



UNIVERSITY OF
GOTHENBURG

The ultimate border between the East and the West

*The EU-Turkey statement, a milestone for the
refugation-border nexus in the EU-Turkey relations*

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*“People do not lose their human rights
by virtue of crossing a border without a visa.”*

Zeid Ra’ad Al Hussein
Former UN High Commissioner for Human Rights

ABSTRACT

The worst humanitarian crisis that we are currently watching has prompted to a rise of refugation flows in today's globalised world. During the European refugrant crisis the EU external borders were under pressure and the EU had to find partners to help to secure its borders, as solidarity inside the EU was not enough to carry good management of the refugation flows that were arriving at EU doors. The EU-Turkey statement of 18 March 2016, permitted the EU and its member states to regain control of its Southeastern borders and it as turned Turkey into the ultimate border between the East and the West. As the EU is focused on containing and reducing the refugation flows at its external borders by all costs, it has forgotten to advocate for human rights in its neighbouring countries and to respect the human rights of the refugrants. Thus, this master thesis explored the role that the nexus between the border security and the refugation management plays at the EU-Turkey relations. In addition, it was explored how the EU-Turkey statement has affected the EC discourse regarding the deteriorating situation of human rights in Turkey. The study concludes that the EU-Turkey statement has been an important policy tool in promoting the refugation-border nexus in the EU-Turkey relations and that the EU-Turkey statement has affected the EC discourse about the current situation of human rights in Turkey.

(Word count: 238 words)

Key Words

Borders; Borderscape; European Commission; European Union;
Europeanisation; EU-Turkey statement; Human Rights; Migration; Turkey;
Refugees; Refugrants; Refugation; Securitisation of Migration.

a ti avó...

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*Um bem haja a todos!
Lopaulos*

LIST OF ABBREVIATIONS

AKP	<i>Adalet ve Kalkınma Partisi</i> (Justice and Development Party)
APD	Accession Partnership Document
CEAS	Common European Asylum System
CoE	Council of Europe
EC	European Commission
ECHR	European Convention on Human Rights
ECRE	European Council on Refugees and Exiles
EEC	European Economic Community
EP	European Parliament
EU	European Union
Frontex	European Border and Coast Guard Agency
HDP	<i>Halkların Demokratik Partisi</i> (Peoples' Democratic Party)
IOM	International Organisation for Migration
MENA	Middle East and North of Africa
MFA	Ministry of Foreign Affairs
MSF	<i>Médecins Sans Frontières</i> (Doctors Without Borders)
NATO	North Atlantic Treaty Organisation
NGO(s)	Non-Governmental Organisation(s)
OHCHR	Office of the United Nations High Commissioner for Human Rights
PKK	<i>Partiya Karkerên Kurdistan</i> (Kurdistan Workers' Party)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees (UN Refugee Agency)

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INTRODUCTION

Since the start of the civil war in Syria and the fight against the Daesh in 2011, millions of Syrian people have fled the country in search of better living conditions elsewhere. Some of them towards the European Union (EU). As of June 2018, with 6.3 million refugees, the United Nations High Commissioner for Refugees (UNHCR) placed Syria in the top of the list of refugees sending countries (UNHCR 2018c). As a result of the *refugration*¹ flows from Syria and from other countries facing conflicts and economic problems to Europe, the EU external borders are under stress, while the Mediterranean Sea faces unprecedented humanitarian emergencies as *refugrants*² attempt to cross it in weak boats. In addition, the lack of solidarity between the EU member states has worsened the impacts of the *European refugrant crisis*³ (see BBC 2016). And what could have been manageable by all of the 28 EU member states⁴, it has become a burden for some countries at EU external borders, such as Greece and Italy.

As consequence, the EU and some of its member states, such as Hungary, Poland and nowadays Italy, have constructed a *securitisation of migration*⁵ framework upon the idea that uncontrolled refugration flows leads to a *chaotic migratory system* in Europe (İçduygu et al. 2012, 451). The Schengen Agreement⁶ and the Dublin Regulation were not able to prevent the chaos and the misinformation that the European refugrant crisis created. Instead, these regulations, in place before

¹ The use of the term *refugrant(s)* in this study is an attempt by the author to create a more inclusive term where concepts such as economic migrant(s), refugee(s) and asylum seeker(s) are under one term, as these concepts often establish false dichotomies in political discourses, policies and academic studies (see sub-section *Refugrants, an inclusive concept* in *Introduction*).

² Ibid., 1.

³ Ibid., 1. In this study, it is used the term European refugrant crisis to refer to the *European migrant crisis*, as the so-called *crisis* involves economic migrants, refugees and asylum seekers (see sub-section *Refugrants, an inclusive concept* in *Introduction*).

⁴ By the time when this master thesis was being written the Brexit did not happen. Thus, the United Kingdom remains an EU member state and the EU still has 28 member states.

⁵ Despite the use of refugration instead of migration, in this study, the author uses the term *securitisation of migration*, instead of *securitisation of refugration*, as this is a concept that has been used by different authors. (see sub-section *Refugrants, an inclusive concept* in *Introduction*).

⁶ The Schengen Area encompasses 21 EU member states and four non-EU member states (Iceland, Norway, Switzerland and Liechtenstein). Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom are not part of the Schengen Area but part of the EU.

the current crisis, placed more pressure on the EU member states with external borders and promoted the creation of ‘buffer states’ around a *fortress Europe* (Hollifield 2004).

*Third countries*⁷, such as Turkey, are now the first security checkpoint before any attempt by refugrants of arrival in Europe by borderland paths. Neither the deteriorating situation of human rights within Turkish borders have stopped the EU to reach a ‘deal’ with Turkey, that now has the duty to protect EU external borders and European values against the ‘other’: the refugrant. Thus, with the ‘outsourcing’⁸ of the EU border security to Turkey, the EU has been able to control the refugration flows that have been scaring some of its member states. In addition, Bulgaria and Greece have also constructed walls in their land border with Turkey in order to prevent the crossing of refugrants. However, refugrants still seek refugee and better opportunities in the EU and now have to take more dangerous routes. This has provoked a sharply rising in the number of deaths in the Mediterranean Sea (UNHCR 2018).

The EU has spent over 15 billion euro since the end of 2014 in bilateral agreements to stop refugrants from reaching its external borders (Cosgrave et al. 2016, 11). Recently, the European Parliament (EP) reached an agreement with the Council of the EU⁹ that will increase even more the costs of the EU external borders management (EP 2019b). The agreement aims at strengthening the European Border and Coast Guard Agency (Frontex) in order to improve the protection of EU external borders as part of an EU comprehensive approach to migration, at the same time that contributes “to strengthening cooperation with third countries, by giving the agency wider scope for action and not limiting its possibilities for cooperation to neighbouring countries” (Council of the EU 2019). The Romanian Minister of Internal Affairs, Carmen Daniela Dan, has referred that “stronger external border protection is essential for a safer Schengen area and a more efficient management of migration” (Council of the EU 2019). This helps to understand the nexus between refugration controls and border security in EU relations with third countries. While the long Turkish EU accession process¹⁰ helps to explain how Turkey’s refugration and border security policies have been *Europeanised*, in order to harmonise it with EU regulations (İşleyen 2018, 854).

⁷ *Third countries* is a term used in EU treaties that refer to states who are not part of the EU, but with which the EU has a close relationship, without prospects of becoming a full EU member-state.

⁸ Some authors use ‘externalisation’ or ‘border-work’. Both terms can also be found in use in this master thesis.

⁹ The presidency of the Council of the EU rotates every six months between the EU member states. Romania was holding the Presidency of the Council of the EU for the first time, between 1 January and 30 June of 2019, when this agreement was reached. Not to be confused with the European Council (see footnote 15).

¹⁰ The Turkish accession process can be traced back to 1959 when Turkey applied for the associated membership in the European Economic Community (EEC). Turkey is an EU candidate since 1999 and the accession talks started in 2005.

The bad management of the refugration flows and the lack of solidarity between EU member states during the European refugrant crisis led to the EU-Turkey statement of 18 March 2016¹¹. The statement has the purpose to allow the EU and its member states to regain control over the EU external border between Greece and Turkey. The EU-Turkey statement prompted a growing criticism of EU actions at its external borders by several human rights organisations (see Amnesty International 2017, 2019; Collett 2016; Human Rights Watch 2016, 2018; Weinar et al. 2019, 6). This shows that the EU has failed to recall its international commitments to protect the human rights of refugrants (Cosgrave et al. 2016, 10). On the other side, Turkey has also been under pressure from human rights defenders and Western criticism about human rights backlash, especially after the failed *coup d'état* on 15 July 2016 (see Amnesty International 2016, 2018; Human Rights Watch 2017, 2019; Keyman 2017, 456-457; Rankin 2017). The Justice and Development Party (AKP - *Adalet ve Kalkınma Partisi*), in power since 2002, justifies the increasing of human rights violations as the necessary measures in the fight against terrorism, that in the Turkish case are represented as the Gülen movement¹² and the Kurdish people linked to the Kurdistan Workers' Party¹³ (PKK - *Partiya Karkerên Kurdistan*).

The relevance of this theme explained within this framework serves as a motivation to explore the tension created at the EU external borders during the European refugrant crisis, where human rights clashed with refugration controls. As the former United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, said in his last speech at the United Nations Human Rights Council “people do not lose their human rights by virtue of crossing a border without a visa” (OHCHR 2018). It is then necessary new studies involving these thematics to keep ongoing debates that attempt to help to understand the complex situation created by the bad management of the EU external borders, during the European refugrant crisis. Turkey, as the only *country of transit*¹⁴ with land and sea borders between the Middle East and Europe, is the last line connecting cultures and people between the East and the West of a world increasingly interconnected. Turkey also ranks first in the top refugee-hosting countries list, with 3.5 million refugees (UNHCR 2018c),

¹¹ Hereafter referred to as the EU-Turkey statement.

¹² The Turkish Government refers to the Gülen movement as the Fethullahist Terrorist Organisation. The AKP claims that the leader of this movement, Fethullah Gülen, was behind the failed *coup d'état* in Turkey on 15 July 2016 (European Forum for Democracy and Solidarity 2018).

¹³ Recently, the President of Turkey, Recep Tayyip Erdoğan, has equated the pro-Kurdish opposition, Peoples' Democratic Party (HDP - *Halkların Demokratik Partisi*), to the PKK that Turkey considers a terrorist organisation (Zaman 2019a).

¹⁴ The International Organisation for Migration (IOM) defines *country of transit* as the “country through which migratory flows (regular or irregular) move” (IOM 2011, 22), sometimes also written as *transit country*.

which shows the burden that the country is currently facing. Thus, Turkey stands out as a good case study that will help to understand the paradox between the promotion of a *refugration-border nexus* by the EU and the EU's advocacy role for human rights in its relations with third countries and refugees. In addition, the EU-Turkey statement is an important document that helps to understand the *refugration-border nexus* in the EU-Turkey relations through the last years and how it has affected, or not, the European Commission (EC) discourse regarding the deteriorating situation of human rights in Turkey.

Aim and research questions

This master thesis aims to explore *the central role that the EU-Turkey statement of 18 March 2016 plays in the EU-Turkey relations*. In order to reach empirical conclusions regarding this aim, the author of this master thesis in Global Studies explores the following two research questions:

∴ How has the EU-Turkey statement of 18 March 2016 become a milestone of the refugration-border nexus in the EU-Turkey relations?

∴ How has the EU-Turkey statement of 18 March 2016 affected the EC discourse regarding the situation of human rights in Turkey?

Delimitations

Turkey seems to give a good framework to understand how the EU has been outsourcing border security to third countries under a securitisation of migration framework. In addition, this master thesis seeks to help to understand the paradoxical relationship between the EU and Turkey, where the EU advocates human rights values into Turkey, through the promises of EU membership, while the EU is sending back refugees to Turkey where nationals and non-nationals face human rights violations. Thus, this master thesis will not focus on trade agreements or it will not go into detail on the EU accession talks, as it will focus on themes such as borders, human rights and *refugration* during the recent European refugee crisis, with an incidence on the mandate of Jean-Claude Juncker, as President of the EC. The reason why the author focus on the EC side is because he does

not have enough knowledge of the Turkish language to read local information about the themes of this study. Thus, only speeches and statements during Juncker's mandate were analysed which permits in-depth research of the period of time between 2014 and 2019. Nevertheless, documents from Turkish authorities and newspapers available in the English language were used in order to understand Turkey's position and to reach opinions and data from the Turkish side. In addition, the author also used several academic articles from Turkish scholars that were available in the English language.

The period of time chosen coincides with Juncker's Presidency of the EC, which started on 1 November 2014 and it will end before the end of 2019, as it was during Juncker's mandate that the EU was under intense pressure due to the European refugrant crisis, which led to the EU-Turkey statement of 18 March 2016 between the European Council¹⁵ and Turkey. It was also during this timeframe that there was a coup attempt in Turkey, which prompted a sharp growth of human rights violations by the Turkish Government, and a referendum that changed the system of government in Turkey, from a parliamentary system to a presidential system. As Juncker's mandate has not ended yet, the author decided to analyse the speeches and statements until 1 April 2019. This date was chosen in order to allow the author to include the EC reaction to Turkey's local elections held on 31 March 2019. However, no statement was issued by the EC in this regard.

Refugrant, an inclusive concept

As initially explained in footnote 1, the author opted to use a more comprehensive term to refer to concepts such as 'economic migrant(s)', 'refugee(s)' and 'asylum seeker(s)'. Some authors refer to the fact that very often these concepts establish false dichotomies in political discourses, policies and academic studies. For instance, İşleyen (2017; 2018) uses terms such as 'mobile populations', 'mobile individuals', 'mobility' and 'movement' to replace the term 'migration'. However, the author decided to use the term refugrants as a key concept in this master thesis, as it seems to be more inclusive. The term "the refugrants" is the name of a photojournalism reportage from the Portuguese photographer Rui Caria about the migratory emergencies at the Mediterranean Sea. And

¹⁵ The European Council is a collective body composed by the heads of state or government of the 28 EU member states, by its President (Donald Tusk, since 1 December 2014) and the President of the EC (Jean-Claude Juncker). The European Council defines the overall political direction and priorities of the EU. Not to be confused with another intergovernmental body of the EU, the Council of the EU (see footnote 9).

as Caria (n.d.) refers, the word does not exist but it can be used to “describe the uncertain ones adrift”, as “they all sail in the same sea. Everyone sails on the same type of boat. Everyone is looking for a better life. They all run away from something”.

