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TURKISH AND LIBYAN REFUGEE DEALS: A CRITICAL ANALYSIS OF THE EUROPEAN UNION'S SECURITARIAN IRREGULAR MIGRATION POLICY

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Abstract: *This article critically analyzed the Turkish and Libyan refugee deals. We argued that these deals proved to be unsustainable policy frameworks by focusing on their practical outcomes regarding humanitarian objectives. We utilized the 'Fortress Europe' concept to demonstrate how the European Union's security concerns shaped the framework of these deals. Our study elaborated on two main arguments: First, these deals have undermined both Turkey and Libya's migration management capacities. Second, these deals failed to provide adequate mechanisms supervising the enforcement of humanitarian objectives. We focus on two dynamics leading to the failure of these deals. First, the EU's prioritization of security concerns has resulted in overlooking the irregular migration's humanitarian and societal costs to the third countries. Second, the EU's securitarian strategy contributed to further politicization and securitization of cooperation on migration. In conclusion, we argue that the EU should revise its securitarian strategy on irregular migration to include a more effective multi-lateral and multi-dimensional framework that focuses more on humanitarian issues while ensuring that the responsibilities will be fairly shared between the EU and third countries based on their capacities.*

Keywords: *Fortress Europe; Turkey; Libya; Irregular Migration; EU Migration Policy*

INTRODUCTION

The European Union (EU), championing high humanitarian values and better living standards, has always been an attractive destination for irregular and regular migration. However, by the second half of the 2010s, these migration flows have amounted to an excessive point for the EU, producing a 'migration crisis'. Originated from political and economic developments in neighboring regions - especially the civil

war in Syria, increasingly adverse economic conditions in Africa, and growing despair in Southeast Europe - thousands of people have set to leave their countries of origin. Consequently, the irregular migration flows reached their peak in 2015 - nearly two million - according to the European Border and Coast Guard Agency (FRONTEX) (FRONTEX 2017, 6).

In line with the International Organization for Migration's definition of irregular migration as "movement of persons that take place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination" (IOM 2021), the issue of irregular migration to the 'developed' countries have become not only increasingly dangerous due to the 'pushback' policies of destination countries but also more global as this journey involves more than one country - states of origin, transit, and destination.

The refugee deals have been among the specific policy frameworks devised by the EU which aims to ensure its border control and security by cooperating with the third countries. Accordingly, we investigate the practical effects of the Turkish and Libyan agreements, particularly those dealing with humanitarian issues, to assess their usability as policy frameworks in the EU's toolkit for managing irregular migration. Therefore, we examine the deals signed with both Turkey and Libya in 2016 and 2017, respectively to demonstrate that the EU's securitarian approach to irregular migration flows results in not only contradictory outcomes to the fundamental humanitarian values championed by the EU but also negative implications for the migration management capacities of the transit countries in the irregular migration routes. As these deals have been shaped by primarily the EU's security concerns, they resulted in facilitating the transfer of the humanitarian responsibilities of the EU to 'safe third countries', which contrary to what has been aimed by the EU undermined the migration management capacities of both Turkey and Libya. The humanitarian dimension of managing the irregular migration flows is overlooked, but also, the issue of migration has turned into a political-economic element in the diplomatic bargaining processes, leading to politicization and further securitization of migration. Consequently, the EU's policy of externalizing its borders - heavily criticized as the "Fortress Europe" (Sterkx 2008) - has become an unsustainable dynamic itself for cooperation on migration.

The study consists of two main parts. The first part briefly touches upon the origins and outcomes of the EU's securitarian approach to irregular migration - also conceptualized as the 'Fortress Europe'. We then briefly examine how the EU's relations with both Turkey and Libya have been implicated in forming these countries' migration policies. In the second part, considering the EU's objective of ensuring the protection of those in transit countries, we evaluate practical results of the EU's strategy for migration management and focus on how both deals have contradictorily produced undermining outcomes for cooperation on migration. In conclusion, we propose revising and consolidating multilateral platforms that could provide a fair share of the burden

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between parties, after emphasizing that the EU's security-oriented migration policy should not overlook the humanitarian and social dimensions of irregular migration to handle irregular migration flows sustainably and effectively.

COMBATING IRREGULAR MIGRATION: ORIGINS AND OUTCOMES OF 'FORTRESS EUROPE'

In the context of the 'migration crisis' by the 2010s, the Member States have revised their strategy on irregular migration by increasing the resources allocated to combating irregular migration and accelerated their efforts on strengthened coordination within and outside the EU. However, these efforts have led to further securitization and politicization of the EU's strategy while overlooking the humanitarian dimension of migration, as a consequence of which the EU has been heavily criticized as turning into a consolidated fortress of which the internal borders are abolished while the external walls are constantly rising (Kaya 2013). The resulting securitarian approach has meant a more exclusionary and restrictive attitude to unwanted migrants.

We argue that two processes relating to the EU itself have been significant in leading to the EU's security concerns' outweighing the humanitarian and social dimensions of irregular migration. The first is the 'Europeanization' of migration. Huysmans (2000, 770-71) argues that the Europeanization of migration further securitized the issue as there is now a radical political strategy that excludes people by reifying them as danger. For Bigo (2001), security today refers to reducing the limit of accepting the other instead of decreasing the threats. The EU increasingly utilizes its security concerns relating to irregular migration to legitimize the security-oriented policies - i.e. increasing border controls and security. For instance, European Border and Coast Guard Agency launched in 2016 to strengthen the Schengen Information System (SIS). The agency was founded to collect and share biometric information and contained instruments focused on vigorously countering terrorism and irregular immigration (Council of the European Union and Parliament 2016). Therefore, as Bigo (2001) argues, while the objective of these efforts is to plant safety, it may also undermine the security of others due to undesirable side effects. Considering that the EU aims at ensuring a secure union by signing agreements with the third countries to increase its border security, we argue that the Europeanization of migration, despite its humanitarian cover, has unfolded within the framework of the traditional security understanding prioritizing the border security rather than human security.

