

THE DOMESTIC POLITICS OF EU EXTERNAL POLICY MAKING IN JUSTICE
AND HOME AFFAIRS: THE CASE OF THE EU-TURKEY READMISSION-VISA
AGREEMENT

by
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ABSTRACT

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Between 2009 and 2010, five Western Balkan countries were granted Schengen visa exemptions by the EU. Turkey, by contrast, was only offered a vague promise for the initiation of a visa liberalization “dialogue” in return for initialing an analogous readmission agreement in 2012. Taking this outcome as a genuine research puzzle, the present thesis embarks upon two interrelated questions: why has the EU withheld from Turkey a genuine visa liberalization perspective? And more generally, what domestic dynamics drive EU external affairs policy-making in Justice and Home Affairs (JHA) in areas such as immigration, visa and border policy?

This study puts forward a domestic politics centered explanation (couched in liberal intergovernmentalist theory) to the puzzle at hand. In particular, it is argued that the reason for the differential visa agreement outcome in the Turkish case, as compared to the Balkans, emanated from opposition by key member state governments (Germany, France, Austria and the Netherlands) and was driven by adverse domestic sentiments. Public sentiments and not economic interest group pressure (standard liberal intergovernmentalist account) have shaped governmental preferences in these countries because of the securitization (causal mechanisms) of the Turkish visa issue. The argument is assessed controlling for supranational institutionalist rival explanations.

At the theoretical level, the findings buttress an important point in the literature about the issue-specific nature of domestic preferences. A general theoretical proposition advanced here is that domestic sentiments trump economic interests in the governmental preference formation process in JHA policies where the issue at hand is securitized.

ÖZET

AB ADALET VE İÇ İLİŞKİLER ALANINDA DIŞ POLİTİKA OLUŞTURMA SÜRECİNDE ÜLKE İÇ POLİTİKALARIN ROLÜ: AB-TÜRKİYE GERİKABUL- VİZE ANTLAŞMASI KONUSU

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Anahtar Kelimeler: AB Dış İlişkileri, Adalet ve İç İlişkiler Politikaları, Gerikabul-Vize Antlaşmaları, AB-Türkiye İlişkileri

2009-2010 yılları arasında beş Batı Balkan ülkesi Gerikabul Antlaşması imzalamaları üzerine Avrupa Birliği tarafından Şchengen vizesinden muaf tutulmuşlardır. Buna karşılık Türkiye 2012 yılındaki Gerikabul Antlaşması'nı başlatması karşılığında vize gerekliliğinden muaf tutulacağına dair sadece muğlak bir söz alabilmiştir. Bunu temel mihenk noktası kabul ederek bu çalışma birbiriyle ilişkili iki soruyu ele almaktadır: Avrupa Birliği neden Türkiye'ye fazıl vize muafiyeti perspektifi tanımamıştır? Dahası, hangi ulusal dinamikler AB'nin Adalet ve İç İşleri politikasını göç vize ve sınır politikası gibi alanlarda yürütüyor?

Bu çalışma devlet tercihi odaklı bir açıklama ile bu soruna devletler-arası liberal teorisi ile açıklık getirmeye çalışıyor. Türkiye'nin Balkan devletleri gibi vize muafiyetine ortak edilmemesi AB'nin yetkili ülkeleri (Almanya, Fransa, Avusturya ve Hollanda gibi) tarafından kabul edilmemesi ve bu da malum devletlerin içerisinde yer alan olumsuz iç duyarlılıktan kaynaklandığı öne sürmektedir. Halkın duyarlılığı ve ekonomik olmayan grupların baskısı Türkiye'nin vize konusunu güvenlikleştirilmesi nedeniyle bu ülkelerdeki hükümetlerin tercihlerini şekillendirmiştir. Argüman ulus üstü kurumsal teorisinin sağladığı rakip açıklamalar ile kontrol edilerek değerlendirilmiştir.

Teorik olarak, bu bulgular iç tercihlerin kendine özgü doğasındaki önemli noktalara dikkat çekiyor. Burada ileri sürülen genel teori güvenlikleştirilen Adalet ve İç İlişkiler politikalarında hükümeteysel tercihlerin iç duyarlılığına göre (ekonomik çıkarlar değil) şekillendiğini gösteriyor.

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I dedicate this thesis to those who have not given up faith in the possibility of a better world, of an international order un-permeated by borders and frontiers; one that is not marked by differences, but united in the principle of diversity. It is our vocation as scholars and students of international relations alike to lay the intellectual foundations for progressive change to take roots in this and other spheres of life; hopefully, in the near future.

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LIST OF ABBREVIATIONS

AFSJ	Area of Freedom, Security and Justice
CSDP	Common Security and Defense Policy
CFSP	Common Foreign and Security Policy
EC	European Community
EEC	European Economic Community
ECJ	European Court of Justice
ENP	European Neighborhood Policy
EU	European Union
JHA	Justice and Home Affairs
LI	Liberal Intergovernmentalism
SI	Supranational Institutionalism
SIS	Schengen Information System

CHAPTER 1

INTRODUCTION

1.1. Topic and Relevance of this Study

The European Union, as primarily an international soft power, has developed a number of non-militaristic policy tools with which it influences its closer and wider neighborhood. One of these tools is the so-called *readmission agreement*. The agreement is concluded with third states and obliges them to repatriate and take back illegal and transmit migrants immigrating to EU territory from or via their soil. In many cases, readmission agreements also stipulate the implementation of reforms in the area of border and security policy, such as the introduction of biometric passports, or linking up of the country's border policing database with the Schengen information system (SIS). These obligations are designed on a case-by-case basis in view of the requirements and needs of the specific country at hand. By and large, the main purpose behind readmission agreements is to promote the policing capabilities and thus security of the EU's external border.

In the last two decades, with immigration having come to be designated one of the most pressing contemporary problems the European community faces, readmission agreements have become a key policy tool for the EU in tackling the "problem" of illegal immigration. Because the agreements themselves implicate high adoption costs (undertake domestic reforms, take back illegal immigrants) for third states, the EU has introduced an incentive structure as a form of compensation. Since 2002, readmission agreements are systematically coupled with the conclusion of visa facilitation (facilitated visa application process) or visa liberalization deals (abolishment of travel restrictions). The EU thereby offers the incentive of lifting visa restrictions – a privilege

highly valued as it soothes access to the Schengen region comprising 26 European countries¹, and by the same token to the European Union which achieves approximately 40% of global trade, is the largest global exporter in both goods and services, and maintains a GDP roughly equal to the US comprising 25% or one quarter of total world GDP - conditional upon third countries' taking up of the contract's obligations.

Examining the coming about of EU readmission-visa agreements suggests itself as a promising research topic on two important empirical and theoretical grounds. *First*, policy-making dynamics in *communitarized* areas à la Justice and Home Affairs (JHA)² are characterized by the involvement of pro-integrative supranational actors in the policy process such as the European Commission and the European Court of Justice. This stands in stark contrast to domains such as Common Foreign Security Policy (CFSP), which is entirely intergovernmental in terms of its procedural rules and where member states usually have greater sway. What is more, the external dimension of JHA has become a highly dynamic policy domain in the last years. In 2011 alone, “no less than 26 out of a total of 136 texts adopted by the Justice and Home Affairs (JHA) Council, that is 19.1 per cent, were related to agreements with third countries and other external dimension issues” (Monar 2013). Thus, JHA is a growing policy field and policy activities therein are likely to generate a host of new and interesting research questions for future studies. *Second*, understanding political outcomes in domains where the “co-decision” rule governs decision-making procedures embodies a tougher theoretical challenge to conventional intergovernmental theories of EU policy making which are considered baseline models in the EU integration literature. Insights derived from the study of communitarized areas can help revise theory and formulate novel hypotheses. As the EU is composed of a complex web of institutional rules (formal as well as informal) exhibiting substantial variation across policy areas (Tsebelis & Garret 2001), developing middle-range theories is a vital task, simply because different

¹http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122348.pdf (Accessed 30 May 2013)

² Note that with the Lisbon Treaty (2009) the Justice and Home Affairs (JHA) policy domain has been renamed as the Area of Freedom, Security and Justice (AFSJ). For reasons of simplicity and to avoid confusion, the denotation JHA shall be used throughout this paper. The reason for this is that many EU documents still refer to the domain. What is more, the respective group of Ministers of Interior in the European Council also continues to be named the Justice and Home Affairs Council.

decision-making modalities are likely to have a differential impact on policy outcomes. This point becomes all the more important given that in JHA alone the variation in modes of governances is significant (Monar 2011). That being said, let us now turn to introducing the empirical puzzle taken up in this study and then turn to formulate research questions that are to guide the subsequent inquiry.

1.2. Empirical Puzzle and Research Questions

Between 2009 and 2010, five Western Balkan countries (Serbia, Montenegro and Macedonia in 2009 followed by Bosnia-Herzegovina and Albania in 2010) have achieved abolishing short-term travel Schengen visa requirements in return for signing readmission agreements with the European Union. At the time of conclusion, none of these countries had started membership accession negotiations. This stands in stark contrast to Turkey who was already five years into the accession process in 2010. Other non-candidate countries in the EU's closer neighbourhood such as Georgia, Russia, the Ukraine and Armenia were granted visa-facilitation arrangements for signing analogous agreements.

Negotiations on the EU-Turkey readmission-visa agreement, by contrast, have been lengthy and cumbersome and not culminated in a visa facilitation or visa liberalization deal. Formally opened in 2005, talks with the EU's most longstanding membership candidate exhibited only very slow progress. As late as February 2011, six years into the readmission agreement negotiations, both sides achieved settlement upon a draft text. One year later, in June 2012, Turkey and the European Commission, who was thereto given a negotiation mandate by the Council, finally initialled the agreement. Under the agreed draft, Turkey takes up, first, the obligation to repatriate Turkish nationals found to reside in the EU without a residence permit or visa, and second, third-country nationals (transit migrants) that have entered the EU via Turkish soil - this regulation, though, will come into force only after a three-year transition period.

The agreed EU-Turkey readmission-visa agreement bears a crucial difference to that of the Balkan cases, though: Turkey has not been given a guarantee of visa-liberalization in return for taking up the obligations of the readmission agreement. The agreed text merely states that the EU will "take steps towards visa liberalisation as a gradual and long term perspective" (European Council 2012). This stipulation impresses an open-ended nature upon Turkey's visa process – a clause very reminiscent of the country's

EU membership prospect in general. In the cases of the Western Balkans, by contrast, the promise for abolishing visa requirements had been expressly and clearly made early on in the process. Further, Turkey's bid for visa-liberalization is unlikely to be a safe bet because the successful conclusion of the process will be contingent not only upon Turkey's meeting of all requirements but, more importantly, upon obtaining European Council approval (that is to say, member state consent). Given that much of the complications in the Turkish case emanated from member state opposition, obtaining Council approval will surely not be an easy task.

Thus, the empirical puzzle lies in the EU's differential treatment of Turkey on the visa issue compared to the EU's dealings with other countries in the Balkans. The puzzle, in turn, points at two interrelated questions that this thesis sets to address: first, *why has the EU withheld a genuine visa-liberalization prospect from Turkey?* It is important to note that this question is part of a broader one which pertains to the modalities of policy making in EU external affairs in Justice and Home Affairs (JHA). The second, thus more theoretical question embarked upon herein reads: *what are the domestic dynamics driving EU external policy making JHA immigration, visa and border policies?* The main traits of the argument advanced herein are presented below.

1.3. The Argument

The present study puts forward a state preferences centered explanation for the differential visa agreement outcome in the Turkey-EU case, one that is couched in liberal intergovernmentalist theory. The argument is tested controlling for supranational institutionalist rival explanations along the way.

In particular, it is argued that the differential outcome in the Turkey-EU readmission-visa case emanated from key member state opposition (most importantly Germany and France, in concert with Austria and the Netherlands) which was largely driven by adverse domestic sentiments. The reason why public opinion and not economic interest group pressure (standard liberal intergovernmentalist account) shaped member state preferences resides in the fact that the Turkish visa issue has been securitized in these countries. Securitization thereby worked as triggering causal mechanism insofar as it moved Turkish visa liberalization from the realm of low politics (economic and social issue) into high politics (national security and survival issue), in consequence of which, political elites attended to their publics' sentiments.

The argument is assessed by way of four comparative case studies on Germany, Austria, the Netherlands (opposed Turkey's visa bid) as well as Italy (supported Turkey's visa bid). These cases were selected on the grounds that they embody variation on both the independent (public opinion on travel easement for non-EU nationals) and dependent variable (preference on Turkey's visa bid).

On a more general level, the results obtained herein buttress a crucial point raised in the literature: member state preferences are best conceived of as issue-specific. Following this thread of argument, a basic theoretical proposition advanced herein with a view on policy-making dynamics in the realm of JHA policies reads: *public sentiments trump economic interests as a source of governmental preference formation in JHA policies such as immigration, border and visa policy where the issue at hand is securitized.*³

1.4. Research Design

Since the empirical puzzle that motivates this research is the differential Turkey-EU readmission-visa agreement outcome, the overall design of this thesis can be described as *deviant case study* (George & Bennett 2005, 31). In essence, there are two central objectives with deviant research designs: (1) explaining why the particular case at hand diverged from standard expectations, and (2) in the process thereof, revisiting extant theory with a view towards generating novel theoretical propositions (Levy 2008, 13). This double-sided research purpose – the explanation of a particular outcome and refining of theory – denotes a practice that is fairly common in the social sciences (Bennett & Braumoeller 2010). To be sure, though, the mode of generalization hereby targeted is theory-related and analytical, not statistical (Yin 1994). That is to say, the findings serve as the basis for abstract theoretical propositions and not generalizations on populations as is done in statistical research.

Whilst the general focus in this thesis will indeed be on a particular case (Turkey-EU visa readmission agreement), the analysis will *not* be conducted in a completely insulated manner. Rather, it will be embedded within its broader context with a view on the readmission-visa agreements the EU has signed with other countries. The rationale

³ To be sure, given the qualitative design of the study the objective here is primarily to derive theoretical abstractions, not statistical generalizations. Future research should follow up the matter towards deriving statements about the argument's veracity across cases.

for doing so is grounded in an important inferential consideration: “the strongest means of drawing inferences from case studies is the use of a combination of within-case analysis and cross-case comparisons” (George & Bennett 2005, 18).⁴

In terms of methodology, two methods form the backbone of this thesis: *process-tracing* and *congruence testing*. Process tracing entails tracing the political ‘decision process by which various initial conditions are translated into outcomes’ (George and McKeown, 1985). The researcher thereby investigates the ‘unfolding of events or situations over time’ (Collier 2011, 824). Process tracing has come to be regarded as a viable tool in qualitative research (Brady and Collier 2012) as it allows for (i) the multiplication of within-case observations and (ii) helps lay bare the specific causal mechanisms at work (that is to say, the link between a hypothesized relationships amongst variable X and Y). Applying the congruence method implicates deriving precise empirical implications that follow from one’s hypotheses. The predictions embodied therein are then compared to the empirical patterns as actually observed in the real-world (Yin 1994, 116). These implications or predictions can denote what, how, and when something should happen if the theories are to be valid (Blatter & Haverland 2012). The task then lies in looking for “congruence or incongruity between expectation and observation” (Van Evera 1997, 56).

In terms of *data*, this thesis draws upon a wide range of material from diverse sources. These include statistical databases and archives, newspaper accounts, political statements, protocols of parliamentary debates as well as personal interviews.⁵ Diversifying data sources in this manner comes closest to the idea of data triangulation (Denzin 1970) - a method which minimizes potential sources of bias and therewith helps strengthen the validity of one’s causal inferences.

⁴ As Gerring has noted elsewhere, the employment of informal comparative designs (that is, where the comparison serves purposes of illustration and does not stand at the core of the research endeavor) is quite common practice in qualitative research (Gerring 2004).

⁵ Overall, both numerical and qualitative data will be drawn upon in this thesis in the spirit of multi-method research.

1.5. Outline of the Thesis

The present thesis is organized as follows: having presented the research topic and design of this study, Chapter 2 moves on with laying out the conceptual basis for inquiry and surveying conventional theories in the literature on policy making in EU external affairs. Taking it from there, Chapter 3 maps out the theoretical framework which is couched in liberal intergovernmentalist theory. With chapter 4 the empirical analysis begins with an examination of the historical background of EC/EU and member state visa policy towards Turkey. Chapter 5 then proceeds with an analysis of contemporary EU visa policy vis-à-vis Turkey. Chapter 6 moves on with exploring the real-world implications of restrictive EU visa policy. It does so by looking at Schengen visa issuing practices vis-à-vis Turkish nationals. Chapter 7 wraps up the findings of the study and discusses empirical and theoretical implications.

CHAPTER 2

EU EXTERNAL AFFAIRS POLICY MAKING: THE CONVENTIONAL WISDOM

2.1. Conceptualizing EU External Affairs

The subject matter, which forms the empirical domain of this thesis, is EU external affairs policy making in Justice and Home Affairs (JHA). Before proceeding with the inquiry, the conceptual basis of what is hereinafter referred to as EU external affairs needs to be clarified. The main task will thereby lie in drawing out the differences to a closely related, yet inherently different policy domain: EU foreign policy.

Scholars and practitioners alike have suggested various definitions for EU external affairs. For one, Keukeleire and MacNaughtan in their influential book entitled *The Foreign Policy of the European Union* (2008) suggested differentiating *external affairs* and *foreign policy* as separate policy domains. In their view, external affairs is about “maintaining relations with external actors”, whereas foreign policy “is directed at the external environment with the objective of influencing that environment and the behavior of other actors within it, in order to pursue interests, values and goals” (Keukeleire & MacNaughtan 2008, 19). Keukeleire and MacNaughtan thereby seem to build upon the EU’s own jargon which classifies issues such as trade, commercial and developmental policy as part of external affairs, whereas Common Foreign and Security Policy (CFSP) as well as European Security and Defense Policy (ESDP) are understood to belong to EU foreign policy.⁶

While it may often indeed make sense to embrace definitions put forward by political actors, adopting the EU’s (or Keukeleire & MacNaughtan’s for that matter) conceptual scheme in this context appears problematic on both empirical and analytical grounds (Reh 2009). Most importantly, neither trade nor migration policy, which following

⁶ See http://europa.eu/pol/ext/index_en.htm (Accessed 10 February 2013).

Keukeleire and MacNaughtan would make up instances of EU external affairs, merely revolve around the sole objective of maintaining relations with external actors as the authors suggest. These and other policies in EU external affairs almost invariably implicate the pursuit of specific interests and goals, regardless of whether these are made explicit or not. Take, for instance, readmission agreements the EU concludes with third countries. These agreements, and this is quite openly declared, serve the goal of “fending off” illegal immigrants coming to the EU. So, contrary to Keuleleire and MacNaughtan’s supposition, external affairs policies can in fact serve specific interests. To carry the thought further, not only JHA policies but pretty much any external EU policy is laden with interest-driven behavior. The EU being primarily a soft-power does not prescribe its actions to follow the “logic of appropriateness” (March and Olsen 1989) across the board.

Thus, a heuristically sound inquiry requires a conceptual basis that reflects the empirical realities of the policy process. Daniel Thomas, a leading scholar in the field, has suggested a viable definition in this regard. Following Thomas, EU external affairs and EU foreign policy are herein characterized as domains where *policies adopted to address issues and manage relationships beyond the Union’s collective external border* (Thomas 2011, 10; slightly changed). While the two policy domains, external affairs and foreign policy, are indeed underpinned by analogous goal-driven behavior, there yet remains a crucial qualitative difference between both that needs to be done justice. EU external affairs and EU foreign policy can be said to differ in terms of the (1) *nature of issues*, and the (2) *decision-making* rules involved. Table 1 illustrates.

Table 1. EU External Affairs vs. EU Foreign Policy: Conceptual Clarifications

	EU External Affairs	EU Foreign Policy
Nature of Issues	Low Politics (‘First Pillar’)	High Politics (‘Second and Third Pillar’)
Decision-Making	Community Method	Intergovernmental Method
Policy Areas	<i>Economic and Trade Policy, Enlargement, European Neighborhood Policy (ENP), Justice and Home Affairs (JHA)*</i>	<i>Common Foreign and Security Policy (CFSP), Common Security and Defense Policy (CSDP),</i>

The first criterion of distinction is the nature of issues involved and two types are distinguished here: *low politics* and *high politics* (Hoffmann 1966; Keohane & Nye 1977, 23; see also Allen 2012, 644). Low politics encompasses economic and social policy issues and revolves around welfare issues. High politics, by contrast, involves issues related to national sovereignty and security and touches upon the highly delicate matter of state survival. On the most general level, it can be said that EU foreign policy is mostly about *high politics*, whereas EU external affairs policies are best characterized as issues of *low politics* (ECFSP and CSDP embody ideal-types of high politics, whilst EU economic and trade policy are typical cases of low politics).

While these classifications are rather straightforward, some EU external affairs policies may in certain national contexts be conceived of as high politics issues. One such case is the Justice and Home Affairs (JHA) involving policies as immigration, border and visa policy. While these policies, technically speaking, revolve around the regulation of the cross-border movement of people – and as such, could be classified as low politics issues – their conceptualization (low or high politics) ultimately hinges upon the national context and the specifics of elite and public conceptions therein. Where a given JHA policy issue (e.g. visa policy) is constructed as a threat to state or society (securitization), it is moved from low politics into the realm of high politics. As a consequence, policy-making modalities alter. Individualist state preferences come to the fore and hard bargaining takes over the negotiation process. Political elites are wary of integrating policies in the EU which they conceive of as vital to the survival of the state (high politics). This is an important point to bear in mind and we will come back to it later on when laying out the theoretical framework of this study.

A second criterion along which EU external affairs and EU foreign policy can be differentiated is *decision-making* patterns. Roughly speaking, we can distinguish two procedures: the *intergovernmental method* and the *community method*.⁷ In the intergovernmental mode, member states preserve much of the control over the policy process by virtue of unanimity voting in the Council and restricted competencies for the Commission, Parliament and Court of Justice. In the community method, decision-making is governed by the ordinary legislative procedure (co-decision) where EU

⁷ The Treaty of the European Union (TEU) stipulates decision-making rules. Notwithstanding the official abolishment of the pillar structure with the Lisbon Treaty (1 December 2009), the old pillar structure (e.g. community vs. intergovernmental method) has largely been retained.

institutions and member states (through the Council) share decision-making competencies. The *intergovernmental method* governs much of decision-making in EU foreign policy areas such as CFSP or ESDP, while the *community method* forms the main pattern of decision-making in issues in EU external affairs areas such as Economic and Trade Policy, ENP, and JHA. In a sense, these two decision making regimes can be said to reflect the low and high politics fault line as well.

In sum, while the Lisbon Treaty (signed in 2007, coming into force 1 December 2009) has formally abolished the three-pillar structure, the treaty yet informally retained ‘the division between the policy-making regimes for CFSP/ESDP and the EU’s other external activities’ (Keukeleire & MacNaughtan 2008, 62), as alluded to further above. It is for this empirical reason, first and foremost, that it is meaningful to conceptually differentiate EU external affairs from the EU foreign policy domain.⁸

2.2. Conventional Approaches: Neofunctionalist and Intergovernmentalist Theories

Having rendered the conceptual basis for our subsequent inquiry, we may now turn to survey the literature on conventional theories of EU integration. What have common theories said (or would have said) on the subject of policy making in EU external affairs? Two classic approaches emerge in this respect: neofunctionalism and intergovernmentalism. Let us consider each in turn.