In addition, the so-called *European migrant crisis* involves economic migrant(s), refugee(s) and asylum seeker(s), therefore for the author, it makes more sense to use the term *refugrant* in order to involve all of these categories. Also, the EU-Turkey statement refers to both asylum seekers, migrants and refugees. *Refugrant* derivative terms, such as *refugration* is used to substitute the word ‘migration’. Nevertheless, the original concepts are used when the author uses other author’s ideas and when there is a need to refer to them separately, as in the case of the use of the securitisation of migration framework. If other authors refer to both migrants and refugees, the author of this master thesis uses the term *refugrants*.

Relevance to Global Studies

As most of the author’s countrymen would say, globalisation started with the Portuguese discoveries under the leadership of Henrique, the Navigator. The Portuguese empire was the first global empire (Guinness World Records n.d.), with Portuguese caravels moving all over the globe. This can be seen as the first steps of the globalisation process. However, globalisation, as we know it today, only in the 1990s started to be explored across different disciplines in academia (Scholte 2005, 51). And some authors refer that *mobility* is an important characteristic of contemporary globalisation and of human history (Hylland 2014, 101; Mezzadra et al. 2015, 61; Schiller et al. 2013; Sheller et al. 2006). Nevertheless, we have been on the move since the start of humanity, even before the Portuguese caravels, but with contemporary globalisation, the mobility of people, goods, services and capital have become easier and faster. For instance, for the EU the freedom of movement has had an important role in the construction of a more integrated Europe with shared common values. Exchange programmes, such as the Erasmus+, have shown evidence that mobility is an important part of the EU strategy to promote European values between its citizens. However, as seen, the EU is creating a fortress around itself, that restricts the mobility of *refugrants* and by consequence puts human rights in a crossroads.

Nonetheless, globalisation also led to a greater concern about the responsibility of states to ensure the promotion and protection of human rights (Shelton 2002, 301). In 2018 the Universal

Declaration of Human Rights (UDHR) celebrated its 70th anniversary. The articles 13 and 14 of the declaration refer to the right of movement and the right to seek asylum in another country (Freeman 2017, 158). Also last year and as a result of the United Nations (UN) Declaration for Refugees and Migrants¹⁶, two Global Compacts were adopted by the United Nations General Assembly (UNGA). The Global Compact for Safe, Orderly and Regular Migration¹⁷ was “the first-ever UN global agreement on a common approach to international migration in all its dimensions” (UN 2018). While the Global Compact on Refugees has the goal to ensure equitable sharing of the burden of the countries hosting refugees and the responsibility of the international community to those countries and to the people seeking refugee (UNHCR 2018b). Some of the EU member states did not sign these two UN Global Compacts, which shows how the European refugrant crisis still dominates national and international socio-political agenda around Europe, reflected in the current political debate for the next EP elections in May 2019.

As Jones (2017) wrote in this book “Violent Borders”, “we may live in an era of globalisation, but much of the world is increasingly focused on limiting the free movement of people”. Therefore, it is relevant to engage these global issues, such as borders, human rights and refugration, in a master thesis on Global Studies, as these are important themes that are under pressure and at a crossroads in today’s age of globalisation. By doing it, the author hopes to give his humble contribution to the debate in these areas of research.

Outline of the study

This master thesis is structured in eight sections. The first, as previously seen, provides an introduction and identifies the aim that guides this study. In the next section, it is presented a review of the relevant previous literature. Subsequently, section three provides the theoretical framework and key concepts that have driven this master thesis. Section four presents an overview of the methodology strategy used. Section five provides a brief background on the European refugrant crisis and on the EU border-work in Turkey. Section six presents and analyses the findings and section seven provides concluding remarks and proposes directions for future research. The last section is dedicated to the references used in this master thesis.

¹⁶ Mainly known as the New York Declaration of 19 September 2016.

¹⁷ Also known as the Global Compact for Migration.

PREVIOUS RESEARCH

A study on previous research was conducted through a literature review in order to get to know what is already known about the main themes of this study and to delimit the concepts by their relevance for this master thesis. Previous research has focused on analysing the relationship between the EU and third countries through *regional migration governance*¹⁸ theories (see Collyer 2016; Geddes et al. 2018; Hampshire 2016, 2016b; Lavanex 2015, 2018; Lavenex et al. 2008; Lavanex et al. 2016; Reslow 2019; Triandafyllidou et al. 2013; Weinar et al. 2019; Zhyznomirska 2019). Betts et al. (2018, 211) claims that “it was the failure of the EU’s internal asylum policies that led it to focus on developing an external dimension” with the creation of bilateral agreements, and gives the example of the EU-Turkey statement of 18 March 2016, that with “all its attendant weakness, embarrassments, and unintended consequences, became the default focus of the EU’s attempts to create a viable governance mechanism”. Some other authors have explored the *human rights and democracy governance* of international organisations (see Altafin et al. 2017; Dandashly 2018; Lavenex et al. 2011; Pevehouse 2016). Afailal (2018) takes a different approach and uses the case of Turkey to claim that the externalisation of European borders is “a clear exercise of coloniality” by the EU. The externalisation can be understood as the “process of territorial and administrative expansion of a given state’s migration and border policy to third countries” (Cobarrubias 2015, 73).

The author of this master thesis is more interested in the process of externalisation, that in this study it is between the expansion of EU’s migration and border policy to Turkey, a third country. Some authors have already focused on how the outsourcing of the EU external border security to Turkey has been done under a securitisation of migration framework (see Baird 2015; Benam 2011; İçduygu et al. 2000; İçduygu et al. 2012; İşleyen 2017; Menjívar 2014; Moreno-Lax et al. 2019; Toğral 2012; Toktas et al. 2012). In this master thesis, the author explores the strong impact of the securitisation of migration on how the EU has been shaping its regional migration and border policies with third countries, by looking to the specific case of Turkey. As claimed by Betts et al. (2018, 211), the EU-Turkey statement is an important tool that has affected the EU’s policies

¹⁸ Ibid., 5. As referred in sub-section *Refugees, an inclusive concept*, the author uses the term *regional migration governance*, instead of *regional refugation governance*, as the previous is a concept already in use.

regarding regional migration governance and border policy with third countries. Therefore, the EU-Turkey statement can only be understood if we take into consideration the securitisation of migration.

In addition, scholars from border studies have been showing a grown interest and engagement with questions around refugration issues (Menjívar 2014, 354). Pallister-Wilkins (2017) explains the humanitarian border-work as when the “security is focused on the well-being of people on the move”, while İşleyen (2018) speaks about care and control at the EU-Turkey border, with a focus on the Turkish state officials. While Robins (2019), in his recent article about the governance of migrant bodies, adds an emotional component to the border. It is an important component regarding the deaths at the Mediterranean, as we speak about people, but this study will not explore this emotional component as the analysis is conducted through speeches and statements of the EC that tend to be *emotional neutrality*.

In the *Borderscaping: Imaginations and Practices of Border Making* edited by Brambilla, Laine and Bocchi (2015) and in the *Routledge Handbook of the Politics of Migration in Europe* edited by Weinar, Bonjour and Zhyznomirska (2019), several articles connect a new understanding of borders to the EU border-work, regarding refugration management. As Brambilla et al. (2015, 1) claim, borders are still relevant in today’s globalised world, but “there are ways in which we need to revisit them in light of constantly changing historical, political and social contexts, grasping their shifting and undetermined nature in space and time”. In the same volume, Bürkner (2015, 27) connects the EU border-work with Europeanisation by going forward to claim that “bordering does not only rely on mere adoptions of EU values, rules, principles and initiative. It also entails a dynamic of restructuring which elapses ‘European’ governance because it touches upon variable scales and includes multiple references”. The author uses in this master thesis a new approach to borders to help to understand the EU border-work, and also to understand how the EU has been Europeanising the border security through a securitisation of migration framework in Turkey.

Recently, Follis (2019) and Lemberg-Pedersen (2019) have been exploring the tension between human rights and migration controls at the EU external borders. Follis (2019, 222) speaks about the Europeanisation of the border management in the sense “that it is underpinned by the circulation of specifically European border knowledge”, she further claims that “Europeanised border management continues to proffer technical solutions to political problems”. In a different approach, Andersson (2014; 2016) has developed studies about the *illegal migration industry* at EU-Africa borders, by looking into how states are sub-contracting border controls to private companies.

However, the author of this master thesis will not go into details about the technical solutions related to the refugation industry. This could have been the case if this study were to focus on Frontex work instead of the EC. In his book “Europe’s Border Crisis: Biopolitical Security and Beyond”, Vaughan-Williams (2015, 5) argues that the crisis at EU external borders are about the uncertainty of what concepts like border and border security refer to. In this case, border security is not the “fixing and demarcations of territory as per the geopolitical paradigm, but rather to the *enhancement*¹⁹ of mobility and circulation of populations in order to create new opportunities to shift and cancel out perceived risks within the population” (Vaughan-Williams 2015, 7).

Most of these researches are based in general cases and do not focus on the tension between human rights and border security at the EU-Turkey border. Some other authors have explored the EU-Turkey statement of 18 March 2016 (see Adam 2017; Haferlach et al. 2017), but little research has been done involving the statement with the borderscapes concept and securitisation of migration. Therefore, this master thesis seeks to close this gap in the literature by creating new research that combines the refugation-border nexus with human rights advocacy in the EU-Turkey case. Thus, this study explores the tension created by the outsourcing of the EU external borders by the EU - seen as the guardian of human rights values - to Turkey - a country with an alarming deterioration of human rights - and how this tension has affected the EU role of human rights advocate in Turkey, in light with Turkey’s EU accession process.

¹⁹ Italics in the original.

THEORETICAL FRAMEWORK AND KEY CONCEPTS

This study adopted a *deductive theory* approach, in order to proceed with the analysis presented in this master thesis. The author drew on what is already known about the *borderscapes*, the *securitisation of migration* and *Europeanisation*, and then these theories and key concepts were linked and adapted to this study, through the *refugration-border nexus*, and later subjected to empirical scrutiny. Thus, this section permits to see and understand the EU borders through a different approach, the borderscapes, and to understand the EU border-work in third countries through a securitisation of migration framework linked to a Europeanisation process. It also permitted to discern nexus points for the discussion and analysis in the last sections of this study. By doing this, the author deduces how the EU-Turkey statement affected, or not, the EC discourse regarding the advocacy for human rights in Turkey, by taking into consideration the *refugration-border nexus*. The theoretical framework and key concepts will be developed in the following subsections, and then, they will permit to conduct the discussion and analysis presented in this study.

Understanding the EU borders through the borderscapes concept

Borders have been socially constructed and they are often seen as ‘lines’ delimiting countries or administrative divisions that separate ‘us’ from ‘them’. Betts et al. (2018, 111) refer that “borders are arbitrary lines on maps: in the beginning the Earth belonged to everyone”. Thus, the concept of borders can be hard to explain. For Anderson et al. (1999, 595), borders are “at once gateways and barriers to the “outside world”, protective and imprisoning, areas of opportunity and/or insecurity, zones of contact and/or conflict, of co-operation and/or competition, of ambivalent identities and/or the aggressive assertion of difference”. In addition, globalisation provoked a shift in the way that the academia looks to borders, far from the *territorial trap* referred in Agnew’s work (1994), where state territory was seen as fixed units of sovereignty space. Brambilla (2015, 15) also argues that borders studies “have moved away from classic approaches in which borders, assumed to be mere delimitations of sovereignty, were considered as naturalised and static territorial lines”. Vaughan-

Williams (2015, 6) argues that this has happened due to a response to the conceptual crisis that affected traditional understandings of the borders and how we understand border security from a refugation perspective. As the EU has been outsourcing its border security to Turkey, mainly in order to control transnational organised crime activities and the refugation flows, the EU border with Turkey is no more a 'line' between Greece/Bulgaria and Turkey, now it starts somewhere inside Turkey (İşleyen 2017, 31; Toktas et al. 2012). This externalisation of borders is often “framed as either or both a security imperative and a life-saving humanitarian endeavour rather than simply as a strategy of migration containment and control” (Frelick et al. 2016, 193).

As borders are in a constant process of (re)doing, they need to be understood with a new approach. For instance, in Turkey also western and secular identities are living together with eastern and Islamic identities, and it is not possible to mark a borderline between them. These cultural and ideologic divisions also need to be taken into account, as they have an impact on the refugation flows that pass by Turkey. Thus, this master thesis takes into consideration a new approach to borders from critical border studies, in order to allow the author to consider not only the institutional nature of borders but also a reflection on their quality of social institution on a wider level (Brambilla 2015, 15). By doing so, this study uses the *borderscapes* concept, an *ontological multidimensionality of borders*, as it reveals the border as a complex process of multidimensional entities that have different symbolic and material forms, functions and locations (Brambilla 2015; Brambilla 2015b, 113). Lemberg-Pedersen (2015, 141) refers to the importance of the borderscapes concept as “a useful analytical tool for understanding the multiple abstractions of knowledge, practices and technologies at work in EU border control and countries neighbouring the union”, such is the case of Turkey.

