Elements of a complex but still incomplete puzzle: an assessment of the EU(-Turkey) summit

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Post-Summit Analysis

Summary

The March 2016 EU Summit was yet another attempt to make progress on managing the EU's migration/refugee crisis. In this post-summit analysis, Janis A. Emmanouilidis argues that the EU-Turkey deal, which foresees a return of migrants from Greece to Turkey and a direct resettlement of Syrians from Turkey to the EU on the grounds of a '1-for-1' scheme, is a key and necessary element in a very complex puzzle trying to stop 'irregular routes' of migration. The ultimate success of this agreement is by no means certain, but it has the chance to reduce the number of people arriving at the shores of Europe. However, this would neither settle the crisis nor will it provide an adequate response to those in need of international protection. The 'humanitarian imperative' requires that the EU-Turkey deal is complemented by a much more ambitious direct resettlement scheme and other long-term measures as part of a comprehensive plan aiming to balance 'solidarity and security' in an effort to sustainably overcome the crisis.

Full report

The European Council meeting on 17/18 March 2016 was almost exclusively devoted to one single issue: the agreement between the European Union (EU) and Turkey in the context of the migration and refugee crisis. The atmosphere ahead of the Summit could be described as 'poisonous' after the EU-Turkey Summit on 7 March, during which both sides had outlined the principles for a deal between Ankara and Brussels.

Many governments felt side-lined because the basic cornerstones of the deal with Turkey had been pre-cooked and engineered by Germany and the Netherlands, which currently holds the rotating Council Presidency. Other (key) member states and EU institutions (including the European Council President Donald Tusk and Commission President Jean-Claude Juncker) were irritated that they had not been invited to a preparatory meeting between German Chancellor Angela Merkel, Dutch Prime Minister Mark Rutte and Turkish Prime Minister Ahmet Davutoğlu on 6 March, which made it appear that the EU-Turkey deal would be a *fait accompli*.

The final outcome of the March Summit was unclear in the days before the European Council meeting. There were even warnings that the EU and Turkey might not be able to strike a deal and that another emergency meeting might have to be scheduled. There was opposition from numerous EU governments about individual elements of the prospective EU-Turkey deal.

Cyprus was highly critical of the suggestion of opening up additional chapters in the accession negotiations with Ankara. Under severe pressure from right-wing populists, the governments of Austria and France were worried about the prospect of EU-Turkey visa liberalisation and a potential increase of refugees coming to their countries. Hungarian Prime Minister Victor Orbán, who has called for a referendum on the EU's decision to impose a mandatory relocation scheme on member states, argued that a direct resettlement of refugees from Turkey would be like putting "oil on a fire". Bulgaria and Italy had concerns that shutting down the route via the Aegean Sea could increase pressure on migrants and smugglers to seek alternative routes via the Black Sea or through Libya and/or Albania.

The strongest criticism *vis-à-vis* an EU-Turkey deal came from human rights organisations concerned about the potential humanitarian consequences and the legality of a direct return of migrants/refugees

from Greece to Turkey. They argued that the EU and its members had a legal and moral obligation to protect people in need arriving on the shores of Europe. Filippo Grandi, the United Nations High Commissioner for Refugees, expressed his deep concern about any arrangement that would involve the blanket return of anyone from one country to another without spelling out the refugee protection safeguards under international law.

Despite all these criticisms, no EU government (nor Ankara) wanted to face the potential consequences of a failure to reach a deal, which was considered a *sine qua non* if Europe wanted to manage the migration/refugee crisis. The German government was particularly eager to reach a compromise, especially after the success of the populist right-wing anti-migration party *Alternative für Deutschland* in three regional elections on the Sunday ahead of the Summit. This had (further) increased pressure on Angela Merkel to achieve a substantial breakthrough at EU level. The German Chancellor has been, and remains, convinced that any viable solution to the migration challenge requires a concerted European response and that the "rendezvous with globalisation" (to use the words of German Finance Minister Wolfgang Schäuble) cannot be solved by unilateral decisions involving the closure of national borders, which jeopardise the future of Schengen and the EU in general.

Day 1 of the March Summit started with the usual exchange with Martin Schulz, President of the European Parliament, followed by a discussion on the state of Europe's economy with Mario Draghi, President of the European Central Bank. In the economic realm, the European Council formally endorsed the policy priority areas of the Annual Growth Strategy, which includes a re-launching of investment, the pursuit of structural reforms to modernise the EU's economies and the pursuit of responsible fiscal policies. The heads of state or government agreed that member states will reflect these priorities in their forthcoming National Reform Programmes and Stability and Convergence Programmes.

