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THE EU-TURKEY DEAL ONE YEAR ON: Much more than externalisation

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On March 18th 2016, with a sense of urgency and open to anything, the European Union signed a deal with Turkey to reduce the irregular arrivals on Greek islands. Lawyers insist that it was more press release than law. The Court of Justice in Luxembourg defines it as an informal agreement between Turkey and the member states and not the European Council, for which reason in February 2017 it declared that it lacked the competence to rule on it. One thing after another makes the EU-Turkey deal seem paradoxical: it is as unyielding for the asylum seekers it is imposed on as it is nebulous – not to say non-existent – for courts of law.

What sought the deal? The aim was to break the established chain of taking a boat, reaching Europe and seeking asylum. Hence Turkey undertook to readmit all the people arriving irregularly on Greek coasts and in exchange the EU member states agreed to resettle one Syrian citizen for each Syrian returned to Turkey. They also promised to speed up the process of visa liberalisation for Turkish citizens and to increase the financial aid to Turkey for receiving refugees (from €3 billion to €6 billion). The message was clear: those attempting to reach Greece would be swiftly sent back, while those who waited patiently in Turkey would have the chance to enter in their place.

What assessment can be made one year on? The deal's defenders point to a significantly lower number of irregular arrivals in Greece: from 1,740 a day in the weeks prior to the agreement to 47 one month after it. From this perspective, the data seems to confirm that the deal has in fact successfully sealed the European Union's eastern borders. For this reason, governments such as those of Germany and Malta now suggest replicating it with Libya. Nevertheless, the data also shows that the deal has failed in its two fundamental principles: mass expulsions from Greece to Turkey have not taken place (fewer than 1,000 Syrians have been returned), and safe, legal routes have not been opened up between Turkey and the European Union (the number of those resettled is fewer than 3,000). If taking to the sea remains the only way to seek asylum in Europe, how do we explain then the fact that they have stopped arriving?

When signed, many saw the agreement with Turkey as a further step in the European policy of externalising migration control. In exchange for money and the (unfulfilled) promise of reopening the process of visa liberalisation, Turkey committed to controlling the European Union's external borders and hosting the refugees member states were not willing to take. Spain's long history of agreements with African countries, and primarily Morocco, shows that the externalisation of migration control is indeed effective, fundamentally because it is easier to prevent migrants arriving than to return them once they are here. So does Turkey's role as a buffer or guardian state for Europe's borders explain the reduced number of irregular arrivals on Greek islands?

Beyond the outsourcing of migration control, the fall in the number of arrivals cannot be understood without considering what happened within the European borders themselves. In the months leading up to the deal with Turkey, the Balkans – following the example of countries like Austria, Hungary and Germany – gradually closed their internal borders: in November 2015 Slovenia, Macedonia, Serbia and Croatia limited the entry of Syrian, Iraqi and Afghan citizens; in January 2016 Macedonia further restricted entry to those who did not intend to stay; in March 2016, a week before the deal with Turkey, Macedonia definitively closed its border to all. Border closures, military controls and highly aggressive pushbacks: this is how in just a few months the corridor to the centre and north of Europe became an insurmountable wall.

With the Balkan route closed, Greece – until that point a transit country – became the final destination. This was especially true for those who arrived after the deal with Turkey, who saw how the refugee camps on the Greek islands became detention centres overnight. For reasons of capacity but also because of their clear illegality, the camps began opening gradually over the following months. Nevertheless, those who arrived after the deal remained trapped on the islands. According to the European Commission, geographical restriction is necessary to ensure immediate return to Turkey or countries of origin. They were enclosed first in camps and later on islands. Moreover, they had no other option left other than to apply for asylum in Greece and thereby begin a long wait, without the possibility of being relocated to another European Union country and with a distinctly uncertain future, whether they end up being recognised as refugees or not.

As if that were not enough, reception conditions on both the islands and the mainland have deteriorated dramatically since the deal was signed. The media and the main local and international organisations have issued systematic condemnations about overcrowding, cold winter temperatures (who can forget the tents in the snow), a lack of hot water and heating, poor hygiene, nutritional issues, inadequate medical assistance and high levels of insecurity. All this despite the fact that, according to some experts, Greece has been the focus of the largest humanitarian response in history when measured in terms of cost per beneficiary. Many ask where the money has gone. Greek authorities argue that they do not want to become Europe's back yard and therefore refuse to develop longer-lasting infrastructure. European authorities put it down to the inefficiency of the Greek authorities. That neither appears to protest strongly suggests it may suit them: the situation in Greece has a clear deterrent effect on those who may still arrive.

Critics of the deal argue that the externalisation of international protection to a country like Turkey is illegal, basically because it cannot be considered a safe country. Although the European Union does not seem to have done much in checking the conditions in Turkey, the Greek courts have, and, thus far, they have halted expulsion orders using this precise argument. In addition to all these considerations, this first year of the deal has created one more situation. Alongside *externalisation*, there has been an *internalisation* of the spaces of insecurity and exception. Greece has become an "outside" both physically and legally. It is no longer necessary to return the migrants to Turkey. They are now in Greece and from there (in principle) they will be unable to leave.