ASSESSMENT OF THE EUROPEAN UNION'S NORMATIVE POWER WITHIN THE CONTEXT OF ITS MIGRATION POLICY

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ABSTRACT

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This thesis tries to assess the normative power of the European Union within the context of its migration policy. In line with this objective, the thesis first examines the concept of normative power Europe, the possible criteria to assess the credibility of the normative power Europe claim and the major criticisms raised against the concept. Then, the thesis continues with the discussions on the motivations of the EU member states in developing common migration policy at the EU level, the securitization of migration in the EU, and the externalization of the EU's migration policies. The major concern of this thesis is to examine whether the EU can be regarded as a normative power or not given its security-oriented external migration policy. By examining readmission and border management policies of the EU, the thesis tries to analyse the motivations, instruments and the impact of the EU's external migration policy. The analysis shows that securitization and the externalization strategy of the EU stand in stark contrast to normative power Europe claim in several respects. Control-oriented and restrictive migration policies and the way the EU externalizes its migration policies undermine the founding norms and principles of the EU. The thesis arrives at

the conclusion that the EU, with its current immigration and asylum policies, is not a normative power, but a realpolitik or status quo power at best.

Keywords: Normative power, the European Union, migration policy, Securitization, Externalization.

ÖZ

AVRUPA BİRLİĞİ'NİN NORMATİF GÜCÜNÜN GÖÇ POLİTİKASI BAĞLAMINDA DEĞERLENDİRİLMESİ

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Bu tez, Avrupa Birliği'nin normatif gücünü göç politikası bağlamında değerlendirmeye çalışmaktadır. Bu hedef doğrultusunda, tez ilk olarak normatif güç Avrupa kavramını, normatif güç Avrupa iddiasının güvenilirliğini değerlendirebilmek için olası kriterleri ve bu kavrama yöneltilen eleştirileri incelemektedir. Tez, daha sonra, AB ülkelerinin AB düzeyinde bir göç politikası geliştirmelerindeki temel motivasyonlar, göçün AB'de güvenlikleştirilmesi ve AB göç politikalarının dışsallaştırılması üzerine tartışmalarla devam etmiştir. Bu tezin temel kaygısı, güvenlik odaklı dış göç politikası göz önünde bulundurulduğunda, AB'nin normatif bir güç olarak kabul edilip edilemeyeceği konusunda bir inceleme yapmaktır. Tez, AB'nin geri kabul ve sınır yönetimi politikalarını inceleyerek, AB'nin dış göç politikasının motivasyonlarını, araçlarını ve etkisini analiz etmeye çalışmaktadır. Bu analiz, AB'nin güvenlikleştirme ve dışsallaştırma stratejisinin birçok açıdan normatif güç Avrupa iddiasına tam bir tezat teşkil ettiğini göstermiştir. Kontrol odaklı ve kısıtlayıcı göç politikaları ve AB'nin göç politikalarını dışsallaştırma şekli, AB'nin kuruluş normlarını ve ilkelerini zayıflatmaktadır. Tez, AB'nin, mevcut göç ve iltica

politikaları ile, normatif bir güç değil, realpolitik ya da en iyi ihtimalle statükocu bir güç olduğu sonucuna varmıştır.

Anahtar kelimeler: Normatif güç, Avrupa Birliği, göç politikası, güvenlikleştirme, dışsallaştırma.

To My Family

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CHAPTER 1

INTRODUCTION

The major aim of this thesis is to assess the normative power of the European Union within the context of its migration policy. In line with this objective, this study tries to answer following questions: What does the concept of normative power Europe claim? What could be the possible criteria to assess the credibility of the normative power Europe? What are the major criticisms against the concept of 'normative power Europe'? What are the motivations of the EU member states in developing a migration policy at the EU level? Why and how are migration policies securitized and externalized by the EU? Can the EU be called a normative power given the securitization and externalization strategy of the EU in its migration policy?

Although it is neither a state nor an international organization, the EU has been able to construct its distinctive identity in world politics. There emerged several theoretical conceptualizations in order to explain what kind of power the EU is in international affairs. Accordingly, the EU has been defined as civilian power (Duchéne,1973); normative power (Manners, 2002); both civilian and normative power (Diez, 2005); military power (Bull, 1982) and market power (Damro, 2010) and so on. What they have in common is that they try to explain the source of EU's power (such as physical capabilities or ideational power) as an international actor. Normative power Europe (Manners, 2002), with its emphasis on ideational impact of the EU as an international actor, distinguished itself from other categories of analysis that focus exclusively on physical capabilities of the EU to maintain its international presence. The analysis of normative power attracted scholarly attention in order to explain whether the EU's external policies are based on its ideational power or not, since the early 2000s (Manners, 2002; Whitman, 2011; Sjursen, 2006; Diez, 2005 and etc.) Research interest of this study is to examine whether the EU's external migration policy is based on ideational power.

When the founding members launched the European integration process in 1950s, integration and cooperation in the field of migration was not foreseen. However, both external (increase in cross border movements and asylum applications and growing concerns about cross-border crime) and internal factors (abolition of internal border controls) led to the formulation of migration policies at the EU level (Uçarer, 2010) Since the early 1980s, immigration and asylum policies, that were once enacted by the national ministries, have become a collective concern and common policies in order to deal with immigration and asylum questions were developed. Nick Wright argues that "[w]here integration is advanced, international action has been necessitated to safeguard what has been created" (2011, p.10) In the case of the EU, for instance, abolition of internal borders within the Schengen area and creation of area of freedom, security and justice (AFSJ) by the Amsterdam Treaty (1997) were accompanied with externalization of migration policies and increased cooperation with third countries in the management of migration control in order to protect internal security. In other words, external dimension of migration has been introduced in order to realize internal objectives.

Thus, it will not be erroneous to say that external migration policy has emerged out of security concerns rather than normative commitments of the EU in disseminating its norms and principles beyond its borders. For the very reason, external migration policy of the EU inspires interest to examine whether the EU could manage to act as a normative power in this highly sensitive and securitized policy area that emerged out strategic interests of the EU member states.

For a comprehensive analysis and assessment of normative power of the EU in the field of migration, it is vital to first examine the concept of normative power and its foundational elements and then to present historical and institutional development of EU-level migration policies, rules and standards. While doing these, the primary focus of thesis will be on securitization and externalization of migration management, two major characteristics of the EU migration policy, which are most likely to challenge normative power of the EU in several respects.

This study consists of three main chapters. The first chapter presents theoretical explanations on the concept of 'normative power Europe'. It starts with traditional

explanations of the EU's international role, mainly civilian and military power Europe, in order to distinguish normative power Europe from these traditional approaches. It must be stated that, Ian Manners, who coined the concept, observed notable differences between normative power and civilian power, which are sometimes used as if they are similar. Manners puts emphasis on normative basis and normative difference of the EU (2002, 2006b, 2008). He explains normative basis of the EU by analysing five core norms (peace, liberty, democracy, rule of law, and human rights) and four minor norms (social solidarity, anti-discrimination, sustainable development and good governance) which constitute fundamental principles and objectives of the EU expressed in its treaties. Stressing that having normative basis does not qualify the EU as a normative international actor, Manners underlines diffusion of these norms to the non-EU world so that the EU can shape "conceptions of 'normal' in international relations" (2002, p.239). He suggests six mechanisms of diffusion of these norms; namely, contagion, informational diffusion, procedural diffusion, transference, overt presence and cultural filter. The chapter continues with the discussion on what makes the EU a normative power and how one can assess its credibility. In order to assess the normative power of the EU, Manners evaluates principles, practices and impact of the Union's external relations. For Manners, the EU, to be normative power, should be "living by virtuous example", act as "being reasonable", and "do least harm" (Manners, 2008). In a similar manner, Nathalie Tocci (2007) examines goals, means and impact of foreign policy in assessing normative power. Accordingly, normative foreign policy should have normative goals (milieu goals), normative means (in compliance with law) and normative impact (consistency between declared intent and actual results). Lastly, this chapter will present major criticisms raised against normative power concept in theoretical and empirical grounds. Majority of criticisms focus on the clash between material incentives and normative commitments; militarization in the EU; lack of self-reflexivity, inclusivity and deliberation in external relations; double standards, hypocrisy, and inconsistency inherent in external policies; non-normative goals, means and impact of external policies, "Eurocentric" and "our size fits all" approach in external relations.

To be able to assess normative power of the EU, the second chapter will look at the historical and institutional development of migration policy at the EU level. In the first part of the chapter, major motivations behind formulating a common EU migration policy will be examined. Whereas European states favoured labour migration for the reconstruction of their economies in the post-war period until 1970s, their perception of immigrants started to change particularly with the economic crisis of 1970s. Since then, immigrants of 1950s and 60s have been perceived as a burden and threat to welfare state economies, leading to adoption of anti-immigrant and restrictive immigration policies. Since the end of the Cold War, large scale asylum flows to the EU and growing concerns of receiving states about national security and cultural identity resulted in a security-oriented approach towards migration issue. In this chapter, Europeanization of national migration policies will be analysed in two periods: pre-Amsterdam and post-Amsterdam period. In the pre-Amsterdam period, cooperation among member states in the field of migration started outside the framework of the European Community. Later, Maastricht Treaty formalized this intergovernmental cooperation under the third pillar on Justice and Home Affairs. Amsterdam Treaty was a turning point towards common migration policy given that it transformed migration and asylum issues from third pillar to 'Community' pillar. Nonetheless, despite communitarization of the migration policies, member states continued to be in driving seat, retaining their autonomy over supranational institutions. Objective of developing area of freedom, security and justice (AFSJ) and its accompanying measures to secure this area will illustrate that securitization of migration has been inseparably linked to the migration and asylum policies. Following the Amsterdam Treaty, action plans and programmes, Tampere (1999-2004), Hague (2005-2009) and Stockholm (2010-2014)- scheduled for the implementation of the Amsterdam provisions stressed the significance of external action and cooperation with third countries in order to tackle with illegal immigration. For this purpose, these programmes suggested concluding readmission agreements with third countries and developing effective return policies. By doing so, it was aimed to safeguard freedom, security, and justice in the EU.

In the second part of the chapter, securitization of migration will be discussed in theoretical and empirical grounds. Focusing on two distinct theoretical conceptualizations of securitization by leading theorists of the Copenhagen School (Barry Buzan and Ole Waever) and the Paris School (Didier Bigo), the role of discourses and practices in the securitization of migration will be examined. Then, securitization of migration in the EU, its motivations and instruments will be analysed in order to see whether migration is a real threat or it is constructed as such. Huysmans' (2000, 2006) study on three interrelated themes - internal security, cultural security and security of welfare state- will provide a useful analysis on the link between securitization of migration and the European integration process. Lastly, practices of Frontex will be examined in order to evaluate above mentioned theories of securitization. In sum, this chapter tries to indicate that supremacy of intergovernmental cooperation -despite increasing communitarization by the Amsterdam Treaty- and securitization of migration (restrictive and security-oriented policies) are two major trends in the development of common migration policy.

The final chapter aims to examine external dimension of migration and asylum policies and the assessment of 'normative power Europe' claim within the context of securitization and externalization of migration. In the first part of the chapter, historical development of external dimension of the EU migration policy will be presented in order to understand the major motivations of member states in integrating migration and asylum matters into the external affairs of the EU. In this regard, two distinct approaches to externalization of migration policies; namely, 'root cause' and 'remote control' approaches, will be discussed in order to provide an understanding on the objectives and instruments of cooperation with third countries. As it was by the Tampere European Council of 1999 that external dimension was officially introduced, key historical developments will be categorized into two periods - pre- and post-Tampere period. In these two periods, Council Conclusions and Communications of European Commission since the early years of 1990s will offer an insight into the early attempts to develop external dimension to migration policy. An analysis of the historical development of external migration policy will demonstrate that a comprehensive approach to migration that aims to address a wide array of issues

ranging from political, human rights to development issues, has been undermined by prioritization of security concerns and internal objectives. The chapter will continue with the instruments of externalization of migration policy in order to understand how the EU engages with third countries on the issue of management of immigration and asylum. In this regard, policy transfer to third countries will be explained by using the model (of adaptation to the EU policies) designed by Lavenex and Uçarer (2004). The use of conditionality, costs of non-adaptation and negative externalities are key determinants of the policy transfer in this model.

The second part of the chapter will assess the normative power Europe claim in light of securitization and externalization of migration policies. The focus of this part will be on what makes the EU a non-normative power since this thesis claims that motivations, instruments, security-oriented approach and externalization strategy of the EU are all in contradiction with the claim of normative power Europe. Widening gap between the EU refugee regime and the international refugee regime will be explained with reference to extension of the EU policies to Central and Eastern European Counties (CEECs). This will illustrate how the European refugee regime violates international refugee law and human rights. Readmission and border management policies of the EU will be analysed through key examples of cooperation with third countries. Turkey-EU readmission agreement (2013), Turkey-EU Joint Action Plan (2015), Turkey-EU migration deal (2016) and Italy-Libya bilateral cooperation (2008) and EU-Libya deal (2017) will be examined in order to evaluate readmission and return policies of the EU. Joint sea and land operations of Frontex in the Mediterranean region will also be examined in order to evaluate border management policies of the EU. These examples will illustrate non-normative goals, means and impact of the EU in its external migration policy, which will refute normative power Europe claim considerably. After all, the thesis arrives at the conclusion that the EU cannot be identified as a normative power given the contradiction between its restrictive, control and security-oriented migration policies and its founding values, norms and principles.

Since the EU's normative power has not yet been tested widely within the context of its external migration policy in comparison to the other foreign policy areas such as

environment and climate change policy, human rights policy and its neighbourhood policy, the assessment of the EU's normative power within the context of its migration policy aims to fill a gap in the literature.

This study will use a wide array of sources ranging from primary sources (official documents of the EU) such as EU treaties, European Council presidency conclusions, communications of the European Commission, action plans and programmes, resolutions, conventions, agreements, to secondary resources such as books, journal articles, working papers, and reports. Additionally, the official website of the EU serves as a significant source for this thesis, particularly in providing access to European law.

CHAPTER 2

NORMATIVE POWER OF THE EUROPEAN UNION

2.1 Introduction

It was in 1950s when the six original member states came to the table to found the European Community to reconstruct their economies after the devastating effects of the Second World War. In time, the Community has managed to become a union of twenty-eight-member states and a substantial international actor with its distinctive identity and the unique structure thanks to the processes of integration and enlargement. The processes of deepening and widening of the Union have automatically intensified the relations with the non-European world and thus required the EU to enhance its foreign policy instruments in order to strengthen its presence and legitimacy in the international community. It was these developments within the Union that led many to discuss the international status, role and the identity of the Union with references to the specific power categories such as military, civilian and normative power Europe considering the instruments of the EU in its external relations and also in its internal policy-building.

The European Union is generally accepted as a sui generis entity; neither a state nor an international organization, but in between. This characteristic provides the Union with a kind of opportunity in defining its international role and identity as distinct from other actors in the international sphere. For the last few decades, emphasis on the components of normative power in portraying the Union's role in its external relations is more commonly seen in the literature as well as in the EU treaties, declarations and the discourses. Since the end of the Cold War, and particularly with the introduction of the new concept of 'normative power Europe' (NPE) by Ian Manners, in 2002, in

his seminal work[1], discussions over the foundations of the Union with respect to its norms, principles and values and their implementation within the EU policies has intensified (Whitman, 2011). In this environment, there have also been many criticisms against the 'normative power Europe'. While some of these criticisms argued that having only normative power is not enough for the EU to assert itself as an actor in the international arena, some of them underlined the problems in its implementation especially in the external policies of the Union.

In order to analyse and evaluate the immigration and asylum policies of the EU deeply, with its internal and external dimensions, within the 'normative power' framework, there is a need for detailed examination and clarification of the conceptualization of the EU as a 'normative power Europe'. While doing so, it is essential to evaluate other theoretical approaches and power categories associated with the EU in the literature, in order to distinguish the normative basis of the EU from the traditional conceptualizations of the Union, such as civilian and military power Europe. Therefore, this chapter tries to answer the questions of what the rational basis of the traditional explanations and conceptualizations of the EU's international role is, what the normative basis of the European Union is and how this normative basis asserts itself in the relations of the EU with the rest of the world and becomes normative power of the Union, what the possible criteria to assess the normative power of the Union could be, and what the major criticisms against the concept of 'normative power Europe' are. The answers to these questions are critical in the current discussion of the international role of the Union.

2.2 Traditional conceptualizations of the EU's international role

The concepts of 'civilian power' suggested by Francois Duchéne in 1970s and 'military power' supported prominently by Hedley Bull in 1980s are the main concerns

[1] The article of Manners called Normative Power Europe: A Contradiction in Terms? published in 2002 in JCMS, is the major reference point for most of the academicians in this field for the discussions of the EU's regional and global actorness as well as its internal integration process.

of this section. These theoretical approaches define their own reasons of what kind of international actor the EU should be in order to promote and maintain its international presence. Thus, the main discussion here will be on the suggestions from the both sides for the EU to perpetuate its presence in international arena, rather than the civilian or military achievements of the EU.

2.2.1 Civilian Power Europe

Most of the discussions on the civilian power Europe took the analysis of Francois Duchéne, the first name to suggest this concept, as a reference point. According to Duchéne (1973, p.19-20), the European Community is a civilian power, long on economic power and relatively short on armed force, with its ability to "domesticate" the relations within the Union as well as with the states outside its frontiers and "this means trying to bring to international problems the sense of common responsibility and structures of contractual politics which have in the past been associated almost exclusively with 'home' and not foreign, that is alien, affairs". Duchéne argued that the strength of the EU as an international actor relies on its ability to spread its own model of providing security and stability through civilian (economic and political) means rather than military means (1972, cited in Sjursen, 2007, p.1). Developing Duchéne's argument on civilian power, Hanns Maull defined the concept as the following:

> the acceptance of the necessity of cooperation with others in the pursuit of international objectives; the concentration on non-military, primarily economic, means to secure national goals, with military power left as a residual instrument serving essentially to safeguard other means of international interaction; and a willingness to develop supranational structures to address critical issues of international management (1990, p.92-93).

Depending on what Maull (1990) and Twitchett (1976, cited in Manners, 2002, p.236) suggested to become a civilian power, Manners emphasizes three key features of the EU's civilian power; "centrality of economic power to achieve national goals, the primacy of diplomatic co-operation to solve international problems, and the willingness to use legally-binding supranational institutions to achieve international

progress" (2002, p.236-237). Although the instruments and ends of the civilian power had much been emphasized in the EU's treaties, declarations and documents, the criticisms about its ineffectiveness, prominently by Hedley Bull (1982) due to its deficiency of military power, started a new discussion over the international role of the EU as a military power.

2.2.2. Military Power Europe

The concept of 'military power Europe' takes its roots from the realist analysis.[2] According to the realist theory of international relations, "power is the currency of international politics" (Mearsheimer, 2010, p.78). The realists suggest that states as rational actors try to maximize their military capabilities to survive in an anarchic system where there is no higher authority above states (Mearsheimer, 2010). Claiming that the states of Western Europe rely on the power of the United States for providing their security rather than on their own capabilities, Hedley Bull suggested that these nations should increase their military power to ensure self-sufficiency in defence and security due to three reasons. Writing in 1980s, Bull gave these reasons as follows; diverging interests vis-à-vis the United States, enduring Soviet threat to Western Europe and removing obstacles to regeneration of Europe (1982, p. 151-157). He proposed several steps through which the EU would be self-sufficient in its own security and defence. These steps are: possessing nuclear deterrent forces, enhancing their conventional forces, having more prominent role played by West Germany in counterpoising the Soviet Union and in taking political and strategic decisions, involvement and commitment of France in a Europeanist strategic policy, change of policy in Britain in favour of European defence identity, and lastly watchful co-existence with the U.S and the Soviet Union (Bull, 1982, p.157-163). Although these suggestions were made during Cold War in which realpolitik was dominant, a military component was developed within the framework of the European Security and

[2] In this section, the historical developments towards military power in the EU will not be examined. Rather, the major aim is to clarify briefly the features of the concept of military power as distinct from civilian and normative power categories.

Defence Policy (ESDP) starting in 1999 Cologne European Council which stressed the importance of "credible military forces" in assuming conflict prevention and crisis management tasks (European Council, 1999a, Annex III). For Kagan (2003, p. 4, 57), Europe is "moving beyond power into a self-contained world of laws and rules" and preferred the "Kantian world of perpetual peace" rather than "Hobbesian world of anarchy". Kagan interprets the EU's interest in a world where economic and soft power matter more than military strength and hard power as a natural result of the Europe's relative weakness vis-à-vis the American unilateralism and thus the former's interest in devaluing what they do not have, that is military power (2003, p.37-38) Thus, according to this line of thinking, the EU's civilian power and its insistence on the means of soft-power and international law and institutions is caused not by choice, but by necessity, in the sense that, the preference for civilian means is the result of insufficient military capability. However, Sjursen problematizes this way of thinking by emphasizing the fact that under the Security Strategy of the EU, use of military force is not the first choice to apply for the promotion of stability. On the contrary, civilian instruments such as the economic instruments, trade and development policies, and assistance programmes are deployed under the Security Strategy in tackling with the new threats of post-Cold War era (2006, p.238).

Manners emphasizes three commonalities of military power suggested by Bull and civilian power asserted by Duchéne. These common points are the centrality of the Westphalian nation-state, emphasis on the economic or military capabilities and thus valuing direct physical power and lastly both approaches' perception of the European interests as prominent (2002, p.238). For Manners, it is the "collapse of norms", not "collapse of power of force", that explains the end of Cold War and collapse of Eastern regimes (2002, p.238) Hence, Manners intentionally lays emphasis on these common points with the aim of distinguishing normative power Europe and role of ideas and norms from these traditional approaches as will be seen in the next 'normative power Europe' section.

2.3 Normative Power Europe

In the analysis of the normative power, the studies of Ian Manners, particularly his article called '*Normative Power Europe: A Contradiction in Terms',* have become the major reference point within the academic community. In the normative power approach, the emphasis is on the ideational impact of the EU rather than its empirical capabilities. Manners (2002) states in his article that the idea of normative power was also present in the works of Edward Hallett Carr, François Duchéne, and Johan Galtung. Accordingly, while Carr (1962) used the concept of 'power over opinion', Duchéne (1973) used 'idee force' and Galtung (1973) suggested 'ideological power' in their analysis in order to distinguish the sources of power (cited in Manners, 2002, p.239).

The major difference of the concept of normative power from the previous traditional theoretical approaches to power, is its focus on the norms and principles as well as its desire to transcend the Westphalian conventions (Manners, 2002). According to Manners, there are three key factors in explaining the normative difference of the Union. The first one is the 'historical context' in which the European Community was founded with the ideal of preserving peace and stability disregarding the nationalist sentiments which led to the devastating wars; the second one is its 'hybrid polity' as inclusive of supranational and intergovernmental models of governance transcending the Westphalian order, and the third one is its elite-driven 'political-legal constitution' that is based on the principles and norms as stated in the declarations and treaties (Manners, 2002, p.240-241). Thus, Manners distinguishes the normative power Europe with its distinctive international identity from the pre-existing political forms, which prompts the EU to act in a normative way in international relations (2002, p.242). In this vein, he suggests that there is an '*ontological quality'* of the EU as a normative power as the changer of norms; a '*positivist quantity'* to it as it is acting to change norms and lastly a '*normative quality'* to it as the EU ought to act to diffuse its norms into the international system (2002, p.252).

Manners (2006a) in his article, called '*The European Union as a Normative Power: A Response to Thomas Diez*', claimed that the concept of 'normative power' is not

embedded in the 'civilian power' as suggested by Diez[3]. On the contrary, it is substantially different from the civilian power in several ways. Firstly, in contrast to civilizing missions of the civilian power, normative power concept is not involved in neo-colonial discourses of civilization of international relations. Secondly, while the civilian power just like the 'military power' gives importance to the physical capabilities, in 'normative power' non-material gains such as the diffusion of the EU norms and principles are given prominence. Thirdly, while the texts on civilian power give priority to the communitarian elements, offering benefits only to those exercising it, normative power is based on universal norms and principles thus having a cosmopolitan nature. Fourthly, in contrast to the emphasis of the civilian power on the international society and status quo of international relations which is the continuation of Westphalian type of world politics, normative power transcends the Westphalian order by emphasizing the world society. Lastly, while there is nothing indeed normative about the civilian power Europe, if one accepts the 'should, ought or good' as normative, due to much emphasis on the materialist strategies and self-interest, the aim of normative theorising of the EU is to move away from these state-centric, Cold War approaches (2006a, p.175-177).

2.3.1 Explaining the Normative Basis and Normative Difference of the EU

The normative basis of the EU, according to Manners, comes substantially from its treaties as well as from its declarations and policies. For him, there are basically five core norms; peace, liberty, democracy, rule of law, and human rights and four minor norms; social solidarity, anti-discrimination, sustainable development and good governance that are associated with the Union (Manners, 2001, p.10-11). All these

[3] Thomas Diez made this suggestion in his article called "Constructing the Self and Changing Others: Reconsidering 'Normative Power Europe', in 2005.

norms constitute the fundamental rights, founding principles, tasks and objectives of the Union as stated in the treaties. The article 1a of Lisbon Treaty (2007)[4] states that:

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

In addition to the emphasis on the norms and principles that constitute the foundations of the Union, the Lisbon Treaty also addresses to the implementation of them in the external relations of the EU. In that sense, the article 10 A of the Lisbon Treaty (2007) states that:

> The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

Explaining these norms and principles through references to their legal basis is critical in understanding the constitutive nature of them. The first of the five core norms is 'peace' which is set out in the preambles of the treaties establishing the ECSC (1951), the European Communities (TEC, 1957) and the EU (TEU, 1992). As emphasized by Manners, and stated in the article 2-1 of the Lisbon Treaty (2007), "the Union's aim is to promote peace, its values and the well-being of its people". According to Manners, this core norm is reflected in the principle of 'sustainable peace' which aims to prevent conflicts by addressing the root causes of the conflicts and deploying conflict prevention instruments such as "development aid, trade, interregional cooperation and dialogue" (2008, p.48-49). The second core norm suggested by Manners is the idea of liberty which is found again in the preambles of the TEC and TEU and set out in the article 6 of the TEU as one of the four foundational principles in addition to the

[4] The Treaty of Lisbon signed in 2007, amending the Treaty on European Union (The Maastricht Treaty) and the Treaty Establishing The European Community (TEC).

principles of democracy, rule of law and human rights (2002, p.242). The idea of liberty is translated into the principle of social liberty or freedom which is the second objective of the EU as stated in the article 2-2 of the Reform Treaty or the Treaty of Lisbon (2007). Under the principle of the 'social freedom', four freedoms concerning the single market -free movement of goods, workers, capital and services-, free trade and market access through trade liberalization agreements with third countries (in the form of association agreements, partnership and cooperation agreements and so on) and the fundamental freedoms such as the freedom of expression or assembly are promoted within the EU (Manners, 2008, p.49-50). The third core norm is 'democracy', which is one of the substantial norms of the Union since its foundation. First codified in the 1970 Luxembourg Report which stated that only democratic states with freely elected parliaments can join the EC, democracy promotion by the Union was more explicit for membership condition and for conditionality of development aid, particularly in 1990s (Manners, 2006b, p.34). The principle of 'consensual democracy' involves proportional representation electoral systems, coalition governments, and power sharing amongst parties (Manners, 2006b, p.34; 2008, p.50). According to the Treaty of Lisbon, there are three ways for promoting and consolidating democracy; firstly, through the provisions on democratic principles such as democratic equality, direct representation of citizens, and participatory democracy, secondly through protecting democratic institutions from any terrorist attack, which is set out in the article 188R-1(a) under the solidarity clause, and lastly through enlargement, neighbourhood, and development policies (Manners, 2008, p.50). The fourth core norm is 'human rights' which has undergone several stages through the European Convention on Human Rights, the interpretations of ECJ in 1960s and 1970s, the 1973 Copenhagen Declaration on 'European Identity', and active participation of the EP in support of human rights and so on (Manners, 2006b, p.34). Article 6 of Lisbon Treaty (2007) puts emphasis on the fundamental freedoms with references to the Charter of Fundamental Freedoms of the EU and ECHR. The last core norm suggested by Manners is the 'rule of law' which is set out in the general provisions on the Union's external action, the article 10A-1 and 10A-2(b) of the Lisbon Treaty (2007), in addition to the preambles of EU treaties. According to Manners, the 'supranational rule of law' refers to the EU's commitment to communitarian law (the

acquis communautaire), international law (participation of the EU member states in supranational law above the EU in accordance with the principles of the UN) and cosmopolitan law (participation of the EU in humanitarian law) (2002, p.241; 2008, p.51).

In addition to these above-mentioned core norms and associated principles, there are also four minor norms identified by Manners. The first minor norm is 'social solidarity' which is explicit in the Lisbon Treaty such as in the article 1a, article 2-3, article 2-5, and in the general provisions on the Union's external action (article 10a-1). In these articles, 'social solidarity principle' is promoted with references to the objectives of the Reform Treaty such as intergenerational solidarity, full employment, combating social exclusion, ensuring social justice and protection, promoting interstate solidarity, labour solidarity, free and fair trade, eradication of poverty, balanced economic growth, improving the quality of the environment and promoting social market economy (Lisbon Treaty, 2007; Manners, 2008, p.53). The second norm is 'anti-discrimination' which is translated into the principle of 'inclusive equality' and found in the article 2-3 of the Lisbon Treaty and also in the 2000 Charter of Fundamental Rights of the Union. This principle is promoted through the objectives of combating any discrimination based on, for instance, race, colour, sex, ethnic origin, religion, opinion, disability, membership of a national minority, and promoting equality (Manners, 2008, p.52-53)[5].'Sustainable development' is the third minor norm and found in the article 2-3, article 2-5 and article 10 A-2(f) of the Lisbon Treaty. This principle aims to provide a balance between environmental and economic interests. As stated in the relevant articles of the Lisbon Treaty, the Union tries to promote this principle through advocating international environmental protection, balancing economic growth and environmental protection, integrating sustainable development into the internal and external policies of the Union, diffusing the principle beyond the Union via its enlargement, trade and environmental policies and helping developing countries in their social, economic, and environmental development (Lisbon Treaty,

[5] See Chapter III of the Charter on "equality" (articles 20-26). Retrieved from: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

2007, articles 2-3, 10A-2(d), 10A-2(f)). The last minor norm is 'good governance' which is found in the article 10a-2(h) of the Lisbon Treaty with an emphasis on the promotion of 'international system based on stronger multilateral cooperation and good global governance' (2007). Participation of civil society, multilateral cooperation, openness, transparency and democratic participation are the key elements of the good governance (Manners, 2008, p.54-55).

Having these normative principles and applying them internally is not sufficient for the EU to be an international normative power. Therefore, it is necessary to analyse the EU's diffusion of these norms to the wider world (Manners, 2002).

2.3.2 The Diffusion of the EU norms and principles to the wider world

Diffusion of EU norms intentionally or unintentionally to the rest of the world is critical to understand how the EU is able to shape what is 'normal' in international relations (Manners, 2002, p.239). Manners suggested six mechanisms of diffusion of these norms in international relations; namely, contagion, informational diffusion, procedural diffusion, transference, overt presence and cultural filter. By 'contagion' diffusion of norms, Manners refers to the symbolic manifestations of the EU with respect to its regional integration such as 'four freedoms', 'single currency', 'Copenhagen criteria', 'unity in diversity', 'creation of common high authority', 'rules-based system' and so on, which are crucial in disseminating the ideas of the EU to the non-EU world. For instance, Mercosur and the African Union[6] are regional organizations that imitated the EU model in their regional integration processes (2006e, p.76). Secondly, the norms can also be diffused through the 'informational diffusion' which occurs through the strategic and declaratory communications; for instance, new policy initiatives by the EU or initiatives from the president of the Commission, which make references to the symbolic discourses of the EU's normative role (Manners, 2002, p.244; 2006e, p.77) 'Procedural diffusion' is another way of

[6] The African Union's administrative Commission, Pan-African Parliament and Court of Justice, Executive Council are the indicators of this imitation (Manners, 2006e, p.77).

diffusion of norms which occurs through the institutionalization of the relationship between the EU and the third parties. For instance, inter-regional cooperation agreements such as inter-regional dialogue with the Southern African Development Community, membership of the EU in an international organization such as World Trade Organization or negotiations with the accession countries such as Central and Eastern European Countries in the enlargement process (Manners, 2002, p.244). Fourthly, 'transference' diffusion takes place through the transfer of goods, aid or technical assistance to the third parties such as the European development fund to the African, Caribbean and Pacific states (2002, p.245). 'Overt diffusion' occurs when the EU is physically present in third states or in international organizations. The common EU positions and symbolic manifestations of the EU in the UN organs or presence of Commission delegations, the President of Commission and foreign ministers in the third countries could exemplify overt diffusion (Manners, 2006e, p.79). The last mechanism in the diffusion of norms is the 'cultural filter' which is critical in affecting the impact of norms and political learning in the third parties and organisations and in the interpretation of the EU's symbolic manifestations. Diffusing human rights in Turkey or democratic norms in China are given as examples to the cultural filter in third countries (2002, p.245)

The following two sections try to elaborate what makes the EU a normative power in addition to the above-mentioned principles and instruments of diffusion and to analyse the ways by which one can judge the normative ethics of the EU. These will help assess the credibility of the concept of the 'normative power Europe' in the Union's external relations and policies, particularly, in its migration policy, which is the focus of this study.

