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## The EU–Turkey Agreement – What Had It Changed?

### Introduction

Migrants and refugees streaming last years into Europe from Africa and Asia became the greatest challenge for the European leaders. Despite the previous several years of growing number of migrants, the crisis is considered to start in 2015 because of the record number of 1.2 million asylum applications submitted in the EU member states that year. Nonetheless, according to Patrycja Sasnal, the main problem is not the number of migrants arriving to Europe but the fact of unequal concentration of the flow in few member states, mainly Greece, Italy and Malta which are the first country of entry and Hungary, Croatia and Slovenia.<sup>1</sup> The greatest number of migrants what means some 885,000, entered EU in 2015 through the Eastern Mediterranean route.<sup>2</sup> During this way from Turkey to Greece 806 people died during only one year.<sup>3</sup>

Migration crisis is such a complex problem because it didn't touch only the humanitarian or security matters. Since the start of the crisis can be observed the strength of populist, nationalist and extreme political parties which use argument of migration crisis for xenophobic and anti-union actions. The lack of the solidary cooperation among member states triggers serious threat about the existence of the Union and its principles.

With reference to the above, the uncontrolled influx of migration had to be stopped possibly fast by the EU. This resulted among others by the closer cooperation with Turkey which is the main transit country. The

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<sup>1</sup> P. Sasnal, *Niekontrolowane migracje do Unii Europejskiej – implikacje dla Polski*, Polski Instytut Spraw Międzynarodowych, Warszawa, 2015, pp. 11–12.

<sup>2</sup> Frontex, *Risk Analysis for 2016*, <http://frontex.europa.eu/> (last visited 15.10.2017).

<sup>3</sup> <https://missingmigrants.iom.int/> (last visited 15.10.2017).

aim of this article is to analysis the results of the EU–Turkey Agreement. This analysis will help to answer two research question:

- has the Agreement an impact on the accession talks?
- does the Agreement caused a decrease of the migration flow to the EU?

To answer those questions, the analysis will be subject to the EU documents, reports and press releases, figures illustrating the flow of immigrants, scientific articles and reports published by the international organisations. However, this article tests the hypothesis that the Agreement speeded-up the accession talks and as well has decreased the migration flow to the EU.

### **Turkey's Road to Join the EU**

Turkey is the longest waiting country to enter the European Union. The beginning of its official way to join the EU took place when Turkey as one of the first (besides Greece) asked for the association agreement which was signed in 1963. 24 years later, in 1987, Turkey applied to join what was then the European Economic Community. The answer was negative and they had to wait another 12 years till 1999 to receive the candidate status. The debate if Turkey should join EU or not, is large. From to most obvious geographical and cultural reasons as only 3% of its land mass is in the continent of Europe and in the cultural matter we could refer to the Huntington's 'clash of civilisations', to more pragmatic aspects of their growing economy and population. Turkey already belongs to many international organisations such as e.g. United Nations, North Atlantic Treaty Organization or Council of Europe, therefore, its aspiration to join EU with which is associated since years is understandable. Nonetheless European Union is rather sceptical for its accession. The problem with Turkey regards to many aspects as the Cyprus matter, economic connections, the discussion about the religious base of EU and the geographical precedent, but they are not topic of this article. Another big concerns among member states raise security and political power. The geostrategic position of Turkey causes that it plays key role in stabilizing the region. This position as called it A. Adamczyk, became a "curse", because EU member states are afraid that having Turkey in EU with "dangerous and unstable neighbours, adhering to Middle East region, identified with permanent conflicts, illegal immigration and terrorism, can entangle the EU in many international problems".<sup>4</sup>

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<sup>4</sup> A. Adamczyk, *Trudne sąsiedztwo – wpływ relacji Turcji z sąsiadami na proces akcesji do Unii Europejskiej*, „Studia Europejskie”, no. 4/2013, p. 74.

Important aspect of it is migration. Turkey experienced migrations flows from other states in the region e.g. Iran and Iraq. Can be mentioned here number of cases of mass asylum seekers inflowing from those countries in 1988, 1989 and 1991, involving a total of approximately 900,000 refugees.<sup>5</sup> This together with the so called ‘gastarbeits’ flow in the 60s to Germany cause that the European Union is afraid of big stream of both Turkish citizens and migrants from Asia and Africa. Because of it Turkey is the only EU candidate not on the list of the Schengen visa-free access countries, while there are countries like Brazil, Honduras, Paraguay or Venezuela which do not have to apply for a visa.