The second is the lacking harmonization among the Member States' migration policies. The EU has spent a great effort creating a common political organ, especially after the Schengen process. A significant attempt on reaching this objective is the Dublin Convention which provides mechanisms for harmonization of asylum processing (Uçarer 2013, 283). With its mechanisms, the Convention was thought to be effective

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against asylum shopping within the EU (Geddes 2003, 133), as it would regulate the asylum processing by assigning the responsibility to the first country to which asylum seeker first enters (ECRE 2006, 6). In practice, however, the Convention produced the exact opposite. Rather than facilitating the regulation as to asylum processing, it further complicated the process and undermined the solidarity within the EU. The criterion of the first point of entry has resulted in the Member States in the frontier - such as Greece, Italy, France, and Spain - facing overwhelming migration flows, further questioning the Dublin Convention's effectiveness. The reactions to secondary migration (the migrants and asylum seekers leave the first country of destination – such as Greece, Italy, Spain - to reach countries of destination - such as Germany and Nordic countries) have been noteworthy examples of undesired outcomes. Furthermore, as the concept of the EU with internal borders entails common consensus of the Member States on how common external borders shall work, the issue of who will be let inside the internal borders became increasingly related to the national sovereignty. The Member States varying capacities and differing political interests have turned into being the main source of divergence as to common migration management. The EU's attempt on common political organ thus has contributed to the issue of migration becoming part of 'high politics', meaning the Member States increasingly treat the migration matters within the sphere of internal politics. Consequently, the inclusion of the others into the EU has become increasingly more challenging due to the Member States' divergent attitudes against irregular migration (Huysmans 2000, 771).

In this respect, the primary outcome of the EU's securitarian approach to irregular migration has been the border externalization policy. By externalizing its borders, the EU aims to curb irregular migration flows, prevent human trafficking through the Aegean and Mediterranean, and eliminate the reasons for migration in the countries of origin. Cooperation with third countries constitutes a crucial part of this policy as the EU transfers its responsibilities regarding border security and control to the third countries thanks to this cooperation. The transit countries especially are expected to ensure adequate border controls while hosting the incoming irregular migrants and processing asylum demands. In return, the third countries receive financial, technical, and material support from the EU. The Convention provides the mechanisms for such cooperation, which aimed to build third countries' capacity to manage migration - refugee protection and border control (Hamood 2008, 20) while restricting unwanted forms of migration to Europe (Geddes 2003, 134). The EU's externalization of its borders thus in practice means expanding the EU's border security towards North Africa and the Balkans as well as assigning the responsibility of fighting irregular migration to the countries of transit (Sterkx 2008). In practice, however, the more securitized the EU's approach to irregular migration has become; the more strategic the third countries have been for the EU's border security.

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However, as above-argued, such security-oriented cooperation between the EU and the third countries contributes to further overlooking of humanitarian issues and undermining the transit countries' migration management capacities (as we discuss below in the cases of Turkey and Libya) as well as crippling the cooperation on migration (Amnesty International 2014). We argue that two primary reasons are leading to such cooperation becoming unsustainable as a policy framework.

First, by transferring its responsibilities on migration management to third countries, the EU has failed to fulfill its human security goals declared in the Barcelona Report in which it recognized its obligations concerning the human security of those outside Europe (Albrecht *et al.* 2004). For instance, the deals signed with Turkey and Libya demonstrate that the EU prioritizes keeping unwanted migrants out of Europe, leading to practices that violate the non-refoulment principle. Consequently, the Member States utilize the overwhelming irregular migration flows to further legitimize their non-admission and non-arrival policies while turning away from human rights violations during irregular migration.

Second, the EU has a modality for shifting the control of its external borders away from its territory rather than focusing on ensuring safe countries for migrants (Müller and Slominski 2021, 806). According to Paris School, as the governments try to create a speech act that migration is a danger while concerned with keeping their control over borders, migration easily becomes a political tool for the governments. This allows them to find new solutions for refusing the migrants. Considering that the anti-immigration policies help the EU governments to tackle populist right-wing movements, which were on the rise after the 2008 financial crisis, the immigrants have become the scapegoats in many political-economic discourses against irregular migrants and asylum seekers - such as increased competition in the employment market; taxes paid to go to migrants (Fouskas and Gökay 2019, 96). Besides that, the Member States' non-admission and non-arrival policies have resulted in illegal networks gaining further control of the irregular migration processes, leading to more dangerous journeys for migrants and increasing death toll in the sea and the desert. Such illegal activities thus severely undermine the effectiveness of the mechanisms for ensuring refugees' access to protection and human rights. As a consequence of the EU's failure in taking necessary precautions against these human rights violations and harsh conditions irregular migrants face, the concept of 'safe third country' for asylum seekers and irregular migrants loses its meaning.

Overall, driven mainly by security concerns, the EU's strategy on irregular migration seems to produce at best an elusive framework for cooperation with third countries on migration. Since we focus on the deals signed with Turkey and Libya to demonstrate the downsides of the EU's s migration policy framework, the following two sub-sections briefly touch upon how Turkey and Libya's relations with the EU have been implicated in the formation of both Turkey and Libya's migration policies.