2.3.3 What is normative about the EU?

In addition to the substantial contributions of Manners on being normative power, there are also several arguments on what is normative about the EU. The following concepts indicate the basis of these arguments that propose how the EU may obtain normative power; 'self-binding', 'vanishing mediator', 'deliberation', 'reflexivity',

and 'inclusion' (Manners, 2006c, p.119)[7]. Firstly, Sjursen claims that in order to prevent the risks of hypocrisy and inconsistency in the application and pursuit of norms as well as to avoid the risk of actors' pursuing their own interests, there is a need for common rules or legal principles that the EU will act accordingly in its external initiatives. The EU binds itself through the international law, which is a strong indicator of being normative power. For Sjursen, acting in accordance with the international legal principles would be to act in a normative way (2006, p.244-245). Secondly, the EU as a 'vanishing mediator' portrays the EU as 'transitory institution, force, community, or spiritual formation that creates the conditions for a new society and a new civilizational pattern' (Balibar, 2003, p.334). Then the EU will vanish in time through its mediation not in the sense that its members or institutions disappear but they will relatively lose their power as 'forces of change' when they become 'normal' in time in the new society created by the mediation of the EU itself (Manners, 2006c, p. 119-120). In other words, the role of the EU as a mediator in creating this new society ends, not the EU itself. Thirdly, 'deliberation' is also suggested as a critical indicator of being normative power. Sjursen (2002), based on the communicative action theory of Jurgen Habermas, underlines that rights-based normative justifications should refer to universal standards of justice and universal norms and principles rather than referring to the utility calculations or to the values and perceptions of a particular community. The principles, which are major reference points in justifying and legitimizing the policy in issue, should be recognized as 'just' by all the actors concerned regardless of their particular interests or cultural identity (Sjursen, 2002, p.495). Thus, deliberation basically refers to a "communicative process", or "process of reason-giving" in which the EU explains and justifies its actions on the ground of universal norms and principles (Sjursen, 2006, p.244; Eriksen, 2006).

'Reflexivity' is another characteristic that the normative power EU should have according to Diez. He thinks that in order for normative power discourse to stay credible in international relations, it should include high degree of self-reflexivity in

[7] These arguments were examined by Manners, in his article called "*European Union, normative power and ethical foreign policy",* to see the contribution of literature on being normative (2006c, p. 119-121).

constructing the identity of the EU vis-à-vis the 'others'. That practice of construction of the EU's identity as well as that of others would "allow EU actors to disregard their own shortcomings unless a degree of self-reflexivity is inserted" (2005, p.626-627). Hence, for him, reflexivity is important element to be included especially in the practices of othering such as creating existential threat, constructing the other as inferior or as violators of the universal principles and so on, which reduces the risk of violation of norms and the "possibility of legitimising the harmful interference with the other" (2005, p.627,632). Lastly, 'inclusivity' is suggested to be an essential element of normative power Europe. Federica Bicchi supports a cosmopolitan nature of normative power and argues that external actors should be included in the process of policy-making whenever they are affected by the policies of the EU. Thus, in order to be normatively justifiable, the EU should 'give a voice' to people beyond its borders, rather than 'speaking for' them. For her, reflexivity also requires the EU to critically analyse the effects of its external policies on the projected area (2006, p.287,288)[8].

Although, as seen from the above discussions, there are multiple answers to the question of what is normative about the European Union in the literature, there is a need for further clarification of the assessment criteria in order to be able to evaluate or more precisely to assess the claims for the Union to be normative power in its external as well as internal affairs. The next section will elaborate on this issue.

2.3.4 How to judge or assess the Normative Power Europe?

In this section, possible assessment criteria in order to assess the normative power Europe in world politics are analysed. Thus, the main aim of this section is to underline the ways in which the claims for the EU to be normative power can be evaluated.

[8] For the analysis of the European foreign policy (EFP), Bicchi raises a very critical question with respect to reflexivity in EFP: "to what extent is the action of the EU based on a 'conscious' effort on the part of the EU foreign policy-makers to critically analyse the expected consequences of norm promotion for all parties involved and adapt EFP accordingly? (2006, p.288-289). In the light of this question, the last chapter of the thesis will discuss to what extent 'reflexivity' is included in the EU's external migration policy.

Indeed, the literature in the study of the EU tells much about these possible assessment standards and criteria, which are highly related with the above discussion on what the EU should have in order to be a normative power.

According to Sjursen, concepts of normative, civilian or ethical power whose common claim is the EU's being a 'force for good', lack any criteria which would enable to identify, certify or refuse such claims regarding the EU's normativeness. In this sense, she rightfully asks that "how do we know if 'acting in a normative way' is actually a 'good thing'?" and "how do we know a normative power when we see it"? (2006, p. 236, 242). To this aim, she underlines some plausible distinguishing characteristics of normative power, which could also be considered as possible assessment standard. It involves, for instance, tackling with power politics and transforming its parameters through strengthening international and cosmopolitan law with a major reference to the rights of individuals (2006, p.236).

Describing the discussion on the soft versus hard instruments as a false debate in normative power argument, Sjursen emphasizes that the use of military means might not always be in contradiction with the normative power. In other words, while the use of civilian or soft instruments such as economic sanctions may result in a serious damage for civilians, use of military means may prevent the violations of particular norms and may inhibit the crisis before the situation become graver and thus increase the credibility of the EU in the wider world. Thus, for her, normative power cannot be identified only through the use of non-military means (2006, p.238-239). As suggested by Eriksen, the legitimacy of the polity does not come from the absence of military force, but rather from the way it uses force. The threat of force can only be legitimate if it is used for the protection of human rights, rather than using it "autonomously or at will" (2006, p.266).

Another possible criterion to judge the validity of the Union's normative dimension, or 'legitimate pursuit of norms' consistently, in the words of Sjursen, may be to look at the 'principle of universalization' which asserts that a norm can be valid if it meets the condition of being accepted by all the parties affected by the consequences of the pursuit of that norm. (2006, p.243). Here, Sjursen refers to the Habermas'

communicative action theory[9] which asserts that actors are rational to the extent that they are able to justify their actions in line with the norms having intersubjective recognition. Furthermore, Sjursen also emphasizes that in justifying norms one should also know whether they are applicable and correct in a particular context especially in the case of contrasting universal norms (2006, p.243). Nevertheless, Sjursen thinks that these possible criteria are not adequate alone to end the suspicions about the EU' pursuing self-interest rather than promoting norms and about its inconsistent internal and external standards. Sjursen, suggests that the hypocrisy and inconsistency in the application of norms might be overcome through strengthening the law-based international order with an emphasis on the principle of human rights and the cosmopolitan order and also through binding itself to the same legal rules that are accepted intersubjectively by all the actors of international system (2006, p. 244-246).

Ian Manners, who introduced the concept of normative power, also questions the ways in which the normative power of the Union may be judged through references to its principles, actions and the impact in world politics. Manners strongly emphasizes in his studies that the EU's normative dimension is sustainable merely on the condition of its acceptance as legitimate by the actors who practices and experience it (2008, p.46). By using tripartite analysis, Manners evaluates the Union's principles, practices and impact with references to approaches in normative ethics; namely, virtue ethics, deontological ethics, and consequentialist ethics (2008, p.56-60). In the first part of the analysis, principles of the Union are evaluated with reference to the virtue ethics which emphasizes moral character or virtues. Hence the focus is on the virtues or traits that guide the Union in its external actions. In this context, as 'living by virtuous example', the EU is expected to have coherence and consistency in promoting its principles and in pursuit of policies. By coherence**,** it is meant that the EU does not only promote its own norms, but its core principles and objectives also should come from the international treaties such as UN Charter or Universal Declaration of Human Rights and thus carrying a more universal character.

[9] For further information on 'communicative action theory', see Jurgen Habermas. (1990). Moral Consciousness and Communicative Action.

By consistency it is suggested that the EU itself should also comply with the norms and principles it promotes in its external actions and thus avoids hypocrisy (2008, p.56). In the second part of the analysis, Manners looks at the actions and policies of the EU in promoting its principles with reference to the deontological ethics. Deontological ethics puts strong emphasis on the rationalization of duties and rules through the establishment of domestic and international law that conduct the external actions of the EU. In this sense, as 'being reasonable', the EU should get involved in engagement and dialogue in order to provide the means of its external actions. While engagement involves institutionalization of communication and partnership such as through the European Neighbourhood Policy, dialogue entails a reciprocal deliberation and negotiation in reasoning the merits of the Union's actions such as the negotiation of action plans. Accordingly, the EU should use 'persuasion', 'argument' and 'shaming' rather than illegitimate means in its normative actions (2008, p.57-58). Lastly, in the third part of the analysis, Manners looks at the impact or the consequences of the EU actions with reference to the consequentialist ethics. Rather than emphasizing the motivations behind the actions, the consequentialist ethics focuses on the impacts and the implications of the EU action or inaction for the others outside the Union. In this regard, the EU should 'do least harm' in shaping the world politics through the reflexive thinking about the impact of its actions on the others and through the practices of other empowering rather than just self-empowering by supporting local ownership and positive conditionality (2008, p.59). By setting this tripartite analysis, Manners tries to assess the normative of the EU by looking at whether the EU's external actions are for achieving 'a more just and cosmopolitical world' (2008, p.60).

Tocci is also among the scholars who want to test the validity and credibility of the claims that identify the Union as a normative power. For Tocci, in order to assess such claims of normativity, there is a need for a clear definition of normative foreign policy that is based on universally accepted and legitimate standards (2007). In Tocci's view, normative foreign policy has three dimensions; namely, normative goals, normative means and normative impact which are critical in setting the standards for assessing the normative power of the EU (2007, p.3). Emphasizing the difficulty in

distinguishing the normative foreign policy goals from the non-normative ones depending on the distinction between values and interests or the distinction between normative goals and strategic goals, Tocci uses the distinction between 'milieu' goals and 'possession' goals referring to the Wolfer's definition. According to Wolfer, cited in Tocci (2007, p.4), while the possession goals refer to the national possessions that a nation seeks to develop or preserve, the milieu goals are for shaping the environment of a nation and the conditions beyond its borders through promoting international law, organizations and regimes. The major objective of the normative foreign policy goals is then to shape the milieu through the international regulation that binds all the actors in the system decreasing the jeopardy of inconsistent and selective behaviours especially in promoting their own norms. Thus, a normative boundary comes from the universally accepted and binding legal rules (Tocci, 2007, p.4). The second dimension of normative foreign policy entails the use of normative means. Tocci emphasizes that rather than only looking at the type of the instruments such as civilian or military ones in defining the normative means, the focus should be on 'how' these means are utilized. In other words, using soft methods or civilian means such as persuasion or cooperation may not always be more normative than the coercive methods such as sanctions or conditionality, if they are used in an illegitimate way. Thus, Tocci gives a similar suggestion for the definition of normative means as she gives for the normative goals, that is normative instruments regardless of their type should be used in compliance with the law (2007, p.6). As a last dimension of normative foreign policy, Tocci underlines the significance of 'normative impact' in order to assess whether there is consistency between foreign policy objectives or declared intent and actual results. For instance, if declared intent is to improve the rights of refugees and asylum seekers, but the action is directed towards the containment of migration inflows, thus prioritizing the possession goals, the normative goal becomes meaningless (2007, p.7). Eriksen also thinks that a tendency to act on good motivations is not itself enough to identify a polity as a normative power unless it respects fundamental humanitarian principles and consider the interests of others and binds its actions to a higher-ranking law (2006, p.252-253).

As seen in the discussions above, the normative power of the polity cannot be judged only on the basis of the norms it possesses. A close examination of its actions and the actual results of these actions is also necessary. In evaluating the common migration policy of the Union in the following chapters, this criterion will be used to measure the credibility of the claims that define the EU as a normative power in this area.

Having discussed the meaning of the concept of normative power, normative characteristics of the Union and the criteria to assess normative power, this chapter will lastly focus on the criticisms and challenges faced by the normative power concept in the next section.

2.3.5 The criticisms against the Normative Power Europe

The concept of the normative power Europe has been criticized on many grounds. While some of these criticisms emphasise the inadequacy of the concept in defining the international role and identity of the EU, some underline the challenges to the concept on both theoretical and empirical grounds.

To begin with, the most severe criticism comes from the structural-realist scholars. Claiming that the nature of and dynamics behind the Union's foreign and security policy can be best explained through the analysis of the structural distribution of power, the structural-realist approach criticises the liberal- idealist conceptualizations of the EU as a normative or civilian power in several points. Emphasizing the states as the primary actors of the international system, the structural-realist viewpoint does not identify the EU as an international actor but rather as a means used by its member states for their collective interests (Hyde-Price, 2006, p.217). According to this approach, the EU serves for the interests of its larger member states in their attempt to shape and maintain the stability in its milieu as well as for the ethical concerns of its member states such as environmental protection, promoting human rights or democracy which are called as 'second-order' concerns. Nevertheless, the realists suggest that although states are not only motivated by maximizing their power and security but also by ethical concerns, member states of the Union do not allow the EU

to act as an advocator of ethical values when these are in conflict with the core national interests (Hyde-Price, 2006, p. 222-223). In sum, the structural-realist approach remarks that the EU cannot be a normative power in dealing with its environment; on the contrary, it is a vehicle used by its powerful members in order to exercise a hegemonic power collectively in shaping its milieu in such a way that it will serve for their strategic and economic interests (Hyde-Price, 2006, p.226-227).

The concept of normative power Europe is also criticised due to the recent militarization taking place within the EU's security strategy. Manners, as the introducer of the concept thinks that the military power of the EU is not in contradiction with its normative power, on the contrary if it is used legitimately for the normative goals with a critical reflection, this can even promote the normative quality of the Union. Nonetheless, he is concerned that the militarization process taking place within the Union particularly since 2003 with the development of a Brussels-based 'military-industrial simplex' and 'transnational policy network', and the prioritization of the military operations over the civilian ones, may put the normative dimension of the Union and its central norm of sustainable peace in its external actions under risk, if the unreflexive militarization process continues (2006d, p.183). As Diez suggests, "the more normative power builds on military force, the less it becomes distinguishable from traditional forms of power" (2005, p.621). Illustrating the objectives of the European Security Strategy in "developing a strategic culture that fosters early, rapid, and when necessary, robust intervention" (2003, p11), Manners states that there is a "sharp turn away from the normative path of sustainable peace towards a full spectrum of instruments for robust intervention" (2006d, p.189). In sum, Manners tries to see the other side of the coin, the 'militarization', that undermines the normative achievements of the EU instead of supporting its effectiveness. In that regard, he thinks that if the EU continues to increase its military instruments and uses them unreflexively without a normative basis, this may result in only short-term military responses rather than long-term structural solutions to conflicts, attacking the symptoms of conflicts rather than their root causes. This attitude would undermine the credibility of the peaceful normative power of the EU in the eyes of the local populations (2006d, p.194).

Diez is also among the scholars who underline the challenges to the normative power Europe. In Diez's view, the practices of the EU, under the discourse of a normative power such as constructing an identity of the Union against others and shaping and changing others through the diffusion of norms, are not merely particular to the EU, but can be seen in other great powers such as the United States (2005, p.614). Despite some distinct differences between the EU and the US in terms of representing normative power in world politics, Diez thinks that the normative dimension of the US foreign policy cannot be dismissed all together. In that sense, although the interests and norms are less discriminable in the US case whose normative dimension came to be backed-up by increasing military power in contrast to the EU, this should not be perceived as a distinction between the conventional military power and the normative power, but rather as differentiation among the normative powers (2005, p.622-623). The second concern of Diez about the normative power is that the 'discourse of normative power Europe' is instrumental in both creating the identity of the EU and of its 'others', which according to Diez, may cause the EU to turn a blind eye to its own shortcomings (2005, p.627). The four types of othering; namely the representation of the other as an 'existential threat' through the act of securitisation, identifying other as inferior, as violating universal principles and lastly as simply being different, show lack of self-reflexivity undermining the normative claims of the EU in its foreign policy and 'legitimizing harmful interference with the others'(2005, p.628-629) In that regard, Diez gives two examples to show how the practice of othering, especially identifying the other as violating universal principles in which standards of the self are accepted as universally valid without a certain level of reflexivity, causes detrimental practices. The first example is, the Barcelona Declaration[10] which, as a part of the EU's Euro-Mediterranean Partnership, involves civilian and normative commitments such as creating partnership and cooperation to ensure stability, peace and prosperity in the region and also binds the signatories to norms such as rule of law, human rights and democracy. Diez claims that this declaration is used by the EU member states as an instrument of identifying others as violating universal principles and thus exercising

[10] See Barcelona Declaration, adopted at the Euro-Mediterranean Conference,1995. Retrieved on April 10, 2017 from http://www.eeas.europa.eu/euromed/docs/bd_en.pdf

influence over them to impose the standards of the self, because member states think that they have already met these principles as a member of the Union. Hence, despite the commitment of partnership and cooperation, the declaration is, according to Diez (2005, p.631), oriented towards the non -EU Mediterranean signatories, which is seen, for instance, in the clause on the migration issue stating that the "partners, aware of their responsibility for readmission, agree to adopt the relevant provisions and measures, by means of bilateral agreements or arrangements, in order to readmit their nationals who are in an illegal situation" (Barcelona Declaration, 1995, p.6). Furthermore, this practice of othering without self-reflection causes the EU to neglect some problematic issues within the Union,[11] and thus results in violation of the norms in the EU. The second example of Diez is about the Turkey-EU relations in which he underlines how the process of the opening of membership negotiations with Turkey become indeed a practice of othering Turkey and constructing the EU as a normative power that promotes human rights and democracy. In this process, Turkey claimed that the EU, with its policy of double standards, behaves other candidate countries more flexibly in their harmonization with the EU law (2005, p.632-633). In sum, Diez suggests that identity constructions through the normative power discourse are not necessarily a bad thing if the EU engages in the construction of its identity with self-reflection, which would 'rescue normative power from becoming a self-righteous project' (2005, p.636).

In contrast to Diez, Sibylle Scheipers and Daniela Sicurelli (2007, p.439) do not see the lack of reflexive dimension in the EU's external practices as an obstacle to its international normative identity. Scheipers and Sicurelli claim that the EU has been successful in creating its normative international identity, with its endeavour for promotion of human rights and environmental policy through institutionalization of International Criminal Court and the Kyoto Protocol, in opposition to the US. Thus, representing itself as the promoter of the universal norms and othering the US a laggard in advocating the same values and norms, the EU displays its commitment to international law and thus represents itself as a credible international actor. On the

[11] See Thomas Diez. (2005). Constructing the Self and Changing Others, for further information.

other hand, Nicolaidis and Howse (2002) claim that rather than projecting what it actually is, the EU is portraying an 'EUtopia', an ideal Europe, which does not reflect the reality of inconsistent behaviour of the EU regarding its internal and external practices and unreflexive dimension of it, which undermines its normative credibility.

The clash between material interests and the normative commitments is one of the most known challenges the EU's foreign policy faces. As stated above, neo-realists argue that the core national and strategic interests of the EU member states always override the normative or ethical concerns when these two motivations clash. According to this literature, although there are many examples of normative attitude of the EU and diffusion of its norms and principles by persuasion in its external relations, when it comes to its strategic interests, things may change and the material interests most of the time become victorious out of this struggle. In that sense, Erickson (2011) examines the issue of lifting of EU's arms embargo on countries having bad human rights records just because of the domestic interests to maintain their arms industries and its consequences for the EU's position as normative power in international arena. Rather than the details of the case study and numerical data showing the amount of exports to the countries in conflict, what is important here is that results show how the normative concerns, such as human rights just remain in the rhetoric. Examples show that despite developing common arms export standards that take the norms of human rights, peace and development into consideration through the 'EU Code of Conduct on Arms Exports' and initiative to fight against the illegal trade of arms, market demands weakened the normative dimensions of the EU's identity (Erickson, 2011). For Erickson, the debate over whether or not to lift the arms embargo on China also indicates that the normative power of the EU has been undermined due to diverse national interests, preferences and identities, despite the maintenance of the arms embargo. Thus, the author suggests that while evaluating the external identity of the EU, one should take both the materialist interests and normative commitments into account. These demonstrate that, rather than having one single identity, the EU possess a multifaceted identity in which economic, military or normative dimensions might be overriding depending on the context, thus challenging the normative power Europe (Erickson, 2011, p.227).

Another example of contradiction between normative attitude and strategic interests is emphasized by Ulrika Mörth. In the WTO, the EU has been unwilling to bring the issues to negotiation table that is controversial internally in the EU (2004). The issue of liberalizing trade in the agricultural sector in that sense is not welcomed by the European leaders which has been highly criticized on the normative grounds by the developing countries that solely depend on agricultural activity in their economies.

Natalie Tocci raises a similar argument. She argues that the Union's foreign policy is not always normative foreign policy in terms of goals, means and impact. Tocci proposes alternative categories for foreign policy actors depending on different combinations of normative and non-normative goals and means. Accordingly, she suggests that in addition to the normative foreign policy type, there are also realpolitik, imperial and status quo foreign policy types. These four foreign policy types may also have intended or unintended impacts depending on whether the achieved impact overlaps with the goals set at the beginning, as shown in figure 1 below (2007, p.7-8). In a realpolitik type of foreign policy, possession goals are pursued by all policy means at the cost of breaking the laws and norms; in an imperial type of foreign policy, normative goals are pursued by all policy instruments without considering the international law and obligations; lastly in a status quo foreign policy type, an actor uses its policy means in line with the international law but for non-normative goals (Tocci, 2007, p.7-8). Furthermore, she underlines some conditioning factors such as the internal political context, internal capability and the external environment that are critical in determining the type of the foreign policy that an international actor pursues. Asserting that the same foreign policy actor can show different foreign policy preferences in different regions and policy areas in different times, Tocci tries to find the conditions and circumstances under which an international actor chooses one of these four foreign policy approaches (2007, p.10-13) Hence, despite its unique structure, the EU, like other states such as the US, Russia or China, practices different foreign policy patterns in different cases and regions and in different contexts (Tocci, 2008, p.1). In this sense, while the EU may pursue normative foreign policy in any policy area or time, it may become a realpolitik, imperial or status quo power at other times and places (see table 1 and figure 1, below). For instance, in the case of eastern

enlargement, the EU, in compliance with the three dimensions of the normative foreign policy, has had normative goals -milieu goals- such as political and economic reform in the targeted countries, has deployed normative policy instruments in line with the law such as the accession policy and has achieved a normative impact with the democratization process and economic modernization in the region (Tocci, 2008, p.2). In contrast, while the EU, as a realpolitik actor, pursued non-normative -possession goals- such as commercial and energy interests through the non-normative policy instruments in the case of Russia, at other times, the EU pursued an imperialist foreign policy as in the case of Middle East, in which the normative goals such as the two-state solution and the promotion of human rights in the region were held yet through the non-normative means such as violating the Geneva conventions (Tocci, 2008, p.3). In sum, Tocci argues that the EU does not always act in accordance with the normative foreign policy agenda. For her, the EU is not fundamentally different from other international actors in term of exercising a foreign policy.

Table 1: Foreign policy types (Tocci, 2007, p.7*)*

		Legitimisation of foreign policy goals	
		Normative	Non-Normative
Foreign policy means	Normative	Normative	Status Quo
	Non-normative	Imperial	Realpolitik

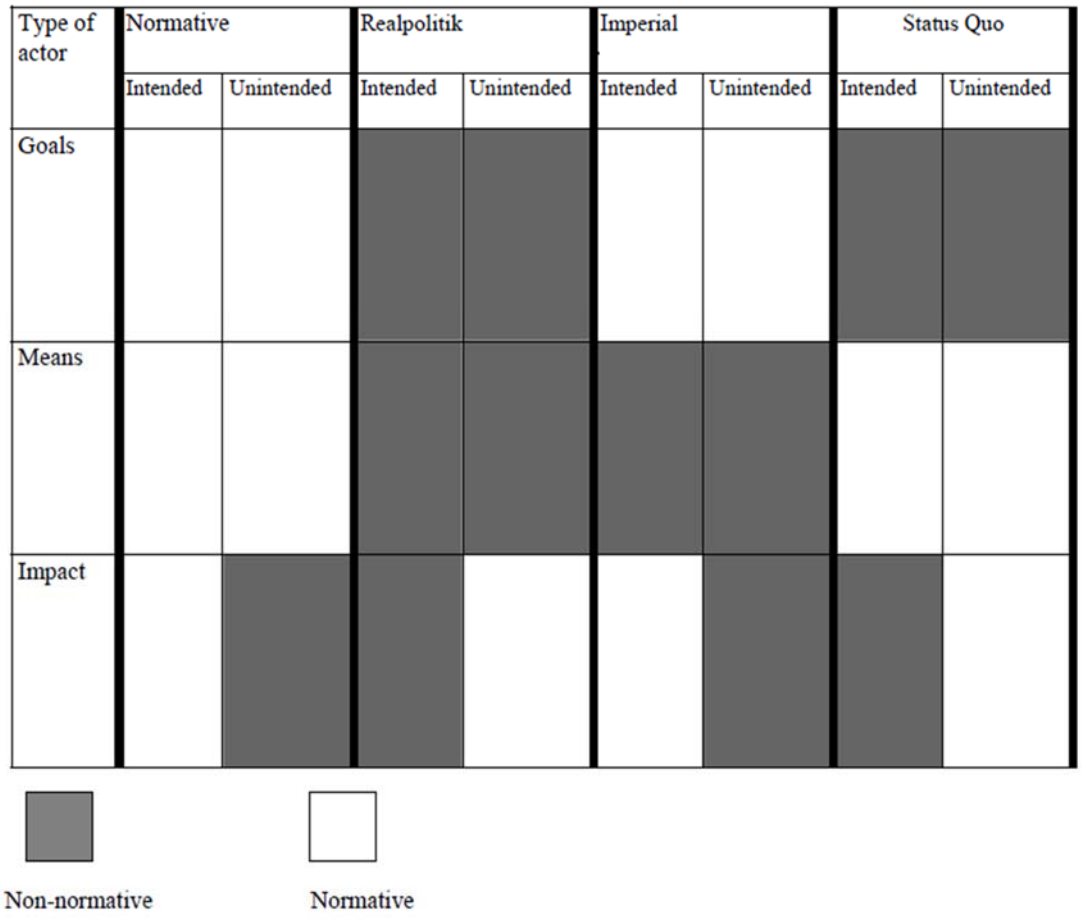

Figure 1: Foreign policy outcomes (Tocci, 2007, p.9)

Another criticism against the concept of 'normative power Europe' (NPE) is pointed out by Mark Pollack (2015), who questions the credibility of the claims raised by the NPE. He claims that the representation of the EU as a pure normative actor is an idealistic one that does not reflect the reality about the EU's identity in world politics. In that sense, he finds the studies that suggest mixed motives- both material and normative- behind the Union's foreign policy more convincing than the accounts that either underline pure normative incentives or reduce all the preferences of the Union to the material interests (2015). In most of the foreign policy areas such as in its environmental policy, trade policy or in promotion of human rights, the EU attaches importance to both normative commitments and material interests. Regarding the

source of the power of the normative dimension of the Union, the author underlines the power of material incentives or conditionality that are substantial in disseminating and promoting the EU's norms and values outside. For example, the EU has been unable to diffuse its principles and policies to the countries such as Turkey, Ukraine or Belarus without the membership prospect (Pollack, 2015, p.5). In sum, for Pollack, normative ends and means- ideational power- are not adequate alone to achieve normative results. Indeed, although there may be no membership prospect for the countries in the Eastern Europe or Central Asia, such as Moldova, Georgia, Armenia, Kazakhstan and so on, the demand of these countries for integration into the Union's internal energy market and the acceptance of the EU norms and standards may arise from the expectation of increase in trade and investment, thus material incentives given by the EU are critical (Prange-Gstöhl, 2009, p. 5296).

Bicchi, in questioning the normative connotation of the European foreign policy, puts forward two critical arguments on the issue. The first one remarks on two criteria; namely, inclusiveness and institutional reflexivity that are vital for the normative foreign policy making. Accordingly, the former refers to the participation of external actors into the EU's foreign policy making from which they are affected; the latter refers to the critical analysis of the foreign policy by policy makers with respect to the impacts it has on the targeted area (2006, p.288-289). Depending on these criteria, she suggests that if the EU foreign policy lacks one or two of these factors, then labelling the EU as 'civilizing power Europe', in the sense that the EU projects its Eurocentric norms on to the third countries, will be more appropriate than the NPE (2006, p.287). The second argument she raises is that the sociological institutionalist outlook on the EU foreign policy is more proper than the normative reading of it. In that sense, Bicchi claims that there is an unreflexive, Eurocentric and 'our size fits all' approach in several cases of foreign policy, particularly in the Mediterranean -region-building- policy of the EU as the example of 'institutional isomorphism', which does not fit in to the NPE approach (2006, p.287, 293) Accepting the inadequacy of just one case study to support the sociological institutionalist approach, she suggests that it is possible to make empirical research in examining the normative connotation of the EU

foreign policy, rather than accepting the NPE without questioning it which is the case for many scholars in the literature.

The last criticism against the NPE, discussed in this section, claims that the EU could be identified as a normative hegemon rather than as a 'normative power'. The studies of Haukkala and Diez raise critical arguments on this subject. Haukkala builds up his argument about the normative power on three directions in opposition to Manners' approach. Firstly, rather than looking for how the EU should act, he reflects upon how the EU acts; secondly, he has a regional focus instead of a global perspective and lastly he puts more emphasis on the 'power' rather than the 'normative' part of the concept (2011, p.46) Haukkala criticizes Manner's approach that sees the EU as a passive norm entrepreneur, and claims that the EU is indeed more active in diffusing its norms as seen in its enlargement policy through which the EU both tries to maintain stability in the region and seeks to increase its legitimacy and influence on candidate countries by transferring its rules, norms and values. He also underlines the fact that without membership perspective the EU loses its efficiency and also legitimacy in projecting its normative power in the eyes of the third countries (2011, p.48), which is also suggested by several authors[12]. Thus, in the European neighbourhood policy (ENP), which does not give the opportunity of full membership to the third parties, the normative impact of the Union has been reduced substantially. For Haukkala, the EU's neighbourhood policy with its inadequate material incentives is expecting too much from the non-candidate partners, such as the harmonization of their national legislation with the EU law or reforms for democratic change, through setting bilateral and asymmetric relationship with the individual neighbours in which they do not have any say in setting the objectives and instruments. It is this attitude of the EU that makes it a 'normative regional hegemony' with lack of legitimacy (2011, p.56). In sum, as compared to the enlargement policy, the ENP remains more unresponsive to the demands of the neighbours for closer integration with the EU and thus limits the

[12] For further information please see; Stewart, E.J. (2011). Mind the Normative Gap? The EU in the South Caucasus. In R.G. Whitman (ed.), Normative Power Europe: Empirical and Theoretical Perspectives, (pp.65-83). UK: Palgrave Macmillan., Schimmelfennig, F. and Scholtz, H. (2008). EU Democracy Promotion in the European Neighbourhood, European Union Politics, 9 (2), 187–215.

normative power of the EU, as the policy-makers in these countries do not want to change the current system in the way the EU's normative agenda suggests (Haukkala, 2011, p.61).

Diez also joins the NPE debate suggesting that using the concept of hegemony instead of normative power might be useful in addressing some key problems of the normative power of the EU. Nonetheless, unlike the neorealist conceptualization of hegemony, which underlines the physical capabilities that are used by traditional great powers to diffuse their norms by threat of use of force, Diez utilizes Gramsci's conception of hegemony, which emphasizes the power of ideas and consensus in shaping the conceptions of normal (2013, p.195). Diez underlines four key problems or challenges faced by the normative power concept which might be overcome by the concept of hegemony. These challenges are; the clash between norms and interests; the inconsistency in the EU's behaviour due to competing and contested norms; the undetermined role of the state and non-state actors in projecting the normative foreign policy, and, the ambiguity in academic standing of the normative power concept with respect to the involvement of different theoretical purposes -explanatory, descriptive or normative (Diez, 2013, p.196-199). In this context, firstly, the concept of hegemony helps to terminate the endless and inconclusive debate on the divide between the interests and norms by combining both discursive and material elements in a complex in which 'norms shape interests and interests shape norms'. Secondly, the concept of hegemony transcends the fixed meanings of the norms and emphasizes the role of the struggles between the contested norms and thus the concomitant inconsistencies as an essential part of the normative power, rather than undermining the credibility of the normative power. Thirdly, the concept of the hegemony broadens the list of the actors beyond the states involving the civil society organizations and other non-state actors in the process of the construction and practices of the normative power. Lastly, hegemony helps to solve the puzzle of complex of epistemological approaches as stated above through recalling the critical purpose that the normative power concept has already had since the beginning (Diez, 2013, p.201-205).

2.4 Conclusion

This chapter of the study has tried to clarify the concept of the 'normative power Europe' which was first introduced by Manners (2002). It has covered the traditional conceptualizations of the EU's international role and identity, the normative basis and difference of the EU, the diffusion of the EU norms and principles to the wider world, the criteria to judge normative power of the Union, and lastly the major challenges and criticisms against the concept of NPE. Normative power Europe differs from civilian and military power Europe given its focus on the ideational impact of the EU instead of physical possessions. In this respect, normative power transcends state-centrism and power politics of the Westphalian system for an idea of world society. In view of normative power Europe, the EU, built on the ideal of peace and stability, acts in a normative way and diffuses its norms to non-EU world in order to establish what is 'normal' in international relations (Manners, 2002). While doing so, the EU as a normative power should promote law-based international order and bind itself through law in order to rule out any inconsistency and hypocrisy. For the very reason, the norms that the EU promotes should be universally accepted. Thus, justifying its external actions based on the universal norms prevents the EU from pursuing its interests for its own good. Furthermore, the EU should act reflexively in its external relations, that is, it should calculate the expected results of norm promotion for all the actors concerned. Thereby, external actors should also be given voice in the projection of any policy that affect them. In relation to these criteria, the goals, means and impact of the EU's external policy should be normative. In this respect; the goals should shape the milieu by promoting international law and regimes, instead of preserving national possessions; the means, regardless of their being civilian or coercive, should be deployed in accordance with the law; and lastly the impact should not only be for the benefit of the EU, but other-empowering.

'Normative power Europe' has been criticised severely on the ground that the EU has not fulfilled the basic requirements of being normative power. Its overemphasis on material interests; Eurocentrism; lack of deliberation, reflexivity and inclusivity; and inconsistent behaviours in projecting and pursuing external policies are the major criticisms directed against the normative power Europe.

In order to test the validity and credibility of the normative theorizing, the following chapters will examine how the theoretical explanations work in practice. In this sense, it will be discussed whether the EU can be defined as a normative power given the security-oriented approach of intergovernmental cooperation in the field of immigration and asylum. Next chapter will examine historical and institutional development of common EU migration polices. By examining goals, means and impact of the common migration policies of the EU, it will provide an understanding of motivations behind cooperation on migration and asylum matters at the EU level. Particular focus will be on how securitization of migration since the late 1970s affected the form and content of formal and informal intergovernmental cooperation between the EU member states.

