



Can the EU-Turkey migration deal survive Erdoğan's purges?'

by Rem Korteweg

2 August 2016

Erdoğan's actions threaten to derail the migration deal. The EU should postpone visa liberalisation and show it is willing to be tough.

Well before the attempted coup on July 15th, Turkish president Recep Tayyip Erdoğan was busy consolidating power. In the early 2000's, as the country's prime minister, Erdoğan was instrumental in reining in the powerful Turkish military. It won him accolades in the West. But since then he has taken a series of steps that have caused the green shoots of Turkey's liberal democracy to wither. He set his sights on silencing critical media by removing editors, persecuting journalists and closing newspapers. He cracked down on civil rights protestors in 2013, undermined judicial independence and pushed for lifting the immunity from prosecution of parliamentarians. His illiberal views on freedom of speech even spilled over into Europe when in April 2016 he asked Germany to prosecute a German satirist for publishing a tasteless poem directed at him.

Erdoğan had made no secret of his ambition to replace Turkey's parliamentary and prime ministerial system with a strong executive presidency. Even so, last year's two parliamentary elections failed to give him the requisite majority to change the constitution.

It is not surprising then that Erdoğan described the failed coup as a "gift from god." He has purged the military, the police, judiciary, the education and the finance ministries; restricted the foreign travel of Turkish academics and civil servants; and declared a three-month state of emergency. In the latest round of purges, diplomats, journalists and businessmen have been targeted and the government has demanded the closure of dozens of media outlets. Erdoğan's stated objective is to remove all those associated with the movement inspired by US-based Fethullah Gülen, an Islamic cleric he accuses of involvement in the attempted coup. Whether or not Gülen is ultimately responsible, Erdoğan appears to have cast a disproportionately wide net.

To justify its recent actions, the Turkish government has drawn parallels with France's response after the terrorist attacks in Paris in November 2015. France declared a state of emergency too. In the days following the coup attempt, however, more than 60.000 people have been detained, arrested or

suspended from their jobs. It is unclear what will happen to them. Reports by Amnesty International suggest soldiers believed to be associated with the putsch are being maltreated, tortured or worse. The French government took no similar steps.

There is no doubt that relations with the EU will be negatively affected. Europe and Turkey have shared interests in a number of areas including counter-terrorism, energy security and the war in Syria. They must also work together on the Cyprus peace process and Turkey's EU accession talks. But of most immediate concern – and most at risk due to the purges – is the future of the EU-Turkey migration deal, for it might also derail co-operation in other areas.

The migration deal came into force in March, and is a crucial piece in the EU's efforts to reduce the number of refugees reaching Greece from Syria, Iraq and Afghanistan. The agreement rests on a trade-off: in return for taking back migrants that have illegally reached Greece from Turkey, the EU has promised to pay Turkey to support refugee camps; open a new chapter in the EU accession talks; and offer Turkish citizens visa-free travel into the European Union. The negotiation on the deal was acrimonious, and as Camino Mortera-Martinez has pointed out, the agreement was inherently flawed. Erdoğan initially wanted €6 billion from the EU, not the €3 billion he was offered. His haggling paid off – though he is now complaining wrongly that the EU has failed to pay up. Then came questions about the legality of the "one for one" swap, which allows the EU to send refugees back to Turkey. Amnesty International has reported that Turkey is sending refugees back to Syria. If confirmed, that would violate the international legal principle of non-refoulement, by which a country cannot return people to a place where they may be in danger. If the agreement were found to be in breach of international law, the EU would be under pressure to discontinue it. But the deal has delivered where the EU cared the most: reducing the number of people arriving in Greece. According to the United Nations, sea arrivals in Greece in June 2016 were a tiny fraction of the number last year. And so the EU has kept quiet.

As part of the migration deal, the EU offered Turkey visa-free travel to the Schengen area – Ankara's longstanding desire – if Turkey successfully met 72 criteria. In May, the Commission decided to fast-track the process of visa liberalisation, arguing that only five criteria remain unfulfilled. In October the visa liberalisation package will come up for review. According to the European Commission, by then Turkey must revise its anti-terrorism legislation, "notably by better aligning the definition of terrorism in order to narrow the scope."

But the anti-terrorism reform the EU expects will not happen; not while the three-month state of emergency is in place. Ankara now regards the religious and social movement Gülen inspired – Hizmet – as a terrorist group. The movement also has schools and activities in various EU member-states. Unless Ankara offers persuasive information on the movement's links to terrorist activities, the EU and Turkey will find it increasingly difficult to reconcile their differences on terrorism.

