

A Deal between EU and Turkey on Matters of the Refugee, Readmission and Visa Liberalisation

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This paper explores why and how the government of Justice and Development Party (JDP) and the European Union (EU) reached the so-called 18 March deal on the Syrian refugee issue. First, this paper points out the motives of both the EU, particularly Merkel, and the JDP leadership. Second, it shows basic flaws in the approaches of both sides regarding the refugee issue, the readmission agreement and visa liberalisation. It further asserts that the failure of the deal had some impact on Turkey as well as the EU. In fact, the refugee problem and the visa liberalisation issue have not been solved, but only transformed. This paper argues that refugees are the victims and, once again, are being instrumentalised by both sides.

I

Donald Tusk, president of the European Council, and Ahmet Davutoğlu, prime minister of Turkey at the time, decided on 18 March 2016 to release the EU–Turkey statement regarding Syrian refugees. Following the civil war in Syria, from 2012 up to 2016, some 2.700.000 refugees poured into Turkey, among whom considerable numbers wanted to reach to western Europe via Greece. The 18 March statement was widely presented to have been the most significant turning point for the settlement of the refugee problem. Both sides asserted to have committed themselves to a successful end result. However, the European Union (EU) and Justice and Development Party (JDP) leadership have different expectations from this deal and, thus, have attributed different meanings to the accord.

This paper, first, will make clear the strategies of the EU and JDP leadership and, second, will point out basic flaws in both sides' approaches regarding the refugee problem, the readmission agreement and visa liberalisation. This paper will argue that the refugee issue has been a bargaining chip for both the EU and JDP leadership to achieve their own objectives.

II

The EU–Turkey statement (see appendix), dated 18 March 2016, on the refugee issue is not a treaty; it is a deal. It is not legally binding until it is ratified by both sides. For the sake of brevity, it may be called an accord.

Implementation of the nine points in the accord depends on mutual trust, which does not exist. Despite lack of mutual trust, initially each side presented the deal as a success story,

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but later each side became cautious. In reality, it is an ambiguous deal and is against any form of this deal. The deal is about refugees,¹ but their views are not taken into account. On the same token, voices of refugee agencies, and even the United Nations High Commissioner for Refugees (UNHCR) are kept at arms' length.

How humane an attitude did the two sides adopt? A 'one in—one out' resettlement principle was advocated by both sides and considered to be the most important aspect of this deal. It replaced the chaotic, irregular and dangerous influx of refugees with a regular and safer path for entering into the EU. It was the main objective and, at the same time, most problematic principle set by this deal. The principle was that, for each refugee that reaches the Greek islands from Turkey, one will be returned to Turkey, and an asylum seeker in Turkey will be resettled in the EU. Even though the authors of the deal were careful enough to adjust the language of the deal to the UN refugee convention, it is quite fair to argue that this 'one in—one out' scheme is problematic in light of the refugee convention. In this regard, the major criticism to this deal is that each asylum seeker should be dealt with on an individual basis, not according to a blanket policy, because the UNHCR opposes the use of the notion of a safe country of origin or transit as leading to automatic refusals of asylum seekers from those countries and considers the notion to be contrary to the necessary individual determination of refugee status under the 1951 Convention.² It is true that there is such a statement in the EU–Turkey refugee deal, but it is ambiguous on what grounds one can have the right to send a Syrian asylum seeker to Turkey from the Greek islands who seeks to reach the EU and substitute him/her with another Syrian asylum seeker in Turkey to be sent to one of EU countries. This is one of the reasons the UNHCR officially refused to be a signatory party to this accord.