CHAPTER 3

MIGRATION POLICY OF THE EUROPEAN UNION

3.1 Introduction

In this thesis, the migration policy of the EU is selected as the area in order to assess the claim of 'normative power Europe'. Therefore, the external dimension of this policy will be examined in a more comprehensive way vis-à-vis its internal dimension. There are basically two reasons for choosing this policy of the Union in order to assess the normative power of the EU. Firstly, the transnational migration, has reached to an unprecedented scale leaving many states and the EU unprepared to the outcomes of these flows. Thus, it seems highly critical to analyse that to what extent the EU can shape external dimension of immigration as a normative power. In other words, it is essential to examine whether the EU is able to behave as a normative international actor both in formulating its common migration policy and in practicing this policy beyond its borders. Secondly, the EU's normative power has not yet been tested widely in the context of its common migration policy in comparison to the other foreign policy areas such as environment and climate change policy, human rights policy and its neighbourhood policy. Therefore, the assessment of the EU's normative power within the context of its migration policy is a step in filling a gap in the literature. For these reasons, an analysis of the internal and external factors affecting the policy making process and of goals, means and the impact of the EU's migration policy is expected to give some clues about the Union's normative or non-normative international identity.

The major aim of this chapter is to examine the development of the EU's migration policy and the role of securitization of migration in this process. Thus, it is crucial to highlight the following points in order to grasp the characteristics of the Union's migration policy: the historical development of the Europeanization of the migration policies of the member states, the reasons and motives behind the formulation of

common external migration policy, the challenges faced by the Union in formulating a common migration policy, and the impact of the 'securitization of migration' on the policy-making process. Migration policy of the Union has been shaped both by internal and external dynamics and developments[13]. This chapter outlines key historical and institutional developments in this policy area in which the Europeanization and securitization play an outstanding role. As emphasized earlier, the goals, the means and the impact of the EU's external migration policy are critical in questioning the extent to which the EU possesses the normative power. Whereas the Europeanization and securitization of migration policy will be analysed in this chapter, the impact of this policy on third countries will be elaborated in the next chapter with an analysis on the externalization of the EU's migration policy and the assessment of 'normative power Europe' within the context of EU migration policy.

3.2 Historical development of the migration policy at the EU level

In analysing the development of European level cooperation in the area of migration, it is essential to understand the reasons why the member states needed to formulate a common migration policy rather than pursuing their own national policies. Post-war period developments and migration patterns are highly critical to find the underlying reasons for member states' recent efforts to reach a supranational cooperation in dealing with the migration issue.

The migration in Europe since the end of the Second World War can be analysed through dividing the period into the historical phases, which helps to indicate the

[13] In this thesis, the migration policy of the Union is used as a general category encompassing the immigration, asylum and refugee policies. Nonetheless, there is sometimes specific emphasis on these policies in order to see the differences in the EU attitudes towards each policy area. It is also vital here to give some definitions of concepts that are used throughout the chapters. Immigration refers to "a process by which non-nationals move into a country for the purpose of settlement" (IOM, 2004) Asylum seekers are "persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instrument" (IOM, 2004). Refugee is a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." (Geneva Convention, 1951, article 1A (2)). Irregular migration means "movement that takes place outside the regulatory norms of the sending, transit and receiving countries" (IOM, 2004).

variation both in the demographic, economic, political and social dynamics and also in the European states' perception of the immigrants in each phase. Although they had different national integration policies regarding the immigrants in the pre-cooperation period, almost all the industrialized European states – Germany, France, Austria, Belgium, Switzerland, the Netherlands, Denmark, the UK - experienced similar migratory flows. In the post-war period, the reconstruction of the Western economies and recruitment of workers in large numbers from the former colonies and the periphery of the Europe made the region a destination place for mass immigration (Regout, 2011). From the end of the Second World War up until the 1970s, which is the first phase, a largescale labour migration to the European countries was allowed as it was contributing to the economic development of the host countries (Castles & Miller, 1998) who were in need of cheap and flexible workforce. In this first phase, the immigrants can be grouped under two types: 'guest-workers' and 'colonial workers'. The labour migrants from the less developed periphery of the Europe - Southern Europe, Turkey and the North Africa- were defined as the 'guest-workers' who were recruited from the country of origin through the special guest-worker agreements in order to deal with the labour shortages. For instance, the 'Guest-worker' system in Germany was one of the most advanced recruitment systems which set up recruitment offices in the countries of origin to select the workers with a close scrutiny (Castles & Miller, 1998, p.71). As Hansen (2003, p.25) emphasized, these labour migrants were expected to stay in the host country as long as there was a need for them as a cheap workforce and to return their home when the economy was in downturn. Thus, the major expectation of the host countries for these workers was that they would be temporary rather permanent settled migrants. The second group, the 'colonial migrants', were coming from the former colonies and were supplying the labour need of the former colonial powers such as the Netherlands, the UK, and France. As different from the guest-workers, the colonial migrants were given, at least in the early years, social, economic, and political rights, a citizenship right, and right to permanent settlement (Hansen, 2003). The large-scale colonial migration to the former colonies was a natural result of the decolonization process in the immediate post-war period.

In the second phase, starting with the early 1970s, the European States' perception of immigrants changed substantially. The welcomed immigrants of the first phase started to become a burden for the host countries in the second phase in many respects. With the economic crisis of 1970s and its pressure on the welfare state system, all the European states decided to stop labour migration. They thought that the temporary labour recruitment system they set up to supply economic shortages would work and come to an end as they planned. However, hindering the migration was not easy as allowing migrants to come in. This post-war immigration process, which the European States thought would end, continued through family unification in the 1970s. The host countries could not block a right to family unification, and as Hansen pointed out "in admitting young men in the 1950s and 1960s, European States committed themselves to admitting wives, children sometimes grandparents later" (Hansen, 2003, p.27) Thus, in the early 1970s, with the negative developments in welfare state economies such as high rates of unemployment and decreasing government expenditures and concomitant social changes, the European states adopted anti-immigrant, restrictive and control-oriented policies. These anti-immigrant sentiments of the European states and the publics were indeed constructing the basis of the current European migration policy, as will be discussed in the following subsections of the chapter.

The third phase in the history of migration to Europe has started with the end of the Cold War and this time, the migrants were not coming only for labour or family unification, but rather for seeking asylum in the European states. Although asylum-seekers and refugees were already present in these states even before the 1990s, their number has increased tremendously with the dissolution of the Soviet Union and the disintegration of Yugoslavia creating a movement from Eastern Europe to the West, which made asylum seekers the largest category entering to the Western European states such as Germany and France (Castles and Miller, 1998) In the 21st century, political, social and economic crisis in several Middle Eastern countries has increased the number of asylum-seekers and refugees substantially bringing the asylum and immigration issues to the top of the recent political and security agenda of the EU.

In contrast to the first phase in which migrants were seen as a solution to the labour shortages and as a means of reconstruction of the post-war economies; anti-immigrant

and restrictive polies marked the second and the third phase in which the immigrants, asylum seekers and refugees have been identified as a threat to the public order, national security and cultural identity of the host countries. It was this security-oriented approach of the European states that brought them to the negotiation table in order to formulate a common migration policy or a common solution to the migration issue.

3.3 Towards a common EU migration policy: The Europeanization of the national migration policies

In this section of the chapter, major steps towards Europeanization of immigration and asylum policies will be presented. It is vital to remind here that the major goal of this thesis, in line with the main research question, is to look at the norms, values, means and ends of the EU in its construction of the common migration policy. Thus, instead of looking at all the Council decisions, directives and regulations on the matters of external borders, visas, asylum and so on in detail, the thesis tries to come up with a general framework which will help evaluate the immigration and asylum policy of the EU regarding normative power. It is also critical to remind that some of the developments within the framework of the Europeanization of migration policy will be discussed under the sub-sections on securitization and externalization of migration policy. The externalization of the EU migration policy and its impact on third countries will be discussed in the next chapter.

Despite the ongoing debate whether intergovernmentalism or supranationalism is dominant in the governance of migration policy, the EU have taken substantial steps to formulate a common policy in dealing with the migration and asylum issue. A very critical question that is asked by many scholars in the field is: Why do the member states of the EU try to come up with an EU level cooperation on matters of immigration and asylum despite their historical reluctance to give their responsibilities to the supranational institutions on such sensitive issues as the entry and residence of the third country nationals? There are several theories, explanations and perspectives in the literature that answer this question. Ette and Faist emphasize two views, rooted in neo-functional and intergovernmental theories, that explain the European level

cooperation on the matters at issue (2007, p.7-8). According to the first view, the process of globalization, increasing interdependencies and the constraining impact of international legal norms resulted in search for supranational solutions to the domestic problems faced by the European states, which lack ability to control such problems on their own. In a similar way, Geddes (2003, p.127) puts forward the 'losing control' hypothesis which argues that economic interdependence, globalization and increase in transnational actors having pro-integration activities decreased the sovereignty and ability of states to resist such developments[14].

The second view, emphasized by Ette and Faist, takes its root from the intergovernmental and state-centric approach to the EU level cooperation. Accordingly, states choose supranational cooperation in order to avoid domestic political constraints in achieving their national policy objectives (2007, p.8). Geddes defines this with his 'escape to Europe' hypothesis which focuses on state interests and suggests that states through cooperation at supranational level try to attain new venues to increase their ability to control migration movements and escape internal constraints, which strengthens their sovereignty (2003, p.127-128)[15]. Guiraudon (2000) defines the process of internationalization of immigration policy as 'venue shopping' by the interior and justice officials and migration control agencies. These actors try to shift the venue of policy making on immigration issue from the national level, where there are constraints for them such as pro-migrants groups or judicial review in favour of the protection of the rights of the immigrants, to the international level, where such constraints of judicial rulings and activities of certain national actors are avoided and new transnational allies such as sending and transit countries are found and adopting more restrictive policies, which prevents unwanted categories of

[14] For further information on this hypothesis see Sassen, S. (1999) Guests and Aliens. New York: The New Press.

[15] For further information on the impact of European level cooperation on the sovereignty of states, see Freeman, G (1998) 'The Decline of Sovereignty? Politics and Immigration Restriction in Liberal States'. In C. Joppke (Ed) Challenge to the Nation State: Immigration in Western Europe and the United States. Oxford: Oxford University Press. and Guiraudon, V (2003) The constitution of a European immigration policy domain: a political sociology approach, Journal of European Public Policy, 10(2), 263-282.

immigration, is made possible (Guiraudon, 2000). It is also important to remind that at international level the role of EU institutions such as ECJ and EP is at best kept at a minimum level, which is reflected at the treaty changes since the 1980s, in order to eliminate the barriers for states to pursue their security interests and restrictive migration control policies. As will be seen throughout the chapter, 'escape to Europe' hypothesis, which emphasizes the importance of state interests in the formation of EU level cooperation, is more promising in the process of Europeanization of the immigration and asylum policies. Thus, as suggested by the scholars of the field - Guiraudon (2000, 2003), Freeman (1998)- member states use European cooperation as a tool for realizing their domestic objectives rather than accelerating and securing the European integration process. However, it does not necessarily mean that this process of Europeanization has always occurred in line with the member states' interests without any impact of the European institutions on the national policy-making of the member states.

It is now essential to look at the historical development within the policy area. Geddes analyses the developments in the Europeanization of migration policies through four periods (2003, p.131-139). Accordingly, the first three periods; namely 'minimal immigration policy involvement' from 1957 to 1986, 'informal intergovernmentalism' from 1986 to 1993 and 'formal intergovernmental cooperation' from 1993 to 1999 refer to the developments in the pre-Amsterdam period and the last period 'Communitarization' since 1999 onwards refers to the post Amsterdam developments. Despite its shortcomings, the 1999 Amsterdam Treaty was the major step on the way towards the Europeanized migration policy with the institutional changes it introduced, which improved the decision-making process in the field of immigration and asylum considerably. Thus, it is essential to discuss this process by dividing it into two parts: pre-Amsterdam and the post-Amsterdam period.

3.3.1 Cooperation in the Pre-Amsterdam Period

Since the late 1970s and particularly with the early 1980s, the immigration and asylum issues tackled at the national level until then, started to be discussed under the roof of

the European Community as the issue became a matter of collective concern due to some internal and external factors. Uçarer (2010) emphasizes two reasons for the motivation behind the European level cooperation. The first reason was the concerns about the increase in immigration especially through 'family unification' and in the asylum applications, the possibility of rise in transnational crime due to the increasing cross-border movements, and insufficient border controls. The second reason was about the ongoing European integration which was revitalized with the signing of the Single European Act. One of major aims of the integration process that was also stated in the 1957 Rome Treaty was the removal of internal borders within the Union in order to complete the single market project. This concerned the EU citizens and the EU residents of third countries who had permission to reside and work (Uçarer, 2010, p.307). However, the completion of single market created a need to establish common external borders with common rules of entry into the EC, therefore, this decision concerns third-country nationals more as they want to enter the Union either as labour migrants or as asylum seekers and refugees. As major policy areas of Justice and Home Affairs today, cooperation in immigration and asylum policies was first discussed under a non-EU institution which was the Council of Europe. However, since the mid-1970s, the member states started to set up some intergovernmental groups to negotiate the possible cooperation on these matters. Since then, the debate regarding the competence of the EC/EU on migration policy has continued under the shadow of the dispute between intergovernmental and supranational methods of governance. As Bia suggests, in order to achieve an effective common immigration and asylum policy, motivations behind the EU level action and the interests of the member states should be met in a balanced way (2004). As can be seen in the evolution of common migration policy of the Union, when the interests of member states and of the EU as a whole are not seen as mutually exclusive, it is easier to make progress in policy formation. Otherwise, tension between the EU level and the national level considerations poses many challenges to reach a fully-fledged common migration policy.

Despite the lack of a legal basis in the 1957 Rome Treaty about migration, there were several non-binding instruments and initiatives taken by the institutions of the European Community and the intergovernmental settings on migration policy. The

European Council Conclusions regarding the cooperation among the institutions, the harmonization of law concerning the foreigners and the security aspects of the issue; legislative proposals and Communications issued by the Commission such as the proposal on the harmonization of national laws in combat with illegal immigration and employment; the Ad Hoc Groups at the intergovernmental level working on the security aspects of the asylum and immigration -combating organized trans-border crime, drug trafficking etc.- such as the Trevi Group, founded in 1975 upon the request of the European Council- were the indicators of the first steps on the way towards cooperation in migration (Papagianni, 2006, p.105-109). However, in these early years, several initiatives and proposals of the Commission regarding the Community policy on immigration were rejected by the member states on the ground of lack of competence of the Commission in this issue area.

In the early years of the cooperation, a major development towards Europeanization of migration policies was the Schengen Agreement of 1985 signed by five members of the EC; namely, France, Germany, and the Benelux Countries.

3.3.1.1 The first Major Project Towards the Common Migration Policy: The Schengen Agreement in 1985

The reason that brought these five countries- Germany, France, Belgium, the Netherlands and Luxembourg- together was to create an area without internal borders enabling free movement of people without border checks, which was one of the core aims of the EU in the way of economic integration and the single market since its foundation. With this aim in mind, the five pro-cooperation members signed the Schengen Agreement on 14 June 1985 in Luxembourg. The number of the signatory countries increased to twenty-six in time including non-EU states. Major goals of the states are stated in article 17 of the 1985 Schengen Agreement as the following:

> With regard to the movement of persons, the Parties shall endeavour to abolish checks at common borders and transfer them to their external borders. To that end they shall endeavour first to harmonise, where necessary, the laws, regulations and administrative provisions concerning the prohibitions and restrictions on which the checks are based and to take complementary measures

> to safeguard internal security and prevent illegal immigration by nationals of States that are not members of the European Communities.

A convention was signed in 1990 to implement the Schengen Agreement, which came into effect in 1995 and lifted the checks at the internal borders of the states in the Schengen area creating a single external border. The 1990 Convention with its 142 articles explains the rules of the implementation in a very detailed way including the following subjects: crossing internal and external borders, short and long-stay visas, governance of movement of aliens, residence permits and alerts on people for refusing their entry, responsibility of signatory parties for examining the asylum applications, police cooperation, mutual assistance in criminal matters, extradition, establishing the Schengen Information System (SIS), movement of goods, and setting an Executive Committee to implement the convention.

The importance of the 1985 Schengen Agreement and the 1990 Convention for the common migration policies comes from the compensatory measures they introduced for strengthening external border controls, which was considered necessary after the gradual abolition of the checks at the common borders. These compensatory measures include the coordination of fight against crime and drug trafficking, harmonization of law on police cooperation and visa policy (European Commission, 2010). The Schengen Information System is a computerized database where the records of suspected criminals, asylum applications, people having no right of entry or stay, and lost property were stored and exchanged among the border control officials and judicial authorities. This was set up by the members of the Schengen Area in order to secure their citizens and the external Schengen border (European Commission, 2016c). Thus, the SIS is also one of the compensatory measures adopted by the member states to reinforce the security of the Schengen area. These measures that were taken outside the framework of the European Community were the initial steps of the European States in the way of securitization of migration, setting a link between security and freedom of movement. The 1990 Convention expressed commitment to the provisions of the 1951 Geneva Convention and the 1967 Protocol on refugees, however national courts and ECJ were not authorized to check the Schengen arrangements. On this,

Geddes commented that: “it would have been more of a surprise if these ritual declarations had not been made and even more surprising if judicial authorities had been given the teeth to interpret Schengen arrangements in the light of these international standards” (2008, p.84). The absence of the judicial scrutiny of the national courts and the ECJ did not make it possible to check the provisions of the Schengen, which gave substantial manoeuvring power to the States in their actions. This paved the way for adopting more security-oriented policies rather than human rights-based policies concerning the governance of immigration and asylum. Hence, security and sovereignty were the core principles of the Schengen Cooperation, which exclusively focused on the removal of internal borders and offset of the security hole this might create for the border-free area through flanking measures (Papagianni, 2006, p.16). In this sense, it was first the economic interests and then the security interests of the signatory states that led them to cooperate on the rules of the cross-border movements.

Two years after the signature of the Schengen Agreement, the Single European Act (SEA) entered into force having the same core objectives with the Schengen cooperation, but this time within the framework of the European Community.

3.3.1.2 The Single European Act

When the SEA was signed in 1986 and entered into force in 1987, intergovernmental cooperation on the immigration and asylum matters were taking place in an informal way outside the formal Treaty framework and this lasted until the 1993 Maastricht Treaty. Although the SEA did not include a provision on migration policy, its core aim -to relaunch European integration with a single market project in which free movement of people, services, goods and capital would be possible- led to the cooperation among the member states on immigration and asylum outside the European Community. Thus, the discussion on free movement for the EC nationals brought a new discussion on immigration and asylum issue to the fore, which was negotiated in ad-hoc intergovernmental groups.

Revising the 1957 Rome Treaty, the SEA aimed to accelerate the European integration process particularly in the economic sphere through completing the internal market project. In line with this aim, the article 8a set a deadline -31 December 1992- for establishing the internal market and defined the single market as follows: "The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty" (SEA, 1987). On the issue of free movement, there emerged two different arguments about the extent and the form of this right. While the Commission and some of the member states defined the freedom of movement as a generalised right applicable to all people in the Community regardless of their nationality and called for a more supranational cooperation on asylum, immigration and the status of the TCNs after the abolition of the internal checks, some of the member states interpreted the free movement as a right of EC nationals excluding the TCNs and insisted upon the maintenance of national competence on immigration and asylum policies rather than ceding competence to the EC (Geddes, 2008, p.71).[16]

The intergovernmental/supranational debate on the free movement of people and on the integration of immigration and asylum policies ended with the victory of states favouring a closer cooperation through an intergovernmental form rather than a common European action. This was also reflected in the SEA provisions particularly in article 100a. While the SEA introduced qualified majority voting to the issues regarding the establishment and functioning of the internal market in article 100a, this did not apply to the provisions regarding to the free movement of persons (SEA,1987). Despite the increasing powers of the European Parliament (EP) such as the Council's cooperation with the EP upon the proposal of the Commission, this did not apply to the cases where the Council acted on unanimity[17]. Thus, it was still the interests of

[16] The White Paper from the Commission to the European Council in June 1985 on the completion of the internal market was proposing some necessary plans following the removal of the internal border controls such as the coordination of the rules on residence, entry and access to employment for the nationals of the non-Community, measures on the right of asylum and the position of refugees, and also a Community policy on visas and common rules regarding the extradition policy (Commission of the European Communities, 1985).

[17] See, Publications Office. (2010). Single European Act.Retrieved on June 25, 2016 from http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:xy0027

member states that determined the form and content of the policies concerning the free movement of persons. This was also illustrated in the general declaration on the articles regarding the internal market -from 13 to 19 of the SEA- stating that "nothing in these provisions shall affect the right of Member States to take such measures as they consider necessary for the purpose of controlling immigration from third countries, and to combat terrorism, crime, the traffic in drugs and illicit trading in works of art and antiques" (SEA, 1987). This declaration was indeed the preview of the security-oriented and restrictive measures for the external border controls, which was associated with immigrants and asylum seekers.

The next sub-section examines the informal cooperation of member states particularly after the SEA, which is critical to understand the historical evolution of the asylum and immigration policies.

3.3.1.3 Intergovernmental Cooperation outside the Treaty framework

Despite their opposition to the Commission's proposals on the harmonization of rules regarding the immigration and asylum, the member states which were aware of the necessity to have some common rules of entry and residence of the TCNs, continued to cooperate on an ad-hoc basis which started even earlier than the SEA. Trevi group founded in 1975 and the Schengen cooperation in 1985 were the examples of these ad-hoc meetings as mentioned above. The Ad Hoc Working Group on Immigration (AHWGI) composed of national immigration policy officials was established in 1986 under the British Presidency to manifest that the issue of compensatory measures fell under the competence of member states rather than that of the Commission, which was only given a place in the Group with an observer status without any power of initiative (Papagianni, 2006, p.10). The "asylum, forged papers, external frontiers, admissions, deportations, exchange of information" were the issues discussed at the meetings of AHWGI, where the ECJ and the EP were not given any powers to control the works of the Group (Geddes, 2003, p.132). Another example of the informal intergovernmental cooperation came with the establishment of the Group of Coordinators in 1988 by the Rhodes European Council, which emphasized the nexus

between the free movement of persons and the internal security issues and proposed a coordination of different works on the same subject -justice and home affairs- in its work programme called 'the Palme document'[18]. The Rhodes European Council also mentioned the well-known concept of 'fortress Europe', which would be discussed much in the coming years, as follows: "The internal market will not close in on itself. 1992 Europe will be a partner and not a "fortress Europe" (European Council, 1988).

In the period of informal intergovernmentalism, conventions, conclusions and resolutions were the key instruments that member states used for cooperation on justice and home affairs without integration or harmonization on the matters concerned. The '1990 Dublin Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities' was an important step in cooperation on the asylum issue. According to the Convention, asylum applications would be examined by a single member state in line with the criteria set in that Convention and in accordance with the national laws and international obligations of that state.[19] Two major goals of the member states can be inferred from the measures that they agreed on concerning the Convention. The first goal might be to restrain asylum seekers from applying to more than one member state. The second goal, on the other hand, could be to reduce the number of asylum seekers entering the EC by making non-EC countries of the Central and Eastern Europe, which were deemed as safe, the 'buffer zone' which was neighbouring the countries of origin since the adoption of the measures of the Convention was incorporated into the requirements of pre-accession process of the non-EC CEECs. Thus, the applicant countries of the central and eastern Europe were obliged to adapt the EU's conventions, restrictive migration and asylum policies, border control measures and

[18] See, Publications Office. (n.d.) The gradual establishment of an area of freedom, security and justice. Retrieved on June 26, 2016 from http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=LEGISSUM:a11000

[19]See, Official Journal of European Communities No C 254/1. (1997). Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities. Retrieved on June 8, 2016 from http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:41997A0819(01)&from=EN

instruments, in order to become a member of the EU (Geddes, 2003, p.133; Geddes, 2008, p.78-79,175). In this way, the member states aimed to shift the burden of asylum applications to the non-EC countries from where the asylum-seekers were trying to enter the EC. In that sense, two resolutions, on which member states agreed at the London meeting on 30 November, aimed to minimise the burden of examining the asylum applications. The first one was the Council Resolution of 30 November 1992 on 'manifestly unfounded applications for asylum' (Council of the EU, 1992) With this resolution, member states rapidly refused the asylum applications which were regarded as manifestly unfounded when the applications did not meet the criteria of the Geneva Convention and the New York Protocol due to the reasons that were stated in paragraph 1(a) of the Resolution as follows: "there is clearly no substance to the applicant's claim to fear persecution in his own country" and "the claim is based on deliberate deception or is an abuse of asylum procedures". The second one was the Council Resolution of 30 November 1992 on a 'harmonized approach to questions concerning host third countries' which set the criteria to define a country as a 'host third country'. Accordingly, as long as an asylum applicant has been given protection in the third country or has had an opportunity to apply for asylum in that country where s/he has stayed or arrived first before entering a member state to seek asylum, then this third country is determined as a safe country (Council of the EU, 1992) With this resolution, asylum seekers leaving these third countries unlawfully and seeking asylum in a member state would be returned to these safe third countries according to the provisions of the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol. According to Uçarer, member states adopted these resolutions in order to 'legitimize their national restrictive practices' (2001, p.299). These policies were protested by refugee rights activists who warned that such restrictive practices would likely to devitalize refugee protection (Uçarer, 2010, p.316).

Despite their informal intergovernmental character, the 1990 Dublin Convention and the resolutions of the London meeting were considerable steps concerning the asylum policies of the member states. As pointed out by Geddes, the actors of this informal cooperation developed a security-oriented understanding towards immigration and asylum with the major aim of restricting the unwanted categories of migration through

several mechanisms (2003, p. 134). This informal intergovernmental cooperation of the 1980s became formalized under the Maastricht Treaty, which entered into force in 1993 creating the European Union.

3.3.1.4 The Maastricht Treaty

Among the pre-Amsterdam period developments, the Maastricht Treaty or the Treaty on European Union deserves a great deal of attention concerning its contributions to the field of justice and home affairs in general and immigration and asylum in particular. The Maastricht Treaty created the European Union with 'three pillars' consisting of the supranational 'Community pillar', the intergovernmental pillars of 'Common Foreign and Security Policy' and 'Justice and Home Affairs' respectively. With the introduction of the third pillar on Justice and Home Affairs, the Maastricht Treaty formalized the ad-hoc informal intergovernmental cooperation of the member states, which had intensified in the post-SEA period. According to Geddes, the weaknesses of the ad hoc informal cooperation were the difficulties in ratifying the conventions and increasing democratic deficit because of the lack of legislative and judicial scrutiny over the secretive intergovernmental meetings. Additionally, the pressures of some member states for further integration in the immigration and asylum policies were one of the major motivations along with the weaknesses of ad hoc cooperation lying behind the negotiations preceding the Maastricht Treaty (2008, p. 90-92).

The shift from the informal cooperation to the formal -institutionalized- cooperation was the consequence of the intense debates among the member states having different policy preferences regarding the form of cooperation. Although there was a great divergence among the member states supporting a deeper integration of the immigration and asylum policies and the member states favouring an intergovernmental cooperation outside the Community framework, the compromise -the third pillar- was reached reflecting the preferences of both sides (Geddes, 2008). While the informal intergovernmental cooperation on justice and home affairs was brought under the framework of the EU with the third pillar, the form of the

cooperation remained intergovernmental which restricted the role of the Community institutions -European Commission, the EP and the ECJ- considerably. In the third pillar, the roles of the institutions were as follows: The Council became the dominant actor in the decision-making process; the European Commission shared its right of initiative with member states; the role of the EP was restricted with consultation, and the ECJ had no jurisdiction at all (Uçarer, 2010, p.310). The member states were not willing to cede their sovereign rights to the pro-integration institutions because the increased competence of them, particularly that of the EP with its explicit support for the human rights, democracy and accountability, might hinder member states from making more restrictive immigration policies. Unlike the legal acts of the first pillar such as regulations and directives, the Council, dominant actor, would only adopt joint positions, joint actions and conventions as stated in article K.3 of the Maastricht Treaty (TEU, 1992). These joint positions, actions and conventions were not as effective as the components of the Community law in adoption of the agreed measures as they were either legally non-binding or had to be ratified at the national level taking too much time.

The most important contribution of the Treaty to the formation of common migration policy was the introduction of a new title, Title VI, involving 'provisions on cooperation in the fields of justice and home affairs'. Article K.1 of the Maastricht Treaty (1992) listed some aspects of immigration and asylum as matters of 'common interest' such as asylum policy; rules governing the crossing by persons of the external borders of the Member States and the exercise of controls; immigration policy and policy regarding nationals of third countries which concern the conditions of entry and movement of TCNs, conditions of their residence including family union and access to employment and lastly combating unauthorized immigration, residence and work by TCNs on the territory of Member States. The same article also included provisions on internal security such as combating drug addiction and international fraud, judicial cooperation in civil and criminal matters, police cooperation for combating terrorism and drug trafficking. Provisions of the Title VI on the JHA was illustrating that the member states maintained the security-oriented understanding of the pre-Maastricht ad hoc cooperation by listing the immigration and asylum measures together with the

internal security matters. Hence, despite the divergence on the form of cooperation in the beginning of the negotiations leading to the Maastricht Treaty, there was a consensus among the member states on the adoption of restrictive immigration controls. Although member states agreed that they would act in compliance with the European Convention for the Protection of Human Rights and the Fundamental Freedoms and the Geneva Convention in dealing with the above-mentioned matters of common interest, they failed to comply with this declaration. As pointed out by Geddes, "declarations by EU member states of their collective respect for international law may not tally with practice" (2008, p.99), when the interests of the member states, in this case the protection of internal security, became a matter of priority.

In sum, what the Maastricht Treaty brought for the development of common EU migration policy was the institutionalization of the pre-existing intergovernmental cooperation coupled with an intense concern for threats to internal security that immigration and asylum might pose. Non-binding instruments of policy-making, a unanimous decision-making, marginalized roles of the EU institutions and thus increasing democratic deficit were perceived as obstacles to realize the provisions set under the JHA pillar. The proposals for reforming the pillar structure of the Maastricht Treaty in the 1996 IGC was illustrating that the weaknesses of the post-SEA cooperation framework could not be overcome by the intergovernmental third pillar. The Amsterdam Treaty would meet the expectations of member states regarding the immigration and asylum polices by overcoming the deficiencies of the Maastricht considerably.

3.3.2 The Amsterdam Treaty and its aftermath

The Amsterdam Treaty, signed in 1997 and entered into force in 1999, was a turning point in the development of common migration policy of the EU. The key concern of the Intergovernmental Conference in 1996, preceding the signature of the Amsterdam Treaty, was to eliminate the barriers to the free movement of people but without abandoning the EU's core objective of maintaining internal security (The Council of the EU, 2005). In line with the proposals of the 1996 IGC, the Amsterdam Treaty

brought significant changes to the institutional and legal framework of the EU which reinforced integration notably in the policies of asylum, border security, illegal immigration and visas. Nonetheless, the association between the internal security measures and the provisions regarding asylum and immigration remained unchanged.

First of all, the Amsterdam Treaty (1997), aimed to develop the EU as 'an area of freedom, security and justice' in which free movement of persons would be ensured, coupled with proper measures regarding external border controls, asylum, immigration and the prevention of and combating crime. In line with this objective of creating an area of freedom, security and justice, major areas of the third pillar involving the immigration and asylum matters were transferred to the first pillar- 'Community' pillar- through the inclusion of Title IV into the Amsterdam Treaty called: 'Visas, asylum, immigration and other policies related to free movement of persons'. The remaining areas of the third pillar were included under the new title VI, 'provisions on police and judicial cooperation in criminal matters', with the objective of combating crime, terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud (The Amsterdam Treaty, 1997, article K.1). Cooperation on the criminal matters were intergovernmental in character in that the Council was the dominant actor working through a unanimous voting procedure while the supranational institutions had a limited role in the decision-making process.

The provisions concerning the free movement, asylum and immigration were stated under title IV. In article 61(a) of the Treaty (1997), the Council was given five years, after the Treaty's entry into force, for adopting the provisions of free movement in parallel with the directly related flanking measures regarding external border controls, asylum and immigration. Article 62 of the Treaty (1997) called for the Council to adopt measures concerning crossing the external borders such as standards and procedures of border checks; rules on visas; the list of countries whose nationals have to possess visas and those whose nationals are exempted from this obligation; and a uniform visa, in this five-year period, following the abolition of internal border controls on persons. The measures set under article 63 of the Amsterdam Treaty (1997) were the most relevant ones with respect to immigration and asylum policies, which involved, for

instance, the criteria for determining the state responsible for examining an asylum application, minimum standards of admission of asylum seekers, minimum standards of procedures determining the refugee status, measures on immigration policy such as the conditions of entry and residence for third country nationals and their illegal immigration and residence. With the transfer of major areas of the JHA into the Community pillar, the roles of the supranational institutions were enhanced regarding immigration and asylum policy. Following the five-year period, the Commission's right of initiative, shared by the member states previously, would become the exclusive right; the role of the EP was not improved considerably and with the exception of few areas, consultation would be the only mechanism through which the EP could be involved in the decision-making process, and the ECJ would acquire a mandate for interpretation of Title IV and undertaking preliminary rulings upon the request of national courts (Uçarer, 2010, p.311).

The incorporation of the Schengen acquis into the framework of the EU through a protocol annexed to the Amsterdam Treaty (1997) was an illustration of the will of the member states in furthering the European integration and ensuring the 'area of freedom, security and justice'. Article 2 of the protocol integrating the Schengen Agreements into the EU was stating that the Schengen acquis would immediately apply to the signatories of these agreements. Concerning the issue of adopting the acquis, article 8 of the protocol was laying down the full acceptance of the Schengen acquis as a condition for candidate countries for their admission to the EU. In this way, the countries with potential for membership were being included in the EU's internal security adjustments and were expected to adopt the immigration and asylum policies of the EU in their national policies (Geddes, 2008).

As far as the reforms of the Amsterdam Treaty are concerned, the above-mentioned weaknesses of the Maastricht Treaty in general and those of the JHA pillar in particular were overcome to a certain extent. Nonetheless, despite the 'communitarization' of the asylum and immigration policies under the first pillar, the roles of the supranational institutions were not as reinforced as expected from the Treaty due to the reluctance of member states for sharing their sovereign rights with these institutions. Thus, the dominance of the Council working through a unanimous voting procedure continued.

