direct outcomes of mechanisms used to influence policy; and the domestic and international context upon which these mechanisms are established. In this chapter, I have demonstrated that the policy

conditionality framework introduced by the EU, established upon the visa liberalisation road map is the most influential mechanism. In Turkish migration policy change, conditionality has remained an exclusive EU level mechanism, due to the incapacity of the migration-related international organisations to introduce such a cost-benefit structure. However, international organisations have used mechanisms of socialisation, social policy learning and normative suasion more successfully than the EU, resulting from the trust they have established with policy makers and implementing bodies.

These two types of external influences, conditionality and socialisation are not mutually exclusive. The EU-level and international organisations support or undermine each other's influence through these mechanisms. For instance, during legislative and asylum policy reform, these influences have supported each other, while each became relatively more effective in different phases of the policy processes. In the early stages of reform, the EU has triggered domestic change through accession conditionality and introduced a structured reform agenda to Turkey. When the power of the EU accession conditionality began to decline in 2006, international organisations that are active in Turkey undertook implementation of this reform agenda with a logic of appropriateness, by normative suasion and social policy learning. Although during this time these organisations did not make any considerable progress, prevention of a total abandonment of the reform process ended up being valuable for the EU as the union aspired to maintain its relation on migration-related issues with Turkey, despite stagnation in accession negotiations. When the union began to introduce new financial and technical assistance packages and visa liberalisation policy conditionality, the process benefited from this continuity, ensured by international organisations. Moreover, international organisations have elevated EU influence by legitimising policy to domestic actors in Turkey, including approximately twenty one ministries, the Turkish National Police and Armed Forces, who perceive the IOM and the UNHCR as representatives of appropriate behaviour, empowered by their long term presence in Turkey and bottom-up socialisation in the field, but sceptical about EU motivations.

Besides this support, there are instances when international organisation power to legitimise policy in Turkey has ended up undermining EU leverage on Turkey. In consideration of the removal of the geographical limitation, by showing contentment with protection provided by

the Law on Foreigners and International Protection and stating the redundancy of continuing discussions on the geographical limitation, these organisations have provided Turkish policy makers leverage to legitimately pursue their policy preferences to provide refugee protection together with maintaining the geographical limitation, against EU policy preferences. The opposite of this disempowerment has occurred in the negotiation process on the readmission agreement, when the EU established a politically valuable issue linkage for Turkey and the Turkish policy elite have entirely excluded other parties from policy discussions and undermined the influence of international organisations. The indirect, but complex interplay between the EU and the international organisations, has been one of the main determinants of each level of actors' influence in Turkey.

In a like manner, in the case of visa lists, a policy field where states claim to full sovereignty disrupts the involvement of international organisations in policy making (Koslowski, 2011), Turkish government relationships with non-EU member states has provided Turkey leverage in its relationship with the EU. In an era when Turkish prospects for accession were dramatically low, Turkish governments have framed their "visa diplomacy" as a manifestation of the change in their foreign policy alignment, while the visa issue was elevated to the hard politics of foreign policy from more technicalised migration policy negotiations. This elevation has further empowered Turkey to adopt a harder bargaining position on adoption of the visa lists. Turkish governments were empowered and gained further leverage against the EU resulting from their relations with third parties, either by legitimising the Turkish position against the EU in the case of international organisations, or empowering its bargaining power in the case of non-EU member states.

The other main determinant of influence in these relationships, is the international, EU-level and Turkish domestic context. This is the main determinant of the sense of urgency, which causes member state pressure on the Commission to quickly conclude policy in Turkey. This sense of urgency determines the mechanisms the EU Commission facilitates, which shapes Turkish responses to gain leverage in return. In the last decade, the main international context that shaped the external influences on Turkish migration policies has been the mass asylum mobility from the Middle East, initially emerging as a result of the Arab Spring and afterwards continuing with the Syrian Civil War. Transit mobility of these asylum seekers,

through Turkey to EU member states has been the main trigger for the Council to expand components of the incentives to be offered to Turkey as compensation to rapidly conclude the readmission agreement. Within this context, the Council gave a mandate to the Commission to negotiate visa liberalisation with Turkey, in return for a readmission agreement. Moreover, in the following years, with increasing number of asylum seekers in Turkey; and Turkish and international level criticisms directed to the EU for insufficient burden sharing, this international context has further declined the leverage of the EU against Turkey and entrapped the Union to show at least some flexibility for implementation of the EU reform agenda in Turkey.