There are some other problematic issues in the deal as well. The readmission treaties the EU signed with the third countries rest on the London Resolution on safe third countries, adopted 1 December 1992.³ This resolution establishes the criteria determining whether a country in which an asylum seeker has stayed, or through which he has transited before coming to a member state where he has applied for asylum, can be considered as a safe country. According to this resolution, if a country of transit is found to be a safe country, this precludes a substantial examination of the asylum claim and opens the way to the return of asylum seekers to that country. In this regard, the EU–Turkey refugee deal rests on the designation of Turkey as a safe third country. However, beyond the early debates over whether Turkey is a safe country, Greek newspaper *Kathimerini* reported on 20 May 2016 that a Greek immigration tribunal has ruled that Turkey is not a safe country to send refugees—throwing into jeopardy the EU–Turkey plan to return Syrians currently on Greek islands *en masse* to Turkey.⁴

Moreover, some asylum seekers might lose their vested interests and status as a result of their return from Greece to Turkey. For example, if a Syrian asylum seeker is sent back to Turkey from Greece, he/she will be treated as 'guest' in Turkey, as Turkey has some

¹ For a detailed analysis of refugee law, see James C. Hathaway and R. A. Neve, 'Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection', *Harvard Human Rights Journal*, 10, 1997, pp.115–211. For related concepts, see also Emily Bazelon, 'Who Qualifies for "Asylum"?' http://www.nytimes.com/2015/09/20/magazine/who-qualifies-for-asylum.html?emc=edit_tnt_20150915&nid=62664474&tntemail0=y&_r=1

² <http://www.unhcr.org/43662e712.pdf>

³ http://www.europarl.europa.eu/workingpapers/libe/pdf/108_en.pdf

⁴ <http://www.independent.co.uk/news/world/europe/refugee-crisis-eu-syrian-refugees-turkey-blocked-by-greek-court-a7039886.html>; <http://www.kathimerini.gr/860436/article/epikairothta/ellada/mh-asfalhs-trith--xwra-h-toyrkia>

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geographic limitations in its definition of asylum seekers.⁵ That is to say that a Syrian asylum seeker may gain asylum-seeker status when he/she is in Greece, but his/her status will be blurred after being sent back to Turkey. Such practices may create a precedent for further deconstruction of existing asylum-seeking rules. It is a tangible challenge to the UNHCR rules and a big concern for the European Court of Human Rights (ECtHR).

Merkel, chancellor of Germany, and Davutoğlu, prime minister of Turkey, concertedly presented that one of the significant objectives of the EU is to prevent the illegal crossing of asylum seekers, particularly from the Balkan route⁶ into the EU, and this deal, they asserted, will solve it. Such an argument does not hold water since the Balkan route is not the only way illegal actors can make use of it, though it may be the shortest one. Illegal crossing is possible from the Mediterranean Sea, North Africa and northeast Europe.

The EU tends to exaggerate its responsibility and the social and economic burdens. According to the deal, the total number of refugees that EU members will accept are 72,000 over three years as part of the 'one in—one out' scheme. This amount is too small, given the fact that, in Turkey alone, there are around 2,7 million Syrian refugees.⁷

The right-wing parties in the EU are presenting the refugee issue as a matter of threat to European societies,⁸ which is not a simple flaw in its argument but a clear distortion of the whole issue. The total number of refugees is not too large to destroy security, social order or threaten ethnic and cultural composition in the EU. If the problem were limited to the total number of refugees, it would be possible to say that the EU countries could easily absorb refugees. The case of Germany is a good example. Germany voluntarily accepts half a million in foreign labour force every year. Instead of accepting half a million in labour force among refugees, the Merkel government wants to introduce a quota system that each EU member state would take some refugees, and the government also tends to exaggerate the refugee problem as if it were a threat to societies in the EU.

Merkel, German chancellor, has been alarmed from 2014 onwards about a growing refugee influx into the EU, within which most asylum seekers wanted to reach Germany. Merkel brought the refugee issue into the EU agenda and expected to share the burden in the EU.⁹ He argued that Turkey should shoulder more responsibility to prevent refugees entering the EU.

Victor Orban, a nationalist conservative prime minister of Hungary, presented the whole issue as a matter of 'democracy' and attempted a referendum in Hungary. On 2 October

⁵ Alexander Bürgin & Derya Aşıkoğlu, 'Turkey's New Asylum Law: A Case of EU Influence', *Journal of Balkan and Near Eastern Studies*, November 2015: 1–15; Dilek Latif, 'Refugee Policy of the Turkish Republic', *The Turkish Yearbook*, 33, 2002, pp. 1–29; Kemal Kirişçi, 'Is Turkey Lifting the "Geographical Limitation"? The November 1994 Regulation on Asylum in Turkey', *International Journal of Refugee Law*, 8:3, 1996, pp. 293–318.

