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University of Southampton

Faculty of Social Sciences

Department of Politics and International Relations

**International Organisations' Influences on Turkish Asylum Policy, 1997-2016:
Unpacking the Transnational Mechanisms from the Outside-in and Back**

by

Yusuf Ciftci

Thesis for the degree of Doctor of Philosophy

September 2018

University of Southampton

Abstract

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Turkey has recently developed a comprehensive legislation and domestic institutions with a view to aligning its asylum policies with international norms of the refugee regime. This incipient development represents the outcome of a complex process of policy-making that consists of a transformation from a traditional security-oriented approach towards refugees to a human rights-oriented policy while Turkey is becoming a host country to the largest number of refugees in the world.

The aim of this study is to determine an explanation for the emergence of this new asylum policy in Turkey. Existing studies tended to explain the external driving power of the EU to explore this process by focusing on conditionality and socialisation mechanisms. Arguing that the new policy is a result of the interplay between international and domestic actors, this thesis questions the role of existing actors and mechanisms and seeks to explore alternative explanations of UNHCR, IOM, CoE and domestic actors. To this end, this research investigates the implications of the interactions between these international and domestic actors on the evolution of asylum policies in Turkey. In this context, the main focus is on the transnational influencing mechanisms of these actors. Seeking to find evidence to explain the asylum policy-making process, this thesis employed a systematic and comprehensive analytical framework and conducted a process-tracing analysis by drawing on the qualitative interview data and document research.

The findings showed that initial reform- and strategy-building processes of the early 2000s were strongly induced by the EU's coercive bargaining mechanism, while the reform-implementing process of 2009-2013 was shaped by a lesson-drawing mechanism spearheaded by domestic bureaucrats. A combination of state-level factors such as institutional settings and individual-level factors such as strategic entrepreneurship of the bureaucrats significantly affected the degree and the way in which domestic outcomes in asylum policy have been shaped by international sources. External organisations' influence in the asylum area can be mobilised by domestic factors through vertical-policy making, which in turn can empower domestic actors' position in policy-making. The interaction dynamics between these two levels allow the creation of a transnational advocacy network that would exert influence in both the outside-in and inside-out directions.

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Research Thesis: Declaration of Authorship

Print name:	Yusuf Ciftci
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Title of thesis:	International Organisations' Influences on Turkish Asylum Policy, 1997-2016: Unpacking the Transnational Mechanisms from the Outside in and Back
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I declare that this thesis and the work presented in it are my own and has been generated by me as the result of my own original research.

I confirm that:

1. This work was done wholly or mainly while in candidature for a research degree at this University;
2. Where any part of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution, this has been clearly stated;
3. Where I have consulted the published work of others, this is always clearly attributed;
4. Where I have quoted from the work of others, the source is always given. With the exception of such quotations, this thesis is entirely my own work;
5. I have acknowledged all main sources of help;
6. Where the thesis is based on work done by myself jointly with others, I have made clear exactly what was done by others and what I have contributed myself;
7. None of this work has been published before submission.

Signature:		Date:	21 September 2018
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List of Abbreviations

AMB	Asylum and Migration Bureau
APD	Accession Partnership Document
CoE	Council of Europe
COI	Country of Origin Information
DGMM	Directorate General for Migration Management
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
FIPL	Foreigners and International Protection Law
IOM	International Organisation for Migration
NAP	National Action Plan
NPAA	National Programme for the Adoption of the EU Acquis
RSD	Refugee Status Determination
TNP	Turkish National Police
UNHCR	United Nations High Commissioner for Refugees

Chapter 1 Introduction

Turkey has long been known as a migrant-sending and transit country. However, it has been increasingly becoming an immigration country due to a considerable number of incoming asylum seekers from Middle Eastern states since the 1990s (interview with Kirişci, 2003b; İçduygu, 2005). Especially with recent Syrian refugee flows, Turkey has come to host the largest number of refugees in the world (UNHCR, 2017). Turkey's policy responses to the asylum seekers, however, have not had a long history. Turkey's first-ever legislation on asylum was adopted in 2013 and first-ever domestic organisation for migration management was established in 2014. Building on these two elements, Turkey has recently developed an asylum policy as a result of a long process of negotiation and interaction between domestic and external actors, organisations and institutions. Starting in the late 1990s, this process has transformed Turkey's previous national security-oriented approach towards refugees into a human rights approach, yielding an incipient, functional asylum policy underpinned by international refugee norms.

Understanding how Turkey ended up with a human rights-oriented asylum policy still remains a challenging issue due to the relatively long length of the process, the complex nature of interactions between domestic and external actors, and the recent unprecedented flow of refugees. One of the most significant contemporary discussions in asylum policy-making in Turkey is one in which actors were effective in shaping this policy and how they exerted an impact (Kirişci, 2012; Eroğlu, 2015). Data from several studies suggest that this process coincided with Turkey's accession process to the European Union (EU) and thereby the creation of reforms and diffusion of human right norms is driven by the impact of the EU (İçduygu, 2007; Baklacioğlu, 2009; Bürgin, 2016; Bürgin and Aşikoğlu, 2017). However, researchers have not investigated other relevant organisations such as the United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM) and Council of Europe (CoE) and their mechanisms in detail. An explanation of the asylum policy-making process requires more than an examination of external actors and their activities, capabilities and influence mechanisms; there is also a need to study domestic actors, their preferences and motivations, as well as their perceptions of, and their reactions to, external influences. The central thesis of this study is that the interaction between external organisations (both the EU and others –UNHCR, IOM, CoE) and domestic actors such as bureaucrats, carries considerable weight in the evolution of the current asylum policies in Turkey. The study argues that, due to recent unprecedented refugee flows, states' domestic asylum governance is not only a domestic concern, but is increasingly becoming an international

Chapter 1

one. Therefore, understanding asylum policies in Turkey goes beyond analysing the EU explanation and requires an *intermestic*¹ approach for a better understanding.

The main purpose of the thesis is to explore how Turkey's asylum policies emerged in the light of external influences. By investigating the Turkish case, this study examines the broader relationship between the relevant international and domestic actors and the degree to which their interaction affects the creation of domestic asylum policies. The central focus will not be on the international organisations themselves, but rather the *mechanisms* by which these organisations influence domestic outcomes. As the number of asylum seekers in the world increases, existing international organisations are expanding their mandates regarding refugee-related issues. Unlike other related areas, such as labour or student migration where states use their sovereign power, the area of asylum has comparatively structured institutions, norms, and principles enshrined in the 1951 Geneva Convention on the Status of Refugees and Asylum Seekers.² Therefore, the study highlights the importance of international institutions and organisations in asylum politics. Moreover, as the number of relevant actors has increased and the existing asylum policy-making processes become more multi-faceted than ever, the thesis proposes a new analytical perspective that embraces the implications of the interplay between international and domestic factors to elucidate actual dynamics and motivations. It therefore emphasises the importance of adopting an interactive and comprehensive approach by taking multiple relevant explanatory mechanisms and levels of analysis into the investigation of asylum policy-making.

The study adopts a qualitative research strategy and gathers data through qualitative interviews and document research. The empirical part of the thesis first describes the changes in the asylum policy-making process. Secondly, it traces the dynamics of this process with reference to the different influence mechanisms employed by both external organisations and domestic actors. The thesis eventually finds that although the EU has played a triggering role in planning the asylum reforms, its role seems insufficient to account for the associated policy-making; rather, this is the agency capacity of a combination of actors that include the EU but also constitutes domestic bureaucrats, the CoE, UNHCR and IOM. The interplay between these external and domestic actors mainly informed problem definitions, guided policy actions and consolidated the policy outcomes that changed the perspective from a securitising to a humanitarian approach.

¹ Intermestic here refers to the interplay between the international and domestic structures.

² Hereafter 'the 1951 Geneva Convention'

This thesis primarily contributes to the often technical and descriptive Turkish migration policy literature by employing a systematic and comprehensive approach to the appropriate policy-making processes (Tolay, 2015). It not only provides a case for understanding the international sources of domestic politics in the international relations literature (Gourevitch, 1978), but it also sheds light on the eminent need for a transnational logic and multi-level, decentralised analysis of policy-making in the migration policy literature (Castles, 2004a; Geiger and Pecoud, 2010; Pecoud, 2014). Furthermore, as the thesis traces the actions and the outcomes of relevant factors and mechanisms, it also provides policy and practice lessons for decision-makers and stakeholders both within Turkish institutions and the external organisations considered in this study. The proposed insights of the study can also inform future activities and policies of local, state-level, regional and international organisations.

This chapter briefly introduces the research. The first section offers background information on the topic, focusing on the relevance of the international institutions of the refugee regime in Turkish asylum policy. The second section explains the research aims, adopted frameworks and the design of the research. The last two sections briefly describe the value the research brings and how the thesis is structured.

1.1 Background Information

1.1.1 The Refugee Regime and International Institutions

Migration, in its all forms, has lately become a contentious issue in state policies regardless of its wide range of motivations such as working, studying or, for some individuals, seeking asylum (Juss, 1998). However, the key difference between asylum and other forms of migration is that there is an international regime for refugees, but not for other migrants. For refugees, the rules of the game do really matter, and states cannot define policy in isolation (Martin, 2011). The 1951 Geneva Convention, and its subsequent 1967 Protocol, established the main norms, principles and institutions of the refugee regime. Formulated in the post-Second World War context, the institutions of the Convention were limited to a particular *geographical location* and *time*. State parties were obligated to accept individuals who had fled communist regimes *within Europe* and who had fled *before 1951*. However, these limitations were lifted in the 1967 Protocol, making the Convention a strong compilation of institutions that are less restricted but more universal and international in nature. The area of asylum, therefore, is considerably more structured around rules than other forms on migration.

