TORBALI CAMP IN IZMIR, TURKEY (2016)

MIGREUROP BRIEF

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MARCH 2017

Control of the external borders of the Schengen area is being relocated outside the EU and increasingly relies on countries of transit and countries of departures, the latter thus acting as sub-contracted border management. Preventing the movement of migrants must thus be achieved through the Neighbourhood Policy, signing various agreements (on cooperation, development assistance, coordinated management of migratory flows or readmission) and new tools such as the Migration Compacts. In addition, African and Middle Eastern states are pressured into passing repressive laws against so-called "illegal emigration", which marks the completion of the process of delegating surveillance of the EU's borders to outside forces.

The sorting mechanisms applied as part of the "hotspot approach" (*cf. Migreurop Note #4*) also stem from this process. The EU wishes to spare itself the burden of receiving exiles and pays no regard to either the willingness or ability of other countries to take them in. The EU has thus abandoned persons fleeing war, dictatorships and disaster-struck regions of the world, leaving them to Erdogan's Turkey, to Niger – one of the poorest countries on the planet – or to Libya, a failed state plagued by numerous armed struggles, but nevertheless designated as the main partner in future negotiations.

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Externalisation across the board: from the EU-Turkey arrangement to Migration Compacts in Africa

In the space of a few months, the EU-Turkey Statement of 18 March 2016 has become the model for the European policy of externalising its borders. In a communication dated 7 June 2016 (COM/2016/0385), the European Commission praised its merits, adding that it "can inspire cooperation with other key third countries and point to the key levers to be activated."

Elevated to the status of an actual agreement, this statement is in fact nothing more than a press release from the European Council. It announces ambitious cooperation with neighbouring Turkey, without prior consultation of the European Parliament, in order to "break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk". In concrete terms, this means putting an end to the "massive" number of arrivals from Turkey, in exchange for certain rewards.

Going further

OFFICIAL DOCUMENTS:

Cotonou Agreement, 23/06/2000 **and successive revisions**
https://tinyurl.com/ht4lcqa

Rabat Declaration, 11/07/2006 **and Process**
https://tinyurl.com/hojal6m and https://tinyurl.com/h3u5mgq

Declaration of the Ministerial Conference of the Khartoum Process, 28/11/2014
https://tinyurl.com/pn2j2l9

A European Agenda on Migration, 13/05/2015
https://tinyurl.com/zd6997p

EU Action Plan on Return, 9/9/2015
https://tinyurl.com/j26hgz9

Italian non-paper, Migration Compact. Contribution to an EU strategy for external action on migration, 4/2015
https://tinyurl.com/ho6whzl

Turkey : Syria crisis – ECHO Fact sheet,
9/2016 (European Commission)
https://tinyurl.com/h9u6mfk

(EU) Regulation on the establishment of a European travel document for the return of illegally staying third country nationals, 23/9/2016
https://tinyurl.com/hx3abjr

EU-Turkey Statement, 18/3/2016
https://tinyurl.com/zsybkfg

Factsheet: The EUCAP Sahel Niger civilian mission, 4/2016
https://tinyurl.com/hbzvtrz

EC notice regarding a new framework for partnership with third countries, 7/6/2016
https://tinyurl.com/zymm9vx

EP resolution on EU-Turkey relations, 24/11/2016
https://tinyurl.com/jag7wx3
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Most European texts are archived on the website of Statewatch, a member of Migreurop
http://tinyurl.com/275eo2

PUBLICATIONS BY MIGREUROP, MEMBERS OF THE NETWORK AND PARTNERS:

PRESS RELEASES :
Guerre aux migrants : l'arme de l'externalisation, Migreurop, 15/7/2015 (in French)
https://tinyurl.com/zsd6vx7

EU forces its neighbours to accept its policy of inhospitality, Migreurop, 12/11/2015
https://tinyurl.com/gwazho2

REPORTS :
Turkey: Border Guards Kill and Injure Asylum Seekers, HRW, 10/5/2016
https://tinyurl.com/go2o2h8

Steps in the process of externalisation of border controls to Africa, from the Valletta Summit to today, ARCI, 6/2016
https://tinyurl.com/ztcgc3t