2.2.1. Neofunctionalism

Neofunctionalism was the prevalent theory of regional integration in the 1950s and 60s and retained its dominance up until the 70s (Leuffen et al. 2012, 62). Prominent scholars in this research program include Ernst Haas, Leon Lindberg, Joseph Nye and Philippe Schmitter defined and variously refined the neofunctionalist research agenda to the study of integration processes. For the latter reason in particular neofunctionalism’s core assumptions and key arguments cannot be easily re-stated in a authoritative

⁸ Foreign policy, after all, is a domain that touches upon highly delicate matters such as national sovereignty and identity – the *raison d’être* of states if one will - and is therefore likely to remain under member state control (Moravcsik 1998).

manner. The following explication will therefore primarily draw upon a synopsis put forward by two contemporary neofunctionalist scholars (Niemann & Schmitter 2009, 45-50).

First and foremost, neofunctionalist theory has been conceived of as a grand theory - a descriptive as well as explanatory model that is held to be valid across time and place. Secondly, the theory builds on the idea of *integration as a process* unfolding over time and developing its own self-reinforcing dynamics. This temporal perspective stands in stark contrast to intergovernmentalist analyses which, as will be explicated later, traditionally look at single observation points (e.g. EC/EU treaty negotiation situations.). Third and relatedly, neofunctionalism is based on a pluralist ontology as it posits integration to be characterized by the engagement of multiple actors, both supranational and domestic, whereby the yet most decisive role in advancing regional integration is ascribed to political elites. Finally, and herein lies the somewhat teleological element in neofunctionalist theory (as in Mitrany's preceding functionalism), prominent scholars such as Haas have conjectured that with expanding regional integration a shift in actors' expectations and loyalties toward a new regional center [Europe] would occur (Haas 1958, 16). While often only implicit, the flipside of the neofunctionalist argument projected the weakening of the nation-state as a consequence of supranationalization.

The dynamism embodied in these assumptions is encapsulated in the concept of *spillover* – the logic through which neofunctionalists have sought to explain integration. Haas has described spillover as the 'expansive logic of sector integration' (1958, 383) whereby the integration of one policy (e.g. trade) leads to 'technical' pressure for integration in other sectors (e.g. Schengen and the freedom of movement). For instance, the benefits from intra-EU trade in the single market would be undermined if costly visa procedures and lengthy border controls had been in place. This is perhaps the most prominent mechanism identified by neofunctionalist scholars and, in view of the economic-functional rationale underpinning the process, has later come to be labeled *functional spillover* (Lindberg & Scheingold 1970). In addition to the functional mechanic of integration which, if one will, denotes a source of 'bottom up' pressure for integration, scholars such as Lindberg (1963) attributed a decisive role to political elites

and socialization effects (*political spillover*) as well.⁹ Lindberg, in particular, went at great lengths to draw attention to dense interactions between national officials in community institutions, working groups, and subcommittees. He expected these interaction patterns to increase the likelihood of socialization processes among national civil servants within the Council (Niemann & Schmitter 2009, 50), the result of which was expected to be not only a shift in elites expectations and loyalties, but also the coming about of ‘a cumulative pattern of accommodation in which the participants refrain from unconditionally vetoing proposals and instead seek to attain agreement by means of compromises upgrading common interests’ (Haas 1958, 66). Another spillover mechanism identified by early neofunctionalist scholars, later termed *cultivated spillover* (Tranholm-Mikkelsen 1991), centers around the ‘cultivating’ role of community institutions and officials (‘Eurocrats’) vis-à-vis national authorities. In his early writings, Haas’ emphasis was on the Commission and its bureaucratic apparatus as a genuine mediator facilitating agreement on integrative outcomes among member states. Lindberg stressed the Commission’s role in the cultivation of ties with national authorities. Both authors concurred on the decisive role they ascribed to the Commission and supranational institutions, more generally, in the coming about of cooperative agreements (Niemann & Schmitter 2009, 50).

That being said, how could one bring neofunctionalist theoretical insights to bear on EU external affairs policy making vis-à-vis third states? Theoretically speaking, it is quite conceivable for functional and political spillover mechanisms to bring about cooperative arrangements in the EU’s external affairs. In particular, if we think of visa agreements analyzed herein, it is possible that close political, economic or trade relations between EU member states and a given third country will eventually ‘spill over’ and create further cooperative arrangements (such as visa facilitation deals). This, one may readily argue, may have indeed been the case with states in the European neighborhood such as Georgia, Ukraine or Russia when the EU decided to enter into visa facilitation agreements with them. As known, visa facilitation eases the entry of third nationals to the Schengen area and has been demonstrated to be a particularly

⁹ Haas’ focus was broad (pluralistic) in that he conceived integration pressure to emanate not only from political elites, but from ‘business, and professional associations, trade unions, or other interest groups’ as well (Niemann & Schmitter 2009, 49).

important tool to boost economic and trade relations (through eased mobility for business purposes).

Yet, a crucial problem with the neofunctionalist lens lies in the ascription of the spillover logic to a given outcome which, in retrospect, seems all too easily doable. The mechanism is hardly observable in a direct fashion which renders inference making often a rather ambiguous undertaking. Another important problem is that neofunctionalism remains overwhelmingly silent on the role of member states and their domestic preferences vis-à-vis the integration process. An easy illustration will help elucidate this point. For instance, is the European Commission able to enter into visa agreements with third countries without Council consent. No. The very basic decision-making rules in the EU stipulate a key role to the Council, that is ultimately member states. These institutional realities, at the very least, point at the necessity of 'bringing the state back' into the analysis. These shortcomings with neofunctionalist theorizing lead us to the next theory in line, namely, intergovernmentalism (an approach which has been developed as a critique to neofunctionalism).

2.2.2. Intergovernmentalism

Intergovernmentalism was developed as a critique to neofunctionalism in view of the latter's inability to explain regressive developments on the European continent in the mid-1960s. The most illustrative case is the 'Empty Chair Crisis' (1965), a boycott of EEC institutions instigated by then French President Charles De Gaulle in response to further competency transfers to the European Commission.¹⁰ The French nationalist turn in the 1960s under De Gaulle, above all, culminated in the conclusion of an informal agreement ('Luxembourg Compromise') which conceded important veto

¹⁰ In July 1965, De Gaulle had ordered his ministers to boycott European institutions because of an 'all-too-bold' Commission Proposal on agricultural policy that would have implicated, for French tastes, too much of a competency and autonomy transfer to the Commission. De Gaulle was known to be a fierce French nationalist eager to defend and uphold his idea of a universalist nationalism. He did so for almost six months and things returned to normal only after member states were able to agree upon the so-called 'Luxembourg Compromise' – an informal agreement that conceded veto power to member states.

powers to member states in the Council.¹¹ These and similar empirical developments in the 1960s were crucial in that they ran fundamentally counter hitherto neofunctionalist expectations and the idea of ‘spillover’. European Integration had not taken up its own self-reinforcing dynamics. *Au contraire*, the “masters of the treaty” (national governments) had stepped back to the fore.

In the summer of 1966, following the French assertion, renowned American social scientist Stanley Hoffmann published an impactful article entitled *Obstinate or Obsolete? The Fate of the Nation-State and the Case of Western Europe*. Influenced by extant realist thought, Hoffmann effectively laid the grounds for an IR couched intergovernmentalist integration theory by readjusting, if one will, the lens on the most basic unit of analysis in international affairs: the nation-state.

Hoffmann’s intergovernmentalist argument is constructed around three central domains: (1) international context, (2) national interest, and (3) issue-area (George and Bache 2001, 12-13). First, in terms of international context, Hoffmann posited that regional integration could not be viewed devoid from its global context. That is, events and developments elsewhere in the international arena (e.g. crises, war etc.) were understood as potentially relevant external dynamics that could affect the pace and trajectory of regional integration – this externalist view stands in contrast to neofunctionalism’s internalist outlook (Hoffmann 1966, 167). Second, as regard national interest, Hoffmann argued that it is the domestic preferences of states that drives integration in the international arena. As he states: ‘Domestic differences and different world views obviously mean diverging foreign policies’ (Hoffmann 1966, 166). Integration would thus only ‘go as far as governments were prepared to allow it to go’ (George and Bache 2001, 13), because statesmen’s main concern lies in protecting the national interest. At times, Hoffmann’s notion of national interest was understood to encompass all sorts of interests ranging from material (economic) to non-material issues (ideational). At other times, it seemed that sovereignty and security concerns set the tone in negotiations.

One key problem in Hoffman’s intergovernmentalist account thus lays in its inexplicitness as regard the causal weight of each factor. He was hardly ever specific

¹¹ This can be seen as a crucial regressive step compared to the previous Treaty of Rome (signed in 1957) with which the European Economic Community (EEC) was established.

enough to pinpoint one or two of the three factors (international context, national interest, issue area) as the most decisive determinants of integration. This ambiguity in fact incited habitual confusion (Pollack 2012, 10). Yet, in view of the overall gist of Hofmann's argument, scholars today conclude that the defining characteristic of his intergovernmentalist theory rest with its emphasis on *national interest as the driving force of integration revolving around the preservation of national sovereignty and security* (Schimmelfennig & Rittberger 2006, 81). As such, Hoffman's account can readily be described as *realist intergovernmentalist*.¹²

These being the main tenets of intergovernmentalism, can the theory be fruitfully brought to bear on the question of everyday policy making in EU external affairs? The answer is, in short, rather not. Intergovernmentalist theory may be strong in explaining why EU countries refrain from transferring competencies to supranational institutions in areas of high politics such as foreign and defense policy. These fields, after all, constitute core elements of national sovereignty, and being the defining face of the nation-state in the international arena, member states have long remained reluctant to communitarize these areas. On the other hand, intergovernmentalism is fairly weak in accounting for every-day policy making outcomes in the EU once policy areas are integrated. With its mere emphasis on national sovereignty and security, the theory simply falls short of generating viable theoretical propositions to understanding member states' preferences and bargaining power on specific policy issues (e.g. visa policy with third countries), as it conceives of the second solely in terms of overall material power resources.

It is in view of these shortcomings, subsequent scholarship has engaged in additional theorizing to fill the theoretical and empirical blind spots left open by Hoffmann and consorts. The most elaborate attempt at developing intergovernmentalist ideas further can be found in Andrew Moravcsik (1993, 1998) and what has been labeled liberal intergovernmentalis theory (LI). Today, LI is considered to be the baseline model in EU studies; that is to say, the approach against which other theories regularly position themselves (Moravcsik & Schimmelfennig 2009). We shall now turn to the discussion thereof.

¹² The difference to more recent liberal intergovernmentalist theory shall become clearer when discussing it later on)

CHAPTER 3

THE DOMESTIC POLITICS OF EU EXTERNAL POLICY MAKING IN JUSTICE AND HOME AFFAIRS: THEORETICAL FRAMEWORK

Many EU interior ministers believe that they stand no chance of convincing their electorates that visa-free travel for Turks is a safe bet
(Knaus and Siglmayer 2012)

Given the central objective of this study to investigate member state dynamics that have driven a specific outcome in the external JHA policy dimension (EU-Turkey readmission-visa agreement), a theoretical framework centered around liberal intergovernmentalist (LI) theory suggests itself as the most viable way of going about the present analysis.¹³ Substantively speaking, two points tip in favor of doing so: *First*, LI bears the advantage of synthetic theorizing (Moravcsik 2003). It allows for the incorporation of rationalist variables other than economic interests which the researcher, for certain theoretical or empirical reasons, expects to have a bearing on political outcomes (see also Moravcsik & Schimmelfennig 2009). This applies in particular to the EU's Justice and Home Affairs domain which contains issues as delicate as migration, visa or border policy, where gains and losses from policies are rather difficult to calculate due to their largely political nature (Moravcsik 1993, 495). In fact, the European Commission itself has for these reasons early acknowledged that the JHA 'is different in nature from other parts of the Union's *acquis*' (Commission 1998a, cited in Stetter 2007, 150). This renders JHA a policy domain where political elites are likely to respond to other sources of domestic preferences (e.g. public opinion). *Second*,

¹³ The terms liberal intergovernmentalist theory and liberal IR theory will be used interchangeably throughout this thesis.

matters related to Turkey-EU relations have traditionally been made subject to domestic power struggles within EU member states. This does not only apply to Turkey's EU membership bid in general (Müftüler-Bac & McLaren 2003), but equally to individual policy issues related with the country. Taken together, these considerations point in favor of couching the present thesis in a liberal intergovernmentalist framework emphasizing the domestic societal preference configurations within member states.

At this point a further qualification is in order. Hypotheses derived from liberal intergovernmentalist theory will *not* be tested in a stand-alone manner. The propositions will be assessed alongside a rival explanation derived from a competing approach in the literature: supranational institutionalism (SI). The rationale for doing so is methodological and leveled towards increasing confidence in the findings. Any proposition cannot be satisfactorily corroborated unless one can find convincing evidence militating against rival explanations. As influential methodologists have stressed, 'assessing, and eliminating rival explanations is a fundamental concern in social research' (Collier et al. 2010, 161). SI is a particularly good candidate in this respect as it generates a diagonally opposed explanation (as compared to LI) to understanding the research puzzle at hand.

3.1. Liberal Intergovernmentalism: State Preferences

Liberal intergovernmentalism represents an application of rationalist second-order theory to international politics (Pollack 2006). Influenced by earlier insights from intergovernmentalist and neofunctionalist theory (Moravcsik & Schimmelfennig 2009, 67), LI has achieved to generate a convincing account of major integrative developments in the history of the EU (Moravcsik 1993, 1998). The theory, however, does not only fare well in explaining grand intergovernmental treaty bargains in the EU (instances of 'deepening'), but accounts equally well for EU enlargement developments (instances of 'widening'), as well as everyday policy-making outcomes (see Moravcsik & Vachudova 2003; Moravcsik & Schimmelfennig 2009, 74).¹⁴ LI theory thereby determinedly parts with conventional approaches in IR such as realism or intergovernmentalism insofar as it rejects the latter's orthodox credo of conceiving state

¹⁴ The term intergovernmental describes a decision-making rule that concede veto power and/or consent competency to member states.

interests in terms of national security and sovereignty. Liberal intergovernmentalism, by contrast, argues that issue-specific state preferences are pivotal in the coming about of policy outcomes on the EU level.¹⁵

For LI, a crucial prerequisite to prompting integration is *international interdependence*. Similar to neofunctionalist and supranationalist arguments, LI analysts view extant transnational exchange or cross-border transactions as a precondition for further integration. This idea is well reflected in the concept of demand and supply, whereby transnational exchange constitutes the demand side of integration and EU institutions and policies make up the supply side in the process (see Leuffen et al. 2012). To take the example of visa agreements as analyzed herein, a visa-free regime between the Schengen area and a given third country is most likely to be enforced where there is sufficient economic impetus for visa liberalization (e.g. trade, investment or tourism). Granted that this condition is fulfilled, LI proposes three distinct steps of analysis: *state preferences*, *relative state power* and *institutional choice*. Let us consider each in turn.

State Preferences. LI analysis begins with the study of state preference configurations. Governmental preferences are understood to be the function of ‘constraints and opportunities stemming from the *economic interests* of powerful domestic constituencies’ (Moravcsik 1998, 18; emphasis added). In some few instances geopolitical interests are said to matter as well. In most of the cases, however, state preferences have their roots in domestic economic interests, where powerful corporations’ voices weigh heaviest. In the process of interest articulation, domestic political institutions can play a key mediating role. For instance, in corporatist political systems interest group lobbying is organized via umbrella organizations working as a channel between domestic groups and the government. In pluralistically organized regimes, interest group mobilization is rather ad-hoc. The modalities of interest group pressure in these two types of regimes are therefore likely to differ. To sum up with Moravcsik: ‘the foreign policy goals of national governments are viewed as varying in response to shifting pressure from domestic social groups, whose preferences are aggregated through political institutions (Moravcsik 1993, 481). It is thereby important to note that LI sees economic interests neither as fixed nor as uniform. The preferences, or the goals and interests states pursue in the international arena for that matter, ‘vary

¹⁵ Note that the notions of state and governmental preferences are used interchangeably all throughout this thesis.

among states and within the same state across time and issues according to issue-specific societal interdependence and domestic institutions' (Moravcsik and Schimmelfennig 2009, 69). Given the overwhelmingly non-economic nature of JHA policies, the costs and benefits involved therein are less evident and calculable than in other policy domains. This leads us to expect that in JHA domestic factors other than economic interest group are likely to exert a key influence on governments (e.g. public opinion). We shall elaborate upon this point in a moment.

Relative Bargaining Power. The second analytical step in LI are interstate bargains where "national governments bring their preferences to the bargaining table in Brussels" (Pollack 2012, 10). Moravcsik thereby assumes that policy outcomes in the EU reflect the relative bargaining power of member states (Moravcsik 1998). Scholars have argued that differential power stems from the 'asymmetrical distribution of *information* and of the *benefits* of a specific agreement' (Leuffen et al. 2012, 45; emphasis added). The first source of bargaining power, *informational advantage*, posits that actors who have plenty of and qualitatively high information about a policy's implications and other states' domestic preferences are more likely to manipulate an outcome to their advantage (Cederman & Schneider 1994). A second source of bargaining power lies in a state's *discount rate*. Actors satisfied with the status quo, with alternative policy options available, or in general less in need of a given agreement, possess higher bargaining power. In what LI conceives of as hard bargaining among member states, countries with higher bargaining power can put forward credible threats to veto policies which effectively pressures countries with divergent preferences towards the other (threatening) actors' preferred positions.

Institutional Choice. Institutional choice describes the process whereby states set up institutions and other mechanisms to bolster concluded deals. The issue thus revolves around governments' concerns about one another's future compliance after having obtained substantive agreements (Leuffen et al. 2012, 50). Supranational institutions are deliberately created by states to deal with matters of monitoring and sanctioning. These external mechanisms are thought to foster credible commitments among states and deter them from free-riding. The extent to which governments thereby pool authority and competences in supranational institutions depends on the issue in question, uncertainty about the future of the world, as well as the behavior of other governments (Koremenos et al. 2001).

To sum up, liberal intergovernmentalist theory is built on a multi-causal framework which distinguishes three distinct analytical steps: the analysis of state preferences, bargaining power, and institutional choice. Given our interest in the domestic dynamics that have driven a particular political outcome in the EU (Turkish visa issue), the main focus in this thesis will be on the analysis of state preferences. Doing so will help unravel the substantive underpinnings of the policy-process on the matter at hand. That being said, how can LI be brought to bear towards understanding member state preference dynamics in the EU's justice and home affairs policies?

3.1.1. Economic Interests

When extended to EU external affairs and the readmission-visa agreements analyzed herein, the most obvious economic benefit for European countries in waiving visas for third states lies in the fact that travel and mobility can be markedly eased for touristic and business purposes. The possibility of smooth and uncomplicated travel is not only important for touristic reasons, but also plays a vital role for trade in terms of the maintenance and extension of trade relationships. Potential *negative externalities* of short-term visa-liberalization such as illegal immigration via visa overstaying are thereby counter-acted by the EU through a set of “prophylactic” measures. Most importantly, third countries are held to strengthen border control, introduce biometric passports, and establish the necessary infrastructure for data sharing with Schengen countries prior visa-free travel. In 2002, the EU added an additional tool to its repertoire: contracting parties are ever since required to sign a so-called readmission agreement in exchange for visa-facilitation or visa-waiver deals. Readmission agreements oblige third countries to re-admit illegal immigrants (*'sans papiers'*¹⁶) who come from or transit via third states' soil to EU territory. These measures, taken together, are tailored towards enabling the EU and its member states to reap the most benefit (trade and economic benefits) of visa-liberalization at the least possible expense (illegal immigration, crime etc.). Overall, based on LI's emphasis on domestic economic interests we can deduce the following hypothesis for the present context:

¹⁶ *Sans papiers* is a term coined in French, thought of as a politically more correct way of referring to illegal immigrants.

Hypothesis 1 (Economic Interests): domestic economic interests drive member state preferences on EU readmission-visa agreements with third countries

The empirical implications of the latter proposition are as follows: we should expect member state governments to be in favor of lifting visa-restrictions with third countries with which they maintain significant economic relations because eased travel is conducive to the establishment and extension of trade, investment and tourism relationships. In the present research context, the economic interests variable will thus be measured by looking at three indicators: 1) trade relations (exports to Turkey both in absolute value and share of total), 2) investment flows, and 3) outbound tourism from Turkey. As regard trade relations, it is assumed that the purchasing party (importer) will need to pay regular visits to the selling party (exporter), be it for product presentation, the closure of deals and similar activities that require personal contact. Thus, assessing a country's interest in easing travel for third country nationals goes by way of looking at member states' export patterns - carrying the thought further, one can say that export-oriented industries gain most from visa liberalization. As regard investment outflows, patterns similar to those reported in trade relations apply. It is unlikely that an investor would like to provide capital for a project at a place that s/he can only visit with significant difficulties (visa restrictions). Thus, investment relations should spur governmental interest in visa exemption as well. Finally, as regard tourism, member states which maintain or expect significant tourism potential from Turkey, should be supportive of visa-free travel, or visa-facilitation arrangements as eased travel possibilities will be an important consideration for tourists.¹⁷ It should be noted that, with these indicators, the economic interest variable is thought and measured at a very general level (macro-perspective). This approach to measurement is taken here following LI's theoretical emphasis on the seminal role of big businesses and corporations.

¹⁷ Take the recent example of Croatia. With its accession to the EU (1 July 2013) Croatia has been held to align its visa regime with the EU's Schengen acquis. This required the Croatian government to introduce visa requirements for Turkish citizens. Croatia did so only unwillingly with its touristic branches reporting that visa obligations are likely to cause a substantial reduction in inbound tourism from Turkey, see <http://www.globalpost.com/dispatch/news/asianet/130403/croatia-imposes-visas-turkish-citizens> (Accessed 10 April 2013)

3.1.2. Public Opinion

LI's argument that domestic economic interest groups pose a crucial constraint upon government surely constitutes a plausible claim. Yet, it is rather difficult to maintain that economic interest group pressure *per se* is sufficient in shaping governmental preferences across the board of policy domains.¹⁸ In fact, Moravcsik and Nicolaidis (two prominent LI scholars) have themselves suggested that the theoretical foundations of liberal intergovernmentalist theory as regard the sources of domestic preference formation need to be more fully elaborated to understand peculiar dynamics in areas such as internal security and immigration (1999, 83) - it is at this juncture where the present research sets to make a theoretical contribution also.

Extant literature has worked out *public opinion* as another crucial source of domestic preference formation in the EU (see also Hooghe & Marks 2009; Büthe et al. 2002, 13; Schneider 1995; Anderson 1998; Risse-Kappen 1991, 480). Here it is likewise argued here that domestic sentiments work as a crucial constraint upon government. Public opinion matters particularly with EU policy areas that are conceived of as delicate and sensitive by EU citizens among which are, most notably, JHA policies such as immigration, border and visa policy. This is so for the following reasons: first, the issue of immigration has become a highly politicized and securitized matter in many EU member states (Huysmans 2006). Debates on the subject are oftentimes polemic and revolve around economic and cultural threat arguments.¹⁹ Second, it has been shown that European publics are particularly informed and sensitive about immigration-related policies (Lahav 2004, 1152). As Leuffen et al. state (2011, 47), in immigration policies, among others, the distribution of "preferences in the electorate, complement – and may even override – economic interests." On the matter at hand, it is thus unlikely to expect

¹⁸ Moravcsik himself has conceded a role to geopolitical concerns in rare instances where economic interests were not decisive (Moravcsik 1998, 18). Geopolitical factors are, however, unlikely to play a role in the present context.

¹⁹ Note that this is not to downplay potential country-related variation.

indifferent publics which makes it even more difficult for elites to surpass them when engaging in EU policy making.²⁰

To avoid misunderstanding, increased political awareness and knowledgeability on the part of EU citizens is not in and of itself sufficient in bringing public opinion to matter for the domestic preference formation process – awareness would only be sufficient if there were institutional ratification mechanisms (e.g. referenda) in place. This, however, is not the case in most EU states and certainly not in those to be analyzed, for substantive reasons, later on. By and large, it is therefore political elites and an existential concern on their part that makes them responsive to public sentiments: *staying in power*. As Hobolt states, “national governments will generally seek to adopt policy positions in line with voter preferences in order to ensure re-election” (Hobolt 2012, 727). Politics, after all, is a myopic business which revolves around serving interest of which the greatest is the political protagonists’ own, that is re-election.