⁶ For Western Balkan Route, see Frontex, <http://frontex.europa.eu/trends-and-routes/western-balkan-route/>. For map see 'Migratory Routes Map' <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>

⁷ In March 2016, there were 4,8 million Syrians displaced in the region; 2,7 million in Turkey, 1 million in Lebanon, 640,000 in Jordan, 250,000 in Iraq and 120,000 in Egypt. See 'Syria Regional Refugee Response,' UNHCR Inter-Agency Information Sharing Portal. <http://data.unhcr.org/syrianrefugees/regional.php>.

⁸ For a study on migration and security threat see Michela Ceccorulli, 'Migration as a security threat: internal and external dynamics in the European Union', Forum on the Problems of Peace and War, Florence, GARNET, Working Paper No: 65/09, April 2009;

<http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/csgr/garnet/workingpapers/6509.pdf>

⁹ European Commission, 'Refugee Crisis: European Commission takes decisive action', Press Release, 9 September 2015, http://europa.eu/rapid/press-release_IP-15-5596_en.htm; 'Mother Angela: Merkel's Refugee Policy Divides Europe,' *Spiegel*, 21 September 2015, <http://www.spiegel.de/international/germany/refugee-policy-of-chancellor-merkel-divides-europe-a-1053603.html>; Louise Ridley, 'Angela Merkel's Immigration Quotes', *The Huffington Post*, 1 September 2015, http://www.huffingtonpost.co.uk/2015/09/01/angela-merkel-immigration-migrants-germany_n_8069928.html.

2016, an overwhelming majority of the Hungarian voters were against the binding decision to relocate asylum seekers among the EU members.¹⁰ Although 98 percent of voters voted against it, the result was invalid, since the turnout was less than the 50 percent threshold. Only 40.41 percent of those registered on the electoral lists participated in the referendum.¹¹ While economists argue that this is ‘a defeat for populism in Hungary’, Orban claims that ‘Brussels can no longer force its will on Hungary’.¹²

How it will affect the EU’s refugee system remains to be seen. However, it can be said that extreme right-wing parties in the EU will challenge Merkel’s quota proposal. Although Merkel’s proposal was not a solution to the problem, it could lower the tension in Germany. This is what Merkel lost.

It may be said that the motive of the EU, in particular Germany under the Merkel government, was that refugees could be kept in the periphery of core Europe. The deal with Turkey, they had assumed, would serve this purpose. However, the 18 March accord was not fully implemented because of two reasons: one is that there were flaws in the EU’s strategy, as noted previously, and second, Erdoğan’s objectives kept moving.

Having examined the motives of the EU, now let’s explore the JDP leadership’s motives. There are three definable motives for the JDP government: a) financial burden sharing, b) an attempt to renew the partnership for recovering hegemony and c) the linkage policy. Whether or not there was a personal motive for Davutoğlu is an open question that needs to be taken up in a separate study, though suffice it to say that some journalists hinted that Erdoğan, president of Turkey and the real power in the JDP, replaced Davutoğlu on 22 May 2016 with Binali Yıldırım due to Erdoğan’s growing suspicion that Davutoğlu could have constructed his personal power through the support of EU policy makers that, in the long run, could undermine Erdoğan’s power in the JDP.¹³

III

Syrian refugees have poured into Turkey from 2012 onwards. The JDP government has refrained from getting involved in the UNHCR and other international organisations and associations to handle the refugees. Instead, the JDP government provided humanitarian aid to refugees who have been officially defined as ‘guests’. Why the JDP kept international organisations at arm’s length remains unclear since this question is avoided by JDP policy makers.

As Merkel brought the refugee issue into the EU’s agenda and expected to share the burden among EU countries, so did the JDP government. Parallel to negotiations among the EU members, Merkel negotiated with Davutoğlu as prime minister (September 2014–May 2016). Indeed, the text of the 18 March deal is the product of the negotiation between Merkel and Davutoğlu (the text is supported by the EU commission, but failed to be

¹⁰ The exact wording of the question is ‘Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of the National Assembly?’