In addition, the EU and its member states have different perceptions and understandings of what borders represent. As Lemberg-Pedersen (2019, 241) claims, the “European borders have increasingly been viewed as a transnational, multi-local and mobile systems”. Therefore, the borderscapes concept is also useful to understand the multidimensionality of the EU internal and external borders. For the EU, the border is seen as a dilution of internal borders in a shared common space where cooperation brings benefits to all its member states (Circo et al. 2016, 3-4). While for the EU member states border is a symbol of sovereignty with the goal to protect their national territory against external threats, such as the unwanted refugants (Circo et al. 2016, 3-4). Therefore, it can be argued that the EU sees borders in an idealistic perception, closer to the new approaches as the ones debated in critical borders studies. While the member states take a realistic

perception of the concept of borders, closer to classical approaches of the border concept that discuss a closer relationship between sovereignty and borders.

Nevertheless, each EU member state also has a different perception of its borders, which makes it harder to achieve a consensus when territorial sovereignty is concerned. This helps us to understand the dissimilarity of the EU and its member states reactions towards the increase of refugation flows at their borders (Cierco et al. 2016, 11-13). The result was a “dysfunctional system forced to rely on externalisation rather than internal cooperation” between EU member states (Lemberg-Pedersen 2019, 248). As Kasparek et al. (2015, 67) claim, “the border retains a clear and categorical function for the management of movement and regulation of migration”. Thus, refugation flows are seen as a challenge to the borders of the EU member states, that are controlled by state agencies and policy schemes, as the states seek to show their borders as “a stable, controllable and manageable toll of selective or differential inclusion” (Kasparek et al. 2015b, 69).

As we saw during the European refugant crisis, some countries such as Austria and Hungary have closed their border to refugants. This shows that those countries have prioritised their national security over common security (Cierco et al. 2016, 14). While other EU member states such as Germany and Portugal remain receptive in receiving refugants (see Lee 2019; Prange 2019). Nevertheless, one should not forget that the movement of people has always faced more restrictions and barriers than the flow of goods and services (Castles et al. 2013, 254; Poot et al. 2010, 1923). In addition, the European refugant crisis has also shown that some EU member states have linked refugants to terrorism. Menjívar (2014) argues that the externalisation of border security has been growing in tandem with the reinforcement of refugation controls in an era of securitisation. Thus, it can be argued that the increase of border controls was an “adjustment of traditional forms of risk management in light of the double infinity of catastrophic consequences and the incalculability of the risk of terrorism”, as the *precautionary principle* tell us to “take regulatory action on the basis of possible ‘unmanageable’ risks, even after tests have been conducted that find no evidence of harm” (Aradau et al. 2007, 89, 101-102). This nexus between refugation and security at the EU external borders will be further developed in the next subsections.

Securitisation of migration and Europeanisation: from the EU to Turkey

More than ever security matters in a globalised world. Since the 9/11 security issues have been discussed by the media and other actors, such as politicians and the general public (Scholte 2005, 279; Williams 2013, 1). This led to some authors to argue that we live in a *risk society* (see Aradau et al. 2007; Beck 2010). However, the concept of security is still a contested one, and some argue that “the concept is meaningless without something to secure” (Williams 2013, 7). Initially, security studies focussed on the states, but in the 80s a change occurred in the academia and Barry Buzan argued that “security was not just about states but related to all human collectivities” (Williams 2013, 3). The new concept of human security started to be applied to refugation issues (Betts 2014, 65). There are also different schools that have been influencing security studies. The Copenhagen School focussed on security as a speech act, while the Paris School was also interested in the institutions and practices (Benam 2011, 193-194; Lemberg-Pedersen 2019, 240-241). For the matter of this study, the author is interested to explore security in its relation to refugation, by looking to the securitisation of migration as an EU practice towards third countries.

The securitisation of migration has been a recurrent issue by several authors²⁰. Securitisation itself can be defined as “an intersubjective process, one that is ultimately negotiated between securitising actors and audiences, in a given context and within specific structures” (Karyotis 2012, 391). Therefore, anyone can be a securitising actor. However, as Karyotis (2012, 392) claims securitisation is a top-down process “wherein elites present an issue as an existential threat, dramatising the need to act urgently and by any means”. In the case of securitisation of migration, the threat is the refugants. Huysmans (2000, 752) claims that refugation has been securitised as it has been “increasingly presented as a danger to public order, cultural identity, and domestic and labour market stability”. In short, securitisation of migration is the link between security, borders and migration (Benam 2011, 192). During the analysis of this case study, the securitisation of migration will be implicit in the EU border-work, as it is in the research done by Menjívar (2014). In order to better understand the securitisation of migration in the EU and its implications in border security and refugation policies in third countries, we need to look back to the years after the Second World War.

²⁰ See *Previous Research* section.

At that time, countries, such as France and Germany, now EU member states, encouraged migration into their territories as there was a great need for a cheap and a flexible workforce (Castles et al. 2013, 254; Hollifield 2004, 894; Huysmans 2000, 753). However, they expected migrants to leave, but many of the migrants decided to stay and brought their families to Europe (Castles et al. 2013, 255; De Bel-Air 2016, 1; Hollifield 2004, 895; Huysmans 2000, 754). This provoked a shift in the European migration paradigm after the 1980s and migration become an important intergovernmental issue, as migrants started to be seen as a security threat instead of economic advantage. The EU member states were trapped in a *liberal paradox* as in order to keep a competitive advantage the countries “must keep their economies and societies open to trade, investment and migration” (Hollifield 2004, 885-886).

Therefore, the real dilemma of the EU and of its member states is how to find a balance between the free movement inside its internal borders and the liberalisation of movements from third countries, at the same time that the EU member states want to strictly secure the EU external borders (Benam 2011, 192). The Schengen Agreement and the Single European Act are based on this idea of free movement inside the EU but strong and secure external borders. Follis (2019, 220) argues that “Schengen can be understood as a new ‘culture of border control’”. This new way of border control puts pressure on Southern EU member states, as they are the ones who have borders with the Middle East and North of Africa (MENA) region from where most of the refugees arrive. In addition, the Dublin Regulation also attempts to reduce the number of asylum seeker applications (Huysmans 2000, 756), but it puts even more pressure on the Southern countries, as they are the EU member states who have to deal with the asylum applications. These EU regulations helped to create a fortress Europe surrounded by buffer states, and they reduced the legal pathways for refugees that now need to do a “*step-by-step migration*” through more dangerous ways (İçduygu et al. 2012, 450-451). This exposes the inhumane effects of the outsourcing of border security by the EU to third countries. As Bair (2015, 857) argues, as the EU fortifies its external borders with Turkey, the refugees will be forced “into perilous conditions that risk their rights to life”.

In addition, integration problems of refugees in the European societies and recent terrorist attacks have turned the refugees into ‘security issues’ (Menjívar 2014, 356). Once again, this brought securitisation to refugation issues. Thus, the EU member states feel that now they have the legitimacy to adopt extraordinary measures to control the refugees inside and outside of their borders, who are now seen as a risk and threat to European societies (Karyotis 2012, 391-392). The EU is governing refugation through risk, as it attempts to calculate the incalculable by taking

preemptive acts to prevent the unknown future threats (Aradau et al. 2007, 92; Beck 2010, 264; Benam 2011, 192, 195). However, this threatens the liberties of ordinary citizens and of the refugees and serves as an excuse to implement restrictions (Benam 2011, 192; Hansen 2014, 261). For instance, after the Paris attacks, a UN report stated that the two years long state of emergency in France imposed “excessive and disproportionate restrictions on fundamental freedoms” (OHCHR 2016). Now, the recent French anti-terror law shows that those extraordinary measures have become the norm (Asgeirsson 2017; Vinocur 2017). As Menjívar (2014, 356) claims, fusing refugee issues with securitisation leads to a growing tolerance in the violation of the rights of the refugees by the public in general.

As a result of the increased use of securitisation in refugee issues, the EU and its member states started to look for third countries who were willing to control the transit refugee flows inside their territories, before any attempt from the refugees to reach the EU external borders. This shows that the definition of the border “increasingly refers not to the territorial limit of the state but to the management practices directed at ‘where the migrant is’” (Cobarrubias 2015, 73). This has been made possible because the “securitisation of migration discourse is built upon the concept that transit migration leads to a chaotic migratory system” (İçduygu et al. 2012, 451). The first buffer states were established in Eastern European countries. However, the EU enlargement to Southeast has pushed the EU external borders to Turkey, that is now the only sea and land border between the Southeast of Europe and the West of the Middle East region. The geostrategic position of Turkey between the Middle East and Europe has been used for refugees who want to reach the EU member states. Thus, Turkey’s security discourses have been shaped by the EU (see Bilgin 2005), and Turkey has also been adopting some EU regulations in order to harmonise its border security and refugee policies to EU standards (İşleyen 2018, 854). To this process, we call it: *Europeanisation* (see Bürkner 2015; Follis 2019). Benam (2011, 193) claims that “Europeanisation and securitisation went hand in hand to a certain extent and fed on each other”.

The fact that Turkey is an EU member state candidate represents a political challenge to the EU in terms of transit refugee issues, and it also helps to explain how the securitisation of migration has been Europeanised in Turkey. As a candidate, Turkey needs to follow the EU requirements and replicate the EU border security policies into Turkish policies (Kilberg 2014; Toğral 2012, 65). Thus, transit refugee issues have become a central issue in EU-Turkey relations (İçduygu et al. 2012, 451). And, since the EU accession talks started, Turkey has put more efforts in border security-related issues, in an attempt to stop transnational organised crime activities and refugee flows

towards the EU (De Bel-Air 2016, 2; İçduygu et al. 2012, 448; Kilberg 2014; Toğral 2012, 67; Toktas et al. 2012, 136, 147). Authors, such as İçduygu et al. (2012, 453) and Toğral (2012, 71), claim that the Europeanisation of the Turkish refugation and border security policies have met some resistance from Turkey, as Turkish authorities feel that this top-down process is more of a *burden-shifting* than a *burden-sharing*. This shows an imbalance of power between the EU and Turkey that Nykänen (2011, 504) calls it a ‘one-way traffic’ relationship, as the EU makes pressure on Turkey in order to meet European norms, regarding border security and refugation controls. During the analysis of this study, the author will explore more of this top-down relation by using the refugation-border nexus explained in the next subsection.

The refugation-border nexus

The EU project shows that the EU internal borders are in an idealistic process of redoing, while the EU external borders have been reinforced, turning the EU into a *fortress Europe* with free movement inside, but restrict movements from the outside. As seen during the European refugant crisis, the bad management by the EU and its member states of its borders and the refugation flows provoked a clash between *state security* and *human security* at EU external borders. Aas et al. (2015, 2) refer to this clash by using the concept of *humanitarian borderlands*, and describe it as “highly conflicting environments, where the objectives of protecting state security clash with the needs of vulnerable groups in precarious life situations”. In a recent article, the President of the French Republic, Emmanuel Macron (2019), has referred that the ones who want to remain in the Schengen area should “comply with obligations of responsibility (stringent border controls) and solidarity (one asylum policy with the same acceptance and refusal rules)”. It seems that Macron is calling for a strengthening of the state security at the EU external borders, but at the same time, he refers that, through solidarity, human security needs to be improved. This also shows a nexus between refugation controls and border security, due to a growing link between securitisation and refugation around the EU member states and in the EU, as we have seen in previous subsections.

On the other hand, documents, such as the Accession Partnership Document (APD)²¹ between the EU and Turkey and the EU-Turkey statement of 18 March 2016, help to understand how the securitisation of migration has been used to Europeanise third countries policies regarding

²¹ The first APD was signed in 2001 and later revised in 2003, 2006 and 2008 (MFA Turkey n.d.b).

refugation and borders. As the EU attempts to avoid more divisions inside the union with the rise of populist movements, this has also helped the outsourcing of the EU securitisation of migration to third countries by reaching ‘deals’ such as the EU-Turkey statement. However, also the Turkish Government has been using the EU-Turkey statement to leverage Turkey’s position before the EU member states (Keyman 2017, 463). Therefore, it can be argued that Turkey has been doing EU’s dirty work of protecting the EU external borders, as by letting it happen the EU member states avoid international criticism of human rights violations at its borders. Nevertheless, the securitisation of migration and the outsourcing of border security to third countries creates a dilemma for the affirmation of the EU’s role as a human rights advocate. As result, criticism about the EU border-work in third countries exists from several actors (see Amnesty International 2014, 2015, 2017, 2019; Breen 2016; Follis 2019, 218; Human Rights Watch 2016, 2018; Keyman 2017, 463; OHCHR 2018b; UNHCR 2018; Webber 2017, 50; Weinar et al. 2019, 6).

Thus, the EU-Turkey statement, that is the focus of this master thesis, gives an important framework to understand how the EU has been promoting a link between refugation and borders in its relation with Turkey and how this promotion has affected the EC discourse regarding the situation of human rights in Turkey. This link is referred to in this study as the refugation-border nexus, where the borders are understood as a multidimensional entity, as in the borderscape concept, and where the refugation is something to be secure, but at the same time something to be protected and this has provoked the clash that was previously explained by the concept of the humanitarian borderlands. In other words, the refugation-border nexus reflects the intersection of practices and policies regarding refugation controls, under a securitisation framework, at EU external borders and within third countries borders, as borders are not a fixed line anymore. This framework will be used in the analysis at the final sections of this study by looking to the EU-Turkey statement as a policy tool of the refugation-border nexus and how it affects the EU advocacy role for human rights in Turkey, by looking into documents from the EC.

METHODOLOGY

The research of this master thesis is based on the outsourcing of the EU external borders to Turkey, by using a new approach to the concept of borders, the borderscape, within a framework of securitisation of migration, and on how the EU-Turkey statement shapes the EC discourse regarding the advocacy of human rights in Turkey. *First*, the author explores the refugation-border nexus by drawing from existing academic literature on critical border studies and on the securitisation of migration, already presented in the *Theoretical Framework and Key Concepts* section, to later in next sections relate it to the EU-Turkey statement. *Second*, the EU-Turkey statement serves as a division event to analyse the changes, if any, on the EC discourse regarding the deteriorating situation of human rights in Turkey. Therefore, speeches and statements from the EC, during the mandate of Jean-Claude Juncker as President of the EC²², were collected and a mixed methods research was used to discuss and analyse the documents in order to answer the aim of this study.