Chapter 1

Institutions in the refugee regime limit states' discretion in governing the asylum issue (Sassen, 1996). As states usually fail to formulate effective migration policies unilaterally, they recently turned towards multilateral frameworks to find solutions to the legal and political challenges created by contemporary unprecedented refugee flows (Castles, 2004a; Betts, 2011).³

Highlighting the multilateral nature of the area, scholars studied the protection of refugees as a 'public good', meaning that if states provide protection they benefit all other states (Betts, 2009b). However, a broader debate continues about how, and under what circumstances, international institutions matter (Grabbe, 2001; Goodman and Jinks, 2004; Checkel, 2005). To find the degree to which these institutions matter in the area of asylum, the focus of the thesis will be on the ways in which certain external organisations can influence domestic asylum policies.

This thesis refrains from the definition of institutions as one of concreted organisations. Instead, the thesis follows Keohane (1988, p.383) and defines institutions as "persistent and connected sets of rules (formal or informal) that prescribe behavioural roles, constrain activity, and shape expectations". With this definition, institutions are understood as principles, concepts, notions, norms, programmes or ways of doing things.⁴ International organisations (IOs), on the other hand, are defined as entities that disseminate and promote these institutions (Kelley, 2004; Costa and Jorgensen, 2012), and that represent associations of states interested in a particular purpose (Martin and Simmons, 2012).

For this study, Turkey appears to be a suitable and relevant country, partly because of its geopolitical location and legal position with regards to refugees but mostly because it has undergone a recent, complex policy-making process. International institutions and their implications can be observed in Turkey's asylum governance system.

1.1.2 Turkey and Refugees

The last two decades has seen Turkey experience an increasing number of refugee crises, and it now hosts the largest number of refugees worldwide.⁵ Its geopolitical location between the

³ For the first time in 2013, the figures indicated a peak in the number of asylum seekers with 50 million forced migrants (UNHCR, 2013b). Only three years later, this number had increased to 65.6 million at an alarming rate (UNHCR, 2017).

⁴ Some refugee institutions are as follows: definition of a refugee, the principle of not sending refugees back to their countries (non-refoulement), the rule of not penalising refugees because of their illegal crossing of a border (non-penalisation), the programme of resettling asylum seekers, the rule of providing a right to apply asylum at any time within the territory, or the norm of helping other countries that provide protection to refugees (burden sharing), etc.

⁵ For example, refugee flows emerging as the consequences of 1979 Iranian revolution, 1988 Halabja massacres in Iraq, 1991 Gulf war as well as more recent conflicts in Afghanistan, Iraq and lately Syria have

refugee-producing, less-stable Middle Eastern countries and refugee-receiving, welfare states of the European Union makes Turkey an important country in managing international refugee flows (see Figure 1).



Figure 1 A world map showing Turkey's proximity to refugee-producing countries

Source: link-italia.org (n.d.), modified by author drawing on data from UNHCR (2018d)

During the 1980s and 90s, the first refugee arrivals in Turkey came from the Middle Eastern countries of Iran and Iraq (see Table 1). Even though the number of Iranian asylum seekers arriving was very high, Turkey permitted them to stay as tourists, for which Kirişci (1991) suggests two possible reasons. Firstly, Turkey did not have sufficient economic resources to provide full protection as defined in the Geneva Convention to such large numbers; and, secondly, Turkey did not want to displease the incipient Iranian regime by granting fleeing Iranians refugee status. This flow did not seem to raise domestic political discussion in Turkey, but did show its vulnerability to refugee flows from its immediate neighbours.

proved that Turkey has a special role in regulating the asylum flows which are generally headed towards the EU and western states (İçduygu and Keyman, 2000; Mannaert, 2003).

Refugee arrivals to Turkey in the 1980s and 1990s

Country of Origin	Date	Number
Iran	1979 – 1988	1,500,000
	1997 – 2001	13,141
Iraq	1988	60,000
	1991	500,000
	1997 – 2001	12,752
African countries (Ethiopia, Ghana, Nigeria, Somalia, Sudan)	1983 - 1991	380
	Late 1990s	5,000
Asian countries (Afghanistan, China, Sri Lanka)	1983- 1991	940
	Late 1990s	1,000

Table 1 Refugee arrivals in Turkey during the 1980s and 1990s⁶

Source: Data compiled by author from İçduygu (2000; 2003) and Mannaert (2003)

The second refugee crisis was the flow of Iraqi Kurds, to which Turkey's response was rather controversial for two important reasons. Firstly, unlike the Iranian flow, Iraqi Kurds crossed the Turkish borders over a relatively short period of time; half of a million Iraqi Kurdish nationals moved to Turkey only within a few days in 1991 (Kirişci, 1991). Secondly, Turkey was struggling to maintain public order in its Kurdish-populated south and south-eastern regions, where armed conflicts had been ongoing with the separatist terrorist organisation, the Kurdish Worker's Party (PKK), since 1984.⁷ The ongoing political tension with the PKK and the endeavours to regulate public order in south-east Turkey were actually then manifest in a different response to the Iraqis, which consisted of creating refugee camps, proposing the UN Security Council create a safe haven

⁶ Apart from the mentioned, there were other mass flows from European countries such as 310.000 Bulgarians in 1989, 250.000 Bosnians in 1992 and 20.000 Albanians in 1999. However, these flows were mainly ethnic Turks, they were approached with specific laws and policies (e.g., dual citizenship) that facilitated their integration or return to their country once the conflict is averted. As these flows were not recognised as refugee flows, this thesis does not cover the responses to these flows.

⁷ The Kurdish population in Turkey was approximately 12 million (Mannaert, 2003), which represented the 17.8% of the total population in 1993 (Sirkeci, 2003).

in Iraqi land, and accepting them as guests but not tourists, as was the case for Iranians. These mass refugee flows were followed by an increasing trend in individual asylum arrivals, mainly from Asian and African countries, during the 1990s. During the early 2000s, the number of asylum applications remained steady but increased in the late 2000s (see Figure 2). These asylum seekers were mostly from Iraq, Afghanistan, Somalia, Pakistan and Iraq. During the 2010s, Turkey received millions of asylum seekers from Syria due to the conflicts started in 2011, making Turkey host to the largest number of refugees worldwide in 2014 (see Figure 3).

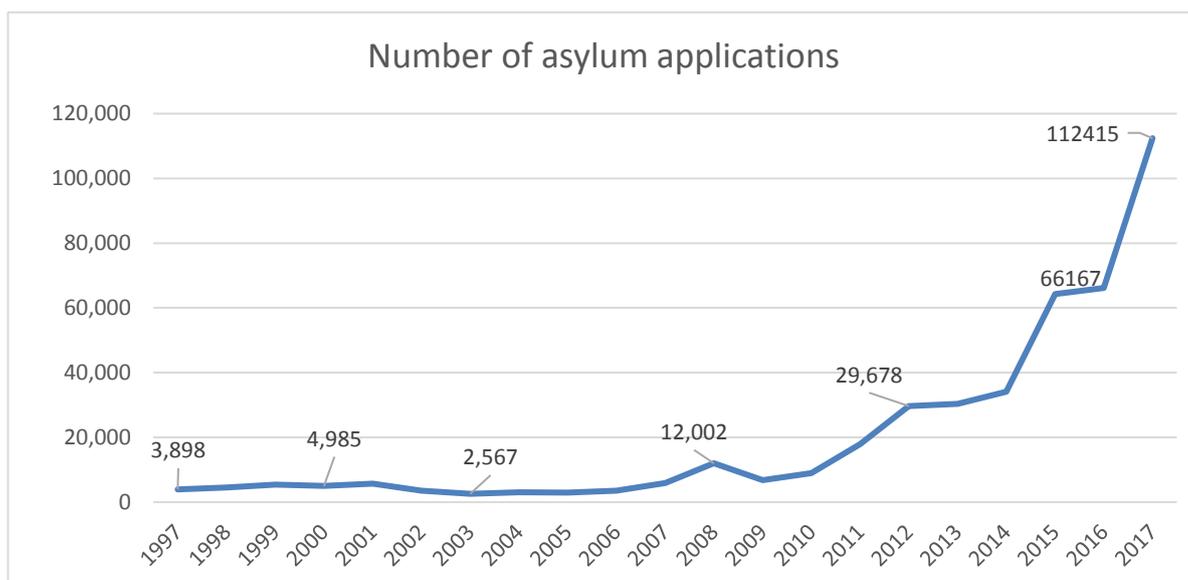


Figure 2 Number of individual asylum applicants in Turkey for a given year, 1997-2016

Source: DGMM (2018b)