¹¹ Sven Milekic, Maria Cheresheva and Milivoje Pantovic, ‘Balkans Unlikely to Follow Hungary’s Migrant Vote’, http://www.balkaninsight.com/en/article/balkans-not-likely-to-follow-hungarian-no-to-migrant-quotas-09-30-2016-1?utm_source=Balkan+Insight+Newsletters&utm_campaign=a89d1f36ee-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-a89d1f36ee-319773269

¹² ‘A Defeat for Populism in Hungary, Viktor Orban fails to win his referendum against migrants’, Electronic Version of *Economist*, 3 October 2016; <http://www.economist.com/news/europe/21708083-anti-refugee-publicity-ploy-falls-far-short-needed-turnout-viktor-orban-fails-win-his?cid1=cust/ddnew/n/n/n/2016103n/owned/n/n/nw/n/n/n/email&etear=Dailydispatch>.

¹³ <https://pelikandosyasi.wordpress.com/>

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sanctioned by the EU parliament and has not yet been tested in the EU Council).

For Davutoğlu, the financial issue was a matter of recognition of his role as actor at the EU level, as he negotiated without Erdoğan's direct involvement. What is more is, Davutoğlu returned to Ankara, presenting himself as a strong negotiator, with high persuasive skills like 'Kayserili',¹⁴ and boasting that he doubled the total amount of the EU contribution from 3 billion to 6 billion Euros. In total, 3 billion plus 3 billion Euros would be spent with the approval of the EU Commission. Erdoğan had warned Davutoğlu that, when he was negotiating the deal in Brussels, he should come to Turkey with 3 billion Euro in cash, not in words.¹⁵

The financial issue seems to have been secondary to the other two motives: b) the attempt to renew the partnership for recovering hegemony and c) the linkage policy.

As this paper has argued elsewhere,¹⁶ the JDP had attained historic bloc through the holy alliance that was involved in a coalescence of domestic and external forces and dismantled the Kemalist state structure. However, the JDP's assertive neo-Ottomanist foreign policy and increasing authoritarianism caused a decline in hegemony, as shown in the 7 June 2015 elections, which was later revived at the 1 November elections through coerciveness at the domestic level and trade-offs at the international level. At the domestic level, the coerciveness continues and the 18 March 2016 deal is the reflection of the trade-offs between the JDP and the EU (a similar process continues with the United States over Syria). Its main objective is to revive hegemony through trade-offs on external relations. The EU policy makers knew of such a weakness in the JDP position at the external level and made use of it, and as JDP policy makers knew the challenge faced by the Merkel government, both came to a point of understanding. However, both sides were assertive in their objectives. While German policy forced the JDP government to promise that Syrian refugees will remain in Turkey, the JDP government insisted that there is a link between the refugee issue, the readmission agreement and visa liberalisation.¹⁷

The readmission agreement had been signed between the JDP government and the EU in 2013 and the JDP leadership expected that the readmission agreement would enter into force in October 2016 together with - yet to be finalised – the EU's visa liberalisation for Turkish citizens.

The readmission agreement was ratified at the Turkish Grand National Assembly and sanctioned by the EU decision mechanisms. As president, Erdoğan gave his consent to publication of the readmission treaty, and it was printed at the official gazette of Turkey on 20 May 2016. This does not mean the procedure is finalised. The cabinet has to work out a directive to implement the international treaty. It appears that Erdoğan establishes a direct link between implementation of the readmission treaty and visa liberalisation. The visa liberalisation was a part of the deal between Davutoğlu and Tusk, president of the EU council, though the EU conditioned that Turkey had to complete 72 items that were identified by the EU commission as pre-conditions.¹⁸

¹⁴ 'Davutoğlu: AB ile Kayserili pazarlığı yaptık', *Hürriyet*, 08 March 2016; <http://www.hurriyet.com.tr/davutoglu-ab-ile-kayserili-pazarligi-yaptik-40065646>.