Concerning the introduction of an objective of creating an 'area of freedom, security and justice'(AFSJ), van Munster touches upon a very critical point about the change of discourse that underpinned the internal security cooperation. Accordingly, while in the pre-Amsterdam period, the issue of internal security was based on the compensatory measures discourse following the abolishment of internal border controls, the Amsterdam Treaty and particularly the negotiations preceding it brought a new discourse, in line with the objective of developing the EU as an AFSJ, that linked internal security question to the feelings of insecurity of the EU citizens (van Munster, 2009, p.66). In this sense, van Munster stated that: "The referent object of European internal security has shifted from internal market to the EU-citizens that are to move around in the AFSJ without feeling insecure" (2009, p.69). Guiraudon also emphasizes this change in official narrative from compensatory measures as a part of the integration project to a securitarian approach (2003, p.264). This new security discourse provided a new ground for maintaining a security-oriented migration and asylum policy framework, the implications of which will be explored more in detail while discussing the securitization of migration.

Having underlined the Amsterdam arrangements in this section, it is now essential to move on to consider the work and action plans adopted to implement the provisions set under title IV. The Vienna Action Plan, adopted by the JHA Council on 3 December 1998, remarked the measures in the field of asylum, external borders and illegal immigration to be implemented in a certain time frame in order to put the objective of AFSJ into practice (Council of the EU and European Commission, 1998). Regarding the implementation of the measures of the Amsterdam Treaty, a special meeting of the European Council convened in Tampere in October 1999 was highly significant with its aim to put justice and home affairs policies into effect. The Tampere action plan called for a common approach to the immigration and asylum matters in order to secure free movement of the EU citizens and as well as the TCNs legally residing in the EU. In this regard, Tampere European Council pointed out four components that the common EU migration and asylum policy should include as follows: "Partnership with countries of origin, a common European Asylum System, fair treatment of third country nationals and management of migration flows" (European Council, 1999b,

para.10-27) In line with these elements, Tampere European Council (1999) reiterated that a common EU migration policy should address several dimensions ranging from human rights to development issues such as fight against poverty, reinforcing democratic states and providing better living conditions in the countries of transit and origin with a comprehensive approach. A Common European Asylum System (CEAS) would be developed in order to ensure a common asylum procedure in examining the asylum applications with minimum standards and a uniform status for refugees acceptable throughout the EU[20]. The measures to integrate TCNs into the society through granting them rights approximate to those of EU citizens and fight against discrimination, racism and xenophobia were addressed in order to provide a fair treatment for the TCNs. The last aspect of the common migration policy, 'management of migration flows', was indeed the preview of the contemporary migration and asylum policies of the EU; in that, it put emphasis on the externalization of these policies through cooperation with the countries of origin and transit countries in combating human trafficking and illegal immigration. With respect to the cooperation with the third countries, the Council was given mandate to conclude readmission agreements with these countries (1999b, para 27), which was and still is one of the most common instruments of the externalization of migration policy of the EU.

The European Council adopted a new multi-annual scheme, called The Hague Programme covering the period of 2005-2009, on 5 November 2004, following the Tampere programme, with the major aim of strengthening freedom, security and justice in the EU. Having more or less the similar objectives and measures in field of justice and home affairs with the Tampere action plan and building on its achievements, The Hague Programme put more emphasis on the strengthening of the capacity of the EU in addressing the new challenges with an urgency, especially after the terrorist attacks of 9/11 in the U.S. and 2004 in Madrid (European Council, 2004). In tackling with the transboundary challenges such as illegal immigration, human

[20] Between the years of 2000 and 2005, several Council Directives, Regulations and Decisions were adopted on the matters of "asylum process, resettlement and integration, EU financial and technical assistance with development of asylum systems and Eurodac", which established the legal framework of the European asyluum policy substantially. For the details of these legal outputs, see Geddes, A. (2008). Immigration and European Integration. Beyond fortress Europe?. Manchester : Manchester University Press, p.131-132.

trafficking, terrorism and organized crime, the Programme underlined the significance of the coordination between the internal and external dimensions of the JHA policies. The European Council also approved to move to QMV and co-decision procedure for the measures of Title IV, with the exception of those on legal migration (2004). In the Hague Programme, there were also many references to the objectives and planned measures of the Constitutional Treaty regarding the JHA field. However, the Constitutional Treaty, after its rejection by the referendums held in France and the Netherlands in 2005, was replaced by the Reform Treaty, commonly known as the Lisbon Treaty.

The Lisbon Treaty, signed on 13 December 2007, included almost the same provisions envisaged by the Constitutional Treaty in the field of justice and home affairs. One of the substantial contributions of the Lisbon Treaty was the renaming of Title IV, which was once dealing only with the issues of free movement, asylum and immigration, as the "area of freedom, security and justice", including the chapters on border checks, asylum, immigration, judicial cooperation in civil and criminal matters and police cooperation[21]. This change in the content of Title IV concomitantly invalidated the pillar structure of the Maastricht Treaty as the areas of the former third pillar became the subjects of the shared competence between the EU and member states (TFEU, article 2 C). Thus, the Community method was adopted extensively in those areas of the former intergovernmental third pillar. Furthermore, the 'co-decision procedure' or 'the ordinary legislative procedure', in which the Commission has the exclusive right of initiative and the Council and the EP are the legislative institutions, and the QMV were introduced into many areas of the JHA.[22] The power of the Court of Justice was also enhanced with the Treaty giving jurisdiction of preliminary rulings on the matters of AFSJ, to the ECJ. The Lisbon Treaty gave a new impulse to the objective of

[21] The new numbering of the Title IV is Title V under the TFEU, including the articles 67-89 (The Lisbon Treaty, 2007, C 306)

[22] Regarding the measures on border checks, asylum and immigration, the articles 62, 63 and 63a of the Lisbon Treaty specify the measures that are adopted through ordinary legislative procedure (The Lisbon Treaty, 2007).

establishing a common European asylum system with its emphasis on "a uniform status of asylum" and "common procedures" for determining the uniform status, instead of setting minimum standards (2007, article 63(2)). In this sense, the Lisbon Treaty brought about significant reforms to the field of JHA, and considerable contributions to the development of common migration and asylum policy.

Following the action plans of Tampere (1999-2004) and Hague (2005-2009), a new multi-annual programme, called the Stockholm Programme -an open and secure Europe serving and protecting citizens, was adopted by the European Council, on 10 December 2009, covering the period of 2010-2014. Building on the achievements of the previous action plans, this five-year programme set the agenda for the EU actions in developing the 'area of freedom, security and justice'. The major priorities of the programme concerning the issues of immigration and asylum were as follows: Developing a dynamic and comprehensive migration and asylum policy based on solidarity, responsibility and partnership, integrating the migration policy into the foreign policy of the Union, enhancing cooperation with third countries through consolidating and implementing 'Global Approach to Migration[23]' as a strategic framework, supporting the labour immigration that meets the national labour-market needs of member states, supporting the integration of migrants, developing effective return policies and concluding readmission agreements in combating illegal immigration, establishing the CEAS by 2012 in order to ensure a common area of protection and solidarity in which a uniform status is ensured for people granted asylum, and developing a closer cooperation with the United Nations High Commissioner for Refugees (UNCHR) (European Council, 2010, chapter 6). Following the Stockholm programme, the "strategic guidelines" were identified by the European Council, on 26-27 June 2014, for "legislative and operational planning" for implementing the policy measures and the objectives set under the Stockholm programme and the Lisbon Treaty. The European Council reiterated that the Union

[23] The 'Global Approach to Migration' is basically an encompassing framework for the EU's external migration policy that set the priorities and instruments for the EU action regarding the immigration and asylum issues, particularly in its dialogue and cooperation with the third countries. (European Commission, 2017a). This global approach and its major drivers will be discussed further in detail under the next chapter on the externalization of the migration policy of the EU.

should take advantage of legal migration, ensure the protection of people in need, and promote an effective management of the Union's external borders in combating irregular migration. (2014, para 5)

The above-mentioned European Council meetings and the subsequent programmes called for the EU institutions to take necessary legislative steps in pursuit of the Union's goals for a comprehensive migration and asylum policy. The outcome was a number of legal instruments (regulations, directives and decisions) that were upgraded, when necessary, through the consecutive action programmes and strategic guidelines.[24]

The treaties, presidency conclusions of the European Council, programmes, resolutions, conventions and agreements that were discussed in this chapter were the most relevant documents of the European Union concerning the development of the immigration and asylum policies. Nonetheless, the evolution of the common EU migration policy, which is an unfinished process yet, is not just limited to these documents. There are also several other initiatives and agencies involved in this process shaping the framework of the internal and external dimension of the policy of the EU, some of which will be discussed in the following sections. Despite the considerable attempts of the member states for developing a common approach towards immigration and asylum, regardless of their major motivations, it seems that an all-encompassing supranational migration policy cannot emerge as long as the member states are in the driving seat in pursuit of their national concerns.

Having discussed the major developments and achievements in the field of immigration and asylum so far, the remaining part of the thesis now turns to the securitization of migration in the EU and the externalization of migration policy. Thus, before proceeding to assess the normative power of the EU in the context of its

[24] For information on the recent legislative developments on immigration, integration and irregular immigration see http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_5.12.3.html

For information on the existing legal instruments and recent Commission proposals on the asylum policy see http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_5.12.2.html

migration policy, it is essential to examine these two major characteristics of the EU policy-making in the field of immigration and asylum. The next section of this chapter addresses the securitization of migration in the EU. The externalization of the migration policies of the EU, its major motivations, instruments and the impact on the actors concerned, and the assessment of the claim that the EU is a normative power will be discussed in the next chapter of the thesis.

3.4 The securitization of migration in the European Union

With the end of the Cold War, it was understood that the narrow security understanding that only focused on the traditional, state-centric military threats was not sustainable anymore in the new world order in which new security issues and threats started to take its place on the political and security agendas of the states. Thus, the end of Cold War did not only bring an end to the bipolarity but also to the narrow traditional security studies. In this regard, the scholars of the field committed themselves to broaden the security studies encompassing the new non-traditional security issues such as economic, political, societal or environmental security threats that are affecting not only states but also individuals and non-state actors**.** (Stivachtis, 2008). Thus, the new non-traditional security understanding did not only introduce non-military security threats to the international security agenda but also the new referent objects other than states. In this new environment, international migration started to be perceived as a non-traditional security threat by the major immigration countries. Kicinger points out some components of security that may be put under jeopardy due to international migration. These are social stability, demographic security, cultural identity, social security and welfare state philosophy, and internal security (2004, p.2). Major European immigration countries facing large-scale migration flows at their borders started to adopt new security measures and policies under the roof of the European Union. Despite the ongoing debate whether the international migration is a real threat to the security of the host countries or it is constructed as such by the major immigrant countries, migration issue took its place on the security agendas of the receiving countries.

This section tries to examine the securitization of migration flows in the EU through discussing first the theoretical framework with references to the Copenhagen School and the sociological approach pioneered by Bigo, who is one of the prominent theorists of Paris School, and then the means and ends of securitization of migration in the EU. In this regard, the role of securitization in the development of asylum and immigration policies, the reasons, motivations and the instruments of securitization, and whether migration is a real security threat or it is a construction of the European States will be discussed**.**

3.4.1 The Securitization Theory

The traditional narrow security understanding of the Cold War that defined the security concept only in military and state-centric sense was outmoded in the post-Cold War era. In the face of non-traditional challenges such as intra-state conflicts or unprecedented immigration flows in the post-Cold war period, the 'wideners' and 'deepeners' of the security studies committed themselves to broaden the concept of security claiming that the state-centric security agenda was 'analytically, politically and normatively problematic'. (Buzan and Hansen, 2009, p.187). Thus, these new widening and deepening approaches -Conventional and Critical Constructivism, Post-colonialism, Human Security, Critical Security Studies, Feminism**,** the Copenhagen School, Poststructuralism- expanded the security concept beyond the traditional understanding of security by adding new security issues and referent objects.

The Copenhagen School and its prominent theorists Barry Buzan, Ole Waever and Jaap de Wilde have substantial contributions to the concept of security in particular and to the security studies in general under the framework of the constructivist approach. The concept of 'societal security' and 'securitization' are the most crucial ones of these contributions to the field (Buzan and Hansen, 2009).

Societal security as a concept was first introduced in the book called '*Identity, Migration and the New Security Agenda in Europe'* (Waever et al., 1993). As a new security sector, the 'societal security' was defined by the leading theorists of the

School as "the ability of a society to persist in its essential character under changing conditions and possible or actual threats" (Waever et al., 1993, p.23). What is critical in the societal sector is that in contrast to the other sectors (political, military, environmental and economic), the referent object- whose security in concern- is the 'society' itself rather than the 'state' (Waever et al., 1993). In the societal security theory, 'possible or actual threats' are underscored. In that regard, for instance, a large-scale migration to the Western European states was not welcomed by the host societies on several grounds due to the challenges it poses to the national identity and societal integrity as it resulted in the transformation of the homogenous host societies with their shared history, culture, ethnic and political experience into the multi-cultural and multi-ethnic societies (Heisler and Layton-Henry, 1993). In such cases, immigration was presented as a threat to the 'societal security'.

'Securitization', on the other hand, refers to a discursive construction of an issue as a security matter or more precisely as an imminent and existential threat. In the words of the leading theorists of the Copenhagen School, 'securitization' is defined as follows:

> The way to study securitization is to study discourse and political constellations: When does an argument with this particular rhetorical and semiotic structure achieve sufficient effect to make an audience tolerate violations of rules that would otherwise have to be obeyed? If by means of an argument about the priority and urgency of an existential threat the securitizing actor has managed to break free of procedures or rules he or she would otherwise be bound by, we are witnessing a case of securitization (Buzan et al., 1998, p.25).

According to Buzan et al. (1998, p.23), securitization is an "extreme version of politicization". They examine the process of securitization through a spectrum that ranges from nonpoliticized (an issue is not a concern of public debate), through politicized (an issue is a part of public policy and needs a government decision), to securitized (an issue is presented as an existential threat justifying the emergency measures) (1998, p.23). As can be seen from the above quotation, when something is framed as an existential threat (that is about survival) by the securitizing actors against the referent object, extraordinary measures, which are normally not legal, become

legitimized[25]. Then how do these securitizing actors -political leaders, governments, or pressure groups- can securitize an issue? At this point, the 'speech act' plays a prominent role, which is described by Waever as follows:

> With the help of language theory, we can regard 'security' as a speech act. In this usage, security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering 'security,' a state representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it (1995, p.55).

The process of securitization is only completed when declaring an issue as an existential threat, which is seen as a 'securitizing move', is accompanied by the acceptance of the audience that there is an urgent threat, legitimizing violations of normal rules (Buzan et al., 1998, p.25). The Copenhagen School theorists also asserted that uttering something as a security issue is political choice and that is why securitization does not necessarily rely on a real existential threat but on a perceived and constructed threat as well (Waever, 1995, Buzan et al., 1998) Thus, 'security' is a self-referential practice through which an issue is socially constructed and becomes a security matter (Buzan et al., 1998, p.24). Although an issue is not an existential threat, securitizing actors may declare an issue as such and make the audience believe in that extreme politicization.

Having discussed briefly what is meant by 'securitization' under the framework of the Copenhagen School, it is now necessary to explain the sociological approach to 'securitization', pioneered by Didier Bigo, who puts emphasis on the practices rather than discourses in the process of securitization. The scholars of this approach criticize the Copenhagen School's overemphasis on the role of language and speech act in the process of securitization and claim that although an issue may not be declared explicitly as a security threat, the means to deal with it may render it as security issue (Huysmans, 2000; 2006). In line with this argument, Huysmans points out that, "even when not directly spoken off as a threat, asylum can be rendered as a security question

[25] Securitizing actors are defined as 'actors who securitize issues by declaring something – a referent object- existentially threatened'. Referent objects are defined as 'things that are seen to be existentially threatened and that have a legitimate claim to survival' (Buzan et al., 1998, p.36).

by being institutionally and discursively integrated in policy frameworks that emphasizes policing and defence" and thus, securitization is not a result of defining threats directly, but of "modulating practices in terms of security rationality" (Huysmans, 2006, p.4)

As opposed to the measures – extraordinary or exceptional measures that are not accepted in normalcy- that the Copenhagen School underlines in dealing with the existential threat, Bigo argues that "securitization works through everyday technologies, through the effects of power that are continuous rather than exceptional…" (2002, p.73). Thus, for Bigo, the scholars of Copenhagen School overlook the bureaucratic routines and day-to-day practices that are essential to comprehend how discourses work in practice (2002, p.73). In this respect, the agents of security -who produce the security problem or unease- are 'security professionals' such as police forces, border patrols, secret services, customs officers, private corporations and so on (Bigo, 2002), rather than political leaders. Despite accepting the role of language - the speech acts or discourses of danger- in the securitization process, Huysmans puts more emphasis on the role of technological and technocratic processes in modulation of insecurity domains (2006, p.8). Similarly, for Bigo, the advancement of technologies of control and surveillance is the cause of securitization of migration, not the result of it. In that sense, he links the securitization of migration to the "computerization, risk profiling, visa policy, the remote control of borders" and thus stresses the importance of bureaucratic practices and the development of technologies of control and monitoring in defining the security questions (2002, p.73) In a similar vein, Balzacq suggests an investigation of securitization process through examining the 'empirical referents of policy' -policy tools or instruments- that the EU uses to appease the problems identified as threats because new threats and securitization may occur in the absence of discursive articulation and the acceptance of audience (2008, p.76). Balzacq defines these policy tools as "an identifiable social and technical 'dispositif' or device embodying a specific threat image" (2008, p.79). In other words, as Leonard (2010) indicates, securitizing tools, with their inherent features, convey a message that they are for handling security threats.

To clarify briefly, these scholars claim that the absence of discourses or speech acts is not necessarily an obstacle to the process of securitization as the practices of the security professionals, bureaucracies and the instruments and technologies they adopt already lead to the securitization. In this regard, the recent activities of FRONTEX and their contributions to the securitization of migration are given as examples under the framework of this approach that privileges practices over discourses (Leonard, 2010).

When the securitization of migration in the European Union is examined, it will be seen that both approaches- Copenhagen School's emphasis on the speech act and the sociological approach that privileges the practices over discourses- are valid in the European case. Whether the practices or discourses are contributing more to the securitization of migration in Europe is open to discussion. Nevertheless, as will be seen from the following section, the securitizing practices of the EU are more promising in discussing the securitization of migration as they are observable and may identify an issue as a threat even in the absence of security discourses. Furthermore, in the case of migration and asylum policy of the EU, normative discourses of the EU, based on norms and principles, advocating inclusionary, pro-migrant and humanitarian policies may not overlap with the policy tools and practices of the EU that are not only against illegal migration but also 'unwanted migration' and 'asylum seekers' who are not an immediate threat unless they are perceived or constructed as such. In that sense, examining the observable and tangible practices of the EU may provide sound judgement with respect to the securitization of migration. The next section tries to explain why and how the EU securitized the issue of migration.

3.4.2 The securitization of migration in the European Union

In the light of above discussed theoretical frameworks of securitization, this section examines the motivations and instruments of the securitization of immigration and asylum issues in the European context. As emphasized at the beginning of this chapter, Europeanization of national migration policies was notably linked to the European integration process. In other words, the removal of internal borders, which was the prominent goal of the European integration project since the establishment of the

Community, necessitated the convergence of national policies particularly concerning the rules of entry and residence for non-EU citizens. This accelerated the process of Europeanization of migration policies. Upon the abolition of internal border controls and creation of the common external border, member states decided to take compensatory measures in order to maintain the security of this border-free area. Thus, it was in their interests to harmonize their national policies, which was not seen by them as a challenge to their sovereignty; on the contrary, it was thought as a means for more restrictive migration policies. In other words, European level policy provided great convenience for member states in determining the content of the policy in line with their domestic interests, in contrast to the national level policy making. Writing soon after the signature of the Amsterdam Treaty, Kostakopoulou (2000, p.504) pointed out that the partial Communitarization of the migration policy did not bring a substantial change in the form and the content of the European cooperation; on the contrary, it prepared a ground for member states in consolidating the representation of migration as a security issue and reinforcing their regulatory capacities, in the absence of powerful supranational institutions. In fact, with the Amsterdam Treaty, the Community has absorbed already developing security agenda and restrictive policies and practices of member states on immigration and asylum, without considering the negative impacts of this securitization logic on the founding values and principles of the Union.

As discussed before, the attitudes of the member states to immigration had substantially changed when they started to perceive immigrants as economic burden and danger to the societal stability rather than as contributors to the economic development of the Community. Since the 1980s, migration was politically constructed as a challenge to the domestic integration and public order by linking immigrants to the criminal and terrorist abuses of the internal market. This led to the development of restrictive migration policy and social construction of migration as a matter of security question through several intergovernmental steps such as the third pillar on Justice and Home Affairs, the Schengen Agreements and the Dublin Convention (Huysmans, 2000, p.751). As indicated in the previous sections on Europeanization of national migration policies, the internal security measures were

listed in the same place with the provisions on immigration and asylum matters in the official documents of the EU – treaties, presidency conclusions, conventions, resolutions, action plans- since the early years of the informal intergovernmental cooperation. Immigrants and asylum seekers, or 'unwanted' categories of migration, were explicitly or implicitly associated with terrorism, transnational organized crime, drug trafficking, and several other criminal activities by security professionals.

Within this context, the discussion on whether immigrants, asylum seekers and refugees pose a real and imminent threat to the public order and internal security or they are constructed as such by securitizing discourses and policies becomes more of an issue. This discussion is very much related with the debate over whether a security problem emerges first and then the policies are formulated to handle it or vice versa. On this discussion, this thesis claims that the perception of migrants as an urgent threat or a challenge to internal security is socially and politically constructed and the security policies and discourses provide solutions to the problems that they themselves defined or constructed. As emphasized by many scholars (Huysmans, 2000, 2006; Bigo, 2002; Guiraudon 2000,2003; Geddes, 2008), expert knowledge, routinized practices of bureaucratic agents, and political discourses played a prominent role in producing security questions and also offering solutions to these problems. The late 1970s and particularly the 1980s witnessed a great involvement of migration control experts and officials of justice and interior ministries in secretive and informal intergovernmental working groups in which they offered their technical solutions to the security-related issues (Guiraudon, 2003). As stated by Guiraudon, "Solutions had been devised before problems had been defined" (2003, p. 268). In a similar vein, Geddes pointed out that: "A 'supply side' of the market for security had developed, … waiting for demand-side impetus such as large scale asylum-seeking, increased irregular migration flows…" and in this case, the supply side, or the 'solutions', was provided by the intergovernmental entities such as Trevi, Schengen and the third pillar (2008, p.127). Claiming that the perception of immigrants as a danger resulted from the development of control and surveillance technologies, Bigo argues that the people crossing borders become new and useful targets for the professional managers of

unease, who had already gained legitimacy from their campaign against terrorism and crime, in testing and utilizing their technologies (2002).

Huysmans uses three interrelated themes, which are 'internal security', 'cultural security' and 'security of welfare state', to illustrate how the European integration process is linked to the securitization of migration (2000, 2006). These also explain the motivations behind securitization of migration policy. With respect to the 'internal security' theme, Huysmans emphasizes how the abolition of internal borders was linked to the necessity to reinforce external border controls to be able to monitor transnational flows of people, which was constructed as a challenge to internal security and stability. He interprets this development as "the spill-over of the economic project of the internal market into an internal security project" (2000, p.752). Linking internal market to internal security question by means of discourses and police cooperation resulted in a security continuum in which security connotations of transnational terrorism, crime, and drug trafficking were transferred to the field of migration. In this respect, bureaucratic agents such as police and customs played a key role as security professionals in formulating the field of internal security by both defining security questions and also handling with them (Huysmans, 2000, p.760-761).

Regarding 'cultural security', immigrants are represented as a challenge to the cultural identity on the ground that their cultural and racial roots are highly different from that of the EU citizens. Securitizing discourses, such as the clash of civilization discourse, portray migrants as an obstacle to cultural homogeneity and racial unity, intensifying the racist and xenophobic reactions to migrants (Huysmans, 2000, p.762-767). At this point, it is necessary to point out the role of securitization of migration in the construction the national identities. Through defining the immigrants as alien, unfamiliar and significant threatening Others on the basis of their racial, religious, ethnic and cultural distinctions, a nation in a way redefines and reinforces its own distinct identity excluding immigrant groups from the society (Triandafyllidou, 2001). Triandafyllidou states that the act of othering the immigrants serves the interests and identity of the dominant nation in a sense that a positive in-group identity is constructed or reinforced against the negative others, or immigrants (2001, p.60) On the basis of these discriminatory discourses, cultural and racial differences are seen as

a threat to the 'purity' and 'authenticity' of the national values, culture, norms, language and traditions, a dynamic, which is seen in both civic and ethnic nationalism. Hence, exclusion of Others from the society will enable the restoration of national order and reinforcement of the national identity in this approach (Triandafyllidou, 2001). Thus, the construction of the identities is the very process of securitization of migration and the immigrants.

As a last theme in his analysis, Huysmans examines how immigrants are perceived as a threat to the survival of the welfare state system. The economic crisis of the 1970s in the welfare states of the Europe raised the struggle and competition over the distribution of social goods (e.g. housing, jobs, unemployment benefits) between the immigrants and the nationals, increasing the discourses which identify migrants as rivals to the national citizens. Welfare chauvinism is the extreme version of this discourse claiming that immigrants are the 'illegitimate recipients of social and economic rights' (Huysmans, 2000, p.767). [26]

In brief, the analysis of Huysmans (2000, 2006) on the securitization of immigration and asylum suggests that framing of migration as a security question has its roots in the development of European integration process since the early 1980s rather than the more recent terrorist attacks in the US and the European countries, which contributed to securitization but not securitized migration for the first time. Indeed, the migration-security nexus has taken on a new significance following these terrorist events of 9/11 since Western countries connected migration to global terrorism and transnational crime (Peoples and Vaughan-Williams, 2010, p.134). After these terrorist attacks in the Western countries, asylum seekers and especially Muslim immigrants whose integration problems were associated with 'home grown terrorism' and 'radicalization' were depicted as a threat to the public order, national security and cultural identity, which have dominated the political agenda in Europe since then (Toğral, 2012, p.66). According to Stivachtis, when the migrant community tries more to integrate and adapt to the norms and values of the society of the receiving country, they become less

[26] For more information on the nexus between migration and welfare state system see Paraschivescu, C. (2013) Is migration a problem for EU welfare states? What role can the EU play in 'managing' migration? *Revista Romana de Sociologie*, 5-6, 402-409.

threatening for the host country (2008, p.4) Regarding the impact of the 9/11 terrorist attacks on the securitization of immigration and asylum in the EU, there are two different arguments in the literature. On the one hand, several scholars (Huysmans, 2006; Pinyol-Jimenez, 2012; Peoples and Vaughan-Williams, 2010; den Boer, 2008) claimed that securitizing discourses and practices, which paved way to integrate the counter-terrorism policies into the immigration policy of the EU, intensified after the terrorist attacks of 9/11. On the other hand, some scholars (Boswell, 2007; Bermejo, 2009) argue that the terrorist attacks of 9/11 and the following anti-terrorism agenda in Europe did not affect the discourses and practices on immigration and asylum. Bermejo (2009) points out that increasing focus of the EU discourses on reinforcing the external border controls, after the 9/11 attacks, was related to combating and preventing terrorist events and did not frame the immigration as a security threat. In a similar vein, Boswell (2007) claimed that the security measures, policies and priorities in relation to the migration control were adopted long before 9/11 and the only link between immigration control and counter-terrorism strategy was the integration of some policy instruments and data which are set for the migration control policy, such as SIS and Eurodac, into the counter-terrorism strategy of the EU in order to detect the suspected terrorists. It is true that the framing of migration issue in relation to the security problems is not a new trend in the European context as explained earlier. However, when the European Council conclusions and the initiatives on combating terrorism after the attacks of 9/11 are considered, the former assertion seems more credible. Although asylum seekers and refugees are not always a major threat that the anti-terrorist policies target, asylum and refuge take place in these policies with the assumption that terrorists may enter a country exploiting the asylum procedures (Huysmans, 2006). In this context, several measures -pre-entry screening, biometric data, a strict visa policy- were adopted in order to ascertain preparatory activities of terrorists, which resulted in "spill-over from security politics into migration policy" (den Boer, 2008, p. 10) Tougher migration controls were justified for combating terrorism (Pinyol-Jimenez, 2012). Controls in the pre-frontier space such as visa and carrier sanctions and in the buffer-zones such as transit processing centres, and the digital recording of people's identities through new biometric technologies such as fingerprinting constitute 'risk profiling' which is utilized for distinguishing trusted and

legitimate migrants from risky and illegitimate ones (Van-Munster, 2009, p.145; Peoples and Vaughan-Williams, 2010, p.135,141). Thus, there was an explicit link between migration and terrorism after these terrorist attacks, intensifying the representation of immigrants as a security threat[27]. This can be seen more clearly in the practices of Frontex which was founded in 2004 with the objective of maintaining the security of the EU's external borders.

Having underlined the main reasons and motivations for framing a migration issue as a security question in the EU, it is now essential to examine some of the numerous securitizing practices and tools in order to understand how the EU uses them, which embodies a 'specific threat image' as suggested by Balzacq (2008, p.79), against the immigrants and asylum seekers who are seen as a threat to the internal security of the EU. There are several securitizing practices associated with the migration policy of the EU, which are the major components of the EU's external migration policy. Toğral defines these practices as 'preventive securitizing practices', in the sense that they are for containing the unwanted categories of migration such as unskilled migrants, refugees and asylum seekers, before their arrival to the European territories (2012, p.66) These practices involve restrictive and exclusionary visa practices; technological tools, databases and surveillance systems for identification of asylum seekers and immigrants such as Schengen Information System (SIS), Visa Information System (VIS) and Eurodac (EU asylum fingerprint database for identification of applicants)[28]; establishing external border control mechanisms with the support of agencies such as Frontex and Europol; curtailing asylum applications through several initiatives such as 'safe third country' principle and carrier sanctions, and the cooperation with the countries of origin and transit for deterring illegal immigrants from entering into and staying at the EU countries through readmission agreements (Toğral, 2012, p.67).

[27] For further information on the impact of 9/11 on the EU responses to transnational terrorism threat, see Monar, J. and Den Boer, M. (2002). Keynote Article: 11 September and the Challenge of Global Terrorism to the EU as a Security Actor. JCMS, 40, 11-28.

[28] For more information on SIS, VIS and EURODAC, see https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas_en

It would be useful to explain the role of these practices[29] in the securitization of migration with an example. The activities of Frontex, in that sense, set a good example for these practices since enhancing external border controls are given prominence in the management of migration flows in the EU especially after 9/11. Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, was established by the Council of the EU on 26 October 2004 (Council Regulation 2007/2004)[30]. Its mission is to develop European border management in accordance with the Charter of Fundamental Rights of the EU and the concept of Integrated Border Management. Its major tasks involve monitoring migration flows, coordination of joint operations at the external borders and rapid border interventions in humanitarian emergencies, assisting members states for training of national border guards, the conduct of risk analysis and vulnerability assessment, providing technical and operational assistance to member states in coordinating and organizing return operations, combating organized transnational crime and terrorism at the external borders (The Council of the EU, 2004; European Border and Coast Guard Agency, 2017).

The relevant discussion here regarding the link between migration and security is about whether the establishment of Frontex and its practices could be explained by the theoretical framework of the Copenhagen School which attaches importance to the language of exceptionalism and emergency used in the discourses of political leaders or by the theoretical framework, led by Bigo (2002), which considers practices (rather than discourses) and technologies used by security professionals as significant indicators in the securitization process. In the case of Frontex, despite relevance of both approaches, the explanatory power of the latter theoretical framework is more than the former one.

[29] Some of these securitizing practices and policies such as visa policy, readmission agreements and safe third country principle will be discussed in the next chapter on the external dimension of the EU's migration policy.

[30] Council Regulation 2007/2004 was repealed by Regulation 2016/1624 establishing European Border and Coast Guard Agency (Frontex) without amending the legal personality and short name of Frontex.

According to Neal (2009), despite several securitizing discourses of the EU institutions (extraordinary meeting of JHA Council on 20 September 2001, Communication of European Commission on 15 November 2001 on a common policy on illegal immigration, Conclusions of European Council meeting in Laeken on 14-15 December 2001) linking migration and asylum to terrorism, external border control and security in the aftermath of 9/11, this language of urgency and exceptionalism of the initial response to the terrorist attacks was absent in the formulation of Frontex. Thus, Frontex was not an outcome (exceptionalism) of these securitizing moves but emerged as a 'technocratic project' and institutionalization of normalization rather than of exceptionalism (Neal, 2009, p. 343,348). This does not mean that Frontex is not securitizing migration. Through its routinized practices, complex technologies and risk analysis, Frontex provides regular information to the member states on likely threats (terrorism, illegal immigration) to the external borders. In that regard, Neal (2009) finds the approach of 'governmentality of unease', suggested by Bigo (2002), more applicable to the practices of Frontex.

Leonard (2010) explains the practices of Frontex through the lenses of second theoretical approach that 'privileges practices over discourses' and underlines two criteria in identifying securitizing practices. Accordingly, practices can be defined as securitizing (construction of security threat) if they are performed to struggle with issues that are traditionally seen as security threats such as terrorism and foreign invasion and/or if they are extraordinary and more particularly 'out of ordinary' (not applied to migration issue previously) (Leonard, 2010, p.238) In the light of these criteria, Leonard suggests that all the major activities of Frontex are instrumental in securitizing migration. For instance, the control and surveillance equipment deployed in the joint operations of the states illustrates a 'semi-militarization' of border controls which are traditionally seen in responses of states to security threats such as a military attack. Assisting members states in training national border guards for various issues such as detection of falsified documents or joint return operations and 'Rapid Border Intervention Team' also convey a message that irregular migration poses an urgent threat to the external borders (2010, p. 240-241)

In sum, despite the absence of emergency and exceptional measures and securitizing speech acts, securitization could still occur through securitizing practices as exemplified in the case of Frontex. Nonetheless, the role of language in the securitization process is undeniable. In other words, there are several cases in the European context in which discourse of the EU institutions framed immigration and asylum as a security threat, linking migration control to internal security.

3.5 Conclusion

The major aim of this chapter has been to provide a general framework for the development of migration policy in the European context. The principal focal point of this chapter has been then to clarify motivations and instruments of the European countries in their attempt to develop a common migration policy. Consequently, it is possible to argue that it was the common concerns of member states about the societal, economic and cultural security that brought a European level cooperation. The two periods studied above -pre-and post-Amsterdam period- have illustrated that member states adopted restrictive immigration and asylum policies in order to deter immigrants and asylum seekers from entering the EU.