The EU-Turkey Relations as an 'Anchor' for Turkey's Migration Policy

The EU's influence over Turkey's migration policy dates back to the 2000s when the relations with the EU, thanks to the accession process, have become the main anchor for reforms in Turkey's migration policy through harmonization of Turkey's migration and asylum policies with the EU's *acquis*. However, cooperation with Turkey located at the Aegean route to Europe has become increasingly strategic to the success of the EU's externalization policy by the 2010s in the context of the migration crisis (Arman 2017, 13). In the face of increasing irregular migration flows through the Aegean route, the EU considered critical reforming Turkey's migration policy. A significant example of these reforms was related to Turkey's discriminative attitude against the asylum seekers, in that, although Turkey signed the 1951 Genova Convention of the UN and accepted the 1967 Protocol, it grants asylum status to only those coming from Europe. As a consequence, the EU signed the readmission agreement with Turkey on December 16, 2013. In this way, the EU consolidated the mechanisms for cooperation with Turkey on controlling the irregular migration to Europe, while externalizing its border security and control to Turkey.

The scope of cooperation has been enhanced to include new mechanisms by the second half of the 2010s when Greece received a considerable increase in applications for international protection status by irregular migrants originated from the Syrian crisis (In 2016, 1.1 million asylum seekers have applied for international protection status in the EU Member States along with Norway and Switzerland and it was Greece to which most international protection applications were made in 2016).

As argued above, the cooperation with Turkey was urgent in part because of the EU's internal processes. According to the first point of entry criterion by the Dublin Convention, Greece was assigned to be responsible for the asylum processing of those applicants. Nevertheless, Greece could not handle the overwhelming burden of this process alone. As a consequence, there was increasing social tension between migrants and locals in Greek Islands which set the stage for persistent revolts and protests in Khios, Lesbos, and Samos. One of the solutions the EU devised for handling such overwhelming irregular migration flows was a relocation mechanism built-in September 2015. This mechanism aimed to alleviate the burden created by huge numbers of international protection applicants on Greece and Italy (FRONTEX 2017, 25). Turkey, as a candidate country, has increasingly shaped its migration policy according to the EU's security concerns regarding irregular migration. Turkey has been highly motivated to cooperate with the EU in return for the progress in the candidacy process such as the start of visa liberalization dialogue and opening of new chapters as well as the EU's promise of financial aid in return for hosting the asylum seekers and irregular migrants in Turkey (Seeberg 2016). We argue thus that the Turkish-EU relations have been an intrinsic part of the EU-Turkey cooperation on migration.

However, the politicization and securitization of migration in large part due to the EU's prioritization of security concerns while cooperating with Turkey have led to ups and downs in the EU-Turkey cooperation on migration. For instance, when Turkey was offered a new form of relationship with the EU in 2011, Turkey utilized its position as a host country of nearly four million Syrian nationals as political leverage over the EU (Deutsche Welle TR 2020). The cooperation on migration was held until a positive agenda on the accession process - including the Refugee Deal and Visa Liberalization Dialogue - was agreed upon. The Syrian refugee crisis has become one of the practical tools utilized by both the EU and Turkey, which operationalized the crisis for their own political and security agenda.

The EU-Libya Relations as an 'Incentive' for Libya's Migration Policy

Since the late 1990s, the EU-Libya relations have been a significant incentive for Libya's migration policy and cooperation with the EU. Similar to cooperation with Turkey, the EU's cooperation with Libya was driven mainly by the political and security concerns of both parties (Paoletti 2010). Libya's strategic location at the Mediterranean route to Europe has always rendered it crucial for the EU's migration policy - especially towards the migrants who originated in the African countries. The EU has benefited considerably from its political and economic position to encourage Qadhafi's Libya to cooperate on migration as the EU's externalization policy required stricter visa and border controls in the Mediterranean route by the 2000s.

In such a political and securitarian context, the EU-Libya cooperation was formed to curb migration to Italy and Malta - the frontier states of migration from the African countries - into the 2000s. There were two central objectives of this cooperation: to prevent the entry of unwanted migrants by securing Libya's borders and to return 'irregular migrants' to their countries of origin or a safe third country (European Parliament 2006; Hamood 2008, 20). It was Italy that especially cooperated with Libya to control its borders and manage the process of irregular migrants' return. Nevertheless, despite the cooperation, the 2000s saw many economic migrants entering Libya's inefficiently controlled southern borders (Pradellla and Rad 2017, 2420).

On the other hand, the Qadhafi regime saw Libya's strategic location as a political tool to revive relations with the EU and fix Libya's international pariah state status during the 1990s. In return for cooperation with the EU on migration, Qadhafi demanded financial aid and revival of military and arms deals (Kamat and Shokr 2013, 163; Pradellla and Rad 2017, 2420). In this respect, despite the announced humanitarian concerns, the EU-Libya cooperation reflected the EU's struggle to balance between its priorities - protection of the asylum seekers and ensuring its border security (Hamood 2008, 24).