Data collection

The fact that only speeches and statements during Juncker's mandate were analysed permits in-depth research of the period of time between 2014 and 2019. The primary sources used in this study were obtained from the website of the EC Press Release Database²³. The search parameters available in the website were used in order to narrow down the relevant documents of the EC, in order to help to answer the research questions of this master thesis, that seek to explore the EU-Turkey statement of 18 March 2016 as a policy tool of a refugation-nexus and its effects on the EC discourse regarding the situation of human rights in Turkey. Therefore, as a keyword, the author selected 'Turkey' with 'Title only' and 'All the words' options selected, and in 'Choose a period' option with dates between 1 November 2014 and 1 April 2019. Under section 'Search by institution/by type of document', it was only selected 'Statement' and 'Speech', as these are the

²² See subsection *Delimitations*, in section *Introduction*.

²³ All documents sourced from <http://europa.eu/rapid/search.htm> (EC n.d.a).

documents to be analysed in this study. Nothing was selected under ‘Search by policy area’ section in order to have access to all speeches and statements available in the EC Press Release Database regardless of the ‘policy area’ and ‘Commissioner’.

On 1 April 2019, this list of search parameters resulted in 24 items²⁴ that were then downloaded in the English language (EC 2014a; EC 2014b; EC 2014c; EC 2015a; EC 2015b; EC 2015c; EC 2015d; EC 2015e; EC 2015f; EC 2016a; EC 2016b; EC 2016c; EC 2016d; EC 2016e; EC 2016f; EC 2016g; EC 2016h; EC 2016i; EC 2017a; EC 2017b; EC 2017c; EC 2018a; EC 2018b; EC 2018c). However, two speeches were also delivered with paragraphs in the French and the German languages (EC 2016c; EC 2018b), as they are also EU official languages and spoken by Juncker. The author reads and understands the French language, but has no knowledge of the German language. Thus, for the paragraphs in the German language translation tools, such as *Linguee* and *Google Translate*, had to be used in order to overcome this language barrier, in order for the author to understand what it is written in those paragraphs.

The secondary sources used in this study refer to the academic articles, from which it was possible to trace theories and key concepts that were essential to conduct the analysis of the aim of this master thesis. As well as to the reports from international organisations and Non-Governmental Organisations (NGOs) who have developed some working papers regarding the refugrants and human rights during the European refugrant crisis. This last secondary sources also permitted to explore the human rights situation in Turkey and the criticism regarding the EU-Turkey statement.

Methods

The research for this master thesis is based on a strategy that involves a *mixed methods research* by combining quantitative and qualitative research methods. This research strategy permits a cross-checking of complementary data, enhancing the credibility and integrity of the findings, and it gives rise to the possibility of new findings for future research (Bryman 2016, 656-658; Hesse-Biber 2010, 3-6). This study gives priority to a qualitative research method, as the data that is to be analysed are speeches and statements, but it is preceded by a quantitative research method, that helps to quantify the data. Thus, the mixed methods research in this master thesis can be classified

²⁴ All documents sourced with the referred parameters from <http://europa.eu/rapid/search-result.htm?dateRange=period&text=Turkey&titleOnly=1&textMatch=all&fromDate=01%2F11%2F2014&page=1&toDate=01%2F04%2F2019&format=HTML&type=STATEMENT&type=SPEECH&size=50&locale=EN> (EC n.d.a).

as *quan*->*QUAL*²⁵ and takes an *embedded design*, as the study gives priority to qualitative research but draws from a quantitative method within the context of the study (see Bryman 2016, 637-640). In other words, the use of qualitative methods is needed to further insight into the quantitative findings, which strengthens the conclusions presented in this study, increasing the study credibility.

First, the quantitative content analysis permits to quantify the data in terms of “predetermined categories and in a systematic and replicable manner” and it also allows to “a certain amount of longitudinal analysis” (Bryman 2016, 285, 302), which is required to the analysis of this study as it attempts to explore two time periods, before and after the EU-Turkey statement. With this approach, it was possible to code the words related to borders, human rights and refugation²⁶ and trace their frequency. For this matter, it was used the software programme *NVivo*²⁷. This permitted to easily identify the use of related terms and concepts in the speeches and statements from the EC, in order to conduct a quantitative analysis of the content present in these documents. In addition to coded words, the documents were manually coded by Commissioners and by year, within two different periods of time divided by the EU-Turkey statement of 18 March 2016. The quantitative content analysis also permitted to start to construct some patterns in order to help to answer the research questions and to narrow down the most relevant documents for the next analysis.

Second, the qualitative content analysis focused on the most relevant documents, the ones where the coded words were most used. This permitted a better understanding and tracking of language changes by giving a context to the words as it helps to understand how, for instance, ‘right(s)’ are described, and not only mentioned in the selected documents. For this matter, speeches play higher importance than statements, as speeches are delivered live to an internal and external audience, and they can be understood as a tool to promote the EU foreign policy. By saying that, one should bear in mind that discourse is not neutral (Bryman 2016, 532), as through these documents the EC seeks to influence Turkish policies in order to accomplish EU goals regarding border security and refugation management. Through the analysis speeches and statements are analysed in separate in order to show the differences between them. As a background, it was also necessary to understand how the different sociopolitical contexts in Europe and Turkey, which the author is familiar with²⁸,

²⁵ Uppercase indicates priority and the arrow indicate sequence.

²⁶ See next subsection *Coded words*.

²⁷ Version 12.3.0 (3508) for MAC.

²⁸ The author of this master thesis lived in Turkey and he has done some research and follow up on the main themes analysed in this study, at the EU and Turkish level.

affected the discourses and actions of the EU and Turkey during the two time periods of this analysis (Bryman 2016, 540-541; Jorgensen et al. 2002, 60; Neumann 2008, 72).

Regarding the analysis and from an epistemological perspective, this study assumes an interpretivist approach in order to understand human action (see Bryman 2016, 24-28), in this case, the EU action. Thus, the author sought to understand the EU actions, through a set of operation of rules and procedures during the European refugrant crisis, regarding the outsourcing of its external border security to Turkey and the management of refugration flows towards the EU. From an ontological consideration, this master thesis takes a constructivist perspective (see Bryman 2016, 28-31). As the social phenomena are in a constant state of revision, the themes discussed in this master thesis cannot be seen as definitive. This constructivism perspective can be translated into the borderscapes concept, as borders are in a constant process of (re)doing, shaping the way we comprehend the borders. Nevertheless, the author is aware that positivism and objectivism perspectives could have been useful to interpret some aspects of this study and they were also taken into consideration when needed.

As a case study framework goes well with the proposed mixed methods research (Bryman 2016, 61), this master thesis uses a case study framework in order to analyse the data collected in a detailed and intensive way. It is the aim of this master thesis to provide an in-depth examination of an event, in this case, the EU-Turkey statement of 18 March 2016. This study can be then applied more generally to other cases where the EU was able to reach similar 'deals' with third countries²⁹, but it is not the purpose of this master thesis, neither of the author, to generalise to other cases (Bryman 2016, 60-64; Yin 2014, 16). Therefore, the unit of analysis is the EU-Turkey relations. This can be considered a *unique case study* (see Bryman 2016, 62), because of the distinctive characteristics of the stakeholders involved - the EU and Turkey - and of the context when it occurred - the European refugrant crisis.

Coded words

After having explored the theoretical framework and reading the primary sources, the author has selected the most significant words regarding the aim of this study, that, for instance, will help to comprehend if there were any changes in the EC discourse before and after the EU-Turkey

²⁹ See penultimate section: *Conclusion and Future Research*.

statement regarding the situation of human rights in Turkey. The programme NVivo also permitted to do a full frequency of all words present in all the 24 documents, but no other words were found relevant to the analysis of this master thesis. Thus, the selected words to be coded by using the software programme NVivo were ‘asylum’, ‘border(s)’, ‘crisis’, ‘democracy’, ‘migrant(s)’, ‘migration’, ‘refugee(s)’, ‘right(s)’, ‘rule of law’ and ‘security’. These words had to be checked also in the French and the German language, as two of the speeches were also delivered with paragraphs in these languages, this also permitted to confirm that the translation of the documents was well done. For the quantitative content analysis, all words were checked and analysed, which permitted the qualitative analysis to focus on the most relevant words and documents.

The coded words can be grouped into three main groups. The *first* group, that involves ‘border(s)’, ‘crisis’ and ‘security’, relates to the European refugrant crisis that was mainly addressed as a border security problem provoked by bad management of the EU external borders. The word ‘crisis’ was used to trace references to the *European migrant crisis*³⁰, a term that is not directly referred to in the documents, but there are references to ‘refugee crisis’ and ‘migration crisis’. ‘Border(s)’ is an important keyword present in this master thesis. While ‘security’ can be related to both the border and the refugration. The *second* group refers to the refugrants that is one of the main key terms of this study and involves the coded words ‘asylum’, ‘migrant(s)’, ‘migration’ and ‘refugee(s)’. By coding these words it permitted to see the importance of the refugration-related issues in the EU-Turkey relations.

And the *third* group is related to human rights and involves the words ‘democracy’, ‘right(s)’ and ‘rule of law’. The trace of the word ‘right(s)’ in a more broadly way allowed the author to detect related terms to human rights, that in the EU discourse are often referred to as fundamental rights. As a result, this permitted to find different kinds of rights and conventions related to human rights in the 24 EC documents analysed. The last words, ‘rule of law’ and ‘democracy’ were chosen as they are often linked to human rights principles, as well as to EU values that are at the core of the EU institutions. For instance, the Vienna Declaration of 1993 referred that human rights and democracy are ‘interdependent and mutually reinforcing’ (Freeman 2017, 77-79). In the search of the word ‘democracy’, it was also included related terms such as ‘democratic’ and ‘democratisation’.

³⁰ Ibid., 3.

Limitations

Due to a limitation of time, the author was unable to make interviews of the EC and Turkish authorities. This could have permitted to better understand their positions either on the EU-Turkey statement or on the EU border-work and on the situation of the human rights in Turkey. The author recognises that this would have benefited this master thesis. However, the scope of documents analysed attempts to overcome the lack of interviews. The author uses speeches and statements only from the EC, which proves the authenticity and credibility of the documents analysed, and shows representativeness to one of the main voices of the EU institutions. The Council of the EU and the EP are also part of the EU institutions, but the first represents the EU member states, while the second represents the European citizens, which will remain out of the scope of this study. In relation to the speeches and statements another limitation was faced, as the author did not take part in the official meetings, it was not possible to represent what took place during the meeting. The documents analysed only show what the institutions want the public to know.

Furthermore, it could have also been interesting as well for this study to include an analysis of the position from some international organisations and NGOs working with human rights and refugees, concerning the EU-Turkey statement. However, once more the lack of time did not permit a discourse analysis of their statements and reports, neither the conducting of interviews with their representatives. Nevertheless, some relevant reports from international organisations were used during this study, in order to complement and better understand the impacts of the EU border-work in Turkey, the criticism on the EU-Turkey statement regarding human rights violations at the EU-Turkey border and the criticism by those organisations on the deteriorating situation of human rights in Turkey.

Research ethics

No major ethical concerns have arisen from either the research questions, neither from the proposed research strategy that involved a mixed methods research. Nevertheless, like to all researchers (see Bryman 2016, 141), the author may have been influenced by a variety of presuppositions that might have affected the analysis of some of the themes. Even trying to be as

objective as possible, the author considers himself a human rights advocate and pro-refugees, being himself a migrant and part of a family of emigrants, this might have been reflected in some of the analysis presented in this study. In addition, the author also nourishes a special affection for Turkey, as he lived in İstanbul for a few months. In order to not be influenced by his presuppositions, the author of this study has not read what is not in the speeches and statements. In other words, the author does not try to imagine what is behind the speeches and statements in order to not influence the analysis presented in this study.

BACKGROUND

Globalisation has been growing hand in hand with an increase of interconnected networks, making of mobility-related issues, such as transnational organised crime and refugation, an important part in the relationship between the EU and third countries. Especially now that the world is facing the worst humanitarian crisis since the end of the Second World War, as described by Stephen O'Brian, former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to the UN (UN 2017). During the last years, there was an unprecedented number of people trying to leave their homes and seek refuge in safer places, such as Europe. While some people are trying to escape from conflict zones, such as Afghanistan, South Sudan, Syria or Yemen, others are leaving their home due to economic despair.

The vast majority of these refugrants are hosted in poor countries of the Global South (Guild 2018, 1). However, some people tried to go to Europe and this provoked a tension at EU external borders in 2015, when a peak of 6000 refugrants was trying to reach some EU member states every day, through the Western Balkans route. This tension at EU external borders is often referred to as the *European migrant crisis*³¹. As Vignon (2018, 7) points out “the crisis was short-lived but triggered a profound disruption in the balance of political power, providing existing populist parties with all the impetus they needed to uninhibitedly champion values counter to European ideals and give themselves the leading role relative to the security needs of populations”. In order to control the rise of populist political parties, the EU has reached some ‘deals’ with transit countries, that due to its geostrategic location are now playing a more significant role in controlling transnational organised crime activities and refugation flows towards the EU.

It is also important to note that the European refugrant crisis comes at a time when the EU was still trying to recover from the economic crisis that had a great impact on the countries of the Eurozone, especially in the Southern member states, such as Greece. The European refugrant crisis, as well as the economic crisis, have shown that the EU, with a motto *united in diversity*, lacks unity, and especially solidarity, between its member states. As mentioned before, due to Schengen and the Dublin Regulation, the Southern border countries were the ones bearing the brunt of the European refugrant crisis, which has provoked humanitarian emergencies in countries such as Italy and

³¹ Ibid., 3.