This chapter is basically composed of two interrelated parts: the Europeanization of national migration policies and the securitization of migration. These two processes went hand in hand in a sense that the Europeanization of migration policy is shaped by and is shaping the securitization of migration. After a brief discussion on migration in Europe since the post-war by looking at the historical phases, the first part of the chapter has examined the preferences of member states regarding the form and content of the European cooperation on the migration issue. Then it has continued with an analysis of informal (outside the EU framework) and formal intergovernmental cooperation in the pre-Amsterdam period. For this period, the following developments have been covered: the first major step on the way towards Europeanization of immigration and asylum policies, the Schengen Agreement; the abolition of internal borders among the states participating in the Schengen area; the informal intergovernmental cooperation, particularly after the SEA, through ad-hoc groups,

conventions, and resolutions, and the third pillar of the Maastricht Treaty institutionalizing the informal meetings. For the post-Amsterdam Period; contribution of the Amsterdam Treaty to the Europeanization of migration policy, 'communitarization of the migration-related areas of the third pillar'; the action plans -Tampere, Hague and Stockholm programmes- to put the provisions of the Treaty into practice, and the reforms of the Lisbon Treaty in the field of JHA have been discussed.

In order to explain the role of the securitization of migration in the development of a common EU migration policy, the second part of the chapter has first examined securitization theory by looking at two different approaches of the prominent theorists of the Copenhagen School (Barry Buzan, Ole Waever) and the Paris School (Didier Bigo). Then it has moved on to analyse the motivations and instruments of the securitization of migration in the EU. Lastly, in this part, the role of discourses and practices in the securitization of migration has been discussed with references to the activities of Frontex.

In short, the securitization of migration serves the purpose of preventing unwanted foreigners from migrating to Europe. As will be seen in the next chapter, this securitization of migration has provided the motivation for externalization of migration policy towards third countries -transit and sending countries- by means of several instruments and practices such as visa policy, readmission agreements and the safe third country principle. External dimension of the EU migration policy developed on the basis of security and control-oriented policies. Thus, while assessing the credibility of the claim suggesting that the EU's international identity is built on its normative power, the next chapter examines whether or not the goals, means and impact of the externalization of migration policy meets the criteria of normative power or justifies the criticisms against it.

CHAPTER 4

THE EXTERNAL DIMENSION OF THE EU'S MIGRATION POLICY: JUSTIFYING THE CLAIM OF 'NORMATIVE POWER EUROPE'?

4.1 Introduction

In the previous chapter, dynamics behind the process of European level cooperation on the issues of immigration and asylum have been discussed. European integration process -the removal of internal borders within the Union- and the representation of immigrants and asylum seekers as a threat to the societal, cultural and economic security -securitization of migration- were presented as the major reasons for developing restrictive and control-oriented policies and instruments in handling migration issue at the EU level. Despite the reluctance of the member states in ceding their sovereign rights to the supranational institutions, the increasing role of the EU institutions enhanced the communitarization of migration policy following the transfer of the immigration and asylum matters to the Community Pillar with the Amsterdam Treaty (1997). As discussed previously, the process of European integration was seen as an instrument by member states in order to adopt security measures, which were not feasible at the national level due to domestic judicial constraints (Guiraudon, 2000). Nonetheless, restrictive policies were inefficient in maintaining internal security and fighting against illegal migration. That is to say, as the restrictive policies to prevent asylum seekers' access to the asylum procedure got tougher, the number of illegal migrants have increased, boosting trafficking and smuggling of migrants trying to reach Europe through dangerous routes (Boswell, 2003a, p. 619). Understanding the inadequacy of the 'traditional migration control policies', member states have sought alternative ways to handle migration and asylum management predicaments, such as cooperation with third countries from and through which migrants and refugees make a voyage (Boswell, 2003a, p.619) Thus, member states that were hitherto reluctant to cooperate with each other were now willing to cooperate with third countries,

extending the internal migration policies beyond the Union through various forms and instruments and developing an external dimension to the management of migration flows.

This chapter consists of two main sections. The first one will discuss the motivations behind the development of the external dimension of the immigration and asylum policies of the EU by looking at its historical development, the instruments of externalization of migration and asylum policies and the impact of the EU's external migration policy on the third countries.

The second part of this chapter will assess the "Normative Power Europe" argument claimed prominently by Ian Manners. In this regard, major characteristics of NPE and criticisms raised against this claim will be evaluated within the context of the EU's migration policy in general and its externalization or integration into the EU's external relations in particular.

4.2 Towards an external migration policy: Externalization of internal asylum and migration policies of the EU

4.2.1. The early steps towards external migration policy

The movement of people from one country to another has an inherent external component since the only actor in this process is not the receiving states (e.g. European states) but also the countries of origin and the countries that people pass though on their way to a destination place. This being the case, immigration and asylum policies that do not have external dimension remain incapable in handling migration phenomenon as a whole. Realizing the inadequacy of internal migration policies (e.g. border controls, restrictive measures on migration and illegal entry) in managing migration flows, EU member states decided to concentrate on the external aspects of migration, which brought about a number of developments in extending migration policies beyond the EU. By defining externalization of immigration policy as "designing governance and policy extension beyond borders', Zapata-Barrero refers to an 'asymmetrical relationship' between two states, not only in the sense of power

and socio-economic disparities but also in their capacities to respond to the migration phenomena (2013, p.6). In this regard, external dimension refers to "attempts by the EU and its member states to influence migration from, and the migration policies of, non-EU states" (Geddes, 2008, p.170)

In the European context, management of immigration and asylum flows began to be discussed in relation to the external affairs of the Union particularly in the Communications published by the Commission and the Conclusions of the European Council meetings since the early 1990s. Before proceeding with these key documents, it is essential to mention two distinct approaches discussed in the literature (Boswell, 2003a; Zapata-Barrero, 2013; Lavenex, 2006) concerning the objectives and instruments of cooperation with third countries as major components of the external dimension of migration policy. Boswell (2003a, p.619-627) entitles these two approaches as 'externalization of migration control' and 'prevention'. The first approach entails "externalization of traditional tools of migration control" with the aim of engaging countries of origin and transit in reinforcing border controls; fighting against illegal migration and trafficking and smuggling of migrants; and readmitting illegal migrants (Boswell, 2003a, p.619). The second approach, on the other hand, is based on a 'logic of prevention' which aims to address the reasons of people's movement to the EU and to remove seeking asylum in Europe from being the only option for asylum seekers and refugees. Preventive measures either seek to eliminate 'root causes' in sending countries from which migration flows originate, through development assistance, foreign direct investment or trade, or provide protection for refugees or asylum seekers as close as possible to their respective countries, which is called as 'reception in the region' (Boswell, 2003a, p. 620, 624)

Zapata-Barrero labels these two approaches as "remote control[31]" and "root cause" approaches under the externalization category[32]. He presents the first approach as

[31] The concept of 'remote control' was first used by Zolberg (2003, cited in Zapata-Barrero, 2013, p. 10)

[32] The only difference with Boswell's classification is the naming of the approaches. In this sense, the remote control approach corresponds to 'externalization of migration control', while the root cause approach refers to 'prevention'.

"security-based, reactive (in the sense of controlling flows) and policy as restriction" and the second one as "development-based, proactive (preventive) and policy as innovation" (2013, p.10). The major difference between these perspectives is that the root cause approach tries to address and eliminate causes that push people to migrate and seek asylum through creating alternatives for them by innovative tools in contrast to restricting their movement through security-oriented measures advocated by remote control approach (Zapata-Barrero, 2013, p.11). In this sense, preventive approach tries to avoid detrimental effects of restrictive measures by targeting development to remove root causes and thus offers third countries with an opportunity for mutually beneficial cooperation with the EU, whereas externalization or remote-control approach shifts the responsibility and burden of migration control to the countries of origin and transit that lack necessary equipment to tackle with the issue (Boswell, 2003a, p.636). Strictly speaking, both approaches have the same overarching goal that is to curtail the access of migrants and asylum-seekers to the EU.

In the light of these two distinct approaches, it is now time to discuss key developments that shaped the external dimension of the EU migration policies. There are numerous attempts at both national and the EU level to bring an external dimension to the immigration and asylum policies or more particularly to cooperate with third countries to address migration question. The focus of the discussion here is key features and trends in external migration policy. Since it was with the Tampere European Council of 1999 that an external dimension to asylum and migration policies was officially adopted (Boswell, 2003a; Haddad, 2008; Lavenex, 2006, 2016; Zapata-Barrero, 2013), these developments can be best treated under two periods: pre-Tampere and immediate post-Tampere period.

4.2.1.1 Pre- Tampere Period

Despite the lack of fully-fledged external agenda on the management of immigration and asylum at the EU level until the 1999 Tampere European Council, a number of

early attempts by the European Commission and the European Council to raise the issue of external dimension are noteworthy.

In 1991, the European Commission's 'Communication to the Council and the European Parliament on immigration' proposed 'to make migration an integral element of Community external policy' in order to reduce migration pressure (European Commission, 1991, p.2). The Commission emphasized the necessity of addressing the migration question in future cooperation agreements with the countries of origin in order to facilitate migrant populations' contribution to the development of their own countries and to look for a way to keep would-be migrants in the regions of origin (1991, para.48-49).

A year later, the Edinburgh European Council adopted a 'Declaration on principles of governing external aspects of migration policy' on 12 December 1992. This declaration laid emphasis on the largescale, uncontrolled migratory movements that put pressure on the member states, particularly originating from the former Yugoslavia (1992, paras. v and iv). The European Council stressed the importance of a number of actions to ease up the migration pressure by addressing the motivations of people to move to the EU. To that end, it suggested preserving peace and preventing armed conflicts; ensuring full respect for human rights; creating democratic societies and adequate social conditions; and improving economic conditions in the countries of origin through liberal trade policy (para. ix). Additionally, it advocated the effective use of development aid in order to provide sustainable economic and social development; to create job opportunities and combat poverty; to protect displaced people in the areas closest to their home countries[33]; to combat illegal immigration and extend cooperation to third countries to send illegal immigrants back to their home countries (para. xvi). For Zapata-Barrero (2013, p.11) and Eisele (2014, p. 53), the declaration of the European Council embodied the elements of root cause approach. Nonetheless, it might be too assertive to claim that this declaration depends purely on

[33] In the cases of 'particular need', their temporary protection in one of the member states was also accepted (para. xi)

a development-based logic as it also entails the basics of a remote-control approach since agreements with third countries for returning illegal immigrants to the countries of origin are not ruled out.

European Commission published a new Communication on immigration and asylum policies on 23 February 1994, opening a debate on how to utilize the opportunities created by the Maastricht Treaty[34] in the field of asylum and immigration for a coordinated response to the challenges of migration. To that end, it attached importance to a 'comprehensive approach' for an effective migration policy which involves three major components: "action on the causes of migration pressure, action on controlling migration flows and strengthening integration policies for legal migrants" (Commission, 1994). The Commission advocated integration of immigration and asylum policies into the external policies of the Union so as to address the root causes of migration pressure -economic disparities, demographic pressures and political conditions- through a coordinated action in the fields of foreign policy, trade and development policies and humanitarian assistance (paras. 47-68). Furthermore, within the context of comprehensive approach, these long-term goals -eliminating root causes- would also be accompanied by measures producing short terms effects such as stopping illegal migrants before they reach the Union through tighter border controls and visa policies and repatriation of illegal migrants identified in the Community (paras. 69, 102-106).

Despite the attempts of the Commission and the European Council to develop a root cause approach in the early years of the 1990s, this approach was marginalized due to the control-oriented outlook of JHA Council (Boswell, 2003a, p.626-627).

Following the reforms of Amsterdam Treaty, the external dimension of JHA took on a new significance. On the eve of Tampere European Council, there have been three remarkable developments. The first one was the 'Austrian Strategy Paper' drafted by Austrian Presidency on 1 July 1998 (Austrian Presidency of the Union, 1998). Laying

[34] As emphasized earlier, the advances of the Maasricht Treaty were basically the creation of JHA pillar, listing immigration and asylum related issues as matters of common interest, institutionalization of intergovernmental cooperation. In this sense, the Commission laid particular emphasis on the single institutional framework that would provide a coordinated response. (Commission, 1994).

emphasis on the failure of the previous attempts -1992 declaration of Edinburgh European Council and 1991 and 1994 Communications- to reduce migration pressure (para. 1-7), the strategy paper proposed linking up all migration-related decisions taken in the EU institutions in a common approach in which not only the third pillar but also "essential areas of the Union's foreign policy, bilateral relations with third countries particularly in the economic field, association agreements, structural dialogues, etc" would cover migration and asylum matters (para. 113). The strategy paper embraced the elements of both preventive and restrictive approaches. It proposed reducing migration pressure in the major countries of origin through intervention in conflict regions, extending development aid and economic cooperation and improving human rights standards (para. 41). Nonetheless, the emphasis on addressing root causes was undermined by restrictive measures such as restrictions on immigration, high levels of border controls, cooperation with third countries on repatriation of people in illegal transit and so on (paras, 57, 118). Despite the harsh criticism and rejection of it by the majority of member states due to its controversial measures (Sterx, 2008, p.129) such as amending or replacing the 1951 Geneva Convention (para. 103) and making economic aid dependent on the endeavours of third countries to alleviate push factors, the logic of the Austrian Strategy Paper was highly influential in the evolution of the future external migration policy of the EU (Sterx, 2008, p.129; Van Selm, 2002, p.147; Baldaccini, 2007, p. 280).

On 3 December 1998, the Vienna Action plan on 'how best to implement the provisions of the Treaty of Amsterdam on AFSJ' was adopted by the JHA Council. Regarding the external aspects of migration policy, it followed security-oriented rationale of the Austrian strategy paper (Eisele, 2014), paying particular attention to enhanced security for all EU citizens that would be ensured through making external border controls and tackling illegal migration major priorities (The Council of the EU and Commission, 1998).

The third development on the eve of Tampere Council was the establishment of High Level Working Group on Asylum and Migration (HLWG) by the General Affairs Council (GAC) on 7-8 December 1998 upon the proposal of Dutch government to the JHA Council (JHA Council, 1998; GAC, 1998) This task force would carry out

analyses of the 'most important countries of origin of asylum seekers and illegal immigrants' and prepare cross-pillar action plans for these countries to tackle with migratory flows effectively (JHA Council, 1998; Sterx, 2008). These action plans[35] would involve a number of elements such as a joint analysis of the causes of influx taking notice of human rights situation in the country concerned; suggestions to reinforce the common strategy for development with the selected country; political and diplomatic consultations with the country in question; indication on possible inclusion of readmission clauses in the agreements with the countries concerned; information on the potentials of reception and protection in the region, voluntary and safe return, and repatriation (Sterx, 2008, p. 120, Van Selm, 2002, p.149-150, Council of Ministers/COREPER, 1999, Annex 1c)

Although tasks of the HLWG entailed both the externalization of control tools and preventive approach in principle, the measures adopted in the action plans could not keep the balance between these two approaches by focusing overwhelmingly on containing immigrants in the areas of origin and readmission agreements with the countries selected (Boswell, 2003a, p.630) As Van Selm pointed out critically, HLWG has tried to offer an alternative to refugeehood in the EU rather than to refugeehood itself (2002, p.156) Indeed, this was manifested explicitly in the Action Plans that focused ensuring reception in the region, not in another place (e.g. the EU), for instance, supporting protection of Afghan refugees in Iran and Pakistan (HLWG, 1999, 11424/99) and funding projects for relief of internally displaced people of Sri Lanka in the region of origin (Council of the EU, 2000, para.24). Furthermore, first reports summitted to the Tampere European Council were drafted without direct dialogue with the countries selected, despite the declared intent to intensify dialogue and partnership with them (Van Selm, 2002, p.151). The lack of cooperation in the process of drafting the Action Plan (for Morocco) was also raised by Moroccan authorities who asserted that the EU took security aspects of emigration to Europe as a prime concern while socio-economic considerations lagged behind (Council of the EU, 2000, para.20-21).

[35] Afghanistan and neighbouring region, Iraq, Morocco, Somalia, Sri Lanka and Albania and neighbouring region were the first countries selected for action plans (HLWG, 30 September 1999).

The mission of the HLWG was also criticized by NGOs and the UNCHR due to its focus predominantly on control-oriented measures instead of cooperation with third countries to deal with root causes (Boswell, 2003b, p.115). Despite the early attempts to formulate policies that address root causes of migration pressure, subsequent initiatives have taken on a different track placing more emphasis on the restrictive measures such as containing refugees in the regions of origin, implementing safe third country principle and thus shifting responsibility for processing asylum applications and protection towards third countries (Baldaccini, 2007, p.278)

As Lavenex (2006, p.329) puts it, immigration control, which was once solely under the sovereignty of member states, has first moved upwards to the intergovernmental level and then come closer to the supranational level, and later it started to move outwards to the realm of the EU's external relations. She interprets this upwards and then outwards movement of immigration control as the continuation of cooperation of justice and home affairs officials to reinforce their autonomy over domestic and supranational actors (2006, p.330) [36] Since the role of European institutions (ECJ, EP and Commission) having more comprehensive approach and aspiration for policy harmonization strengthened, justice and home affairs officials have turned onto extraterritorial control of migration to rule out domestic and supranational constraints that block their restrictive agenda (Lavenex, 2006). As discussed in previous chapter, the process of securitization of migration particularly since 1980s (Huysmans, 2000), and technologies of control and surveillance developed by security professionals and routinized practices of bureaucracies (Bigo, 2002) have had crucial role in developing restrictive and control-oriented approaches and instruments.

[36] As discussed in the previous chapter, justice and home affairs officials have been trying to escape from domestic constraints that would block the restrictive migration policies of them. To that end, these offcials, as suggested by Guiraudon (2000), tried to find new venues, such as EU level cooperation, where they could eliminate such constraints and where ECJ and EP had no outstanding role. Cooperation among member states started first as informal intergovernmental cooperation, an then formalized under the Maastricht Treaty. Later, it became supranationalized under the Amsterdam Treaty. As the roles of supranational actors have increased, ministerial officials have tried to escape from constraints (which were once at only domestic level) of supranational actors through shifting immigration control outwards (Lavanex, 2006).

Subsequent developments shaping external dimension of migration policy could not break with this security-centred approach despite the declared intent to intensify comprehensive and integrated approach to management of migration question.

4.2.1.2. Tampere European Council and its aftermath

It was not until the 1999 Tampere European Council that the EU was given political mandate to link its policies on migration and asylum with its external relations (Haddad, 2008, p.192). As emphasized earlier, the 1999 Tampere European Council meeting was devoted to the implementation of policies and measures on justice and home affairs matters set under the Amsterdam Treaty. In this regard, the creation of an area of freedom, security and justice was the most decisive objective among others in the political agenda of the European Council and its realization was tied to a number of priorities and policy orientations gathered under four main headings: a common EU asylum and migration policy, a genuine European area of justice, a union-wide fight against crime, stronger external action (European Council, 1999b). Concerning the external dimension of immigration and asylum issues, Tampere European Council promoted a 'comprehensive approach' to migration that would address a wide range of issues -political, human rights and development issues- in countries of origin and transit through combating poverty, improvement of living conditions, preventing conflicts, reinforcing democratic states and respect for human rights (1999b, para.11). For that purpose, the Union and member states were invited to ensure "coherence of internal and external policies of the Union" (para.11). The European Council also called for cooperation with third countries for an effective migration management, particularly, for fighting against migrant trafficking and launching information campaigns on the possibilities for immigration through legal means (para. 22) What is more, the Council was invited to conclude readmission agreements with the countries of origin and transit (para. 27). For stronger external action, it was stated that "all competences and instruments at the disposal of the Union, and in particular, in external relations must be used in an integrated and consistent way to build the area of freedom,

security and justice" (para.59) That is to say, external action was justified for internal policy objectives (Sterx, 2008, p.130; Zapata-Barrero, 2013, p.3)

Tampere European Council laid emphasis on addressing political and economic reasons that prompt people to migrate. Nonetheless, the implementation of the goals is as critical as the goal setting. As Sterx asserts critically, "the bigger picture is the establishment of the so-called AFSJ" (2008, p.130). When this is the case, increasing gap between declared objectives and policy implementation that exclusively targeted to safeguard AFSJ and restrict access of asylum seekers and immigrants to the European territory, casted a cloud on initial ambition at the Tampere meeting to adopt a comprehensive approach to migration (Sterx, 2008, p. 131).

The subsequent Communications and Council meetings following the Tampere European Council continued to put emphasis on the external aspects of immigration and asylum policies with more or less the similar objectives and proposals. In December 2001, the Conclusions of the Laeken European Council reiterated the "integration of the policy on migratory flows into the EU's foreign policy" with a particular emphasis on the need to conclude readmission agreements (2001, para. 40). Along the same line, Seville Presidency Conclusions of June 2002 were the very picture of the two faces of the external dimension: prevention and restriction. On the one hand, the European Council stressed the importance of addressing root causes of migration as a long-term strategy in fighting against illegal immigration with a comprehensive, integrated and balanced approach by 'promoting economic prosperity' through trade expansion, development assistance and so on. On the other hand, it also urged that "any future cooperation, association or equivalent agreement … with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration" (2002, para.33). Laying emphasis on the cooperation with third countries in joint management, border control and readmission, the European Council stated menacingly that the countries that do not show any interest in cooperation with European states in fighting illegal immigration would miss an opportunity of closer relations with the Union (2002, para 35) Furthermore, it was stressed that the Council could adopt measures and positions

under CFSP and other Union policies as a response to "unjustified lack of cooperation in joint management of migration flows" (2002, para.36).

After Seville European Council, Communication on 'integrating migration issues in the EU's relations with third countries' was issued by Commission on 3 December 2002. This Communication was interpreted as the first real initiative of Commission to develop a strategy for utilizing tools of external relations such as development policy in addressing root causes of migration flows paying particular attention to prevention and protection (Commission, 2002, p. 4; Haddad, 2008, p. 192). The Commission stressed that this long-term priority of addressing root causes would be complementary to the existing development programmes rather than revising them, but additional resources were requested to realize these new tasks such as poverty eradication, capacity building, and conflict prevention (2002, p.4) It also put emphasis on the concerns and problems of the countries of origin and transit regarding the consequences of migration management[37] and stressed the importance of financial and technical assistance to these countries to enhance their capacity for an effective management of migration (Commission, 2002) As a matter of fact, taking concerns of third countries into consideration and providing them with assistance was thought as a 'leverage' to encourage or to provide incentives for third countries to cooperate with the EU in the management of migration question as in the case of negotiating and concluding readmission agreements (Commission, 2002, p.25).

In June 2003, Commission took a further step in the management of asylum flows with a particular emphasis on "genuine burden-sharing" with third countries in its Communication on "Towards more accessible, equitable and managed asylum systems" (Commission, 2003). Upon the proposals of the UK government and UNHCR for a new approach to management of asylum systems and improvement of international protection, the Commission came up with a set of objectives and proposals complementary to the existing asylum systems in order to make up the shortages of these asylum systems and to meet the need of international protection

[37] The major concerns of third countries regarding the restrictive and selective migration policies of the EU were immigrant remittances at risk of declining, potential of brain drain due to the recruitment of highly-skilled migrants, and treatment of TCNs in the host countries (Boswell, 2003b, p.116).

effectively. In this regard, the major goal of this new approach, which placed a great emphasis on burden and responsibility sharing with third countries, was to provide protection to the people in need of it as closely as possible to the regions of origin, through technical and financial assistance to third countries in the region in order to establish and improve asylum systems in these countries in 'protracted refugee situations' and to strengthen their protection capacities (Commission 2003, p.16-18). In this respect, 'enhanced protection capacity in the region' was overemphasized as a way of creating an alternative to protection in the EU (p.17). It was argued that the EU should make the countries in the regions of origin first countries of asylum and so implement the safe third country principle and conclude readmission agreements with these countries, which would prevent people seeking protection in the European territory (p.16-17). Hence, this approach was far from eliminating root causes of movement (Boswell, 2003b, p.118) as it was in search of ensuring protection outside the EU[38].

To sum up, what is common to all these initial developments discussed above and the subsequent initiatives is that they have entailed the 'restriction' and 'prevention' at the same time, which is the major characteristics of the EU's external migration policy that suggests all-purpose action. As a result of these initiatives, the external dimension has become an indivisible part of EU's migration policy. As pointed out by Lavenex (2006), while member states were taking it slow to harmonize internal policies such as determining refugee status and family reunification, they were more willing to externalize migration and asylum management to third countries in order to reduce

[38] This idea of remote protection in the regions of origin was further discussed in the Communication on 'Improving access to durable solutions', which recommended effective use of three durable solutions - voluntary repatriation or return of refugees to their home country, local integration into the host country and resettlement into the EU- to asylum question (Commission, 2004). For the third durable solution, Commission proposed to establish 'EU-wide resettlement schemes' in order to facilitate managed arrival of people in need of protection to the EU, which would reduce the number of refugees in the regions of origin and thus share the burden of the first countries of asylum and contribute to their protection capacity. Nonetheless, flexible, voluntary, situation-specific and non-binding nature of these resettlement schemes (para. 28) was undermining the sustainability of resettlement solution in the EU. For further information on three durable solutions to protection of refugees, see UNCHCR Agenda for Protection available at: http://www.unhcr.org/protection/globalconsult/3e637b194/agenda-protection-third-edition.html

migration pressure at the external borders. Lavenex interprets this manner as "reluctant communitarization versus dynamic extraterritorialization" (2006, p.336-338) For Sterx, this strategy of externalization is a "non-territorial response to the challenge of migration", which brings forth external effects on countries of origin and transit by shifting responsibility for control and protection to these third countries through supporting "capacity-building, remote control and remote protection" (2008, p.134-135).

After this brief analysis on the evolution of external dimension in principle with a particular focus on the relevant Council Conclusions and the Commission Communications and major trends in externalization, it is now necessary to discuss the critical part of the external migration policy of the EU that is how the externalization of internal policies works, or put it differently how the third countries are included in migration management and control in practice through several instruments deployed by the EU and member states. Geddes (2009, p.26) rightfully asks that if the member states use the EU as a venue for common action and decision-making in order to deal with their internal migration problems and if this means that the member states will externalize internal policies having restrictive measures and impose their policy preferences on third countries, then Why would non-member states, especially the ones having no membership perspective, comply with the EU standards and policies? This is very critical question that challenges the EU and member states in mobilizing third countries to cooperate with the EU on the management of immigration and asylum. The next section presents key examples of the EU' responses to this challenge.

4.2.2 Externalization of the EU's migration policies to non-EU countries: Instruments of cooperation with third countries

As seen above, external dimension of the EU's migration policy basically refers to the integration of immigration and asylum matters into the external relations of the EU with non-EU countries. There are multiple of instruments that the EU uses to externalize its migration policies towards non-EU countries such as readmission agreements, visa facilitation agreements, association agreements, partnership and

cooperation agreements, pre-accession processes, mobility partnerships, regional protection programmes, bilateral and regional migration dialogues and so on (Sterx, 2008; Carrera, Radescu & Reslow, 2015; Garcia-Andrade, Martin and Mananashvili, 2015)[39]. Since 2005, all these instruments through which the EU conducts its cooperation with non-EU countries have been developing under a strategic framework called 'Global Approach to Migration'[40], which was renewed and renamed as 'Global Approach to Migration and Mobility' (GAMM) in 2011 (European Council 2005; European Commission, 2011b). Adding 'mobility' into this framework was interpreted as the EU's intent to use short stay entry into the EU as an incentive or negotiation tool for concluding readmission agreements with third countries (Hampshire, 2016, p.579).

The key objectives and thematic priorities of the GAMM were outlined by the Commission in its Communication published on 18 November 2011, stressing the need for a "coherent and comprehensive migration policy for the EU" in the wake of Arab Spring and the events in the Southern Mediterranean region (Commission, 2011b)[41]. Designed as an "overarching framework of the EU external migration policy", GAMM was expected to be 'more strategic and efficient' through aligning external and internal dimensions of migration-related policy areas and to address

[39] Rather than a detailed analysis of these instruments and of the third countries in question, the research interest here is to identify the importance of these legal and political tools in the external migration policy of the EU.

[40] 'Global Approach to Migration' (GAM) was adopted by the European Council on 15,16 December 2005 with the aim of strengthening cooperation and dialogue with third countries, particularly with the neighbouring regions of the EU, through a "balanced, global and coherent approach", on migration issues. The initial focus of GAM was on Africa and Mediterranean region (European Council, 2005, paras. 8-10). Later, it was extended to cover the Eastern and South-Eastern neighbouring regions and a wide range of third countries located at the major migratory routes (Eisele, 2014, p.91).

[41] As a response to significant movements of people following the events in the Southern Mediterranean region, Commission proposed to establish a "dialogue for migration, mobility and security" with the countries in the region and suggested to take short and medium term measures such as humanitarian assistance for people in need of it, strengthening the competences of Frontex to respond to irregular and mixed migration flows, implementation of Regional Protection Programmes involving Egypt, Libya, and Tunisia, and resettlement of people in need of international protection and also long term measures such as addressing the root causes of large scale movements, improving living conditions in the region, establishing Mobility Partnerships with the countries of Southern Mediterranean for an effective and managed migration and mobility through legal channels (European Commission, 2011a, p.4-7).

migration and mobility in a mutually beneficial cooperation with non-EU partner countries (Commission, 2011b, p.5). In this regard, "migration and mobility dialogues", which would be carried out at regional (such as Southern Mediterranean and Eastern Partnership, and Africa-EU Partnership) and bilateral levels (such as Turkey, Western Balkan Countries, and Russia) were set as the major drivers of the GAMM in transposing migration policy of the EU into the external relations of the Union (p.5). Legal, political and operational instruments of cooperation with non-EU countries have been regulated under four pillars of the GAMM, which are: legal migration and mobility, irregular migration and human trafficking, international protection and asylum policy, and the development impact of migration and mobility (Commission, 2011b, p.10-20).

Before proceeding with some of the key instruments of cooperation on migration management, it is vital to discuss how migration policies of the EU extend beyond the EU borders and why third countries comply with the EU standards and rules on the management of migration. Lavenex and Uçarer (2004) identify four forms of policy transfer and adaptation under two headings; namely, adaptation initiated by a third country and policy transfer with an initiative of the EU through conditionality. Firstly, adaptation to the EU policies, without the EU requirement, might occur either through 'unilateral policy emulation' by a third country that sees the compliance with the EU policies as compatible with its domestic interests and as a way of addressing its internal problems efficaciously, or through adaptation due to externalities created by the EU policies in the sense that a third country may choose to align with the EU policies when the costs of non-adaptation is higher than those of unilateral adaptation (Lavenex & Uçarer, 2004, p.420-421) In the first case, unilateral policy emulation is most likely to occur when, for instance, the innovative and successful policies of the EU emerge in the areas which were not regulated previously or when there is absence of an international regime regulating the policy field. In the second case, a third country may adapt to the EU policies due to negative externalities; for instance, restrictive EU migration policies increase the number of asylum seekers particularly in the countries close to the EU member states, thus prompting them to adapt same restrictive measures in order to avoid negative impacts of the EU policies (Lavenex & Uçarer, 2004, p.421).

Secondly, adaptation to the EU policies occur when the EU acts as a policy entrepreneur to transfer its policies through using conditionality. When this policy transfer through conditionality, is seen by the latter as a more effective way of dealing with domestic problems, it is named as 'opportune conditionality', whereas it becomes 'inopportune conditionality', when policy transfer, in a more authoritative attitude, causes serious costs to the third country (Lavenex & Uçarer, 2004, p.421) This model of adaptation to the EU policies also includes four factors affecting the outcome of policy transfer; namely, 'institutional affiliation' between the EU and the third country[42], the degree of policy compatibility (fit or misfit) between the EU and the third country's domestic arrangements[43], domestic patterns of interests in the third country[44] and the costs of non-adaptation, as indicated in figure 2 (Lavenex&Uçarer, 2004, p.422-424).

[42] Lavenex and Uçarer (2004, p.423) present five forms of institutional linkages: close association (with Western European non-EU countries), accession association (with the CEECs), pre-accession association (with Turkey and Balkans), neighbourhood association (with Maghreb and Eastern European Countries), and loose association (with African, Caribbean and Pacific countries), which designate the extent and form of policy transfer. In addition to institutional linkages with the EU, these groups of countries also differ with respect to their geographic proximity and identity as countries of origin, transit or receiving. Examples will be given in the following parts of this section.

[43] Authors suggest that the policy misfit between the EU and the third country to certain extent is necessary because presence of difference makes it possible to observe changes in policies of the third country adapting to the EU policies (Lavenex&Uçarer, 2004, p.423).

[44] Domestic interest constellations may promote or counter the adaptation to the EU policies, which determines the positive or negative domestic opportunity structure (Lavenex&Uçarer, 2004, p.424)

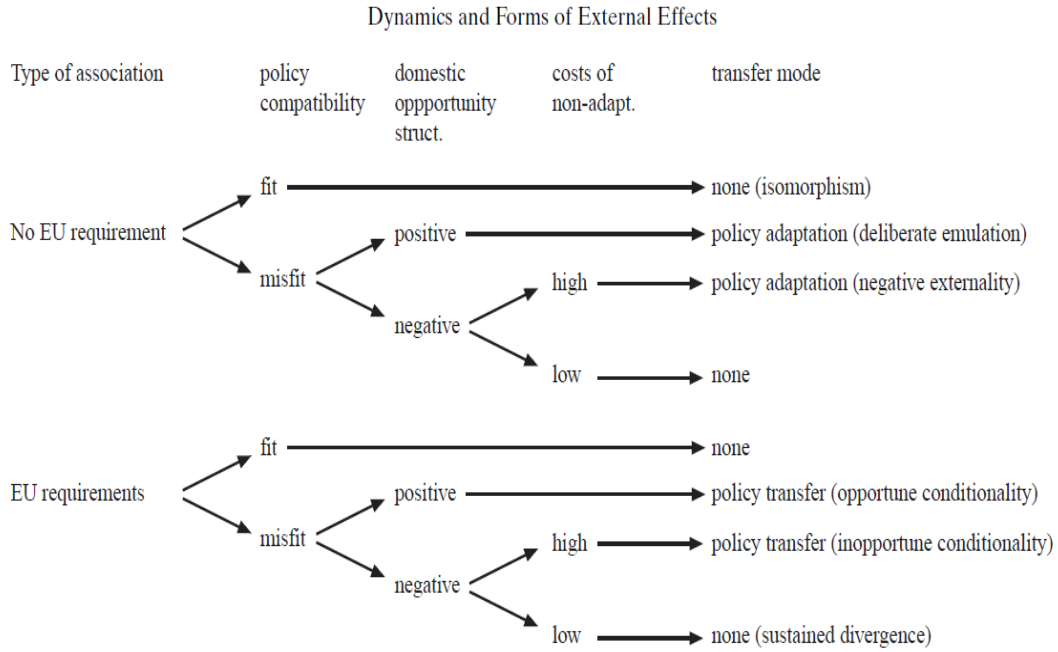

Figure 2: Dynamics and Forms of External Effects (Lavenex&Uçarer, 2004, p. 426).