At the theoretical level, the argument advanced herein builds upon Robert Putnam’s (1988) *two-level game* idea and, as such, is compatible with liberal intergovernmentalist core assumptions emphasizing the role of domestic societal preferences. In a two-level game, governmental elites bargain at two tables simultaneously, the domestic and the international, whereby the range of acceptable agreements (*win-set*) for a government is conceived as a function of domestic constraints, as well as the policy preferences of other states. Anderson, with a view on public opinion as a constraining force upon government, describes this idea as follows:

²⁰ It needs to be stressed at this point that EU publics’ awareness on immigration is not a peculiar development but really part of broader alterations in the modalities of policy making in the EU. Over the last two decades, EU politics has undergone major changes in this regard. While in the early integration years, European publics have largely been quiescent to the dealings of their political leaders, today policy making in the EU is no longer simply an elite-business anymore. Nor is it solely driven by the interests of big and powerful economic corporations. National elites nowadays more than often ever find themselves prompted to consider the sentiments of their domestic constituencies when engaging in EU policy making. As Hooghe and Marks state, politics in the EU is no longer characterized by a permissive consensus, of deals cut by insulated elites. Today, European publics are more ever than ever about their political leaders dealings. Advancements in communicative means are likely to have played a key role in this respect. The new modalities of policy-making in the EU are characterized by a constraining dissensus (Hooghe & Marks 2009, 5)

The structure of domestic opinion among the publics of the member states is likely to be a crucial ingredient that determines the types of bargains struck at the supranational level because it can impose different constraints on decision makers at the European level (Anderson 1998, 571).

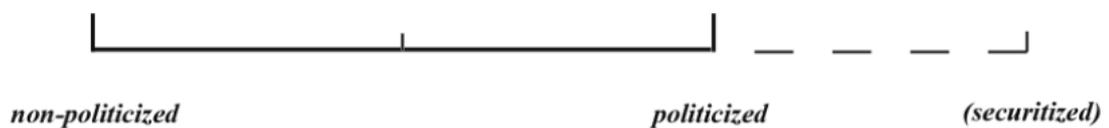
Overall, the complexity and diversity of EU politics favors nuanced and middle-range explanatory models rather than highly generalized and parsimonious accounts. Depending on the policy matter at hand, different concerns will be at stake and different actors at the levers. As Schimmelfennig and Rittberger have argued, with integration expanding “into other sectoral domains, other interests and interest groups become relevant” (Schimmelfennig & Rittberger 2006, 80). In the realm of delicate and sovereignty-sensitive JHA policies, it is posited here, a crucial source of national preference is public opinion. Having said that, the next question lies in laying out the causal mechanisms through, and conditions under which public opinion matters.

Causal Mechanism. As with all theoretical arguments there needs to be a mechanism linking the explanatory variable with the dependent variable. Drawing upon insights from the extant literature (Bourbeau 2011, see also Hooghe & Marks 2009 for an analogous mechanism: politicization²¹) it is posited here that *securitization* is the causal mechanic that actuates public opinion as the source of governmental preference in JHA policies. Securitization is thereby understood as a causal mechanism, one which does not operate in a universal law-like fashion but becomes activated through political entrepreneurship and can find facilitating or constraining conditions depending upon the national context (Guzzini 2011). In a sense, then, securitization resembles the mechanism of politicization (Hooghe & Marks 2009) in that it also raises issue salience and stirs public debate. Yet, the crucial difference attention between the two mechanisms lies in securitization’s additional embodiment of security and policing discourses. Allow me to elaborate.

²¹ Some scholars have posited that politicization constitutes the main mechanism through which public opinion is brought to matter in EU policy making (Hooghe and Marks 2008). However, more recent research finds that politicization’s effect on legislative output in the EU has in fact been existent up until the late 1990s, but has significantly decreased ever since (Toshkov 2011).

Policies can be conceived on a spectrum ranging from de-politicized, to politicized, and to securitized (Emmers 2010). Figure 1 depicts this spectrum. A *non-politicized* issue is one which does not enter public debate. In this arena, policy-makers go about their dealings behind closed doors. For instance, much of the EU’s technical and regulatory legislation is dealt with by national governments in this manner. *Politicization*, by contrast, describes a process whereby an issue is taken out of restricted policy networks and bureaucracies and brought into public debate. As such, it enters the standard political system (Buzan et al. 1998, 23). Finally, we speak of *securitization* where an issue becomes integrated into discursive and institutional frameworks emphasizing security and policing (see Bourbeau 2011, 43). As a result of securitization (that is, the process of casting something as a threat), issues are transformed from the domain of low politics into high where national security and autonomy concerns become prevalent. It should be noted, though, that the policy-process generally takes place in the non-politicized or politicized arenas, securitization therewith describing a rather exceptional state of affairs.

Figure 1. Securitization as a Causal Mechanism



Adapted from Emmers (2010, 138)

Whether an issue becomes politicized or securitized thereby depends not on its intrinsic importance but on whether political elites pick it up (Hooghe & Marks 2009). For instance, in some societies immigration may be perceived of as a good “thing” in that it can be underpinned by discourses which highlight the benefits of immigration (e.g. brain-gain, cultural diversity). In other societies immigration may be perceived of as a threatening issue, with discourses dominating that stress the ostensibly threatening qualities thereof (e.g. causes unemployment, endangers national culture). How immigration ultimately fares, however, hinges upon political elites’ portrayal thereof as well as contextual factors. Historical contingencies such as a (labor) immigration past can work as important facilitating conditions for securitization (more on this in a moment). Conceptualizing of policies on a spectrum reaching from non-politicized to securitized, we thus conceive of the prospect of elites attending to public opinion to

increase the more an issue moves toward the “securitized” pole.²² On this score, the argument diverges from earlier accounts that have pointed at politicization being sufficient for activating public opinion as the main source of governmental preferences (e.g. Hooghe & Marks 2009). Subsequent work has in fact shown that this claim finds no significant empirical corroboration (Toshkov 2011).²³

A final issue that merits consideration pertains to the direction of the causal arrow in the relationship between elites and their publics. Is it a top-down process whereby elites respond to public attitudes (electoral connection), is it a bottom-up process where the public adopts positions of preferred political elites (cue-taking). In principle, both directions are conceivable. Important to bear in mind is that, ultimately, the audience (that is, the public) will need to accept a portrayed threat for it to go through as such (Balzacq 2005; Stritzel 2007). So there is likely to be a feedback effect between elite positions and public opinion. An entrenched negative attitudinal structure on a given policy within society can provide incentives for elites to engage in securitization moves. Conversely, security-framing attempts on the part of elites can also work towards shaping public stances on a given issue.²⁴ In any case – and this is the most important point to drive home in this context – political entrepreneurs are the key actors.

Facilitating Conditions. Scholars too often pay insufficient attention to contextual factors in analyzing political outcomes (Levy 2007, 198). This represents a crucial drawback insofar as the context can pose important enabling or constraining conditions for the securitization of issues. Again, building upon seminal literature (Bourbeau 2011, 123), it is assumed that securitization can find facilitating conditions in the peculiarities of the *national context*. For instance, historical legacies (immigration history) or regime-specific features (welfare state, immigrant incorporation system) can facilitate the securitization of policy issues. These features can thereby work in tangible as well

²² This implies that there is a possibility of variation also as regard the extent to which issues can be securitized.

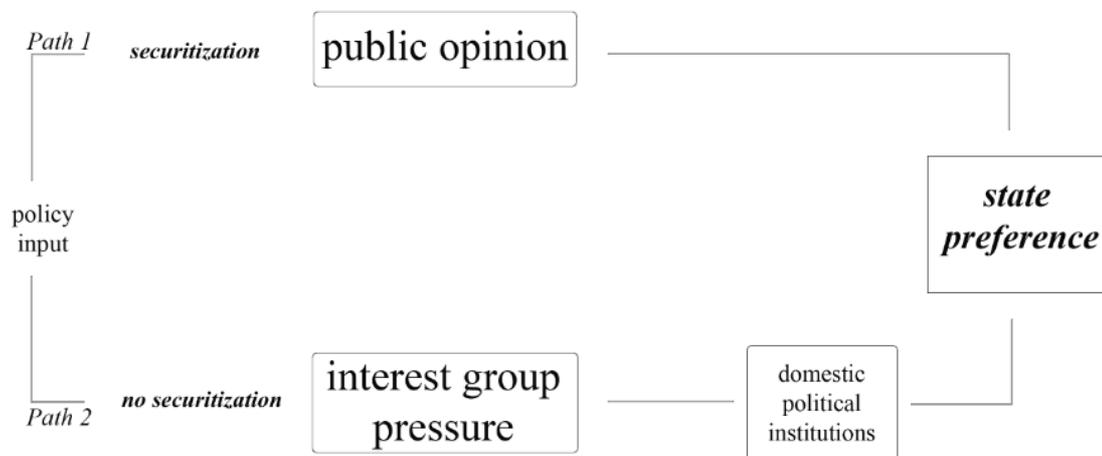
²³ In particular, Toshkov (2011) argues that while for the 1990s the posited effect of politicization on public opinion finds some empirical support, the relationship does not hold for contemporary EU politics.

²⁴ To be sure, the causal direction question is in itself an interesting research matter. In the present context, however, it shall be set aside because it does not represent a central issue and for the purpose of facilitating analysis.

as more diffuse ways along a continuum ranging from enabling to constraining capacities for the securitization of issues (Bourbeau 2011, 123). Conversely, where no historical or institutional contingencies are present securitization is likely to find a constraining environment.²⁵

Stylized Model. Based on the explications made thus far, Figure 2 presents a stylized model depicting the modalities of domestic preference formation with securitized issues in JHA and under normal conditions. Path 1 portrays the public opinion model hypothesized herein. Therein it is theorized that public sentiments become relevant as a source for governmental preferences if a given policy issue is securitized (causal mechanism).²⁶ As mentioned above, the national context (e.g. historical legacies, regime-specific characteristics) can thereby work as a facilitating factor. Given the fact that migration has become both politicized and securitized in the EU (Huysmans 2006), public opinion can be expected to play a decisive role in domestic preference formation processes in JHA (see also Hooghe & Marks 2009, 18).

Figure 2. A Stylized Model of Domestic Preference Formation in Justice and Home Affairs: Public Opinion vs. Interest Group Pressure



²⁵ The national context, in turn, to tie the argument to the explications made further above, are likely to play an important role in shaping public opinion in the first place.

²⁶ In principle, a feedback effect from public opinion to securitization may be conceivable as well. That is to say, securitization can actuate public opinion as a source of governmental preference configuration, but public opinion itself may as well exert an effect back on securitization (constraining, enabling). This is a point which overlaps with the discussion on “facilitating conditions” above.

Path 2, by contrast, depicts the standard liberal intergovernmentalist account. Domestic interest groups exert pressure upon government which is filtered through domestic political institutions. The way lobbying activities are exercised in particular hinges upon the configuration of political institutions (e.g. pluralist vs. corporatist interest representation systems). In sum, and based on the preceding explications, we may thus deduce the following proposition on the role of public opinion:

Hypothesis 2 (Public Opinion): Public opinion drives state preferences on EU readmission-visa agreements with third countries where the issue at hand is securitized

A key implication which follows from the preceding explications is that public sentiments in EU external policy making with Justice and Home Affairs policies should matter most as sources of governmental preferences in member states that look back at some sort of immigration past (e.g. Turkish labor immigration). In such contexts attempts at securitization are likely to encounter specifically fertile grounds and thus shape governmental policy positions.

Material and Ideational Sources of Threat Perceptions. Having outlined the basic tenets of our model, the next task lies in sketching out the factors that underpin public sentiments on immigration-related policies. Generally speaking, the literature distinguishes two models in this respect: *utilitarian* and *ideational* explanations. Let us consider each in turn.

Gabel (1998) and Anderson (1998) have been among the first authors to advance the argument that individual-level utilitarian considerations account for variance in public support for EU integration. While such individualistic explanations have initially fared well, recent work has moved towards developing more nuanced models.²⁷ Most notably, scholars have gone at great lengths to test the role of ideational factors in shaping citizens' attitudes on issues (Hooghe & Marks 2004; Luedtke 2005, McLaren 2006).

²⁷ Two prominent authors in the field, Hooghe and Marks (2004) have in this regard argued that it 'is fruitless to seek general validity in either economic or identity theories of preferences. We need to inquire into their relative causal power'.

Lauren McLaren, whose work can be situated within the latter strand of research, has embarked upon distilling the precise impact of utilitarian and ideational factors on public attitudes towards the EU and its policies. Based on a comprehensive analysis of Eurobarometer survey data, she finds that neither a utilitarian nor an ideational approach is in and of itself able to account for the range of variance in public attitudes on the EU and its policies. Rather, so McLaren's argument, a mix of individual and group-level economic resources and identity concerns best account for variation in attitudes vis-à-vis the EU and its policies.²⁸

Building upon the latter strand of research, scholars of European Integration have found for the Turkish case in particular that group-level economic and group-level cultural threat perceptions are the main drivers of public attitudes towards Turkey's EU membership as well as policies related with Turkey (McLaren 2007, 251; De Vreese et al. 2008). There is reason to assume that the same dynamics should apply to EU external affairs policy issues related with Turkey as well. Following McLaren's pioneering work, two public opinion models are considered for analysis: The *group-conflict* (perceived economic threat) and the *symbolic politics* (perceived cultural threat) approaches.

Group-Conflict Hypothesis. The group-conflict approach posits that an association of people will take a hostile stance towards a certain out-group if it perceives of the latter as a threat to its economic resources (McLaren 2006, 50-51).²⁹ The idea is that economic threat perceptions will arise where certain outsiders/groups are conceived of as potential competitors over domestic economic resources. In the context of public opinion research it is posited that the *perception of threat to a society's economic resources (e.g. social welfare, employment) drives citizens' attitudes toward EU policies*. Economic threat perceptions, however, do not take hold in society in and of

²⁸ De Vreese et al. (2008) in their analysis of EU citizens' support for Turkish membership, later arrived at very similar conclusions in arguing that public attitudes on Turkey's EU vision are not so much driven by economic rationality, as suggested by authors such as Gabel and Anderson, but rather by 'soft' factors including feelings of identity and attitudes towards immigrants.

²⁹ Group conflict theory, an approach from social psychology developed in the context of ethnic group research posits that a group, which perceives a threat to its resources from another out-group, will take a hostile stance towards the latter (McLaren 2004, 50-51).

themselves. Such sentiments take hold via the mechanism of *securitization*. As noted earlier, political leaders and/or the media seek to politicize and securitize issues where they see electoral advantage in doing so (Hooghe & Marks 2009, 18). Based on these group-conflict theoretical considerations, we can deduce the following hypothesis for the present context:

Hypothesis 2a (Group-Conflict): Threat perceptions over domestic economic resources underpin public opinion on cross-border mobility

As regard empirical implications, domestic threat perceptions over economic resources should be particularly pronounced in member states which maintain a social welfare system. The latter are generally more attractive to immigrants. As a response, governments of social welfare states should be wary about visa-liberalization with third countries (Razin & Wahba 2011, 7). Another expectation is that economic threat perceptions can be expected where a significant and/or a politically salient population of Turkish immigrants dwells. The reasoning is that immigration experience/history is likely to spur concerns over material welfare.

Symbolic-Politics Hypothesis. Different than the group-conflict approach, which emphasizes competition over economic resources, the symbolic politics approach highlights the role of *national identity and culture* as sources of threat perceptions (McLaren 2006, 69).³⁰ The approach thereby draws heavily upon insights from social identity theory (see Tajfel 1970) with its emphasis on identity as a crucial component of human life. Building upon this assumption, the symbolic politics approach posits that identity, culture and a society's 'way of life' are defended against potential 'intruders' from the outside because these are objects that a group (or society) holds dear. It follows that hostility towards a certain out-group 'serves the purpose of protecting the norms, values and way of life of the [in-] group and maintaining group distinctiveness' (McLaren 2006, 72). The mechanisms through which threat perceptions vis-à-vis out-groups thereby take hold in society is analogous to the one discussed in the context of

³⁰ Scholarship has not only demonstrated that European publics are often quite informed and sensitive to EU migration policies (Lahav 2004, 1152), but also found that ideational concerns frequently outweigh economic interests in that domain (Luedtke 2005).

group-conflict theory. In sum, from the symbolic politics approach we are able to deduce the following third proposition:

Hypothesis 2b (Symbolic-Politics): Threat perceptions over national identity and culture underpin public opinion on cross-border mobility

The empirical implications of the latter proposition are as follows: where a significant and/or a politically salient population of Turkish immigrants resides, symbolic threat perceptions can be expected to be most pronounced. Again, the underlying reasoning is that ideational concerns are likelier to take roots in societies that have at least had some experiences with immigration (e.g. Turkish labor recruitment) in the past.³¹

3.2. Rival Explanation: Supranational Agency

Having mapped out the main tenets of our liberal intergovernmentalist framework, we shall now turn to the discussion of a rival theory,³² *supranational institutionalism*. Supranational institutionalism (SI), differs from LI in that it is based on a different ontology. Instead of committing itself to a purely state-centric view, SI takes a pluralistic approach by ascribing transnational and non-governmental actors an important role, too. Let us consider its assumptions and propositions in detail.

3.2.1. Supranational Institutionalism

Supranational institutionalism (SI) is the product of a recent attempt by political scientists to revise and update neofunctionalist ideas to the study of regional integration. At its core, supranational institutionalist theory is based on the assumption that transnational exchange (e.g. trade, investment, networks, associations) “provokes supranational organizations to make rules designed to facilitate and to regulate the

³¹ The importance of historical legacies and path-dependencies has been corroborated by historical institutionalist analyses on various occasions.

³² Assessing rival explanations has been described as an important component of rigorous social scientific inquiry (Brady & Collier 2010). The present study is keen on following this state-of-the-art methodological advice.

development of transnational society” (Stone Sweet & Sandholtz 1997, 313). It is social and political interest groups that are mainly interested in advancing integration. In this respect SI very much concurs with liberal intergovernmentalist theory which postulates that ‘dense international interactions [in SI parlance: transnational exchange] create a situation of international interdependence (Leuffen et al. 2012, 64) which, in turn, raises demand for further integration. The integration process is thereby understood to generate ‘a self-reinforcing dynamic which begets further integration and which governments did not intend, which they are unable to control or to reverse’ (Schimmelfennig & Rittberger 2006, 89). This idea of ‘path dependency’ and other historical institutional concepts such as ‘increased returns’ and ‘sunk costs’ feature prominently in supranationalist institutionalist analyses (Pierson 2000).

The main actors in SI are conceived in a plural fashion: states, transnational and supranational actors. These agents are expected to push for further integration where cross-border (economic) transactions between EU states and third countries reach a level considerable enough to spur the need for international coordination. Political initiatives sought on the supranational level in response to transnational pressure, in turn, lead to further integration and oftentimes also to the expansion of supranational actors’ policy-making competencies (historically, this occurred particularly through ECJ precedent rulings). While supranationalists do not *per se* reject intergovernmentalist theory’s emphasis on national preferences and relative bargaining power, SI scholars argue that actors such as the European Commission, the European Parliament, and the European Court of Justice possess their own substantial legal and political powers which they utilize towards the end of advancing regional integration (Stone Sweet & Sandholz 1997, 312).

Scholars working from the SI perspective have distilled three distinct causal mechanisms through which further integration is conceived to take place. These are the so-called *spillover mechanisms* which principally come in three variants: *functional*, *political*, and *institutional* spillover (Schmitter 1969). Functional spillover describes a situation in which the interconnectedness of policy sectors poses an impetus for further integration in hitherto un-integrated areas. This idea of interdependence is reflected in the concept of *externalities* (which can be positive or negative). As Schimmelfennig and Rittberger put it, ‘the externalities of sectoral integration incite governments to undertake further, previously unplanned, steps of sectoral integration in order to prevent welfare losses’ (2006, 85). Political spillover, on the other hand, describes a process

whereby political actors, over the course of time, acquire a new sense of loyalty to a supranational ‘center’. This leads political actors to exercise pressure, both upon domestic and supranational foci of power, directed towards the end of advancing regional integration. Finally, institutional spillover designates a process whereby supranational actors engage in deliberate integrative attempts (e.g. European Commission, Parliament, Court of Justice). These actors do so, within the limits of their competencies, and in response to heightened cross-border transactions and transnational pressure (Stone Sweet & Sandholtz 1997, 299). From supranationalist institutionalism we may thus deduce the following proposition for the present context:

Alternative Hypothesis 3 (Supranational Agency): Supranational Actors advance integration on EU readmission-visa agreements triggered by cross-border exchange and transnational pressure

The empirical implications of the latter hypothesis are as follows: where sufficient cross-border transaction and/or transnational pressure is given, we should observe supranational actors such as the European Commission or the European Court of Justice actively engaging in advancing integration on readmission-visa agreements with third countries. This should manifest itself in statements, communications and court rulings. The most obvious prediction of all generated from this perspective is that supranational actors’ integrative initiatives, or ECJ rulings for that matter, will be decisive in bringing about the respective policy outcome (here readmission-visa agreements).

3.3. Summary: Hypotheses and Predictions

Table 2 gives an overview of our study hypotheses and their empirical implications. This being the theoretical framework of this study we may now begin with the empirical analysis. I shall start off with an examination of EU-Turkey visa policy in historical perspective. This will help put the later analysis into perspective.

Table 2. Study Hypotheses and Empirical Implications

Theoretical Framework	Hypothesis	Empirical Implications
LIBERAL INTERGOVERNMENTALISM	<p>Hypothesis 1 (Economic Interests) Domestic Economic Interests drive member state preferences on EU readmission-visa agreements</p>	<p>- member states which maintain significant economic relations with a given third country should be in favor of visa-waiver/facilitation agreements. Three indicators are drawn upon in the present context: trade, investment and tourism.</p>
	<p>Hypothesis 2 (Public Opinion) Domestic Public Opinion drives member state preferences on EU readmission-visa agreements where the issue at hand is securitized</p>	<p>- public opinion will matter in JHA policies where the issue at hand is securitized. The latter can find facilitating conditions in the national context (e.g. Turkish immigration history).</p>
	<p><i>Hypothesis 2a (Group-Conflict Hypothesis)</i> Threat perceptions over domestic economic resources underpin public opinion on cross-border mobility</p>	<p>- Domestic threat perceptions over economic resources should be particularly pronounced in member states which maintain higher levels of social spending and harbor a significant and/or politically salient Turkish immigrant population.</p>
	<p><i>Hypothesis 2b (Symbolic-Politics Hypothesis)</i> Threat perceptions over national identity and culture underpin public opinion on immigration on cross-border mobility</p>	<p>- ideational threat perceptions should be particularly pronounced in EU countries which harbor a significant and/or politically salient Turkish immigrant population</p>
SUPRANATIONAL INSTITUTIONALISM	<p>Alternative Hypothesis 3 (Supranational Agency) Supranational Actors advance integration on EU readmission-visa agreements triggered by cross-border exchange and transnational pressure</p>	<p>- we should observe the European Commission and the ECJ actively engaging in integration-furthering action on readmission-visa agreements. Key prediction: political initiatives and/or court rulings on the supranational level will have a decisive impact on political outcomes</p>

CHAPTER 4

HISTORICAL BACKGROUND: EUROPEAN AND TURKISH VISA POLICY IN PERSPECTIVE

The legal basis for the freedom of movement of persons and workers between the EU and Turkey can be traced back to the Ankara Agreement signed between Turkey and the European Economic Community (EEC, which is the EU's predecessor) in 1960 (entering into force on 1 January 1963) and an additional protocol concluded in 1970 (in force since 1 January 1973). These agreements have *inter alia* set the schedule for the gradual realization of freedom of movement to be achieved at the latest twenty-two years from the entry into force of the agreement – i.e. between 1976 and 1986 (Groenendijk & Guild 2011) and delineated rights and obligations of the contracting parties. Article 41(1) of the additional protocol is of particular importance in the light of the issue of visa restrictions. It states the following: “*the Contracting Parties shall refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services.*”³³ This stipulation has come to be referred to as the so-called *standstill clause*. The latter obliges the contracting parties to refrain from introducing restrictions on access to their territory for nationals of the other party. The standstill clause came into effect on 1 January 1973 with the entering into force of the additional protocol. We will come back to this clause and implications in a moment when assessing the supranational institutionalist rival explanation.