For the first place, the EU's cooperation attempt corresponded to a period when Libya was struggling to overcome its pariah state status (Hamood 2008, 20), leading

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definitely to the prioritization of political concerns. Besides that, Libya did not have official relations with the EU and had quite a bad record of human rights violations (Hamood 2008, 24). Libya lacked the necessary conditions and capacities for refugee protection. At the same time, there were also necessary institutional and legal reforms to be made (Hamood 2008, 26), considering that Libya was not a party to the 1951 Refugee Convention and had no domestic law or procedure for considering asylum claims. Along with that, the Libyan Coast Guard was known as highly corrupted (Baldwin-Edwards and Lutterbeck 2019, 2253), and the migrants were known to face human rights violations in detention centers (UNHR and UNSMIL 2016; Toaldo 2017). Overall, Libya lacked the capacities and mechanisms to fulfill the humanitarian objectives of the cooperation, meaning the protection of asylum seekers took of secondary importance in cooperation. Heavily criticized by the NGOs and civil society organizations, the EU-Libya cooperation thus necessitated revision, which was only realized with the 2008 Libyan-Italian Friendship Treaty. However, despite adding the cooperation an official status, the Treaty could not provide the expected changes regarding strengthened mechanisms for refugee protection. For instance, according to the Treaty, Libya was still expected to prevent migrants from its shores, participate in joint patrols in the Mediterranean, and utilize electronic controls contracted to Italian companies, while the harsh conditions the asylum seekers and irregular migrants faced in the detention centers were inadequately addressed. Moreover, the Italian government utilized this treaty for pushback operations in the Mediterranean, which was deemed illegal by the ECHR (Toaldo 2015). When the Qadhafi regime was toppled in 2011 and civil war prevailed in Libya, the EU-Libya cooperation was held. In this respect, although the Libyan land borders were officially closed, they have only become more porous due to the civil war (Malakooti 2013, 96), meaning the post-Qadhafi Libya has shown no progress regarding migration management. Worse, the human smuggling networks have now been controlled by armed militias which also vied for power in Libya's civil war (Pradellla and Rad 2017, 2421), resulting in further complicating the cooperation with Libya. The EU, on the other hand, still focuses on its objective of preventing migrants using the Mediterranean route from entering Europe while devising new mechanisms to transfer its responsibilities to Libya as part of its border externalization policy. The cooperation has thus continued with the Interim Government supported by the UN. As a consequence of the EU's efforts to revive cooperation with Libya, the suspended 2008 Treaty was reiterated in the 2017 Memorandum of Understanding[1] between Italy and Libya. Like the previous one, the new deal aims to combat illegal migration, human trafficking and strengthen border security while providing increased financial support by the Italian government.

[1]Signed on 03 February 2017; the MoU can be accessed from this link: https://eumigrationlawblog.eu/wp-content/uploads/2017/10/MEMORANDUM_translation_finalversion.doc.pdf

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PREVENTING OR MANAGING THE MIGRATION: THE DEALS AS UNSUSTAINABLE POLICY TOOLS

The EU's irregular migration strategy is two-folded, that is, to transfer the responsibilities of protection to transit and origin countries and to take preventive measures to discourage mobility (Boswell 2003, 169). The EU applies these mechanisms within its migration policy framework to save lives in the sea and the desert, effectively manage the process of returns and discourage those who want to reach Europe by taking dangerous and illegal ways (EC 2016). The root causes of irregular migration are also addressed by the EU's long-term strategy on migration (Baldwin-Edwards and Lutterbeck 2019, 2242). Nevertheless, whether the priority of the EU's migration policy is to prevent or manage the irregular migration flows to Europe becomes questionable when examined in terms of its outcomes against its objectives. First, the EU's policy of externalizing its borders compounds the external dimension of the Common European Asylum System (CEAS) with the Global Approach to Migration and Mobility (GAMM). However, the externalization in practice has turned out to host asylum seekers in transit countries rather than facilitating access to Europe (Moreno-Lax 2015, 6). In terms of discouraging mobility, the EU assigns the transit countries to prevent irregular migration flows - managed through the European Neighborhood Policy through which the EU utilizes positive conditionality to motivate the countries surrounding Europe to cooperate (Dannreuther 2006). In practice, however, when the frontline states - such as Greece and Italy - have confronted the overwhelming burden of asylum processing during the migration crisis[2], the Member States have seemed to have divergent views as to sharing the burden of irregular migrants, definitely demonstrating the failure of effective cooperation on migration within the EU as well as with the third countries.

It was in such a politicized and securitized context that the EU chose to benefit from the refugee deals as part of its cooperation strategy with third countries. It signed refugee deals with both Turkey and Libya in 2016 and 2017, respectively. The Turkish deal has been expected to stop migrants from reaching Greece while offering Turkey financial aid, visa liberalization dialogue, and opening new chapters in the accession process. In return, the EU promised to take refugees from camps in Turkey (Scazzieri and Springford 2017, 2). Next year, the Turkish deal has been complemented with the Libyan deal, in which Italy was delegated to negotiate and agreed to help the UN-backed government police its waters and train and equip its Coast Guard.

[2]European Union: Council of the European Union, Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 29 June 2013, OJ L. 180/31-180/59; 29.6.2013, (EU)No 604/2013, available at: https://www.refworld.org/docid/51d298f04.html [accessed 12 September 2021]

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In the following sections, we focus on the reasons why these deals have in practice turned into unsustainable policy frameworks for cooperation on migration. We point out the downsides of these deals by especially focusing on how the EU's security concerns have outweighed the humanitarian and social dimensions of irregular migration as a consequence of these deals. We thus concentrate on three distinct dynamics leading these deals to fail in reaching their humanitarian objectives.