EU leaders also decided that the June Summit will discuss progress achieved in the work towards completing the Economic and Monetary Union, which has *de facto* come to a standstill despite the *Five Presidents' Report: Completing Europe's Economic on Monetary Union* presented in June last year. The Summit Conclusions also foresee that the June European Council will adopt an agenda for implementing all aspects of the Single Market, including the delivery of the Commission's Single Market, Digital Single Market and Capital Markets Union strategies, which aim to fully exploit its "untapped growth and productivity potential".

Following a short exchange about economic issues, the remaining parts of Day 1 were entirely devoted to settling a final agreement between the EU-28 on the draft proposal for an agreement with Turkey. The details of the draft were discussed and agreed – without major complications – at a meeting between Davutoğlu with Tusk, Juncker and Rutte in the morning of Day 2. After these deliberations, EU leaders formally endorsed the EU-Turkey deal and agreed the final content of the European Council conclusions.

The March EU Summit was another attempt to make progress on managing the migration/refugee crisis, and the following analysis examines and evaluates the key elements of the EU-Turkey agreement and assesses the overall state of affairs and prospects for achieving this. This analysis comes to the conclusion that the EU-Turkey deal is a key necessary element in a very complex puzzle that attempts to stop 'irregular routes' of migration to Europe. But the ultimate success of this agreement is by no means certain, given the many political, ethical, legal, logistical, and practical questions and unsettled issues that relate to the deal itself, and the uncertainty of whether it will/can be effectively implemented both in the EU (especially Greece) and in Turkey.

There is a good chance that the agreement and other elements, which are part of a complex puzzle involving efforts at European, national and international (including the Geneva peace talks on Syria) level, will help to substantially reduce the number of people arriving in Europe. However, this will neither settle the crisis nor will it provide an adequate response to all those in need of international protection. The 'humanitarian imperative' requires that the struggle against 'irregular routes' of migration and smugglers will be complemented by a much bigger direct resettlement scheme via the so-called "Voluntary Humanitarian Admission Scheme". There is also need for a realistic but at the same time ambitious and comprehensive plan striking the right balance between 'solidarity and security' and including other long-term measures and reforms aiming to overcome the current crisis and avoid it from ever happening again in the future.

The EU-Turkey agreement – necessary element of a complex puzzle

The agreement between the EU and Turkey reached at this Summit is a key cornerstone of the Union's attempt to manage the migration/refugee crisis. The basic objective of the deal is to undermine the 'business model' of smugglers and human traffickers and to reduce the incentives for migrants/refugees to try and enter the EU through 'irregular routes' of migration.

To achieve this Brussels and Ankara have agreed on two things: (i) to return all "new irregular migrants" coming to the Greek islands to Turkey and (ii) to set up a '1-for-1' resettlement scheme which foresees that for every Syrian returned back to Turkey, the EU and its members will allow another Syrian refugee to enter the EU legally. In exchange for Ankara's readiness to protect Turkey's borders and to accept the return of 'irregular migrants', Turkey has asked for the (re-)opening of negotiating chapters for EU accession, an acceleration of the visa liberalisation process, and additional financial support.

To evaluate the EU-Turkey agreement, there is a need to have a closer look at the key elements of the deal to identify the potential unresolved questions and uncertainties, which might have the potential to challenge the implementation and ultimate effectiveness of the deal.

Return of 'irregular migrants' – the precursor of 'Fortress Europe'?

Following the principle framework already defined on 7 March, the EU and Turkey have agreed that "new irregular migrants" crossing from Turkey to Greek islands will be (swiftly) returned to Turkey. The return covers all those arriving from 20 March 2016 onwards. It will be a "temporary and extraordinary measure" which – according to the EU-Turkey statement – is necessary to "end the human suffering and restore public order".

This agreement does not involve people who have already arrived in Greece (more than 46,000 according to latest Greek estimates). In order to distinguish between the two groups, Athens agreed to ensure that migrants on the islands will be transferred to reception centres on the Greek mainland. However, a clear solution on how to deal with the people already in Greece has not yet been found.

The Commission wants to speed up efforts to move asylum seekers from Greece to other EU countries, aiming for a target of 6,000 relocations per month. The Summit Conclusions call on EU member states to "swiftly offer more places", but there are doubts about whether and when EU countries will accept refugees under the already-agreed but heavily-disputed obligatory relocation scheme. In the meantime, emergency support will be provided to help Greece cope with the humanitarian situation. The Commission estimates that support for asylum seekers already in Greece, which includes food, shelter, water, medicine, and other basic needs, will require €300 million this year and an additional €200 million in 2017 and 2018.