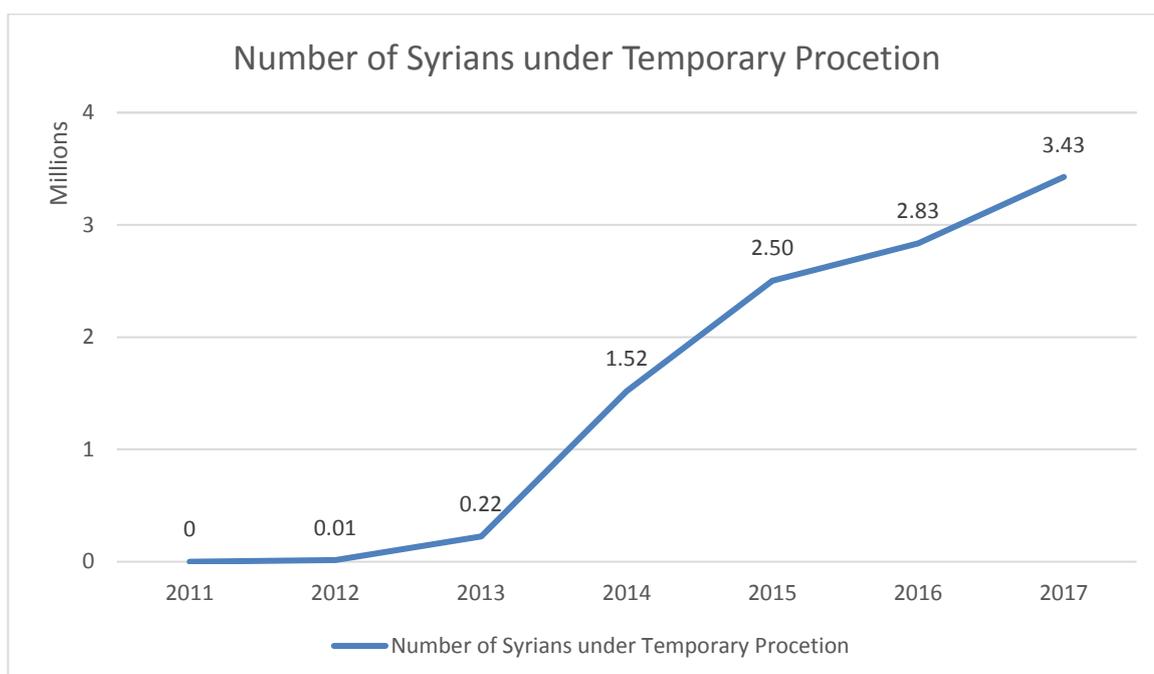


Figure 3 Number of Syrians under temporary protection in Turkey by year

Source: DGMM (2018c)

Most asylum applications in the figures are from Middle Eastern, African and Asian countries. However, asylum seekers from these countries are not legally accepted as refugees in Turkey, which still preserves the 'geographical reservation' to the 1951 Geneva Convention that almost every other country lifted in the 1967 Protocol Relating the Status of Refugees.⁸ Thus, Turkey has only been bound to abide by the international institutions for very low numbers of asylum seekers coming from European countries (Kirişci, 2005a). The main reason behind this choice was Turkey's concerns about the possible economic, sociologic and political problems that could have emerged when Turkey accepted these non-European asylum seekers (Kaya, 2009b). In practice, though, these asylum seekers, who are mainly from Afghanistan, Iran, Iraq, Syria and Somalia, have in any case been temporarily accepted and protected until a third state is arranged and they are resettled by the UNHCR. Taken together, Turkey's geopolitics and peculiar legal position offers an interesting entry point to the analysis of external factors of asylum policy-making in Turkey.

1.1.3 Turkish Asylum Policy-Making

Despite the increasing trend in refugee arrivals from non-European countries since the 1990s, Turkey did not have a functional asylum policy until very recently. The fundamental elements of Turkey's current policy were established in 2013 with its first-ever legislation on asylum, *Law on Foreigners and International Protection (FIPL)*, and first-ever domestic institution to manage migration, *Directorate General for Migration Management (DGMM)*. This incipient emergence of asylum policy in Turkey not only illustrates a departure from a securitisation approach to a human rights and international norms approach, but also demonstrates the first outcomes of a policy-making process which has been marked by the interplay between external powers like the EU, UNHCR, IOM, CoE and the domestic factors of state bureaucracy, political discourse and institutional settings.

Asylum governance in Turkey has had different stages (see Figure 4). Turkey's traditional approach to refugees originates from the geographical limitation to the 1951 Geneva Convention. Without a national legislation, its asylum governance worked on an *ad hoc* basis with piecemeal regulations (İçduygu and Keyman, 2000). The first attempt to institutionalise this approach was the adoption of a restrictive regulation in 1994.⁹ Designed with national security concerns in

⁸ Only three other countries still preserve the geographical limitation: Congo, Madagascar and Monaco (United Nations Treaty Collection, 2016).

⁹ Full title of the regulation is: "*Regulation No. 1994/6169 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country*". Hereafter, this regulation will be referred as *Asylum Regulation (1994)*.

mind, the 1994 regulation introduced restrictive measures such as procedural requirements for application (i.e., five-day of entry rule and two-tiered application rule)¹⁰ (Biehl, 2009). If asylum seekers met these application conditions, they were temporarily allowed to remain in Turkey until being resettled in another state. In the meantime, they were only permitted to stay in certain locations called ‘satellite cities’, which were away from the borders to prevent illegal means of mobility (Biehl, 2009). Failure to obey these restrictive rules usually resulted in deportation without a legal right to appeal (Frelick, 1997). Moreover, the regulations made no reference to basic rights like health, shelter and education (Biehl, 2009). Overall, the 1994 regulation attempted to bring a national security approach.

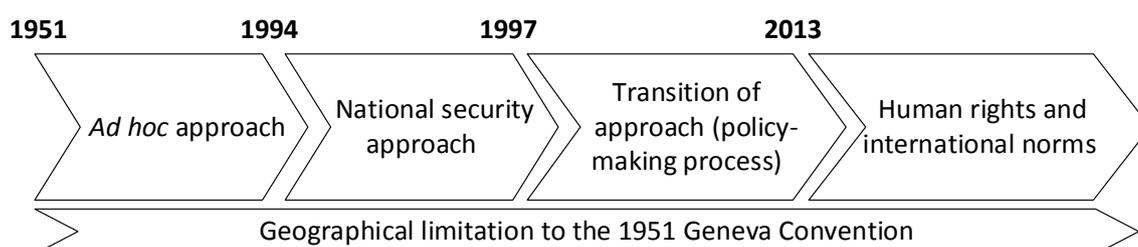


Figure 4 Evolution of Turkey's asylum system

However, the institutionalisation of a security-oriented asylum policy with the 1994 regulation turned out to be ineffective due to external criticism. US and external organisations such as the EU, UNHCR and European Court of Human Rights (ECtHR) criticised deportations as being against the *non-refoulement principle* of the refugee regime (Kirişci, 2003a; Elçin, 2015). Most of the decisions and practices under this regulation were still made on an *ad hoc* basis that lacked a statutory role (Kaya, 2009a; Tolay, 2012). Turkish officials then started to alleviate the restrictive provisions of the 1994 regulation, which represents the beginning of a policy-making process. During this process, judicial review of decisions was opened in 1997 and the time of entry was initially increased to ‘ten days’ in 1999, then lifted completely in 2006 (Kirişci, 2007). In the light of the EU and UNHCR interventions, Turkish National Police (TNP) adopted an Asylum Strategy document in 2003 and a comprehensive National Action Plan in 2005. In this plan, as a result of EU demands, the lifting of the geographical limitation to the Geneva Convention was also placed on Turkey’s political agenda. A new Implementation Directive was circulated in 2006 to regulate the practices of asylum in Turkey by incorporating EU asylum rules. More importantly, a new civilian unit, the ‘Asylum and Migration Bureau (AMB)’ was established in 2008 to address the lack of professionalism in the field of asylum and migration in Turkey. Contrary to the previous police-

¹⁰ According to five-day of entry rule, asylum seekers had to apply no more than five days when they entered Turkey. According to two-tiered application rule, asylum seekers had to apply both the UNHCR and Foreigner’s Branch of Turkish National Police (TNP) for a ‘refugee’ status.

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centred decision-making (Eroğlu, 2015), this unit managed to introduce a rather participatory decision-making system by including external formal organisations and domestic societal actors in Turkey. This Bureau later passed Turkey's first comprehensive asylum legislation, FIPL, in 2013 and established the DGMM in 2014. These new legislative and institutional reforms have changed the perception of the issue of asylum in Turkey "from a primarily 'national security' perspective to one that increasingly emphasized human rights and international refugee law" (Kirişci, 2012, p.73). Overall, these developments in the domestic political structures eventually led to the formulation of a more effective and internationally-recognised asylum policy in Turkey (Seyhan, 2014; Öner and Genc, 2015).

During the policy-making period that started in 1997, interventions and activities of several external organisations (i.e., the EU, UNHCR, IOM, and CoE) have considerably helped Turkey to transform its piecemeal asylum system into a functional policy that aligns with international institutions and norms. These developments represent a 'paradigm change' in the asylum governance structures which led to the evolution of current asylum policies in Turkey (Kirişci, 2012; Seyhan, 2014; Öner and Genc, 2015). This policy-making process did not follow a straightforward policy lifecycle but was rather a complex process due to the changing actors, interests and processes within Turkey, and the power balances in the relationships between Turkey and the IOs. Highlighting the multifaceted and controversial process of reforms and developments, Seyhan (2014, p.190) argued that the process "occurred capriciously, asymmetrically, and in a disorganised manner, in response to short-term migration-related goals and strategies". Similarly, Açıkgöz and Ariner (2014, p.4) suggested that this process cannot be explained by just examining the activities and capabilities of an external or a domestic actor, event or decision because, "the [new legislation] is the product of a unique combination of internal and external national, international and transnational factors". Attempting to understand the dynamics of this process, earlier studies examined the role of international actors, mostly focusing on the implications of Turkey's bilateral relations with the EU (İçduygu, 2007; Baklacioğlu, 2009; Kaya, 2009b; Demiryontar, 2015; Bürgin, 2016). This study argues that the EU's impact was only partial, and accordingly examines the role of non-EU explanations including external organisations (i.e., UNHCR, IOM, CoE) and domestic factors (i.e., bureaucrats, institutions, societal actors) on asylum policy-making in Turkey.