First, the security of migrants in practice has become of secondary importance to the security of the state. From the perspective of the EU, the deals are exploited to create trade-offs, that is, while the EU is interested in motivating its partners to agree on taking back as many asylum seekers as possible including both nationals from the partner countries themselves and third-country nationals, the cooperating countries are given incentive as to obtaining advantages in diplomatic bargaining with the EU (Seeberg 2016, 3). However, although these deals have worked for alleviating the burden of irregular migration flows on the frontline states such as Greece and Italy which implement repatriation policies, they have also resulted in severe human rights violations in repatriation to Libya and Turkey. For instance, after these deals, UNHRC, in its May 2021 report, mentioned pushback cases from the Member States (Morales 2021), although it is prohibited by article 4 of Protocol No. 4 of the European Convention on Human Rights.

Second, the EU's externalization policy violates the 1951 UN Convention by preventing asylum seekers from reaching Europe. Since the EU's legal responsibility does not stop at the EU's physical borders, the Member States cannot avoid their responsibilities on protecting asylum seekers by transferring their obligations to third countries. This violation renders the deals extra-legal and incompatible with the EU's humanitarian obligations.

Third, the divergences between the Member States as to sharing the burden of asylum seekers violate their commitment to the EU treaties, thus undermining the mutual solidarity principle within the EU. For instance, in 2015, the countries such as Hungary and Slovakia - where the anti-immigration sentiments prevail - were opposed to the policy initiatives regarding the refugee flows and actively blocked access to their territories (Baldwin-Edwards and Lutterbeck 2019, 2243).

Accordingly, we argue that the deals shaped by the EU's security concerns fail to fulfill the EU's stated objectives as to refugee protection and asylum processing and undermine the cooperation on migration management with third countries as well as within the EU, resulting in these deals being unsustainable policy tools for cooperation on migration.

The Turkish deal is an outcome of a mutual trade-off between the EU and Turkey where the EU gets fewer irregular migrants while Turkey is offered financial aid, visa liberalization, and revival of the accession process (Seeberg 2016, 2). However, considering the objectives of the deal[3]:

- returning to Turkey, all new irregular migrants (economic migrants and asylum seekers) crossing to the Greek islands;
- for every Syrian readmitted by Turkey from the Greek islands, resettling another Syrian from Turkey to the EU;
- accelerating implementation of the EU-Turkey visa liberalization roadmap;
- speeding up the disbursement of funds through the Facility for Refugees in Turkey and increasing its resources;
- expediting preparations for the opening of new chapters in Turkey's accession negotiations; and
- cooperating to improve humanitarian conditions inside Syria.

It is obvious that the deal practically benefits the EU's securitarian concerns without focusing adequately on the humanitarian dimension of irregular migration as well as undermining Turkey's migration management capacities in the long term.

For instance, Turkey fulfilled its responsibility of securing and controlling its borders to prevent irregular migration flows to Europe (179.536 irregular migrants in 2017 and 134.004 irregular migrants in 2018 used the Mediterranean route to reach Europe; the deal is especially effective in irregular migrants attempting to reach Greece (45.737) in 2018 (Goldberg 2018)). From the EU's perspective, the Turkish deal has been successful at least in two points: alleviating the pressure on Greece and the Balkan countries and appeasing the EU citizens harboring anti-migrant feelings.

From Turkey's perspective, on the other hand, the deal might weaken the political leverage Turkey holds, in that, Turkey might turn into a dumping ground for unwanted migrants in Europe. The Turkish deal clearly states that only those[4] who did not try or attempt to cross the EU borders will be eligible for the 1:1 mechanism, while the others will be denied international protection in Europe. Therefore, the deal involves certain discriminatory practices (Arribas 2016, 6), in that non-Syrian refugees are excluded from the resettlement system, clearly violating the refugee protection norm. Seeberg (2016) underlines that the relocation and resettlement system is not promising and

[3]European Commission, *EU-Turkey Agreement: Questions and Answers*, 19 March 2016, http://europa.eu/rapid/press-release_MEMO-16-963_it.html

[4] European Commission, *First Report on the Progress Made in the Implementation of the EU-Turkey Statement* (COM/2016/231), 20 April 2016, p. 2, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52016DC0231

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sustainable[5] despite the positive wording in the EU's statements. Besides that, the incentives offered to Turkey as to visa liberalization and opening of new chapters in the accession process have been put on hold by the EU which also fails to keep up with its promise of financial support to Turkey in improving the living conditions of the Syrian nationals under international protection, leaving Turkey alone in migration management.

We argue that these political ups and downs contribute to the politicization and further securitization of migration, as the deal also allowed the AKP administration to utilize the Syrian refugees as political leverage against the EU (Kaya 2020, 37). To Kaya (2020), Turkey's hosting over 4 million Syrians allows the AKP administration to be politically coercive against the EU as well as resulting in the de-Europeanization of the migration matters. For instance, when the EU dragged its feet to fulfill its promise of financial aid, Turkey threatened to open its borders for the refugees crossing to Greece and even opened them for a short term. Thousands of asylum seekers gathered at the Greek borders in 2020 (Deutsche Welle TR 2020). Only after the EU announced that it would increase its financial support, the conflict was resolved.

Accordingly, the practical outcomes of the Turkish deal affirm our argument that it has proven to be unsustainable as a policy tool in the EU's migration management tool kit. Turkey left alone in migration management, cannot handle the overwhelming political, economic and social burden of the migration as the EU's inadequate financial support and ineffective political mechanisms indirectly bolster the exclusionary and restrictive attitude against the asylum seekers (Zaragoza-Cristiani 2015). For instance, as a consequence of the securitization and politicization of migration, Turkey signs readmission agreements with the countries of origin, meaning that the non-refoulment principle and access to protection for asylum seekers in Turkey could be violated.