While the international context has considerably strengthened Turkey's leverage for obtaining considerable concessions from the EU, the EU-level context have also supported Turkey's hand. In light of these international developments and as the increase in asylum mobility through Turkey is expected to continue, the Denmark Council Presidency, serving in the first term of 2012, was determined to conclude the readmission agreement with Turkey during its term, before the upcoming Cyprus Presidency would possibly block the relations with Turkey. Therefore, Denmark systematically pressured members of the Council with this sense of urgency and the EU's incapability to risk an interruption in its migration policy relations with Turkey. This sense of urgency led the Denmark Council Presidency to add all issues of concern by member states to the visa liberalisation road map, in which upcoming reports on its implementation would signal considerable flexibility. Finally, the Commission was granted a mandate to offer this visa liberalisation road map to Turkey, in return for the readmission agreement within Denmark's term. This EU-level domestic institutional mechanism of rotating Council Presidency, has been one of the main contextual determinants of EU relative influence on Turkey, which set a time limit to conclude a deal and as a result more quickly granted Turkey some concessions the country had been seeking. If the Council would not foresee a possible interruption with the Cyprus presidency, without doubt both parties would seek a more elaborate discussion of the preparation of the visa liberalisation road map. Under such circumstances, the agreement was rapidly concluded, but with further room for negotiations during the implementation phase.

At the Turkish-domestic level, the establishment of the Directorate General for Migration Management (DGMM) under the Turkish Ministry of Interior, with a direct emphasis on Europeanisation and the need for an institution to implement EU conditionalities on migration policy, has been a facilitator for EU and international organisation influence on Turkey. Replacing some units situated under a diverse number of ministries, the DGMM was established as a unified agency, specifically to undertake Turkish migration policy reform, and consequentially, it has become the main respondent for the external influences on Turkey. This new unit was established with a technical mission and it has continued its existence as a technical body in close cooperation with academia, non-governmental organisations, international organisations and the Delegation of the EU in Turkey. As an inexperienced body it aims to make up for this with a cooperative attitude. The DGMM granted direct presence to these units in Turkish legislative and asylum policy reform. The DGMM does not negotiate with the EU over concessions and incentives to be demanded, where the domestic change is structured as a rational choice bargaining framework. The Ministry of Foreign Affairs concludes such negotiations while the DGMM is oriented towards the best implementations with a focus towards demanding technical and financial assistance from the EU. This division of labour also grants the DGMM relative immunity from politics related to EU-Turkey negotiations which enables it to be an honest broker between agencies responsible for policy implementation in the field, such as the Turkish National Police and the Armed Forces and the Ministry of Foreign Affairs.

In this chapter, I have identified the relation between the EU and Turkey as the main determinant of Turkish migration policies. The main mechanism determining the influence of this relationship is policy conditionality, framed around a cost-benefit structure, with rational choice institutionalism. Although not as influential, the financial and technical aid packages, emerge from the EU's characteristic as a civilian power also support EU influence on policy change in Turkey. The relationship between international organisations and the EU exerts indirect influences. In policy fields of convergent policy preferences, the EU supports the influence of international organisations through conditionality while international organisations support the EU influence by providing legitimisation to EU policy preferences. Whereas the relationship between the international organisations and Turkey functions

directly through socialisation and influences policy in the country. Moreover, these organisations also indirectly influence Turkish policy change, through empowering or disempowering Turkish leverage against the EU. While both international, EU-level and Turkish domestic level contexts were shaped to enable an increase in the influence of Turkey to enhance its gains from this policy change, the Commission has benefited from the sense of urgency in the migration policy area to gain a mandate to influence policy change in Turkey directly in a negotiation framework and the international organisations were directly included in the policy processes as an outcome of the same context.