Another topic in the Turkish’ long journey to the EU is adopting the EU legislation and value. First chapter was opened in 2006 and next, 2–5 of them were opening very year. In 2010 everything has slowed down. In 2012 Turkey froze relations with the European Union for the duration of Republic of Cyprus’ rotating presidency. Till 2015, when took place kind of “re-energising” Turkey’s accession process, negotiations were going very slowly. The migration crisis resulted closer cooperation between EU and Turkey. On 29 November 2015 was activated the Joint EU–Turkey Action Plan which contains two parts: Supporting the Syrians under temporary protection and their Turkish hosting communities and Strengthening cooperation to prevent irregular migration. Four months later, on 18 March 2016, was issued the EU–Turkey Statement which established additional goals to achieve. Since the 2015<sup>th</sup> have been opened only two chapters. Comparing it to the previous years, just after screening process, it can be rather define as a small progress and not big result of the EU–Turkey Agreement even if it took place just after activating the Joint Action Plan and issuing the EU–Turkey Statement. So far 16 out of 35 chapters have been opened and only one (on science and research) was provisionally closed on 12 June 2006. What undoubtedly has impact on not opening further chapters is situation in Turkey. On 11 November 2016 European Parliament issued resolution to freeze the accession talks over human rights and rule of law concerns. This was a reaction to the actions took by Turkey after the failed coup attend which took place in July 2016, when tens of thousands of people have been fired, suspended, detained or arrested and the talks about restoration of the death penalty.<sup>6</sup> In its resolution European Parliament strongly condemned the dispropor-

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<sup>5</sup> K. Kirişçi, *UNHCR and Turkey: Cooperating for Improved Implementation of the 1951 Convention relating to the Status of Refugees*, “International Journal of Refugee Law”, vol. 13, issue 1 and 2/2001, p. 71.

<sup>6</sup> *EU–Turkey relations: “We are entering a new phase”*, European Parliament, 29.11.2016, <http://www.europarl.europa.eu/news/en/headlines/world/20161128STO53408/eu-turkey-relations-we-are-entering-a-new-phase> (last visited 15.10.2017).

tionate repressive measures taken in Turkey, repeated that reintroduction of capital punishment would lead to a formal suspension of the accession process and although underlined the strategic importance of EU–Turkey relations, pointed that the political will to cooperate, which Turkey is not showing, has to come from both sides.<sup>7</sup> This symbolic, non-binding vote for resolution was the first warning for Turkey. Just next day after the European Parliament urged governments to freeze EU accession talks with Ankara, Recep Tayyip Erdoğan threaten that if they will go any further, he will open the border gates to the EU.<sup>8</sup> Moreover, the public opinion has raised a debate about “Trexit” since Erdoğan suggested possibility of organising referendum on Ankara’s EU membership bid which would result with exiting accession talks.<sup>9</sup> However as G. Sak commented it “Firstly, Turkey’s constitution doesn’t allow referendums on issues other than constitutional amendments [...] secondly, [...] What exactly would the Turks vote for in such a referendum? Leaving the Customs Union? Cutting Turkey’s access to its largest export market? I don’t think so”.<sup>10</sup>

The next “hot spot” in their relation which caused second voting in European Parliament on resolution which upholds its position from November,<sup>11</sup> took place in spring when a new draft of constitution that significantly increases the powers of Turkish President Recep Tayyip Erdoğan has been approved by voters in a referendum. In the opinion of D. M. Seyrek,<sup>12</sup> although ‘a presidential system is not a bad thing per se [...]’ but ‘the newly proposed system, literally described as “a la Turca” presidency by the Turkish government, has little in common with presidential systems in the Western world’.<sup>13</sup> Even before this voting in the

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<sup>7</sup> European Parliament resolution of 24 November 2016 on EU–Turkey relations (2016/2993(RSP)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0450+0+DOC+XML+V0//EN> (last visited 15.10.2017).

<sup>8</sup> *Turkey threatens to end refugee deal in row over EU accession*, The Guardian, 25.11.2016, <https://www.theguardian.com/world/2016/nov/25/turkey-threatens-end-refugee-deal-row-eu-accession-erdogan> (last visited 15.10.2017).

<sup>9</sup> G. Sak, *Why the Trexit debate?*, Hurriyet Daily News, 19.11.2016, <http://www.hurriyetdailynews.com/why-the-trexit-debate.aspx?pageID=517&nID=106311&NewsCatID=403> (last visited 15.10.2017).

<sup>10</sup> Ibidem.

<sup>11</sup> European Parliament resolution of 6 July 2017 on the 2016 Commission Report on Turkey (2016/2308(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0306+0+DOC+XML+V0//EN> (last visited 15.10.2017).

<sup>12</sup> D.M. Seyrek – senior policy advisor at the European Foundation for Democracy.

<sup>13</sup> D.M. Seyrek, *Turkish constitutional referendum: TRexit from parliamentary democracy?* Euronews, 13.04.2017, <http://www.euronews.com/2017/04/13/view-turkish-constitutional-referendum-trexit-from-parliamentary-democracy> (last visited 15.10.2017).