Reflecting the concerns of many NGOs regarding the potential humanitarian consequences and legality of a direct return of migrants/refugees to Turkey, the EU-Turkey statement explicitly underlines that "this will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion". All those arriving in the Greek islands shall be "protected in accordance with the relevant international standards" and "in respect of the principle of non-refoulement", which basically means that Turkey will refrain from sending migrants/refugees back to countries where their life is at risk.

In order to guarantee compliance with international law, the agreement foresees that migrants arriving in Greece will be "duly registered" and that all asylum applications will have to be "processed individually" by the Greek authorities in accordance with the EU's Asylum Procedures Directive and in cooperation with the UNHCR. Migrants not applying for asylum or whose application is judged "unfounded" (which means it has been rejected on its own merit) or "inadmissible" (which means that Turkey is either a "safe third country" or a "first country of asylum") will be returned to Turkey. The costs of the return operations, estimated at around €280-300 million for the next six months, will be covered by the EU.

To facilitate the smooth functioning of returns, the agreement foresees that Turkey and Greece will take the "necessary steps" and agree on any "necessary bilateral agreements". This will include the presence of Turkish officials in Greek islands and Greek officials in Turkey, to "ensure liaison and thereby facilitate the smooth functioning of these arrangements".

The above agreement raises a number of fundamental questions:

- **Do the process and the conditions outlined in the EU-Turkey agreement comply with European and international legal standards?** EU institutions argue that the swift return of 'irregular migrants' complies with European and international standards as the process respects the principles and procedures laid down in the EU's 2013 Asylum Procedures Directive. The basic argument runs as follows: (i) where an 'irregular migrant' does not submit an application for asylum (which is now less likely than in the past) there is no legal obstacle to return the person to Turkey; (ii) where the person asks for asylum in Greece, the application of every migrant will have to be treated and processed individually by the Greek authorities including a personal interview. Every asylum seeker must also have the right of appeal in case her/his application is denied.

  The asylum application could be considered inadmissible for two reasons: (a) where the migrant has already been recognised as a refugee in Turkey, or if s/he enjoys sufficient protection in Turkey. The concept of 'first country of asylum' would then apply (Article 35) and the application would be considered inadmissible; or (b) on the grounds of Article 33(c) of the Asylum Procedures Directive, which says that a country can consider an application for international protection inadmissible if a non-EU country (in this case Turkey) is considered as a 'safe third country' for the applicant. However, every asylum seeker must have the opportunity to argue her/his case if s/he considers herself/himself not to be safe in Turkey.

  Some legal experts and many human rights NGOs argue that there are doubts about whether Turkey is a 'safe third country' along the lines of the criteria mentioned in Article 38 of the Asylum Procedures Directive. The European Commission, the Council, Greece, and other legal experts, however, argue that Turkey is a 'safe third country' even though it does not fully apply the Geneva Convention to non-Europeans. They argue that Turkey applies equivalent standards in practice. Ultimately, this legal question can only be solved in the courts, which could undermine the application of a central element of the EU-Turkey agreement if judges decide that Turkey is not a 'safe third country'.

- **Will Greece be able to enhance its asylum system quickly enough to process asylum applications in a speedy but legal fashion?** Greece will be faced with a massive challenge or "Herculean task" as President Juncker put it, as the country will become the place where thousands of asylum seekers will land, be processed, temporarily housed, and eventually returned to Turkey. The European courts, including the European Court of Justice and the European Court of Human Rights, have in the past strongly criticized Greece for its bad handling of migrants. When the Strasbourg court banned other EU countries from sending back asylum seekers to Greece, it described the Greek asylum system as being "degrading", "unacceptable" and "unsanitary".

  To guarantee a smooth and rapid implementation of the agreement between the EU and Turkey, the Greek authorities will have to rapidly set up an improved and very effective and efficient system that will guarantee a quick and legally-waterproof process, which even under the best conditions usually takes many weeks or even months. In order to support this effort, the EU and its members have declared that they are ready to support Greece by providing the country with border guards, asylum case workers, asylum experts, judges, readmission officers, interpreters, police officers, security staff/army, and adequate transport facilities within a very short period of time.