Chapter 10: Conclusion

In this thesis, I study Turkish migration policies over the last decade. My research question is *"How does the changing constellation of the relations between the EU, international organisations and Turkey shape Turkish migration policies? How does it vary across the policy fields and over time?"* My perspective takes migration policies as an outcome of the interactions and negotiations between the EU, international organisations and domestic migration governance. In contrast to approaches that emphasise external influences, and most significantly the EU's influence over the candidate countries (Börzel & Risse, 2000; Lavenex, 2002; Boswell, 2003; Grabbe, 2005; Bicchi, 2006; Baracani, 2009; Dedja, 2012; Langbein & Wolczuk, 2012), that see candidate and third countries, such as Turkey primarily as a recipient of EU power (Macmillan, 2002; Içduygu, 2007; Kubicek, 2011; Oğuzlu, 2012), I contend that there are benefits to attributing a more active role to Turkey by defining migration policy as an outcome of the interrelationships between the external and domestic actors. Changes in the respective domains of international relations, Turkey's relationship with the EU, and internal to migration governance are all factors that shape the ways each actor exerts influence. Hence there are multi-directional influence flows for shaping the policy outcome. I show that each actor's relative power to influence policy varies according to the specific context factors of policy type, time and relative balance of power between the actors.

The study has a 'double' comparative research design across four cases of migration policy decision-making and by actor-type. This cross-field and cross-actor comparative design allows us to investigate the research question, by examining each actor's efforts to exert influence relative to the others, and in relation to four specific policy cases. I analyse an aspect of policy from each of the main four fields of Turkish migration policy: legislative reform (Law on Foreigners and International Protection), irregular migration (EU-Turkey readmission agreement), regular migration (adoption of the EU's visa lists) and asylum (removal of the geographical limitation clause from the 1951 Refugee Convention). I structure this concluding chapter around the outcomes of each one of these policy elements, and synthesize the empirical findings of the thesis, in order to address the formation of the respective policy outcomes. First I look at how the actor's influence efforts relative to each

other lead to specific policy outcomes. Then, I discuss the main factors contributing to variance in policy outcomes, in order to generalise about when, why, and in what ways, the EU, domestic actors, and international organisations are influential relative to one another.

10.1 Law on Foreigners and International Protection

In the case of migration policy decision-making for the Law on Foreigners and International Protection, I find that this is shaped primarily by the policy preferences of actors from within Turkish domestic migration governance. However, the outcome was also able to satisfy the other actors, due to the flexibility in their policy preferences, around basic principles. In this policy field, Turkey re-claimed authority over its migration legislation, although this issue was initially triggered by the EU in the framework of the accession conditionality. After the decline in Turkey's accession prospects in mid-2000s, the EU aimed to maintain its influence on the content of the legislation via a "spill-over" influence from the negotiations for a readmission agreement-visa liberalisation deal. However, despite this, the Directorate General for Migration Management under the Turkish Ministry of Interior, has been able to re-frame the Law as a domestic need and thereby limited the EU influence on the process.

Turkish policy makers' ability to do this was facilitated by the highly technical nature of the policy, the timing of the legislation, and their ability to gain leverage from the differences between the EU and international organisations. The technical nature of the policy led to participatory processes where multiple domestic and international actors were able to contribute to the policy outcome as consultants (Thomas, 2009). This would not have been possible under conditions of politicisation. Important in this move towards an inclusive approach has been the establishment of the Directorate General for Migration Management in 2008. This also facilitated the participation of international organisations in policy processes and thereby challenged the EU's exclusive presence as an external influence on Turkish legislative reform. Additional factors that led to a participatory approach are the timing of the legislative reform and inexperience of the newly founded Directorate. The Directorate was only three years old when the Syrian asylum movements to Turkey began in 2011, and the need for an all-encompassing asylum and migration legislation became an urgent matter. This sense of urgency initially facilitated the transformation of the legislative

reform to a matter of national interest, and restricted the EU's power to assert further terms. In such an environment, the UNHCR and IOM were able to increase their influence by direct participation around the policy table as consultants. Turkish policy makers saw these organisations as experts with grounded normative power due to their established presence in the field and their inclusion also added legitimacy (Hansen, Koehler, & Money, 2011). This provided an opportunity for these organisations to input social policy learning and normative suasion in the Turkish policy making processes. The actors in Turkish Migration governance, not only benefit from these organisations' expertise, but they also use their involvement for legitimising the policy outcomes (against the EU). Their presence in the policy processes grants Turkish policy makers the means to restrict the EU's presence in the policy processes as an agent of "appropriate behaviour". Thus, Turkey gains leverage to advance its domestic migration interests by using the one external source, the international organisations, against the other, the EU.