European Parliament, Erdoğan issued an ultimatum for the EU that they must open new chapters in the accession process, otherwise Ankara will say “goodbye” to the bloc.<sup>14</sup> But the EU as whole keeps to be rather reluctant in taking any serious and formal decision in this matter, emphasizing the need of talk. It was seen for e.g. in the remarks by High Representative/Vice-President Federica Mogherini at the press conference following the EU–Turkey High Level Political Dialogue in the end of July (so just after the European Parliament resolution), where she was emphasizing the need of dialogue, referring to a worrying pattern of imprisonments in Turkey after the coup but pointing the solidarity and complex cooperation between EU and Turkey.<sup>15</sup> However, Mogherini very clearly marked that it is difficult to imagine opening of further chapters in that moment.<sup>16</sup>

The big impact on the Turkey accession to the EU has time. Since the beginning of their negotiations, Croatia managed to finish the whole process and joined the EU, while Turkey is not even in the half way. The European Union still doesn't know if it wants Turkey as a member state and Turkey since longer time is irritated with so slow negotiation speed what caused regular intimidation and threats. It took place already before 2015<sup>17</sup> but the situation on the borders gives them even stronger arguments which cannot be ignored by the EU. To examine how strong this argument is would be needed to define the scale of border opening effect.

As T. Szigetvári points, one of the strongest “soft power” of the European Union is the enlargement policy,<sup>18</sup> which decreased with the financial and economic crisis. Often raised question is how long Turkey will need the EU and when will choose other regional organisation as e.g. the Shanghai Cooperation Organization (SCO), which was already described by Erdoğan as being closer to the Turkey's values.<sup>19</sup> SCO, as point it

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<sup>14</sup> D. Butler, *Recep Tayyip Erdogan threatens to say 'goodbye' to the EU unless they move Turkey's accession forward*, Independent, 3.0.2017, <http://www.independent.co.uk/news/world/europe/recep-tayyip-erdogan-turkey-joining-eu-european-union-member-bloc-accession-talks-ankara-a7714691.html> (last visited 15.10.2017).

<sup>15</sup> Remarks by High Representative/Vice-President Federica Mogherini at the press conference following the EU–Turkey High Level Political Dialogue, Delegation of the European Union to Turkey, Bruxelles, 25.07.2017, <https://www.avrupa.info.tr/en/pr/eu-turkey-high-level-political-dialogue-1073> (last visited 15.10.2017).

<sup>16</sup> Ibidem.

<sup>17</sup> M. Abbas, *Frustrated Turkey still wants EU entry, but maybe not euro*, Reuters, 13.02.2013, <http://www.reuters.com/article/us-britain-turkey-eu/frustrated-turkey-still-wants-eu-entry-but-maybe-not-euro-idUSBRE91C1E520130213> (last visited 15.10.2017).

<sup>18</sup> T. Szigetvári, *EU–Turkey Relations: Changing Approaches*, “Romanian Journal of European Affairs”, vol. 14, no. 1/March 2014, p. 35.

<sup>19</sup> H. Karaveli, *How Serious is Erdogan about Joining the SCO Instead of the EU?*

A. Paul and D.M. Seyrek, is openly anti-US/anti-NATO<sup>20</sup> where specially NATO should be now quite important for Turkey. Therefore it could be recognised as not serious blackmail, even Turkey has been granted dialogue partner status and chairmanship of the energy club for 2017. Those regular threatens which use Turkey's Presidents, can show also that joining the EU is still important goal for them. Their "soft power" relies now on the migration problem. On one hand they use it in the negotiations with EU but on the other as well to 'build a reputation in international society as a pivotal global actor and «central state» which is able to contribute to the solution of humanitarian and political problems'.<sup>21</sup> None less, has to be repeated after A. Paul and D. M. Seyrek that the fact of a high level of interdependence which is nowadays reached by EU and Turkey can be quite worrying and a divorce would be mutually destructive.<sup>22</sup>

T. Szigetvári in his article quote S. Cagaptay who 'argues that the Syrian war is a test of the new Turkish foreign policy Doctrine' and J. Lagendijk's response to it, where he 'asks the question, whether the Syrian war will bring Ankara and Brussels closer together as well?'<sup>23</sup> What we can be observed so far is that indeed, Turkey and EU cooperate closer in this matter but it long-term rapprochement will rather remain in doubt. It is difficult to talk about progress in their relations and Turkey accession where are present threatens, even they are so far not fulfilled. But also EU applies threatens using for it the European Parliament which is a kind of "bad cop" who points out Turkey's abuses.