Nausicaa Preiss, *"Turquie-Europe, à qui la faute ?"*, *Plein droit n° 111*, 12/2016 (in French)
https://tinyurl.com/hgazlto

IN THE MEDIA:
Le processus de Khartoum, un choix contre les migrants, *Il Manifesto*, 4/12/2014 (in French)
https://tinyurl.com/jtezqm7

Le Niger, nouveau gendarme de l'Europe dans la lutte contre les flux migratoires, *Actu Niger*, 5/5/2016 (in French)
https://tinyurl.com/z53dh3c

EU to Work with African Despot to Keep Refugees Out, *Der Spiegel*, 13/5/2016
https://tinyurl.com/gpkevfa

Sudan and Eritrea crackdown on migrants amid reports of EU incentives, *Irin*, 25/5/2016
https://tinyurl.com/jp53wg3

Migrationskontrolle, a project by the German daily *Taz*, launched on 18/12/2016 (in German)
https://tinyurl.com/j5s9dch

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Migreurop is a network of organisations, activists and researchers in twenty different countries in Europe, Africa and the Middle East. Our goal is to publicize and denounce policies which marginalize, in particular through detention in camps, different forms of deportation, border closures, as well as the externalization of migratory controls carried out by the European Union and its member states. We contribute to defending the fundamental rights of exiles (including the right to "leave any country, including his own") and to promoting the freedom of movement and settlement.

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Turkey has thus been considerably strengthened in its role as border guard of the European Union. It has notably committed to readmitting all "irregular migrants" arriving in Greece from 20 March 2016. The statement provides for a so-called "one for one mechanism", whereby one Syrian present in Turkey is to be resettled in the EU for each Syrian that is sent back from the Greek islands (up to a maximum of 72,000 people).

Returns are supposed to be carried out in adherence to the principle of non-refoulement and the ban on collective expulsions. However, European legislation allows rejecting , without close examination, the asylum requests from those receiving protections from a "first country of asylum" and those who have travelled via a "safe third country". It is therefore sufficient to consider Turkey as such in order to send asylum seekers back there.

Yet President Erdogan's regime does not protect refugees. Turkey never lifted its geographical limitation on the scope of the 1951 Geneva Convention, i.e. non-European refugees are excluded from the protections this document might offer. Although Turkey's borders were largely open to exiles fleeing the Syrian conflict when the fighting started, since 2015 Turkey has imposed visas on all those arriving by air. A wall has also gone up along the border with Syria and the main crossing points have been closed, leaving tens of thousands of people stranded.

TURKEY, A "NON-SAFE" COUNTRY

In 2016, as the International Organisation for Migration (IOM) reported 384,527 migrants arriving in Europe, over 3 million exiles were located in Turkey, mostly from Syria (90 %), Iraq, Iran, Afghanistan and Somalia. Nevertheless, 1187 exiles were returned from Greece to Turkey in the space of a few months, on the basis of the EU-Turkey Statement of April 2016.
The Syrian exiles are placed in the Duzici camp on the Turkish-Syrian border, while the others are detained in Kirklareli, one of the 19 Turkish administrative detention centres (with a total of 6780 places). The United Nations High Commissioner for Refugees regularly finds its access to these camps restricted by the Turkish government.
In 2016, according to the European Commissioner, "417 persons, who did not apply for a refugee status in Turkey, have been returned to their countries of origin" with no mention of any measures taken to guarantee their rights. Yet Turkey is far from being a "safe" country – either for its own citizens or for foreigners – although the EU is keen to grant it such status. Turkey has signed readmission agreements with countries such as Pakistan, Nigeria and Syria, and is negotiating readmission agreements with Iran, Somalia and Afghanistan. Amnesty International has flagged up hundreds of expulsions to Syria and Human Rights Watch has drawn attention to instances of violent refoulement on the Syrian border, where Turkish border guards have shot at migrants.