What were EU countries' visa policies towards Turkey before and after the coming into force of the Ankara Agreement and the additional protocol? Among those member

³³ [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21970A1123\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21970A1123(01):EN:HTML) (Accessed 15 May 2013)

states that have concluded bilateral visa free travel agreements with Turkey, to name a few important countries, are Italy (1951), Germany (1953), the Netherlands (1953), Finland (1954), France (1954), and Belgium (1956).³⁴ These agreements allowed for visa free short-time travel (up to 90 days) for the contracting countries' nationals. All of these bilateral visa agreements were still in force at the time of the Ankara Agreement and its additional protocol's coming into effect in 1973 (more on this in light of the discussion of the ECJ's *Soysal* ruling).

Up until the 1980s, Turkish nationals were able to travel to these and many other European countries without visa restrictions (Abadan-Unat 2011). However, growing civil unrest and intensifying political turmoil in Turkey in the second half of the 1970s changed the situation fundamentally. An increasing number of political and non-political asylum seekers turned to Europe for refuge. To illustrate, Germany alone registered 57.913 asylum requests from Turkey in 1980, as compared to merely 809 in 1970.³⁵ As a consequence, following the years after the Turkish military coup of 1980 almost all European countries except England and Italy required Turkish citizens to obtain a visa (Abadan-Unat, 2011, 20). At the same time, the mobility terms agreed upon in the Ankara Agreement were put on hold.

With the coming into force of Schengen in 1995, states partaking in the agreement were obliged to annul previous bilateral arrangements. Turkey was placed on Schengen's so-called visa "black list" meaning that its citizens were subjected to visa restrictions to travel to Schengen countries. The first of such visa lists was adopted at the meeting of ministers of the Member States in Copenhagen in December 1987 coming into force in 1989 (Groenendijk & Guild 2011, 53). Turkey was also black listed on subsequent visa lists adopted by the Schengen Executive Committee in 1993, the list of EC Regulation 2317/9570, EC Regulation 574/199971 and, lastly, the negative list of EC Regulation 539/2001 which incorporated the intergovernmental Schengen agreement into EU law. To date, Turkey remains on Schengen's visa black list.

³⁴ To be sure, this list is not exhaustive but includes mainly those member states that are deemed important in light of the present analysis.

³⁵ Statistisches Bundesamt (German Federal Statistical Office) Jahrbuch 1995

As noted, Schengen was integrated into the EU's legal framework on 1 May 1999 following the signing of the Treaty of Amsterdam (1997).³⁶ Ever since Schengen's incorporation into the EU, membership aspirant countries are held to bring their border and visa policy in line with Community law before joining the Union (except the UK, Ireland and Denmark who have negotiated opt-outs from Schengen). As a result, newer member states that joined the EU in the 2005 and 2007 enlargement rounds were required to annul previous bilateral visa agreements concluded with Turkey. Among these were Poland, the Czech Republic, Slovenia, Slovakia, Hungary, Lithuania and Malta who acceded to the EU in 2005, as well as Bulgaria and Romania who joined in 2007. Most recently, Croatia was also forced to terminate its bilateral visa agreement with Turkey (April 2013) due to its EU membership accession in July 2013.

In view of these developments, how has Turkey designed its visa policy towards EU countries?³⁷ Generally speaking, Turkish visa policy towards member states is not uniform but rather characterized by a differential approach. Turkish authorities thereby distinguish two groups of countries: one whose nationals are exempted from visa obligations, and the other who are held to obtain a visa over the internet (e-visa).³⁸ Currently, 15 EU member states are waived visa obligations for entering the territory of the Turkish republic. These are Germany, Italy, the Czech Republic, Denmark, Estonia, Greece, Finland, France, Lithuania, Luxemburg, Slovenia, Sweden, Romania and Bulgaria. Citizens of these countries holding ordinary passports can stay in Turkey up to 90 days within a total period of 180 days. Latvian citizens are also exempted from visa but can only stay up to 30 days. Nationals of 13 EU member states are presently subjected to visa restrictions. These are Austria, Belgium, Hungary, the Netherlands,

³⁶http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33020_en.htm (Accessed 30 May 2013). It is important to note that Denmark, Ireland were granted special provisions in that they do not fully partake in the Schengen agreement (see link above for more information).

³⁷ The following information is taken from the Turkish Ministry of Foreign Affairs, URL: <http://www.mfa.gov.tr/visa-information-for-foreigners.en.mfa> (Accessed 30 May 2013).

³⁸ As of May 2013, Turkish authorities have put into force a new and simplified online visa application system (e-visa). Previously, travellers were held to obtain visas at Turkish border control points (note that this stands in stark contrast to Schengen and other countries' practices which require individuals to apply for visas in their homelands at the consulates and embassies of the country of destination).

Poland, Portugal, Spain, the United Kingdom, Ireland, Croatia, Slovakia, Malta and the Republic of Cyprus. A visa costs €15 and needs to be paid by credit card via the online e-visa system. Whereas the majority of these country nationals obtain visas for a stay up to 90 days, Slovakian and Cypriot citizens are subjected to a differential treatment, being permitted a stay on Turkish soil up to 30 days only.

Where do we stand today? Despite Turkey's long-standing association history with the EU, it is yet to attain a visa-waiver for her citizens for short-term travel to the Schengen Area. By contrast, five Western Balkan candidate countries have already abolished visa restrictions in return for signing readmission agreements with the EU. In particular, the EU has lifted visa-restrictions for Serbia, Montenegro and Macedonia in 2009, as well as Bosnia-Herzegovina and Albania in 2010. The EU has also concluded visa-facilitation agreements with Georgia (2011), Russia (2008) and the Ukraine (2008) - the latter being countries without a genuine membership perspective in the EU. These, one could argue, are perfect instances of EU-conditionality at work (Kelley 2004). In this light Trauner and Kruse see in readmission-visa agreements a new foreign policy instrument the EU has recently started utilizing: 'in offering more relaxed travel conditions in exchange for the signing of a ... readmission agreement and reforming domestic justice and home affairs, the EU has found a new way to press for reforms in neighbouring countries' (Trauner & Kruse, 2008: 2). This fact generates a host of interesting questions in the present research context. What supranational and/or member state level dynamics have driven the Turkey-EU readmission-visa outcome? Which states were in favor or against Turkish visa liberalization, and why? These and other questions will be part of the probe embarked upon on the ensuing pages.

CHAPTER 6

ANALYZING CONTEMPORARY EU VISA POLICY TOWARDS TURKEY

Chapter three has mapped out our liberal intergovernmentalist (LI) theoretical framework and formulated a supranational institutionalist (SI) rival explanation. On the most general level, LI's take on explaining the policy outcome in the case of Turkey's Schengen visa liberalization would revolve around analyzing domestic societal preferences. An SI approach, in contrast, would lay in scrutinizing the integration-promoting activities of transnational and supranational actors such as the European Commission and the European Court of Justice.

In what follows I shall proceed by first assessing the veracity of the supranational institutionalist rival explanation (Alternative Hypothesis 3). The rationale for doing so is grounded in the consideration that ruling out potentially rival accounts should precede the testing of one's theoretically/empirically chosen explanation. Having done so, I will turn to gauge the explanatory veracity of the main theoretical argument advanced herein, namely, that public opinion becomes the main source of state preferences where the issue at hand is securitized.

5.1. Supranational Agency

As noted, supranationalist institutionalist theory directs our attention to the role of transnational actors in furthering regional integration. This is particularly important to bear in mind in Justice and Home Affairs (JHA) where EU decision making is largely governed by the ordinary legislative procedure (community method).³⁹ The critical

³⁹ The ordinary legislative procedure (community method) has been introduced to JHA with the coming into force of the Treaty of Amsterdam in 1999. It basically means the involvement of supranational institutions in the policy process and qualified majority voting (QMA) in the Council, unless stated otherwise for a given policy issue in the EU treaties.

actors to analyze in this respect are the European Commission and the European Court of Justice who are said to be integration-friendly institutions of the EU (Stone Sweet & Sandholtz 2012). For reasons of complementarity, the activities of the European Council and European Parliament will be analyzed as well. Let us briefly review the decision-making competencies of EU institutions with readmission agreements before beginning with the analysis.

Readmission agreements are part of the external dimension of JHA as they are directed towards non-member states. EC Article 79(3) and Article 218 of the Treaty of the Functioning of the EU (TFEU) stipulate that the Council take decisions on readmission agreements by qualified majority voting (QMV). This mechanism usually forces member states into seeking a common European position on policy issues. The Commission is vested with the power of drafting and initiating legislative proposal; in JHA, however, its right of initiative is non-exclusive (Monar 2011, 124). The Commission also operates as the chief negotiator on behalf of member states on readmission agreements with third countries, granted that it is given a mandate by the Council to do so. The Council, on the other hand, represents the member states' main channel of influence in the policy process. It has the right to make recommendations to legislative drafts and the power of dis/approval. The Parliament, similarly, possesses the competence to approve or withhold its approval for legislations. The European Court of Justice (ECJ), finally, is vested with the power of ruling on the compatibility of EU law with national law (judicial review). If called upon by individual claimants, the ECJ renders precedent case rulings by which national policy makers have to abide (EU law is supreme to national law).

Transnational Exchange. A key precondition of supranational institutionalism is that sufficient transnational exchange (e.g. economic transactions) is present. Let us briefly assess the situation in our study case in this light. In terms of trade, Turkey undoubtedly constitutes an important business partner for the entire EU and many of its member states. In 2010, for instance, 46 per cent of Turkey's exports went to EU countries and 39 per cent of imports came from the latter (European Commission 2012). Turkey is a particularly important trade partner of Germany and France and the existing EU-Turkey Customs Union is a further indicator of close economic ties (Ülgen & Zahariadis 2004; Lejour & Mooij 2005, 91). Other than economic indicators, Europe is home to approximately four million people of Turkish descent (Eurostat 2012). That is to say,

the majority of Turks living abroad dwells on the European Continent. These individuals maintain close contacts with their relatives in Turkey such as sending of remittances and paying habitual family visits to the homeland (Gerdes et al. 2012). In the last decade or so, more and more Turkey-bound travellers have started paying visits to European countries as well (both for touristic and family visit purposes). The latter, however, unless they are holders of diplomatic passports, are subjected to visa restrictions. In sum, it can be said that there is considerable transnational exchange (both in economic and socio-political terms) between EU countries and Turkey; significant enough, to exert pressure upon EU actors to lift travel restrictions for Turkey.

European Court of Justice (ECJ). The ECJ has taken a particularly prominent role in the Turkish visa issue as well as the more general theme of freedom of movement of persons; it did so via the mechanism of *preliminary reference rulings*. The preliminary rulings procedure has its legal basis in Article 234 of EU law. According to this article, national courts shall consult the ECJ whenever they encounter a case that requires interpretation of Community law. In theory, it is possible for any court to refer cases to the ECJ for a preliminary ruling, yet only courts of last instance are *obliged* to do so. The ECJ, as Slagter states, will not render a decision on the case per se, but instead provide a Treaty interpretation in the light of the substantive issues dealt with in any given case (2009, 176). Given that supranational law is supreme to national law, the referring national court can thereafter make its own case decision in line with EU law (Alter 1998).

As mentioned earlier, Turkey is associated with the EC/EU through a set of international agreements most notably the Ankara Association Agreement (1963) and an additional protocol (1973).⁴⁰ With regard to the issue of the freedom of movement of persons and visa restrictions, Article 41 of the protocol constitutes the main point of reference. The first paragraph of this article stipulates that ‘contracting parties are to refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services’. This and other clauses and their

⁴⁰ Dates in parantheses denote year of coming into force of the agreements.

potentially diverse implications have been interpreted by the ECJ in eleven court case rulings, one still in progress. Table 3 gives an overview.

Table 3. European Court of Justice: Preliminary Reference Rulings related to the Freedom of Movement of Persons and Workers of Turkish Nationality

	Ruling Date	Case ID	Case Name
1)	1 March 2000	C-37/98	<i>Kocak</i>
2)	11 May 2000	C-37/98	<i>Savas</i>
3)	8 May 2003	C-171/01	<i>Birlikte Alternative & Grüne GewerkschafterInnen/UG</i>
4)	21 October 2003	C-317/01	<i>Abatay/Sahin</i>
5)	7 July 2005	C-374/03	<i>Gürol</i>
6)	30 March 2006	T-367/03	<i>Yedas Tarim ve Otomotiv Sanayi ve Ticaret/Council and Commission</i>
7)	18 July 2007	C-325/05	<i>Derin</i>
8)	4 October 2007	C-349/06	<i>Polat</i>
9)	11 October 2007	C-16/05	<i>Tüm and Dari</i>
10)	19 February 2009	C-228/06	<i>Soysal and Savatli</i>
11)	17 September 2009	C-242/06	<i>T. Sahin vs. the Netherlands</i>
12)	- In Progress ⁴¹ -	C-221/11	<i>Demirkan</i>

Adapted from Gümürkcü (2012) and updated by author

The ECJ's most impactful ruling as regard visa restrictions towards Turkish nationals and the question whether these are lawful or not can be found in the *Soysal* case (C-228/06). Therein, the European court invoked the so-called standstill clause according to which the re-imposition of travel restrictions after the coming into force of the additional protocol was impermissible. The court thereby referred to the above quoted Article 41. On this basis, ECJ judges ruled that Turkish nationals who wish to undertake short-term travels to the Schengen area must not be subjected to visa-restrictions if they travel in the capacity of service providers (cf. Groenendijk & Guild 2011, 18; Tezcan-Idriz 2009). To take a concrete example, visa requirements for Turkish citizens entering Germany, for instance, were introduced by the eleventh modification of the Aliens Act (*Ausländergesetz*) of 1 July 1980 passed in German Parliament (*Bundestag*). The date of issuance of this law was long before the coming into force of the additional protocol (1 January 1973), which forbids the enactment of further restrictive measures (standstill

⁴¹ At the time of writing, the Case Demirkan (C-221/11) was still in progress (date lodged: 22 July 2011)

clause). In a very similar manner, experts have argued that member states such as Belgium, France, Greece, Italy, Luxemburg, Netherlands, Spain and Portugal are affected by Soysal as well.⁴²

The key contention with the Soysal ruling, however, lay in the fact that experts and authorities derived somewhat diverging interpretations as regard the term “service providers”. For a majority of legal scholars and lawyers the phrase entails both the provision (e.g. business) and reception (e.g. touristic) of services - that is to say, active and passive service provision. These experts base their opinion on pertinent secondary community law which conceptualizes both active and passive sorts of service provision under the same umbrella. In view of these ambiguities, several national courts (mostly in Germany and the Netherlands), called upon by individual litigants to clarify the situation, have in subsequent decisions ruled that service provision for Turkish nationals encompasses both active and passive forms.⁴³ Subsequently, the European Commission, in an attempt to bring clarity, issued a statement that was to provide a legal basis for future action (Commission Recommendation C(2009) 7376). The Commission therein concluded that visa-free travel for Turkish nationals is (i) only applicable to Turkish service providers traveling to Germany and Denmark, and (ii) solely under the proviso that Turkish nationals go as ‘active’ service providers (thus excluding passive service provision such as tourism and alike). These conclusions are striking against the background that a plethora of legal scholars have argued differently (as elucidated above).

The ECJ is currently processing a court case (Demirkan C-221/11) which is to clarify once and for all the definitional discrepancies between active and passive service provision and the question whether the notion of service provision applies to nationals of candidate countries as well (here Turkey). If the court should rule in the affirmative - that is to say, establish that both forms of service provision fall under the same umbrella

⁴² see <http://www.westphal-stoppa.de/Tuerken-Einreise.htm> (Accessed on 20 February 2013).

⁴³ German and Dutch courts have on various occasions and independent from one another ruled in the affirmative. For an overview see <http://www.westphal-stoppa.de/Tuerken-Einreise.htm> (Accessed on 20 February 2013); see also <http://www.europeanunionplatform.org/2012/03/15/top-dutch-administrative-court-rules-in-favor-of-visa-free-entrance-for-turkish-businesspeople/> (Accessed 1 March 2013).

and this applies to Turkish citizens as well - this would de facto open up the way for visa-free short-time travel for Turkish nationals.⁴⁴

European Commission. The European Commission assumes a key role in the negotiation of readmission and visa facilitation agreements with third countries. As noted earlier, by virtue of the ordinary legislative procedure (co-decision) the Commission is vested with the power of drafting and initiating legislative proposals and negotiating agreements with third countries on behalf of member states.

Roughly since 2002, the EU has started systematically coupling the conclusion of readmission agreements with visa-waiver or visa facilitation deals (Trauner & Kruse 2008, 4). The EU's rationale to do so emanated from increasing calls by third countries to provide compensating rewards (incentives) in return for taking up the obligations of otherwise costly readmission agreements.⁴⁵

The negotiations of the EU-Turkey readmission agreement were cumbersome and lengthy in comparison to those for the Western Balkan cases. Talks with Turkey were formally opened on 27 May 2005 in Brussels. After four unsuccessful negotiation series between 2005 and 2006, the talks were put on ice to be restarted no earlier than two years later in 2008. Turkish policy makers stance in the second round was clear and adamant: they asked for a visa-waiver in return for taking up the obligations of readmitting illegal and transit immigrants (Knaus & Stiglmayer 2012). Along with the obvious fact that Turkish elites believed that their country's EU membership candidacy status rendered visa-restrictions for their citizens travelling to the Schengen area absurd, the recent lifting of visas for Western Balkan countries made the issue all the more pressing for Turkish policy makers.

⁴⁴ What is more, If the ECJ rules in the negative, this would have severe implications for the legal status of Association Agreements and international agreements the EU concludes with third parties more generally also (in fact, such a ruling would annul their validity).

⁴⁵ As Groenendijk and Guild make clear, "Visafree travel has been made conditional on the fulfillment of a series of conditions, such as the introduction of biometric passports, a comprehensive system of border controls and the signing of a readmission agreement, covering not only nationals of the country but also third-country nationals that have transited through that country to reach the Schengen Area" (2012, 43).

Over the course of the second negotiation round on the readmission agreement, which began in 2008, representatives from the EU and Turkey achieved agreement on a draft that was acceptable to all parties. In February 2011, this draft found endorsement by the Justice and Home Affairs (JHA) Council. Approximately one year later, on 21 June 2012, the EU and Turkey moved to initial the readmission agreement (seven years after the formal opening of talks). Following this period, the Commission drew out a visa liberalization roadmap for Turkey which it presented to the Council for approval in November 2012. At time of writing (June 2013) the Council was still to grant the Commission a mandate to initiate the visa liberalization dialogue with Turkey. This stalemate brings us to the next issue, the Council's role in the process.

European Council. The European Council, which is the member states' main channel of influence, has played a key veto player role as regard the EU-Turkey readmission agreement. Notwithstanding that the EU and Turkey were ultimately able to agree upon a draft readmission agreement text, due to fundamental member state concerns, the negotiations have been arduous and long. Moreover, Turkey has not been given a visa-waiver guarantee in return for the readmission agreement. This is a fundamental difference to the agreements the EU concluded with Western Balkan countries. In the Turkish case, the Council merely promised the opening of a "dialogue" on visa liberalization framing the latter "as a gradual and long term perspective" (European Council 2012). Turkey's visa bid, just as its membership negotiations, has been termed as an open-ended process the conclusion of which ultimately resides with member states' approval. Turkish authorities have reacted with discontent over these developments. As Foreign Minister Ahmet Davutoglu's remark reveal:

We have worked with our relevant institutions and began distributing biometric passports in six months. We have taken crucial steps for an integrated border management ... we have asked the EU to appoint a commissioner so we can begin discussing visa exemptions. They told us to sign the readmission agreement and that they would deal with the visa issue later (Turkish Foreign Minister Davutoglu, Cumhuriyet, 26 November 2012).

After the readmission agreement was initialled by both parties in June 2012, member states via the Council continued to maintain an adverse stance on Turkish visa liberalization. This position became palpable, first and foremost, when the Council refrained from granting the Commission a negotiating mandate. In a rather intriguing inter-institutional exchange with the Commission the Council practically ignored the issue by stating that it took “note of the Commission's intention to initiate a dialogue on visa, mobility and migration with Turkey” (European Council 2011). Again, as noted above, the Council is yet to grant the Commission a negotiation mandate.

Overall, the Council’s foot-dragging practices in matters related to the EU-Turkey readmission agreement are quite indicative of divergent preferences. Or, to be even more accurate, the Council’s hesitancy reflected member state concerns. Naturally, the question is what are these concerns? And why have they been so pronounced in matters related to Turkey? We shall come back to this issue in a moment when examining EU countries’ specific preference configurations.

European Parliament. In areas where the community method governs policy-making, the consent of the European Parliament (EP) is required. This is stipulated by Article 218(6)(a) of the TFEU. Before the issue is put to vote in the general assembly, parliamentarians are provided with voting recommendations worked out by one of the respective parliamentary committees. Parliamentarians more than often follow these recommendations when casting their votes. In the case of readmission agreements, the responsible working unit is the Committee on Civil Liberties, Justice and Home Affairs. The Committee’s draft recommendation report on the EU-Turkey readmission agreement, penned under the auspices of rapporteur Renate Sommer (member of the German Christian Democratic Party (CDU)) and published on 19 April 2013, recommended the Parliament to consent to the conclusion of the agreement on the grounds that it is crucial for solving the transit immigration problematic posed by Turkey. Yet, at the same time, the report was also highly critical of Turkey on a number of, technically speaking, general aspects which were unrelated to the issue.⁴⁶ In her

⁴⁶ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-504.240+01+DOC+PDF+V0//EN&language=EN> (Accessed 10 May 2013).

report, rapporteur Renate Sommer took the liberty to criticize the Turkish government on general fronts such as with regard to the ongoing Cyprus problematic (where Turkey is blamed for deliberately not extending the EC-Ankara association agreement to Cyprus), and instances of governmental suppression of basic freedoms. In this regard, Sommer alleged Turkey of not meeting a single point of the Copenhagen Criteria. Most importantly, however, Sommer made a crucial factual mistake by claiming that Turkey made fresh demands in asking for visa facilitation before signing the readmission agreement; in fact Ankara has merely been asking for a parallel process – a common practice applied to other contracting third states as well. Sommers' harsh language and insinuations understandably prompted reactions on the Turkish side. Turkey's Chief EU Negotiator Egemen Bagis, for his part, responded in equally harsh tones by stating: "We see it as the delirium of a deputy. We don't take it seriously".⁴⁷

Most intriguingly, only four days after the publication of the Committee on Civil Liberties, Justice and Home Affairs' draft recommendation report, rapporteur Ria Oomen-Ruijten from the Committee on Foreign Affairs, while not responsible for this topic, requested authorization to issue an opinion. In her report, dated 23 April 2013, Oomen-Ruijten calls upon the responsible Committee on Civil Liberties, Justice and Home Affairs to propose that European Parliament consent to the conclusion of the EU-Turkey readmission agreement. Whether or not this suggestion was a reaction to Sommer's harsh report cannot be conclusively determined. Yet, the very circumstance of Oomen-Ruijten's opinion paper being published immediately afterwards, and offered an account of the EU-Turkey readmission agreement matter omitting unrelated issues and putting right factual mistakes by Sommer, substantiates that conjecture.