1.2 Research Framework, Aims, and Design

The main argument of this thesis is that interactions between domestic actors and international organisations have had a significant impact on shaping domestic actors' ideas and behaviours, forming the legal framework, and guiding the procedures that led to the emergence and evolution

of current asylum policies in Turkey. To investigate the interplay between the international and the domestic, the thesis draws on a theoretical framework underpinned by a 'second image reversed' approach which highlights the significance of the intertwined nature of international and domestic politics (Gourevitch, 1978). Gourevitch (1978, p.911) usefully explains that the "international system is not only a consequence of domestic politics and structures but a cause of them". Following this logic, the thesis adopts an institutionalist theoretical approach to elucidate the role of institutions in subsequent social and political outcomes (March and Olsen, 1998).

To enhance the analytical aspect of the research on interactions with international organisations, this thesis draws on the debate between rational choice institutionalism and sociological institutionalism. In this debate, rational choice institutionalism suggests that actors strategically calculate the costs and benefits of their behaviours and actions in order to maximise their achievements (Schimmelfennig and Sedelmeier, 2008). Sociological institutionalism, however, posits that actors are not purely rational but they are also societal, and that the culture, norms, discourses and self-image have important implications on the beliefs and preferences of actors (Checkel, 2005). As these two institutionalisms are not mutually exclusive (Fearon and Wendt, 2002), this thesis considers them as complementary theoretical strands with which to conceptualise the broad range of influence mechanisms employed by external organisations. Here, the aim is not to provide refinements to the theories but rather to use them as conceptual lenses to shed light on the case of *Turkey's asylum policy formation*. Therefore, the thesis has a case-specific purpose and does not necessarily aim to generalise findings by rigorously testing or building theories.

The scope of the research will be limited to an institutional analysis instead of a sociological or an anthropological one. In other words, public opinions and perspectives towards asylum seekers as well as everyday experiences of asylum seekers in Turkey will not form part of the analysis. Also, the current implementation of asylum policies is beyond the scope of this study. The emphasis will therefore be on the institutional developments, reforms and processes relevant to the initial evolution of current asylum policies in Turkey. The timeframe of the analysis will start from 1997, when preliminary steps were taken, and it will conclude at 2016, when Turkey made a bilateral deal with the EU regarding Syrian refugees (see Appendix A for milestones during this period).

This thesis develops a rigorous analytical framework for the research. To explore the implications of the interplay between external influences and domestic actors in the emergence of asylum policy in Turkey, it focuses on the *process* of policy-making and on *transnational influence mechanisms*. For this purpose, drawing on the relevant literature, the thesis first conceptualises relevant influence mechanisms with a focus on their conditions and indicators. It then brings

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these mechanisms into an analytical framework by building on the Policy Transfer Continuum designed by Dolowitz and Marsh (2000). This framework brings a 'joined-up way of thinking' and a multifaceted approach to the study by enabling a simultaneous investigation of a diverse set of explanatory mechanisms ranging from voluntary to coercive mechanisms of external influences. This holistic approach allows both domestic actors (e.g., bureaucrats, policy experts) and international actors (e.g., supranational and intergovernmental organisations) to be incorporated within the framework. Together with the indicators of these mechanisms, this framework will provide a systematic investigation of the second image reversed process on asylum policy-making in Turkey.

Methodologically, the thesis employs a qualitative strategy of inquiry that focuses on the interpretations and perceptions of the actors. This goes hand-in-hand with the purposes of the research in general. Employing this strategy, the thesis adopts a single case study research design; it approaches the formation of asylum policies in Turkey as a particular manifestation of the broader understanding of how contemporary asylum policies are shaped and evolved, but also considers the exceptional characteristics of Turkey (e.g., geopolitics, legal position, its transition to an immigration country). Against this background, a process tracing technique is chosen to elucidate the actual dynamics between the international and the domestic actors, processes and structures. Selected process tracing further advances the aim of considering alternative mechanisms and different chains of events in the analysis. The research data was collected through semi-structured qualitative interviews with key actors and experts in the asylum field in Turkey. In addition to the interviews, the research also includes an analysis of official documents and other secondary sources related to the topic.

1.3 Contribution of the Research

As the framework and aims of the research show, this thesis offers some important insights into several areas of study. While primarily contributing to the Turkish policy literature, the thesis also speaks to the broader literature on forced migration and international relations.

The study mainly contributes to the Turkish migration policy literature. Providing a new account to the problem of understanding how asylum policies emerged in Turkey, it incorporates, for the first time, several relevant external organisations and domestic actors within the explanation. Rather than focusing on external actors such as the EU, this thesis focuses on the mechanisms and dynamics of the processes by which international sources bring domestic outcomes in the form of asylum policies in Turkey. By using rigorous explanatory mechanisms for the actual dynamics in

asylum policy-making, this study aims to move the mostly descriptive-oriented existing knowledge to a more systematic and analytical understanding of the topic (Tolay, 2015).

Secondly, the research seeks to provide new insights for the broader forced migration research area by investigating the implications of current international and domestic political dynamics over refugee flows. It shows that, in the light of the recent increase in refugee flows, states, on their own, are increasingly becoming ineffective in asylum governance. International actors and transnational mechanisms have become a panacea for the effective co-operation, or at least co-ordination, of states' securitisation or humanitarian approaches towards asylum seekers. This thesis aims to contribute to the understanding of the role of multilateral frameworks and intermestic relations in designing an effective response to refugees. It highlights the relevance of multi-level policy-making in the asylum and refugee area mainly due to the established nature of international institutions in the refugee regime.

Thirdly, this study seeks to contribute to the international relations literature on second image reversed which explains 'the international sources of domestic politics' (Gourevitch, 1978). It aims to highlight the role of domestic institutional settings, individual characteristics and the degree to which domestic political discourse matters in second image reversed processes. Particularly, it suggests that domestic bureaucrats might become key policy entrepreneurs by using the international institutions as an advocacy tool against possible domestic veto players, illustrating a pattern known as 'vertical policy-making' (Guiraudon, 2000b) or, by others, as 'boomerang activism' (Keck and Sikkink, 1998). It shows that the interplay between external and domestic actors is a dynamic process and that the direction of external influence might not necessarily be from the outside in. Domestic actors might mobilise, shape, facilitate or constrain external influence mechanisms.

Finally, this research employs an analytical framework that could shed more light on the investigation of external influence mechanisms. Studies of Europeanisation and international socialisation used several models of analysis, such as the external incentives model and social learning model, to analyse the impact of international institutions (Kirişci, 2007; Ariner, 2012; Macmillan, 2012; Aydın and Kirişci, 2013). Drawing on Policy Transfer Continuum, this study adopts a comprehensive and multi-level framework to bridge and connect these existing models to illustrate how, and to what extent, they are relevant to the study of the interaction between international factors and domestic factors (Dolowitz and Marsh, 2000).

1.4 Structure of the Thesis

This chapter has offered some background information to the research topic. It has laid out the main purpose of the thesis and the theoretical and analytical framework, as well as the design of the research. It has also defined the main bodies of literature to which the research will speak. An overview of the following chapters is provided below.

Chapter 2 contains a review of the academic and policy-oriented literature. Firstly, it highlights the significance of international institutions and organisations in the asylum policy area, and lays out the research problem. In particular, it proposes fundamental reasons for considering not only the EU but also the domestic actors, UNHCR, IOM and CoE, in the attempt to understand the evolution of asylum policies in Turkey. Secondly, it introduces the theoretical underpinning of the research by drawing on an institutionalist approach to political outcomes in the second image reversed processes. Then, following an investigation of the logics of understanding and studying the external influences, it conceptualises the main influence mechanisms and develops a Policy Transfer Continuum framework with a focus on voluntary-coercive motivations. Drawing on the implications of using such a framework for the study, it proposes important indicators for each mechanism that will shed light on the analytical discussion in the empirical chapters.

Chapter 3 provides the research methodology and design. It provides the rationale behind the choice of a qualitative strategy with a focus on case study design. It examines the implications of conducting a within-case analysis by carrying out a process-tracing method and collecting data by qualitative semi-structured interviews and documentary research. It also considers ethical and methodological considerations for the purpose of the study.

Chapter 4 describes the state of the asylum system in Turkey both in the 1990s and 2010s to provide an account of what has changed in this area. It illustrates the changes in legal, political, institutional and practical structures of the asylum system in Turkey, concluding that the asylum regime in Turkey transformed from a security-oriented approach to a human rights-oriented approach.