10.2 EU-Turkey Readmission Agreement

The negotiation process of the EU-Turkey readmission agreement should be seen within the framework of changing relationship between the EU and Turkey. Although the readmission agreement was initially part of the accession conditionality policy transference framework, the parties established a new negotiation process in response to the political significance and urgency of the matter. This ran parallel to and was partially independent from accession conditionality. In this way the static compliance framework of accession, where the EU's demands and presented incentives are strictly fixed, was replaced by a dynamic negotiation process of policy conditionalities (Langbein & Wolczuk, 2012; Langbein & Börzel, 2013), where each party was able to make demands. This led to a more open context for negotiations between the actors.

In addition, the highly politicised nature of irregular migration combined with a sense of urgency and perceived need for a cooperative response, led the EU to seek to exert its influence through a credible conditionality framework in this more open process, while providing Turkey the opportunity to negotiate further concessions. Against the backdrop of Syrian refugee crisis, the EU presented a concrete incentive to Turkey by proposing visa

liberalisation. The significance of signing a readmission agreement with Turkey for the EU, the political value of establishing a visa free regime with the EU for Turkey and the need of both parties to cooperate to manage the irregular flows emerging from the Syrian Civil War, all accelerated the process and led both parties, and in particular the EU, to be more compromising and cooperative. Within the negotiation process, Turkey was active negotiator seeking further concessions from the EU, while pursuing its own migration interests. Effectively, Turkey became relatively empowered during the long negotiation process as a result of the changing context in its neighbourhood. Turkey was able to gain substantial concessions from the EU. The tight and closed nature of the negotiations between the EU Commission and Turkish Ministry of Foreign Affairs, led to few opportunities for any third party, including the international organisations, to be directly involved in the policy discussions.

10.3 Turkish Visa Policy and Adoption of the EU Visa Lists

Turkey's visa policies are shaped by domestic decisions following the country's perceived foreign policy alignment and economic interests. Turkey applies a cost-benefit calculation to making decisions that leads to policy outcomes of non-compliance with the EU. The EU's influence over Turkish visa policies, or to be more precise over enforcing Turkish compliance with the EU's positive and negative visa lists, has been declining. This is especially the case since Turkey's accession prospects began to wane in late 2006, after the negotiation Chapters were blocked first by Cyprus and then by France. Since 2006, Turkey has tried to establish new economic and diplomatic ties with non-EU partners, with a foreign policy based on visa arrangements, called "visa diplomacy." In the absence of credible incentives from the EU, Turkish officials refused to comply and started to build better co-operative relations with bordering countries in the region. Thus, Turkey expects clear and tangible incentives from the EU in order to take on the risks of potentially damaging such relations with its neighbours.

Aiming to benefit from the political significance of visa liberalisation for the Turkish government, the Commission added the adoption of the EU's visa lists as a policy conditionality to the visa liberalisation road map (European Commission, 2013). However, Turkish officials perceived this as the Commission's attempt to persuade the member states

and the Council to rapidly grant a mandate for a negotiation framework, and for signing the readmission agreement, prior to the potential difficulty of Cyprus' term. Thus, Turkey expected more flexibility, which then limited the EU's relative influence in the visa liberalisation road map. Turkish officials' views on state sovereignty and national interest and their emphasis on keeping this policy element as an accession conditionality, created the possibility of a negative spill over for implementing the visa liberalisation road map. The Commission indeed showed flexibility in the subsequent discussions leading to progress reports, by replacing strict demands with a loose and indefinite language. This gave Turkey the possibility to exempt its valued trade partners from visas and maintain its visa diplomacy (European Commission, 2014). Thus, as the EU's capabilities are largely limited to shaping changes in the visa liberalisation road map, this policy field remains as an accession conditionality. This postponement accommodates Turkish policy preferences. All ministerial actors interviewed during this study stated that the government position is to stall the implementation of this policy change after the accession. The politicised nature of visa policies shaped by a bi-lateral bargaining process meant that international organisations were not involved. Thus, the decisive actors in shaping the policy are from Turkish migration governance. Strengthened by the multifaceted nature of the policy field, they framed issues with a cost-benefit calculation based on foreign policy and economic interests (Kotzian, 2007; Piedrafita, 2012). Such framings relatively limited the scope for EU influence and to some degree the EU was 'entrapped' and made to put its policy preferences back to the accession framework.

