

In Brief: Problems with the Turkey-EU refugee deal were obvious from the outset, and now the agreement is not only at risk of failing, but also risks damaging EU-Turkey relations as a whole. Optimists welcomed the deal, but dialogue around it is leading to more bitterness and mistrust. The deal is no longer about a humanitarian crisis but has become a Turkish-EU issue; decision-makers have transformed it from a cooperation opportunity into a bargaining matter, an issue of winning and losing. The current state of affairs feeds the mutual distrust between Turkey and the EU. Both sides are holding each other responsible for dishonesty. It is wise to focus on the accession process and try to keep it separate from policies on crisis management.

A Deal to End “the” Deal: Why the Refugee Agreement is a Threat to Turkey-EU Relations

by Özgehan Şenyuva and Çiğdem Üstün

The latest blow to the Turkey-EU refugee deal came on May 24, 2016, from Turkish President Recep Tayyip Erdoğan. He announced that “If that (the visa exemption) is not what will happen... no decision and no law in the framework of the readmission agreement will come out of the parliament of the Turkish Republic.”¹ Was this a surprise? Not really. Problems with the deal were obvious from the outset, and now the agreement is not only at risk of failing, but also risks damaging EU-Turkey relations as a whole.

The Optimists: The Glass is Half Full, but We Have Water

Some took, or hope to take, this deal as a turning point in Turkish-EU relations, starting a new era of cooperation and dialogue. For them, the glass was half full, and they point out we should be glad that there was any water at all. For example, in an earlier analysis in this series, Başak Kale argued that the plan is not perfect but it provides an opportunity to revitalize relations.²

¹ “Turkey threatens to block EU migration deal without visa-free travel,” *The Guardian*, May 24, 2016, <http://www.theguardian.com/world/2016/may/24/turkey-eu-migration-deal-visa-free-travel-recep-tayyip-erdogan>

² B. Kale, “The EU-Turkey Action Plan is Imperfect, but Also Pragmatic, and Maybe Even Strategic,” *On Turkey*, German Marshall Fund of the United States, February 23, 2016, <http://www.gmfus.org/publications/eu-turkey-action-plan-imperfect-also-pragmatic>

The optimists welcomed the deal with two main arguments. First, at least something was being done for the refugees, who needed urgent attention. Second, Turkey and the EU started to talk with each other again after a period of divergence that had been ongoing for almost a decade.³ European circles around Ankara and Brussels appeared to be euphoric over this new phase of dialogue. Time would tell if this renewed dialogue would spill over to something better and stronger. But time has proven otherwise; the dialogue is leading to more bitterness and mistrust and it is affecting the other aspects of Turkish-EU relations, and not necessarily in a positive way. The first victim of the deal was Ambassador Hansjörg Haber, the EU's top envoy to Turkey. His resignation following his critique of Turkey's handling of the refugee agreement and the comments of Turkey's EU affairs minister in response — that diplomats should respect national values including the common value of the office of the presidency — illustrated tense relations.⁴

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To Deal or Not to Deal?

The deal has been the subject of various analyses; and not all took an optimistic tone. There seems to be a clear divide between the policymakers, opinion leaders, and academia. First, the ongoing debate on the legality of the deal raised serious questions. It has been argued that collective expulsion of migrants is prohibited under the European Convention on Human

Rights, and that the agreement intends to contain the flow of migrants rather than protecting Syrian civilians from harm.⁵ UNHCR and Amnesty International have issued warnings regarding the treatment of the refugees,⁶ their access to a fair asylum-seeking process, and their right to appeal to a negative decision.⁷ Another big question focused on Turkey's application of the Geneva Convention using a geographical limitation for those not coming from Europe. Although Ankara adopted a legal framework for asylum in Turkey and affirmed its obligations toward all persons in need of international protection, it can only provide temporary protection, which directly affects each migrant sent back to Turkey.

The sustainability of the deal is a major concern since there is a limit on the number of asylum seekers to be relocated in EU countries. The first decision of the EU was to relocate 40,000 asylum seekers, but it adopted a second decision that increased the number to 160,000.⁸ Given the vast number of people fleeing from misery, violence, war, and possible death, this number does not provide a sustainable solution to the crisis. The situation in Syria is far from resolved and the prospects of Syrians' safe return grow dimmer each day. Turkey and the EU member states continue to struggle with emergency relief, and neither Turkey nor the EU member states seem to have any cohesive plans. In this context, the deal is more like putting a bandage on an open wound and less like a solution.

3 A. O. Evin and E. Hatipoğlu, "Convergence or Divergence: EU and Turkish Foreign Policy over the Last Decade," in *A European Union with 36 Members? Perspectives and Risks*, Balazs, Peter (ed.), Budapest, Hungary: Center for EU Enlargement Studies 2014, p185-198

4 T. Karadeniz, E. Toksabay, "EU envoy to Turkey resigns amid tensions over migration deal," Reuters, June 14, 2016,

5 "EU: Turkey Mass-Return Deal Threatens Rights," Human Rights Watch, March 15, 2016 <https://www.hrw.org/news/2016/03/15/eu-turkey-mass-return-deal-threatens-rights>

6 J. Barigazzi, "Human rights groups warn EU and Turkey over migrant deal," Politico, April 1, 2016, <http://www.politico.eu/article/human-rights-groups-warn-eu-turkey-migrant-deal-unhcr-refugees-refoulement/>

7 A. Justice, "Refugees treated like 'human trash' in Turkey-EU return deal," *International Business Times*, April 6, 2016, <http://www.ibtimes.co.uk/refugees-treated-like-human-trash-turkey-eu-return-deal-1553419>