Chapter 5 sets out the analysis of the first explanatory mechanism of regulatory influences. This chapter argues that international organisations affect the behaviours and practices of domestic actors in the field of asylum through changes in the opportunity structures and promoting cost-benefit calculations. It provides a detailed analysis of the coercive bargaining, legal obligations, and monitoring mechanisms employed by external organisations. The findings in this chapter demonstrate that the EU coercive bargaining mechanism used in the accession framework was indeed instrumental, at least until 2005, in changing the opportunity structures and yielding

important official documents of strategies and action plans for domestic reforms. However, the legal obligations and monitoring mechanisms did not have direct relations with the domestic reforms, but still contributed to the domestic motivations for developing a proper asylum system, which appeared as important factors of the asylum policy-making in Turkey, especially after 2008.

Chapter 6 contains the analysis of the second explanatory mechanism of constitutive influences. This chapter argues that international organisations affect the domestic belief and preferences through teaching, persuasion, and acculturation of the norms, principles and values of the refugee regime. It investigates the role of the socialisation mechanism in changing the domestic beliefs and preferences of relevant public officials and societal actors working in the area of asylum. It illustrates that Turkish National Police (TNP) officials benefited from intensive capacity-building activities in the early 2000s but these did not result in a belief change. However, officials of the Asylum and Migration Bureau (established in 2008) were cognitively socialised by the close interaction with the international actors, which yielded adoption of some international norms and certain role positions in the international community. Finally, the chapter explains that socialisation of certain societal actors (i.e., NGOs, lawyers) exerted an indirect influence on the domestic policies by reinforcing other mechanisms like monitoring and legal obligations.

Chapter 7 contains the analysis of the lesson drawing mechanism and domestic factors. Having a bureaucratic approach, this chapter argues that domestic motivations are important factors that empower rational actions in the domestic domain of asylum. The chapter mainly examines the domestic dynamics of the developments such as the establishment of the Asylum and Migration Bureau in 2008 and the adoption of legislation in 2013. It illustrates that domestic dissatisfaction with the asylum system and the personal insights of the Bureau officials were of great importance in instigating a lesson-drawing mechanism that eventually shaped the law-making process. It shows that international organisations (i.e., IOM and UNHCR) were the most important contributors to the actual writing of the legislation, but it was the strategic approach and the leadership of the head of the bureau that facilitated the legislation being passed in parliament by deterring the possible opposition mechanisms.

Chapter 8 sums up the main findings and conclusions of this research. It first provides an overview of the findings, their implications and conclusions. The findings demonstrate that initial reform and strategy-building process of early 2000s was strongly induced by EU's coercive bargaining mechanism while the reform-implementing process of 2009-2013 was shaped by the domestic bureaucrats' lesson-drawing mechanism. The main conclusion was that the individual level of analysis, as well as state-level factors of institutional settings, bring important insights to the understanding of external influences. As mediating actors, these domestic-level actors determine

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the degree to which domestic outcomes are shaped by the external influences. This chapter also highlights the contribution of the thesis to the existing knowledge in Turkish migration policy, forced migration and second image reversed. Finally, it discusses the limitations of the research and provides further recommendations for future studies.

Overall, this chapter introduced an overview of the research with brief explanations and justifications of why and how the research will be conducted. The added value of the research and the structure of the thesis have also been presented. The following chapter will set the research in context by providing a review of the literature.

Chapter 2 Literature Review and Analytical Framework

An increasing number of asylum seeker and refugees worldwide have recently led to a common belief that states no longer have the capacity to individually regulate asylum flows and instead have to seek bilateral and multilateral solutions (Castles, 2004a; Betts, 2011). Intergovernmental and supranational organisations have become important actors in the refugee regime, and play a key role in the transfer of knowledge, institutions, norms, rules and principles that define state policies (Betts, 2009a; Betts, 2010; Pecoud, 2014). This thesis intends to explore how interactions with these external bodies have affected the emergence and evolution of asylum policy-making in Turkey. It investigates the implications of analysing the interconnections between external organisations (i.e., the EU, UNHCR, IOM and CoE) and domestic actors, institutions and mechanisms of asylum policy-making in Turkey.

This chapter first conducts a systematic literature review to identify the factors that explain the evolution of asylum policies in Turkey, and establishes the main research questions. It proposes fundamental reasons for considering the interplay between the international and domestic level factors and outlines a direction for the whole thesis. The second section critically engages with theoretical underpinnings of considering both international and domestic level factors. It delineates the theoretical framework of this thesis by referring to a 'second image reversed' understanding and institutionalist approach to political outcomes. Finally, the third section locates the central analytical focus of the thesis on the transnational influence mechanisms, and presents the analytical framework of the thesis by conceptualising the influence mechanisms.

2.1 Asylum Policy-Making

The general migration policy literature contains several perspectives on asylum policy-making procedures. Some sociological and historical studies have investigated the role of human agencies, social networks, migratory routes and past experiences of migration to understand internal processes of migration (Koser, 1997; Castles, 2004b; de Haas, 2010; Düvell, 2014). Others, adopting a political perspective, have examined the various domestic factors in relation to asylum policy-making, such as bureaucratic politics, institutional settings, electoral gains, community attitudes, lobbying power of ethnic communities, NGOs, courts, security officials, national security considerations, the social and economic consequences of refugee inflow and geopolitical and ideological considerations (Jacobsen, 1996; Meyers, 2000; Sciortino, 2000; Waxman, 2000; Castles, 2004a; Cornelius and Tsuda, 2004; van Selm, 2005; Freeman, 2006).

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However, recent events in the field of asylum have shown that focusing only on domestic political variables is inconclusive, mainly due to the relevance of a 'transnational logic' in asylum policy-making (Castles, 2004b). Moving beyond from endogenous explanations, Freeman (n.d., quoted in Jacobsen, 1996, p.662) suggested that "international events, structures, and processes may have direct effects on policy outcomes or they may shape them indirectly through their impact on domestic structures". This is in part because there has been a substantial growth of international-level actors and a proliferation of new cooperation schemes in migration and asylum area. But it is also because individual states have become increasingly unable to individually respond to the recent refugee flows, and thereby seek multilateral and bilateral cooperation. As a panacea, international institutions of the refugee regime became crucial in "regulating how states can and should respond to the movement of people across national borders" (Betts, 2011, p.38). Changing the focus "from 'traditional' state-centred policy-making institutions to organizations outside governments" (Geiger and Pecoud, 2010, p.5), this trend has made the policy-making process more 'decentralised' and multi-level' (Pecoud, 2014, p.23). As Freeman (2006, p.238) argued:

"Asylum policy is thrashed out in a complex, rapidly changing, multi-level arena that includes international institutions such as the United Nations, regional arrangements in the EU, and national actors and institutions in the public and private arenas"

Reflecting on this, more recent studies examined the narratives, knowledge and ideas in the transnational settings (Boswell *et al.*, 2011; Pecoud, 2014), the multiplicity of actors and venues in the policy field (Lahav and Guiraudon, 2006), regional consultative processes (Thouez and Channac, 2006; Betts, 2011), transnational policy networks (Mezzetti and Ceschi, 2015) and intergovernmental organisations (Lavenex and Ucarer, 2004; Betts, 2009a; Loescher and Milner, 2011; Geiger and Pecoud, 2014; Pecoud, 2014). Despite their different focuses, these diverse studies all make the common point that international organisations are increasingly becoming significant players in the making and unmaking of asylum policies (Newland, 2010; Betts, 2011; Pecoud, 2014).

Regarding the role of IOs in migration, a much-debated question is whether they can really induce domestic changes in asylum policies. Do they really matter to the domestic developments? Or do they just act as venues where domestic actors legitimize their own interests? In the fragmented nature of migration policy area, IOs have to compete with state sovereignty and long-standing bilateral and unilateral approaches. To initiate policy changes in this area, states can "go 'venue-shopping' and select the IO or forum they wish, depending on their interests" (Geiger and Pecoud, 2014, p.874). However, the international refugee regime does not have such a fragmented structure for states to seek venues, but has a compilation of strong institutions established by the

Geneva Convention that can regulate and shape state behaviours (Betts, 2011). Thus, in the refugee regime, IOs can act as bureaucracies instead of forums. They can incentivize, coerce and trigger specific state strategies as well as legal and institutional reforms in the asylum policy (Castles, 2004a; Betts, 2009b). As Barnett and Finnemore (2004, p.11) point out:

“IOs can be the policy leaders, setting the agenda in their domain of action and cajoling states to adopt. At times, IOs may actually shape the policy preferences of states by changing what states want.”

Established institutions of the refugee regime empower IOs to become key players in the domestic politics of asylum policy-making processes. Despite such established institutions, however, IOs should not be understood as fully autonomous actors as their actions, behaviours and strategies depend on their powerful states or their bureaucratic dynamics. For example, UNHCR and IOM’s activities are mostly based on the funding they receive from other states. Similarly, the EU’s actions are strongly shaped by its member states’ preferences. Therefore, a cautious understanding of the IOs is adopted in the thesis by focusing on the implications of their influence mechanisms in Turkey instead of the IOs themselves as the main level of analysis.

This section has reviewed domestic and international level factors and explained that the latter have increasingly become relevant in shaping asylum policies. In the light of this explanation, the following section critically engages with the literature on Turkish asylum policy-making and provides the rationale for analysing the interaction between international actors and domestic politics.