  The existing 'hotspots' will have to be upgraded so that the Greek authorities cannot only register but also host migrants while their asylum applications are being dealt with and before they can be returned to Turkey. Another important element is the need for a substantial increase in reception capacity in the Greek islands. Efforts to support Greece have already started and will be coordinated by the Commission, which has appointed Maarten Verwey, who is *Director General of the Structural Reforms Support Service and already active in Greece,* to oversee the preparations. The Commission states that 4,000 people from Frontex, European Asylum Support Office (EASO), Greece, and other member states will be needed to support Athens by adequately equipping the country's asylum capacities. Shortly after the EU Summit, Germany and France have together pledged 600 people for Frontex and EASO.

  Given the negative track record of both Greece, which has not delivered on earlier pledges, and other EU countries, which have not lived up to their promises to support EU agencies (EASO, Frontex) in the past, it is by no means

certain that these huge challenges can be met in such a short period of time. However, the danger of failure and the potential consequences if the implementation of the EU-Turkey agreement fails could be a strong motivator to deliver. Plus, there is an expectation that 'irregular migrants' will be deterred from embarking on a journey to Greece, and that Greek authorities will thus be able to cope with the (substantially) reduced number of people arriving in the Greek islands.

- **Will Turkey be ready and able to upgrade its protection mechanisms so that migrants returned to Turkey will be protected in accordance with international standards?** There are doubts as to whether Ankara will be willing and legally and technically able to substantially improve its asylum system. The country only fully applies the Geneva Convention to those fleeing persecution in Europe. However, Ankara improved its asylum laws in 2013 and has recently introduced greater legal protection for the 2.7 million Syrians living in Turkey. The rights of Syrians, who have been given "temporary protection" rather than refugee status, will have to be further enhanced and the rights of Syrians, who are not registered in Turkey and will be returned from Greece, need to be guaranteed.

  Other nationals, such as Afghans, Eritreans or Iraqis, have not been granted any kind of refugee status and have to be given the perspective of a realistic and speedy path to protection in Turkey. The treatment of non-Syrians is further complicated by the fact that Turkey has only recently started negotiations on readmission agreements with major countries of origin (including Afghanistan, Eritrea and Iran).

  There are doubts whether Turkey will be able to enhance its capacities and rules. There are at least 140,000 unprocessed asylum applications, and in 2014 less than 3,000 applicants received an answer. However, the incentives to reform its asylum system and to increase the level of protection for people in need are rather high, because the long list of benchmarks which Turkey has to fulfil in order to accelerate the visa liberalisation process also includes numerous requirements related to enhancing the country's asylum system (see also part on visa liberalisation in this paper).

Direct resettlement from Turkey – necessary but not good enough

The second major element of the EU-Turkey agreement, which is directly linked to the return of 'irregular migrants', foresees that for every Syrian returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU. The Commission, EU agencies, member states and the UNHCR will assist in establishing this '1-for-1' scheme. This will be implemented from the same day the return starts, which is expected to be in early April. This is a very ambitious schedule considering the many things that have to be done before the scheme can be up and running.

Resettlements under this mechanism will not focus on people returned from Greece to Turkey. Priority will be given to migrants who have "not previously entered or tried to enter the EU irregularly". The fact that Syrians, who have already tried to get into Greece, will be *de facto* 'last on the list' is another element aimed at deterring people from trying to get to the Greek islands with the help of smugglers.

The process of resettling Syrians from Turkey in the EU will be done in line with a commitment made by member states in July 2015 to resettle 22,504 migrants from countries neighbouring Turkey. As 4,555 people were resettled by 15 March, the remaining 18,000 'places' will be used for the '1-for-1' scheme on a voluntary basis (although some places will be used for resettlements from Jordan and Lebanon).

Any further need for resettlement via the '1-for-1' scheme will be carried out through a voluntary arrangement up to a ceiling of an additional 54,000 persons. These 54,000 will be transferred from some of the unallocated commitments under the relocation scheme established in September 2015 (the figure of 54,000 was originally intended to cover the relocation of migrants from Hungary to other EU countries). This transfer is in line with the Commission's existing policy of equating resettlement and humanitarian admission with relocation. Member states which decide to voluntarily participate in the resettlement of Syrians from Turkey will have to relocate fewer refugees from other EU countries.

In addition to the '1-for-1' scheme the EU-Turkey agreement foresees another potential future resettlement mechanism – the so-called "Voluntary Humanitarian Admission Scheme", which has not been as widely noticed and discussed as the '1-for-1' scheme. Without going into concrete details, this scheme will be activated once the number of "irregular crossings" between Turkey and the EU are at an end or at least have been "substantially and sustainably reduced". Following the same logic as the '1-for-1' scheme, EU member states will contribute to this scheme on a "voluntary basis".