Just as the Libyan president Gadhafi did ten years ago, Erdogan is cashing in on the diplomatic benefits of playing gatekeeper at one of the entryways to the EU. He has several times directly threatened European leaders to "open the gates". In exchange for its cooperation, Turkey has obtained substantial financial assistance earmarked for the reception of refugees (€3 billion), a promise of a short-stay visa waiver for Turkish nationals and the relaunch of the EU accession process – which has been in progress since 1999. One might have thought that the current political situation in Turkey and its bombardment of Kurdish regions to the East and South of the country would make any collaboration with the EU impossible. However, the European Council seems not to be embarrassed: it has remained silent on these abuses while openly cutting deals with the Turkish authorities even as they intensify their policy of repression against any form of opposition.

On 24 November 2016, the European Parliament reacted by adopting a resolution requiring a freeze on Turkey's accession negotiations and condemning disproportionate repressive measures and rights violations. Nevertheless, the resolution remained strangely silent on the fate of the migrants, whose rights are not only curtailed by the "agreement" of 18 March 2016 but violated daily on Turkish territory and at the border.

1. This commitment by Turkey is in fact based on two pre-existing readmission agreements: one a bilateral agreement signed with Greece in 2001, the other signed with the EU in 2014, whose deferred application in relation to third country nationals was ultimately brought forward to June 1st 2016.

Europe-Africa relations: exiles caught in the trap as horse-trading continues

There are several established frameworks for cooperation to externalise the EU's migration policy to African countries: the Cotonou Agreement with "African, Caribbean and Pacific" States (2000), the Rabat Process with West Africa (2006) and the Khartoum Process with the countries of the Horn of Africa (2014). A new strategy was launched at the Valletta Summit on Migration (November 2015) with the establishment of a Trust Fund endowed with €1.8 billion.

The number of overlapping agreements reveals in inefficacy of the instruments that have been implemented so far, as well as the EU's willingness to raise the stakes and invest greater means into stemming African migration towards Europe. The offers on the table in exchange – through which countries are effectively held to ransom – arrange for the rerouting of public funds supposedly allocated to development, while their true purpose is actually to strengthen African border controls and facilitate the establishment of private European companies there.

ting instruments for "a better management of migration flows". By 2020 €8 billion will be allocated to the "pact" agreed with the "priority" countries. Rewards for states that cooperate and sanctions for the others are also planned.

Yet strengthening the repressive capabilities of these countries tramples on the rights of migrants, who must face tougher checks, data-tracking, biometrics and detention within a regional area of free movement (the Economic Community of West African States - ECOWAS). It also encourages returns between third countries such as Sudan and Eritrea or between Mauritania and Mali or Senegal.

Further still, at the end of 2016, the European institutions adopted the uniform European travel document (or *laissez-passer*) which will make it easier to deport those without valid travel documents from Europe, short-circuiting the process of verifying their identity through the consular authorities of their presumed country of origin.

NIGER, EUROPE'S WATCHTOWER

Niger, a key transit country, has become a preferred testing ground in the fight against migration.EUCAP, one of the EU's civilian missions and part of its common defence and security policy, has been present in Niger since 2012 in order to combat terrorism and organised crime. Yet since 2015, EUCAP has also been providing Niger's authorities with "support for the prevention of illegal immigration" and has a permanent branch in Agadez for this purpose. Also in this town is an IOM centre, whose aims include deterring migrants from leaving and encouraging returns as well as showcasing the efficacy of this type of collaboration by keeping migrants out of sight.
Niger's government, set to receive €140 million through the Valletta trust fund, is being very cooperative. A law against illicit trafficking of migrants was passed in May 2015. Intensified repression means that migrants taking the route through the Sahara run even greater risks. It also endorses wholesale violation of the rules regarding free movement within the ECOWAS area.

Italy is at the forefront of this security-based vision of cooperation on migration. In order to prevent arrivals via the Mediterranean Sea, Italy is seeking to replicate the model of the EU-Turkey Statement in Africa. It has thus submitted a new partnership framework to the Commission, the "Migration Compacts" and on a parallel track signs its own bilateral agreements with African nations (Gambia 2015, Sudan 2016 and Libya/Egypt 2017).

Based on the pacts agreed with each of the target countries (notably Mali, Senegal and Niger), the "Compacts", launched on 8 June 2016, combine all of the exis-

Although the African states opposed the use of this document at the Valletta Summit in 2015, the EU is seeking to impose its will through a policy of *faits accomplis* and by placing the *laissez-passer* at the centre of any commercial or diplomatic negotiations.