Overall, the EU's externalization policy's social, political, and economic cost undermines Turkey's migration management capacities and increases social tension and xenophobia in the Turkish public (Clapp 2020). In this regard, the EU should revise its approach to migration management to include more mechanisms to ensure the protection of asylum seekers (Deutsche Welle TR 2021). Otherwise, the securitized and politicized approach to migration would continue to be the main obstacle before sustainable and fair cooperation on migration with Turkey in the long term (Huysmans 2000).

[5]European Commission, *Relocation and Resettlement: Member States Need to Sustain Efforts to Deliver on Commitments*, 09 November 2016, http://europa.eu/rapid/press-release_IP-16-3614_en.htm

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The practical outcomes of the MoU, similar to the Turkish deal, reflect the EU's prioritization of its security concerns. First, after the Arab Revolts, since there is still more than one political entity vying for power, there has not been a stable political context in Libya. The collapsed economy and unstable political institutions along with the breakdown of the rule of law only deteriorate the instability in Libya. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Libya office (2020): "Of the 538,000 migrants and 44,000 refugees in Libya, 56 percent of migrants and all refugees have unmet needs with consequences on their wellbeing, living standards, and resilience" (p. 36). Despite such an unstable context, cooperation with Libya was revived by the MoU in 2017 and the abhorrent conditions in Libya's detention centers have been overlooked. Moreover, Libya's status as a 'safe third country' is still questionable, considering that Libya lacks the necessary mechanisms for the security of asylum seekers and the protection of human rights. Pradella and Rad (2017, 2421) argue that this deal confirms the externalization policy and turns a blind eye to the human rights violations the migrants face in Libya.

Second, after the revolts, the institutional structure in Libya has become more complex and overlapping, which renders the cooperation on migration less efficient regarding the humanitarian conditions for asylum seekers. For instance, the detention centers in Libya have been controlled by the independent militia rather than Interior Ministry's Directorate for Combating Illegal Migration, which further deteriorates abhorrent conditions the migrant's face (Toaldo 2015, 11). Worse, the militias securing the Libyan coasts have also taken part in the smuggling networks (Scazzieri and Springford 2017, 3), resulting in migrants' suffering from human rights violations at the hands of smugglers (Micallef and Reitano 2018).

Third, besides lacking mechanisms for protection, the MoU now transfers the responsibility of the pushback operations to the Libyan authorities. While the MoU lifts the Italian authorities off their responsibilities, it epitomizes how the EU circumvents international and regional obligations, clearly violating the EU's fundamental values. However, the agreement focuses on preventing irregular migration from Libya, yet overlooks the losses of life at sea and in the desert, which still constitute a critical part of the migration, along with the prevailing illegal networks that control the human trafficking in the Mediterranean (Micallef 2017, 6). Toaldo (2017) argues that IOM data demonstrates how the migrants have increasingly stayed for shorter periods in Libya before setting out for Europe, especially after the Turkish deal closing the Aegean route. Therefore, instead of discouraging people from taking the dangerous journey of irregular migration, the EU's externalization policy has contributed to pushing factors for reaching Europe.

Fourth, the deal lacks clearly defined mechanisms that ensure cooperation not only with Libya but also within the Member States. For instance, "although in 2015, the EU promised to disperse 160,000 refugees from overstretched Greece and Italy to other EU countries, in 2016 only 8,162 people have been found a home" (Rankin 2016).

Overall, we argue that the Libyan deal has two critical downsides as to migration management. First, the deal is far from grasping the multi-faceted nature of Libya's political-economic context. Second, the deal reflects the political and security concerns of the EU while overlooking to ensure necessary conditions and mechanisms for refugee protection.

CONCLUSION

By examining the Turkish and Libyan deals, we demonstrate that the EU's securitarian approach to migration management has further contributed to the securitization and politicization of cooperation on migration rather than producing a sustainable and effective policy framework. We acknowledge that both deals have reached their primary objective: to decrease the amount of irregular migration flows that use the Mediterranean and Aegean routes to Europe. However, considering the secondary objective of sending irregular migrants and asylum seekers to the "safe third countries", the results are not promising as the former. We list three dynamics underlying the failure of deals as sustainable policy tools.

First, the mechanisms provided by the Turkish deal have proved to be discriminating and ineffective in the resettlement process. Similarly, the Libyan deal has failed to address the unstable political context in Libya as well as lacking transparent and effective regulations regarding access to protection and human rights, social integration and cohesion, and sending back migrants that repatriated from Greece and Italy to their home countries. Consequently, both Turkey and Libya can be argued to become more of a host country instead of a safe third country or transit country, resulting in the concept of the safe third country losing its meaning.

Second, these deals focus on decreasing the irregular migration flow to the EU, increasing allocation of resources to border and security control - technologically, technically, and financially - yet inadequately address the humanitarian and societal outcomes. To illustrate, neither Turkey nor Libya have received adequate financial and technical support in strengthening their capacities to handle irregular migration flows, primarily to ensure the migrants' right to access to protection. Besides that, the EU's security-oriented attitude directly leads to further illegal activities (Baldwin-Edwards and Lutterbeck 2019, 2254–55), in that, human traffickers and smugglers gain more control of the irregular migration. Yet, the deals have not provided effective mechanisms against human rights violations due to illegal human trafficking and smuggling activities. These failures create contradictory outcomes for the EU's basic humanitarian

values as well as push more people towards Europe. Criticizing the EU's migration strategy, Andersson (2016) states that "a strategy will need to be global and systemic rather than ad hoc and national or narrowly regional; pragmatically, it must focus on rights and opportunities rather than security and threat scenarios, since the latter have proven counterproductive and abusive" (p. 1069). Consequently, although the EU's externalization policy has successfully increased the border control and security of the EU, it has resulted in the opposite for both Turkey and Libya's migration management capacities.