The above elements of the EU-Turkey agreement raise a number of fundamental questions:

- **How many Syrians are likely to be resettled from Turkey to the EU through the '1-for-1' scheme and will the number of 72,000 allocated to the scheme suffice?** It is almost impossible to predict how many Syrians will, at the end of the day, be resettled from Turkey to EU member states through the '1-for-1' scheme. However, there is a good chance that the 72,000 (18,000 plus 54,000) mentioned in the EU-Turkey agreement will be sufficient to resettle the number of Syrians allowed to come to the EU in exchange for those returned from Greece to Turkey. The fact that 'irregular migrants' shall be returned to Turkey and once they are returned will be *de facto* excluded from the '1-for-1' scheme is likely to reduce to overall number of people trying to get to Greece 'illegally'.

- **How many and which EU countries will be ready to voluntarily resettle Syrians via the '1-for-1' scheme?** There is no clear-cut answer, as the scheme is based on the voluntary readiness of EU countries to resettle migrants from Turkey. Many believe that the poor track record of both the relocation of refugees from Italy and Greece (fewer than 1000 have been relocated in the last six months) and the resettlement from countries neighbouring Syria (4,000 out of 22,000) suggest that many governments are likely to hesitate to support the voluntary resettlement of Syrians directly from Turkey.

  However, the fact that all EU-28 agreed to the proposal in the EU-Turkey agreement gives a good reason to believe that this will not be the case. It is likely that a vast majority of EU countries (with the notable exception of countries like Hungary and Slovakia) will be ready to welcome Syrians via the '1-for-1' scheme – provided that the overall number of 'irregular migrants' arriving in the EU is substantially reduced. However, even if member states participate in the scheme, it is by no means clear how many Syrians individual countries will be ready to resettle and whether the contribution of some EU members will be merely symbolic.

- **If the EU-Turkey agreement is implemented successfully, will this increase the pressure on migrants and smugglers to seek alternative routes to Europe?** The plain answer to this question is 'yes'. There is a strong likelihood that returning 'irregular migrants' to Turkey and successfully implementing the '1-for-1' scheme will motivate migrants and smugglers to use other potential routes, e.g. via the Black Sea into Bulgaria, from Libya and Albania to Italy or from Morocco to Spain.

  EU governments and institutions are aware of this risk, so the EU-Turkey agreement explicitly states that Ankara will take any "necessary measures" to prevent new sea or land routes for "illegal migrants" from Turkey to the EU. The Summit Conclusions also state that the European Council is "extremely vigilant" as regards possible "new routes for irregular migrants". Taking into account that the route via Libya might again become (much) more attractive, as Italian Prime Minister Matteo Renzi has warned, the Conclusions state that the EU stands ready to support the Government of National Accord as the "sole legitimate government" of Libya.

- **How important is the Voluntary Humanitarian Admission Scheme in enabling the EU to master the humanitarian consequences of the migration/refugee crisis?** The direct resettlement of Syrians from Turkey to the EU is a *sine qua non* for the success of the EU-Turkey agreement and is thus a positive step in the right direction. However, returning 'irregular migrants' and implementing the '1-for-1' scheme will neither settle the crisis nor help those desperately in need of protection. The scheme will not protect all these people, as it involves low numbers (max. 72,000) and is actually designed to deter people from coming to the EU.

  The potential activation of a Voluntary Humanitarian Admission Scheme is thus one of the most interesting and significant points in the EU-Turkey agreement, even though it has received much less interest than other parts of the

deal. The introduction of such a scheme could open the door to a much more substantial direct resettlement of Syrians (and other people in need of protection) from Turkey to the EU. However, the details of this scheme, which was proposed by the Commission ahead of the EU Summit in December 2015, have not been defined, let alone agreed to.

Questions remain: How many people would be allowed to resettle? Which EU countries, or countries associated with the EU, would participate? How would people be distributed among the participating EU and non-EU countries? When exactly would such a scheme be installed and under which conditions? Would the Scheme 'only' apply to Syrians living in Turkey or would it also involve other countries and cover other nationals?