Greece (Andersson 2016, 1057-1059; EP 2017). This increased the debates around refugation issues in Europe, increasing the association of refugants to terrorists. Nevertheless, debates showing “migration as a challenge to the welfare state and to the cultural composition of the nation” can be traced back to the 1980s (Huysmans 2000, 756). As refugants are framed as a security problem, the EU’s current response to the refugant crisis has been accompanied by the increase of securitisation and outsourcing of its external borders. Therefore, the EU had to find third countries, such as Turkey, which would be willing to help to secure the EU external borders.

Turkey is an important third country for the EU due to its location, and it has been implementing countermeasures against transnational organised crime in accordance with EU requirements (Toktas et al. 2012, 136, 145). In addition, the EU-Turkey statement of 18 March 2016, that is the focus of the analysis of this master thesis, is the most recent example of how securitisation of migration has been ‘outsourced’ by the EU, in order to control the refugation flows towards Europe. In light with the EU accession process of Turkey, these actions have projected the EU border security into Turkey. By outsourcing its border security into third countries, the EU attempts to fortify its external borders (Hollifield 2004, 898; Baird 2012, 849). As a consequence, now the EU border starts somewhere inside Turkey. Thus, borders are no longer a permanent line on maps (Parker et al. 2012, 729). As İşleyen (2017, 27, 29) refers, Turkish checkpoints created to control transnational organised crime activities are now controlling Syrians who are looking for refuge in the EU³². This has created borders inside borders, but not for everyone. And it shows that some borders are not “located at borders at all, that they are ubiquitous and can take the form of selective checks inside and beyond the bordered territory” (Follis 2019, 220). Therefore, it is important to rethink borders with the borderscape concept and how the EU uses third countries to protect ‘us’ from ‘them’, by outsourcing border security and refugation policies to Turkey.

Despite EU criticism regarding the situation of human rights in Turkey, mainly coming from the EP, the EU seems to close its eyes to human rights violations in Turkey while proceeds its border-work inside Turkey. This is due to the importance that Turkey has in controlling the refugation flows towards the EU. In February 2019, the Foreign Affairs Committee of the EP suggested to the EC and the EU member states to freeze the accession process with Turkey because of human rights violations and of the territorial dispute with Cyprus (Zaman 2019b). And in March 2019, three years after the EU-Turkey statement, a debate at the EP had similar conclusions regarding Turkey’s EU

³² The checkpoints now also control the Syrian refugees. As in Turkey, the Syrian refugees need a travel document to leave their city of residence, which conditions their movement inside Turkish territory (Adam 2017, 10; ECRE 2019; 63, 106, 126; İşleyen 2017, 27-30).

accession process (Stearns et al. 2019; Yackley 2019). The EP referred that “remains seriously concerned about Turkey’s poor track record in upholding human rights”, but recognised “Turkey’s important role in responding to the migration crisis and the government’s efforts to grant refugees temporary protection” (EP 2019).

Despite the slow EU accession process and Turkey’s importance in terms of a trade partner for the EU, the EU border-work have been of greater importance during the European refugrant crisis in the EU-Turkey relations, as now Turkey serves the EU as a buffer state by preventing the influx of refugrants. Therefore, Turkey’s important role in controlling the refugration flows will remain a key issue in EU-Turkey relations, despite human rights violations held by the Turkish government, as seen in the recent EP conclusions (EP 2019). The EU-Turkey statement of 18 March 2016 is a key document in the EU-Turkey relations, regarding border security and management of refugration flows. It is then important to, and this study attempts to, understand how the EU-Turkey statement promotes a refugration-border nexus that affects the EC discourse regarding EU’s advocacy role for human rights in Turkey, by looking to EC documents before and after 18 March 2016 during Juncker’s mandate. Nevertheless, it is also important to take into consideration the socio-political situation in Turkey during the last decades under AKP rule (see Akyol 2014; Bechev 2014; Cagaptay et al. 2017; David 2016; Taş 2015; Uçum 2017), with which the author is familiar with.

RESULTS AND ANALYSIS

Previous research was explored in order to construct a theoretical framework, from which key concepts, such as borderscape, securitisation of migration and Europeanisation, are also part. A methodology strategy was designed and serves as a guideline for the discussion and analysis of the results. From a quantitative content analysis of the results presented in this section, it was possible to draw some patterns that helped to reach some initial conclusions. Further in this section, by using qualitative content analysis, the author launches a deeper discussion and analysis of the aim that this study seeks to explore. In addition, the author answers the research questions of this study and from it draws empirical conclusions that give rise to future research. Therefore, the EU-Turkey statement of 18 March 2016 will be explored and the author seeks to explain how it has become an important refugation nexus tool in the EU-Turkey relations. While the last subsection explores to what extent the EU-Turkey statement affected the EU discourse regarding the situation of human rights in Turkey.

A first analysis of the documents from the EC

The quantitative content analysis of the documents presented in this section permits to see what are the most relevant documents that will be used in a more deep analysis with the use of qualitative content analysis in the next subsections. This first analysis also permits to draw some first patterns that were raised by looking to the frequency of the coded words between the two periods of time. The results presented here might also lead to future research. As mentioned in the *Methodology* section, the primary sources are the speeches and statements of the EC found on the EC Press Release Database website³³. The search was done under search parameters from the website that permitted to narrow down the most relevant speeches and statements for this study³⁴. This search found 24 documents, a total of 37 pages, from the EC, related to Turkey between 1 November 2014

³³ Ibid., 23 and 24.

³⁴ See subsection *Data collection* in *Methodology* section.

and 1 April 2019³⁵. From those 24 documents, seven were speeches (EC 2014a; EC 2015a; EC 2016a; EC 2016b; EC 2016c; EC 2018a; EC 2018b), and seventeen were statements (EC 2014b; EC 2014c; EC 2015b; EC 2015c; EC 2015d; EC 2015e; EC 2015f; EC 2016d; EC 2016e; EC 2016f; EC 2016g; EC 2016h; EC 2016i; EC 2017a; EC 2017b; EC 2017c; EC 2018c). The statements and speeches retrieved from this search were from the following Commissioners³⁶: the President of the EC, Jean-Claude Juncker; the First Vice-President of the EC, Frans Timmermans, also responsible for the Rule of Law and the Charter of Fundamental Rights; the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the EC, Federica Mogherini; the Vice-President of the EC, Valdis Dombrovskis; the Commissioner for the European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn; and the Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos.

Table 1: Documents by years and categories

Type of Document	Before the EU-Turkey statement				After the EU-Turkey statement					TOTAL
	2014	2015	2016	Total per cat.	2016	2017	2018	2019	Total per cat.	
Speeches	1	1	2	4	1	0	2	0	3	7
Statements	2	5	1	8	5	3	1	0	9	17
Total per year	3	6	3	12	6	3	3	0	12	24

Table 1 helps to see the frequency of speeches and statements by years, which permits to have a broad understanding of the issuing of documents by the EC during Juncker’s mandate, in the years before and after the EU-Turkey statement. Thus, in relation to the time frame, twelve documents (four speeches (EC 2014a; EC 2015a; EC 2016a; EC 2016b) and eight statements (EC 2014b; EC 2014c; EC 2015b; EC 2015c; EC 2015d; EC 2015e; EC 2015f; EC 2016d)) were issued before the EU-Turkey statement of 18 March 2016 and other twelve documents (three speeches (EC 2016c; EC 2018a; EC 2018b) and nine statements (EC 2016e; EC 2016f; EC 2016g; EC 2016h; EC 2016i; EC 2017a; EC 2017b; EC 2017c; EC 2018c)) were issued after the EU-Turkey statement. Despite the same amount of documents in the two periods, the first period (1 November 2014 to 17 March 2016) comprises 503 days, which is less than half shorter than the second period (18 March 2016 to 1 April 2019) that comprise 1110 days. This shows that the EC was more active in issuing

³⁵ See subsection *Delimitations* in *Introduction*.

³⁶ The Commissioners are presented here in order of importance in the EC.

documents regarding Turkey before the EU-Turkey statement, one document over 42 days against one document over 93 days after the EU-Turkey statement. As table 1 shows, in 2019, until 1 April 2019, no documents were issued, this might be because the current EC is almost at the end of its mandate. While in 2016, the year of the EU-Turkey statement was the year with more documents, nine documents in total. It was also the year of the coup attempt in Turkey, and two statements were issued on the day after, 16 July 2016 (EC 2016f; EC 2016g).

This difference between the frequency of issued documents in the two periods of time might have happened for two reasons. *The first*, Juncker have started his mandate in November 2014 so the high number of documents issued in the first period might be connected to a clarification of the policy position of the new EC towards Turkey. This is showed in the first speech (EC 2014a) when Commissioner Hahn explains the main priorities for the EU-Turkey relations during Juncker's mandate. *The second* reason might be in relation to the European refugrant crisis, as it was during the first period that the EU external borders were under greater pressure and a solution was needed in order to avoid the collapse of the Schengen area. Hahn refers to the EU support to Turkey regarding the European refugrant crisis (EC 2015a). It was also necessary for more meetings between the EC and Turkish authorities in this period in order to prepare the EU-Turkey statement of 18 March 2016. References to high-level meetings between the EU and Turkey appear in some EC documents (EC 2014a; EC 2014b; EC 2015f; EC 2016b; EC 2016d). There is also a reference to a meeting between Timmermans, Hahn and Turkish authorities that had to be postponed (EC 2015d), the meeting would cover the Draft Action Plan proposed by Juncker to Erdoğan regarding support of refugration management.

In relation to the Commissioners (see table 2), the speech from the Vice-President Dombrovskis was delivered on behalf of Juncker (EC 2016b)³⁷. The Commissioner Hahn, delivered three speeches (EC 2014a; EC 2015a), one on behalf of Mogherini (EC 2016a)³⁸. While the Commissioner Avramopoulos delivered only one speech (EC 2018a). In relation to statements, a reference to the First Vice-President Timmermans, together with Hahn, appears in one of the seventeen statements (EC 2015d). While the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, is co-responsible for six statements with Hahn (EC 2014c; EC 2015b; EC 2015e; EC 2016g; EC 2016h; EC 2017b), and one with Juncker and the President of the European Council, Donald Tusk (EC 2016f). Mogherini has two more statements with Hahn,

³⁷ In table 2, this speech was accounted for the Commissioner who delivered the speech, as the author does not know which office has written the speech.

³⁸ Ibid., 37.

one together with Juncker (EC 2017c) and other with two Turkish ministers (EC 2016d). Commissioner Hahn has two statements alone (EC 2014b; EC 2015b), and one together with the Secretary General of the Council of Europe (CoE) (EC 2016e), Thorbjørn Jagland. The remaining three statements are from Jean-Claude Juncker (EC 2016i; EC 2017a; EC 2018c). In addition, there is one statement issued on behalf of the heads of state or government of the EU member states (EC 2015f), that is not accounted in table 2, as it was not issued by any Commissioner.

Table 2: Documents by European Commissioners

Name of the Commissioner	Before the EU-Turkey statement			After the EU-Turkey statement			TOTAL
	<i>Speeches</i>	<i>Statements</i>	Total	<i>Speeches</i>	<i>Statements</i>	Total	
Jean-Claude Juncker	0	0	0	2	5	7	7
Frans Timmermans	0	1	1	0	0	0	1
Federica Mogherini	0	4	4	0	5	5	9
Valdis Dombrovskis	1	0	1	0	0	0	1
Johannes Hahn	3	7	10	0	5	5	15
Dimitris Avramopoulos	0	0	0	1	0	1	1

As table 2 shows, Jean-Claude Juncker, Federica Mogherini and Johannes Hahn were the Commissioners responsible or co-responsible for more speeches and statements regarding Turkey. This is due to their responsibilities at the EC. Juncker is the President, Mogherini is the High Representative of the Union for Foreign Affairs and Security Policy and Hahn is the Commissioner for the European Neighbourhood Policy and Enlargement Negotiations. Timmermans, Dombrovskis and Avramopoulos have one document each. Table 2 can draw another pattern, Juncker did not issue any document before the EU-Turkey statement of 18 March 2016. However, after the EU-Turkey statement, Juncker is the one responsible or co-responsible for the higher number of documents. While Hahn that was the Commissioner with more issued documents before the EU-Turkey statement, the number was reduced to half after the statement. During the meetings preparing the EU-Turkey statement, it was referred that the relations with Turkey would need to be revitalised (EC 2015f). This might be the reason why Juncker, as President of the EC, took a more relevant position towards Turkey after the EU-Turkey statement, which shows that the EC is giving more

importance to issues related to Turkey. However, at the same time in Turkey, the powers of the Turkish President were growing³⁹.

By using the software programme NVivo, the author was able to code the main words regarding the study of this master thesis and the results are now presented in table 3 and 4. These results were double checked by manual coding while the author was reading the documents. This quantitative content analysis permitted to draw some initial patterns and helped to select the most relevant documents to be analysed, in order to answer the research questions in the next subsections. The selected words⁴⁰ were ‘border(s)’, ‘crisis’⁴¹, ‘security’, ‘asylum’, ‘migrant(s)’, ‘migration’, ‘refugee(s)’, ‘democracy’, ‘right(s)’ and ‘rule of law’⁴². From all the 24 documents, it was found a total of 186 references and only one statement after the EU-Turkey statement had none of these words (EC 2017a).

Table 3: Frequency of the coded words in the 24 documents

Coded Words	Before the EU-Turkey statement			After the EU-Turkey statement			TOTAL
	Speeches	Statements	Total	Speeches	Statements	Total	
Border(s)	4	0	4	6	0	6	10
Crisis	3	2	5	4	0	4	9
Security	7	5	12	6	3	9	21
SUBTOTAL	14	7	21	16	3	19	40
Asylum	1	0	1	8	0	8	9
Migrant(s)	2	4	6	6	0	6	12
Migration	4	8	12	8	0	8	20
Refugee(s)	14	8	22	19	11	30	52
SUBTOTAL	21	20	41	41	11	52	93
Democracy	4	4	8	2	5	7	15
Right(s)	11	5	16	8	3	11	27
Rule of Law	6	2	8	0	3	3	11
SUBTOTAL	21	11	32	10	11	21	53

³⁹ After serving as Prime Minister of Turkey during eleven years, Erdoğan was the first Turkish President to be elected by popular vote in 2014, after the 2007 Constitutional change. In 2017, another referendum changed the Turkish Constitution and by consequence the system of government in Turkey. Erdoğan was again elected as President of the Turkish Republic in 2018, but with the new powers of a presidential system.