¹⁵ 'Erdoğan: Temenni Ederim Davutoğlu 3 Milyar Euro ile Döner'; <https://tr.sputniknews.com/politika/20160307/1021330962/erdogan-davutoglu-3-milyar-euro.html>; see also <http://t24.com.tr/haber/erdogan-umarm-basbakan-brukselden-3-milyar-euroyu-alarak-doner,331090>.

¹⁶ Mustafa Türkeş, 'Decomposing Neo-Ottoman Hegemony', *Journal of Balkan and Near Eastern Studies*, 18:3, 2016, pp. 191–216.

¹⁷ <http://www.hurriyet.com.tr/index/geri-kabul-anlasmasi>; <http://www.mfa.gov.tr/soru-cevap.tr.mfa>; <http://www.ntv.com.tr/turkiye/ibrahim-kalindan-vize-muafiyeti-aciklamasi,jk3rAp27S0erj1NLX5ST1g>.

¹⁸ <http://www.abhaber.com/vize-serbestisi-icin-72-kriter/>

Turkey has completed almost all of the items defined as pre-conditions, except one condition that is a revision of the law for anti-terror, which seems to be blocking the linkage strategy. While the EU put pressure on the JDP government to change the law on anti-terror, JDP policy makers argue that, given the degree of terrorism at large, Turkey should not be expected to revise the law for anti-terror. Following the attempt to overthrow the JDP government on 15 July 2016 by the Gülen community, which was a member of the ‘holy alliance’ of the JDP until 2011, the JDP took this opportunity to crack down on potential opposition and would totally ignore the revision of the law for anti-terror. In late September 2016, the EU revealed that, out of 72, only seven items remained to be met for providing visa liberalisation.¹⁹ Although the European Commission gave a green light to the JDP leadership to repair their relations, it appears that Erdoğan and prime minister Yıldırım are not interested in the deal and insist that the EU should keep up its financial promise (3 billion plus 3 billion euros) and extend visa liberalisation to Turkish citizens, while the EU turns deaf to this claim.

Both the EU and the JDP administration are distorting the reality. The crux of the matter is that the EU policy makers have long turned blind eyes to the growing authoritarianism of the JDP rule in return to a trade-off over the refugee problem that Turkey would keep refugees in Turkey, while the JDP pursues coercive policies to sustain its internal power and wants not to be criticised by the EU.

IV

To conclude, it may be stated that the EU is acting as a hegemon capable of squeezing the JDP government into a corner to get the 18 March deal fully implemented and, above all, to force Turkey to keep 2,7 million refugees and put the readmission treaty into force without linking it with visa liberalisation.

For Erdoğan and the JDP, linkage is essential, not only because they are interrelated, but also particularly because the JDP wishes to hold the trade-off leverages in its own hands in order to revive its partnership with the EU policy makers. Whether this strategy of linkage through trade-offs helps sustain its wish to revive old hegemony in a new form is open-ended. It may work for a while, but in the medium and long term, it is unlikely.

The linkage policies taken up by the two sides are conflicted, and thus problems are not solved, only transformed.

A final point is that the norms, ethics and EU standards have rapidly become a subject for negotiations, and both the EU and JDP have not missed such opportunity, of course at the expense of refugees. Refugees have been victims of systematic wrong policies, and once again, they are being instrumentalised.

Appendix: **EU–Turkey Statement**, 18 March 2016

Today the Members of the European Council met with their Turkish counterpart. This was the third meeting since November 2015 dedicated to deepening Turkey–EU relations as well as addressing the migration crisis.

¹⁹ European Commission, ‘Delivering on migration and border management: Commission reports on progress made under the European Agenda on Migration Brussels’, Press Release 28 September 2016, http://europa.eu/rapid/press-release_IP-16-3183_en.htm.

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The Members of the European Council expressed their deepest condolences to the people of Turkey following the bomb attack in Ankara on Sunday. They strongly condemned this heinous act and reiterated their continued support to fight terrorism in all its forms.