Instruments of the EU's external migration policy are all indicative of the policy transfer and adaptation promoted by the EU. Their success (achievement of the results on the part of the EU) and impact on the third countries depends highly on certain variables such as domestic interests of the third country and incentives or rewards such as the prospect of membership or association agreements by the EU. For instance, based on the 'external incentives model' for explaining the external governance of the EU in candidate countries, Shimmelfennig and Sedelmeier (2004, p.664-665) pointed out that the effectiveness of rule transfer increases as the credibility and clarity of conditionality and the size and speed of rewards increase.

In this regard, countries of transit or origin are either encouraged or compelled to align with the EU standards of migration management (Boswell, 2003a, p.622), which, however, does not necessarily mean that all the countries in cooperation with the EU would adapt, completely or partially, the EU acquis on migration and asylum. The EU,

as noted above, seeks to affect the migration policies of the third countries in a way safeguarding its internal goals (security), thus, externalization appear, most of the time, in the form of tighter border controls, restrictive visa policies, protection in the regions of origin, cooperation with third countries for tackling illegal migration, readmission and return policies. This means that the EU responds to migration pressure with restrictive measures having short-term effects. That is to say, it does not always have to be a comprehensive Europeanization[45] to talk about external dimension or externalization of migration policies. The content and degree of policy transfer, and thus conditionality and incentives offered by the EU differ between the countries that are likely to become members and those that are not.

With respect to eastern enlargement encompassing CEECs, for instance, the policy transfer was intentionally promoted by the EU and adaptation to the migration acquis was set as a condition for membership. Use of conditionality – giving rewards to countries on the condition that they align with the EU rules- is the most outstanding strategy of the EU to affect the candidate states (Sedelmeier, 2011, p.10). The absence of legislative and administrative structures in CEECs for the management of forced and economic migration might result in policy adaptation by opportune conditionality; however some controversies in adopting the EU acquis increased the likelihood of inopportune conditionality (Lavenex & Uçarer, 2004, p.431) On the one hand, investment in border regimes and technologies as expected by the EU did not comply with short-term national interests of the CEECS, and on the other hand, adoption of the EU visa policies meant rupture of socioeconomic and political ties with the neighbouring countries such as Ukraine, Moldova and Russia because of the new visa requirement for the nationals of these countries (Lavenex&Uçarer, 2004, p.431; Grabbe, 2002, p.92). Notwithstanding, the conditionality for membership provided the EU with a strong leverage to mobilize the CEECs to adopt the EU and Schengen acquis and thus strict migration measures and standards such as tighter visa regimes and

[45]Claudio Radaelli defines Europeanization as "processes of construction, diffusion and institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies" (2000, p.4)

strengthening surveillance of borders (Lavenex, 2006, p.334-335; Grabbe, 2002, p. 93-94).

In a similar way, Turkey as a candidate country was expected to adopt the EU acquis on immigration and asylum under the Accession Partnership with the EU. In addition to its being a candidate country, Turkey has been a country of emigration, immigration and transit and it has also borders with the countries from which large-scale irregular and refugee movements have been originating. In this regard, asylum, irregular migration and visa policies have been the major issues of concern for the EU with respect to Turkey's adaptation to the EU acquis and its eventual membership (Kirişçi, 2002). In the pre-accession process, the EU is expecting from Turkey to prevent transit migration to the EU, strengthen border management, combat human trafficking, lift geographical limitation[46], sign a readmission agreement, align with the EU visa regime, and so on (Kirişçi, 2009; Macmillan, 2012). Although economic, social, bureaucratic, and political costs of meeting the EU demands are significant for Turkey (Kirişçi, 2002, p.139), the major reason of limited policy transfer and adaptation to the EU acquis on migration and asylum is the loss of credibility of the EU with its ambiguous promise for membership, which affected cost-benefit calculations of Turkey for internal reforms (İçduygu, 2015, p.12; Kirişçi, 2009, p.6; Macmillan, 2012, p.255) Adapting the EU acquis without certain membership perspective in the short-run would come to mean, for instance, adapting Schengen visa regime without visa-free travel for Turkish nationals to the EU or becoming 'buffer zone' for the unwanted asylum-seekers rejected by the EU after lifting the geographical limitation and signing the readmission agreement (Kirişçi, 2009, p.6-7; Macmillan, 2012, p.254). Hence, 'membership promise' or 'reward' given by the EU should be trustworthy so that candidate countries can bear the costs of adaptation to the EU acquis in return.

Countries that do not have membership perspective, on the other hand, are not expected to align completely with the migration acquis of the EU as this would be almost impossible without a strong incentive like membership. Yet, the EU tries to

[46] Turkey, as a party to 1951 Geneva Convention Relating to the Status of Refugees and to the 1967 Protocol, maintains geographical limitation which means that Turkey gives refugee status only for people escaping from the events occuring in Europe.

convince these countries to cooperate with the EU through offering several incentives beyond membership. Through 'Mobility Partnerships' under the framework of GAMM, for instance, the EU aimed to provide third countries with opportunities of legal migration, access to labour market, financial and technical assistance to enhance their capacities and circular migration in addressing the risk of brain drain in return for the third countries' cooperation with the EU on readmitting their own nationals and stateless persons, discouraging irregular migration, strengthening border controls and fighting against human trafficking (Carrera, et.al., 2015, p. 25)[47]. Cooperation with the Mediterranean, eastern and south-eastern European countries, under the framework of ENP, on the issues of migration and asylum has been pursued through ENP action plans, which involve sections on the cooperation on border management, legal and illegal migration, readmission, visa and asylum issues[48]. Visa facilitation agreements, for instance, are one of major legal tools of the EU's external migration policy, offering incentives for the neighbouring countries to sign readmission agreements and make internal reforms in cooperation with the EU (Trauner&Kruse, 2008, p.411).

As highlighted above, each and every actor in this process have different reasoning of migration, which affects their objectives and priorities considerably. For instance, while sending countries may perceive emigration as favourable with respect to the remittance flows that supply their economies, for receiving countries immigration has a negative connotation and is perceived as a security problem to be solved. Hampshire (2016) puts emphasis on the "asymmetries of interest' while explaining different priorities of the EU and non-EU countries for migration management. While the EU, as a wealthy regional bloc and major destination place for immigrants, gives primacy to preventing irregular migration through border controls and readmission agreements, low or middle-income countries in the south and the east try to increase opportunities of entry into the EU for their nationals (Hampshire, 2016, p.575) For Hampshire, these

[47] The EU have signed Mobility Partnerships with Cape Verde, Moldova, Georgia, Armenia, Morocco, Azerbaijan, Tunisia, Jordan and Belarus (Commission, 2017a).

[48] For a detailed information on ENP action plans agreed with twelve countries so far, see https://eeas.europa.eu/headquarters/headquarters-homepage_en/8398/%20ENP%20Action%20Plans

different interests necessitate "issue-linkage", in the sense that if the EU wants to engage non-EU countries in cooperation for struggle against illegal migration, then it has to provide incentives through offering legal channels of migration or link such cooperation in migration issues to cooperation in development or trade policies (2016, p.574-575). In the next section, readmission and visa facilitation agreements, which are the prominent and controversial instruments of the EU's external migration policy in extending asylum and migration management to non-EU countries and example of "asymmetries of interest" and "issue-linkage", will be discussed.

Thesis now turns to assessment of normative power Europe claim in the light of above discussed migration and asylum policies of the EU. Particular focus will be given on the goals, instruments and the impact of securitization and externalization of migration and asylum policies on third countries, asylum seekers and refugees in order to see what makes the EU not a normative power but a realpolitik or status-quo power.

4.3 The assessment of 'Normative Power Europe' claim within the context of the migration policy of the EU

This section tries to assess the claim that the EU is a normative power, within the context of its migration policy. The major focus of the section will be on what makes the EU not a normative power, but rather a status quo or realpolitik actor with its current migration policy practices and instruments. Thus, it will develop an argument against the claim of normative power and will exemplify this counter argument through examining instruments of securitization and externalization of migration issue such as readmission agreements, forced return and border management policies of the EU.

4.3.1 What makes the EU not a normative power?

As discussed in detail above, motivations behind the development of common migration policy at the EU level, security-oriented and restrictive measures in the governance of migration phenomena, and extending those policies and rules to non-

EU countries are all in contradiction with the normative power Europe claim. Then, how so?

4.3.1.1 Securitization and Externalization of migration policies contradicts Normative Power Europe

As presented above, informal intergovernmental cooperation among European states on migration and asylum since the late 1970s up until the Maastricht's third pillar was outside the Community framework and had an exclusively security-oriented approach that linked asylum with international crime, drug trafficking and terrorism. This cooperation, as pointed by Lavenex, paved the way for several measures (strict visa policies, strengthening external borders and etc.) to combat illegal migration and to reduce the number of asylum seekers entering the EU and introduced the system of redistribution of asylum seekers both inside and also outside the Union with the implementation of first country of asylum and safe third country principle (1999, p.65). In this regard, it was securitization of migration that brought extraterritorial control of migration to forefront. For Lavenex (2006), externalization of migration has emerged in two forms. One the one hand, visa policies, carrier liability, presence of national liaison officers at the airports of the origin countries have been the major instruments of controlling migration outside the EU. On the other hand, externalization have occurred by engaging third countries in the management of migration through enlargement policy (pre-accession reforms), readmission agreements and safe third country principle. Hollifield, for example, gives the Schengen Agreement as a classic sample of extraterritorial control as it paved the way for establishing buffer states and shifting burden of control to these zones outside the European states' jurisdiction (2000, p.110).

Despite increasing communitarization of migration policies with the Amsterdam Treaty, the legacy of the informal intergovernmental cooperation -security-oriented view-, led prominently by national migration ministries, determined the EU's law on migration and asylum considerably. It was this legacy that widened the gap between EU refugee regime and international refugee law and weakened the norms and

principles of international refugee protection such as human rights, international solidarity and responsibility-sharing (Lavenex, 1999). Lavenex puts emphasis on three major interrelated factors -principle of internal security, the norms of redistribution and rules of intergovernmentalism- in explaining this widening gap (1999, p.161-173). Firstly, the European cooperation was motivated primarily by safeguarding internal security upon the abolition of internal borders rather than promoting a system of international refugee protection. In this regard, reducing immigration was prioritized over the claims of refugees for protection. It was not the liberal ideal of offering protection for those in need of it, but the realist concern of states for maintaining their sovereign rights over entry of foreigners that motivated the EU refugee regime. Thus, the objective of common asylum and migration policies has not been the harmonization of asylum-related law and procedures, but the limitation of access to asylum procedures and enforcement of external borders (Lavenex, 1999, p.163). Secondly, a system of redistribution, which was first established among members states and later extended to neighbouring countries through 'safe third country principle' and readmission agreements, has weakened the states' commitments under international refugee law[49], particularly non-refoulment principle. CEECs, for instance, were transformed from emigration and transit countries into the receiving countries. The major objective of extending redistribution system to non-EU countries is to stem the arrival of large scale asylum seekers to the European territory. Nonetheless, sending refugees and asylum seekers, without examining their asylum claim, back to the third countries, which do not have necessary administrative structure to process their asylum claims, is likely to result in violations of human rights and international refugee law (p.165-170). Thirdly, intergovernmental cooperation led by national executives, particularly the ministries of interior, has shaped the EU refugee regime by detaching it from international refugee principles and institutions and focusing on national interests such as border control and internal security (p.171-174) Extension of the European refugee regime to CEECs through enlargement policy

[49] The principles laid down by the 1951 Convention Relating the Status of Refugees, which is the core of international refugee regime today underpinning refugee protection, are: non-discrimination (article 3), non-penalization (article 31) and non-refoulment (article 33) (UNCHR, 2010). These principles will be discussed within the context of European refugee regime in the next section.

(including immigration and asylum issues into the pre-accession strategy) was the outcome of intergovernmental actors' interests in exporting migration policies to these countries. Thus, this cooperation "has shifted the issue of refugees away from its original human rights context towards the sphere of internal security and control" (Lavenex, 1999, p.174). Principles and norms underpinning the European identity, such as democracy, rule of law, human rights, solidarity, equality and so on, have been affected adversely by the failure to respect human rights and international protection and the discourses of exclusion and othering. Lack of public scrutiny and democratic control on intergovernmental cooperation, coupled with adoption of informal and non-binding instruments, was inconsistent with the norm of 'good governance' which promotes openness, transparency and participation of civil society. Hence, this type of informal cooperation, the legacy of which is still influential in the EU migration and asylum policies, is in contradiction with the normative power Europe claim.

In sum, Lavenex (2001, p.852) stresses two challenges in the Europeanization of refugee policies. The first one is the "tension between state sovereignty and supranational governance" and the second one is the "tension between internal security considerations and human rights". In this regard, security-oriented and state-centred approach of transgovernmental actors[50] privileging state sovereignty challenges not only harmonization of national policies and development of common refugee policy but also refugee protection norm.

The basic rationale behind the extension of EU refugee regime to CEECs was not to shape milieu – central and eastern Europe- by promoting international law, but rather to reduce flows of migrants, refugees, and asylum seekers to the EU. In other words, the EU prioritized non-normative possession goals -security considerations- over normative milieu goals -humanitarian concerns. Lavenex (1999) raises some problematic aspects of the involvement of CEECs in European refugee regime. For instance, CEECs did not participate in the policy formulation process which affect

[50] Lavenex defines transgovernmentalism as "activities of governmental actors (such as ministerial officials or law-enforcement agencies) below the level of chiefs of government" (2001, p.854). Above, the role these actors, particularly in the security-oriented informal intergovernmental cooperation, has been presented.

them directly. Furthermore, policy extension towards these countries took place prior to their adoption of legal and institutional structure necessary to protect refugees as fight against illegal immigration and reinforcement of Eastern borders were the main priorities of Western European states (Lavenex, 1999, p.155). In this case, the lack of inclusivity and reflexivity in formulating migration policies has undermined normative power Europe. "Eurocentric" and "our size fits all" approach in extending the EU rules and standards to third countries, without giving a voice to these countries and without a critical analysis of the impact of externalization of migration control on the actors concerned -CEECs and refugees-, is what makes the EU not a normative power. Although ratification of international agreements (ECHR, 1951 Geneva Convention and 1967 New York Protocol), asylum procedures and human rights were promoted after adoption of restrictive policies and conclusion of readmission agreements, inclusion of these international standards was not only motivated by normative commitments but also by making 'safe third country rule' function effectively (Lavenex, 1999, p.156). Thus, rather than pure normative commitments, external migration policy of the EU involves "mixed motives" -material and normative- at the same time (Pollack, 2015), which refutes normative power claim. What is also critical in dissemination of the EU policies to CEECs or other non-EU countries is the issue of conditionality and incentives. In contrast to claim of normative power Europe that the EU diffuses its norms though persuasion and its ideational power, extension of European refugee regime to CEECs, which would lay a significant burden on these countries as they became gatekeepers for illegal immigrants and refugees, occurred by means of conditionality. One last thing that Lavenex stresses is the contradiction between liberalism and restrictionism inherent in the cooperation in asylum and immigration issues. As a condition of membership, CEECs were expected to seal territorial borders and prevent illegal immigration while respecting humanitarian standards and liberal values at the same time. This was a difficult task for those countries as sealing of borders might be too loose letting illegal immigrants in or too unmerciful violating human rights (1999, p.157-158).

Uçarer (2001; 2010, p.319) emphasizes an 'irony' included in the EU's policy to extend its strict border controls to non-EU countries in order to secure its collective

borders. That is to say, the EU tries to liberalize freedom of movement internally through illiberal policies at its borders. Kostakopoulou also touches upon this issue stating that while 'intra-EU' migration policy has been liberal and expansionist thanks to the "ECJ's judicial activism and right-based approach to free movement", 'extra-EU' migration policy has been restrictive and control oriented (2000, p.506). As emphasized before, with the objective of creating AFSJ set under the Amsterdam Treaty, the security of EU citizens and their free movement has been linked to effective control and restriction of immigration that was seen as a security threat. Incorporation of the Schengen acquis into the Community framework provided a legitimate foothold for states' restrictive and securitarian approach to immigration and asylum (Kostakopoulou, 2000, p.508). "Securitization ethos of extra-EU migration policy" and "liberalization ethos of intra-EU movement" (Kostakopoulou, 2000, p.506) demonstrates hypocrisy and inconsistency inherent in the EU migration policy applying double standard, which undermines its normative power. The EU does not bind itself through international law and pursues its own interests in applying free movement and human rights norms.

What the EU tries to do by exporting its policies and standards to third countries is to promote its strategic interests (stability and security) rather than its normative commitments such as diffusing its norms; respect for human rights; assistance for people in need of protection or cooperation with third countries on migration management based on solidarity and responsibility sharing. In the case of its external migration policy, this manifests itself in transferring its policies to neighbours and major transit or origin countries to ensure stability and security in the region. By doing so, it would keep security problems that are caused by uncontrolled migratory movements and asylum-seekers at bay through shifting responsibility for handling such questions to third countries. This contradicts the claim of normative power in several respects. The next section will look at how readmission and return policy of the EU contradicts its normative power.

4.3.1.2 Readmission and border management policies of the EU

EU Readmission Agreements (EURAs) have been one of the most common instruments of the external migration policy of the EU since the early 2000s. They require reciprocal obligations and procedures between the EU and non-EU countries. Contracting parties are obliged to take back their own nationals illegally residing in territories of one another and also the third country nationals or stateless persons illegally entered to the territory of one contracting party transiting the other. Although EURAs are stated to be reciprocal, binding both the EU and a third country to take back their nationals and TCNs, it is not very likely that the EU will readmit illegal migrants since the EU member states are not on the major transit route for illegal migrants nor have many nationals illegally residing in any third country. This indicates another hypocrisy and double standard inherent in externalization of migration control.

Having received competence from the Tampere European Council (1999b), the EU started negotiations with a number of countries of transit and origin to conclude readmission agreements[51]. As stated by the Commission in its Communication on 'Evaluation of EU Readmission Agreements, EURAs are perceived as essential "for the management of migration flows into the EU" and as "a major element in tackling irregular migration" (2011c, p.2).

Although readmission agreements stipulate the return of illegal migrants (nationals), they have been mostly perceived by the EU member states as a way of sending asylum-seekers back to the safe third countries of origin or safe third countries (Lindstrom, 2005, p.592)[52] The principles of safe third country or safe third country of origin make

[51] The EU has conlcluded 17 readmission agreements so far: Hong Kong (20004), Macao (2004), Sri Lanka (2005), Albania (2006), Russia (2007), Ukraine (2008), Macedonia (2008), Bosnia&Herzegovina (2008), Montenegro (2008), Serbia (2008), Moldova (2008), Pakistan (2010), Georgia (2011), Armenia (2014), Azerbaijan (2014), Turkey (2014), and Cape Verde (2014) (Commission, 2017b). For agreements you may visit https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en

[52] As mentioned earlier in discussing the London Resolutions of 1992, the countries of origin are deemed as safe if there is no risk of persecution as claimed by the applicants (safe third country of origin). If an asylum applicant has been given protection in the third country or has had an opportunity to apply for protection and asylum in that transit country before entering a member state to seek asylum, then this third country is determined as a safe country (safe third country).

it possible to reject asylum seekers immediately, without even examining the claims of applicants, and thus shifting the responsibility for asylum processing to third countries (Graae Gammeltoft-Hansen, 2006, p.6). Nonetheless, as argued by Lindstrom, the risk of refoulment increases when the human rights record of a partner country is not examined before signing the agreement and during its implementation (2005, p.593). What is more, although the implementation of safe third country principle necessitates that these countries should be signatories to the international agreements such as the "1951 Geneva Convention" or "the European Convention for the Protection of Human Rights and Fundamental Freedoms", the compliance with the obligations of these agreements is not taken into consideration by the EU in concluding readmission agreements. EURAs do not even oblige safe third countries to ensure asylum seekers' access to fair asylum procedure (Trauner&Kruse, 2008, p.433) Thus, the principle of 'non-refoulment', which was defined in 1951 Geneva Convention as "no contracting state shall expel or return … a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion", has been violated by readmission agreements in several occasions. Further to that, Billet underlines some controversial issues in the implementation of readmission agreements such as third countries' lack of sufficient resources to meet the costs of return, "risk of externalization" in the sense that the responsibility of management of external borders is shifting towards third countries, and lack of genuine impact assessment of EURAs neither on the EU's efforts to curb the irregular flows, nor on the non-EU partners and migrants (2010, p.74-79).

The difficulty of convincing third countries to sign these readmission agreements that bring significant economic, social and political costs to these countries, and member states' call to speed up process of readmission negotiations brought about the necessity of some concessions and incentives to the negotiating table (Trauner & Kruse, 2008, p. 415). Visa facilitation agreements, which facilitate travel and short-stay visas for certain categories of third country nationals, have been formulated as an incentive to third countries for concluding readmission agreements. (Roig & Huddleston, 2007). For instance, coupling of readmission and visa facilitation was the case for the Western

Balkan countries from the very beginning of the negotiations on readmission. These agreements are also coupled with "road maps" issued for each country which set internal reforms as conditions such as border management and combating organized crime (Trauner &Kruse, 2008, p.417).

Linking readmission and visa facilitation agreements set a good example for convincing third countries to sign readmission agreements, which serves almost exclusively the interests of the EU, through increasing the costs of non-adaptation by setting conditionality (Köse, 2014, p. 27). Visa facilitation agreements have been used for several objectives: as a leverage to convince third countries to conclude readmission agreements; as a compensation for the negative effects of enlargement on new member states (CEECs) which had to apply new visa requirements to their neighbours involving Western Balkan States, Russia and Ukraine; and lastly as a way to encourage third countries to carry out internal reforms (Papagianni, 2013, p.290; Trauner&Kruse, 2008, p.412)[53]

Trauner and Krause (2008, p.412) argue that readmission and visa facilitation agreements have become prominent tools of the EU in its efforts to "balance internal security concerns and external stabilization needs in the neighbourhood" and are likely to become standard foreign policy tools of the ENP. Nonetheless, EURAs are less likely to reduce the number of irregular migrants unless the root causes of movement cease (Trauner&Kruse, 2008).

The objectives and outcomes of readmission policy and readmission agreements will now be discussed with key examples. Turkey-EU readmission agreement (2013), Joint Action Plan (2015) and recent Turkey-EU migration deal on refugees (2016), in this regard, are typical examples of externalization of migration control. The impact of the agreement and the deal on Turkey and asylum seekers and migrants indicates the

[53] The EU has signed visa facilitation agreements with Albania (2008), Armenia (2014), Azerbaijan (2014), Bosnia-Herzegovina (2008), Cape Verde (2014), Macedonia (2008), Georgia (2011), Moldova (2013), Montenegro (2008), Serbia (2008), Russia (2007), Ukraine (2013). For the details of the agreements see European Commission. (2017c) Visa Policy. Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en

consequences of security-oriented, short-sighted and Eurocentric approach of the EU, which moves the EU away from being normative power.

After a long process of negotiations that started in 2002, Turkey and the EU have signed the readmission agreement and launched visa liberalization dialogue on December 16, 2013. The agreement entered into force on 1 October, 2014, but the readmission of TCNs will start three years later in October, 2017. The major objective of the Turkey-EU agreement, based on reciprocity, is to set procedures for "rapid and orderly readmission", by contracting parties, of nationals and TCNs residing or entered the territory of other side in an irregular way (Commission, 2013a). For the EU-Turkey visa liberalization dialogue, the Commission prepared a "roadmap towards the visa-free regime with Turkey" which identifies requirements to be fulfilled by Turkey in order to eliminate visa obligation for Turkish citizens for their short-term visit to the Schengen area (European Commission, 2013a)[54]. The roadmap identifies legislative and administrative reforms that Turkey has to undertake to achieve visa liberalization, by addressing four main blocks: "documents security, migration and border management, public order and security, and fundamental rights". In addition to four blocks of visa dialogue, the roadmap also defined the specific set of requirements that Turkey has to fulfil in readmission of illegal migrants such as implementing readmission obligations fully and effectively; establishing internal procedures enabling rapid and effective identification and return of nationals and TCNs residing or entered the EU irregularly and concluding readmission agreements with the countries of origin of illegal migrants and so on (European Commission, 2013b). Turkey's progress in realizing the necessary requirements will be monitored and reported to the European Council and the EP on a regular basis.

Seçil P. Elitok (2015) argues that this readmission agreement is unfair and unethical and it is "a step back for Turkey", rather than a step forward, in removing visa obligations for Turkey. It is a step back for Turkey because according to Ankara

[54] If Turkey fulfils the requirements, the European Commission will be able to present a proposal to the Council and the Parliament to amend the Regulation (no.539/2001) (that lists "the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement") in order to move Turkey from negative list to positive one. (European Commission, 2013a).

Partnership Agreement, signed in 1963 between Turkey and the EEC, freedom of movement for Turkish citizens should already have been realized. However, current visa obligation imposed on Turkish citizens contradicts this agreement. Furthermore, the EU has granted a right to visa-free travel for the citizens of other candidate countries and also even for the citizens of some Balkan countries before their candidacy status. For instance, in return for readmission agreements and reforms for combating illegal migration, five Western Balkan countries (Macedonia, Bosnia and Herzegovina, Serbia, Albania and Montenegro) have been offered 'mobility' in the Schengen are, and as of 2010, they could travel without a visa (Göksel, 2014, p.1). Thus, the inconsistent attitude of the EU indicates that it derogates from the existing legal framework and its equal treatment principles, applying double standards against Turkey and its citizens (Göksel, 2014, p.3). Elitok (2015) also finds 'visa exemption' notion uncertain and likely to bring extra burden and responsibilities on Turkey, considering that it is an open-ended process that is bound by Turkey's fulfilment of its duties and commitments (p.3). Lastly, she points out that the readmission agreement, which is used by the EU as a way of dealing with the irregular migration question outside its territory and returning migrants before they entered the EU, shifts the burden of irregular migration to Turkey in return for uncertain and open-ended visa-liberalization dialogue filled with progress reports and evaluations (p.4). Ankara is also worried about that the EU's evaluation of Turkey's access to visa liberalization will likely to be political, rather than merit-based (Göksel, 2014, p.2), which reduces the credibility of the EU's promises in the eyes of Turkey.

Turkey-EU readmission agreement was followed by EU-Turkey Joint Action Plan in October 2015 and Turkey-EU statement in March 2016. Increasing irregular flows, mostly escaping from the civil war in Syria, at the external borders of the EU in 2015 brought about new deals that obliged Turkey to readmit TCNs even before October 2017 (the date set for the readmission of TCNs under the readmission agreement). Detection of more than 1.820.000 illegal border crossings at the EU's external borders in 2015 (Frontex, 2016) inflamed the refugee crisis and led the EU to embark on a quest to further externalize migration control and to shift responsibility of managing irregular flows to non-EU countries (Frelick et.al.,2016, p.207). The largest number of

detections (885.386), for the year 2015, was recorded on the Eastern Mediterranean route (mostly between Turkey and Greek islands) (Frontex, 2016). Turkey, which was hosting almost 3 million refugees at that time with limited international support, has been attacked for not managing its borders efficiently and becoming transit route for refugees and asylum seekers trying to reach the EU (Kale, 2016, p.1). Nonetheless, escalation of refugee crisis resulted in new deals between Turkey and the EU. The Joint Action Plan was activated on 29 October 2015 with the aim of enhancing cooperation for support of Syrians under temporary protection in Turkey and stemming irregular migration flows to the EU (European Council, 2015). The Action Plan identified a series of actions to be undertaken by both sides. The EU's commitments involved mobilizing funds to support Turkey in handling the challenge posed by the presence of Syrians under temporary protection; providing humanitarian assistance; supporting Turkey to enhance its capacity to fight migrant smuggling and increasing financial assistance to support Turkey in meeting the requirements of Visa Liberalization Dialogue and so on (European Commission, 2015). Turkey, on the other hand, committed to reinforce interception capacity of its Coast Guard and increase its patrolling activity; to facilitate access to public services for Syrians under temporary protection, and to pursue progressive alignment with the EU visa policy and so on (European Commission, 2015). With the Joint Action Plan, readmission of TCNs was projected to enter into force as of 1 June, 2016 (European Commission, 2016a).

Following the Joint Action Plan, Turkey and the EU agreed on a new deal on 18 March, 2016. According to the EU-Turkey Statement, all irregular migrants who entered the Greek islands, crossing from Turkey, will be returned to Turkey as of 20 March 2016. Parties agreed that: "for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU"; Turkey will take necessary precautions to impede new routes for irregular flows from Turkey to the EU; the fulfilment of visa liberalization roadmap will be accelerated with the purpose of lifting the visa requirements for Turkish citizens at the latest by the end of June 2016; and the EU will provide additional funding (up to 3 billion euro) by the end of 2018 (European Commission, 2016b). It was also stated that immediate return of people, who are not in need of international protection, to Turkey will occur on the basis of bilateral

readmission agreement between Greece and Turkey and as of 1 June 2016, on the basis of the EU-Turkey Readmission Agreement (European Commission, 2016b). Under this deal, it was also asserted, with reference to Asylum Procedure Directive (APD) (2013), that the EU member states can declare an asylum application "inadmissible" and reject it without examining its substance on the ground of two legal possibilities, in relation to Turkey: 'first country of asylum' and 'safe third country'. First country of asylum (article 35 of APD) is "where the person has been already recognised as a refugee in that country or otherwise enjoys sufficient protection there". On the other hand, safe third country (article 38 of APD) is "where the person has not already received protection in the third country but the third country can guarantee effective access to protection to the readmitted person". (European Commission, 2016b).

Article 38 of APD sets five criteria to define safe third country: "a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; b) there is no risk of serious harm as defined in Directive 2011/95/EU; c) the principle of non-refoulment in accordance with the Geneva Convention is respected; d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected and e) the existence of possibility to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention" (Directive 2013/32/EU).

As seen above, the "EU needs Turkey … as a gatekeeper of refugees", preventing irregular flows to the EU and providing security at the external borders (Elitok, 2015, p. 4). However, this security oriented approach overlooks perhaps the most critical issue with respect international refugee protection regime that is whether Turkey is a safe country for irregular migrants or not. Apparently, the EU sees Turkey as a safe country based on the agreements signed between them. For many scholars and human rights organizations, however, Turkey is not a safe country due to a number of reasons (Roman et al., 2016; HRW, 2015; Frelick, et.al., 2016; Amnesty International, 2017). For instance, although Turkey ratified 1951 Geneva Convention and its 1967 Protocol, it retains geographical limitation, that is giving refugee status and protection only to those coming from European countries. Thus, non-European asylum-seekers, mostly

coming from Syria, Afghanistan and Iraq, cannot 'request refugee status' and receive protection in line with the Geneva Convention. Thus, Turkey does not comply with the criteria set under article 38(1)(e) of APD (Roman et al., 2016, p. 12). Syrians have been given only temporary protection by Turkey with limited access to basic services such as social assistance, education and employment (Roman et al., 2016, p.16). Turkey's respect for non-refoulment principle, which is enshrined in European law and international law, is also questionable given the number cases of Turkey's refoulment practices. Although Turkey retains its geographical limitation, it must respect the non-refoulment principle which not only prevents countries from returning people to places where they may face persecution or torture, but also prohibits rejecting people in need of protection at the external borders that may pose serious threat to their lives. However, as of March 2015, Turkey closed its borders and pushed Syrians detected at the external borders back to Syria, which resulted in many Syrians searching for alternative and more dangerous crossings at the hands of smugglers (HRW, 2015, November 23). It was also documented by Amnesty International (2017) that Turkey has returned asylum seekers to Syria, Afghanistan and Iraq, where there is serious risk of human right violations.

Thus, the decision to send irregular flows to Turkey, under the Joint Action Plan and EU-Turkey statement, may increase the risk of refoulment of asylum-seekers to their home countries. Taking into consideration Turkey's questionable safe third country status, the EU side is also not respecting human rights and non-refoulment principle. In the above- mentioned agreements, Turkey is identified as a safe third country, which serves exclusively the interests of the EU given its overemphasis on cooperation with Turkey to fight against illegal migration, to stem irregular flows to the EU and to send irregular migrants back to Turkey without examining the asylum applications of migrants. As stated by Amnesty International, the only thing that matters to European leaders is reducing the number of irregular flows to the EU (2017, March 20).

As seen from above discussion, not only third countries (Turkey) but also asylum-seekers and refugees suffer from the consequences of externalization of migration control. Turkey, as a transit country, has to deal with large scale irregular flows in its territory in line with its agreements with the EU. Whereas irregular migrants coming

from Syria have been offered only temporary protection in Turkey at best, other non-European asylum seekers, for instance Afghans and Iraqis, are not found eligible for even temporary protection (Frelick, et.al., 2016, p.208). Readmission agreements have been one of the most common instruments of this externalization strategy. Nonetheless, their security-oriented, unilateral and Eurocentric nature (serving exclusively the interests of the EU) is in stark contrast to normative power which requires inclusivity (giving a voice for actors concerned), reflexivity (critical analysis of the effects of externalization on the projected area), self-binding through law (international refugee law) and respect for human rights (international human rights law).

Trauner asserts that, the EU readmission agreements with the Eastern European countries such as Russia and Ukraine have implications for both these partner countries and migrants and refugees (2014). With respect to the partner countries, EURAs are transforming these countries into buffer zone for illegal migrants. For migrants, the EU has no mechanism to control or prevent these third countries from sending returned TCNs coming from the EU to other third countries though bilateral agreements. This increases the risk of chain refoulment between the transit countries of Eastern Europe and the source countries of Asia (Trauner, 2014, p.38), which undermines basic human rights standards and non-refoulment principle.