Third, transferring the responsibilities to third countries as part of cooperation on migration, the EU contributes considerably to the politicization of migration, in that, Turkey and Libya utilize the migrants and asylum seekers they hosted as political leverage against the EU. Moreover, the Member States seem to adopt a trend of signing informal and extra-legal arrangements with third countries to lift off their responsibilities as to providing protection and access to human rights for asylum seekers (Cassarino 2007), and it further politicizes the processes of cooperation on migration, preventing the formation of solid and sustainable ground for managing irregular migration. To ensure sustainable and fair cooperation on migration, we thus suggest that the EU countries had better revise their security-oriented approach to migration and be more motivated to fulfill their obligations regarding the human rights of asylum seekers.

Otherwise, illegal networks will continue to exploit this opportunity and cause more human rights violations. Therefore, instead of the securitarian 'Fortress Europe' approach that raises the walls of Europe, a multilateral and multi-dimensional policy framework for cooperation on migration that takes into consideration not only the migrants and asylum seekers' need for protection but also the varying capacities of the involving countries become more and more necessary to provide a concrete solution to irregular migration.

COMPLIANCE WITH ETHICAL STANDARDS

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REFERENCES

1. Ağır, B. S. 2015. "European Perspective of Human Security: From a Conception to a Reality" In Twenty Years of Human Security: Theoritical Foundations and Practical Applications, edited by I. Dordevic, M. Glamotchak, S. Stanarevic and J. Gacic, 365-375. Belgrad: University of Belgrad and Institut Français de Geopolitique-Universite Paris.
2. Albrecht, Ulrich, C Chinkin, K. Dervis, R. Dwan, A. Giddens, N. Gnesotto, M. Kaldor, et al. 2004. "A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe's Security Capabilities." Barcelona. https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/solana/040915CapBar.pdf
3. Amnesty International. 2014. "The Human Cost of Fortress Europe: Human Rights Violations against Migrants and Refugees at Europe's Borders." London. https://www.amnesty.org/en/documents/EUR05/001/2014/en/
4. Andersson, R. 2016. "Europe's Failed 'Fight' against Irregular Migration: Ethnographic Notes on a Counterproductive Industry." Journal of Ethnic and Migration Studies 42 (7): 1055–75.
5. Arman, M. N. 2017. "The Syrian Refugee Crisis and the European Conditionality." Doğu Anadolu Sosyal Bilimlerde Eğilimler Dergisi 1 (2): 10-20.
6. Arribas, G. F. 2016. "The EU-Turkey Agreement. A Controversial Attempt at Patching up a Major Problem." European Papers 1 (3): 1097–1104. https://www.europeanpapers.eu/en/system/files/pdf_version/EP_EF_2016_I_040_Gloria_Fernandez_Arribas_00080.pdf
7. Baldwin-Edwards, M., and D. Lutterbeck. 2019. "Coping with the Libyan Migration Crisis." Journal of Ethnic and Migration Studies 45 (12): 2241–57.
8. Bigo, D. 2001. "The Möbius Ribbon of Internal and External Security(ies)." In Identities, Borders, Orders, edited by M. Albert, Y. Lapid, and D. Jacobson, 91–116. University of Minnesota Press.
9. Boswell, C. 2003. "The 'External Dimension' of EU Immigration and Asylum Policy." International Affairs 79 (3): 619–38.
10. Cassarino, J. 2007. "Informalising Readmission Agreements in the EU Neighbourhood." The International Spectator 42 (2): 179–96.
11. Clapp, A. 2020. "Europe Turns Its Back on Refugees—and Its Own Values." Foreign Affairs, March 2020. https://www.foreignaffairs.com/articles/greece/2020-03-17/europe-turns-its-back-refugees-and-its-own-values
12. Council of the European Union, and European Parliament. 2016. Union Code on the Rules Governing the Movement of Persons across Borders (Schengen Borders Code) (Codification).

13. Dannreuther, R. 2006. "Developing the Alternative to Enlargement: The European Neighbourhood Policy." European Foreign Affairs Review 11 (2): 183–201.
14. Deutche Welle TR. 2020. "Türkiye'deki Mülteciler Sınır Kapılarına Yöneliyor," February 28, 2020. https://www.dw.com/tr/türkiyedeki-mülteciler-sınır-kapılarına-yöneliyor/a-52568694
15. Deutche Welle TR. 2021. "Türkiye Ile Yeni Bir Mülteci Anlaşmasına Itiraz," March 24, 2021. https://www.dw.com/tr/türkiye-ile-yeni-bir-mülteci-anlaşmasına-itiraz/a-56974922
16. EC. 2016. "Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration." Strasbourg.https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0385/COM_COM(2016)0385_EN.pdf
17. ECRE. 2006. "Report on the Application of the Dublin II Regulation in Europe." http://www.ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Report-on-the-Application-of-the-Dublin-II-Regulation-in-Europe-_March-2006.pdf
18. European Parliament. 2006. "Study: Analysis of the External Dimension of the EU's Asylum and Immigration Policies." Brussels. https://www.europarl.europa.eu/RegData/etudes/etudes/join/2006/374366/EXPO-DROI_ET(2006)374366_EN.pdf
19. Fouskas, K. V., and B. Gökay. 2019. "Road to Brexit", The Disintegration of Euro-Atlanticism and New Authoritarianism: Global Power-Shift. Palgrave Macmillan.
20. FRONTEX. 2017. "Risk Analysis for 2017." Warsaw. https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf
21. Geddes, A. 2003. The Politics of Migration and Immigration in Europe. London: SAGE.
22. Goldberg, L. 2018. "European Union Releases Facts and Figures for Migrant and Refugees Arrivals in 2018." UN Dispatch. 2018. https://www.undispatch.com/european-union-releases-facts-and-figures-for-migrant-and-refugees-arrivals-in-2018/
23. Hamood, S. 2008. "EU–Libya Cooperation on Migration: A Raw Deal for Refugees and Migrants?" Journal of Refugee Studies 21 (1): 19–42.
24. Huysmans, J. 2000. "The European Union and the Securitization of Migration." Journal of Common Market Studies 38 (5): 751–77.
25. IOM. 2021. "Key Migration Term." 2021. https://www.iom.int/key-migration-terms#Irregular-migration