## **The EU–Turkey Agreement**

The EU–Turkey Agreement is one of the tools used by the European Union which aim to stabilize the situation on the borders. The agreement was followed by series of the meetings. On 29 November was activated the EU–Turkey Joint Plan which contains two parts: 'Supporting the Syrians under temporary protection and their Turkish hosting communities; and

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The Turkey Analyst, 30.01.2013, <http://www.turkeyanalyst.org/publications/turkey-analyst-articles/item/23-how-serious-is-erdogan-about-joining-the-sco-instead-of-the-eu> (last visited 15.10.2017).

<sup>20</sup> A. Paul, D.M. Seyrek, *The EU cannot afford to just 'muddle through' on Turkey*, European Policy Center, Commentary, 8.12.2016, p. 2.

<sup>21</sup> N.G. Aras, Z.S. Mencutek, *The international migration and foreign policy nexus: The case of Syrian refugee crisis and Turkey*, "Migration Letters", no. 12(3)/2015, p. 194.

<sup>22</sup> A. Paul, D.M. Seyrek, op.cit., p. 2.

<sup>23</sup> T. Szigetvári, op.cit., p. 43.

‘Strengthening cooperation to prevent irregular migration’.<sup>24</sup> In frame of the first part Turkey will enhance law, policies and programs on foreigners and international protection, ensure that migrants will be identified, registered and taken care of. The European Union for its part will mobilise new funds to support Turkey, provide humanitarian assistance via humanitarian organisations in Turkey, continue providing assistance, over and beyond the 4.2 EUR billion already mobilised, to Syrian refugees in Lebanon, Jordan, Iraq and Syria, and support resettlement schemes and programmes. As well, EU and Turkey will proceed with a comprehensive joint needs assessment to design adequate actions to ensure an efficient use of the funding.

In frame of the second part Turkey committed to intend to strengthen the capacity of their Coast Guard, step up cooperation with Frontex and Bulgarian and Greek authorities, deploy a liaison officer to Europol, exchange information with EU, cooperate in readmitting irregular migrants who are not in need of international protection, ensure the status of refugee is granted without delay, continue the fight against networks smuggling migrants and work on its visa policy, legislation and administrative capacities. While the EU will support Turkey in above mentioned actions, implement the “Silk Routes’ Partnership for migration” (which develops dialogue and cooperation with the authorities of the countries concerned on preventing irregular migration), increase the financial assistance to support Turkey in meeting the requirement of the Visa Liberalisation Dialogue and inform people seeking refuge in Turkey about the risks linked to irregular.

At the third meeting of EU and Turkey in March have been agreed additional actions to be taken regarding the migration crisis. That moment Turkey has already opened its labour market for Syrians under temporary protection, introduced new visa requirements and its coast guard and police enhanced their security efforts and the exchange of information.<sup>25</sup> Whereas the EU started to distribute the 3 billion euro of the Facility for Refugees in Turkey, worked on visa liberalisation and opened the Chapter 17.<sup>26</sup> Next steps regarded breaking the business of the migrants’ smugglers. The European Union and Turkey agreed that:

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<sup>24</sup> *EU–Turkey joint action plan*, European Commission Press Release Database, Brussels, 15.10.2015, [http://europa.eu/rapid/press-release\\_MEMO-15-5860\\_fr.htm](http://europa.eu/rapid/press-release_MEMO-15-5860_fr.htm) (last visited 20.10.2017).

<sup>25</sup> *EU–Turkey statement*, European Council, Press release, 144/16, 18.03.2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/> (last visited 20.10.2017).

<sup>26</sup> *Ibidem*.

- every new irregular migrant coming to Greek islands from Turkey will be returned to Turkey (since March 20, 2016);
- for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU;
- Turkey will prevent new sea or land routes for illegal migration;
- a Voluntary Humanitarian Admission Scheme will be activated when irregular crossings will end or will be reduced;
- the fulfilment of the visa liberalisation roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016 if all benchmarks will be met;
- the EU will further speed up the disbursement of the initially allocated 3 billion euros under the Facility for Refugees in Turkey and mobilise additional 3 billion euro up to the end of 2018;
- the work on the upgrading of the Customs Union will be continued;
- the next step in the accession talk will be to open Chapter 33 during the Netherlands presidency;
- they will work to improve humanitarian conditions inside Syria.<sup>27</sup>

At the first sight, the agreement looks quite complex and in theory should have a lot of chances to be successful. J. Dobrowolska-Polak pointed that it is a German success: a combination of the demands of EU states to end the “open door” policy and at the same time maintain it.<sup>28</sup> On one hand reduction of the number of migrants arriving through one of the hottest route would have a crucial significance. Doing it by better controlling the border, sending back to Turkey migrants who don’t require international protection and helping those Syrians who do it, makes sense. Also accelerating the accession talks shouldn’t be surprising the same as financial support for Turkey, because their long road to EU and high costs of actions which were supposed to take. But on the other hand, the devil is in the detail and among the allegations against this agreement can be mentioned that:

- it was based on efficiency actions took by Turkey and Greece which were doubtful,
- it needed the recognition of Turkey as a “safe third country”, which still raises many objections
- and security and human rights of migrants returned at sea were unsure.