What is more, cooperation with third countries is not always based on the legal instruments, which further increases the risk of violation of human rights. For instance, whereas readmission agreements were concluded -coupled with visa facilitation agreements in some cases- with the countries in Eastern and South- Eastern Europe, some EU member states chose to cooperate informally with the countries in the Mediterranean region on issues of forced return and readmission of irregular migrants, through alternative patterns of cooperation, due to difficulties in conclusion and implementation of readmission agreements with these countries (Trauner, 2014, p.26; Cassarino, 2007). For Cassarino (2007, p.189), the motivation behind these informal deals, such as police cooperation agreements, is to ensure bilateral cooperation on readmission. For example, bilateral cooperation between Italy and Libya in 2008, on controlling irregular immigration in the Mediterranean region, which was also

supported by the European Council, was criticized due to its potential violation of international refugee regime and human rights norms (Trauner, 2014, p.27). On 6 May 2009, Italian coast guard forcibly returned 227 boat migrants directly to Libya, without identifying them and screening for refugee status, which violated these migrants' right to seek asylum and put them under risk of inhuman treatment (Human Rights Watch, 2009)[55]. Human Rights Watch (HRW) researchers interviewed these undocumented migrants who were arrested while trying to leave Libya and demonstrated how these migrants were subjected to inhuman and degrading conditions, mistreatment and indefinite detention by Libyan authorities (HRW, 2009). Thus, Libya was not seen as a safe country for migrants. Indeed, the cooperation between Italy and Libya on readmission of irregular migrants has been controversial in terms of human rights norms since the very beginning of the deal as Libya is not party to the 1951 Geneva Convention and to the 1967 Protocol and it does not have a domestic asylum law[56]. Additionally, Italy has obligations under the 1951 Geneva Convention (article 33/non-refoulment) and ECHR (article 3/prohibition of torture) that inhibit Italy from sending people back to the countries where they may face serious threats to their lives or freedom or be subjected to torture, inhuman or degrading treatment. After all, the European Court of Human Rights (ECtHR)[57] has ruled that Italy violated article 3 of ECHR and non-refoulment principle of 1951 Geneva Convention because "applicants had been exposed to the risk of ill-treatment in Libya and of repatriation to Somalia or Eritrea" (2012) Nevertheless, Italy did not stop its push-back practices and signed a new cooperation agreement with Libya in April 2012, on combating illegal immigration, which involved cooperation in several fields such as reception centres

[55] For further information on Italy's forced return of boat migrants, see the report of HWG, on 21 September 2009, available at: https://www.hrw.org/report/2009/09/21/pushed-back-pushed-around/italys-forced-return-boat-migrants-and-asylum-seekers#page

[56] For states parties to the 1951 Convention and to the 1967 Protocol, see http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html

[57] It was the case of Hirsi Jamaa and Others v. Italy (application no.27765/09). For details of the case, see http://www.asylumlawdatabase.eu/en/content/ecthr-hirsi-jamaa-and-others-v-italy-gc-application-no-2776509

and border monitoring (Trauner, 2014, p.34). This was just one case among others demonstrating unlawful practices of controlling irregular migrants, without safeguarding human rights. The recent deal between the EU and the UN-backed government of Libya was announced on 3 February 2017 in Malta for containing migrant flows from Libya to the EU. Although members of the European Council in Malta declaration stated that they would act in accordance with international law and European values, emphasis was overwhelmingly on the controlling external borders, stemming illegal flows, reinforcing border management capacity of Libya, and fighting against smugglers (European Council, 2017). It was also declared that the EU will support member states such as Italy in its efforts and initiatives to stem illegal migrants from Libya. However, Libya is still unsafe country for migrants. The EU has been warned by the United Nations human right experts that pushing migrants back to the places, where they are likely to face torture, inhuman treatment, arbitrary detention, unlawful killings and so on, will violate the rights of migrants who are fleeing from the same conditions and the non-refoulment principle (United Nations Human Rights Office of the High Commissioner, 2017).

There are four main migratory routes in the southern coastlines of the EU: Western African route from Senegal, Mauritania and Morocco to the Spanish Canary Islands; Western Mediterranean route from Morocco to Spain (Ceuta and Melilla); Central Mediterranean route from Libya to Italy; and Eastern Mediterranean route from Turkey to Greek islands (Frontex, 2016, p.16). The EU's main objective in the region is to prevent illegal flows from entering the EU, through close cooperation with the transit countries on these migratory routes and externalization of external border control. In this regard, Frontex, the border management agency of the EU, was established in 2004 (Council Regulation 2007/2004) with the major tasks of coordinating member states' joint operations at the air, land and sea external borders, monitoring migration flows, training national border guards, conducting risk analysis and organizing joint return operations and so on (The Council of the EU, 2004). Nonetheless, land and sea operations of Frontex in the major migratory routes have been criticized severely on the ground of human rights violations.

One of the major tasks of Frontex is to assist member states in their management of irregular migration flows at the external borders. Upon the formal request by the Greek government on 24 October 2010, the EU accepted intervention by Frontex and deployed the Rapid Border Intervention Team (RABIT) whose mission would be surveillance and assistance in identifying and screening irregular migrants (Mantanika, 2014, p.112). However, HRW argued that the Frontex operations at the Greek-Turkish border facilitated detention of irregular migrants in the overcrowded Greek detention centres which did not meet basic human rights standards. Dangerous journey of migrants escaping either from poverty or from violence and persecution have ended in more tragic events at the Greece-Turkey border due to unlawful action of Greece coastguards (Amnesty International, 2014a, p.5). Despite the ruling of ECtHR that transfer of irregular migrants to detention camps in Greece would subject them to prohibited abuse, border guards from the EU member states did not stop such transfers (HRW, 2011, p.1). Frontex knowingly exposed migrants to inhuman and degrading conditions and none of the EU member states withdrew from the RABIT mission (HRW, 2011, p.2) This was sheer violation of international human rights law (Universal Declaration of Human Rights (UDHR)). HRW's report, called "The EU's Dirty Hands", argued that activities of Frontex in Greece have failed to respect the EU Charter on Fundamental Rights (2011, p.3). In addition to inhuman detention facilities of Greece and Frontex, Amnesty International also criticized Greece's widespread push-back practices which can result in collective expulsions of migrants without the opportunity to seek asylum and ultimately in breach of non-refoulment principle. Both collective expulsions and refoulment of migrants to unsafe countries are prohibited under the EU and international law (2014a, p. 10).

Joint sea operations of Frontex in the central and eastern Mediterranean, have been also in breach of 'non-refoulment principle' and respect for human rights. Intercepted boats in international waters are sent back to the countries where the journey begins, without screening migrants who might be in need of international protection and seek asylum in Europe (Demmelhuber, 2011, p.818). By considering all the migrants as illegal and sending them to the countries having bad human rights records and inhuman treatment to migrants in detention camps, the EU takes part in violation of human

rights and international law. This also impeded distinguishing people in need of protection from voluntary migrants as these crossings from Africa to European territory are "mixed flows" (Haddad, 2008, p.190). Whereas accepting voluntary migrants is exclusive right of states, guaranteeing access to asylum procedures for those in need of protection is an obligation of states under international law. Thus, as pointed out by Lavenex, in contrast to economic migration, refugee policy "cannot be justified on the basis of material interests, but is strictly normative in character" (2001, p.852). Apparently, the EU misses that point and sends all the migrants back to countries of origin or transit without identifying and screening them. Amnesty International criticizes the language of the EU because it uses the word of "illegal" for people undocumented and irregularly crossing the borders. This language, for Amnesty International, is dehumanising and criminalizing people who are not a threat to the security of countries where they may seek asylum or migrant status (2014b, p. 23).

Furthermore, these joints operations led by Frontex may seem to be successful in reducing the number of irregular arrivals to the EU from the major migratory routes. For instance, arrival of irregular migrants to the Canary Island decreased 75% with joint sea operations under 2006 Hera II operation (Katsiaficas, 2014, p.9). However, decrease in number of illegal arrivals to the EU may not be caused by the success of these operations, but the failure of them. These operations have shifted the major migratory routes and led migrants to seek alternative and more dangerous routes to reach Europe (Barrero,2013, p.19). Today, smugglers most often use more dangerous routes with "lower-quality vessels" carrying large number of migrants in order to avoid detection, as stated by William Spindler, spokesperson of UNCHR (2016, October 25). Although the number of irregular arrivals to the EU borders has decreased in 2016 (362.753 sea arrivals recorded) compared to 2015 (over a million migrants crossed the Mediterranean), the number of migrants who died while crossing Mediterranean recorded highest of all time in 2016 (over 5000 casualties) compared to 3771 casualties in 2015 (UNCHR, 2016, December 23). Along the Greece-Turkey border, for instance, increased detections caused large scale flows trying to reach the EU by crossing the Aegean Sea (Katsiaficas, 2014, p. 9).

As pointed out by Trauner (2014, p. 37), the EU's forced return policy (push-back practices of Frontex) has also increased practices of detention of irregular migrants in its neighbourhood. With respect to detention practice, article 31 (refugees unlawfully in the country of refugee) of the Geneva Convention states that: "The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened…". Nonetheless, establishment of detention centres for intercepted migrants in the countries such as Libya (not party to the 1951 Convention), Mauritania and Morocco (parties to the Convention) having poor human rights records, with the financial support of the EU (Trauner, 2014, p.38; Ceccorulli, 2014, p.202), weakens the international image of the EU in the fields of human rights and law. Hence, ratification of the 1951 Convention does not necessarily mean that a country respects the obligations of the Convention and basic humanitarian standards. Furthermore, the EU's policy on illegal migration also challenges its normative power concerning the democracy promotion and political reform in its neighbourhood. The EU cooperated with the countries of North Africa having authoritarian regimes in order to contain illegal migrants originating from or transiting through these countries. In sharp contrast to democracy and human rights promotion in these countries, the EU has supported them to adopt tougher measures, such as detention facilities, to prevent illegal flows to Europe and to manage returned migrants from the EU. However, the measures in reducing migration have not been coupled with upgrading of protection systems in these countries whose prior role has been to contain and manage illegal flows in line with the EU's border security strategies (Ceccorulli, 2014, p. 187, 203). Similarly, Demmelhuber argues that, cooperation with authoritarian elites on joint border controls has increased the bargaining power of authoritarian regimes such as Libya in maintaining their political power. In exchange for this cooperation, these authoritarian regimes have received substantial technical and financial aid from the EU, regardless of their participation in fundamental treaties of international law or inhuman treatment of migrants (2011, p.820-821). In contrast to comprehensive approach suggested by the GAMM (European Commission, 2011b), the short-sighted approach of the EU on illegal migration, that is combating symptoms of illegal migration rather than addressing root causes of movement and improving living conditions in countries of

origin, only serves to the immediate interests of the EU in reducing migration pressure. By preventing the arrival of large numbers of refugees and asylum seekers to Europe at the expense of human rights, the EU "has turned a blind eye to the practices of authoritarian regimes", which undermined its roles as human rights promoter seriously (Ceccorulli, 2014, p.203).

Deployment of traditional military methods and equipment and use of unusual or extraordinary measures (in the sense that they are either not used for tackling migration previously or they are exceptional or illegal) by Frontex in dealing with irregular migrant flows (Leonard, 2010) is also in contradiction with the normative power claim. As Gjoncaj (2013) argues, the way Frontex deals with undocumented migration contributes further to securitization of migration. For instance, using sophisticated technology (which is traditionally used in tackling military threats) in conducting risk analysis, that is gathering information on upcoming threats to external borders, indicate that Frontex securitizes irregular migration by presenting it as a threat to the borders of the EU (Gjoncaj, 2013, p.18). Furthermore, some of the major operations of Frontex such as HERA I, II, and III in the Canary Islands or HERMES targeting irregular flows from eastern Mediterranean have been performed in cooperation with military or semi-military units of member states such as Italy's Guardia di Finanzia and Spain's Guardia Civil (Gjoncaj, 2013, p.18) Member states also provide helicopters, vessels, aircrafts, thermal cameras, which are traditionally used for military purposes, to Frontex in its operations. According to Leonard (2010, p.240-241), joint sea operations led by Frontex are also extraordinary both because of the sophistication of the operations and also due to questionable legality of such operations. In this regard, violation of non-refoulment principle, as a result of forced return of intercepted migrants (all seen as illegal by Frontex) to their home countries, is exceptional and illegal given the international obligations of the EU member states to provide asylum seekers with protection and right to seek asylum. In sum, activities of Frontex is in contradiction with normative power Europe in several respects particularly in its securitization of migration and militarization of border management.

"Freedom is often challenged at the borders", says Gjoncaj, due to prioritization of security over freedom (2013, p.21) As argued by several scholars and human rights

organizations, the values and norms of the EU such as democracy, human rights, rule of law and freedom are challenged by the actions of the EU (Demmelhuber, 2011; Gjoncaj, 2013; Amnesty International 2014a, b; HRW, 2011). The biggest consequence, among others, of securitizing practices and policies of the EU is the "number of people dying while trying to make it to the EU" (Gjoncaj, 2013, p.22). In 2016, the deadliest year for migrants crossing Mediterranean, 5079 casualties were recorded (IOM, 2017, January 6).

Although the EU adopted wide range of policies and instruments in the area of asylum and immigration, it did not pay adequate attention to human rights standards, instead it focused primarily on control measures, external border controls, building capacities of third countries for curtailing irregular migration, establishment of detention camps, and return of irregular migrants (Amnesty International, 2014b, p.21-23). The EU has constructed an impenetrable wall at its external borders by both physical measures such as fences and increased border surveillance and legislative measures such as immigration and asylum policies that restrict access to the EU and a right to seek asylum considerably, which brought about "new fortress Europe" (Amnesty International, 2014a, p. 6).

4.4. The EU is not a normative power, but a realpolitik or status quo power at best

From the normative power perspective, the EU, to be a normative power, should have normative goals, means and impact (Tocci, 2007). However, securitization and externalization of the EU′s migration policy constitute an impediment to normative power. Neither border management policy nor readmission and return policy have normative goals, means and impact. Readmission and return policies of the EU have non-normative (possession) goals such as controlling migration flows and engaging third countries in this control for security concerns; non-normative means such as restrictive measures and forced return in breach of international law, and lastly non-normative impact such as refoulment and violation of right to seek asylum. Similarly, border management policies have non-normative goals such as securing external

borders and stemming irregular flows to the EU; non-normative means such as militarization at the external borders and detention practices; and lastly non-normative impact such as sealing borders and refoulment. Thus, these policies make the EU a realpolitik actor, rather than a normative power.

With respect to the root cause approach of the EU external migration policy, there is a slight difference compared to practices of remote control approach. Although the declared intent of the root cause approach is to address the root causes of migration and offer protection for asylum-seekers, its real intent is to keep migrants outside the EU through reception in the region, thus it has non-normative goals. As different from readmission and border management policies, the root cause approach realizes these non-normative goals through normative means such as economic cooperation and development aid. Nonetheless, it still has a non-normative impact such as shifting responsibility for refugee protection to third countries in the region of origin and containment of asylum flows in the region of origin. Thus, it can be said that root cause approach makes the EU a status quo power. Consequently, the EU is not a normative power, but rather a realpolitik or status quo power, at best (as illustrated in table 2)[58].

[58] These foreign policy types have been discussed in the first chapter with reference to Tocci's study (2007). Table 2 is inspired by Nathalie Tocci's matrix on foreign policy types (Tocci , 2007). For the root cause approach, the table used 'real intent (keeping migrations outside), rather than the declared intent (addressing root causes of migration and improving living standards of people in the countries of origin).

Table 2: The EU as a realpolitik and status quo power (Author's own construction inspired by Tocci (2007))

EU MIGRATION POLICY	Goals	Means	Impact	Type of actor
SECURITIZATION OF MIGRATION **Border management (Frontex)**	**Non-normative** • Possession goals • Security of external borders • Stemming irregular flows to the EU	**Non-normative** • Militarization at the borders • Violation of international and European law (violation of non-refoulment and respect for human rights) • Detention practices	**Non-normative** • Sealing borders • More dangerous migratory routes and miserable conditions for refugees • Refoulment • Containment of refugees and asylum seekers	**REALPOLITIK**
EXTERNALIZATION OF MIGRATION (Remote control-Readmission and return policies)	**Non-normative** • Possession goals • Controlling migration flows • Engaging third countries in the control	**Non-normative** • Restrictive measures • Forced return • Readmission agreements and implementation of safe third country • Violation of non-refoulment	**Non-normative** • Shifting burden of asylum seekers and refugees to non-EU countries • Violation of right to seek asylum • Risk of refoulment	**REALPOLITIK**
EXTERNALIZATION OF MIGRATION (Root cause approach)	**Non-normative** • Possession goals • Keeping migrants out • Reception and protection in the region	**Normative** • Preventive measures • Economic cooperation and development aid • Improving living conditions in the countries of origin	**Non-normative** • Shift of responsibility for refugee protection to non-EU countries • Containment of asylum flows in the region of origin	**STATUS QUO**

4.5 Conclusion

The focus of this chapter has been on the development of external dimension of migration policy and its assessment on empirical grounds in relation to the concept of normative power Europe. For this purpose, the chapter has first analysed the Communications of European Commission and the presidency conclusions of the European Council, which have provided a basis for the development of external migration policy. These documents have included mixed motivations for external dimension given that both remote control (reducing migration flows by externalizing control) and root cause approach (preventing irregular flows by addressing the root causes of movement) have been stressed by the Commission and the European Council. Nonetheless, the remote-control approach, which is more in line with the internal objectives (securing area of freedom, security and justice) and interests of the EU member states, has been more prominent in externalization strategy of the EU. In other words, external dimension was understood by the EU and its member states as a tool of externalization of migration control to third countries via several instruments of cooperation such as readmission agreements, visa facilitation or liberalization agreements.

The motivations behind the externalization strategy of the EU have become more obvious in the pursuit of readmission and border management policies. As discussed in the second part of the chapter, these policies have been in contradiction with the normative power Europe claim, taking into account the criteria discussed in the first chapter to assess the normative power of the EU. It has been discussed that these restrictive and security-oriented policies have tarnished the EU's reputation as promoter of universal norms and principles for a more cosmopolitical world. By readmission policy, which has been carried out through readmission agreements or bilateral cooperation on readmission, and by border management policy, in which joint operations of Frontex have become prominent, the EU has violated international refugee law, European law and international human rights law given the above discussed cases of forced return, refoulment and human rights violations at the external

borders and detention camps. Turkey-EU readmission agreement (2013), Turkey-EU Joint Action Plan (2015), Turkey-EU migration deal (2016) and Italy-Libya bilateral cooperation on readmission (2008), EU-Libya deal (2017) and joint operations of Frontex have provided empirical evidences for the contradictions between normative power Europe and the external migration policy of the EU.

CHAPTER 5

CONCLUSION

The research interest of this thesis has been to assess the normative power of the EU within the context of its migration policy. In this regard, the concept of normative power Europe; the historical development of the migration policies at the EU level; securitization of migration; internal and external dimensions of the EU′s migration policies; and the impact of securitized and externalized migration policies on normative power of the EU have been analysed in detail.

This study has tried to develop an argument against the concept of normative power Europe by analysing securitization and externalization strategy of the EU in the field of immigration and asylum. It has led to the conclusion that the EU is not a normative power, but a realpolitik or status-quo power (depending on external policy) that shapes its environment in accordance with its strategic interests. The only thing that is normative about the EU might be the norms and principles - peace, liberty, democracy, rule of law, and human rights, social solidarity, anti-discrimination, sustainable development and good governance- that are enshrined in European law. However, when it comes to application and promotion of these norms in its external relations, the EU fails to do so. The thesis has drawn that conclusion by a detailed analysis of what makes the EU a normative power and of major interrelated trends in the EU migration policy -securitization and externalization- that stand in stark contrast to the criteria of being normative power.

Since ″the reflection of common policies and institutions on the outside world″ is shaping the Union′s international identity (Lavenex & Uçarer, 2004, p.417), externalization of migration policies and practices of the EU have been evaluated in detail in this thesis in order to assess the Union′s normative power and identity.

Nonetheless, since externalization is an internally-driven strategy, the thesis has first analysed the motivations behind the Europeanization of national migration policies. Perception of immigrants and asylum seekers as a threat to national, societal, cultural and economic security since the 1970s and removal of internal borders in the Schengen area induced convergence of national migration policies and restrictive and security-oriented measures at the EU level. Thus, as Huysmans suggests, it was "the spill-over of the economic project of the internal market into an internal security project" (2000, p.752). In this regard, irregular flows and asylum seekers have been increasingly associated with cross-border organized crime, terrorism and drug-trafficking in informal, ad hoc, and secretive intergovernmental entities such Trevi and Schengen groups. Through cooperation at the EU level, member states have tried to escape domestic constraints such as judicial scrutiny on their restrictive and control-oriented agendas on migration. Without powerful supranational actors and judicial control at the EU level, officials of justice and interior ministries could maintain their security-oriented migration policies. Despite enhanced rights of pro-migrant and pro-integration supranational institutions such as ECJ and the EP in the policy making process, following the Amsterdam reforms, rationale of intergovernmental cooperation maintained its supremacy given the securitization of asylum and immigration law in the EU. It was this security oriented approach that led to externalization of migration control with the major aim of curtailing irregular flows' access to the European territory.

In time, the EU member states understood that without cooperation with the countries of origin and transit, restrictive policies at home are not sufficient to tackle with large scale irregular flows; on the contrary, these escalated the problem of illegal immigration at the external borders because of trafficking and smuggling activities. Communications published by the European Commission and presidency conclusions of the European Council, since the early 1990s, have promoted integration of migration issues into the external affairs of the EU. These documents have embraced both root cause approach (or prevention) and remote control (or externalization of traditional

tools of migration control)[59] approach to externalization. By root cause approach, it is meant that, external migration policy should either address the root causes of migration in the countries of origin through development assistance and trade policy or should offer protection for people in need of it in the region of origin countries. By remote control approach, it is meant that, external migration policy should engage with third countries in controlling irregular flows, fighting illegal migration or readmitting irregular migrants. Although ultimate aim of both approaches is to keep migrants outside the EU and close to their home countries, they use different means for this aim. Whereas root cause approach tries to reduce migration pressure through improving living conditions in the countries of origin or offer protection to asylum-seekers, remote control strategy focuses exclusively on reducing migration flows to the EU by externalizing migration control to third countries (as shown in table 2). Despite the early attempts of promoting root cause approach by the Commission and the European Council, security-oriented rationale of intergovernmental cooperation dominated the policy making. For instance, although Tampere European Council, which officially endorsed integration of internal and external dimensions of migration, stressed the importance of comprehensive and integrated approach to migration, its major aim was to secure AFSJ at the end of the day.

Consequently, externalization strategy of the EU is built on the efforts to convince third countries to participate in the EU's restrictive and securitized migration and refugee regime. To do so, they use several instruments such as readmission agreements, visa facilitation and liberalization agreements, bilateral and regional dialogues and so on. Use of conditionality has been the major leverage of the EU in engaging third countries in such cooperation.

From the normative power Europe perspective, externalization strategy of the EU is expected to achieve a 'more just and cosmopolitical world', in the words of Manners (2008, p.60). However, externalization strategy of the EU has been evaluated as "unnecessarily Eurocentric" in the sense that it only benefits the EU and its member states, overlooking the needs of third countries (Barrero,2013, p.18-19), which stands

[59] The concepts in parantheses are used by Boswell (2003a).

in stark contrast to normative power's cosmopolitan nature based on universal norms and principles. By shifting responsibility for management of migration flows to third countries, externalization strategy has taken no account of the development of third countries, poverty reduction or consolidation of democracy (Sterx, 2008, p. 135). Thus, transfer of migration and asylum policies to third countries is not an example of diffusion of norms and principles to outside world as expected to be done by a normative power. On the contrary, this transfer undermines the founding principles and norms of the EU, such as democracy, human rights, solidarity, equality, good governance and rule of law. For instance, securitization of extra-EU migration and liberalization of intra-EU movement (Kostakopoulou, 2000, p.506) shows hypocrisy and inconsistency of the EU. Hence, internally liberal and externally illiberal policies of the EU undermine its normative stance and tarnish its international image.

From the normative power perspective, the EU, to be a normative power, should be "living by virtuous example", act as "being reasonable", and "do least harm" (Manners, 2008). Nonetheless, the thesis has illustrated that the migration policy of the EU does not meet these criteria. Firstly, inconsistency (in the sense that the EU itself does not comply with the norms and principles it disseminates to outside world) and incoherence (in the sense that the EU does not always promote the norms and principles that come from international or universal law and rules) impede the EU from being identified as 'living by virtous example'. Secondly, being reasonable necessitates engagement (institutionalization of communication) and dialogue (reciprocal deliberation and negotiation) in formulating external policies. However, the EU is not acting reasonably in its external migration policy. For instance, partnership and cooperation agreements with non-EU countries do not reflect mutual negotiation, but rather power politics. Thirdly, since the external migration policy of the EU is self-empowering, 'doing least harm' is not likely in the foreseeable future. For instance, the readmission and return policy of the EU privileges strategic interests and internal objectives of the EU such as controlling migration flows or safeguarding AFSJ over interests and concerns of third parties. This being the case, the impact of these policies such as shift of responsibility for management of migration and asylum to third countries or practices of refoulment shows that the EU is not doing least harm.

From the normative power perspective, the EU should bind itself through law. Tocci emphasizes that law reduces "the risk of imposing one's chosen definition of norms on others through the sheer exercise of power" (2007, p.5). However, this thesis has arrived at the conclusion that the EU is not binding itself through law given the contradiction between the European refugee regime and international refugee law and international human rights law. While the EU pretends to respect the right to seek asylum and 1951 Geneva Convention obligations, it maintains the logic of restriction with the ill-conceived hope of keeping would-be asylum seekers and migrants out of European territory (Baldaccini, 2007, p.278). As the cases studied in this thesis has demonstrated security concerns are prioritized over normative concerns. The EU did not promote international refugee law; on the contrary, it widened the gap between its refugee regime and international refugee regime through questionable externalization practices such as the way third countries are identified as safe and its redistribution mechanism. These practices have resulted in gross violation of human rights and non-refoulment principle, as illustrated in the cases of Turkey-EU readmission agreement (2013), Joint Action Plan (2015), recent Turkey-EU migration deal on refugees (2016), EU-Libya deal (2017) and the practices of Frontex in the Mediterraenan region.

There are numerous contradictions between the claim of normative power Europe and its external migration policy. This thesis has tried to highlight these contradictions as much as possible. It is vital to remind here that, externalization of internal policies is not non-normative by definition. If it is used reflexively, deliberately, and inclusively in line with normative commitments (ethical concerns, respect for human rights, rule of law, peace and etc.), externalization or diffusion of internal policies, norms and principles is more likely to benefit all parties concerned. Nonetheless, in the case of the EU's externalization strategy, it was the securitization of migration that motivated the formulation of external migration policy. The major concern of the EU and its member states has been to safeguard its internal area of freedom, security, and justice against the threat of irregular flows to the EU.

This thesis suggests that further study on the EU's external policies in the field of trade, development, human rights and democracy, enlargement, neighbourhood, and

environment will substantially contribute to assessment of the concept of 'normative power Europe'. The research interest of this thesis here has been to test the credibility of normative power of the EU by examining its immigration and asylum policies. Although it might be too ambitious to claim that the EU is not and has never been normative power in its external relations, credibility of its normative basis, values and principles that it is founded on has been severely undermined by the recent practices to stem irregular flows to the EU. The number of people dying at the southern coastlines of the EU indicates that something is wrong with immigration and asylum polices of the EU which are becoming less humane.

Ian Manners claimed that: "we may best conceive of the EU as a "normative power Europe" (2002, p.235). Overall, in contrast to Manners, this thesis claims that we may best conceive the EU as a realpolitik or status-quo power at best, but not as a normative power.

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APPENDICES

APPENDIX A

TURKISH SUMMARY/ TÜRKÇE ÖZET

Bu çalışmanın temel amacı, Avrupa Birliği'nin normatif gücünü göç politikası bağlamında değerlendirmektir. Bu amaç doğrultusunda, bu çalışma şu sorulara cevap bulmaya çalışmıştır: 'Normatif güç Avrupa' kavramının iddiası nedir? 'Normatif güç Avrupa' iddiasının güvenilirliğini değerlendirmek için olası kriterler neler olabilir? Normatif güç Avrupa iddiasına yönlendirilen eleştiriler nelerdir? AB ülkelerinin AB düzeyinde bir göç politikası geliştirmelerindeki temel motivasyonlar nelerdir? Göç politikaları neden ve nasıl AB tarafından güvenlikleştirilmiş ve dışsallaştırılmıştır? AB, göç politikasındaki güvenlikleştirme ve dışsallaştırma strateji göz önünde bulundurulduğunda, normatif bir güç olarak nitelendirilebilir mi?

AB'nin normatif gücü, dış göç politikası bağlamında, çevre ve iklim değişikliği politikası, insan hakları politikası ve komşuluk politikası gibi diğer dış politika alanlarına kıyasla henüz geniş çapta test edilmediği için, bu tez literatürdeki boşluğu tamamlamayı amaçlamaktadır. Bu çalışmada, AB'nin resmi belgeleri olan AB antlaşmaları, Avrupa (Devlet ve Hükümet Başkanları) Konseyi başkanlık sonuçları, Avrupa Komisyonu belgeleri, AB eylem planları ve programları, kararlar, sözleşmeler ve anlaşmalar gibi birincil kaynaklardan ve kitaplar, akademik dergi makaleleri, raporlar gibi ikincil kaynaklardan oluşan geniş bir kaynak yelpazesi kullanılmıştır.

AB, bir devlet ya da uluslararası örgüt olmamasına rağmen, kendine özgü kimliğini inşa edebilmiştir. 1950'li yılların başlarında, altı kurucu üye İkinci Dünya Savaşı'nın yıkıcı etkilerini aşmak ve ekonomilerini yeniden yapılandırmak amacıyla Avrupa Topluluğu'nun temellerini atmıştır. Zaman içerisinde, Avrupa Topluluğu (AT), entegrasyon ve genişleme süreçleri sayesinde 28 üyeli bir birlik ve kendine özgü

kimliği ile önemli bir uluslararası aktör olmayı başarmıştır. Genişleme ve derinleşme süreçleri birliğin AB dışı ülkelerle olan ilişkilerini doğal olarak artırmış ve bu durum AB'nin, uluslararası toplumda mevcudiyetini ve meşruluğunu güçlendirmek için, dış politika araçlarını artırmasına ve geliştirmesine sebep olmuştur. Birlik çatısı altındaki tüm bu gelişmeler, AB'nin uluslararası statüsü, rolü ve kimliğini açıklamak üzere yapılan akademik tartışmaları alevlendirmiş ve AB'nin uluslararası ilişkilerde ne tür bir güç olduğunu ya da olması gerektiğini açıklayan çeşitli teorik kavramsallaştırmalar ortaya çıkmıştır. "Sivil güç" (Duchéne, 1973), "askeri güç" (Bull,1982), "normatif güç" (Manners, 2002), "sivil ve normatif güç" (Diez, 2005), "ekonomik güç" (Damro, 2010) gibi kavramsallaştırmalar ile AB'nin uluslararası varlığı ve kimliği açıklanmaya çalışılmıştır. Bütün bu kavramların ortak özelliği ise AB'nin uluslararası gücünün kaynağını açıklamaktır. Normatif güç kavramını diğer kavramlardan ayıran en temel özellik ise normatif gücün, fiziki kaynak ve kapasiteye odaklanan sivil, askeri ve ekonomik güce kıyasla, düşünsel etki üzerine yaptığı vurgudur. 2000'lerin başından bu yana, normatif gücün analizi bilimsel bir ilgi çekmiş ve AB'nin dış politikalarının düşünsel bir güce dayanıp dayanmadığı açıklanmaya çalışılmıştır. Bu çalışmada, AB'nin normatif gücünü değerlendirmek için birliğin göç politikasının dış boyutu incelenmiştir.

1950'li yıllarda Avrupa entegrasyon sürecini başlatan kurucu üyeler göç alanında AB seviyesinde bir entegrasyon veya iş birliğini öngörmemişlerdi. Fakat, sınır aşırı hareketlerin, sığınma başvurularının ve sınır ötesi suçlarla ilgili endişelerin artması gibi dış faktörlerin yanı sıra, birlik içinde Schengen Alanı'nda iç sınır kontrollerinin kaldırılması ve güvenlik önlemlerinin artırılması ihtiyacı gibi iç faktörler üye devletleri AB seviyesinde bir ortak göç politikası oluşturmak için harekete geçirmiştir. Özellikle 1980'lerin başından bu yana, göç ve sığınma meseleleri kolektif bir endişe haline gelmiş ve bu alandaki sorunlarla mücadele için ortak politikalar geliştirilmeye başlanmıştır. Lavanex ve Uçarer'in (2004) de vurguladığı gibi, ortak politikaların ve kurumların dış dünyaya yansıması birliğin uluslararası kimliğini şekillendirdiği için bu tezde göç politikalarının dışsallaştırılması süreci detaylı bir şekilde incelenmiş ve bu doğrultuda AB'nin normatif gücü ve kimliği değerlendirilmiştir. Dışsallaştırma stratejisinin temel motivasyonu (birlik içi özgürlük, güvenlik ve adalet alanını

düzensiz göç akınlarından korumak) göz önünde bulundurulduğunda, AB'nin böylesi stratejik menfaatler sonucu ortaya çıkan güvenlik odaklı dış göç politikası ile nasıl normatif bir güç olacağı merak uyandırmıştır.

AB'nin normatif gücünü göç politikası bağlamında değerlendirebilmek için bu çalışma üç ana bölümden oluşmaktadır. Bu üç bölümde sırasıyla normatif güç kavramı, AB göç politikalarının tarihsel gelişimi ve güvenlikleştirilmesi ve son olarak AB göç politikalarının dışsallaştırılması süreci ve bunun normatif güç iddiası ile olan uyuşmazlığı ele alınmıştır.