10.4 Removal of the Geographical Limitation

Regarding 'geographical limitation', EU influence has also remained relatively limited as there have been few incentives for policy change. In a similar pattern to visas, the removal of the geographical limitation is an accession conditionality. It is also a policy linked to the visa liberalisation road map conditionality framework, though this became less the case over time. Turkish government actors were able to legitimate their position by cooperating with international organisations (Hansen, Koehler, & Money, 2011) while undermining the EU by joining the widespread criticism over the EU's response to the Syrian refugee crisis. In this way Turkey gained significant leverage to negotiate some degree of flexibility over the

EU's visa liberalisation policy conditionality, and to maintain the geographical limitation within its asylum legislation.

Similar to the case of legislative reform, in the asylum policy field, the Directorate General for Migration Management's technical approach facilitated participation by the international organisations. Here, the UNHCR's strong mandate and the presence of a multilateral framework of asylum, meant that it became not just a policy consultant but a normative authority for Turkish policy makers to justify their goals. As the UNHCR and IOM expressed their support for the Turkish approach to refugee protection, they moved away from an insistence on the removal of the geographical limitation towards an emphasis on 'best practices' within existing policies. In this way the EU lost some of its leverage over its preferred policy preference for the removal of the geographical limitation. Likewise the EU was made to accept Turkey's legislative reform as a sufficient measure for refugee protection, due to the onset of the Syrian civil war and Turkey's response to asylum seekers. Turkey gained praise from the international community for its open border policy for the Syrians and its newly adopted legislation granted the Syrian asylum seekers certain rights that were considered adequate by the international organisations. By 2016, Turkey became host to the world's largest refugee population. This meant that the EU's claims that it was necessary to remove the geographical limitation became less relevant. The Turkish policy elite would have viewed any further EU pressure for the removal of the geographical limitation with suspicion. Hence the EU showed more flexibility in the following discussions and reports on the implementation of Turkey's visa liberalisation road map. It lifted its earlier emphasis on the removal of the geographical limitation. Overall, on asylum policy, Turkish policy makers have benefited from the international support, both for the new asylum legislation, and also for the country's attitude towards the Syrian refugee crisis. This enabled them to legitimise their position for providing refugee protection without removing the geographical limitation, based on the support of the international organisations, and to some degree released the country from EU pressures.

10.5 A Generalisation of Factors that Shape Actor Influences

In an attempt to present the main factors contributing to variance in policy outcomes and generalise the times, policy types, and the ways; the EU, domestic actors, and international organisations are influential relative to one another, some themes stand out. Table 10.1 summarises these themes and unpacks the factors that form the actor influences relative to one another in shaping Turkish migration policy. The initial theme presented in the Table is the dependence of the EU's power on credible conditionality. EU relative influence is dominant in the policy areas with a credible conditionality, whereas the influence of other actors increase, in the policy areas without one. A second theme that clearly stands out is the level of technicalisation and politicisation embedded in each policy type. While technicalisation leads to participatory processes and facilitates the inclusion and influence of the international organisations, politicisation leads to centralisation and exclusion. By the same token, policy fields with a higher level of technicalisation are more welcoming to normative pressures and influence mechanisms of socialisation; while politicisation leads to rational choice institutionalism and mechanisms of conditionality, based on a realist cost-benefit calculation. A third theme is the role of time and international context. As Table 10.1 shows, the urgency for a quick response to the crisis situations leads the EU to introduce credible short-term incentives, such as policy conditionality frameworks. In the policy fields where such an urgency is absent, the EU condones the stalling of the policy change by maintaining the relations in the not any more credible accession conditionality framework. And the final theme that stands out in Table 10.1 is Turkey's tendency to set the external influences against each other to benefit from the relative balance of power. This becomes specifically relevant when Turkey collaborates with the international organisations on policy change and the international organisations legitimise Turkish position against the EU policy preferences. As expected, this kind of empowerment for Turkey is only relevant in the technicalised policy areas, where participation by the international organisations is welcomed. In remaining parts of this chapter, I will focus on these themes to present a general position on the actors' relative influences under different conditions.