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<sup>27</sup> Ibidem.

<sup>28</sup> J.D. Polak, *Turecja, Unia Europejska i uchodźcy. Porozumienia w sprawie zarządzania kryzysem migracyjnym*, Biuletyn Instytutu Zachodniego, Seria Specjalna – „Uchodźcy w Europie”, 22.03.2016, no. 229/2016, p. 1.



Moreover, the slow pace of the negotiation talks and visa liberalisation had its reasons so speeding it up during “crisis” could be worrying.

## The Agreement’s Implementation

Analysing the EU–Turkey Agreement it is necessary to refer to two controversial aspects which in this article are recognised as:

- efficiency, by what is understand the impact of the agreement on the flow of immigrants,
- and cost, which refer not only to the financial support but also to the political commitment.

Efficiency of this Agreement can be measured by few numbers: number of migrants arriving from Turkey to Greece, number of deaths on, number of migrants resettled both from Greece to Turkey and from Turkey to the EU. A question about the first two numbers made T. Spijkerboer<sup>29</sup> who dismiss the European Commission’s assertion of a sharp fall in these numbers thanks to the agreement.<sup>30</sup> He has compered the numbers of arrivals and deaths before the statement and after. He expected an increase in the numbers just before and rapid fall after the statement in case of success of the agreement, as migrants should try to cross the border after announcing the agreement and before it entered into force.

Observing the first figure which presents monthly numbers of arrivals on Greek islands between January 2015 and August 2016, can be pointed the peak of 211 663 migrants in October 2015. Since next month the numbers rather steadily go down without much change in March (EU–Turkey statement).

Looking at the second figure showing the numbers in weeks periods since the October 2015, can be observed a peak in the week ending on February 24, 2016 and then the decrease.

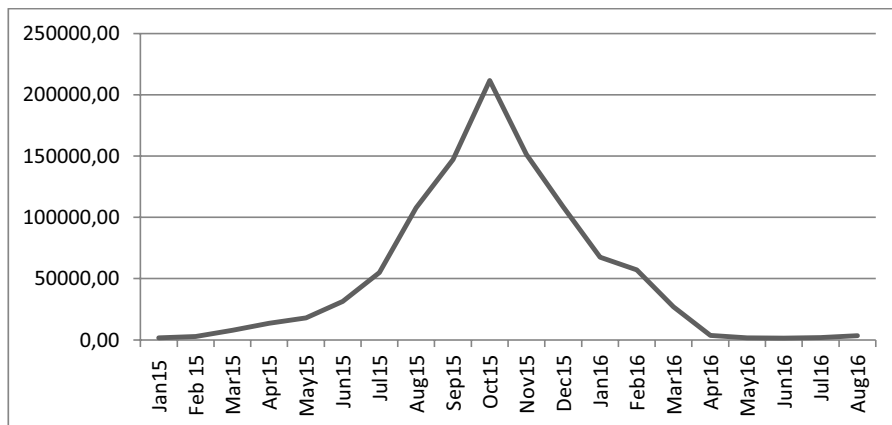
This rise T. Spijkerboer interprets as possible “just in time-effect” what means that more people tried to cross the border before the agreement, but as the drop took place before March 20, 2016, so the statement didn’t have any impact on it. Another interpretation, which could be made according to him is, that this minor spike is just another irregularity in the steady downward trend which took place since October 2015.

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<sup>29</sup> T. Spijkerboer – Professor of Migration Law, Vrije Universiteit Amsterdam.

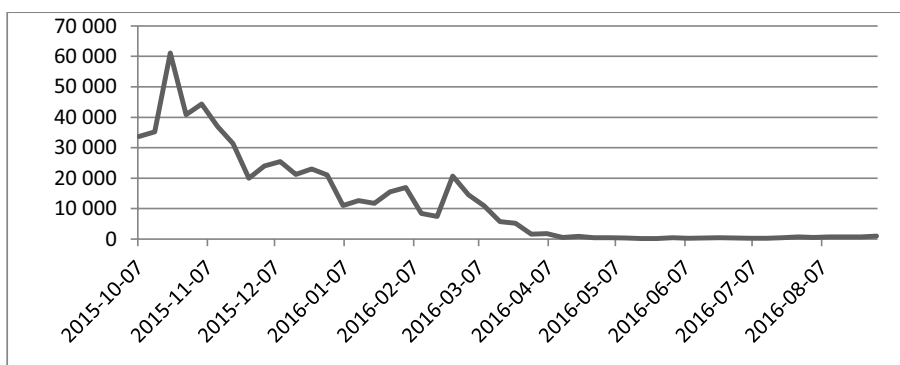
<sup>30</sup> T. Spijkerboer, *Fact Check: Did the EU–Turkey Deal Bring Down the Number of Migrants and of Border Deaths?* Border Criminologies Blog of the University of Oxford, 28.09.2016, <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/09/fact-check-did-eu> (last visited 20.10.2017).