8 http://europa.eu/rapid/press-release_IP-16-829_en.htm

To See Beyond the Deal: Turkish-EU Relations in Jeopardy

The possible negative impact should the deal fail goes beyond this specific issue; one should also look at what it means for Turkish-EU relations in general. In an earlier piece,⁹ we explained that the deal was received with suspicion and bitterness by the pro-EU camp in Turkey. Subsequent developments not only proved us right, but also raised these concerns to a new level: this deal and its implementation (or failure to be implemented) constitutes a risk to overall Turkish-EU relations. Borrowing from Albrecht O. Hirschman's *Jeopardy Thesis*, we argue that the cost of the proposed deal and its failure is too high, and that it endangers some previous accomplishments between Turkey and the EU.¹⁰ Following the Brexit referendum, Erdoğan's proposal on a possible Turkish referendum regarding whether or not to continue with negotiations is increasing concerns over relations with the EU.

The cost of the proposed deal and its failure is too high.

Desensitizing the Issue: Refugees as Bargaining Chips

The deal is no longer about a humanitarian crisis but has become a Turkish-EU issue; decision-makers have transformed it from a cooperation opportunity into a bargaining matter, an issue of winning and losing. By linking it to visa liberalization for Turkish citizens, the deal is no longer about refugees, neither for Turks nor for other Europeans. In public opinion, the deal has become part of the Turkish membership debate, casting a shadow on both the refugee issue and

membership prospects. Linking a rather weak deal on a heated and controversial issue (refugees and migration) to another already debated and not so popular issue (Turkey's membership in the EU) was sure to create a cycle of criticism and rejection. Naturally, within the populist rhetoric, the refugee deal is already deeply entangled with Turkey, and it is definitely not helping either of the issues. Even in the U.K., which had been perceived as one of the few countries supporting Turkey's EU bid, the Brexit debate touched on Turkey's membership when Vote Leave Campaign posters proclaimed "Turkey (population 76m) is joining the EU," suggesting a new wave of migration.¹¹

Mentioned by All, Owned by None: Whose Deal Is It?

After the resignation of Turkish Prime Minister Ahmet Davutoğlu in May 2016, the changes in the decision-making structure gave Erdoğan a more central role in the implementation of the deal. Davutoğlu had been the main figure who owned the process, and his proposals set the basis of the agreement with German Chancellor Angela Merkel. Erdoğan, on the other hand, has been critical of the EU and insisted on the responsibilities of the EU. He stated that "there are precise conditions. If the European Union does not take the necessary steps, then Turkey will not implement the agreement.... There have been promises but nothing has come for the moment."¹² The changes in the Turkish government have created question marks regarding the ownership and implementation of the deal.

The current state of affairs feeds the mutual distrust between Turkey and the EU. Both sides are holding each other responsible for dishonesty. Populist politi-

9 Ö. Şenyuva and Ç. Üstün, "A New Episode in EU-Turkish Relations: Why so Much Bitterness?" *On Turkey*, German Marshall Fund of the United States, 2015, <http://www.gmfus.org/publications/new-episode-eu-turkish-relations-why-so-much-bitterness>

10 A.O. Hirschman, *The Rhetoric of Reaction Perversity, Futility, Jeopardy*, The Belknap Press of Harvard University Press, 1991: p81-32

11 "Turkey unlikely to join EU 'until the year 3000', says Cameron," *Financial Times*, May 22, 2016, <http://www.ft.com/intl/cms/s/0/de1efd42-2001-11e6-aa98-db1e01fab0c.html#axzz4A8RbjHcs>

12 "Turkey won't implement migrant deal if EU falls short, says President Erdoğan," *Hürriyet Daily News*, April 7, 2016, <http://www.hurriyetdailynews.com/turkey-wont-implement-migrant-deal-if-eu-falls-short-says-president-erdogan.aspx?pageID=238&nID=97478&NewsCatID=510>

cians such as Nigel Farage in the U.K. accused Turkey of blackmailing the EU over the refugee crisis,¹³ while Erdoğan stated that the EU is dishonest and insincere and that Europe should look at its own record on migrants before telling Turkey what to do.¹⁴

The latest public opinion poll by Kadir Has University also demonstrated that although support for EU membership in Turkey increased from 42 to 61 percent, the image of the EU continues to lose ground. Only 15 percent see the EU as sincere and trustworthy in its relations with Turkey (40 percent disagrees, and 45 percent say neither/nor). Most strikingly, 67 percent of the respondents think Turkey will never become a member of the EU. All these indicate the acute and worrisome levels of distrust at the public level.¹⁵

The refugee deal has been far from having a spill-over effect but due to its potential to jeopardize Turkish-EU relations, it could create spill-back. Linking Turkey's accession process with such a fragile and risky deal has created a negative stance on Turkey's EU bid, and from now on, any form of cooperation will be shadowed by this deal, probably by the failure of it. Thus, it is wise to focus on the accession process and try to keep it separate from policies on crisis management that have the potential to damage the balance of already fragile Turkish-EU relations.

13 J. Stone, "Nigel Farage accuses Turkey of 'blackmailing' the EU over the refugee crisis," *Independent*, March 9, 2016, <http://www.independent.co.uk/news/uk/politics/nigel-farage-accuses-turkey-of-blackmailing-the-eu-over-the-refugee-crisis-a6921316.html>

14 "Turkey's Erdogan: EU 'dishonest, insincere'," Reuters, March 18, 2016, <http://www.cnbc.com/2016/03/18/turkeys-erdogan-eu-dishonest-insincere.html>

15 Türk Dış Politikası Kamuoyu Algıları Araştırması [Research on Public Perception of Turkish Foreign Policy], 2016 <http://www.khas.edu.tr/news/1367>

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