26. Kamat, A., and A. Shokr. 2013. "Libya." In Dispatches from the Arab Spring: Understanding the New Middle East, edited by P. Amar and V. Prashad, 157–203. Minneapolis: MN: University of Minnesota Press.
27. Kaya, A. 2013. Avrupa Birliği Hakkında Merak Ettikleriniz: Avrupa Birliği'ne Giriş. İstanbul: Hiperlink Yayınları.
28. Kaya, A. 2020. "Migration as a Leverage Tool in International Relations: Turkey as a Case Study." Uluslararası İlişkiler Dergisi 17: 21–39.
29. Malakooti, A. 2013. "Mixed Migration: Libya at the Crossroads Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-Revolution Libya." Tripoli. https://www.refworld.org/pdfid/52b43f594.pdf
30. Micallef, M. 2017. "The Human Conveyor Belt: Trends in Human Trafficking and Smuggling in Post-Revolution Libya." Geneva. https://globalinitiative.net/wp-content/uploads/2017/03/GI-Human-Conveyor-Belt-Human-Smuggling-Libya-2017-.pdf
31. Micallef, M., and T. Reitano. 2018. "Human Smuggling and Libya's Political End Game." https://issafrica.org/iss-today/human-smuggling-and-libyas-political-end-game
32. Morales, F. G. 2021. "Report on Means to Address the Human Rights Impact of Pushbacks of Migrants on Land and at Sea." https://undocs.org/en/A/HRC/47/30
33. Moreno-Lax, V. 2015. "EUROPE IN CRISIS: Facilitating Access to Protection, (Discarding) Offshore Processing and Mapping Alternatives for the Way Forward." Brussels. https://redcross.eu/uploads/files/Positions/Migration/Externalisation/Europe in Crisis_Dr Moreno-Lax_final.pdf
34. Müller, P., and P. Slominski. 2021. "Breaking the Legal Link but Not the Law? The Externalization of EU Migration Control through Orchestration in the Central Mediterranean." Journal of European Public Policy 28 (6): 801–20.
35. OCHA. 2020. "Humanitarian Needs Overview Libya." https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno_2021-final.pdf
36. Paoletti, E. 2010. The Migration of Power and North-South Inequalities the Case of Italy and Libya. Palgrave Macmillan UK.
37. Pradellla, L., and S. T. Rad. 2017. "Libya and Europe: Imperialism, Crisis, and Migration." Third World Quarterly 38 (11): 2411–27.
38. Rankin, J. 2016. "EU Met Only 5% of Target for Relocating Refugees from Greece and Italy." The Guardian, December 8, 2016. https://www.theguardian.com/world/2016/dec/08/eu-met-only-5-of-target-for-relocating-refugees-from-greece-and-italy

39. Scazzieri, L., and J. Springford. 2017. "How the EU and Third Countries Can Manage Migration." https://www.cer.eu/sites/default/files/pbrief_amato_migration_1nov17.pdf
40. Seeberg, P. 2016. "The EU-Turkey March 2016 Agreement as a Model: New Refugee Regimes and Practices in the Arab Mediterranean and the Case of Libya." Odense.
41. Sterkx, S. 2008. "The External Dimension of EU Asylum and Migration Policy: Expanding Fortress Europe?" In Europe's Global Role: External Policies of the European Union, edited by J. Orbie, 117–38. Farnham: Ashgate.
42. Toaldo, M. 2015. "Migrations through and from Libya: A Mediterranean Challenge." May no 14. IAI Working Paper. Rome.
43. Toaldo, M. 2017. "The EU Deal with Libya on Migration: A Question of Fairness and Effectiveness." European Council on Foreign Relations, 2017. https://ecfr.eu/article/commentary_the_eu_deal_with_libya_on_migration_a_question_of_fairness_a/
44. Uçarer, E. M. 2013. "The Area of Freedom, Security and Justice." In European Union Politics, edited by N. Cini and N. Borragan P-S, Fourth, 281–95. Oxford: Oxford University Press.
45. UNHR, and UNSMIL. 2016. "Detained and Dehumanised: Report on Human Rights Abuses against Migrants in Libya." http://www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf
46. Zaragoza-Cristiani, J. 2015. "Analysing the Causes of the Refugee Crisis and the Key Role of Turkey : Why Now and Why so Many?" RSCAS 2015/95. EUI Working Paper. Italy. https://cadmus.eui.eu/bitstream/handle/1814/38226/RSCAS_2015_95.pdf?sequence=1&isAllowed=y