A failure to reform the anti-terrorism law would spell the end of visa liberalisation. But instead of letting the issue come to a head in October, the Commission should ignore Turkey's threat to withdraw from the deal unless the visa requirement is abolished by then. The EU should postpone its review of the visa liberalisation package. It should announce that it will not consider the package before the state of emergency has been lifted. This would recognise the extraordinary circumstances the Turkish government faces, but also signal that it means, for the time being, visa-free travel is not on the cards.

Erdoğan has also said he intends to reintroduce the death penalty. In the wake of the attempted coup, he declared that Turkish public opinion demanded capital punishment, and so he must deliver. This has set off alarm bells in Brussels. EU leaders including the EU's High Representative for foreign and security policy, Federica Mogherini, have warned that if Turkey reinstated the death penalty, the EU would freeze the EU accession talks. Turkish officials give private assurances that the government will not introduce the death penalty, but Europe should insist Erdoğan says so in public.

The EU may have more leverage in Turkey than it thinks. Erdoğan has an interest in keeping up the appearance of wanting to join the Union. His Achilles heel is the economy. With a sizeable current account deficit (approximately 4.5 per cent of GDP) financed to a large extent through short-term credit from abroad, Turkey is vulnerable to sudden shifts in international capital flows. Estrangement from Europe would tarnish Turkey's reputation among investors – market-friendly reforms would become even less probable and questions about the rule of law would emerge – thereby increasing the risk of an economic downturn.

Turkey's economy has already been damaged by a fall in tourism, which generates roughly 12 per cent of GDP. After Turkey shot down a Russian military aircraft over Syria in November 2015, Russians, who accounted for more than 10 per cent of visitors to Turkey that year, almost stopped coming (though a thaw in relations between Moscow and Ankara may see tourism resume). Almost half of Turkey's 36 million visitors in 2015 were from EU countries. But many European tourists are avoiding Turkey this year because of the deteriorating security situation. Germans make up the largest group of foreign visitors to Turkey – in June their number fell by 38 per cent compared to the same month last year.

Given Turkey's sweeping purge of the security forces since the coup attempt, there are valid questions about the government's ability to guarantee security. More than 100 generals have been discharged and hundreds of officers have been dismissed. Senior generals have resigned to protest against the purges. These upheavals inside the officer corps come at a time when the military is fighting Kurdish militants in the south, supporting Syrian rebels and keeping the border with Syria secure. A spike in terrorist attacks on Turkish soil – such as the attack on Istanbul's Atatürk airport on June 28th, the car bombing in Ankara on March 13th and the twin bombing at Ankara central station on October 10th last year – mean the internal security services were busy before the putsch happened. With Gülen's Hizmet movement now added to their list of priorities, there is the risk of overstretch.

The EU needs to warn Erdoğan that member-states will have to make an objective judgement on the level of threat to their citizens visiting Turkey. If they judge that the police, intelligence and security forces have been too weakened or distracted by the aftermath of the coup to protect tourists from terrorism, they will have no choice but to warn against holiday travel to Turkey. A negative travel advice would have the effect of a sanction on Turkey's tourism sector. This step would have spillover effects on the migration deal: it would be hard for European governments to argue that it was not safe for their citizens to travel to Turkey, but fine for migrants to be sent back there.

If the migration deal broke down and the numbers of refugees crossing the Aegean rose again, the EU would soon discover whether it had done enough to prevent migrants from marching across Europe. Though difficult to assess, there is some reason to believe that last year's chaotic scenes would not necessarily return. The EU has taken steps to close the Balkan route, shutting borders in Macedonia, Croatia and Slovenia. It has also increased the capabilities of Frontex – the EU's border agency – and set up a new European Border Guard. Besides, NATO is involved in monitoring and deterring migrant

smuggling across the Aegean. The end of the migration deal would create difficulties for the EU (and especially for Greece, which might again find that migrants were able to enter its territory, but not to leave it). But it would also be a loss for Turkey, as Erdoğan would be unable to deliver on visa liberalisation.

President Erdoğan believes that the EU needs him more than the reverse, and so he may be tempted to stare Europe down while he continues his purge. The EU should not blink: it should bring home to Erdoğan the cold calculus of common interest in the migration deal.

Rem Korteweg is a senior research fellow at the Centre for European Reform.