Çalışmanın ilk bölümünde, Manners tarafından savunulan "normatif güç Avrupa" iddiası incelenmiştir. Manners normatif güç kavramını AB'nin uluslararası rolünü tanımlayan sivil güç ya da askeri güç gibi geleneksel kavramsallaştırmalardan ayrı tutmaktadır. Francois Duchéne (1973, s.19-20) tarafından savunulan "sivil güç" Avrupa iddiasına göre AT, "ekonomik güç yönünden fazlasıyla yeterli, askeri güç olarak nispeten yetersiz", gerek üye devletler arasındaki gerekse kendi sınırlarının ötesindeki devletler arası ilişkileri uygarlaştırabilme kapasitesine sahip bir sivil güçtür. Duchéne'e göre bu, uluslararası sorunlara ortak sorumluluk duygusu getirmeye çalışmak demektir. Duchéne, aynı zamanda, uluslararası bir aktör olarak AB'nin gücünün kendi güvenlik ve istikrar sağlayan modelini, askeri araçlar yerine sivil araçlar kullanarak yayma yeteneğine bağlı olduğunu savunmuştur. Hedley Bull (1982) tarafından savunulan "askeri güç" Avrupa iddiasının temeli realist analize dayanmaktadır. Realist teoriye göre, devletler rasyonel aktörler olarak, anarşik bir sistemde hayatlarını sürdürebilmek için askeri yeteneklerini en üst düzeye çıkarmaya çalışmaktadırlar (Mearsheimer, 2010). Bull'a göre, Batı Avrupa ülkeleri de savunma ve güvenlik alanında kendine yeterliliği sağlayabilmek adına askeri güç ve kaynaklarını artırmalıdır (1982, s.152-156), çünkü sivil güç, AB'nin uluslararası ilişkilerde varlığını idame ettirebilmesi ve güçlü bir aktör olabilmesi için yeterli değildir. Manners'a göre Duchéne tarafından savulan "sivil güç" ve Bull tarafından savunulan "askeri güç" kavramlarının üç ortak özelliği vardır. Bunlar: Vestfalya ulus-devletinin merkeziliği, ekonomik veya askeri, yani fiziksel, maddi güce olan vurgu ve Avrupa çıkarlarının ön planda ve mühim olarak algılanmasıdır (2002, s.238). Bu iki geleneksel kavramın aksine, normatif güç, AB'nin düşünsel etki ve gücüne,

normlarına ve ilkelerine odaklanır. Normatif güç, Vestfalyan sistemin devlet merkezli anlayışının ötesine geçmeye çalışmaktadır. Manners normatif gücü AB'nin "uluslararası ilişkilerde 'normal' olanı belirleyebilme, şekillendirebilme kabiliyeti" olarak tanımlamıştır (2002, s. 240) Manners'a göre, AB'nin normatif farklılığı üç temel faktör ile açıklanabilir. Bunlardan ilki, AT'nin yıkıcı savaşlara yol açan milliyetçi duyguları dikkate almadan barış ve istikrarın korunması ideali ile kurulduğu "tarihsel bağlamı"; ikincisi, AB'nin hem uluslar-üstü hem de uluslararası yönetişim modellerine sahip "hibrit yönetimi"; üçüncüsü ise AB'nin deklarasyon ve antlaşmalarında belirtilen ilkelere ve normlara dayalı "politik-hukuki" karakteridir. Bu nedenle, normatif güç Avrupa kendine özgü uluslararası kimliği ile önceden var olan siyasi oluşumlardan farklıdır ve bu da AB'yi uluslararası ilişkilerde normatif bir şekilde hareket etmeye teşvik etmektedir (Manners, 2002, s. 242).

Manners AB'nin normatif gücünün kaynağını beş temel norm (barış, özgürlük, demokrasi, insan hakları ve hukukun üstünlüğü) ve dört ikincil norm (toplumsal dayanışma, ayrımcılıkla mücadele, sürdürülebilir kalkınma ve iyi yönetişim) ile açıklamaktadır (2002, 2006b, 2008). Bu normlar AB antlaşmalarında yer almakta ve birliğin temel ilke ve amaçlarını yansıtmaktadır. Örneğin Lisbon Antlaşması'nda bu normlara şu şekilde yer verilmiştir[60] :

> Birlik, insan onuruna saygı, özgürlük, demokrasi, eşitlik, hukukun üstünlüğü ve azınlıklara mensup kişilerin hakları da dahil olmak üzere insan haklarına saygı değerleri üzerine kuruludur. Bu değerler, çoğulculuk, ayrımcılık yapmama, hoşgörü, adalet, dayanışma ve kadın-erkek eşitliğinin hakim olduğu bir toplumda üye devletler için ortaktır (2007, madde 1a).

Nitekim Manners, sadece bu normların varlığının AB'yi normatif bir güç olarak nitelendirmek için yeterli olmadığını öne sürerek, bu normların aynı zamanda AB dışı dünyaya yayılması gerektiğini de vurgulamıştır [61].

[60] Lisbon Antlaşması'nın 1a maddesi, Avrupa Birliği Antlaşması'nda 2. maddedir.

[61] Manners AB normlarının diğer ülkelere yayılması için altı yol öne sürmüştür. Bunlar: bulaşma, bilgilendirici yayılma, prosedürel yayılma, transfer, aleni yayılma ve kültürel filtredir.

Çalışmanın bu bölümü, AB'nin normatif gücünü değerlendirmek için öne sürülen olası kriterlerin incelenmesiyle devam etmiştir. Sjursen'e göre normların uygulanması sırasında ortaya çıkabilecek tutarsızlık ve ikiyüzlülük ve AB'nin sadece kendi çıkarlarını gözetmesi gibi riskleri önlemek için AB'nin, dış ilişkilerinde, ortak kurallara ve hukuk ilkelerine göre hareket etmesi gerekmektedir. Diğer bir deyişle, AB kendisini uluslararası hukuk yoluyla bağlamalıdır, ki bu da normatif bir güç olmanın en güçlü göstergesidir. Uluslararası hukuk ilkelerine göre hareket etmek normatif bir şekilde hareket etmek demektir (Sjursen, 2006, s.244-245). Sjursen ayrıca kuvvet politikası ile mücadele etmek ve onun parametrelerini uluslararası ve kozmopolitan hukuku güçlendirerek dönüştürmek ve değiştirmek gerektiğini de vurgulamaktadır (2006). Normatif güç olmanın bir diğer göstergesi ise, söz konusu politikanın meşrulaştırılmasında temel referans noktaları olan ilkeler, belirli çıkarları veya kültürel kimlikleri ne olursa olsun ilgili tüm aktörler tarafından 'adil' olarak tanınmalıdır (Sjursen, 2002, s.495). Yani, AB kendi eylemlerini evrensel norm ve ilkeler temelinde açıklamalı ve meşrulaştırmalıdır. Diez'e göre "düşünümsellik" (refleksivite), normatif güç Avrupa'nın sahip olması gereken diğer bir özelliktir. Buna göre, AB, özellikle kendi kimliğini 'diğerleri' karşısında inşa ederken öz-düşünümsel bir şekilde davranmalı ve böylece normları ihlal etme riskini ve "diğerlerine zarar veren müdahaleyi meşrulaştırma olasılığını" azaltmalıdır (2005, s.627, 632). Aksi taktirde, AB hem kendi kimliğini hem de diğerlerinin kimliğini inşa ederken, kendi kusurlarını göz ardı edebilir (Diez, 2005, s. 626-627). Bicchi'ye göre, refleksivite aynı zamanda AB'nin dış politikalarının öngörülen alan üzerindeki etkilerini eleştirel olarak analiz etmesini gerektirmektedir (2006, s. 287). "Kapsayıcı olma", normatif güç Avrupa'nın temel unsurlarından biridir. Buna göre, AB politikalarından etkilenen tüm dış aktörler bu politikaları oluşturma sürecine dahil edilmelidir (Bicchi, 2006).

Manners (2008) ve Tocci'nin (2007) kapsamlı analizleri normatif güç kavramını değerlendirmede oldukça önemlidir. Manners, AB'nin normatif gücünü değerlendirirken normatif etikteki yaklaşımlara referansla birliğin dış ilişkilerindeki ilkelere, eylemlere ve sonuçlara bakılması gerektiğini savunur (2008, s.56-60). Buna göre, AB'nin ilkeleri, ahlaki karakteri veya faziletleri vurgulayan "erdem etiğine" referansla değerlendirilmelidir. AB'nin, ilkelerini teşvik ederken ve politikalarını

izlerken uyumlu (sadece kendi normları teşvik etmesi değil, AB'nin temel ilke ve normlarının kaynağının uluslararası antlaşmalar olması) ve tutarlı (AB'nin dış ilişkilerinde teşvik ettiği normlara kendisinin de uyması) olması beklenmektedir. AB, dış eylemlerinde, deontolojik etiğe referansla, makul olmalıdır. AB dış eylemlerinin araçlarını temin edebilmek için iletişim ve ortaklığın kurumsallaşması ve karşılıklı müzakere yolunu seçmelidir. Son olarak, AB dünya politikasını şekillendirirken refleksif olmalı ve dış eylemlerinin sonuçları, sonuçcu etiğe referansla, sadece kendini değil, diğerlerini de güçlendirici olmalıdır. Özetle, AB'nin dış eylemlerinin amacı "daha adil ve kosmopolitan bir dünyaya" ulaşmak olmalıdır. Benzer bir şekilde, Tocci'ye göre AB, normatif bir dış politikaya sahip olabilmek için, normatif amaçlara (sistemdeki tüm aktörleri bağlayan uluslararası hukuk ve rejim ile çevresini şekillendirmek), normatif araçlara (dış politika araçlarını uluslararası hukuka uygun bir şekilde kullanmak) ve normatif sonuçlara (normatif amaçların, sonuçlarla tutarlı olması) sahip olmalıdır.

Son olarak bu bölümde, normatif güç Avrupa iddiasına yöneltilen eleştirilere yer verilmiştir. Eleştirilerin büyük bir kısmı, maddi çıkarlar ve normatif taahhütler arasındaki çatışma, AB'deki askerileşme stratejisi, AB'nin dış ilişkilerindeki özdüşünümselliğin, kapsayıcılığın ve ihtiyatın yoksunluğu, AB dış politikalarındaki tutarsızlık, iki yüzlülük ve çifte standart uygulamaları, normatif olmayan amaç, araç ve etkiler, "Avrupa merkezli" yaklaşım gibi konular üzerinde yoğunlaşmıştır. Normatif güç kavramına yöneltilen bu eleştirilerin tamamı, AB'nin dış göç politikası değerlendirilirken dikkate alınmıştır.

Çalışmanın AB politikalarının tarihsel gelişiminin anlatıldığı ikinci bölümü, iki temel kısımdan oluşmaktadır. İlk kısımda, AB seviyesinde ortak göç politikalarının oluşmasındaki temel motivasyonlar incelenmiştir. Avrupa devletlerin, 1970'li yıllara kadar savaş sonrası dönemde ekonomilerini yeniden yapılandırabilmek için işçi göçünü desteklemelerine rağmen, özellikle 1970'lerin ekonomik krizi ile birlikte bu devletlerin göçmen algısı büyük ölçüde değişmeye başlamıştır. 1950'li ve 60'lı yıllarda teşvik edilen göç, refah devlet ekonomilerine bir tehdit ve yük olarak algılanmış ve işçi göçünün durdurulması kararı alınmıştır. Fakat göçü tamamen durdurmak göçmenlerin kabulüne izin vermek kadar kolay olmamış, göçmen akınları

‘aile birleşimi’ yolu ile devam etmiştir. Refah devlet ekonomilerinde yaşanan olumsuz gelişmelerle birlikte (yüksek işsizlik oranları, azalan hükümet harcamaları ve eş zamanlı toplumsal değişmeler), Avrupa devletleri göçmen karşıtı, kısıtlayıcı ve kontrol odaklı göç politikaları izlemeye başlamıştır. Avrupa devletlerinin bu göçmen karşıtı tutumları mevcut AB göç politikasın temelleri oluşturmuştur. Göçmenler, mülteciler ve sığınmacılar toplumsal düzene, ulusal güvenliğe ve kültürel kimliğe bir tehdit olarak nitelendirilmiştir. Soğuk Savaş’ın bitmesiyle artan geniş çaplı iltica akımları ve ev sahibi devletlerin ulusal güvenlik ve kültürel kimlikleri konusunda artan endişeleri göç meselesine yönelik güvenlik odaklı yaklaşımların etkisini artırmıştır. Son yıllarda, Orta Doğu ülkelerinde meydana gelen siyasi, sosyal ve ekonomik krizler sonucu sığınmacı ve mültecileri sayısı her geçen gün artmış ve bu da göç ve iltica meselelerini AB'nin yakın tarihli siyasi ve güvenlik gündeminin en üst sıralarına taşımıştır.

Bu bölümde, ulusal göç politikalarının Avrupalılaşma süreci, Amsterdam Antlaşması öncesi ve sonrası olmak üzere, iki dönemde incelenmiştir. İlk dönemde, göç alanında üye devletler arası iş birliği Avrupa Topluluğu çerçevesinin dışında başlamıştır. Bu dönemde, devletler Trevi grubu gibi uluslararası ad hoc (geçici) gizli çalışma grupları kurmuş ve özellikle göç ve iltica meselelerini güvenlik odaklı bir yaklaşımla, sınır ötesi organize suçlarla mücadele, uyuşturucu kaçakçılığı vb. konularla bağlantılı tartışmaya başlamışlardır. Ortak göç politikası yolunda en önemli adım iç sınır kontrollerinin kaldırılması amacıyla 1985 yılında Schengen Anlaşması’nın Almanya, Fransa, Belçika, Hollanda ve Lüksemburg tarafından imzalanması ile atılmıştır. Schengen Anlaşmasını uygulamak için imzalanan 1990 Sözleşmesi, 1995 yılında yürürlüğe girmiş ve Anlaşmaya taraf olan devletler arasındaki iç sınır kontrolleri kaldırılmıştır. Schengen Anlaşması ve Sözleşmesi’nin önemi, ortak sınırlardaki kontrollerin kademeli olarak kaldırılmasından sonra gerekli görülen, dış sınır kontrollerini güçlendirmek için başlattıkları, suç ve uyuşturucu ticaretiyle mücadelede iş birliği, vize politikalarının uyumlulaştırılması, ortak dış sınır güvenliğinin artırılması gibi, telafi önlemleridir. Bu durum, göç ve iltica konularında insan hakları temelli politikalar yerine, daha fazla güvenlik odaklı politikanın benimsenmesinin yolunu açmıştır. Resmi olmayan hükümetler arası iş birliği döneminde sözleşmeler (1990 Dublin Sözleşmesi) ve konsey ilke kararları (1992 Londra ilke kararları) gibi

araçlar devletlerin adalet ve içişleri alanında kullandıkları temel araçlardı. Maastricht Antlaşması bu hükümetler arası iş birliğini, Adalet ve İçişleri başlığı altında resmileştirmiştir. Fakat, göç alanında hükümetler arası iş birliği baskın olmaya devam etmiş, Avrupa Komisyonu, Avrupa Adalet Divanı ve Avrupa Parlamentosu'nun görevleri sınırlı kalmıştır. Bunda, devletlerin egemenlik haklarını uluslar üstü, entegrasyon yanlısı kurumlara devretmekten kaçınmaları ve kısıtlayıcı göç politikaları izlemek istemeleri etkili olmuştur.

Ortak göç politikalarının oluşmasında bir dönüm noktası olan Amsterdam Antlaşması göç ve iltica konularını "Adalet ve İçişleri" sütunundan uluslar üstü ilkelerin hakim olduğu "Topluluk" sütununa taşımıştır. Fakat göç politikalarının topluluklaştırılmasına rağmen, üye devletler uluslar üstü kurumlar üzerindeki özerkliğini korumaya devam etmişlerdir. Amsterdam Antlaşması'nda yer alan özgürlük, güvenlik ve adalet alanının geliştirilmesi hedefi ve bu alanı korumak için alınması gereken güvenlik önlemleri göç ve iltica politikalarının güvenlik odaklı bir yaklaşımla inşa edilmesini kaçınılmaz kılmıştır. Nitekim, Amsterdam Antlaşması hükümlerini uygulayabilmek için planlanan Tampere (1999-2004), Hague (2005-2009) ve Stockholm (2010-2014) eylem planları ve programları özellikle üçüncü ülkelerle yasal olmayan göçle mücadele konusunda iş birliği yapılmasının önemini vurgulamışlardır. Yasa dışı göçle mücadelede üçüncü ülkelerle iş birliği ve geri kabul anlaşmalarının sonuçlandırılması bu beş yıllık eylem planlarının öne çıkan tavsiyelerindendir. Buradaki temel amaç, dış eylemler ve iş birliği ile AB'nin iç güvenlik hedeflerini (özgürlük, güvenlik ve adalet alanını korumak) gerçekleştirmekti.

Geddes (2003) ve Guiraudon (2000), devletlerin AB seviyesinde bir iş birliği ve göç politikası oluşturmalarındaki temel motivasyonu göç hareketlerini kontrol ederek ve yargı denetimi ve göçmen yanlısı grupların varlığı gibi iç kısıtlamalardan kaçınarak egemenliklerini güçlendirmek için yeni mekanlara ulaşma çabası olarak görmektedirler. Guiraudon (2000), göç politikalarının oluşturulma mekanın, içişleri ve adalet yetkilileri ve göç kontrol kuruluşları tarafından, yargı denetimi gibi kısıtlamaların olduğu ulusal düzeyden, yargı kararlarının ve belirli ulusal aktörlerin faaliyetlerinden kaynaklanan bu kısıtlamalardan kaçınıldığı ve kaynak ve transit ülkeler gibi yeni uluslar üstü müttefiklerin ve istenmeyen göç kategorilerini engelleyen

daha kısıtlayıcı politikalar benimsemenin mümkün olduğu uluslararası düzeye kaydırıldığını ileri sürmüştür. Bu uluslararası seviyede, AB Adalet Divanı ve Avrupa Parlamentosu gibi AB kurumlarının rolü asgari düzeyde tutulmuş, böylece devletlerin güvenlik çıkarlarını ve kısıtlayıcı göç kontrol politikalarını takip etmelerinin önündeki engeller kaldırılmıştır. Guiraudon'a göre üye devletler, Avrupa iş birliğini, entegrasyonu hızlandırmak için değil, ulusal hedeflerini gerçekleştirmek için bir araç olarak görmüşlerdir (2000, 2003).

Bu bölümün ikinci kısmında ise, göçün güvenlikleştirilmesi hem teorik hem de ampirik olarak tartışılmıştır. Teorik anlamda, Kopenhag Okulu'nun öncüleri olan Barry Buzan ve Ole Waever ile Paris Okulu'nun öncülerinden olan Didier Bigo'nun çalışmalarına referansla, göçün güvenlikleştirilmesinde söylemlerin ve uygulamaların rolü incelenmiştir. Kopenhag Okulu teorisyenlerine göre, güvenlikleştirme bir meselenin güvenlik meselesi olarak ya da yakın ve varoluşsal bir tehdit olarak söylemsel bir biçimde inşa edilmesi anlamına gelmektedir. Bir mesele güvenlikleştirme aktörleri (politikacılar ve hükümetler) tarafından söz konusu nesnenin varlığına bir tehdit olarak ifade edildiğinde, normalde yasal olmayan olağanüstü önlemler meşrulaştırılmaktadır (Buzan vd., 1998, s.25). Kopenhag Okulu'nun aksine, sosyolojik yaklaşımı benimseyen Didier Bigo, söylemler yerine pratikler ya da uygulamalar üzerine vurgu yapar. Bir sorun açıkça bir güvenlik tehdidi olarak açıklanmasa da bu sorunla başa çıkma araçları onu güvenlik meselesi haline getirebilir (Huysmans, 2000). Güvenlikleştirme bürokratik rutinler, günlük uygulamalar ve kontrol teknolojileri sayesinde olağanüstü olmaktan ziyade süreklidir (Bigo, 2002). Politikacılar yerine, "güvenlik profesyonelleri" (polis güçleri, sınır devriyeleri, gizli servisler, gümrük memurları, özel şirketler) güvenlik sorununu ya da huzursuzluğunu üretirler. Özetle, bu yaklaşımı benimseyen teorisyenlere göre söylemlerin olmaması güvenlikleştirmeye engel teşkil etmez.

Teorik tartışmanın ardından, göç meselesinin gerçek bir tehdit mi yoksa tehdit olarak mı inşa edildiğini anlayabilmek adına AB'de göçün güvenlikleştirilmesinin temel motivasyonları ve araçları incelenmiştir. Husymans'ın iç güvenlik, kültürel güvenlik ve refah devletinin güvenliği konularını ele alığı analizi göçün güvenlikleştirilmesi ve Avrupa entegrasyon süreci arasındaki bağlantıyı anlamak için oldukça önemlidir.

Huysmans, iç sınırların kaldırılmasının ardından dış sınır güvenliğinin artırılmasını, iç pazar ekonomik projesinin iç güvenlik projesine taşınması olarak değerlendirmiştir (2000, s.752). Kültürel güvenlik açısından, göçmenler, kültürel ve ırksal kökenlerinin AB vatandaşlarınınkinden oldukça farklı olması nedeniyle kültürel kimlik için bir tehdit olarak nitelendirilmektedir ve bu durum göçmenleri kültürel homojenliğe ve ırk birliğine engel olarak gösteren göçmen karşıtı ırkçı ve yabancı düşmanı tepkileri yoğunlaştırmıştır. Göçmenler, 1970'lerin ekonomik kriziyle birlikte, refah devleti sistemine karşı da bir güvenlik tehditi olarak görülmüş ve ülke vatandaşlarına rakip olarak algılanmışlardır (Huysmans, 2000, s.762-767). AB'nin göç politikasıyla ilgili pek çok güvenlikleştirme uygulamaları mevcuttur. Bunlar: kısıtlayıcı ve dışlayıcı vize politikaları, Schengen Bilgi Sistemi gibi sığınmacıların ve göçmenlerin belirlenmesi için kullanılan teknolojik araçlar, veri tabanları ve gözetim sistemleri, Frontex ve Europol gibi kuruluşların desteğiyle dış sınır kontrol mekanizmalarının kurulması; sığınma başvurularını 'güvenli üçüncü ülke' ilkesi ve taşıyıcı yaptırımları gibi çeşitli girişimlerle kısıtlamak, yasadışı göçmenlerin geri kabul anlaşmaları yoluyla AB ülkelerine girmesini ve AB ülkelerinde kalmalarını engellemek için kaynak ve transit ülkelerle işbirliği vb. uygulamalardır. Göçün güvenlikleştirilmesinde söylemlerin ve uygulamaların rolü, Frontex'in faaliyetlerine atıfta bulunularak tartışılmıştır. Özetle, çalışmanın bu bölümü, ortak göç politikalarının gelişmesinde iki temel eğilim olan hükümetler arası iş birliğinin üstünlüğü ve göçün güvenlikleştirilmesi konularını ele almıştır.

Çalışmanın son bölümünde ilk olarak AB göç politikalarının dış boyutunun tarihsel gelişimi ve AB dış göç politikasının enstrümanları incelenmiş ve daha sonra geri kabul ve geri gönderme ile sınır yönetimi politikaları incelenerek AB'nin normatif bir güç olup olmadığı değerlendirmesi yapılmıştır. Göç politikalarının dış boyutunun tarihsel gelişimini ve temel motivasyonlarını anlamak için Avrupa Komisyonu belgeleri ve Avrupa (Devlet ve Hükümet Başkanları) Konseyi başkanlık sonuçları incelenmiştir. Bu belgeler, göç konularının AB dış ilişkilerine entegrasyonunu teşvik etmişlerdir. 1999 Tampere Avrupa Konseyi tarafından, dış boyut resmi olarak tanıtıldığı için, tarihsel gelişmeler, Tampere öncesi ve sonrası dönem olmak üzere iki kısımda sınıflandırılmıştır. Bu bağlamda, dışsallaştırma yaklaşımları olan "göçün kök

nedenleri" ve "uzaktan kontrol" yaklaşımları üçüncü ülkelerle iş birliğinin amaçları ve araçları hakkında bir anlayış sağlamak için ele alınmıştır. "Göçün kök nedenleri" yaklaşımına göre, dış göç politikası kalkınma yardımı ve ticaret politikası yoluyla kaynak ülkelerdeki göçün temel nedenlerini ele almalı ya da bu ülkelerin bulunduğu bölgede ihtiyaç duyan insanlara koruma sağlamalıdır. "Uzaktan kontrol" yaklaşımına göre ise, dış göç politikası düzensiz akışları kontrol etmek, yasadışı göçle mücadele etmek ve düzensiz göçmenleri geri göndermek için üçüncü ülkelerle iş birliğini teşvik etmelidir. Her iki yaklaşımın nihai amacı göçmenleri AB dışında ve kendi ülkelerine yakın tutmak olsa da bu amaç için farklı yollar kullanmaktadırlar. Kök nedeni yaklaşımı, kaynak ülkelerdeki yaşam koşullarının iyileştirilmesi yoluyla göç baskısını azaltmaya veya sığınmacılara koruma sağlamaya çalışırken, uzaktan denetim stratejisi, göç kontrolünü dışsallaştırarak AB'ye göç akışını azaltmaya odaklanmaktadır. Komisyon ve Avrupa (Devlet ve Hükümet Başkanları) Konseyi'nin başlangıçta kök sebep yaklaşımını teşvik etme çabalarına rağmen, hükümetler arası iş birliğinin güvenlik odaklı mantığı politikaların oluşum sürecine hakim olmuştur. Örneğin, göçün iç ve dış boyutlarının entegrasyonunu resmen onaylayan Tampere Avrupa Konseyi, göçle ilgili kapsamlı ve entegre yaklaşımın önemini vurgulamış olsa da temel amacı günün sonunda özgürlük, güvenlik ve adalet alanını güvence altına almak olmuştur. Bu güvenlik odaklı yaklaşım, düzensiz göç akımlarının Avrupa bölgesine erişimini azaltmak için göç kontrolünün dışsallaştırılmasına sebep olmuştur. Dış göç politikasının tarihsel gelişimi üzerine yapılan bu analiz, göç konusunu, politik konulardan, insan hakları ve kalkınma konularına kadar geniş bir yelpazede ele almayı amaçlayan kapsamlı bir yaklaşımın, güvenlik endişelerinin ve iç hedeflerin önceliklendirilmesi nedeniyle zayıfladığını ortaya koymuştur. Sonuç olarak, AB'nin dışsallaştırma stratejisi, üçüncü ülkeleri AB'nin kısıtlayıcı ve güvenlikleştirici göç ve mülteci rejimine katılmaya ikna etme çabaları üzerine kurulmuştur. Göç ve sığınma konularında AB'nin üçüncü ülkelerle nasıl etkileşime girdiğini anlamak için dışsallaştırma araçları incelenmiştir. Üçüncü ülkelere politika transferi, Lavenex ve Uçarer tarafından tasarlanan AB politikalarına uyum modeli kullanılarak açıklanmıştır. Bu modele göre, politika aktarımının temel belirleyicileri koşulluluk, uyum sağlamama maliyetleri ve olumsuz dışsallıklardır.

Son bölümün ikinci kısmında, normatif güç Avrupa iddiası güvenlikleştirme ve dışsallaştırma stratejileri göz önünde bulundurularak değerlendirilmiştir. Avrupa mülteci rejimi ile uluslararası mülteci rejimi arasındaki farkın giderek açıldığı, AB politikalarının Orta ve Doğu Avrupa ülkelerine transfer edilmesi örneğinde açıkça görülmüştür. AB'nin geri kabul ve geri gönderme politikaları, Türkiye-AB geri kabul anlaşması (2013), Türkiye-AB ortak eylem planı (2015), Türkiye-AB göçmen anlaşması (2016), İtalya-Libya ikili iş birliği (2008) ve AB-Libya göçmen anlaşması (2017) örnekleriyle, sınır yönetimi politikaları ise Frontex'in Akdeniz Bölgesi'nde yürüttüğü ortak deniz ve kara operasyonları örnekleri ile değerlendirilmiştir. Bu değerlendirme sonucunda dış göç politikasının motivasyonlarının, araçlarının, güvenlik ve kontrol odaklı yaklaşımının normatif güç Avrupa iddiasının kriterleri ile uyuşmadığı sonucuna varılmıştır. Kısıtlayıcı ve güvenlik odaklı politikalar, daha kozmopolitan bir dünya için evrensel normların ve ilkelerin savunucusu olan AB'nin itibarını zayıflatmıştır. AB göç politikaları, dış sınırlarda zorunlu geri dönüş, geri göndermeme ilkesinin ve insan haklarının ihlali, mülteci kamplarındaki hukuk dışı gözaltılar ve insanlık dışı muamele gibi uygulamaları sebebiyle uluslararası mülteci hukukunu, Avrupa hukukunu ve uluslararası insan hakları hukukunu ihlal etmiştir. Özetle, AB dış göç politikası ve normatif güç Avrupa iddiası arasında oldukça fazla çelişki olduğu görülmüştür. Örneğin, normatif güç Avrupa perspektifinden bakıldığında, AB'nin dışsallaştırma stratejisinin "daha adil ve kozmopolit bir dünya" yaratması beklenmektedir. Fakat, AB'nin dışsallaştırma stratejisi, yalnızca AB'ye ve üye devletlere, üçüncü ülkelerin ihtiyaçlarına bakılmaksızın, fayda sağlamayı amaçladığı için "Avrupa merkezli" olarak değerlendirilmiştir (Barrero, 2013), ki bu da evrensel normlara ve ilkelere dayanan normatif gücün kozmopolitan doğasına aykırıdır. Göç akımlarının yönetim sorumluluğunu üçüncü ülkelere kaydıran dışsallaştırma stratejisi üçüncü ülkelerin gelişimi, yoksulluğun azaltılması veya demokrasinin pekiştirilmesi hususlarını dikkate almamaktadır (Sterx, 2008). Bu nedenle, AB göç politikalarının üçüncü ülkelere transferi, demokrasi, insan hakları, dayanışma, eşitlik, iyi yönetişim ve hukukun üstünlüğü gibi AB'nin kuruluş ilkelerini ve normlarını zayıflatmaktadır. Normatif güç Avrupa perspektifinden bakıldığında, AB'nin normatif amaç, araç ve sonuçlara sahip olması beklenmektedir (Tocci, 2007). Fakat, AB'nin geri kabul ve geri gönderme politikaları, göç akımlarını kontrol etme ve

üçüncü ülkeleri de bu denetime katılmaya ikna etme gibi normatif olmayan hedeflere, uluslararası hukuku ihlal eden kısıtlayıcı tedbirler ve zorla geri dönüş gibi normatif olmayan araçlara ve son olarak, geri gönderme ve sığınma hakkının ihlal edilmesi gibi normatif olmayan etkilere sahiptir. Benzer bir şekilde, AB sınır yönetimi politikaları, dış sınırların güvence altına alınması ve AB'ye düzensiz göç akışlarının önlenmesi gibi normatif olmayan hedeflere, dış sınırlarda askerileşme ve gözaltı uygulamaları gibi normatif olmayan araçlara ve sınırların kapatılması ve geri gönderme gibi normatif olmayan etkilere sahiptir. Bu politikalar AB'yi normatif güç yerine realpolitik bir aktör yapmaktadır. Bu iki politikadan farklı olarak, "göçün kök nedenleri" yaklaşımının, göçmenleri AB dışında tutmak gibi normatif olmayan hedefleri, ekonomik iş birliği ve kalkınma yardımı gibi normatif araçları ve mülteciler için koruma sağlama sorumluluğunun kaynak bölgesindeki üçüncü ülkelere kaydırılması ve sığınma akımlarının çevrelenmesi, önlenmesi gibi normatif olmayan etkileri vardır. Bu nedenle, AB'yi statükocu bir güç olarak tanımlamak da mümkündür.

Sonuç olarak, bu çalışmada, AB göç ve iltica politikalarının nasıl güvenlik odaklı geliştiği ve bu güvenlik odaklı ve sınırlayıcı politikaların göç meselesinin AB tarafından dışsallaştırılmasındaki rolü ve etkisi incelenmiştir. Buna göre, AB'nin göç politikalarını dışsallaştırmasındaki temel amacının iç güvenlik hedeflerinin gerçekleştirilmesi olduğu görülmüştür. Diğer bir deyişle, dış göç politikasının, AB'nin norm ve ilkelerinin kendi sınırlarının ötesine yaymak gibi normatif taahhütler yerine, güvenlik kaygıları sonucu geliştirildiği ortaya çıkmıştır. Aslında dışsallaştırma stratejisi normatif taahhütler dikkate alınarak (etik kaygılar, insan haklarına saygı, hukukun üstünlüğü vb.) temkinli bir şekilde, AB politikalarının etkilediği tüm aktörleri kapsayan, özdüşünümsel bir şekilde yürütülürse, ilgili tüm tarafların yararına olacaktır. Fakat, AB'nin güvenlikleştirme ve dışsallaştırma stratejisi normatif güç Avrupa savını büyük ölçüde çürütmüştür. Bu tez, AB'nin mevcut göç ve iltica politikaları ile normatif gücün tam aksine realpolitik ya da en iyi ihtimalle statükocu güç olarak tanımlanmasının daha uygun olacağı sonucuna varmıştır. AB'nin hiçbir zaman normatif güç olmadığını ve olamayacağını söylemek çok iddialı bir yargılama olsa da AB normları, ilkeleri ve değerleri, yakın zamandaki düzensiz göçle mücadele politikaları ve uygulamaları ve çevresini kendi çıkarlarına göre şekillendirmesi

nedeniyle, büyük oranda güvenilirliğini kaybetmiştir. Bu nedenle, bu çalışma normatif güç Avrupa iddiasına karşı bir argüman geliştirmeye çalışmıştır.

APPENDIX B

TEZ FOTOKOPİSİ İZİN FORMU

ENSTİTÜ

Fen Bilimleri Enstitüsü ☐

Sosyal Bilimler Enstitüsü ☐

Uygulamalı Matematik Enstitüsü ☐

Enformatik Enstitüsü ☐

Deniz Bilimleri Enstitüsü ☐

YAZARIN

Soyadı :
Adı :
Bölümü :

TEZİN ADI (İngilizce) :

TEZİN TÜRÜ : Yüksek Lisans ☐ Doktora ☐

1. Tezimin tamamından kaynak gösterilmek şartıyla fotokopi alınabilir. ☐
2. Tezimin içindekiler sayfası, özet, indeks sayfalarından ve/veya bir bölümünden kaynak gösterilmek şartıyla fotokopi alınabilir. ☐
3. Tezimden bir (1) yıl süreyle fotokopi alınamaz. ☐

TEZİN KÜTÜPHANEYE TESLİM TARİHİ:

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