The Commission's recommendation provides some orientations, but many more things will have to be sorted out. To be effective in the current circumstances, the Voluntary Humanitarian Admission Scheme would probably have to provide around 200,000-300,000 people with the opportunity to resettle directly from Turkey to EU member states. Given EU countries' disappointing track record with respect to the relocation scheme, such numbers would be a tall order and there are thus serious doubts about how many EU countries would be ready to participate voluntarily. However, if the current inflow of people to the EU is reduced and controlled, there is a realistic chance that a good number of EU countries might be ready to participate in a 'coalition of willing' led by Germany, which would be likely to take a (very) high number of people in the framework of such a Scheme (see also final part of this analysis).

The other side of the deal – are the concessions to Turkey too big?

In return for Turkey's readiness to cooperate with the EU to counter 'irregular migration', Ankara has asked to speed up the negotiating process for EU accession, to step up visa liberalisation, and give additional support for the 2.7 million Syrians living in Turkey. Contrary to many concerns expressed before the EU-Turkey agreement was finalised, the EU and its members gave less to Turkey than Ankara had hoped for. The final deal does not undermine basic principles and procedures with respect to speeding up either the negotiating process or visa liberalisation.

Speeding up negotiations – but no leverage to force Turkey's accession

Opening up additional negotiating chapters was one of the most contested issues. As accession negotiations between Turkey and the EU had stalled for many years, Ankara asked for the (re-)opening of five negotiating chapters: 15 (energy), 23 (judiciary and fundamental rights), 24 (justice, freedom and security), 26 (education and culture), and 31 (foreign, security and defence policy), which were frozen in 2006/2009.

However, at the end of the day, no decision was taken to (re-)open any of these chapters. Since discussions on the issue started at the EU-Turkey Summit in November 2015, Cyprus has been strictly opposed to opening any new chapters. President Anastasiades made it crystal clear in the days ahead of the Summit that the migration crisis and accession negotiations were two separate issues. Cyprus would not open any frozen chapters as long as Turkey refused to recognise the Republic of Cyprus, to open ports and airports to Cypriot ships and planes, and to honour its obligations towards Cyprus in the framework of the EU-Turkey Customs Union.

In the framework of President Tusk's visit to Nicosia in the week of the Summit to identify potential compromises, President Anastasiades underlined that his government would not consent to opening any of the frozen chapters as long as Ankara did "not fulfil its obligations as described in the Turkish negotiating framework". Cyprus, supported by other EU members and institutions, also feared that Ankara's demand to open accession chapters could negatively affect the negotiations between the leaders of the two Cypriot communities on the re-unification of the island, which have progressed well and have entered a decisive phase.

The EU-Turkey statement reconfirms the commitment of both sides to "re-energise" the accession process. This statement is nothing new as it was already included in the European Council Conclusions of October 2015. The EU and Turkey have agreed that preparatory work for opening other chapters will "continue at an accelerated pace", which will be done, however, "without prejudice" to EU members' position on the issue.

In more concrete terms, both sides were able to strike a compromise by agreeing to open Chapter 33 (financial and budgetary provisions), which has not been blocked by the Cypriots, during the Netherlands Council Presidency in the first half of 2016. The Commission will put forward a proposal in April on the issue, and the opening of Chapter 33 will be the second recently-opened chapter, after the opening of Chapter 17 on Economic and Monetary Union in December 2015.

But in any case, the opening of two chapters does not move Turkey substantially closer to EU accession. The vast majority of EU countries are either critical or even openly opposed to the country's EU membership and even the current Turkish government and president do not seem really convinced that their country should join the Union. As a consequence, the opening of two additional chapters since the intensification of EU-Turkish relations in November 2015 in the framework of the migration/refugee crisis seems a symbolic act with no substantial value in terms of substance. Although the EU needs Turkey to deal with the massive inflow of people into the EU, Ankara has not acquired real leverage to force its entry into 'the club'.

In addition, given the very close economic ties between both sides and the difficult geopolitical situation Turkey is currently facing in its direct neighbourhood, Ankara also needs the EU. However, the EU and its members now face the challenge of identifying ways to intensify cooperation with Ankara, while at the same time being critical of recent developments in Turkey. It was thus no coincidence, that in parallel to the EU-Turkey statement, in the Summit Conclusions EU leaders reiterated that they expected Turkey to respect the "highest standards" when it came to democracy, the rule of law, and respect for fundamental rights, including the freedom of expression. The latter is of particular concern after Turkish authorities recently seized Feza media group, which includes Turkey's largest circulation daily *Zaman* and its English language sister paper *Today's Zaman*.

Speeding up the visa liberalisation roadmap – but not watering down the requirements

Given the wide public interest in Turkey in the issue, Ankara has been very keen to achieve visa liberalisation with the EU, in order to enable Turkish citizens to travel freely to countries in the Schengen area. However, a number of EU governments, led first and foremost by Austria and France, have expressed concerns that the conditions attached to the process of visa liberalisation might be watered down, which might increase the number of Turks coming to the EU.