⁴⁰ See subsection *Coded words* in *Methodology*.

⁴¹ There is one time that the word ‘crisis’ it is used in relation to unemployment (EC 2016c).

⁴² The majority of the times that ‘rule of law’ is referred, it is together with fundamental rights.

As table 3 shows, there was a decrease in the use of all words in speeches and statements after the EU-Turkey statement of 18 March 2016. Exceptions can be found for the words ‘border(s)’, ‘asylum’ and ‘refugee(s)’, as there was an increase in their use. Another exception can be found in the use of the words ‘migrant(s)’, as there were no changes in the use of this word between the two periods. Looking at the subtotals on table 3, we can also see that only the use of refugation-related words increased between the two periods of time. Nevertheless, we should always have in mind the difference between the two time periods. Despite the higher number of references to refugation-related words after the EU-Turkey statement, these references were more spaced in time.

The first two references to ‘border(s)’ are related to Serbia and Northern Macedonia (EC 2015a). Nevertheless, these references are related to refugation issues, as these countries also played an important role during the European refugant crisis. All the other references to ‘border(s)’ are related to Turkey or to refugation issues. Which shows that there might be a nexus between border security and refugation control, as the refugation-border nexus attempts to show. In addition and despite the high frequency in the use of the word ‘security’, this word is often used in a broad sense, referring to the need of increasing cooperation in the area of foreign and security policy with Turkey or referring to energy security⁴³. However, in Avramopoulos speech (EC 2018a), the Commissioner responsible for migration in the EC, the word ‘security’ is used five times in relation to refugation issues. This might lead one to think that his office addresses refugation as a security issue, as we saw with the securitisation of migration. The qualitative content analysis used in the next subsections will permit to crosscheck these findings and draw some credible conclusions as the author will be looking in detail to the context where these words are used.

There are other aspects that can be retrieved from this quantitative content analysis. For instance, the sum of all refugation-related words (‘asylum’, ‘migrant(s)’, ‘migration’, ‘refugee(s)’) is 93 references, which amounts to half of the total of 186 references. By using the programme NVivo, the author was able to check the word frequency of all the 24 documents, and the word ‘refugee(s)’ with 52 references is present in the top ten of the most used words in the documents. As table 4 shows, the word ‘refugee(s)’ appears in 12 documents, which is half of the documents issued by the EC regarding Turkey. This shows the importance that refugation-related issues have been playing in the EC discourse regarding Turkey during Juncker’s mandate. Nevertheless, these findings cannot be compared to previous EC mandates, as this is out of the scope of this study. It also needs

⁴³ Energy-related issues, especially gas, have been an important theme in EU-Turkey relations. As Tagliapietra (2018, 113) claims “gas has always been at the heart of EU-Turkey energy discussions. Turkey has emerged as a potential key transit country in a position to significantly contribute to the security of the EU gas supply, largely due to its strategic position between Europe and the gas-rich countries of the Caspian and the Middle East.”

to be taken into consideration that these documents were issued at a time when refugation-related issues dominated not only the EU-Turkey relations but all public opinion around the EU, as the union was passing by the European refugrant crisis.

Table 4: Frequency of the coded words by the number of documents

Coded Words	Before the EU-Turkey statement			After the EU-Turkey statement			TOTAL
	<i>Speeches</i>	<i>Statements</i>	Total	<i>Speeches</i>	<i>Statements</i>	Total	
Border(s)	2	0	2	3	0	3	5
Crisis	2	2	4	2	0	2	6
Security	2	3	5	2	3	5	10
Asylum	1	0	1	2	0	2	3
Migrant(s)	1	2	3	2	0	2	5
Migration	1	4	5	2	0	2	7
Refugee(s)	3	4	7	3	2	5	12
Democracy	3	4	7	1	4	5	12
Right(s)	2	3	5	3	2	5	10
Rule of Law	2	2	4	0	3	3	7

From table 3 some patterns can start to be drawn with respect to the second research question. The most evident is the decrease in the use of all terms connected to human rights. In the EC speeches and statements where the word ‘right(s)’ was found (EC 2014a; EC 2014c; EC 2015c; EC 2016a; EC 2016c; EC 2016d; EC 2016e; EC 2017b; EC 2018a; EC 2018b), this word is linked to terms such as human rights, fundamental rights, rights of refugrants, the European Convention on Human Rights (ECHR), European and international rights, but as well to the sovereign right of the states⁴⁴. By looking to table 4, we can see that the total number of documents using the coded word ‘right(s)’ has not changed in the two periods of time of this analysis. Nevertheless, the word was used in all speeches after the EU-Turkey statement, but in fewer statements. In the period before the EU-Turkey statement, the use of ‘right(s)’ related words was part of half of the speeches delivered regarding Turkey. Which if one gives more importance to the speeches, as they were delivered live to an audience, one might think that the EC is still a critic voice regarding the situation of human rights in Turkey. However, a deeper analysis of the documents is needed in order to give a more concrete answer to the second research question of this master thesis. By using qualitative content

⁴⁴ One in relation to Cyprus’s sovereign right that the EU expects Turkey to respect (EC 2014a). The other reference is related to Turkey’s sovereign right to decide over its system of governance, that is recognised by the EU (EC 2017b).

analysis the author will explore in detail the changes of the EC discourse in the documents where the coded word 'right(s)' appears, this will permit to cross-checking findings in order to give a more credible answer for the aim of this study.

The EU-Turkey statement as part of the refugration-border nexus

This subsection focusses on the first research question and it will explore the EU-Turkey statement agreed between the members of the European Council and Turkey on 18 March 2016. As it is mentioned in the statement this was the third meeting since November 2015. In the first EU-Turkey summit, on 29 November 2015 in Brussels, the members of the European Council met the former Turkish Prime Minister, Ahmet Davutoğlu, to discuss the managing of the European refugrant crisis (Council of the EU 2015; EC 2015f; MFA Turkey n.d.). From this meeting, it was decided to re-energise Turkey's accession process with the opening of new chapters and to reinforce regular meetings and summits between both parts. At this first EU-Turkey summit, the President of the European Council, Donald Tusk, referred that "we [the EU] do not expect anyone to guard our borders for us. (...) But we [the EU] expect a major step towards changing the rules of the game when it comes to stemming the migration flows that is coming to the EU via Turkey." (Council of the EU 2015).

The change of the rules arrived with the Joint Action Plan that was agreed ad referenda on 15 October 2015, but it was activated in the first summit (Benvenuti 2017, 9; EC 2015f). The plan was adopted to "deal with the refugee crisis created by the situation in Syria" and the EU and its member states agreed to "increase their cooperation with Turkey and step up their political and financial engagement substantially" (Council of the EU 2015). The Joint Action Plan refers that the EU side intends to enhance the capacities and develop integrated border management, while the Turkish side intends to "step up cooperation with Bulgarian and Greek authorities to prevent irregular migration across the common land borders" (EC 2015g). This shows that the EU is outsourcing its border security to Turkey in order to control the refugration flows towards the EU. By doing it, the Turkish policies are Europeanised. In addition, during the first EU-Turkey summit, it was established the Facility for Refugees in Turkey with an initial amount of three billion euro "in order to deliver efficient and complementary support to Syrians under temporary protection and host communities in Turkey" (EC 2015f). However, Syrians in Turkey face many challenges and

they are not recognised as refugees. Also, the members of the European Council and Turkey agreed in the readmission agreement⁴⁵, and in return, it was promised to Turkey the visa liberalisation process by October 2016.

The second EU-Turkey summit happened again in Brussels on the 7 March 2016 in the same format (Council of the EU 2016a; MFA Turkey n.d.). The main topic was again the European refugrant crisis, with discussions involving the implementation of the Joint Action Plan. As the Ministry of Foreign Affairs of Turkey states in its website (MFA Turkey n.d.), Turkey has made a proposal with “humanitarian purposes in mind” in an attempt to increase EU-Turkey cooperation in the fight against irregular migration in the Aegean Sea. The three objectives were: *first*, to prevent loss of lives in the Aegean; *second*, to break the migrant smuggling networks; and *third*, to replace illegal immigration with legal migration (MFA Turkey n.d.). This shows that after the establishment of a cooperation mechanism for the EU-Turkey land border, now Turkey also wants to tackle down irregular migration at the EU-Turkey sea border. This might come as Turkey wants to leverage its position with the EU, showing that it is committed to secure the EU external borders in order to keep the accession talks active. As a result, it was mentioned the establishment of a North Atlantic Treaty Organisation (NATO)⁴⁶ activity at the Aegean Sea. The need to call for a NATO activity at the EU-Turkey border shows how refugration has been securitised at a military level, and that there was a need for a third party to secure the EU external borders against the refugrants trying to cross the Aegean sea.

During the second EU-Turkey, it was also referred the Turkish commitment to “accept the rapid return of all migrants coming from Turkey to Greece that are not in need of international protection” (Council of the EU 2016a). For Donald Tusk, “all the above mentioned decisions send a very clear message that the days of illegal migration to Europe are over” (Council of the EU 2016a). While the Vice-President of the EC, Valdis Dombrovskis, on behalf of Juncker addressed the EP two days after the second summit, to refer that this new plan will help the EU “to break the business model of smugglers who exploit human misery. (...) It will make clear that the only viable way to come to Europe is through legal channels”. However, as previous seen, this ‘new plan’ has just changed the routes that refugrants took in order to reach Europe. Dombrovskis also referred that the EU leaders have welcomed the Commission’s new Roadmap to “restore Schengen to its proper functioning (...) this means strengthening our external borders” (EC 2016b). Once more, this shows that the EC is

⁴⁵ Similar readmission agreements have been discussed since March 2004, but Turkey has been reluctant in accepting it (Toğral 2012, 72).

⁴⁶ Bulgaria (since 2004), Greece (since 1952) and Turkey (since 1952) are NATO member states.

worried about controlling the refugation flows and in fortifying its external borders, in a clear refugation-border nexus approach towards the importance of the EU-Turkey statement.

This two summits helped to prepare the third EU-Turkey summit in Brussels between the same actors, the members of the European Council and Davutoğlu. The outcomes from the previous EU-Turkey summits are reflected in some of the nine action points of the EU-Turkey statement of 18 March 2016 (Council of the EU 2016c). Five of the nine action points have direct references to refugation-related words, as the main goal of the EU-Turkey statement is “to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk” and “to end the irregular migration from Turkey to the EU” (Council of the EU 2016b). On the website of the MFA of Turkey, one can read that Turkey “reached a game changer agreement with the EU on 18 March [2016] to completely stem irregular crossings in the Aegean Sea” (MFA Turkey n.d.a). The EU-Turkey statement is clearly a game changer for the refugation-border nexus in the EU-Turkey relations. The statement has become an important EU tool that attempts to build a viable governance mechanism to manage the refugation flows and secure the EU external borders by using the help of Turkey (see Betts et al. 2018, 211).

With the EU-Turkey statement, Turkey agreed to contain the refugation flows and keep the illegal migrants out of the EU territory under full accordance with EU and international law, and in respect to the principle of *non-refoulement*⁴⁷. In exchange, Turkish citizens would get visa liberalisation to the EU by the end of June 2016, if Turkey meets all the benchmarks, an earlier date than previously mentioned during the first EU-Turkey summit. Thus, visa liberation was one of the exchange measures for Turkey to accept the statement, but it still has not come into effect. Last year, Avramopoulos’s speech (EC 2018a) helps to understand the EU visa policy in the refugation-border nexus in its relations with third countries. He explains that the EU visa policy is not a “stand-alone policy. It is deeply intertwined with our [the EU] overall migration and mobility policies” and that it will contribute to “improving the cooperation with non-EU countries when it comes to the return of irregular migrants”, as the EU will “introduce stricter conditions for processing visas when a partner country does not cooperate sufficiently on the readmission of irregular migrants” (EC 2018a). This shows a top-down process in the relationship between the EU and third countries, as the EU uses its power to control the refugation flows towards Europe, by using its visa policy against third countries who are not securing the EU external borders against the refugants.

⁴⁷ The principle of *non-refoulement* is a principle under international human rights law that “guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status.” (OHCHR n.d.). This principle is the essential foundation for international refugee law and part of human rights protection (Goodwin-Gill 2014, 40).

As also previously mentioned, the EU would reactivate Turkey's accession process with the opening of new chapters of the *acquis*⁴⁸, which happened after the first summit in December 2015 with the opening of Chapter 17. Chapter 33 was open during the Netherlands presidency of the Council of the EU⁴⁹ as promised by the EU in the EU-Turkey statement. One of the action points of the EU-Turkey statement seeks to upgrade the Customs Union between the two stakeholders. With this, the EU-Turkey statement attempts to create a diplomatic balance between the EU and Turkey. Nevertheless, despite the financial assistance by the EU, it is Turkey who has the burden with the refugrants inside their own borders. And Turkish authorities have been threatening to open its borders to the refugrants (see Ahval 2018; Euractiv 2017; Kroet 2016), as a counterbalance against the EU reluctance in the accession talks and visa liberation.

