

The EU-Turkey cooperation in the field of migration and asylum: What is wrong with it and how to fix it?

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Abstract

The EU-Turkey Statement of March 2016, the EU-Turkey Readmission Agreement, and the EU-Turkey funding instruments in the field of migration, including the Facility for Refugees in Turkey, constitute EU-Turkey instruments for cooperation in the field of migration and asylum. The EU-Turkey Statement, which was adopted more than seven years ago, is now a model for EU- third country cooperation arrangements with a view to externalization of migration control. It is important to analyze the EU-Turkey migration cooperation instruments and how they are implemented in practice, take stock of what went right and wrong, and finally draw lessons on how to improve the EU-third country cooperation instruments in terms of transparency, accountability, compatibility with international law, effectiveness, and alignment of these instruments with the Global Compact on Refugees. Turkey, as a transit country for most migrants and refugees, has been a necessary stop on their way to Europe. However, while Türkiye is a party to the 1951 Refugee Convention and the 1967 Protocol, it has limited its international law obligations to refugees fleeing “events occurring in Europe” and generally avoided regulating the field and establishing a national framework until early 2000s. Largely driven by the EU accession processes, Türkiye implemented legislative, institutional and policy reforms related to asylum and began making gradual changes to align its asylum and migration structures to the EU framework from 2001. Since the large-scale arrival of refugees and migrants to European shores in 2015, cooperation with the Turkish government has become an essential part of the European policy to manage migration. The EU-Türkiye Statement in 2016 which foresaw deliverance of one of the most significant financial assistances of the EU history relating to refugees, became a symbol -for both critics and supporters- of the EU external migration policies. Based on our research on the EU-Turkey migration cooperation arrangements within the ASILE project on global asylum governance and the EU’s role, we seek to highlight problematic issues relating to the EU-Turkey cooperation instruments in the field of migration and asylum and their implementation and suggest ways to improve these issues.

State-facilitated emigration flows sustain institutions that offer nominal parchment protection against widening social and economic inequality, with the opportunity to emigrate serving both as a proxy for truncated state welfare provisions at home, as well as the consolidation of state power over the postcolonial citizen. Methodologically, this is demonstrated via a comparison of paired cases across the Global South with a common set of countries of destination: the study

identifies two least-likely labour emigration cases in South Asia (Nepal) and the Middle East (Jordan) to the Gulf Cooperation Council states, selected for the purposes of theory building through covariation and within-case analysis. The paper analyzes how cross-border mobility has reshaped state-society relations at home by making access to emigration central to citizens' socio-economic trajectory. It is noted that the argument shifts existing conversations away from counterproductive economic approaches to migration and labour by allowing us to instead think of political practice in ways unconstrained by methodological nationalism (Wimmer and Shiller 2003). The paper highlights the heretofore-unaccounted diversification of state-like practices in migration management across the Global South, from re-territorialization to the formal imbrication of unaccountable labour recruiters and security officials into these processes. Overall, this paper introduces the notion of the "transnational social contract" to demonstrate how labour emigration offers no guarantee that abandoning a given state's territorial confines means escaping from forms of control and subjectification. An interregional analysis is offered, one that also acts as a corrective to the dominance of South-North migration research and provides a novel framework on the impact of migration upon non-Western states.

Biography

Gamze Ovacik is the Steinberg Postdoctoral Fellow on Migration Law at McGill University Faculty of Law and at the Centre for Human Rights and Legal Pluralism, as well as an assistant professor at Başkent University Faculty of Law. Previously, she was a postdoctoral fellow at the University of Gothenburg within the ASILE Project on global asylum governance and the European Union's role. She has been working with UNHCR, IOM and ICMPD Turkey offices on various projects. Her current research within the migration and asylum field focuses on safe third country practices, externalization policies, legal responsibility attribution and judicial practices.