Discussion. The analysis of activities of the EU's supranational institutions (ECJ, Commission) indicates that supranational actors seem to have had only limited influence in advancing the Turkish visa-liberalization process. Rather, it was member states who have brought their preferences to play via the Council and other mechanisms (COREPER committees and working groups within the Commission). As a consequence, the otherwise integrative *European Commission* has found its hands tied (despite the community method being in place). A European Commission Enlargement

⁴⁷ <http://www.todayszaman.com/news-315447-ep-report-on-readmission-agreement-harshly-criticizes-turkey.html> (Accessed 12 May 2013).

official describes the situation as follows: “The Commission is eager to push forward with Turkey's visa liberalization process. However, you cannot fully disregard member state concerns either.” This quote is also important in that it shows that there has been a clear supranational policy in place on the Turkish visa issue. As for the *European Court of Justice*, despite its integration-furthering court rulings, member states strongly constrained the ECJ's influence by laying out the implications and interpretations of the most pertinent court decision (Soysal case) in the narrowest way possible. To be sure, this is not to say that the ECJ is not a powerful actor. Rather, in the present case member state concerns were ultimately so strong, that the latter found ways to temporally shove aside the court ruling by delaying its implementation and tweaking interpretations. At the time of writing, the ECJ Demirkan case, which is to bring clarity to this issue once and for all, was still ongoing. This crucial court case bears the potential to annul extant Schengen visa restrictions for Turkish citizens.

To put things into perspective, EU-readmission agreements with Western Balkan countries concluded two to three years earlier did not exhibit any of the peculiarities reported in the Turkish case. The Union lifted visa restrictions for Serbia, Macedonia and Montenegro in December 2009, and for Albania and Bosnia Herzegovina in December 2010. In all of these cases the EU granted an express and unambiguous guarantee of visa-lifting in return for signing the readmission agreement beforehand. The process was straightforward and uncomplicated. The contracting parties were presented visa liberalization roadmaps with reforms to be undertaken before visa-exemption, after the implementation of which the EU introduced visa exemptions for those countries (Knaus & Altfudisch 2013).

However, the lifting of short-travel visa requirements for Serbia, Macedonia, Montenegro, Albania and Bosnia resulted in an unexpected, massive surge in asylum claims. This occurrence can also be seen as part of the reason why EU politicians remained lukewarm to Turkish visa exemption because similar consequences were expected. Table 4 presents asylum application figures before and after the introduction of visa requirements for the Western Balkans and contrasts these with data on Turkish asylum applicants for the period 2009 to 2012. As can be seen, the number of annual asylum claims in the EU by Western Balkan citizens has increased by 77 per cent ever since the first visa-exemption agreements' with Serbia, Macedonia and Montenegro came into force in 2010.

Table 4. Asylum claims in the EU by Western Balkan and Turkish citizens (2009-2012)

Year	2009	2010	2011	2012
<i>Visa Status</i>	<i>No visa-free travel</i>	<i>Serbia, Macedonia, Montenegro</i>	<i>All five WB visa-free</i>	
Serbia	5.460	17.740	13.980	19.065
Macedonia	930	7.550	5.545	9.625
Albania	2.065	1.925	3.060	7.465
Bosnia and Herzegovina	1.330	2.105	2.595	5.835
Montenegro	270	405	630	1.260
Total 5 WB countries (Population 16 million; GDP 61 billion Euros in 2012)	10.055	29.725	25.810	43.250
Turkey (Population 73 million; GDP 612 billion Euros in 2012)	7.030	6.360	6.455	6.205
Total Asylum Seekers in the EU	266.395	260.835	303.105	335.380
Share of WB	3.8%	11%	9%	13%
Share of Turkey	3%	2%	2%	2%

Sources: Adopted from European Security Initiative⁴⁸ and updated with newer data from EUROSTAT

In sum, as to why the outcome in the Turkey-EU readmission agreement case has so markedly differed from that of the Balkans, a convincing-enough explanation seems not to emerge from supranational institutionalism. The analysis of Commission and ECJ activities yield only limited support for the argument that supranational entrepreneurship decisively shaped the political outcome in the Turkish case. The *Council* was indeed the determinative player throughout the process which, as noted, can be seen as an indicator of the dominance of member state preferences. This situation, however, is rendered puzzling in view of two important background conditions. The Council retained an upper hand despite the fact that (i) with

⁴⁸ http://www.esiweb.org/index.php?lang=en&id=156&document_ID=132 (Accessed 15 June 2013)

readmission-visa agreements the community method governs decision-making (i.e. Commission and ECJ are central players in the policy process), and ii) in spite of there being an express supranational policy in place (the Commission’s position). This leads us to the next question, namely, the substantial underpinnings of state preferences on the issue of Turkish visa liberalization.

5.2. State Preferences

Liberal intergovernmentalist theory ascribes decisive causal weight to state preferences in the coming about of policy outcomes in the international arena. With regard to the issue of Turkish-visa liberalization, member states have differently conceived of Schengen visa liberalization for Turkey. Table 5 presents an overview of state preference configurations on Turkey’s visa bid.

Table 5. EU Member States’ Preferences on Turkish Visa-Liberalization

Supportive	Opposed
Italy, Sweden, Finland, Poland, Spain	Germany, France, Austria, Netherlands, Cyprus

Adapted from Paul (2012) and Hürriyet Daily News (6 April 2012)

EU countries that have expressed support for Turkey’s visa bid are Italy, Sweden, Finland, Poland and Spain. Those who opposed are Germany, France, Austria, Cyprus and the Netherlands. For the purpose of analytical convenience, it is assumed that other member states have either been indifferent to the Turkish visa issue or followed whatever dominant position arose in the Council. With the exception of Cyprus, whose preference on the matter of Turkish visa liberalization can be said to have followed its generally antagonistic stance vis-à-vis Turkey and its EU credentials, the analysis of the domestic preference configurations in the other member states will help further our understanding of the domestic dynamics that drive immigration-related JHA politics on the EU level.

In explaining divergent preferences on the matter, the ensuing analysis will proceed along the lines of the hypotheses mapped out in theory-chapter three. In a first step, the standard liberal intergovernmentalist economic interest explanation will be assessed. In a second step, the public opinion argument will be put under scrutiny. Then, the comparative country case studies will be conducted with the purpose of probing into the

causal mechanism at work (securitization). The section will conclude with an overall discussion of the findings.

5.2.1. Economic Interests

The standard liberal intergovernmentalist account leads us to expect that the interests of powerful domestic economic groups shape governmental preferences on visa policies with third countries. Earlier, three indicators have been identified to assessing economic interests of member states in lifting visa restrictions: *trade, investment and tourism relations*. Table 6 presents data on these economic indicators for selected EU countries and Turkey.

Trade. In 2008, Germany, Italy and France's exported goods to Turkey were valued at 20.8, 10.3 and 7.4 million euros, respectively.⁴⁹ These states were followed with some distance by the Netherlands (4.7) and Spain (4.0). Sweden, Poland, Finland and Austria's exports to Turkey were significantly lower in value with 1.7, 1.7, 0.9 and 1.0 million euros, respectively, for the same time period. It is important to note at this point that, due to the relatively diverse export structure across member states, average export share rates for a given country generally reside in the single-digit range. To put things into perspective, in 2011, the share of exports to Turkey for the entire EU 27 were as high as 4.7 per cent coming only after Russia (7 per cent), China (8.8) Switzerland (9) and the US (16.8) which were the EU's top trading partners.⁵⁰

Given their considerable trade relations with Turkey, we would have expected Italy, Spain, Germany, France and the Netherlands to be likely candidates to support Turkey's visa bid. However, only Italy and Spain did so. German, French, and Dutch policy positions were deviant. These findings are all the more puzzling if one considers that countries such as Sweden, Poland and Finland, for whom Turkey is by far not a significant trading partner, supported Turkish visa-exemption. Let us next examine investment relations.

⁴⁹ Note that the table excludes the EU's seventeen other member states for the pragmatic reason that those countries were largely indifferent to the Turkish visa issue.

⁵⁰ Figures are from EUROSTAT.

Table 6. Selected EU Member States' Economic Relations with Turkey (Trade, Investment and Tourism)

Country ⁵¹	Exports to Turkey in 2008 (value in mil. €)	Exports to Turkey in 2008 as Share of Total (in percent)	Turkey's Rank among Trading Partners In 2008	FDI Outflow from Turkey in 2008 (in mil. \$)	FDI Inflow to Turkey In 2008 (in mil. \$)	Outbound Tourism from Turkey in 2012 (in thsd.)	Outbound Tourism from Turkey in 2012, Share of Total (in percent)	Supported Turkish Visa Liberalizati on
Italy	10.3	2.14 %	12	7	249	248.413	0.8%	Yes
Spain	4.0	1.64 %	10	3	838	22.209	0.05%	Yes
Germany	20.8	1.62 %	17	143	1237	385.477	0.9%	No
France	7.4	1.40%	15	1	679	87.821	0.2%	No
Netherlands	4.7	1.10%	15	369	1343	30.469	0.4%	No
Sweden	1.7	1.06%	17	13	55	2.446	0.01%	Yes
Poland	1.7	1.05%	20	-	-	-	-	Yes
Finland	0.9	1.00%	19	-	26	-	-	Yes
Austria	1.9	0.70%	23	4	586	72..423	0.3%	No

⁵¹ Notes: Empty cells denote unavailable data. Sources: Data compiled from respective member states' statistical institutes except for outbound tourism figures (Turkish statistical institute), tourism share figures (EUROSTAT) and investment figures (UNCTAD 2012). Estimates in columns 6 and 8 are based on author's own calculations.

Investment. For the period 2007-2010, the average Foreign Direct Investment (FDI) inflow to Turkey amounted to 14.761 billion USD, whereas FDI outflow from Turkey was 1.918 billion USD (UNCTAD 2012). In 2008, for instance, the greatest influx of capital to Turkey came from the Netherlands (1.343 billion USD) and Germany (1.237), followed by Spain (838 million USD) France (679) and Austria (586). For the same period, the highest amount of Turkish investments in the EU went to the Netherlands and Germany, with 369 and 143 million USD, respectively. With regard to FDI outflows from Turkey, the two EU countries that could have reaped the most benefit of Turkish visa liberalization are the Netherlands and Germany. These two member states, however, were among the fiercest opponents of Turkish visa exemption in the EU. Let us next look at tourism.

Tourism. In 2012, over six million Turkish nationals went abroad. Turkish outbound Tourism was thereby highest in Bulgaria (672.874) and Greece (449.523), followed by Germany (385.477) and Italy (248.413).⁵² In comparison to that, the number of Turkish tourists who went to France (87.821), Austria (72.423), the Netherlands (30.469), Spain (22.209) and Sweden (2.446) was markedly lower. The share of Turkish tourists as part of total touristic arrivals was thereby highest for Germany (0.9 per cent) and Italy (0.8), followed by the Netherlands (0.4) and Austria (0.3). These figures must be put into perspective to be properly understood. The share in total touristic arrivals for a single country seldom exceeds a percentage figure in the single-digit range. To take the example of Germany, the Netherlands was the only country from which the total number of arrivals reached a the two-digit range number (10.6 mil. arrivals in 2011). For Germany, the next non-European countries in the list were the USA (4.7 per cent), Russia (1.8), China (1.3), Japan (1.2). Turkey's share of touristic arrivals in Germany was 0.9 per cent. Since the other countries have populations exceeding 100 million inhabitants, Turkey's share can be considered significant (Turkish population is about 75 million). While in the cases of Germany, Italy, and Austria Turkish outbound tourism can be considered significant, only Italy has supported Turkey's visa bid. Germany and Austria were opposed.

⁵² The number of visitors who stayed in hotels was thereby high in both cases, Germany (143.991) and Italy (143.099).

Discussion. To recap, our theoretical preconception (standard liberal intergovernmentalist account) would have led us to expect EU countries with economic incentives to be supportive of Turkish visa liberalization. The discussion of trade, investment and tourism relations between the EU and Turkey, however, does not yield satisfactory support for this argument. Germany, France, and the Netherlands would have all had (although to varying degrees) economic incentives to support Turkish visa exemption. They did, however, oppose lifting visa restrictions. Only Italy (significant trade and tourism relations) and Spain (significant trade incentives) have supported Turkish visa exemption.

The cases of Sweden, Finland and Poland constitute another critical puzzle from the conventional LI perspective. None of these member states could have promised itself substantial economic gains from Turkish visa-liberalization. Yet, their governments have expressed support for Turkey's visa bid all throughout. One plausible explanation for these countries' preferences may lie in their generally positive attitude towards Turkey and its EU credentials. High profile Swedish, Finish and Polish politicians have on various occasions buttressed their support for Turkey throughout the latter's EU membership accession process. To state an illustrative quote by Finish PM Katainen: "if Turkey was an EU member, the current situation [economic crisis] in Europe could have been slightly different."⁵³

The puzzle becomes all the more striking if one considers international business association's viewpoints on the matter. For instance, Vice President of the French Business Confederation Thierry Courtaigne stated: "Visa liberalization is a first and simple step that will leverage the European growth potential, from Lisboa to Vladivostok, and bring mutual advantages to all countries and all partners, private sector as well as governments!" In a similar manner, Eckhard Cordes, Chairman of the German Committee on Eastern European Economic Relations, gave to protocol: "Visa barriers constrain investment and produces red tape costing hundreds of millions of

⁵³ <http://www.iht.com/articles/2006/12/11/news/sweden.php> (accessed 20 April 2013), <http://www.trt-world.com/trtworld/en/newsdetail.aspx?haberkodu=a6e61e68-3c6d-4733-afa7-05e6634bc2d1> (Accessed 20 April 2013), <http://english.people.com.cn/90001/90777/90853/7402536.html> (Accessed 20 April 2013).

Euros per annum. We have no time to lose as regards the weak economic growth in Europe at the moment.”⁵⁴

Given that economic incentives ultimately seem not to have mattered as regard the Turkey-EU readmission visa agreement, what other dynamics could have driven these countries’ preferences on Turkish visa liberalization? A high-ranking German diplomat gives a crucial hint in this respect: “Yes, you [Turkey] are right [in demanding visa liberalization]. But it’s very difficult for us to convince our public.”⁵⁵ This leads us to the next question, namely, the role of public opinion as a determinant of member state preferences on readmission-visa agreements.

5.2.2. Public Opinion

Since political elites care about their survival in office, and in democratic regimes this is typically sought through reelection, electoral constituencies can be seen as a key player in the domestic preference formation process. Far from being an automatic mechanism, though, the prospect that European elites take into account public sentiments when engaging in JHA policy-making is thought to hinge upon whether an issue is securitized. To begin with, we first need to establish how EU citizens’ feel about easing travel for third country nationals. A recent Eurobarometer survey (76.4) from 2011 quite conveniently contains a survey questions that probes into this question.⁵⁶ The item reads as follows:

- “Some people think that it should be easier for non-EU citizens to travel to the EU for business or tourism”.⁵⁷

⁵⁴ <http://www.ost-ausschuss.de/economic-growth-instead-visa-barriers> (Accessed 14 May 2013).

⁵⁵ http://www.todayszaman.com/newsDetail_getNewsById.action?newsId=303205 (Accessed 10 April 2013).

⁵⁶ The Eurobarometer is a survey periodically conducted on behalf of the European Commission. The Eurobarometer 76.4 was a special issue designed to assess EU citizens’ attitudes on justice and home affairs policies, in particular.

⁵⁷ Response choices on this item were as follows: totally agree/totally disagree/don’t know. For the purpose of facilitating analysis, the latter category (“don’t know”) will be

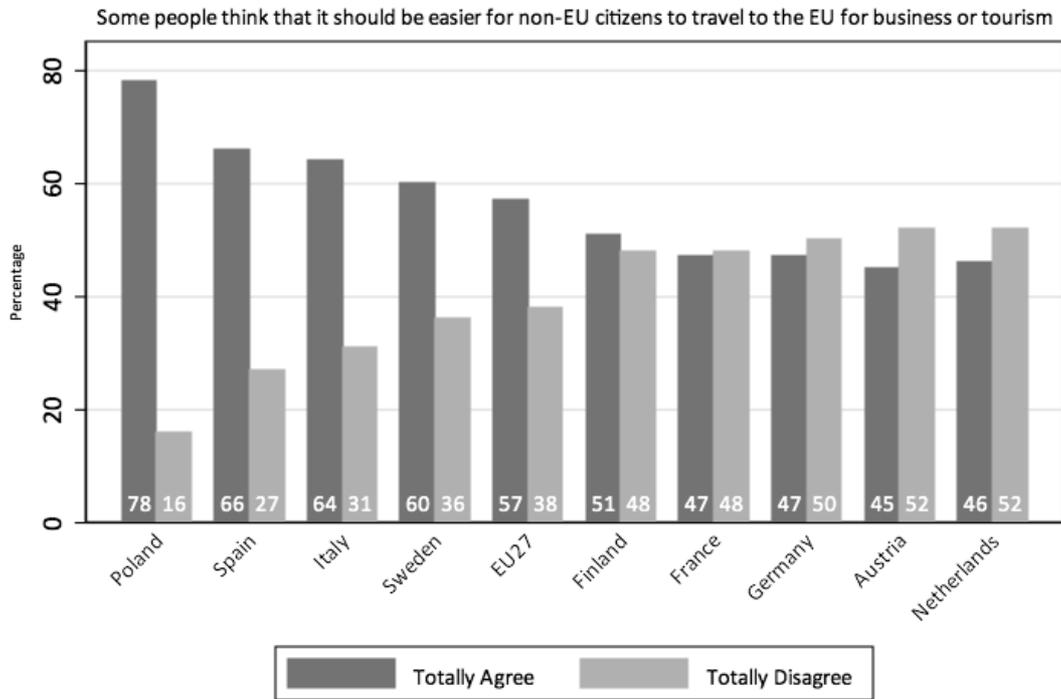
Figure 3 presents statistics on this survey question. On the most general level, it can be said that public opinion on this item exhibited marked variation across member states. The data shows the highest approval rates for Poland (78 per cent approval), followed by Spain (66 per cent), Italy (64 per cent), Sweden (60 per cent) and Finland (51 per cent). Other publics such as those in France (47 per cent approval), Germany (47 per cent), Austria (45 per cent) and the Netherlands (46 per cent) were rather opposed to the idea of easing travel for third country nationals coming to the EU. Last but not least, the EU27 average showed overall approving stances (57 per cent).⁵⁸

Most important, though, the data points at a high level of convergence between public opinion on travel easement and governmental preferences on visa liberalization for Turkish citizens (Table 7). In particular, this convergence applies to Austria and the Netherlands and to a less stronger extent, France and Germany. These countries' public stances (rather opposed to easing travel for third country nationals) coincided with adverse governmental preferences on the issue of Turkish visa liberalization. The pressing question thus reads: why have political elites in these countries attended to public opinion despite lacking domestic ratification mechanisms (e.g. referenda), without which they were not obliged to do so?

omitted in the discussion.

⁵⁸ For a comparison with data on EU citizens' attitudes on intra-EU travel without borders see Appendix 2.

Figure 3. Public Opinion on Travel Easement for non-EU citizens, selected member states



Source: Eurobarometer 76.4 (2011)

Table 7. State Preferences on Turkish Visa Liberalization and Public Opinion on Travel Easement for non-EU citizens

State Preferences on Turkish Visa Liberalization		
	<i>Supportive</i>	<i>Opposed</i>
Public Opinion on Travel Easement For Non-EU Nationals	<i>Rather Supportive</i>	Italy, Spain, Finland, Sweden, Poland
	<i>Rather Opposed</i>	Germany, Austria, Netherlands, France

5.2.2.1. Triggering Mechanism: Securitization⁵⁹

Our theoretical preconception leads us to assume that securitization brings public opinion to matter as a determinant of state preferences. That is to say, where an issue is framed in terms of a security and policing discourse, public sentiments trump economic interests. For probing into this issue, the main contours of political debate shall be examined in four member state case studies. These are Germany, Austria, the Netherlands, and Italy.⁶⁰ Since we are interested in learning about the domestic dynamics that have driven a specific policy outcome on the EU level (Turkish visa liberalization), the former three cases, having exhibited a negative outcome on the dependent variable (opposed Turkey's visa bid), are of paramount interest. However, in order not to select on the dependent variable the analysis will be complemented by a contrasting case study of Italy. Taken together, the four comparative case studies will help strengthen confidence in our findings and increase inferential leverage for drawing out theoretical generalizations.

Germany. In Germany, the Turkish visa issue has been made subject to extensive parliamentary and public debate. The issue was first brought to debate by the leftist party (*DIE LINKE*) in 2009.⁶¹ Following the ECJ's Soysal ruling (elaborated upon in section 5.1), the party lodged a parliamentary interpellation [*kleine Anfrage*] to bring to light the implications of the ECJ court case for Germany. The conservative CDU-FDP coalition government's response to the inquiry was highly limited in both scope and content. The government's rejoinder largely dwelt upon the distinction between active and passive service provision (advanced by a small group of legalists as described above) in order to argue that the implications of the Soysal case ruling solely entitled

⁵⁹ Parts of the ensuing empirical analysis are taken from a previous paper by the author analyzing the mechanism of securitization (Baysan 2013).

⁶⁰ Study cases were selected on the basis of two criteria; 1) regime types (Germany and Austria with assimilative immigrant integration policies, and the Netherlands with a multicultural mode of immigrant incorporation) and 2) data availability/richness (arguably, a more pragmatic consideration).

⁶¹ Bundestag Drucksache 16/12562, URL: <http://dip21.bundestag.de/dip21/btd/16/125/1612562.pdf> (Accessed on 15 February 2013).

Turkish lorry drivers to visa-free travel to the Schengen area. A year later, in 2010, the Green Party, dissatisfied with the government's dealing with the issue, handed in a petition urging the latter comply with the ECJ's ruling, and to push for a visa-liberalization for Turkey on the EU level. The governing coalition ultimately voted down the request in Parliament. CDU spokesman Reinhard Grindel justified the government's decision on the grounds that a Turkish visa-waiver would cause massive illegal immigrations to Germany and, as a corollary, aggravate domestic integration problems. His statement in parliament read as follows:

We put the integration of foreigners living here on the centre stage [...] this pertains particularly to those [...] who have been living here for many years but have so far made little use of our integration offers. [...] Visa exemption for Turkish nationals can lead to a dramatic increase in uncontrolled immigration to Germany. In consequence, this means: Visa-free travel for Turkish nationals aggravates integration problems. We reject it (Deutscher Bundestag, 2010; Reinhard Grindel CDU).⁶²

In 2012, Minister of Interior Hans-Peter Friedrich reiterated his government's position by stating that general visa-liberalization for Turkey is not feasible because he, as the responsible minister, has to "keep security risks in mind". To be sure, the purported security risk which Friedrich alludes to is the socially constructed threat of illegal immigration that Turkey is said to pose to the EU.⁶³ Illegal immigration is thereby used to describe the overstaying of short-term travel visas. In the case of Germany, the specifics of its national context are likely to have facilitated the securitization of the Turkish visa issue. Indeed, both Grindel and Friedrich's speeches embody vague language based on beliefs that are assumed to be common in society (see Salter & Piche 2011, 936). In particular, it is the postulation that Turkish citizens do pose a threat of illegal immigration for Germany, and the belief that many Turkish immigrants are not adequately integrated into German society (Schaefer et al. 2005, 1) which form

⁶² Translated by author

⁶³ http://www.saarbruecker-zeitung.de/aufmacher/berliner_buero/art182516,4523479#.UVFkG1spYyA (Accessed on 30 May 2013)

important contextual peculiarities in the German case. An additional demographic element lies in the fact that more two and a half-million Turkey-origin immigrants are dwelling in Germany (see Appendix 2), making the latter effectively home to the largest Turkish ethnic community living outside the Turkish homeland. Taken together, these contextual specifics are likely to have raised the political saliency of the visa issue (network migration theory expects migratory movements where there is already an established group of settlers; this phenomenon is called “chain migration”) and therewith facilitated the securitization of Turkish visa liberalization.