Regarding refugration issues, that are the focus of the EU-Turkey statement, the EU would still accept asylum seekers, but all the illegal migrants would be sent back to Turkey, with the costs of the return operations being paid by the EU. However, for every Syrian refugee sent back to Turkey, the EU would take another Syrian refugee under the UN Vulnerability Criteria. In the EU-Turkey statement, it is also mentioned that Turkey should take any necessary measures to end or substantially and sustainably reduce illegal routes used by smugglers and refugrants to cross into the EU. In other words, Turkey needs to increase its border security with its neighbours, as a way to secure also its borders with the EU. This shows how the borderscape is useful to understand the EU border-work in Turkey as borders are being pushed into Turkey, which has turned Turkey into a buffer state between the Middle East and the EU. As the EU believes that Turkey has insufficient border controls infrastructures around its borders, in 2010, Turkey started to implement a project to capacitate Turkish security border guards and high-tech devices around its borders in order to increase the control of its Eastern borders (Toğral 2012, 69). In addition, a Memorandum of Understanding was also signed between Frontex and Turkey, in order to “enhance information exchange and training, with the goal of a more “efficient” capture of migrant smugglers and prevention of entry of migrants onto EU territory” (Baird 2015, 853). Once more, this shows the importance that the refugration-border nexus plays in EU-Turkey relations, and how the EU is Europeanising Turkish policies and practices.

⁴⁸ The 35 chapters of the *acquis* are the negotiating chapters that are in the base of any candidature for EU membership. Every candidate country needs to fulfil them in order to become a full EU member-state. This is part of a Europeanisation process as the “candidate countries are required to adapt their administrative and institutional infrastructures and to bring their national legislation into line with EU legislation” in the areas covered by the chapters (EC n.d.).

⁴⁹ The Netherlands held the Presidency of the Council of the EU between 1 January to 30 June 2016.

Under the EU-Turkey statement, the EU, its member states and Turkey have also agreed to work together in order to improve humanitarian conditions in Syria, which would permit the return of Syrian refugees to safe areas inside Syria, near the Turkish border. This has never happened, but it could have shaped the Turkish-Syrian border, as the EU border security would be pushed even further from Turkish borders. The EU-Turkey statement also refers that Turkey would get a total of six billion euro under the EU Facility for Refugees in Turkey, to permit the development of projects that would benefit refugees in areas such as education and health (see EC 2019). This is an increase of three billion euro from the initial value agreed during the first EU-Turkey summit. The Third Annual Report on the Facility for Refugees in Turkey refers that the “implementation of the Statement continued to play a key role in the course of 2018 in ensuring that the migration challenge is addressed effectively and jointly by the EU and Turkey. The Statement continues to deliver concrete results in reducing irregular and dangerous crossings and in saving lives in the Aegean Sea.” (EC 2019, 4). However, a UNHCR (2019) report shows the opposite. The arrivals in Greece during 2018 increased 45% in relation to 2017⁵⁰, the deaths and missing persons at sea raised from 59, in 2017, to 187, in 2018, and 56 deaths at land (UNHCR 2019).

The EU-Turkey statement is often referred to as the ‘EU-Turkey deal’ or the ‘EU-Turkey agreement’. However, the statement was made in the form of a press release. Therefore, the EU-Turkey statement is not an international treaty (Guiraudon 2017, 158), which raises “questions over its legality and compatibility with international law” (Adam 2017, 3). By taking the form of a press release, the EU member states leaders also avoided the scrutiny of the EP as “co-legislator and the full jurisdiction of the Court of Justice in the fields of immigration and asylum” (Adam 2017, 3). In addition, the EU recognised Turkey as a safe third country for refugees, despite failing to meet the criteria of the EU’s Asylum Procedures Directive (Webber 2017, 41). Thus, the EU-Turkey statement does not safeguard the rights of refugees and asylum seekers, as Turkey is not safe enough for refugees. At least ten decisions from the Administrative Appeals Committee of Lesbos, in Greece, state that Turkey is a non-safe third country (Adam 2017, 4; Afailal 2018, 222).

As Turkey was never a signatory of the 1967 Protocol that ended the geographical limitation of the 1951 UN Geneva Convention (Goodwin-Gill 2014, 38), the Syrians in Turkey lack the recognition of their refugee status, instead, Syrians are recognised as migrants under a ‘temporary protection’ with the right to stay and work temporarily in Turkey (Adam 2017, 10; ECRE 2019, 17,

⁵⁰ The peak in the number of arrivals was registered in 2016, with 176.800 arrivals (173.500 sea + 3.300 land) at Greek borders. In 2015 it was 856.700 (sea). In 2017, 35.400 (29.700 sea + 6.700 land), and in 2018, 50.500 arrivals (32.500 sea + 18.000 land) (see UNHCR 2019).

112-114; Koca 2016, 60-66; Simsek 2015; Szałańska 2017, 73; Webber 2017, 41). For Webber (2017, 49), there is no doubt that ‘deals’ like the EU-Turkey statement “facilitate breaches of international law” and make it clear that the EU’s priorities are the migration control and not the human rights. The EU wants Turkey to lift this geographical limitation, but Turkish policy-makers believe that this geographical limitation prevents Turkey from becoming a buffer country (İçduygu et al. 2012, 448; İçduygu et al. 2013, 16; Toğral 2012, 71). Despite it and as seen before, looking to Turkey’s current situation between the EU and the Middle East, one can argue that Turkey is now a buffer country serving the EU (Amnesty International 2014, 13; Baird 2015, 852; Keyman 2017, 457, 460; Toğral 2012, 67).

In addition, Syrians are facing other problems since their arrival in Turkey (see *Hürriyet Daily News* 2013). The Turkish government constructed refugee camps in regions with an Alevi or Kurdish⁵¹ majority as an attempt to mix these minority groups with Sunni Syrian refugees. This raises the fear of retaliation from the Syrian refugees against Alevis, who are escaping from an Alevite regime in Syria (Haferlach et al. 2017, 86). It is also in the Southeast of Turkey, a Kurdish majority region, that most of the refugee camps are located (ECRE 2019, 9-10). However, only the Temporary Protection Centres are officially recognised by the government and they have better living conditions than the refugee camps built by the pro-Kurdish municipalities (Koca 2016, 66-68; McAvan 2015). Nevertheless, Syrian refugees from some minority groups, such as Kurdish, women, LGBTI and non-Sunni live with fear in the state-run camps and prefer to live among local communities without access to education and health services (ECRE 2019, 75, 152; Haferlach et al. 2017, 88; Mortimer 2015). By consequence, there has been a rising in tensions concerning job competitions and cultural differences between Turkish and Syrian population (ECRE 2019, 132-133; Jovanovski 2019).

As seen, the status of the Syrian refugees is dubious and they face exclusion from their human rights, as they are just considered ‘temporary guests’. However, some other criticism regarding the EU-Turkey statement is also due to the fact that it was a quick solution, found by the EU member states, to avert a humanitarian crisis at the EU external borders and the collapse of the Schengen system, as the EU member states were unwilling to show solidarity with Greece by sharing the responsibility of managing the European refugrant crisis (Haferlach et al. 2017, 85). Three years after the EU-Turkey statement, many NGOs still criticise the EU for not taking the responsibility of providing humane conditions to the Syrian refugees trapped in the Greek islands (Euronews 2019;

⁵¹ Alevis and Kurdish represent the two largest minority groups in Turkey, but they often face repression by the Turkish government (Grigoriadis 2006; Kingsley 2017; Resch 2017).

MSF 2019). The human rights violations have been a point of tension between the EU and Turkey, regarding the Syrian refugees. Nevertheless, Turkey is the number one country in hosting Syrian refugees, mainly due to the *open door policy* adopted by the Turkish Government since 2011, that was promoted through a humanitarian discourse. This fact might lead one to think that the Syrian refugees have not been securitised in Turkey. However, Koca (2016, 55) argues that “a security framework that emphasises control and containment has been essential to the governance of Syrian refugees in Turkey, despite the presence of such non-securitarian discourses”. This can be explained by the Europeanisation of Turkish policies regarding refugation management, as previously seen, the Europeanisation has been done under a securitisation framework.

Turkey is the only country between the Middle East and the EU, which makes Turkey the only partner possible for the EU in this task of border security and refugation management. Thus and despite all the criticism, the EU needs to rely on Turkey to protect its external borders, as it was unable to reach internal consensus regarding the Schengen Agreement and the Dublin Regulation. The EU-Turkey statement of 18 March 2016 was the solution found to calm down internal discussions regarding refugation issues that were growing inside the EU due to the rise of populist political parties. Nevertheless, the EU-Turkey statement by focusing on the refugation-border nexus, have just delayed the big discussion that the EU needs to have regarding its Common European Asylum System (CEAS). Less than one month after the EU-Turkey statement, Juncker went to the EP to explain the third EU-Turkey summit and referred that the EC was preparing a reform of the CEAS and the main principle would be: solidarity (EC 2016c). As referred already a few times in this study, solidarity between the EU member states was what was lacking during the European refugant crisis. As the UNHCR High Commissioner, Filippo Grandi (2018), said “there is no migration/refugee crisis in Europe. Very low arrival and ‘secondary movement’ figures are the opportunity for EU states to focus together on real issues like asylum reform, safe pathways and more and better aid to refugee hosting and transit countries”.

As seen in this subsection, the EU-Turkey statement is an important policy tool of a refugation-border nexus in the EU-Turkey relations, but it was not able to improve the situation of the refugants who are ‘trapped’ in Turkey facing restrictions of movements and other violations of their rights. As previously explained, at the same time as the European refugant crisis, the situation of human rights in Turkey has been deteriorating. Thus, the next subsection will explore to what extent the EU-Turkey statement has affected the EC discourse regarding the situation of human rights in Turkey.

The EC discourse regarding the situation of human rights in Turkey

This subsection focusses on the second research question. Thus, it will pay attention to the EC discourse regarding the situation of human rights in Turkey, and if the EU-Turkey statement of 18 March 2016 provoked any changes in this discourse. Therefore, the focus of this part of the analysis will be in the ten documents that referenced 27 times words related to ‘right(s)’ (EC 2014a; EC 2014c; EC 2015c; EC 2016a; EC 2016c; EC 2016d; EC 2016e; EC 2017b; EC 2018a; EC 2018b). From these documents, five were before the EU-Turkey statement, and another five were issued after the statement.

The first five documents are two speeches (EC 2014a; EC 2016a), both from Johannes Hahn, the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, and three statements, one from Hahn and Frederica Mogherini, the High Representative for Foreign Affairs/Vice-President of the European Commission (EC 2014c), other from Hahn alone (EC 2015c) and the last one regarding the High-Level Political Dialogue held in Ankara between Mogherini and Hahn and the Minister of Foreign Affairs Mevlüt Çavuşoğlu and former Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır (EC 2016d). The five documents from the EC issued after the EU-Turkey statement are divided in three speeches, two from Juncker (EC 2016c; EC 2018b) and other from Dimitris Avramopoulos, the Commissioner for Migration, Home Affairs and Citizenship (EC 2018a), and two joint statements, one from Hahn with Thorbjørn Jagland, the Secretary General of the CoE (EC 2016e), and the other from Mogherini and Hahn (EC 2017b).

The first speech before the EU-Turkey statement was from Hahn and it was delivered at the EP in the presence of the former Minister for EU Affairs and Chief Negotiator Ambassador Volkan Bozkır, ten days after Juncker’s Commission has taken office (EC 2014a). It is then an important speech to understand the main guidelines of the new EC regarding EU-Turkey relations. The ECHR, a document from the CoE⁵², is mentioned twice. The first time that ECHR appears it was to positively mention that Turkey has implemented an Action Plan for the Prevention of Violations of the ECHR. The second time Hahn mentions the ECHR, it was to refer to the “EU Strategy” adopted by Turkey, where Turkey re-affirms that the ECHR will serve as a reference for the political reforms

⁵² The CoE is not part of the EU institutions, but it is an important European institution focussed on human rights and democracy and all the 28 EU members states are part of it. Turkey is also part of the CoE but temporarily suspended part of the ECHR after the coup attempt (CoE 2016). In 2017, the CoE decided to re-open the monitoring procedure on human rights regarding Turkey, due to the human rights violations and the increased powers by the President (Baczynska 2017).

that the AKP government wanted to make. Hahn gave another positive note regarding human rights when he referred that “the Turkish Constitutional Court took a number of important decisions strengthening the protection of fundamental rights” (EC 2014a).

Furthermore, Hahn recognised that “enhanced cooperation on the rule of law and fundamental rights issues remain the backbone” of the future of EU-Turkey relations, and renewed the call from the EC to the Council of the EU for the chapters 23 and 24⁵³ of the *acquis* to be open, as he referred to “the need to engage in an effective dialogue, both within the country and with the EU, to ensure that further reforms in the area of the rule of law and fundamental freedoms follow European standards” (EC 2014a). Thus, Hahn recognised the importance that the EU accession process has in Turkish reforms. This exemplifies a top-down situation between the EU and Turkey, as Turkey needs to Europeanise its policies in order to be able to keep the negotiations talks ongoing. However, this was also a way to keep Turkey on track of its democratic reforms, as Hahn identified and regretted, on behalf of the EC, the “restrictive approach adopted with regard to freedom of expression (...) and the right to assembly” and the EC was also concerned with the “independence and impartiality of the judiciary and the separation of powers” in Turkey (EC 2014a).

On 14 December 2014, a joint statement from Hahn and Mogherini condemned the police raids and arrests of journalists in Turkey and referred their incompatibility with “the freedom of media, which is a core principle of democracy” (EC 2014c). They recalled the “right for an independent and transparent investigation (...), with full respect of the rights of the defendants” and they also referred that any accession process depends on “the full respect for the rule of law and fundamental rights” (EC 2014c). On 3 August 2015, a statement from Hahn reaffirmed the EU’s strong support of the Turkish efforts against the Daesh (EC 2015c). However, Hahn also expressed EU’s concerns regarding Turkish backlash against the Kurds⁵⁴. Nevertheless, the statement recognised Turkey’s right “to prevent and react to any form of terrorism”, but it needs to be proportionate and poses no danger to the democratic political dialogue in Turkey (EC 2015c).

The second speech given by Hahn was also at the EP and on behalf of Mogherini, two months before the EU-Turkey statement of 18 March 2016 (EC 2016a). Like the previous statement, this speech concerns the situation in the Southeast of Turkey, a Kurdish majority region. Hahn urged the Turkish government and the PKK to guarantee the rule of law in Turkey and to ensure international human rights standards. As in the last statement, it is recognised Turkey’s right “to defend itself

⁵³ Chapters 23 and 24 refer to the areas of ‘Judiciary and fundamental rights’ and ‘Justice, freedom and security’, respectively.