In line with the principle framework agreed on 7 March, the EU-Turkey statement foresees accelerating the implementation of the visa liberalisation roadmap with a view to lifting the visa requirement for Turkish citizens at the latest by the end of June 2016 – and not by October 2016, as originally foreseen after the EU-Turkey Summit in November 2015.

In order to achieve this ambitious objective, the agreement states that Turkey will take the "necessary steps" to fulfil the remaining requirements to allow the Commission to make an "appropriate proposal" by the end of April, so that the European Parliament and the Council can take a final decision.

The conditions attached to visa liberalisation have not been watered down. In order to lift the visa requirement, Turkey (like any other partner country) must comply with all the 72 benchmarks listed in the visa liberalisation roadmap. After the first EU-Turkey Summit in November 2015, Turkey speeded up its reform process in order to satisfy the legal and administrative requirements. It has fulfilled 37 prerequisites and, according to Prime Minister Davutoğlu, hopes to fulfil all the remaining requirements by the beginning of May. In order to do so, Ankara will have to *inter alia* issue passports including fingerprints, reduce backlogs in implementing asylum procedures, implement readmission agreements with all neighbouring EU countries, step up the fight against corruption and organised crime, and conclude cooperation agreements with Europol and Eurojust.

But even if Turkey fulfils all benchmarks, the final decision to lift the visa requirement would have to be taken by both the Council and the European Parliament, which has become highly critical of Turkey following the country's poor human and fundamental rights' record in recent years and months. It is thus very uncertain whether, and how fast, the Parliament would follow a legislative proposal from the Commission to grant Turkey visa-free travel. Should this happen, it is possible that postponing visa liberalisation could have a negative effect on implementing the EU-Turkey agreement.

Additional financial support – doubling support for Syrians (also in EU's interest)

Last but not least, going beyond its original demands, Turkey had asked for additional financial support to help the country cope with the effects of the migration crisis, and the fact that 2.7 million Syrians have found shelter in the country.

The EU-Turkey agreement states that the EU will speed up disbursing the €3 billion, which was initially allocated under the Facility for Refugees in Turkey, and will ensure funding before the end of March for further projects for Syrians who have been given temporary protection. The first projects under the Facility are being financed, with €55 million to enable Syrian children to go to school, and €40 million in humanitarian aid through the World Food Programme. The EU and Turkey have agreed to identify a list of more concrete projects for refugees, notably in the field of health, education, infrastructure, food, and other living costs.

In addition, the agreement specifies that the EU will mobilise additional funding for the Facility up to an additional €3 billion until the end of 2018. So, for the first time, the EU has promised in writing that it will double its financial support for refugees living in Turkey. This financial support is justified given that the country has provided shelter for more than four million people, at a cost of (according to its own estimates) more than US$7 billion in the past four years, while receiving less than half a billion dollars in international aid. It should be noted that this future support will not go to the Turkish government, but is directly channelled to Syrians refugees living in Turkey to improve their living conditions. This also makes it less likely that many more of them will leave Turkey and try to come to the EU, which is in the declared interest of member states.

Final assessment and outlook – the need for a comprehensive plan balancing 'solidarity and security'

The agreement between the EU and Turkey is a key element in the framework of the effort to manage some of the most immediate effects of the migration and refugee crisis. The ultimate success of the Ankara-Brussels deal is by no means certain given the many political, ethical, legal, and logistical questions surrounding the agreement. Added to this is the uncertainty whether it will/can be adequately implemented in both the EU (especially Greece) and Turkey.

Despite all the criticism voiced against the deal, the EU-Turkey agreement is a necessary and indispensable step. However, it will not be sufficient to cope effectively with the political and humanitarian consequences, let alone the fundamental reasons behind the crisis. Much more still remains to be done before the agreement has the chance to enter the history books as a stepping stone in the right direction – although failure cannot be excluded.

Despite all its deficiencies, the deal sealed at the March EU Summit is positive news for two major reasons:

- First, the mere fact that the EU-28 were able to (consensually) agree on the elements of a deal with Turkey is already *per se* good news. It indicates that member states are able to pursue a common European approach despite all their differences and increasing level of distrust. In fact, recent developments have (somewhat) narrowed the gap between the two major camps in the EU: those emphasising the need for solidarity (with refugees and between member states), and those underlining the need to foster security by protecting the EU's external and internal borders.