Austria. In Austria, by contrast, there has not been any comparable parliamentary debate on the Turkish Schengen visa issue.⁶⁴ Neither has there been a reaction to the ECJ Soysal ruling. The Turkish visa issue has mostly been dealt with on the level of the Ministry of Interior – the ministers of which also hold the JHA Councils on the issue in the EU. In 2012, following a bid by Christoph Leitl the president of the Austrian Chamber of Commerce to lift visa-restrictions for Russian and Turkish travellers as a means to boost economic relations, Minister of Interior Johanna Mikl-Leitner from the conservative Austrian People’s Party (ÖVP) responded with a resolute “that’s out of question”.⁶⁵ On this score, Johanna Mikl-Leitner has been very much on the same page as her German counterpart Hans-Peter Friedrich. Both have on various occasions uttered their opposition to Turkish visa-exemption on the grounds that it would cause massive illegal immigration.⁶⁶ More recently, also, Mikl-Leitner joined a group of European elites in a petition to the European Commission urging the examination of the possibility of a suspension clause for visa-exemptions already given to some Balkan

⁶⁴ An interesting phenomenon is that Austrian deputies have recently handed in a parliamentary interpellation asking about the reasons why Turkey has visa-restrictions in place for Austrian citizens but not, for instance, for German or Swiss nationals (see http://www.parlament.gv.at/PAKT/VHG/XXIV/J/J_10133/fname_238562.pdf (Accessed 10 March 2013)).

⁶⁵ *Tiroler Tageszeitung*, 4 November 2012, URL: <http://www.tt.com/%C3%9Cberblick/Wirtschaft/Wirtschaft%C3%96sterreich/5508746-42/leitl-f%C3%BCr-visa-freiheit-von-russen-und-t%C3%BCrken.csp> (Accessed 15 March 2013).

⁶⁶ This assessment has been dealt with at length in section two and refuting evidence has been presented. URL: <http://kurier.at/politik/tuerkei-will-visafreiheit-fuer-mehrgrenzschutz/770.435> (Accessed 20 March 2013)

countries (particularly Serbia, Macedonia, Rumania).⁶⁷ It is thereby important to note that both Austria's Mikl-Leitner and Germany's Friedrich barely made an effort to differentiate between the immigration of third country nationals via Turkey through the Turkish-Greek border (transit migrants) and Turkish citizens moving to EU countries. This is an important distinction to make as the number of transit migrants passing through Turkey is exponentially higher.⁶⁸ Yet, the abolishment of short-term travel Schengen visas for Turkish citizens is recurrently lumped together with the topic of illegal immigration. This confusion all the more fortifies the purported migratory threat argument.⁶⁹ In the case of Austria, the potentially facilitating role of the national context is important to note as well. Quite similar to Germany, Austria harbours a politically salient Turkish ethnic community. In fact, Austria is home to the fourth largest Turkish ethnic group in Europe with around 200 thousand people of Turkish origin dwelling there (see Appendix 2). This demographic fact, together with a deeply-entrenched historical rivalry vis-à-vis Turkey (this is epitomized by two Ottoman sieges of Vienna in 1529 and 1683) are contextual elements that may have been prone to have facilitated the securitization of the issue of Turkish visa-free travel.

The Netherlands. In the Netherlands, political debate on the Turkish visa issue ensued following the ECJ's Soysal ruling on the matter (similar to Germany). A national court in Haarlem, following up the EU courts' judgement, had ruled that Turkish service providers could travel visa-free to the Netherlands (like a number of other German courts did as well). On the part of the elites, Minister of Immigration and Asylum Geerd Leers announced that he would appeal the ruling: "EU court ruling does not affect the Netherlands. The ruling in Haarlem goes against our principles".⁷⁰ Reportedly, an

⁶⁷ http://www.krone.at/Oesterreich/Asyl_Mikl-Leitner_fuer_Aufhebung_der_Visafreiheit-Balkan_im_Visier-Story-338743 (Accessed 20 March 2013).

⁶⁸ http://www.nytimes.com/2012/07/15/world/europe/illegal-immigrants-slip-into-europe-by-way-of-greek-border.html?_r=0 (Accessed 10 March 2013).

⁶⁹ <http://derstandard.at/1331206756124/Druck-auf-Griechenland-Oesterreich-schmiedet-Allianz-gegen-illegale-Migration> (Accessed 27 March 2013).

⁷⁰ <http://www.nrc.nl/nieuws/2011/02/17/geen-visumplicht-voor-turken-die-naar-nederland-reizen/> (Accessed 27 February 2013).

“emergency debate” took place in a committee immediately after the announcement of the ECJ ruling in March 2009.⁷¹ Maxime Verhagen, then Minister of Foreign Affairs, in regard the Turkish visa, issue is blamed as follows by a newspaper headline: “There will be a tsunami of Turks and that is the fault of Verhagen”.⁷² Other than that, much of the securitization debate in the Netherlands has unfolded on the ministerial level and in closed discussions within the country’s political apparatus. Media reports of ‘emergency debates’ held on the issue of Turkish visa-exemption are an important indicator of this. As regard contextual factors, such as those related to Germany and Austria, the Netherlands harbours a significant amount of Turkish immigrants. In particular, Dutch society is host to the third largest Turkish diaspora in Europe (after Germany and France) with approximately 270 thousand people of Turkish origin living in the Netherlands (See Appendix 2). With similar worries about illegal immigration as in Germany and Austria, these contextual specifics are likely to have been facilitating conditions for the securitization of the issue of Turkish visa liberalization in the Netherlands as well.

Italy. The debate on the issue of Turkish visa liberalization in Italy unfolded quite differently compared to the other EU countries. Most important, there were no traits of securitization; the debate was largely based on economic considerations. High profile Italian political elites have repeatedly expressed their support for Turkey’s visa bid. For instance, in June 2010, members of the group of the People of Freedom handed in a parliamentary interpellation inquiring in the reasons of ongoing visa restrictions towards Turkey. In their questionnaire they argued that these were running counter substantial trade and tourism interests between Italy and Turkey.⁷³ The Italian government responded to the inquiry by pointing out that EU visa policy is under Community competence but that Italian authorities would on this note do the best they could within the responsible Justice and Home Affairs Council. Subsuming the Italian Government’s

⁷¹ <http://www.publiekrechtropolitiek.nl/visumplicht-voor-turkse-zelfstandigen-en-artikel-94-grondwet/> (Accessed 15 February 2013).

⁷² <http://www.welingelichtekringen.nl/politiek/29436/er-komt-een-tsunami-van-turken-en-dat-is-de-schuld-van-verhagen.html> (Accessed 20 February 2013).

⁷³ http://banchedati.camera.it/sindacatoispettivo_16/showXhtml.Asp?idAtto=26773&stile=6&highLight=1 (Accessed 10 May 2013).

stance, in a written statement its Ministry of Foreign Affairs gave to protocol: “Italy has argued for the start of this route [visa liberalization], as part of the overall dialogue with Turkey.” (Italian Ministry of Foreign Affairs 2010).⁷⁴ In a similar manner, Italian Minister of Interior Giuliano Amato, during a visit in Ankara in 2011, reiterated his government’s supportive stance on Turkish visa liberalization by saying that “it is unfair that I come here freely but you can’t.”⁷⁵ As regard potentially facilitating contextual factors, Italy does for instance not harbor a politically salient or demographically significant Turkish diaspora (as in Germany, Austria, France and the Netherlands). Nor are there any deeply-engrained historical rivalries between Turkey and Italy (as is the case with Austria). In sum, there were no conditions present in the Italian case that could have posed a favorable environment for the securitization of the issue of Turkish visa liberalization. As a result, economic interests can be said to have dominated the process.

Similar patterns apply to other EU countries as well. For instance, in the cases of Poland and Sweden the issue of Turkish visa-liberalization has not been portrayed as a security threat either; in these cases the matter was even far from being politicized. Conversely, in the instance of France, patterns similar to those reported in the Dutch case can be pointed out with a securitization process largely revolving on the ministerial level. The severity of this security discourse was particularly strong during “Turcosceptic” President Nicolas Sarkozy’s term in office but has notably decreased with the coming into power of socialist party leader Francois Hollande in May 2012. Indeed, this alteration may be ascribed to the fact that Hollande pondered to a different electoral constituency than conservative leader Sarkozy did. The change in power in France surely is part of the story why the Council, in November 2012, was able to acquiesce to the visa roadmap for Turkey proposed by the Commission.

For the findings to be further bolstered, the following counterfactual question merits brief consideration: if it were not for securitization, what other dynamic could have possibly triggered governments to take into consideration domestic sentiments and, in

⁷⁴http://banchedati.camera.it/sindacatoispettivo_16/showXhtml.Asp?idAtto=26773&stile=6&highLight=1 (Accessed 10 May 2013).

⁷⁵ <http://www.todayszaman.com/news-244813-italian-minister-amato-defends-visa-free-travel-to-europe-for-turkish-citizens.html> (Accessed 10 May 2013).

consequence, oppose easing travel for Turkish nationals on the EU level? One conceivable counter-argument would lie in positing that adverse stances stemmed from political elites' individual antagonisms. This would imply that negative public opinion merely coincided with elites' positions. Then, however, the question is what other motivation elites could have pursued with making opposition to Turkey's visa bid if not to pander to their electoral constituencies? Any motivation other than the latter, however, would strictly speaking not fit into a rational behavioral pattern, and is therefore dismissible in the present context.⁷⁶

5.2.2.2. Threat Perceptions: Material and Ideational Dimensions

Having empirically analyzed how securitization works as a mechanism actuating public opinion, the next task lies in pinpointing the nature of threat perceptions (material and/or ideational) underpinning domestic sentiments (Hypotheses 2a and 2b). Probing into this matter will yield additional insights into an auxiliary question posed earlier, namely, whether elites respond to public attitudes or whether public stances influence elite behavior.

Before proceeding with the analysis, it is important to note the issue of travel easement (visa liberalization) is closely connected with the broader theme of immigration (*mobility-immigration nexus*). The reason for this is that visa liberalization is regularly equated with the threat of illegal immigration (Baysan 2013). This has been confirmed once again in recent debates on Bulgaria and Romania's impending joining of the Schengen area where some EU ministers have joined forces to block the two countries' entry on the grounds that they posed a threat (massive influx of illegal immigrants and individuals intending to abuse EU countries' social welfare systems). A remark made by German Minister of Interior Hans-Peter Friedrich in early March 2013 is illustrative of this attitude: "There is no problem when people are coming to Germany for work, that's what we want in Europe, but we don't want people coming only to have social security".⁷⁷

⁷⁶ Note here the present theoretical framework is based on the rationality assumption.

⁷⁷ <http://www.bbc.co.uk/news/world-europe-21653092> (Accessed 1 May 2013).

Given that the primary issue that comes up in debates on lifting visa-restrictions is illegal immigration (or criminally motivated cross-border movements for that matter) it is meaningful to probe into EU citizens' sentiments on the topic of immigration, broadly construed.⁷⁸ Correspondingly, the following analysis will draw upon survey results by the European Values Study (EVS) which has inquired into public attitudes on, inter alia, economic and cultural aspects of immigration. As has been explicated elsewhere (McLaren 2006), when EU citizens respond to questions related to immigration or ethnic communities in contemporary surveys, they almost invariably refer to post-World War II (labor) immigrants. It is important to note that, in Western Europe, immigrants of Turkish origin make up by far the largest ethnic group. It seems thus reasonable to expect participants to refer to the Turkish diaspora when responding to the survey question on immigration – this surely constitutes an advantage in the present context.⁷⁹

Group-Conflict Hypothesis. The group-conflict hypothesis holds that public opinion on immigration and ethnic groups is shaped by threat perceptions over domestic economic resources. The European Values Study (2008 edition) survey series contains two useful indicators for exploring the veracity of this hypothesis in the present context:

- “Immigrants take away jobs from natives in a country” (indicator 1)
- “Immigrants are a strain on a country’s welfare system” (indicator 2)

For these two survey items, respondents were asked to position themselves on a ten-point scale where 1 equals complete agreement and 10 complete disagreement with the statement. Technically speaking, a positioning between 1 to 5 can be subsumed to indicate different degree of agreement with the phrase, whereas a placement between 5 to 10 denotes different degrees of disagreement. For the purpose of facilitating analysis, the following discussion draws upon the accumulative percentage values a country

⁷⁸ Also, there exist no express surveys addressing the issue of immigration from Turkey anyway.

⁷⁹ It follows that when individuals in countries such as Germany or Austria respond to immigration-related questions they are likely to relate to the Turkish diaspora. It should be noted, though, that this does neither apply to southern European states such as Spain or Italy nor to Eastern European countries such as Poland.

obtains when adding up the proportion of people who have indicated some degree of agreement with the statement at hand (i.e. responses 1 to 5 on the scale).

Indicator 1. Figure 4 presents data on the survey question whether “immigrants take away jobs from natives in a country” (see Appendix 4 for more detail). It appears that Austrian and German publics exhibited by far the highest levels of agreement with this statement (accumulative score of responses between 1 to 5) with 69.3 and 68.8 per cent, respectively. That is to say, more than two thirds of Austrian and German nationals agreed that immigrants take away their jobs. Next in the list come Spain (56 per cent) Poland (54.6 per cent), and Italy (50.8 per cent) whose publics exhibited lower levels of agreement. These countries are followed by France, the Netherlands, Finland, and Sweden, where approval were lower in comparison to the others with 48.3 and 45.4, 40 and 30 per cent, respectively.

Indicator 2. Figure 5 presents survey results on the second indicator whether “immigrants are a strain on a country’s welfare system.” (see also Appendix 4). It turns out that the German and Austrian publics maintained the highest degree of agreement with the statement (accumulative score of responses between 1 to 5) with 82.3 and 79 per cent, respectively - recall that these two countries exhibited the highest approval rates on indicator 1 as well (immigrants take away jobs from natives). Next in line come Finland, France, Poland and the Netherlands with accumulative scores of 65.8, 64.8, 61 and 61 per cent, respectively, followed by Italy, Spain and Sweden who exhibited the lowest approval rates (54.7, 50.7 and 49 per cent, respectively).

Symbolic-Politics Hypothesis. The symbolic-politics hypothesis posits that holds that public opinion on immigration and ethnic groups is shaped by ideational threat perceptions over issues such as national identity, culture and the “way of life”. The European Values Study (2008 edition) contains two survey questions that lend themselves for probing into the veracity of this hypothesis:

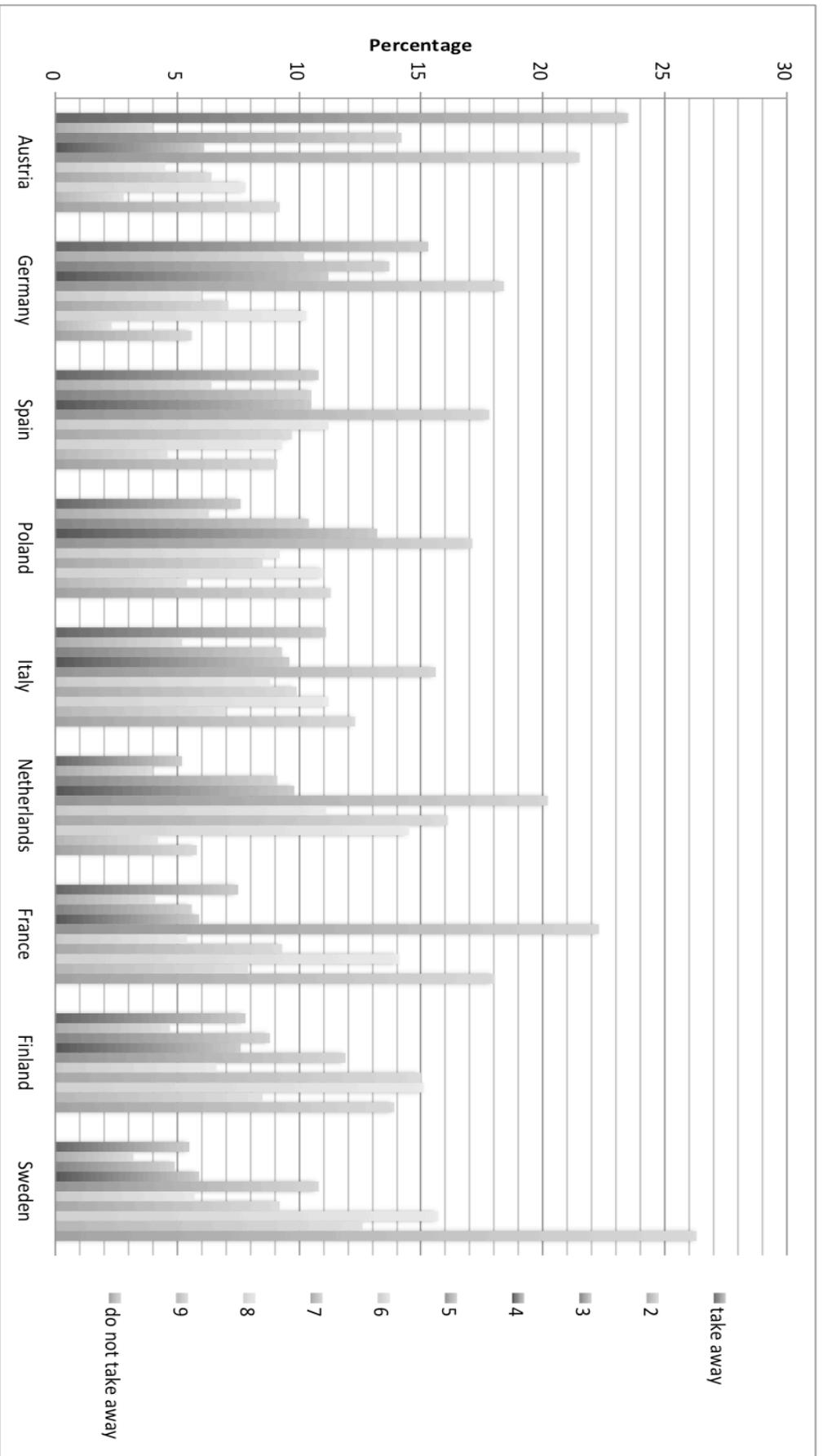
- “A country’s cultural life is undermined by immigrants” (indicator 1)
- “Because of the number of immigrants, I sometimes feel like a stranger” (indicator 2)

For the first item (indicator 1), respondents were asked to position themselves on a ten-point scale where 1 denotes full agreement and 10 full disagreement with the statement. In the ensuing discussion, for the purpose of facilitating analysis, the accumulative score of the percentage of people who have indicated some degree of agreement with the statement at hand (i.e. responses 1 to 5 on the scale) is computed to form the basis of discussion. For the second item (indicator 2), participants were asked to indicate their opinion on the statement on a five-point scale (ranging from 1. agree strongly, 2. agree, 3. neither agree nor disagree, 4. disagree, to 5. disagree strongly). In the subsequent discussion, responses indicating some form of agreement (i.e. (1) agree strongly and (2) agree) are subsumed to form an aggregate score for the purpose of analytical convenience.

Indicator 1. The first measure to assess symbolic threat perceptions is the survey question whether “a country’s cultural life is undermined by immigrants.” Figure 6 presents the descriptive statistics on this item (see Appendix 5 for more detail). Austrian and German publics exhibited by far the highest rates of approval (accumulative score responses 1 to 5) with this statement with 66.8 and 61 per cent, respectively. These two countries are followed by France (47.8 per cent) and the Netherlands (46.6 per cent). Slightly lower levels of agreement with the survey question were reported for Italy (43.7 per cent) and Spain (42 per cent), with Poland, Sweden and Finland making up the bottom of the list with accumulative approval rates as low as 35.8, 35.6, and 27.9 per cent, respectively.

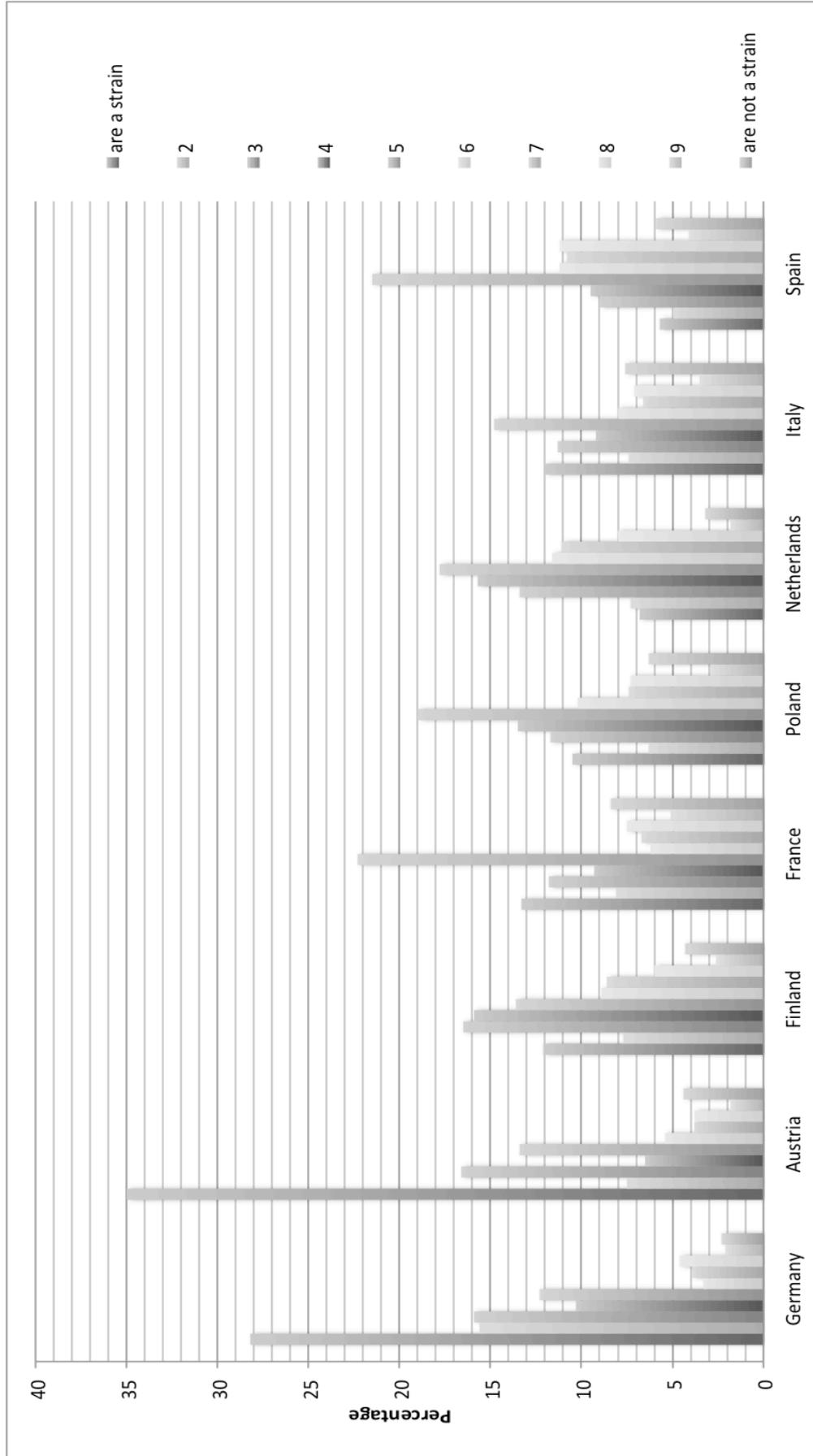
Indicator 2. The second item measuring ideational threat perceptions is the following question: “because of the number of immigrants, I sometimes feel like a stranger.” Figure 7 presents the survey statistics (see also Appendix 5). The Austrian public leads on this item by a wide margin with an approval rate (accumulative score of response 1 and 2) of 50.9 per cent. Austria is followed by France (30.9 per cent), Spain (29.7), Germany (28.6), the Netherlands (27) and Italy (27.3) with considerably lower rates. At the bottom of the list are Sweden, Finland, and Poland with agreement rates of 23.4, 17.5, and 11.2 per cent, respectively.