Table 10.1: Factors that Shape the Influence of Actors Relative to One Another in Shaping Turkish Migration Policy

	The Law on Foreigners and International Protection	EU-Turkey readmission agreement	Visa policy and adoption of the EU's visa lists	Removal of the geographical limitation
EU	-Accession conditionality -Spill-over influence from the readmission-visa liberalisation deal	-Accession conditionality -Link to visa liberalisation -Strong and credible policy conditionality framework	-Accession conditionality -Link to visa liberalisation -Possibility of negative spill over -Flexibility	-Accession conditionality -Link to visa liberalisation -De-legitimisation through international support to Turkey -Flexibility
International Organisations	-Technicalisation -Participation -Policy consultancy -Normative pressures -Legitimisation	-Politicisation -Centralisation -Exclusion	-Politicisation -Centralisation -Absence of a mandate -Exclusion	-Technicalisation -Participation -Strong mandate -Consultancy -Normative Pressures -Legitimisation
Turkish Domestic Migration Governance	-International context (Syrian Civil War) -Time (need for rapid response) -Re-framing as a domestic need -Setting the external influences against each other	-International context (Syrian Civil War) -Time (need for rapid response) -Dynamic negotiation process -Cost-benefit calculation -Rationalist bargaining	-Economy and foreign policy framing -"Visa-diplomacy" -Cost-benefit calculation -Rationalist bargaining -Stalling until accession	-International context (Syrian Civil War) -Presenting alternative policy for refugee protection -Setting the external influences against each other

The EU influence in Turkish migration policies is strongest when a policy field is driven by conditionality in a context where Turkish accession appears credible. Prior to 2006, the EU was influential through accession conditionality. Although the progress of policy reform was slow, Turkey's actions on migration policy change were oriented towards compliance. By 2006, with the decline of accession prospects, Turkey began to undertake policy changes in the opposite direction of compliance, especially in its visa policies. For Turkey's prioritised policy field of irregular migration, the EU initially linked this to the readmission agreement and visa liberalisation, thus preventing any setback in the negotiations. Subsequently this

evolved into the visa liberalisation road map, a comprehensive policy conditionality document, including all of the policy elements analysed here, and many others, as conditions for granting Turkey a visa-free regime with the EU (European Commission, 2013).

Turkey signed and began the implementation of the readmission agreement in the scope of this policy conditionality framework, while it sought and to a large extent secured, greater flexibility for policy change in other areas. This variation in the EU's influence while it uses the same conditionality mechanisms, is mainly explained by the degree of politicisation of a specific policy field and the credibility of the issues link to conditionality. A high degree of politicisation matters because it tends to result in a centralised, focussed and structured negotiation process where parties bargain for pursuing their migration interests. In short, it brings parties to the table and makes things happen. Under conditions of politicisation, the progress of the policy change depends largely on the credibility of the conditionality mechanism. It becomes a rational cost-benefit calculation. From the Turkish perspective, policy compliance occurs when conditionality appears credible and is sufficient to outweigh the cost of the policy reform. This occurred in the readmission agreement. Non-compliance by Turkey tends to occur when accession seems less credibile and the costs of policy reform appear higher than the gains for compliance with the EU, as in the case of visa lists. In policy fields such as legislative reform and asylum that are less politicised and more technocratic, this context tends to facilitate the inclusion and participation of other domestic and international actors in the process, both as consultants and legitimating authorities. In this situation Turkish government actors tend to gain leverage over other sources of influence, and limit the EU's power by disrupting the conditionality mechanism.