Turkey and the European Union reconfirmed their commitment to the implementation of their joint action plan activated on 29 November 2015. Much progress has been achieved already, including Turkey's opening of its labour market to Syrians under temporary protection, the introduction of new visa requirements for Syrians and other nationalities, stepped up security efforts by the Turkish coast guard and police and enhanced information sharing. Moreover, the European Union has begun disbursing the 3 billion euro of the Facility for Refugees in Turkey for concrete projects and work has advanced on visa liberalisation and in the accession talks, including the opening of Chapter 17 last December. On 7 March 2016, Turkey furthermore agreed to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters. Turkey and the EU also agreed to continue stepping up measures against migrant smugglers and welcomed the establishment of the NATO activity on the Aegean Sea. At the same time Turkey and the EU recognise that further, swift and determined efforts are needed.

In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey today decided to end the irregular migration from Turkey to the EU. In order to achieve this goal, they agreed on the following additional action points:

1) All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. It will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order. Migrants arriving in the Greek islands will be duly registered and any application for asylum will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive, in cooperation with UNHCR. Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Turkey. Turkey and Greece, assisted by EU institutions and agencies, will take the necessary steps and agree any necessary bilateral arrangements, including the presence of Turkish officials on Greek islands and Greek officials in Turkey as from 20 March 2016, to ensure liaison and thereby facilitate the smooth functioning of these arrangements. The costs of the return operations of irregular migrants will be covered by the EU.

2) For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start. Priority will be given to migrants who have not previously entered or tried to enter the EU irregularly. On the EU side, resettlement under this mechanism will take place, in the first instance, by honouring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015, of which 18.000 places for resettlement remain. Any further need for resettlement will be carried

out through a similar voluntary arrangement up to a limit of an additional 54.000 persons. The Members of the European Council welcome the Commission's intention to propose an amendment to the relocation decision of 22 September 2015 to allow for any resettlement commitment undertaken in the framework of this arrangement to be offset from non-allocated places under the decision. Should these arrangements not meet the objective of ending the irregular migration and the number of returns come close to the numbers provided for above, this mechanism will be reviewed. Should the number of returns exceed the numbers provided for above, this mechanism will be discontinued.

3) Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect.

4) Once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated. EU Member States will contribute on a voluntary basis to this scheme.

5) The fulfilment of the visa liberalisation roadmap will be accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met. To this end Turkey will take the necessary steps to fulfil the remaining requirements to allow the Commission to make, following the required assessment of compliance with the benchmarks, an appropriate proposal by the end of April on the basis of which the European Parliament and the Council can make a final decision.

6) The EU, in close cooperation with Turkey, will further speed up the disbursement of the initially allocated 3 billion euros under the Facility for Refugees in Turkey and ensure funding of further projects for persons under temporary protection identified with swift input from Turkey before the end of March. A first list of concrete projects for refugees, notably in the field of health, education, infrastructure, food and other living costs, that can be swiftly financed from the Facility, will be jointly identified within a week. Once these resources are about to be used to the full, and provided the above commitments are met, the EU will mobilise additional funding for the Facility of an additional 3 billion euro up to the end of 2018.

7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.

8) The EU and Turkey reconfirmed their commitment to re-energise the accession process as set out in their joint statement of 29 November 2015. They welcomed the opening of Chapter 17 on 14 December 2015 and decided, as a next step, to open Chapter 33 during the Netherlands presidency. They welcomed that the Commission will put forward a proposal to this effect in April. Preparatory work for the opening of other Chapters will continue at an accelerated pace without prejudice to Member States' positions in accordance with the existing rules.

9) The EU and its Member States will work with Turkey in any joint endeavour to improve humanitarian conditions inside Syria, in particular in certain areas near the Turkish border which would allow for the local population and refugees to live in areas which will be more safe.

All these elements will be taken forward in parallel and monitored jointly on a monthly basis.

The EU and Turkey decided to meet again as necessary in accordance with the joint statement of 29 November 2015.