2.2 Asylum Policy-Making in Turkey: The Interplay between the International- and Domestic-Level Factors

Previous research findings into the emergence of a new asylum policy in Turkey have been inconsistent and contradictory. Although there is a consensus on a ‘paradigm change’ from the security-oriented approach to a humanitarian and norm-oriented approach (Kirişçi, 2012; Seyhan, 2014), the actual dynamics and main explanations for policy-making have remained a controversial topic. The most straightforward approach by which to examine the formation of a policy would be to look at domestic policy-makers. However, as explained in Section 1.1.3 (p.8), Turkey was implementing an *ad hoc* approach, Even though it adopted a regulation to institutionalise the asylum system, there had been no attempts to formulate a functional, systematic policy. Given the prominence of international and transnational factors in asylum

governance, the source of policy emergence can be found outside of Turkey. Hence, a number of studies focused on the role of the EU.

2.2.1 The EU Factor

Around the mid-2000s, small-scale research began to emerge linking Turkey's EU accession process to the developments in the asylum policy (Kirişci, 2003a; Tokuzlu, 2005; İçduygu, 2007; Kirişci, 2007; Kaya, 2009b).¹¹ They concluded that the EU employed a conditionality strategy in which the rewards were provided in exchange for the rule adoption to induce domestic changes between 1999 and 2005. More recent studies supported this explanation by claiming that this process was a 'textbook example of conditionality' and Turkey was highly responsive to the EU demands on domestic asylum, border and visa policies declared through Accession Partnership Documents (APD) of 2001, 2005 and 2008 (Aydın and Kirişci, 2013; Seyhan, 2014). For example, scholars found the adoption of the 2006 Implementation Directive (Tolay, 2014) and the 2013 Foreigners and International Protection Law (Bürgin and Aşikoğlu, 2017) to be highly relevant to EU rules and principles in asylum.

Broader literature on the EU's impact on domestic asylum policies examined how EU-level rules, laws and institutions manifested themselves in domestic politics (Hatton, 2005).¹² For member-state policies, studies concluded that the EU influence is best observed where there is a 'misfit' between EU institutions and national policies, as in the cases of southern border states like Greece, Italy, Portugal and Spain where refugee systems were less developed than northern EU states (Lavenex, 2001; Lavenex, 2008). However, when it comes to non-member states, the focus of the examination was not contingent upon the 'misfit' aspect but more on the effective use of conditionality strategy (Faist and Ette, 2007). While this conditionality was effective with some candidate states like Poland, it has been rather weak for neighbouring states like Morocco and Albania due to the absence of a strong reward, such as membership (Lavenex, 2007). Having been a candidate country since 1999, Turkey has been in 'limbo' between candidatedship and neighbourhood, causing varied degrees of EU impact on domestic policies. As a result, the EU has been widely recognised as a key player in the asylum policy-making in Turkey.

¹¹ Turkey was nominated as a candidate country in 1999 and official accession negotiations started in 2005. Despite a general lack of progress, negotiations are still open.

¹² The EU-level governance of asylum has evolved from an intergovernmental mode to a community method mode through the Treaties of Maastricht (1992) and Amsterdam (1999) and ultimately through constituting the Common European Asylum System (CEAS) in 2013 (Geddes, 2003; Faist and Ette, 2007; Trauner and Wolff, 2014). CEAS includes five main instruments: (a) the revised Asylum Procedures Directive, (b) the revised Reception Conditions Directive, (c) the revised Qualification Directive, (d) the revised Dublin Regulation, and (e) the revised EURODAC Regulation.

Data from studies on the role of the EU in asylum policy-making in Turkey suggests two different perspectives regarding domestic outcomes. The first is that the EU made Turkey's asylum policies even more security-oriented, exclusionary and restrictive due to rising securitisation of migration trends (Baklacioğlu, 2009; Biehl, 2009; Macmillan, 2012; Toğral, 2012; Triandafyllidou and Dimitriadi, 2013).¹³ Since the early century, the EU's migration management agents shifted their focus on root causes through externalisation of their policies (Haddad, 2008), affecting Turkey's policies as a neighbour of the middle-east route (İçduygu, 2007). Scholars claimed that this trend worsened Turkey's democratisation process in the early 2000s by "jeopardizing the gains that have been achieved in Turkey in terms of human rights" (Kirişci, 2004, p.3), and possibly creating a 'Fortress Turkey' (Baklacioğlu, 2009). However, this securitisation perspective fails to account for the overall humanitarian underpinnings of the new asylum system in Turkey. The second perspective, therefore, is more reasonable. It focuses on the EU's contribution to Turkey's endeavours to adopt a progressive, democratic and humanitarian policy in line with refugee and human rights norms (İçduygu, 2007; Seyhan, 2014). A notable example of this perspective is the departure from the securitising approach by transferring administrative, regulatory (and later implementation) duties from police forces to a new civilian bureaucracy in 2008 (Kirişci, 2012). Similarly, institutionalisation of EU rules in the legal frameworks also provided a normative and structured approach towards the rights of asylum (Öner and Genc, 2015). The overall outcome of Turkey's progressive asylum policies shows a positive, human-rights oriented impact of the EU's conditionality.

However, Turkey's EU membership prospects have changed considerably in the mid-2000s due to political disagreements.¹⁴ Accession negotiations with the EU at the political level came to a sudden halt due to a 'mutual distrust', changing the perception of Turkey from a 'textbook example' to a 'contentious' candidate to the EU (Schimmelfennig, 2009). In fact, the cooperation at the technocratic level was at the highest in the asylum and migration area as Turkey adopted a comprehensive National Action Plan for aligning its asylum policies with the EU *acquis* in 2005. The problems at the political level created a serious dilemma for Turkey over whether the EU-oriented reform plans should be implemented (Kirişci, 2005a; 2007). Regardless of disagreements,

¹³ Following terrorist events such as the 9/11 and subsequent bombings in Europe, scholars conclude there has been an increase in the securitisation trends (Macmillan, 2012)

¹⁴ Two events can explain the disagreements. Firstly, Turkish officials have criticised the 'open-ended framework' of the negotiations, which carries an assumption that Turkey would not be a full member but an unprivileged member with restricted rights in the EU. Secondly, there was a disagreement over the Cyprus issue in the negotiations. Turkey rejected EU demands to open ports to the Republic of Cyprus, which ended with the closure of many chapters in the negotiations (Macmillan, 2012; Yılmaz, 2014). Taken together, these problems have damaged the credibility of the EU conditionality mechanism and halted the accession negotiations.

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however, Turkey pursued several reforms to formulate an asylum policy in line with the EU and international norms. The most important domestic reforms in asylum policy-making happened to emerge after these disagreements. For example, Turkey established a new civilian unit in 2008 to regulate the asylum and migration area and this unit drafted Turkey's first-ever legislation on asylum. Enacting this legislation in 2013, Turkey transformed this unit into a fully-functional domestic organisation in 2014 and began to implement the new asylum policies. These developments occurred at a time when the EU lost its transformative power through conditionality.

Reflecting on the changing dynamics in Turkey's EU accession prospects, a new line of research emerged after mid-2000s, creating intense debate over the question of why Turkey wanted to continue to harmonise its asylum policies with both the EU and international rules even without a credible membership reward (Macmillan, 2012; Aydın and Kirişci, 2013). A large and growing body of literature in this this debate has investigated the prolonging effects of the EU on asylum policy development in Turkey. While some studies argued that EU conditionality was still effective in domestic change (Demiryontar, 2015), others moved beyond conditionality to alternative explanatory mechanisms such as social and strategic learning (Macmillan, 2012; Tolay, 2012; Kirişci, 2014; Bürgin and Aşikoğlu, 2017). These studies concluded that the EU undertook capacity building projects called 'twinning projects' to create norm adoption through teaching and training domestic officials. An example of this is the "Support for the development of an Action Plan to implement Turkey's asylum and migration strategy" project during 2003-2005, where the 'twinning' British and Danish officials 'socialised' their Turkish counterparts with their asylum policies (Macmillan, 2012). Studies asserted that this project played an important role in internalising the learnt practices and norms of the EU through the adoption of the 2005 National Action Plan and 2006 Implementation Directive, highlighting the indispensable role of the EU (Kaya, 2009b; Kirişci, 2012).

However, these arguments about the EU prolonging the impacts in asylum reforms in Turkey are unsatisfactory for two important reasons. Firstly, overestimating the impact exerted by the EU, studies often lacked rigour in investigating the real dynamics of the EU interventions (İçduygu, 2007; Kirişci, 2008; Baklacioğlu, 2009). The existence of the EU's conditionality strategy or capacity building activities do not necessarily mean that they were effectively inducing domestic changes in the asylum policy area. For example, it would be misleading to ascribe the socialisation processes to the EU efforts alone as Tolay (2012, p.49) concluded that "the Turkish actors that have been socialised and accepted the norms of the EU represent a very limited segment of the broader Turkish population". This shows that understanding the efficacy of the socialisation mechanism, and others if any, would require an in-depth, systematic investigation.