Figure 4. Immigrants take away jobs (group-conflict hypothesis indicator 1)



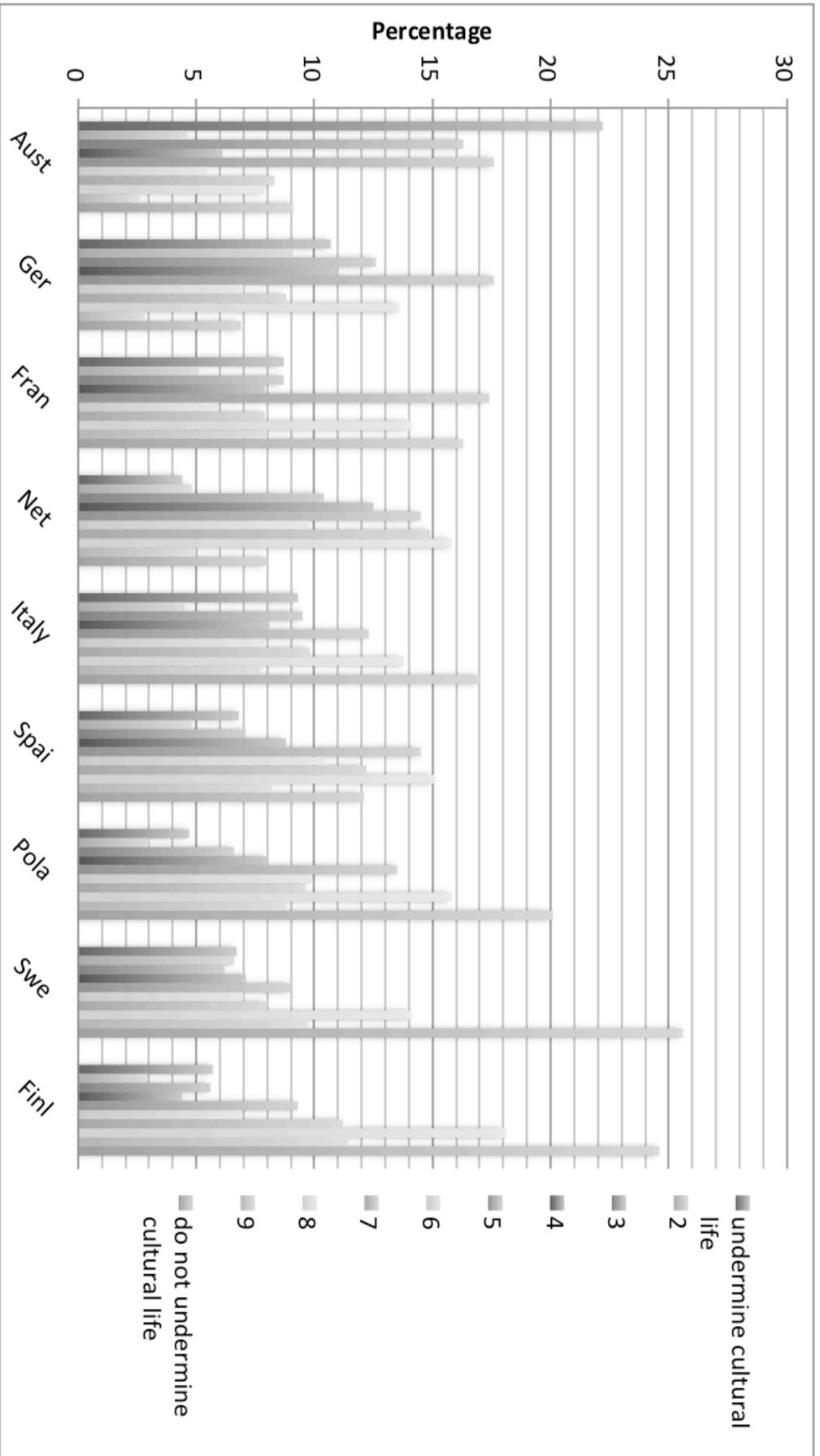
Source: European Values Study (2008)

Figure 5. Immigrants are strain on welfare system (group-conflict hypothesis indicator 2)



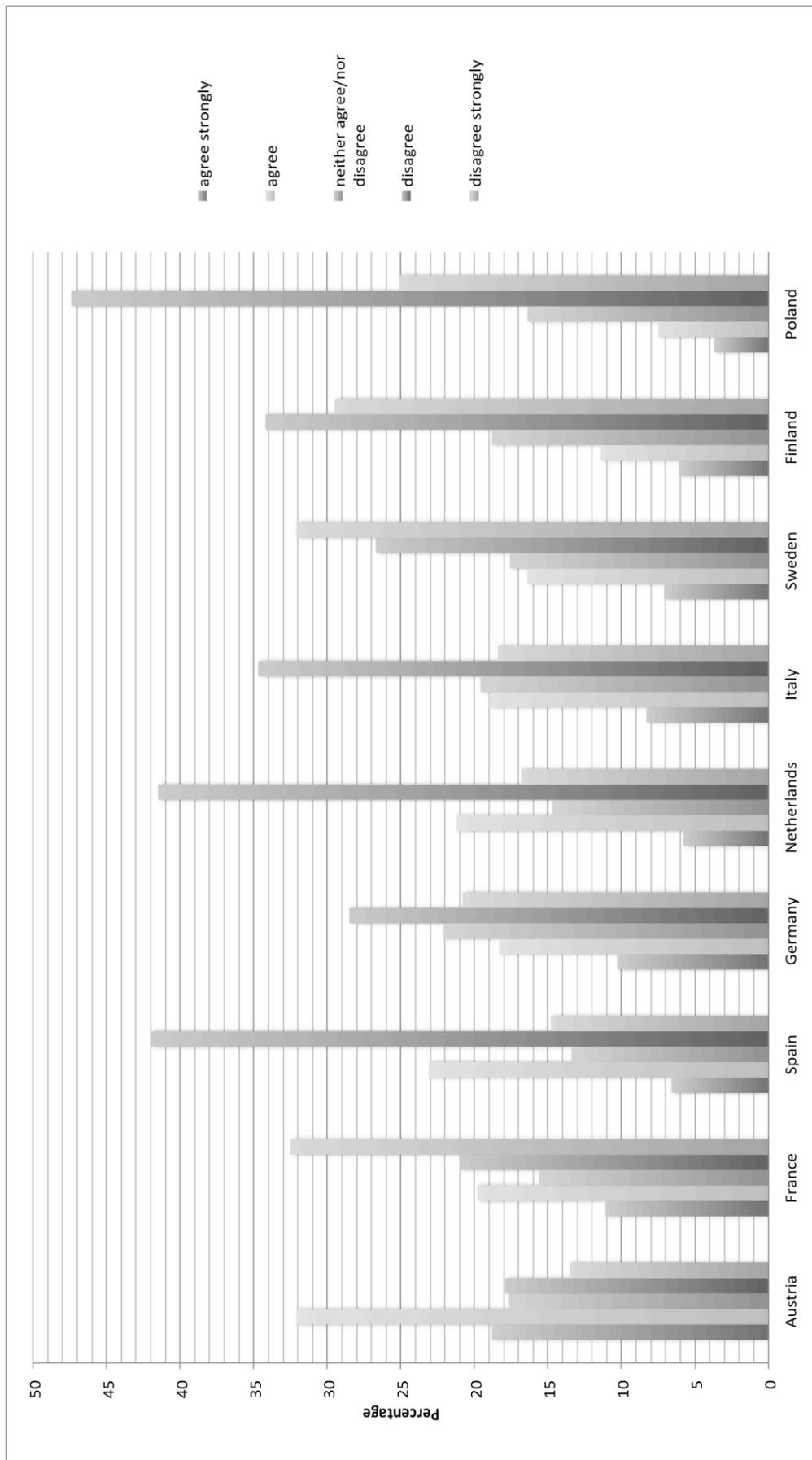
Source: European Values Study (2008)

Figure 6. Immigrants undermine country's cultural life (symbolic-politics hypothesis indicator 1)



Source: European Values Study (2008)

Figure 7. Immigrants living in your country: feels like a stranger (symbolic-politics hypothesis indicator 2)



Source: European Values Study (2008)

Correlation. Having inspected the descriptive statistics of each of the group-conflict and symbolic-politics indicators, the next task lies in examining their relationship with public opinion on travel easement for non-EU nationals. To this end, an index score is computed for each hypothesis by taking the mean value of the indicators. The index scores are correlated with public opinion data. Figures 8 and 9 present the results.

On the most general level, it can be seen that public opinion on travel easement for non-EU citizens seem to be stronger correlated with symbolic threat perceptions ($r=0.54$) than with economic threat perceptions ($r= 0.39$). This is a rather intriguing finding (with the caveat though that these results must be seen as tentative).⁸⁰ On the member state level, it turns out for Austria and Germany both economic and symbolic threat perceptions were strongly associated with public opinion on immigration. This relationship, although less pronounced, appears to hold in the cases of France and the Netherlands as well. The fact that these countries' governments were also opposed Turkish visa liberalization may be indicative of an eclectic base of threat perceptions made up of material and ideational components.

The same relationship, however, appears not to be present in the case of Italy and Spain. In the latter, we see relatively high economic and symbolic threat perceptions, yet surprisingly, neither Italian nor Spanish publics have opposed travel easement for third state nationals. This differential outcome could be ascribed to the absence of a constructed link between cross-border mobility and illegal immigration in these instances. A plausible explanation as to why this linkage has not been constructed in Italy and Spain could be found in the absence of securitization.

Overall, if there was a tentative inference to be drawn from the findings presented above, both material and ideational threat perceptions appear to account for the variance in public opinion on the issue of travel easement for third country nationals. Future research should follow up and inquire into this question in a more comprehensive manner.

⁸⁰ The sample drawn upon herein neither large enough nor randomized to allow for making confident conclusions on this question. The issue is certainly worth pursuing further in future research.

Figure 8. Relation between Public Opinion on Travel Easement and Economic Threat Perceptions on Immigration

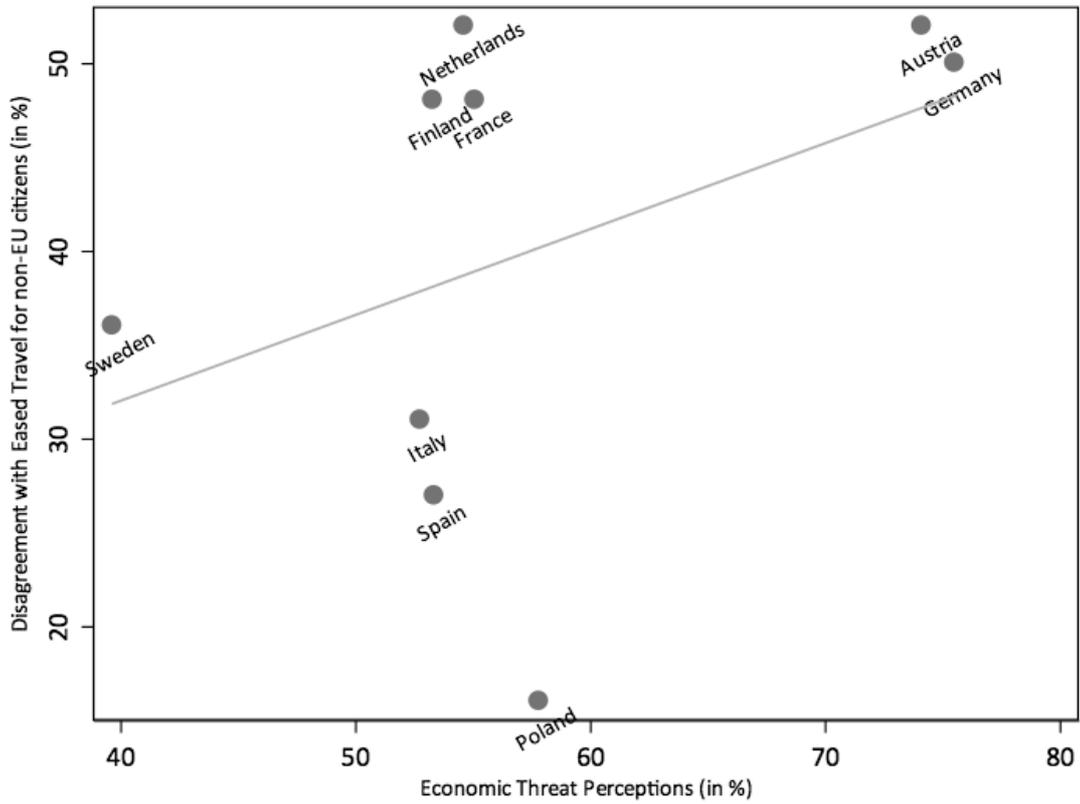
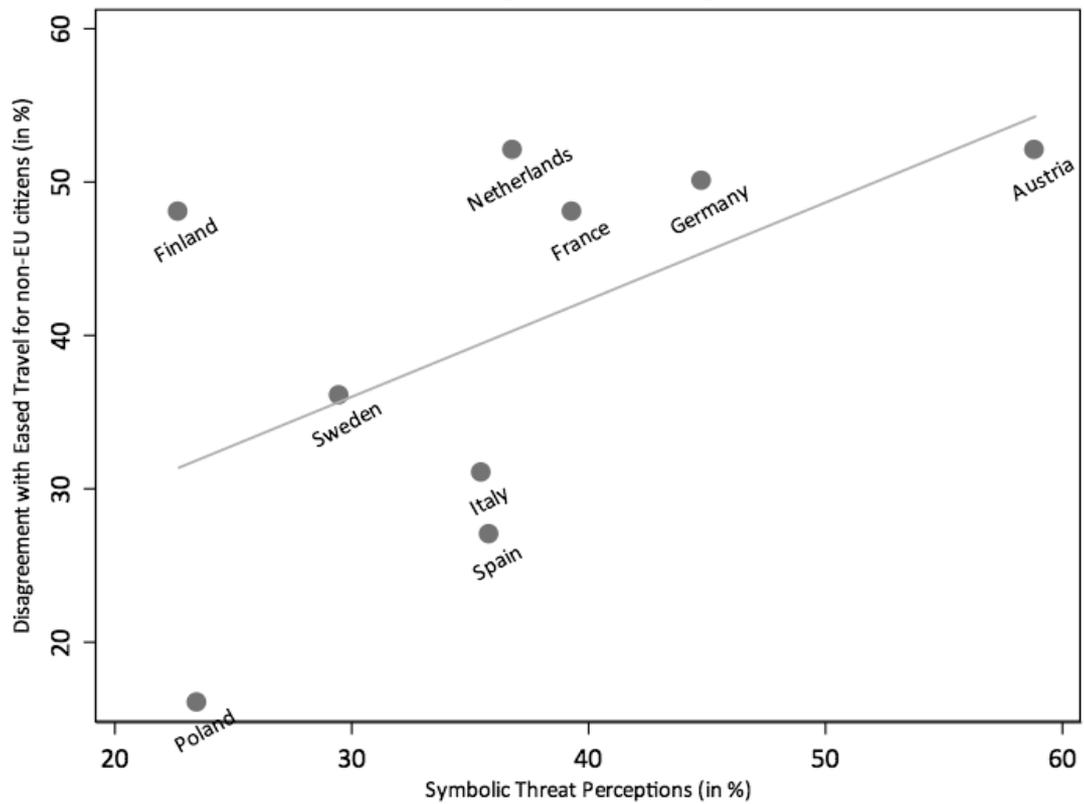


Figure 9. Relation between Public Opinion on Travel Easement and Symbolic Threat Perceptions on Immigration



Discussion. Earlier, we have derived a set of empirical predictions on where and under what conditions the group-conflict (economic threat perceptions) and symbolic politics (ideational threat perceptions) hypotheses would be most likely to hold. We expected in particular that

- economic threat perceptions to be particularly pronounced in member states which maintain higher levels of social spending and/or harbor a significant and/or politically salient Turkish immigrant population, and
- ideational threat perceptions to be particularly pronounced in EU countries which harbor a significant and/or politically salient Turkish immigrant population.

To what extent have these expectations been accurate? As regard economic threat perceptions, looking at EU countries' social spending figures yields quite corroborative evidence to our conjecture. Member states with high economic threat perceptions such as Austria, Germany, Netherlands, Finland, France and Italy as stated above, also maintain high social security expenditures (in PPS, purchasing power standards). These are evidently above the EU27 average level of 6604 PPS for 2008.⁸¹ Among these countries, Germany, France, the Netherlands and Austria were also those who harbor the largest Turkish immigrant community in Europe (see Appendix 2)

As regard symbolic threat perceptions, quite similar observations can be stated. Again, symbolic threat perceptions are particularly pronounced in the cases of Germany, France, the Netherlands and Austria. These are states with both a politically and demographically significant Turkish population (see Appendix 2). Together these countries harbor more than 90 per cent of all Turkish immigrants living in Europe, with Germany having the biggest Turkish diaspora (2.6 mil.) followed by France (370 tsd.), the Netherlands (270 tsd.) and Austria (200tsd.). By and large, it can be said that our theoretical expectations show a good deal of match with the empirical data.

⁸¹http://epp.eurostat.ec.europa.eu/statistics_explained/images/9/9c/Expenditure_on_social_protection_in_PPS_per_capita_in_2008.PNG; figures on social spending in terms of purchasing power standards (PPS) are said to be the best indicator to compare social welfare expenditures across member states because they factor in the national level of wealth

5.3. Concluding Remarks

This chapter has probed into the veracity of liberal intergovernmentalist (economic interest and public opinion based explanations) and supranational institutionalist accounts towards understanding the differential Turkey-EU readmission-visa agreement outcome. The empirical analysis laid bare that domestic societal preferences in the form of public opinion has largely shaped government positions on the issue of Turkish visa liberalization.

More specifically, some member states (most notably Germany and France), despite facing palpable economic incentives to liberalize their visa regime with Turkey, have opposed Turkish visa liberalization. This stance has been shown to emanate from the securitization of the Turkish visa issue in their domestic arenas. Security-framing logic (i.e. securitization) thereby moved the Turkish visa issue from low politics to the domain of high politics (making it a matter of concern for national security and survival). As a result, public sentiments trumped economic interests as the basis of governmental preference configurations. A European Commission enlargement official lucidly summarizes the political nature of the quarrel over the issue of Turkish visa liberalization: “visa does not protect against immigration, nor against crimes ... I think it is more a political issue and I think it is high time to do something about it” (Commission Enlargement official, personal communication, 23 April 2012).

These being the general findings of the preceding analysis, a last topic that merits exploration concerns the real-world implications of the EU’s ongoing restrictive visa regime towards Turkey. Of paramount interest in this regard are Schengen states visa issuing practices vis-à-vis Turkish nationals as taking place within consulates and embassies. In view of the political securitization of the Turkish visa issue, as examined above, the pressing question is whether there is a similar security-logic present in the workings of bureaucrats and security officials as well (bureaucratic securitization). I shall inquire into this question on the following pages.

5.4. Restrictive EU Visa Policy And Its Real-World Implications: Schengen States' Visa Issuing Practices Towards Turkish Nationals

Border control has attained a profoundly new quality in the last couple of decades. Control over entrants to a country, as Salter states, is now exercised way “before they arrive at the border” (Salter 2008, 73). As a result, control has become “much less visible than police working on the front lines of border control” (Bigo 2006, 21). These new modalities have effectively put visa officials in the position of “protecting’ their country from individuals ‘who come from ... problem countries” (Whyte 2008, 143f.). Turkey, by virtue of being placed on the Schengen visa blacklist (Council Regulation 539/2001) constitutes a “problem country” for the EU. Turkish citizens are held to obtain visas before traveling to the Schengen area – a process that has reportedly been plagued by in-transparency and arbitrariness (Baysan 2013, 11).

In an attempt to counter-act discretionary practices within Schengen consulates, the EU has put into force a set of regulations among which are the Common Consular Instructions, the Schengen Border Handbook, and most recently, the Visa Code. While these regulations were enacted to harmonize visa-issuing practices across member states, empirical work indicates that a genuine harmonization across member states has not been achieved, yet EU regulations, so Boratyński et al. (2006), have not affected decision-making rules but merely explicated procedural and technical issues of the visa lodging process (e.g. scope and the nature of required documents). As a result, national authorities go about their own way of evaluating visa applications. A visa official describes the current situation as follows: “Schengen is a bunch of countries which share a common visa sticker, but which follow their own national visa policies” (National Visa Official, cited in Woon 2007, 29).

How does the situation look in the Turkish case? Insights from recent fieldwork carried out by the Turkey-based Economic Development Foundation [İktisadi Kalkınma Vakfı, hereinafter: İKV] lends further support to the argument that Schengen visa issuing practices are subject to considerable national variation (Economic Development Foundation 2010). The İKV, who has interviewed Turkish citizens about their Schengen visa application experiences, reports that a majority of the study participants have raised complaints against highly in-transparent visa-issuing practices of Schengen authorities. Most of the individuals were complaining against German and Belgian visa authorities’ practices. Among the most frequently raised problems were that consular officials

demanded extra documents and/or disproportionately high amounts of money on applicants' bank accounts (as a guarantee of their return intentions). Further, 63 per cent of the survey participants reported instances where their visa appeal had been rejected without/or only with unsatisfactory disclosure of refusal grounds. The latter problem has been reported for Schengen consulates in other contexts as well (see Boratyński et al., 2006).

Latest field reports suggest that certain Schengen consulates (e.g. Germany, the Netherlands and Italy) have begun entrusting intermediary agencies with the processing of the formal stage of the visa application procedure (Deutsches Konsulat Istanbul, 2012). Due to the actual visa application process being outsourced to private agencies, individuals no longer engage in face-to-face contact with consular officials. One consequence of this new regulation is that applicants are now confronted with additional application fees (intermediaries charge about €20 extra). The increased fee, however, constitutes only a minor aspect of the novel situation. More important is the question whether outsourcing (in other words, the abolishment of direct contact between consular officials and visa applicants) effectually exacerbates the problem of discretionary practices. In principal two rationales seem conceivable for outsourcing the visa-issuing process: one reason is technical and meant to increase administrative capacity; the other reason is pragmatic and premised on the idea of "scapegoating" insofar as the interposition of an intermediary unit is to serve the very purpose of diverting critique and complaints by individual applicants. In cases where visa-issuing practices have been reported to be problematic, it would appear only reasonable to outsource.