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Source: European Council Pres Release, 18 March 2016

http://dsms.consilium.europa.eu/952/Actions/Newsletter.aspx?messageid=4261&customerid=9612&password=enc_3832323931454546_enc

Footnote references

- ‘A Defeat for Populism in Hungary, Viktor Orban fails to win his referendum against migrants’, Electronic Version of *Economist*, 3 October 2016; <http://www.economist.com/news/europe/21708083-anti-refugee-publicity-ploy-falls-far-short-needed-turnout-viktor-orban-fails-win-his?cid1=cust/ddnew/n/n/2016103n/owned/n/n/nwl/n/n/n/email&etear=dailydispatch>
- Bazon, Emily, ‘Who Qualifies for “Asylum”?’ *New York Times*, 15 September 2015
http://www.nytimes.com/2015/09/20/magazine/who-qualifies-for-asylum.html?emc=edit_tnt_20150915&nliid=62664474&tntemail0=y&r=1
- Bürgin, Alexander & Derya Aşıkoglu, ‘Turkey’s New Asylum Law: A Case of EU Influence’, *Journal of Balkan and Near Eastern Studies*, November 2015: 1–15.
- Cecorulli, Michela, ‘Migration as a security threat: internal and external dynamics in the European Union’, Forum on the Problems of Peace and War, Florence,
- GARNET, Working Paper No: 65/09, April 2009;
<http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/csgr/garnet/workingpapers/6509.pdf/>
- ‘Erdoğan: Temenni Ederim Davutoğlu 3 Milyar Euro ile Döner’; <https://tr.sputniknews.com/politika/20160307/1021330962/erdogan-davutoglu-3-milyar-euro.html>
- European Commission, ‘Refugee Crisis: European Commission takes decisive action’, Press Release, 9 September 2015, http://europa.eu/rapid/press-release_IP-15-5596_en.htm/
- Hathaway, James C. and R. A. Neve, ‘Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection’, *Harvard Human Rights Journal*, 10, 1997: 115–211.
- Kirişçi, Kemal, ‘Is Turkey Lifting the “Geographical Limitation”?’ The November 1994 Regulation on Asylum in Turkey’, *International Journal of Refugee Law*, 8:3, 1996: 293–318.
- Latif, Dilek, ‘Refugee Policy of the Turkish Republic’, *The Turkish Yearbook*, 33, 2002: 1–29
- ‘Migratory Routes Map’ <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>
- Milekic, Sven, Maria Cheresheva and Milivoje Pantovic, ‘Balkans Unlikely to Follow Hungary’s Migrant Vote’, http://www.balkaninsight.com/en/article/balkans-not-likely-to-follow-hungarian-no-to-migrant-quotas-09-30-2016-1?utm_source=Balkan+Insight+Newsletters&utm_campaign=a89d1f36ee-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-a89d1f36ee-319773269
- ‘Mother Angela: Merkel’s Refugee Policy Divides Europe,’ *Spiegel*, 21 September 2015, <http://www.spiegel.de/international/germany/refugee-policy-of-chancellor-merkel-divides-europe-a-1053603.html/>
- New York Times Editorial Board, ‘A Plan to Save Refugees and Europe’s Open Borders’, http://www.nytimes.com/2015/09/11/opinion/a-plan-to-save-refugees-and-europes-open-borders.html?emc=edit_tnt_20150910&nliid=62664474&tntemail0=y&r=0/
- Ridley, Louise. ‘Angela Merkel’s Immigration Quotes’, *The Huffington Post*, 1 September 2015, http://www.huffingtonpost.co.uk/2015/09/01/angela-merkel-immigration-migrants-germany_n_8069928.html/
- Türkes, Mustafa, ‘Decomposing Neo-Ottoman Hegemony’, *Journal of Balkan and Near Eastern Studies*, 18:3, 2016: 191-216.
- United Nations High Commissioner for Refugees (UNHCR), ‘Syria Regional Refugee Response,’ UNHCR Inter-Agency Information Sharing Portal. <http://data.unhcr.org/syrianrefugees/regional.php/>
- United Nations High Commissioner for Refugees (UNHCR), ‘World at War – UNHCR Global Trends: Forced Displacement in 2014’, Geneva, 2015,
http://unhcr.org/556725e69.html#_ga=1.94141150.217509929.1443432510