**Figure 1. Monthly arrivals on Greek islands, Jan 2015–Aug 2016**



Source: UNHCR database.

**Figure 2. Weekly arrivals on Greeks islands, Oct 2015–Aug 2016**

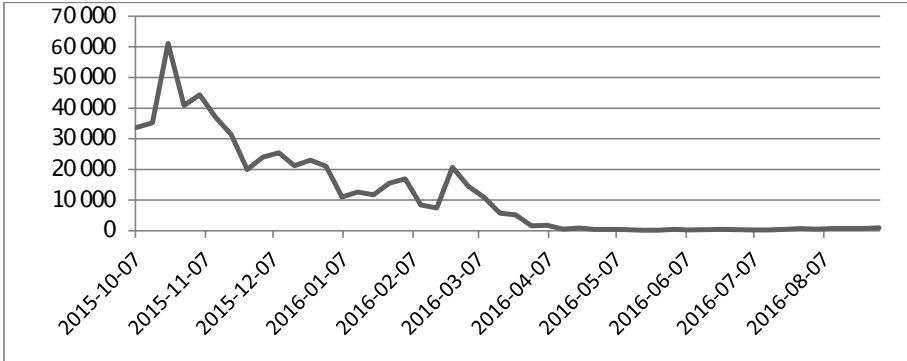


Source: UNHCR database.

On the next figure presenting the border deaths on Eastern Mediterranean route are noticeable two peaks with a sharp decrease in November and then in February. The next drop, smaller but visible, took place after April, so after the statement entered into force.

In this case T. Spijkerboer points the difficulty to interpret those numbers as the recorded number of arrivals is not directly related to the recorded number of deaths, there is no relation between actual crossings and actual deaths and one or both of the data sources may be imperfect. This is important to highlight that the numbers which are compared are not very precised. They show only known migrants arrivals and deaths and

**Figure 3. Border deaths on Eastern Mediterranean route, Jan 2015–Aug 2016**



Source: IOM Missing Migrants Project database.

cases which are unknown cannot be assessed, specially where it comes to the deaths. T. Spijkerboer doesn't strongly exclude an additional effect of the EU–Turkey Agreement on the number of deaths, but if it exists, he define it as 'a minor effect in addition to a major prior, unrelated decline'. Moreover, if as was stated above, 'the EU–Turkey Agreement has had no identifiable overall effect on number of arrivals, therefore, it is unlikely that the minor positive development in the number of border deaths can be related to the EU–Turkey Agreement'.

The fact is that the number of deaths and migrants arriving to the Greek islands has decreased and maintain low comparing to the level of 2015. Direct rejection of the impact of the EU–Turkey statement on the base of record numbers of arrivals and death seems to be a bit far-reaching simplification of the situation. On those numbers had impact also different factors as weather, situation on the borders etc. It is difficult to definitely define the impact of the EU–Turkey agreement because it is unknown how many people would cross the border without the agreement. Maybe it would be worth to investigate the number of migrants arriving to Turkey who are stopped there so cannot continue their way to EU. This way could be seen if the number of arrivals wouldn't rapidly increase without the statement, but again it wouldn't give a simple answer how much helped in that the statement. Another question is the impact of closing the border with Syria by Turkey.

The effectiveness of the EU–Turkey agreement is regularly evaluated by the EU, which controls its implementation. According to the seventh report prepared by the European Commission, the EU–Turkey State-

ment continue to play a key role in the Eastern Mediterranean.<sup>31</sup> As of 4 September, the total number of Syrians resettled from Turkey to the EU under the 1:1 framework was 8,834 and 2,580 of them have been already resettled to 15 Member States.<sup>32</sup> This means that 17 states (excluding Great Britain) do not fulfil their obligation what shows the scale of the solidarity problem in the EU. Much slower progress can be observe in the returns from the Greek islands to Turkey. According to the report, the number of returns remains much lower than the number of arrivals what is 97 persons.

An important aspect of the EU–Turkey agreement is its cost. As of September, have been signed 48 contracts for total amount of EUR 1.664 billion out of the EUR 3 billion for 2016–2017 and disbursements have reached EUR 838 million.<sup>33</sup> Can be noticed that those funding are rather slowly spent. Crucial are also the political costs which will be incurred by the EU. Both of them are stopped, because of the situation in Turkey. As informs the report, Turkey has to respect democracy, rule of law, and fundamental freedoms, including freedom of expression to come back to the negotiations. Regarding the Visa Liberalisation Roadmap, there are still a lot of benchmarks which are not met by Turkey. There is one more cost which refers to the opinion on the international stage. “Very hot topics” are there human rights and the legality of the Agreement. The objections in this matters concern the recognition of Turkey as the safe third country, closing the border with Syria by Turkey and conditions to live for asylum seekers in Greek camps.