The study presents evidence for a relative increase in the EU's influence in a policy conditionality framework, while the EU's stress on accession conditionality gradually declines. While Turkey seeks a return to the accession conditionality framework in the policy fields where it seeks to stall the policy change as long as possible, the EU only resorts to such mechanism in the politically less significant policy fields, where it can risk delays in policy compliance. EU influence tends to be strongest when a policy field is driven by credible prospects of realising conditionality, and the basis of conditionality is changing from long term accession conditionality to issue-specific, short-term and politically viable policy

conditionalities. Current events also support this view. Even against the backdrop of the Syrian refugee crisis, during the negotiation process of the EU-Turkey migration agreement dated 18 March 2016, the EU member states could not agree upon opening the Chapter 24, for undertaking the reform agenda under the relevant chapter of the accession framework. Instead, the EU has once more presented an acceleration of the visa liberalisation process as an incentive to Turkey, along with financial aid, and opened the Chapter 33. Our findings coupled with recent events, suggest that EU influence over Turkish migration policies, will proceed with policy conditionalities, which are incentives and concessions established outside of the accession process.

The main role of international organisations is to add value to the decision making, especially in the more technical and less politicised policy fields. In such cases international organisations tend to directly participate in the policy making and input social policy learning and normative suasion. Their expertise facilitates quick responses to emergency crisis situations. For instance, the preparation of the Law on Foreigners and International Protection accelerated due to their expertise on specified priorities. Given their long-time involvement in policy implementation, the Turkish government has seen the international organisations as sources of appropriate and legitimate behaviour. Thus, they value cooperation with the international organisations during the policy processes for legitimising the policy outcomes domestically, and at the same time providing a counterbalance to EU power. However, in the policy fields with a high level of politicisation, Turkish policy makers centralise the negotiations with the EU and exclude the international organisations from the policy decision making processes. In sum, international organisations are more influential when a policy field is technical and there are calls for their expertise, for example, in times of crisis, or alternatively, when Turkish government actors need their approval to legitimise a position and take a stance against the EU.

Finally, Turkish government actors tend to engage in hard rational choice bargaining. They use international negotiations, context and timing, strategically, to gain concessions from the EU, while pursuing their own domestic migration goals. Such a bargaining approach by Turkey officials has been facilitated by the transformation of Turkey's relationship with the EU, in particular, the replacement of the accession with policy conditionalities. This has

effectively reduced the asymmetry in the power relations between EU and Turkey and redressed the balance. While in the accession framework the EU has relatively more power to enforce policy compliance by Turkey, once this changes, a new form of relationship emerges that is characterised by negotiations between the two partners and bargaining to reach a specific policy outcome. With regard to migration policy-making, the decline in Turkey's accession prospects has made the government relatively freer and to move from an inflexible policy compliance framework towards a more constructive two-way form of negotiation process with the EU.

Under conditions of politicisation, the negotiation process tends to become centralised between the EU Commission and relevant Turkish Ministries. In such instances, Turkey uses the leverage it gains from its role in the international context, and the timing of the negotiation process, to seek benefits. By international context we mean both the regional developments affecting worldwide migration flows, and Turkey's political alignment in international relations, its economic and diplomatic partnerships. The bargaining process tends to result in compliance if the given incentives are more than the domestic adaptation costs, and in non-compliance, if they are not. In less politicised and more technical policy areas, as already stated, the negotiations tend to proceed in a more participatory nature. In this case, Turkey is also able to challenge EU conditionality by using its relations with other partners, mainly with the international organisations and the third countries with established social, political and diplomatic ties, to legitimise its domestic position.

To sum up, my main finding is that the degree to which there is 'external' influence over Turkish migration policy is contextually bound by time, the characteristics of a specific policy field, and the relative balance of power between the actors. EU influence is strongest when a policy field is politicised and driven by conditionality. International organisations are less influential actors overall, but are present in shaping more technocratic and less politicised policies when they input social policy learning and normative suasion. Turkish migration government actors are clearly able to be agents shaping outcomes, but the degree to which they are able to do so is contingent on contextual factors such as the type of policy field, the state of EU-Turkey relations, the international political situation, and the regional problems of migration.