Secondly, these studies lacked evidence to draw a clear picture of the recipient end of the conditionality and socialisation strategy neglecting the agency of domestic actors. They generally reduced the role of domestic actors to ‘opportunity-seekers’ or ‘students of international norms’, who comply, or otherwise, with demands in the light of external incentives or with the messages disseminated through capacity building. In this regard, a key problem with EU-centric studies is the assumption that Turkey’s domestic actors are not different to any other EU candidate states. However, as Tolay (2015, p.11-12) writes:

“Turkey presents a case study that is dissimilar in many ways from the European experience; and both the data gathered, as well as the local political culture and understandings, might challenge methodologies and theories developed in European contexts”

The process of asylum policy-making in Turkey had indeed peculiar characteristics compared to its European counterparts. During the policy-making process, there has been a fundamental institutional change from security bureaucracy to civilian bureaucracy, while the NGOs, lawyers and other societal actors became more involved in the asylum policy debates (Kirişçi, 2007; Eroğlu, 2015). The Asylum and Migration Bureau, established in 2008, initiated a new participatory decision-making system that included the IOs, NGOs and academics as direct partners of the law-making process between 2009 and 2013. These rapidly changing domestic dynamics and opening up of law-making suggest the consideration of alternative explanations such as domestic actors. Similar to other EU-centric studies, therefore, these accounts failed to consider alternative explanations. As Saurugger and Radaelli (2008, p.217) state:

“scholars [...] have not spent as much time in articulating the mechanisms and variables at work in rival alternative explanations as [they] have done for the mechanisms and variables of Europeanization.”

Approaching the EU as the only and indispensable factor in domestic change, these studies “tend to be biased towards EU-level explanations, at the expense of domestic or global explanations” (Haverland, 2006, p.134). As Schimmelfennig and Sedelmeier (2004, p.662) claim, “there is not necessarily a *causal* link between the presence of EU conditionality and successful rule transfer in particular issue-areas”. Given the recent versatile politics of asylum, therefore, focusing purely on the EU makes it harder to account for the actual policy-making dynamics.

Thus, this study aims to employ a critical approach to the impact of the EU with a consideration of its rival alternatives along with a careful examination of domestic-level explanations. The following is a discussion of the literature to which the study contributes.

2.2.2 Alternative Explanations: The Role of the UNHCR, CoE, IOM and Domestic Factors

Several studies have indeed looked beyond the EU by investigating other international organisations in the attempt to shed light on the multi-level policy-making aspect in the refugee regime. Criticising the EU factor in asylum policy, Kirisci pioneered a research agenda of alternative organisations (Kirişci, 2007; 2012; Aydın and Kirişci, 2013). He suggested that:

“as much as the EU has impacted the process of the preparation of the new draft law on asylum, this has been a partial one and that the role of European Court of Human Rights (ECtHR) and the UNHCR need to be taken into account, too” (Kirişci, 2012, p.64).

By labelling them ‘UNHCR-ization’ and ‘ECtHR-ization’, Kirisci identifies the impact of these organisations as important as that of the EU in affecting asylum-related developments (Kirişci, 2012). Apart from these, recent studies also analysed the role of IOM as an important organisation regarding the asylum policies of Turkey (Triandafyllidou and Dimitriadi, 2013; Fine, 2017). The following reviews the literature on these organisations.

Studies on the role of the UNHCR highlighted its cooperation with domestic officials in reception, refugee determination and resettlement processes of refugees coming to Turkey (Kirişci, 1996; 2004; 2007). As an original signatory to the Geneva Convention, Turkey has hosted a UNHCR office in Ankara since 1960, making this organisation a long-standing partner in asylum governance. Commenting on this cooperation, Kirisci stated that:

“UNHCR has had a very long-standing relationship with the Turkish government and then also with Turkish civil society. This relationship has contributed to a slow but sure process of socialization of Turkey into the norms and rules of an international refugee regime” (Kirişci, 2012, p.64).

Indeed, the UNHCR was involved before the EU in capacity-building activities and promoting reforms in the asylum system since 1997. Some studies concluded the UNHCR’s endeavours to provide legal advice and technical information, and to teach ‘refugee status determination process’, had significant implications for the formation of asylum policies in Turkey (Kaya, 2009a; Cartwright, 2013; Scheel and Ratfisch, 2014). Indeed, the broader literature demonstrates that UNHCR gained an important position since its creation with the Geneva Convention (Barnett and Finnemore, 2004). UNHCR was initially responsible for protecting refugees in the post-Second World War context, but extended its mandate beyond Europe with the 1967 Protocol of the Convention (Betts, 2009b; Benz and Hasenclever, 2010; Geiger and Pecoud, 2014; Pecoud, 2014). Its activities moved beyond just monitoring state practices to engaging with a wide range of autonomous activities and new strategies over time such as refugee status determination, looking

after refugees in camps, including internally displaced persons within its sphere of responsibility and being involved with repatriation, resettlement and reintegration operations (Loescher, 2001; Betts, 2009b). Fostering cooperation not only with states but also with other international and local bodies like other UN offices, IOM, EU, NGOs and private sector, the UNHCR is studied as an effective actor at different levels of asylum governance (Betts, 2009a; Benz and Hasenclever, 2010; Loescher and Milner, 2011). Scholars recognised this cooperative behaviour as highly relevant and important in the definition of the current asylum policies in Turkey (Kirişci, 2012).

The role of ECtHR was also investigated as an important alternative to the EU factor in understanding asylum developments (Tokuzlu, 2005; Ekşi, 2014). In several rulings of the Court, Turkey's deportation orders for asylum seekers on the basis of 1994 national regulation, and the physical conditions of the detention centres used for accommodating failed asylum applicants before their deportation were found to be in violation of several articles of the ECHR (Kirişci, 2004; Kaya, 2009b).¹⁵ The several fines that Turkey paid aside, these judicial rulings have also diminished Turkey's international reputation, stimulating policy-makers to consider certain rules of both human rights and refugee conventions (Aydın and Kirişci, 2013). In order to minimise the associated reputational costs, Turkish officials highly became "determined to put into place a new asylum system that would eschew altogether any such condemnation from the Court in the future" (Tolay, 2012, p.47). Thus, these Court rulings have had significant domestic consequences by "creating a climate of urgency to reform Turkey's asylum policy and practice" thereby making the new policies compatible with the human rights norms (Kirişci, 2012, p.64). This line of research in Turkey is in line with the broader literature on the Court's role in the refugee regime (Betts, 2010; 2013). ECtHR have been found effective in changing domestic asylum legislatures, facilitating the diffusion of international norms (Guiraudon, 2000a), and ensuring "a speedy review of asylum seeking applications, as well as of the existence of an effective and accessible procedure to review such requests" (Anagnostou, 2010, p.725). It has been observed that the Court has "become increasingly successful in creating binding standards" in the human rights field (Lahav and Lavenex, 2012, p.754). These accounts show that CoE, through its court ECtHR, became a key player in mobilising human rights reforms in the formation of Turkey's asylum policies.

¹⁵ Since its foundation in 1959, the ECtHR has been adjudicating its member states' behaviours by drawing its mandate from European Convention on Human Rights. At the time of the writing, CoE has 47 member states.

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A number of studies have also found the IOM to be a relevant organisation to Turkish asylum policies.¹⁶ Despite the broad spectrum of its responsibilities, such as migrants' rights, development and welfare (Newland, 2010), the IOM gained a place in the asylum area due to its extensive activities on resettlement and repatriation. In 1989, its initial responsibility of 'logistics' and 'transportation' of migrants (Koch, 2014; Pecoud, 2014) was extended "to promote the cooperation and coordination of states' activities with those of international, governmental and non-governmental organisations in the field of migration" (Thouez and Channac, 2006, p.382). Its project-based focus, and cooperation with states like United States, Canada, Switzerland, etc., and other international actors like UNHCR and the EU have made the IOM a significant actor in states' asylum policies (Elie, 2010). Having a regional office in Turkey since 1991, and accepting Turkey as a member state in 2004, the IOM initially conducted various information programmes and training seminars on fighting against the trafficking of asylum seekers and illegal migrants, which has increased awareness by socialising and teaching both political authorities and societal actors like NGOs within Turkey (Kirişci, 2008). Turkey has not only benefited from these programmes, but has also been supported through humanitarian aid during incidents of massive asylum flows and providing recommendations in terms of asylum policy development by the IOM (Kirişci, 2008; İçduygu and Sert, 2009; Kirişci, 2014). Recent studies shed more light on the role of the IOM by investigating its capacity to inform local bureaucrats, thereby affecting the emergence of Turkey's first law on asylum (Fine, 2017).

This review of the external organisations (UNHCR, IOM, and CoE) illustrates a promising line of argument in considering alternative explanations to the EU factor in Turkish asylum policy-making. However, considerable uncertainty still exists as to the true nature of the influence exerted by these organisations. For example, as discussed above, studies on the EU need critical engagement with alternative explanations. The activities and functionalities of the UNHCR, although extensively studied (Hammerstad, 2010; Loescher and Milner, 2011; Betts, 2013), need more analytical elaborations with reference to domestic policies (Garnier, 2014). The literature on IOM, which is largely used as a database due to the high volume of published reports, needs more critical perspectives (Andrijasevic and Walters, 2010). The role of the ECtHR, mostly confined to its legal implications, should be examined in the sense of its implications in the international relations and domestic political arena (Anagnostou, 2010, p.723). Overall, as Geiger and Pecoud (2014, p.866) argue:

¹⁶ The IOM was initially established as a temporary, non-UN agency by 16 governments in 1951 without an international agreement, but later evolved into an extensive international organisation with 162 member states in 2015. It became a Related Organisation to the UN in 2016.

“Little is known on the strategies of IOs, on their influence on policy-making, on the worldviews they promote, or on the nature of their interventions and their actual contribution to policy implementation.”

By seeking to obtain data in the context of Turkish asylum policy-making, therefore, this thesis aims to explore the implications of these organisations in domestic politics.