   Given the diversity of opinions and different pressures on individual EU countries and political actors, the EU and its members have struggled and are still struggling to identify and implement a balanced approach that accommodates the different positions and concerns of individual countries and governments. Despite all its uncertainties and imperfections, the EU-Turkey agreement signifies an important step in the right direction, although there is still a long way to go. European unity remains highly fragile, even though a vast majority of member states seem (increasingly) aware that there can be no sustainable solution to the refugee/migration crisis without a strong European component.

- Second, the fact that the EU and its members did not surrender some of the Union's basic principles and legal obligations and that the Union was able to strike a deal with Turkey without accepting all of Ankara's demands is a better outcome than many had expected. The severe criticism voiced by numerous NGOs and international organisations like the UNHCR *vis-á-vis* the legality and moral adequacy of the deal is reflected in the final elements of the agreement, although the EU and its members still need to prove that they will honour their promises.

However, the 'humanitarian imperative' requires that return of 'irregular migrants' and the '1-for-1' scheme is complemented by a comprehensive and permanent resettlement scheme big enough to help those desperately in need of international protection in Turkey and in other places in Europe's direct neighbourhood. Chances are high that not all EU countries will be willing and able to adequately support such a scheme, but those who are ready to do so should, even if this means that they will have to shoulder a (much) bigger part of the overall burden.

For Turkey, the agreement between Brussels and Ankara is attractive, but it does not undermine either the EU's enlargement policy or the basic requirements for attributing visa-free travel in the Schengen area. However, EU institutions and governments now have to prove that they are capable of deepening their cooperation with Ankara while at the same time being critical of that country's ruling elites when they disrespect basic democratic values and fundamental rights and become increasingly autocratic.

But good news is not good enough. The EU and its members have made steps in the right direction, but the overall success of their efforts is not guaranteed and a further increase of migratory pressures from many parts of the world, especially in the Union's southern neighbourhood, seems rather likely. Many things can still go wrong and most of the efforts undertaken in recent weeks are mainly aimed at firefighting the immediate consequences of the crisis.

The predominant objective, which has temporarily united the solidarity and the security camps within and between member states, has been to reduce the overall number of people arriving in the EU. The aim has been to regain control following a rather chaotic situation with over a million migrants/refugees arriving in the member states in a very short period of time. This 'success' is not enough, but it could constitute a basis to achieve more structural improvements and innovations in the future including the setting up of a European Border and Coast Guard and support for the Commission's roadmap for restoring a fully functioning Schengen system ("Back to Schengen").

Absorbed by the needs of the day, there has been almost no discussion, let alone efforts to implement other long-term measures – related, for example, to (i) developing a common European asylum policy worthy of its name; (ii) creating new permanent European channels of legal migration; (iii) improving conditions in the member states for integrating migrants/refugees into host societies; or (iv) supporting local communities in EU member states faced with the huge task of accommodating large numbers of newly-arrived people, which is currently dependent on the overwhelming commitment of volunteers. These and other issues have been side-lined, along with potential measures related to reforming EU policies that indirectly affect the rate of migratory flows to Europe in areas such as agriculture, fisheries or the environment.

What we have witnessed in recent weeks and what we will most likely continue to see in the upcoming months is that the EU and its members will focus on immediate fire-fighting and struggle to deal with the root causes of the crisis. In this situation, there is a danger that following cumbersome efforts to reach and implement difficult compromises, the EU and its members will run of out of steam when the fire seems (somewhat) under control and when the worst seems to have been avoided. This happened with the 'euro crisis' after the summer of 2012 when the systemic danger of a 'euro meltdown' decreased. This could also happen in the migration/refugee crisis once the number of people knocking on Europe's door have been (somewhat) contained. In this situation, political players, especially at national level, might be satisfied that they have been able to kick the can further down the road.

In order to avoid the same mistakes, the EU and its members should try to develop a more comprehensive long-term plan that lays down the key pillars of a more fundamental attempt not 'only' to manage but to sustainably solve the migration/refugee crisis. The implementation of such a comprehensive plan would not 'only' help prevent the crisis from happening again in the future, it would also provide a sense of orientation. This would increase the chances for an adequate European response to the crisis, even if not all elements of the plan are likely to be implemented. In order to find support in national capitals and in Brussels and Strasbourg, the plan would have to strike the right balance between 'solidarity and security' and set ambitious targets while also being realistic. The proposal to develop such a plan might sound quixotic, but it might still be worth a try.

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