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List of Interviews

Interview with Turkish Ministry for EU Affairs Official A, 14 January 2014, Ankara

Interview with Turkish Ministry for EU Affairs Official B, 14 January 2014, Ankara

Interview with Turkish Ministry for EU Affairs Official C, 14 January 2014, Ankara

Interview with Turkish Ministry of Foreign Affairs Official A, 17 October 2014, Skype Interview

Interview with Turkish Ministry of Foreign Affairs Official B, 15 January 2014, Ankara

Interview with Turkish Ministry of Interior, Directorate General for Migration Management Official A, 17 June 2015, Ankara

Interview with Turkish Ministry of Interior, Directorate General for Migration Management Official B, 17 June 2015, Ankara

Interview with IOM Ankara Official A, 17 January 2014, Ankara

Interview with IOM Ankara Official B, 17 January 2014, Ankara

Interview with IOM Ankara Official C, 17 January 2014, Ankara

Interview with UNHCR Ankara Official A, 14 January 2014, Ankara

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Interview with Delegation of the EU to Turkey Official A, 16 January 2014, Ankara

Interview with Delegation of the EU to Turkey Official B, 16 January 2014, Ankara

Interview with Amnesty International Ankara Official, 15 January 2014, Ankara

Interview with EU Directorate General Home Affairs Official A, 28 April 2014, Brussels

Interview with EU Directorate General Home Affairs Official B, 28 April 2014, Brussels

Interview with EU Directorate General Home Affairs Official C, 30 April 2014, Brussels

Interview with EU Directorate General Enlargement Official A, 25 April 2014, Brussels

Interview with EU Directorate General Enlargement Official B, 25 April 2014, Brussels

Interview with EU Directorate General Enlargement Official C, 29 April 2014, Brussels

Appendix I: Interview Questions

Statement about the Interview

The main aim of this interview is to contribute a better understanding of the decision-making process for migration policies in negotiations between Turkey and the EU. The main information that I am trying to gather is related with four main issue areas which are my case studies: the Law on Foreigners and International Protection, EU-Turkey readmission agreement, adoption of the EU's visa lists and the geographical limitation Turkey maintains on 1951 Geneva Convention. I would very much appreciate if you use one of these issue areas as an example in the issue areas where you can exemplify. Thank you.

1. **General Organizational Role**

   1. Can you please describe the role and status of your organization in migration policy negotiations between Turkey and the EU?

   2. What would you identify as your aims in the EU-Turkey migration policy negotiations?

   3. Can you explain the basis of your organization's decision to prioritize these as its aims?

   4. To what extent do you think your organization was successful in achieving these aims? Why?

   5. If the obstacles are left out: (Can you please continue with the main constraints on your way to success?)

2. **Policy Instruments**

   6. Which main issue areas does your organization prioritise in the EU-Turkey migration policy negotiations? Why?

   7. Can you elaborate your organization's position on

      a. the Law on Foreigners and International Protection

      b. EU-Turkey readmission agreement

      c. adoption of the EU's visa lists

      d. the geographical limitation Turkey maintains on 1951 Geneva Convention

3. **Organizational Role in Relation to Other Actors**

   8. Which organizations would you define as your main three allies? In what way and why?

9. Which organizations would you consider as your organization's main opponents? In what way and why?

10. From the perspective of your organization where do you see the power is located in these negotiations?

11. Which organizations would you consider as the main drivers of the policy outcomes? Why do you think this is the case?

12. Can you elaborate the main processes of the policy making negotiations? Can you please provide me some specific examples based on the issue areas of:

    a. the Law on Foreigners and International Protection

    b. EU-Turkey readmission agreement

    c. adoption of the EU's visa lists

    d. the geographical limitation Turkey maintains on 1951 Geneva Convention

13. What are the forms of interaction between the organizations in the policy making process? Can you elaborate on the efficiency of each form? Why do you think this is the case?

    a. What are the formal ways of communicating with other actors in the negotiation process?

    b. What are the means of communication and interaction outside of this formal process?

4. Changing Context and Expectations

14. How would you formulate your position in accordance to both domestic and international variables?

15. Can you please speculate about what do you think will happen next in these negotiations? Why?

16. Are there any reports, papers or statistical information you can provide or suggest me?

17. Finally, do you have any suggestions of colleagues who I might contact for an interview?

Thank you very much for your time.