Turkey has been recognised as safe third country by the propose made by Germany, Greece and France to make possible sending back not only the illegal migrants but also asylum seekers and refugees, who can be sent to the first country of entrance, where they could apply for the asylum only under condition that this country fulfils the international standards for the protection of refugees and asylum seekers. So far there are no other countries who had recognised Turkey as such and even not (besides Bulgaria) as safe country of origin. One of the reason for it is that Turkey applies the Geneva Convention of 1951 only to a limited extent (may provide the full protection only to the EU citizens). This status seems to be even more inadequate in the context of events which took place in Turkey last year, on-going

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<sup>31</sup> Report from the Commission to the European Parliament, the European Council and the Council Seventh Report on the Progress made in the implementation of the EU–Turkey, Brussels 2017.

<sup>32</sup> *Ibidem.*

<sup>33</sup> *Ibidem.*

prosecuting human rights defenders and closing the border with Syria which means not only depriving the right to apply for asylum but also according to Human Rights Watch, killing people who try to cross the border. Another objections are raised against the camps in Greece where refugees are held involuntarily and are forced to sleep in squalid tent cities without proper services.<sup>34</sup> This situation beyond the ethical aspect, causes that this Agreement is widely criticized by international organisations such as Amnesty International or Human Rights Watch and experts. E. Collett<sup>35</sup> called this cooperation between EU and Turkey a “paradox” in the context of years spent by the EU to develop high asylum standards which are now in question.<sup>36</sup>

The EU–Turkey agreement is charged also for increasing number of immigrants from Algeria, Morocco and Afghanistan. This argument is raised by K. Załucki in his article.<sup>37</sup> However, looking at least at the data available at the UNHCR website, can be observed the decrease of number of those migrants. As it is shown on the figure number 4, since October 2015 when was recorded the highest number of migrants arriving to the Greek islands, the number of non-Syrians is steadily dropping.

What can be observed, is increase of percentage of non-Syrian migrants in the total number. This trend is shown on the figure number 5. The percentage was decreasing since December, to stabilize during the February-April period to then increase to around 70%.

This rise can be in indeed caused by the Agreement. According to the Statement from March 17, 2016 ‘for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking [...] Priority is given to migrants who have not previously entered or tried to enter the EU irregularly’.<sup>38</sup> This give chances for the resettlement to the EU only for Syrians, not migrants from Algeria, Morocco and Afghanistan. So as for Syrians it was worth to wait in Turkey, for other migrants still more appealing was to try to cross the border. The

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<sup>34</sup> J. Therkelsen, *Inhumane EU–Turkey Refugee Deal is Failing to Protect Basic Human Rights*, Asylum Access Website, <http://asylumaccess.org/inhumane-eu-turkey-refugee-deal-is-failing-to-protect-basic-human-rights/> (last visited 25.02.2017).

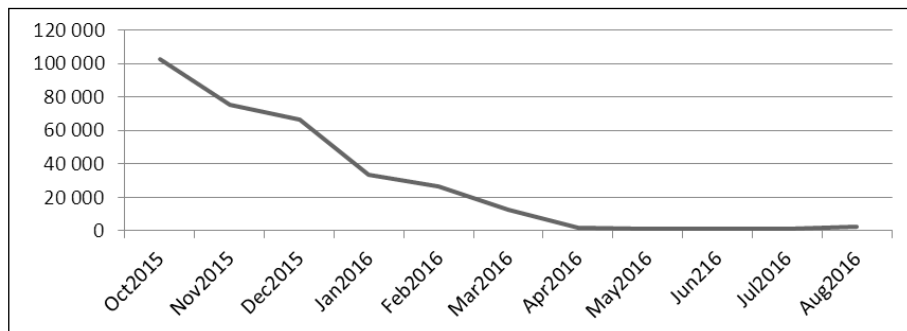
<sup>35</sup> E. Collett – Director of Migration Policy Institute Europe and Senior Advisor to MPI’s Transatlantic Council on Migration.

<sup>36</sup> E. Collett, *The Paradox of the EU–Turkey Refugee Deal*, Migration Policy Institute Website, <https://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal> (last visited 25.02.2017).

<sup>37</sup> K. Załucki, *Relacje Unia Europejska–Turcja wobec kryzysu migracyjnego. Makia-weliczne plany czy wyraz bezsilności?* „Chorzowskie Studia Polityczne”, no. 10/2015, p. 324.