Another problem with current national visa policies lies in the inconsistent application of extant EU regulations. For instance, individuals who are in principle eligible for a visa-exemption as service providers going to Denmark or Germany (according to Soysal C-228/06) still face hurdles in attaining a visa-exemption documents. Although officially exempted from visa-restrictions, service providers need to apply for a certificate confirming their visa-free status, in effect, nullifying any potential gain their status may hold. Field observations suggest that intermediary agents, for one, tend to charge fees where none are applicable (e.g. students, family members etc.), and for the other, misguide individuals to apply for standard Schengen visas even in cases where entitlement for visa-free travel as service providers would be a given (e.g. business

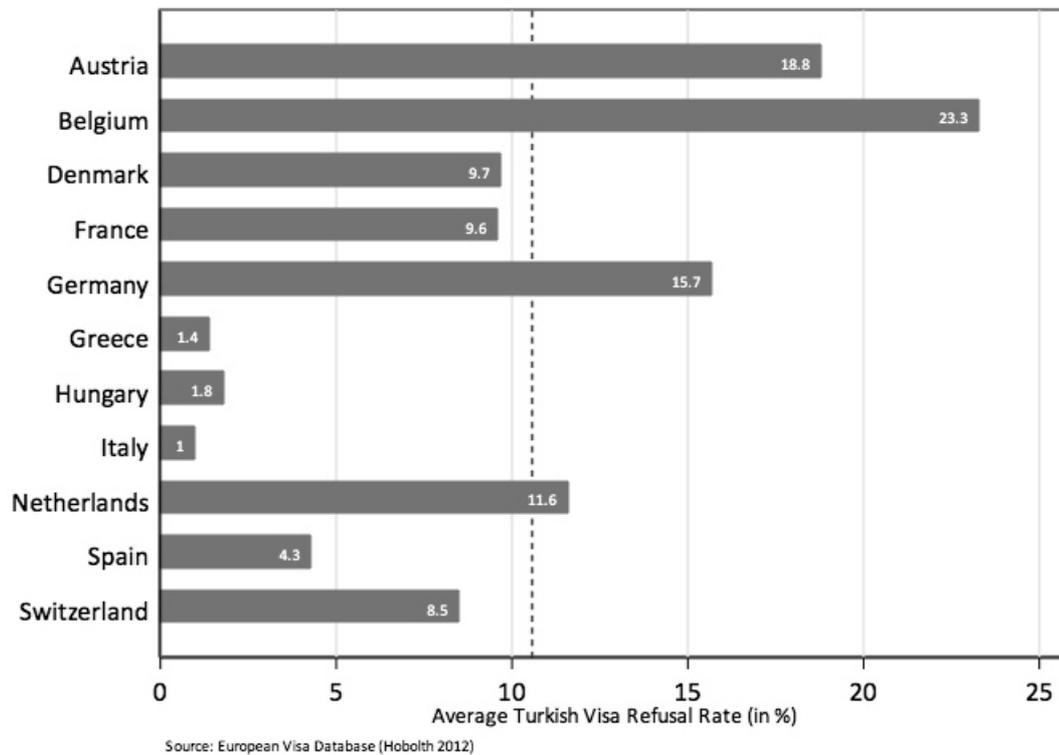
persons, academics). As Egemen Bagis pertinently observed: “Obtaining a visa exemption document is harder than obtaining a visa”.⁸²

Yet another *problematique* pertains to the issue of multiple travels. Some individuals, especially business persons and alike, are of the frequent traveller type. The amount of time a visa is issued, however, often only covers one or two specific travels. What is more, the purpose of travel needs to be documented and proven by the applicant. Some national authorities are particularly meticulous on this score. Thus, not only do frequent (business) travellers suffer from increased economic costs (as they often need to lodge visa applications every single time they travel), but they are also put into a disadvantaged position vis-à-vis their (business) counterparts because attaining a visa goes by way of obtaining an official invitation from the latter.

Examining Schengen visa-issuing figures yields further insights into the bureaucratic dimensions of the securitization of the Turkish visa issue. Figure 10 presents Schengen state’s visa rejection rates for Turkish applicants (annual average of 2005-2010). What becomes apparent from the figure is that refusal rates exhibited marked variation across member states. For the total of Turkish visa applications reached in between 2005 and 2010, refusal rates were highest in Germany, Austria and Belgium with 16, 19 and 23 per cent, respectively. It is important to note that these countries were also reported to have caused difficulties during the visa-issuing process. On the bottom of the list are EU countries such as Hungary, Romania, Greece, Italy and Portugal. These states exhibited mean refusal rates which were lower as two per cent for the time period 2005 to 2010 (see Appendix 6).

⁸² http://www.todayszaman.com/newsDetail_getNewsById.action?newsId=303205 (Accessed 14 May 2013).

Figure 10. Schengen Visa Rejection Rates for Turkish nationals (2005-2010) for selected EU member states



Discussion. The preceding analysis has explored real-world implications of the EU’s restrictive visa regime towards Turkey by looking at Schengen states’ visa-issuing practices. The empirical findings can, by and large, be seen as indicative of the *bureaucratic securitization* of the Turkish visa issue (most notably in Germany, Austria, Belgium, and the Netherlands). Most intriguing is that these practices seem to run parallel to securitization processes in the political arena (see 5.3.2). One may perhaps even speak of a liaison between political and bureaucratic security-framing practices (a theme certainly worthwhile probing into in future research). In contrast to political security-framing, however, bureaucratic securitizations seem to revolve primarily around the application of security and policing logics in the light of the visa issuing process. Where this security-logic takes the upper hand, individual visa applicants are frequently subjected to in-transparent and arbitrary practices.

CHAPTER 7

CONCLUDING DISCUSSION

This thesis has probed into the modalities of EU external policy-making in Justice and Home Affairs (JHA) by way of examining the differential EU-Turkey readmission-visa agreement outcome as compared to analogous agreements the EU concluded with other countries in the Balkans such as Serbia, Macedonia and Montenegro. The inquiry was thereby centered around two interrelated research questions: why has the EU withheld from Turkey a genuine visa liberalization prospect? And more generally, what are the dynamics driving political outcomes in EU external affairs policy making in JHA areas such as immigration, visa and border policy?

Applying a liberal intergovernmentalist lens, which highlights the role of issue-specific domestic preference configurations, it has been argued that the differential Turkey-EU readmission-visa agreement outcome emanated from adverse domestic sentiments in member states such as Germany, France, Austria and the Netherlands.⁸³ In these countries, public opinion trumped other domestic interests such as economic considerations due to the securitization (triggering mechanism) of the issue of Turkish visa liberalization. Portraying Turkish visa exemption as matter implicating the risk of massive illegal immigration (i.e. casting it as an existential threat), elites moved the issue from low politics into the realm of high politics where sources of domestic preference formation other than economic interests were activated (here, public sentiment). In Germany, France, Austria and the Netherlands general public sentiment on the topic immigration and cross-border mobility was already adverse, and so the situation ripe for political entrepreneurs to seize the opportunity by securitizing the issue of Turkish visa liberalization as well.

⁸³ Another opposed country was Cyprus. The latter's opposition, though, derived from its generally adversative stance towards Turkey and its EU credentials than

On the bargaining level, the reason why member states supportive of Turkey's visa bid such as Italy, Sweden, Finland, Poland and Spain were not able to steer the political outcome on the EU level towards their preferred positions lies, on the one hand, in the constrained domestic *win-sets* of the opposed member states (Germany, France, Austria and the Netherlands) and, on the other hand, in their claim to possess factual knowledge about the socio-political implications of Turkish visa exemption (migratory threat). These two factors effectually strengthened the opposed countries' bargaining hands. The circumstance that two large countries (Germany and France⁸⁴) were amongst the latter group further weakened the bargaining power of supportive actors.

The proposed argument has been tested by employing process-tracing and congruence testing methodology through holistic and in-depth case studies. In order to achieve data triangulation, diverse empirical sources were drawn upon ranging from official EU documents, political leaders' statements, and personal interviews to statistical data. In order to rule out rival accounts, the veracity of an alternative supranational institutionalist explanation was assessed in a comprehensive analysis along the way. Taken together, these measures strengthen confidence in the obtained findings and increase our overall inferential leverage.

What *theoretical implications* can be drawn out from the findings? On the most general level, the results obtained herein buttress a crucial point that has recently been raised in the literature: member state preferences are issue-specific and differ across policy domains and time (Moravcsik & Schimmelfennig 2009). In this vein, a basic theoretical proposition about policy-making dynamics in the realm of JHA policies is advanced herein: *public sentiments trump other interests as a source of governmental preference formation in JHA policies such as immigration, border and visa policy where the issue*

⁸⁴ Germany and France constitute key countries because they possess the highest vote shares in the European Council (with 29 each) followed by the UK and Italy (29), and Spain and Poland (27). Where Qualified Majority Voting is effective, as is the case with readmission-visa agreements, this is very central. According to the rules laid out in the Treaty of Nice, which was applicable at the time of writing, for a legislative proposal to go through the Council it needs the support of: - at least 14 (or 18, if proposal was not made by the Commission) countries; - at least 255 of the total 345 voting weights; - at least 311 mil. people represented by the states that vote in favor (the latter condition need only apply if member states require so in the Council). Germany and France alone make up 17 per cent of the votes in the Council and 29.4 per cent of the EU's population. For this reason, and because of their economies' sizes, Germany and France are considered "powerful" countries.

*at hand is securitized.*⁸⁵ Given the narrower empirical domain of this study (focus on Turkey-EU readmission agreement), the proposed hypothesis must naturally be conceived of as tentative. The proposition's analytical veracity across cases would certainly be worthwhile assessing in future studies

What *policy implications* follow from the findings? Two important themes emerge; one concerning Turkey's membership accession process, and the other Schengen states' visa issuing practices. *First*, the EU's differential treatment of Turkey on the visa issue as compared to Western Balkan candidate countries is fundamentally unconstructive in terms of Turkey's EU rule adoption process as a whole. Perceived unfair treatment in the eyes of Turkish policy makers only further weakens the EU's credibility vis-à-vis Turkey. In the absence of a genuine membership prospect, there are no other substantial incentives to encourage continued alignment with EU law (Schimmelfennig & Sedelmeier 2004). Turkey has been suffering under these conditions ever since the beginning of its EU accession negotiations in 2005. Recurring opposition by key member states such as Germany and France, the open-ended nature of the accession process as written into the accession negotiations agreement, the Cyprus issue, as well as high levels of negative public opinion to Turkish EU membership, to name just a few central factors, have undermined the EU's credibility from the Turkish perspective (Yildirim & Baysan 2013, 2). Ergo, slow rule transposition by Turkish policy makers can be attributed to the lack of a compensating external reward structure. In such contexts - where the EU's "carrot" is in doubt (which may very well happen in the Western Balkans as well in view of the on-going ramifications of the financial crisis and an overall feeling of "enlargement fatigue") - EU authorities need to make better use of policy-based intermediate rewards if they wish to see rule adoption continue in target countries. Visa facilitation and liberalization agreements constitute very important tools in this regard (Trauner 2009). Their potential to revitalize EU rule adoption, in the domain of JHA and beyond, ought not to be underestimated.

Second, the analysis of Schengen states visa issuing practices towards Turkish nationals indicates that the latter are far from being harmonized despite regulations put into force on the EU level (e.g. Common Consular Instructions, the Schengen Border Handbook,

⁸⁵ To be sure, given design restrictions, the objective here is primarily to derive theoretical abstractions. No statistical generalizations are attempted at. Future research should follow up the matter towards deriving statements about the argument's veracity across cases and time.

and the Visa Codex). The fact that similar observations have also been made in other contexts (for Eastern Europe see Boratyński et al. 2006) further buttresses this point. The problem with hitherto devised EU regulations can be said to lie in their overemphasis on formal and technical aspects of the visa issuing process. A genuine visa harmonisation, however, will require EU policy makers to stipulate precise decision-making instructions to which national authorities would have to adhere. As things stand, national visa authorities continue to enjoy considerable leeway in going about their own national visa issuing policies. This point ties to a more profound empirical question also: In view of the fact that policy-making in JHA is governed by the community method (that is, qualified majority voting and no member state veto right), but the EU-Turkey readmission-visa agreement outcome was so markedly shaped by member state concerns, to what extent is then still possible to speak of JHA as a genuinely communitarized area, if member states are in the position to decisively influence the policy process?

In sum, while the Turkey-EU readmission-visa agreement may on the surface seem to constitute only a minor aspect in Turkey-EU relations, it really bears much broader implications as embodied in the discussion above. At a time where domestic support for EU membership has hit the bottom among Turkish citizens - with a support rate as low as 33 per cent in 2013, as compared to approx. 70 per cent in 2005⁸⁶ - a fair treatment by the EU and a credible reward structure seems more important than ever if the EU is genuine about Turkey's membership. A quote that lucidly depicts the importance of the visa issue from the Turkish perspective in this respect comes from Egemen Bagis, Turkey's Chief EU negotiator: "the time when Turkish people feel least European is when they wait in line for a visa."⁸⁷

⁸⁶EDAM's study was carried out by TNS Turkey "between 05 December 2012 – 14 January 2013 in Turkey with the participation of 1509 people representing a cross section of the urban and rural population at the age of 18 and above. The cities which were included in the survey: Adana, Ankara, Antalya, Bursa, Diyarbakir, Manisa, Erzurum, Gaziantep, Istanbul, Izmir, Kayseri, Kirklareli, Konya, İçel, Samsun, Zonguldak, Denizli, Malatya. This sampling method makes the EDAM study more representative than for instance Eurobarometer surveys. See URL: <http://edam.org.tr/eng/document/Edam%20Poll%202013-1.pdf> (Accessed 30 May 2013)

⁸⁷ http://www.todayszaman.com/newsDetail_getNewsById.action?newsId=241626 (Accessed 13 May 2013)

Appendix 1

Turkish Outbound Tourism Figures

Destination		Visitors (in thousand)	Destination		Visitors (in thousand)
1	Other: West-Asian Countries	958.857	19	Austria	72.423
2	Bulgaria	672.874	20	Ukraine	68.129
3	Georgia	582.926	21	United Kingdom	66.769
4	Syria	473.862	22	Switzerland	40.117
5	Greece	449.523	23	Belgium	38.783
6	Azerbaijan	439.074	24	Other: East Asian Countries	31.479
7	Japan	415.000	25	Netherlands	30.469
8	Germany	385.477	26	Spain	22.209
9	Other European Countries	323.985	27	Other: Southeast Asian Countries	18.066
10	Undefined	306.691	28	Canada	16.989
11	Iran	260.361	39	Other OECD Countries	15.688
12	Italy	248.413	30	Australia	12.594
13	Commonwealth of Independent States (Former USSR)	160.465	31	Other: American countries	6.258
14	USA	157.380	32	Denmark	6.145
15	Other: South-Asian Countries	124.246	33	Israel	5.099
16	Russia	120.132	34	Other Countries	2.846
17	Other: African Countries	116.228	35	Sweden	2.446
18	France	87.821	36	Tunisia	1.100
Total					6.326.341

Data for 2012, by Country/Region of Destination Source: Turkish Statistics Institute

Appendix 2

Demographics on Turkish immigrants living in selected EU member states

	Total of Turkish Immigrants	Turkish Nationality	Naturalized
Germany	2,642	1,912	730
France	370	196	174
Netherlands	270	96	174
Austria	200	120	80
Belgium	110	67	43
UK	70	37	33
Denmark	53	39	14
Sweden	37	14	23

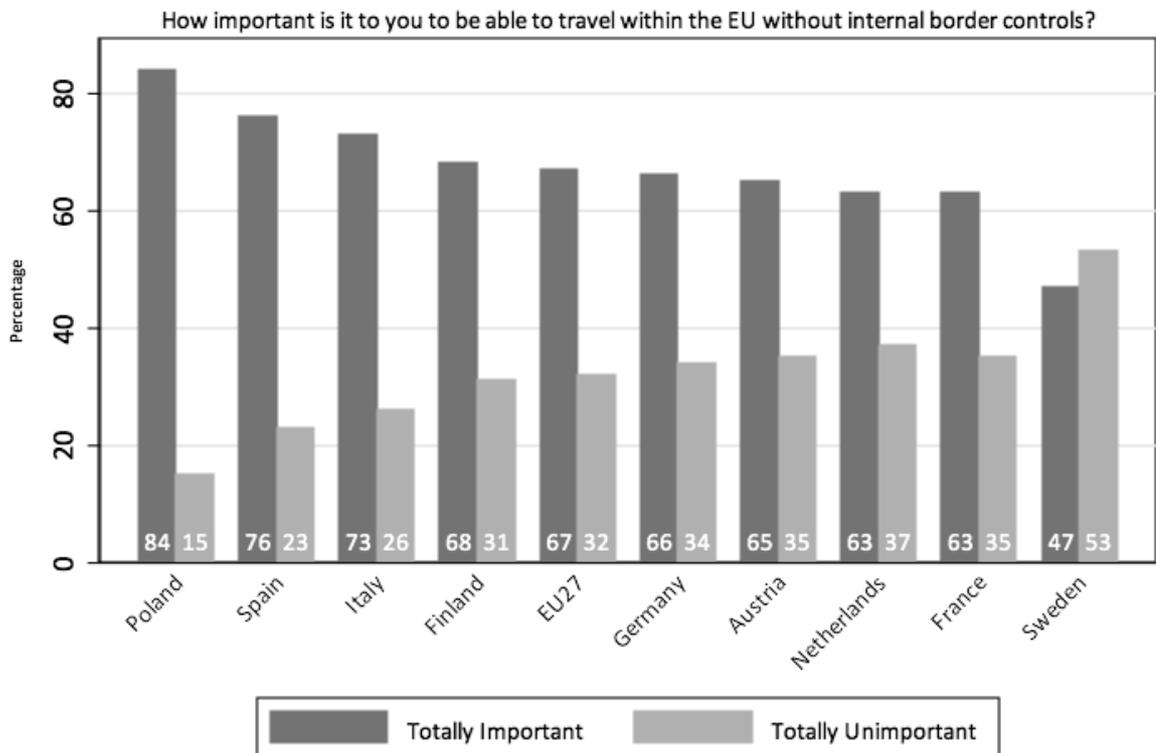
(Figures in Thousands). Source: Independent Commission on Turkey (2004)⁸⁸

⁸⁸ http://www.independentcommissiononturkey.org/pdfs/2004_english.pdf (Accessed 20 May 2013)

Appendix 3

EU citizens' attitudes on intra-EU travel without border controls

- How important is it to you to be able to travel within the EU without internal border controls? - response choices: totally important/ totally unimportant/don't know.



Source: Eurobarometer 76.4 (2011)

Appendix 4

Group-Conflict Hypothesis (Economic Threat Perceptions) Indicators

Immigrants Take Away Jobs (Indicator 1)

	GER	AU	FI	FR	PL	NL	IT	ESP	SW
take	23.5	15.3	10.8	7.6	11.1	5.2	7.5	7.8	5.5
2	4	10.2	6.4	6.3	5.2	4	4.1	4.7	3.2
3	14.2	13.7	10.5	10.4	9.3	9.1	5.6	8.8	4.9
4	6.1	11.2	10.5	13.2	9.6	9.8	5.9	7.6	5.9
5	21.5	18.4	17.8	17.1	15.6	20.2	22.3	11.9	10.8
6	4.5	6	11.2	9.2	8.8	11.1	5.4	6.6	5.7
7	6.4	7.1	9.7	8.5	9.9	16.1	9.3	15	9.2
8	7.8	10.3	9.3	11	11.2	14.5	14.1	15.1	15.7
9	2.8	2.3	4.6	5.4	7	4.2	7.9	8.5	12.6
don't	9.2	5.6	9.1	11.3	12.3	5.8	18	13.9	26.3
N	1496	2037	1451	1482	1471	1534	1487	1099	1082

Source: European Values Study (2008), values in percent

Immigrants are a Strain on Welfare System (Indicator 2)

	GER	AU	FI	FR	PL	NL	IT	ESP	SW
are	28.2	35	12.1	13.3	10.5	6.8	12	5.7	11.5
2	15.6	7.5	7.7	8.1	6.3	7.3	7.4	5	7.8
3	15.9	16.6	16.5	11.8	11.7	13.4	11.3	9	9.6
4	10.3	6.5	15.9	9.3	13.5	15.7	9.2	9.5	8.6
5	12.3	13.4	13.6	22.3	19	17.8	14.8	21.5	11.5
6	3.3	5.4	8.9	6.2	10.2	11.6	8	11.2	6.2
7	3.9	3.8	8.6	6.7	7.4	11.1	6.6	10.8	6.5
8	4.6	3.8	6	7.5	7.3	8	7.1	11.2	10.7
9	2.1	1.8	2.6	5.1	2.9	1.8	3.5	4.1	7.3
aren't	2.3	4.4	4.3	8.4	6.3	3.2	7.6	5.9	10.4
N=	1510	2075	1501	1134	1519	1187	1510	1554	1500

Source: European Values Study (2008), values in percent

Appendix 5

Symbolic-Politics Hypothesis (Ideational Threat Perceptions) Indicators

Immigrants undermine Country's Cultural Life (Indicator 1)

	AU	GER	FR	NL	IT	ESP	PL	SW	FI
undermine	22.2	10.7	8.7	4.4	9.3	6.8	4.7	6.7	5.7
2	4.6	9.1	5.1	4.8	4.5	4.8	3	6.6	2.9
3	16.3	12.6	8.7	10.4	9.5	7.1	6.6	6.2	5.6
4	6.1	11	7.9	12.5	8.1	8.8	8	7.1	4.4
5	17.6	17.6	17.4	14.5	12.3	14.5	13.5	9	9.3
6	5.4	7	5.9	9.7	7.9	10.4	9.9	7	6.9
7	8.3	8.8	7.9	14.9	9.8	12.2	9.6	8	11.2
8	7.9	13.6	14.1	15.8	13.8	15.1	15.8	14.1	18.1
9	2.6	2.8	8	5	7.7	8.2	8.8	9.7	11.4
do not	9.1	6.9	16.3	8	17	12.1	20.1	25.6	24.6
N	1485	2028	1434	1488	1434	1064	1090	1476	1531

Source: European Values Study (2008), values in percent

Immigrants Living In Your Country: Feels Like A Stranger (Indicator 2)

	AU	FR	ESP	GER	NL	IT	SW	FI	PL
agree strongly	18.8	11.1	6.6	10.3	5.8	8.3	7.1	6.1	3.7
agree	32.1	19.8	23.1	18.3	21.2	19	16.4	11.4	7.5
neither	17.7	15.6	13.4	22.1	14.7	19.6	17.6	18.8	16.4
disagree	17.9	21	42	28.5	41.5	34.7	26.7	34.2	47.4
disagree strongly	13.5	32.5	14.8	20.8	16.8	18.4	32.1	29.5	25.1
N	1495	1498	2018	1462	1111	1484	1101	1546	1472

Source: European Values Study (2008), values in percent

Appendix 6

Schengen Visa Rejection Rates for Turkish applicants

Country	Ankara	Istanbul	Izmir	Mean
Belgium	27.6	18.9	-	23.3
Austria*	29.6	7.9	-	18.8
Germany*	26.1	8.4	12.6	15.7
Norway	15.6	-	-	15.6
Estonia	14.4	-	-	14.4
Sweden	22.4	4.2	-	13.3
Malta	-	12.3	-	12.3
Netherlands*	16.1	7.1	-	11.6
Finland	11.3	-	-	11.3
Latvia	11.0	-	-	11.0
Denmark	14.9	4.5	-	9.7
France*	15.2	3.9	-	9.6
Switzerland	11.1	5.8	-	8.5
Slovenia	6.2	-	-	6.2
Lithuania	5.9	-	-	5.9
Bulgaria	5.1	5.6	-	5.4
Poland	5.8	3.9	-	4.8
Slovakia	5.8	3.0	-	4.4
Spain	6.4	2.2	-	4.3
Czech Republic	6.7	1.8	-	4.3
Hungary	2.2	1.3	-	1.8
Romania	1.5	1.3	1.6	1.5
Greece	1.3	0.7	2.2	1.4
Italy	0.4	0.9	1.7	1.0
Portugal	1.8	0.0	-	0.9
Mean	10.9	4.9	4.8	8.7

Adapted from European Visa Database (Hobolth 2012), by Schengen country and consulate
(Mean values in per cent for the period 2005-2010)

Note: *Schengen States opposing Visa-Liberalization for Turkey

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