⁵⁴ The third set of peace talks between the Turkish government and the PKK started in 2013 but ended in 2015 (see Ozkahraman 2017).

against the PKK” (EC 2016a). In addition, Hahn reaffirmed the EC cooperation to work with the new Turkish government⁵⁵ on “all reforms in the areas of rule of law and fundamental rights, freedom of religion and expression” (EC 2016a). The last statement before the EU-Turkey statement is a joint statement between Hahn and Mogherini after a High-Level Political Dialogue with their Turkish counterparts Çavuşoğlu and Boz kır. Perhaps because this statement was delivered in Ankara, it does not contain any concern regarding the situation of human rights in Turkey. The only reference is to recall the determination of the Turkish government to the reforms in the area of the rule of law and fundamental rights.

As we can see the references to the human rights situation in Turkey on EC speeches and statements, before the EU-Turkey statement, was mainly limited to the Kurdish question and to freedom of expression. Nevertheless, the EC seemed committed to proceed with its efforts to a more democratic Turkey and even reflected some positive references in the first speech of Hahn (EC 2014a). The documents often refer to the rule of law and fundamental rights, which for the EU are two main core issues of the accession process. It is also the EU’s accession process, that has been revitalised in the first EU-Turkey summit, that plays an important role in the EU-Turkey relations, and by consequence in the EC discourse. Now the author will look to the next five documents, all issued after the EU-Turkey statement, to conclude if there was any change on EC discourse regarding the situation of the human rights in Turkey.

The first statement after the EU-Turkey statement of 18 March 2016, to have references to the word ‘right(s)’ was issued on 11 April 2016 (EC 2016e). However, this joint statement between Hahn and Jagland relates to the launch of the EU/CoE Horizontal Facility for Western Balkans and Turkey which was created to address “the challenges in the areas of rule of law and human rights” in that region (EC 2016e). Therefore, the statement has no mention to the situation of the human rights in Turkey but it shows that the EU, through this joint initiative is committed to supporting reforms that are expected to help to improve the human rights situation in Turkey. This support is a continuation from what we have seen before the EU-Turkey statement, but here involving a new actor.

The next document is a speech delivered by the President of the EC, Jean-Claude Juncker, at the EP in Strasbourg less than one month after the EU-Turkey statement, where he talked about the statement (EC 2016c). His speech in three languages has four references to ‘right(s)’. The first two references appear when Juncker explains that the EC has its own coordinator at the EU-Turkey border in order to make sure that the EU-Turkey statement is implemented according to European

⁵⁵ Turkey held snap general elections on 1 November 2015, and the new AKP government, with Ahmet Davutoğlu as Prime Minister, took office on 24 November 2015, with a parliamentary majority.

and international rights. However, we have seen in the previous subsection that the EU-Turkey statement itself lacks legality and compatibility with international law. Second and third references are related to the refugees. In the first case, Juncker is specific about children rights and in the second, it is when he directly refers to the rights of the refugees in a more broad way. However, in the later, Juncker also refers to the obligation that the refugees have to remain “in the country where he or she has been assigned to” (EC 2016c). This is a clear reference to the Dublin Regulation, as the refugees need to remain in the first country of their asylum request. Juncker added that “this is the only way to maintain order” (EC 2016c). As previously explored in this study, the EU is governing through risk and this Juncker’s quote shows that the EC is committed to keeping order at its external and internal borders and that the EU-Turkey statement is an important policy tool of this refugation-nexus in EU-Turkey relations.

Almost one year after the EU-Turkey statement, the EC issued another joint statement between Mogherini and Hahn, but it has only one reference to ‘right(s)’, and it is to the sovereign right of Turkey to decide over its system of government (EC 2017b). This joint statement comes at a time when Turkish people were about to vote in a referendum a change to the Turkish Constitution that would turn Turkey into a presidential system. Hahn and Mogherini showed their concerns, in unison with the Venice Commission of the CoE⁵⁶, about the proposed amendments to the Turkish Constitution that created an “excessive concentration of power in one office” (EC 2017b). This statement does also refer to the tension between some EU member states and Turkey regarding political rallies that the AKP wanted to organise in Europe. However, it states that this is a national matter concerning the EU member states, and the EU remains away from this tension.

Only one year after the previous statement, on 14 March 2018, there was another speech from the EC, this time from the Commissioner Avramopoulos (EC 2018a). His speech was dedicated to refugation issues. However, there is only one reference to “travellers’ basic right to apply for and be granted visas”, as his speech also focused on the EU visa policy (EC 2018a). The last document concerning the coded word ‘right(s)’ is a speech from Juncker at a joint press conference with Donald Tusk, President of the European Council, Boyko Borissov, Prime-Minister of Bulgaria, and Recep Tayyip Erdoğan, President of Turkey (EC 2018b). It is only one time that the word appears and it is related to possible intervention in Syria, that if it could happen, it would need to be done under the international law. However, and despite the friendly discourse towards Turkey in an attempt to calm down the tensions between the EU member states and Turkey, Juncker briefly mentioned the imprisonment of journalists in Turkey (EC 2018b).

⁵⁶ The *European Commission for Democracy through Law* is mainly known as the Venice Commission, which is an advisory body of the CoE with independent experts in constitutional law.

As seen from the quantitative content analysis of the documents from the EC, presented in the first subsection of this section, there was a change in the use of related ‘right(s)’ words. Despite the same amount of issued documents, there was a decrease from sixteen words to eleven words after the EU-Turkey statement. The qualitative content analysis presented in this subsection permitted to confirm that the EC discourse regarding the human rights situation in Turkey changed. The EC had a stronger voice regarding human rights violations in Turkey before the EU-Turkey statement. However, not as strong as one could expect from an EU institution. After the statement, the EC was more soft, as it was trying to calm down the tensions that occurred between the EU member states and Turkey, but there is also the EU-Turkey statement that needs to be kept in place in order to prevent another refugration crisis at EU external borders. These might be the reasons for this change in the EC discourse, as the human rights violations in Turkey have not decreased after the EU-Turkey statement. On the contrary, after the failed *coup d’état* on 15 July 2016 the number of imprisonments of journalists, academics and politicians increased rapidly⁵⁷, as well as the crackdown on the Kurdish people⁵⁸.

In addition, this analysis also permitted to find some top-down processes that showed how the EU exercises its power and dominance in EU-Turkey relations. This was also seen in the previous subsection in the case of the EU visa policy. Nevertheless, as Altafin et al. (2017, 143) remind the “human rights are not only aspirational values, but above all binding standards”. Thus, the EC should not forget EU advocacy role for human rights when they are being violated in third countries with which the EU reaches ‘deals’ and keeps ongoing accession talks. The low use of the word ‘right(s)’ to refer to refugrants shows that the EU, represented in this study by the EC, is not concerned about the rights of refugrants when it is promoting a refugration-border nexus in its relations with Turkey. Therefore, the current EC mandate could have done more in order to keep the EU’s advocacy for human rights free of criticism.

⁵⁷ As of 4 March 2019, 150.348 state officials, teachers, bureaucrats and academics dismissed; 500.650 investigated; 96.885 arrested; 3.003 schools, dormitories and universities shut down; 6.021 academics lost jobs; 4.463 judges, prosecutors dismissed; 189 media outlets shut down and 319 journalists arrested (Turkey Purge 2019).

⁵⁸ As of the end of 2018, ten HDP parliamentarians were in prison, including former HDP co-leader Selahattin Demirtaş, while others were stripped of their parliamentary seats; also during previous local mandate (new local elections were held on March 2019), the Turkish government has appointed trustees to 94 municipalities, in the Kurdish majority region, controlled by HDP’s sister party, the Democratic Regions Party, since 2014, and there were are also 50 co-mayors in jail on politically motivated terrorism charges (Human Rights Watch 2019b).

CONCLUSION AND FUTURE RESEARCH

The purpose of this study was to explore the refugration-border nexus by looking to the EU-Turkey statement of 18 March 2016, in the context of the EU-Turkey relations during the European refugrant crisis. The research questions set out to be answered were how the EU-Turkey statement of 18 March 2016 has become an important refugration-border nexus tool in the EU-Turkey relations and to what extent has the EU-Turkey statement of 18 March 2016 affected the EC discourse regarding the situation of human rights in Turkey. The discussion and analysis presented in this master thesis permitted to answer the aim and the research questions of this study, which draw the following two main conclusions: *first*, the EU-Turkey statement is an important policy tool of a refugration-border nexus that the EU started to promote in the EU-Turkey relations even before Turkey's accession process due to the unique geostrategic position of Turkey as the ultimate border between the East and the West; and *second*, the EU-Turkey statement has affected the EC discourse regarding the situation of human rights in Turkey, despite the growing human rights backlash in Turkey, the EC voice of human rights advocacy in Turkey has decreased after the EU-Turkey statement, as well it has left refugrants rights aside.

As the present study shows, the EU-Turkey statement of 18 March 2016 is an important milestone for the refugration-border nexus in the EU-Turkey relations. The EU-Turkey statement was negotiated in about three months and a half and it reflects the quick need that the EU and its member states had to find external partners to help the refugration management before the refugrants arrival at EU external borders, in order to take down the pressure at the Greek border. This was due to a lack of internal solidarity between EU member states. As seen, the EU border-work has pushed EU external borders to Turkey by a process of Europeanisation under a securitisation of migration framework. Thus, the EU borders start now somewhere within the Turkish border, where checkpoints control the refugrants who are looking for a better life in the EU. Therefore, the borderscape concept is useful to understand the current dynamics of the EU border-work in Turkey, that are interlinked with the securitisation of migration. However, this border-work started even before the European refugrant crisis, first with the goal to control the transnational organised crime, and then to control the refugration flows. Nevertheless, the EU-Turkey statement appears as the solution to safe the Schengen Agreement and to try to keep populist far-right

movements under control inside the EU. However, this had its costs, as the EU has been highly criticised by doing ‘deals’ with non-safe third countries such as Turkey, as the rights of the refugrants are not fully safeguarded, as well while, Turkish citizens face human rights violations.

The analysis of the speeches and statements from the EC showed that the refugration-related words amount to an important number of references in the EC discourse regarding Turkey. However, the analysis also shows that the same cannot be said about the references to ‘right(s)’ in the EC discourse. As seen and despite the same amount of documents before and after the EU-Turkey statement, there has been a decrease in the use of related words to ‘right(s)’. Therefore, the EC discourse regarding the situation of human rights in Turkey has been affected by the EU-Turkey statement. Which shows the interdependence between the EU and its member states with Turkey. As the EU side needs Turkey to defend the EU external borders against the ‘other’, it needs to be cautious about its advocacy role for human rights when addressing violations in Turkey. However, these actions might lead to disbelief on EU’s advocacy role for human rights worldwide. Once again, it shows the current importance of the EU-Turkey statement of 18 March 2016 on EU-Turkey relations. Nevertheless, the scope of this master thesis is not enough to understand the broad, long and complex relationship between the EU and Turkey.

The author attempted to give his contribution to the debates involving borders, human rights and refugration, in the context of the European refugrant crisis, and expects that this study can give rise to future researches in these thematics in order to keep ongoing discussions that seek to understand the complex situation created by the bad management of the EU external borders, during the European refugrant crisis. However, the conclusions of this master thesis need to take into account the fact that this study only covered EC documents related to Turkey. Thus, the author does not know if the changes in EC discourse regarding human rights are exclusive to Turkey or if they have also happened in relation to other third countries. The same goes to the refugration-border nexus, that might also play an important role in the EU relations with other third countries bordering the union.

Future research could involve other EU institutions, like the EP or the Council of the EU, in order to understand if the changes on EC discourse can also be found in their documents, regarding the human rights situation in Turkey. This would also permit to increase the number of documents analysed, as the present study has only focused on ten documents from the EC which had references to ‘right(s)’. As the data analysed is bigger, this might reach different conclusions than the present study. The same could be done in relation to the EU member states, in order to understand their

position regarding the EU-Turkey statement and the human rights situation in Turkey. An analysis of the EU member states might also bring surprising findings, as some of them diverge between them and with the EU on issues related to refugration and to borders.

In addition, the study of this master thesis could also be replicated to other third countries with which the EU or its member states have reached similar ‘deals’, such as the ‘deal’ between Spain and Morocco. This study could also be repeated in relation to other countries who are waiting to be part of the EU and had an important role during the European refugrant crisis, such it is the case of Northern Macedonia. A deeper analysis of what are the EU borders is also needed, as this could increase the importance of the borderscape concept in future studies. For instance, future researches could permit to understand if the concept of borderscape is useful to understand the EU border-work, as part of the accession talks and the refugration management, in other neighbouring countries of the EU, such is the case of the Western Balkans that are now an enclave in the EU. In addition, exploring the international organisations and NGOs side, in order to understand their reactions to the EU border-work in Turkey, and by consequence, its implications to the human rights of refugrants might also raise important findings, as they are often more critical of EU actions at its external borders.

To conclude, the EU needs to solve the internal problems between its member states, regarding issues related to the refugration-border nexus. If the EU and its member states are able to find legal ways to control the refugration flows this could strengthen EU global position as an example of a *human rights fortress* instead of a fortress Europe closed to the refugrants. It could also decrease EU dependence from third countries in controlling the refugration flows and border-security, and by consequence, the EU could be able to fully exercise its advocacy role for human rights. The EU could Europeanise Atatürk’s words “peace at home, peace in the world” to “peace at EU internal borders, peace at the external borders”, so refugrants would not have to take dangerous routes to reach a safe and peaceful place like the EU, and the EU could avoid human rights criticism.

*“Yurtta sulh,
Cihanda sulh”*
Mustafa Kemal Atatürk
Father of the Turkish Republic

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