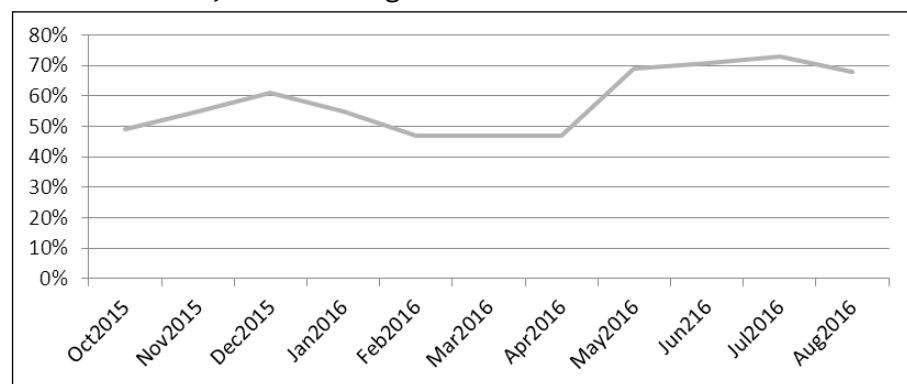
<sup>38</sup> EU–Turkey statement, op.cit.

**Figure 4. Number of non-Syrian migrants arriving on the Greek islands, Oct 2015–Aug 2016.**



Source: UNHCR database.

**Figure 5. Percentage of non-Syrian migrants among all migrants arriving to Greek islands, Oct 2015–Aug 2016**



Source: UNHCR database.

number was decreasing as it became much more difficult but it was not happening the same fast as in case of Syrians.

## **Conclusions**

The EU–Turkey Agreement had right assumptions: to stop the irregular massive flow and reduce the number of deaths by providing them legal possibilities to access the EU. However, finally not assumptions are counting, but its results. The closer cooperation of the EU with Turkey was an opportunity to rebuild the trust after long and slow negotiations, but instead of speeding-up the talks, took place another impasse because

of the events that violate human rights in Turkey. Answering the first posed question in this article, the Agreement didn't accelerate the negotiations, but had impact on them, as gave Turkey a strong argument for blackmailing.

The implementation of the Agreement is not perfect. The general number of the migrants arriving on the Greek islands and deaths has decreased after the Statement entered into force. Can be considered that it happened thanks to the Agreement, even this drop started before the Statement, so the second hypothesis could be confirmed, but the impact of closing the border by Turkey with Syria needs further research. Very problematic is the pace of the resettlement progress. Although Turkey send to the EU Syrians, the relocation within the EU is going extremely slow. Even slower goes sending the migrants back to Turkey which means that a lot of them are trapped on Greek islands.

To improve the implementation, EU has to speed-up the relocation process and fights for the solidarity among its member states which rather do not raise such objections regarding the Agreement as the international organisation, even all of them undertook to share the common values where human rights are one of them.

The main problem of the EU–Turkey Agreement seems to be the recognition of the Turkey as the safe third country and using by Recep Tayyip Erdoğan the migrants to blackmail the EU. But the question is if the EU can control and changed Turkey. Especially when the Agreement can collapse everyday what also has been said by Cecilia Wikström.<sup>39</sup> Is the EU prepared for potential opening the border by Turkey? And not only in the short-term perspective to relocate them among the member states but also for effective integration policy in long-term?

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<sup>39</sup> Cecilia Wikström – member of European Parliament who is responsible for the reform of the Dublin regulation. LIVE with Cecilia Wikström, the member dealing with the improvement of the EU's asylum system, 19.10.2016 [online transmission on Facebook], <https://www.facebook.com/europeanparliament/> (last visited 25.10.2017).

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**Key words:** The EU–Turkey Agreement, European Union, Migration Crisis, Accession Negotiations, Human Rights, Easter Mediterranean Route

### **Abstract**

The migration flow to EU in 2015 or the so called “migration crisis” forced the EU to take rapid steps. One of them was a closer cooperation with Turkey which was the main transit country to Greece. The aim of this article is to examine the outcomes of the EU–Turkey Agreement in the context of accessions talks and effectiveness in decreasing the number of migrants arriving to Greece. One of the costs of this cooperation was supposed to be the speeding-up of both the negotiations and the visa liberalisation. However, after over a year since the Statement entered into force, this condition has not been fulfilled because of the violation of human rights in Turkey. It is reason to say that the Agreement didn’t have impact on the accession talks, but it gave Turkey a strong argument for blackmailing. The aim of the Agreement was also to decrease the number of migrants arriving to Greek islands and the fact is that it remains much lower comparing to 2015, what can be considered as the effect of the Agreement even if the decreasing tendency started before announcement of the EU–Turkey Statement. But there are more factors which has to be analysed as e.g. closing the border with Syria by Turkey.