Furthermore, this study aims to address another neglected aspect of this literature by considering the degree to which the interaction amongst these organisations might have a further incentive or constraint on their original influences on domestic policies. Scholars found there has been competition between the IOM and the UNHCR in their organisational growth and mandates, but at the same time they touched upon their new cooperative relationships to protect their moral authorities and mandates (Betts, 2009a; Elie, 2010; Koch, 2014). Another example is the EU’s efforts to mobilise the UNHCR and IOM as agents of Europeanisation (Lavenex, 2015). As these arguments may provide insights into the case of Turkish asylum policies, the study takes their interaction into account.

Apart from considering international organisations, several attempts have also been made to produce domestic explanations by examining the role of civil society actors, business actors, media, political elites and bureaucrats (Eroğlu, 2013; Seyhan, 2014; Yılmaz, 2014), foreign policy actors and diplomacy (Düvell, 2014; Ihlamur-Öner, 2014), and the evolution of a ‘Turkish approach’ to the reforms rather than a Europeanisation one (Tolay, 2012). Among these, the most useful explanation was on the role of the domestic bureaucrats who transformed decision-making structures from a centralised, police-centred one to a more consultative, civil bureaucratic one (Eroğlu 2013; 2015). However, a more systematic approach to domestic actors with a specific focus on their interaction with international actors would prove useful in understanding the long and complex nature of the evolution of the Turkish asylum policy (Seyhan, 2014). Cortell and Davis (1996, p.451) confirm this by stating that:

“[...] government officials and societal interest groups can appeal to an international rule or norm in an effort to further their objectives in the national arena. Through such appeals, international rules and norms can become incorporated into the policy debate, and, under some conditions, may ultimately affect national policy choice.”

By interacting with the international actors and drawing on international norms, domestic actors can spearhead new policy initiatives or become veto players to the external influences (Cortell and Davis, 1996; Aydın and Kirişçi, 2013). Similarly, the state-society relationship, politicisation trends and institutional characteristics appear to be important determinants in shaping policy-

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making dynamics (Kelley, 2004; Costa, 2008). In addition, the experiences of refugee flows like Iraqi and Syrian refugees would also enrich domestic explanations as they specifically analyse state responses to the flows (Kaya, 2009a; Ihlamur-Öner, 2014; Kirişci, 2014; Tolay, 2014; İçduygu, 2015; Öner and Genc, 2015; Hoffmann and Samuk, 2016). Studying these flows is thus promising as “immigration policy of any one state cannot be sealed off or made immune to external migratory pressures” (Tazreiter, 2004, p.4). These domestic level factors appear to be another strand of alternative explanation to the dominant EU factor in the existing literature.

Overall, these attempts to explain the roles of UNHCR, IOM, CoE and domestic factors demonstrate that the EU is not the only effective actor in Turkish asylum policy-making. These studies, for different research purposes, paid more attention to one of these actors over the others and focused on that actor’s role in asylum policy-making. However, focusing only on one actor would be unlikely to paint a clear picture of the evolution of asylum policies in Turkey. For example, domestic bureaucratic endeavours, refugee flows, the EU, UNHCR, IOM and CoE, *per se*, cannot account for all the domestic developments in the asylum area. This thesis, therefore, suggests an overarching framework that combines all relevant actors to shed light on the dynamics of asylum policy-making.

Such a comprehensive approach may bring many advantages to this thesis, but a more important question is how to analyse these actors’ influences. Therefore, the thesis does not focus on the actors *per se*, but on the ways in which they interact to shape the asylum policies, or in other words *the influence mechanisms* as explained below.

2.2.3 Explaining the External Influence Mechanisms

There have been various attempts to specifically investigate the influence mechanisms of these organisations and domestic actors. Most accounts have utilised the ‘models of Europeanisation’, namely the external incentives, social learning and lesson-drawing models to understand (mostly the EU’s) external impacts on Turkish asylum policies (Kirişci, 2007; Macmillan, 2012; Aydın and Kirişci, 2013; Demiryontar, 2015; Bürgin and Aşikoğlu, 2017). Using similar analytical tools, Tolay (2012) broadly linked the external impacts to logic of consequences and appropriateness. A few other studies approached these influence mechanisms as dependant variables and focused only on one mechanism at a time, such as socialisation (Arıner, 2012), domestic-bureaucratic change (Seyhan, 2014; Eroğlu, 2015) or legal impacts of ECtHR (Tokuzlu, 2005; Ekşi, 2014). Similarly, in the broader literature, scholars have approached these mechanisms as dependant variables; for example, Grabbe (2002) conceptualised the EU conditionality mechanism while Betts (2009b) did the same for the UNHCR persuasion mechanism. These studies brought invaluable insights to the

understanding of how each influence mechanism works. In general, they may indeed each capture some aspect of reality and provide plausible explanations for asylum policy-making.

However, a more critical approach to these influence mechanisms is needed to explore their domestic consequences and implications in the formation of asylum policies in Turkey. First, examining only one mechanism provides a limited understanding of these organisations' extensive capabilities in the domestic arena. They do not exert only one type of influence; for instance, the UNHCR's impact on state responses to refugees often occurs "through a mixture of persuasion, socialization, and material incentives" (Loescher and Milner, 2011, p.195). Secondly, previous research tend to focus on the most obvious influence mechanisms such as conditionality and socialisation to understand domestic developments in the asylum policy. They generally disregard domestically-driven mechanisms like lesson drawing and other norm- and information-based mechanisms like legal obligations and monitoring. This study takes its position on this critique and approaches various influence mechanisms as independent variables. Employing a comprehensive approach, it not only focuses on the theoretically-established influence mechanisms like coercive bargaining (conditionality) and socialisation, but also includes other mechanisms like monitoring, acculturation, lesson drawing and legal obligations.

Moreover, existing research on these influence mechanisms has been mostly restricted to limited comparisons of the existence of mechanisms and domestic developments. With a 'correlative thinking', the impacts of these mechanisms are often taken for granted. However, the presence of a mechanism does not imply it was effective enough to induce domestic changes; for example, the existence of EU twinning projects or UNHCR and IOM training activities do not necessarily mean domestic officials are completely socialised to international norms. The existence of external rewards proposed by the EU in exchange for domestic reforms do not necessarily make the EU the main trigger of the policy reforms. Similarly, ECtHR rulings against Turkey in certain asylum seeker cases does not necessarily mean that ECtHR was instrumental in transforming Turkish asylum policies. The salience of the impact of these organisations on domestic asylum policy has to be questioned from a critical perspective. Building on this critique, this thesis unpicks these influence mechanisms by focusing on their scope, timing and content to shed light on their effectiveness.

A crucial aspect of this critical approach to the influence mechanisms is to incorporate the interaction dynamics of international and domestic level factors. Existing studies do not systematically factor in the influence of the interplay between external and domestic actors, or the international, state and individual level factors. Therefore, there is an inherent need to obtain an 'interactive approach' (Sikkink, 2005) and to closely examine how external actors interact with

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domestic actors to produce the outcome of a human rights-oriented asylum policy. It is also important to take into account some complex institutional, bureaucratic and individual dynamics. Examining the intermestic dimension provides a more comprehensive and plausible explanation as to how Turkish asylum policies are formulated.

Therefore, this thesis highlights the importance of a comprehensive approach and an interactive analysis to each external influence mechanism. To this end, the thesis goes beyond simply looking at the EU factor to engage with other alternative factors such as UNHCR, IOM, CoE and domestic actors. It also goes beyond using the most obvious influence mechanisms of conditionality and socialisation and considers other domestic-driven (lesson drawing), information-based (monitoring) and norms-oriented (legal obligations) mechanisms. Seeking to explore whether and how these mechanisms find resonance in domestic politics, this thesis focuses on the interplay between international- and domestic-level factors that shape the Turkish asylum policy-making. As a significant novelty of this study, this approach not only ensures illumination of the intricacies of the impact of external organisations (both the EU and others) but also it elucidates what difference it makes to consider the interplay between the international- and domestic-level factors in the definition of asylum policy-making.

2.2.4 Research Questions

In line with the above review and justifications for systematically investigating the interplay between the external actors and domestic politics, this research asks the following questions to explore the evolution and emergence of Turkey's asylum policies:

- *How have the interactions with EU, UNHCR, IOM and CoE affected the evolution of asylum policies in Turkey?*

In light of this broad question, this thesis explores the following three sub-questions:

- *What are the mechanisms of these organisations' influences?*
- *What difference did these mechanisms make to the changes observed in asylum policy-making in Turkey since the 1990s?*
- *How do domestic actors and conditions mediate these external influence mechanisms?*

Asking these questions, this thesis aims to contribute to the 'now-burgeoning' literature of asylum policy-making in Turkey (Tolay, 2015). It seeks to unveil the role of the interplay between a limited number of the most active international organisations and domestic actors in asylum policy-making. It is important to stress that the study makes no claim that other external actors are any less worthy than those on which this thesis focuses. Building on this review, this chapter will move

on to first introduce theoretical underpinnings of looking at these external sources of domestic outcomes. It will then define an analytical framework that can provide a systematic understanding of influence mechanisms of these organisations. These will form the foundations of the analysis.

2.3 Second Image Reversed: International Sources of Domestic Outcomes

As explained earlier, asylum policy-making has become highly interdependent with international-level actors. However, understanding their role and efficacy in shaping states' policies remains a contentious issue. Approaching domestic asylum policies with an emphasis on IOs requires a theoretical approach that unveils different levels of analysis, for which Gourevitch (1978)'s seminal work named 'second image reversed' in the international relations literature can provide useful insights.

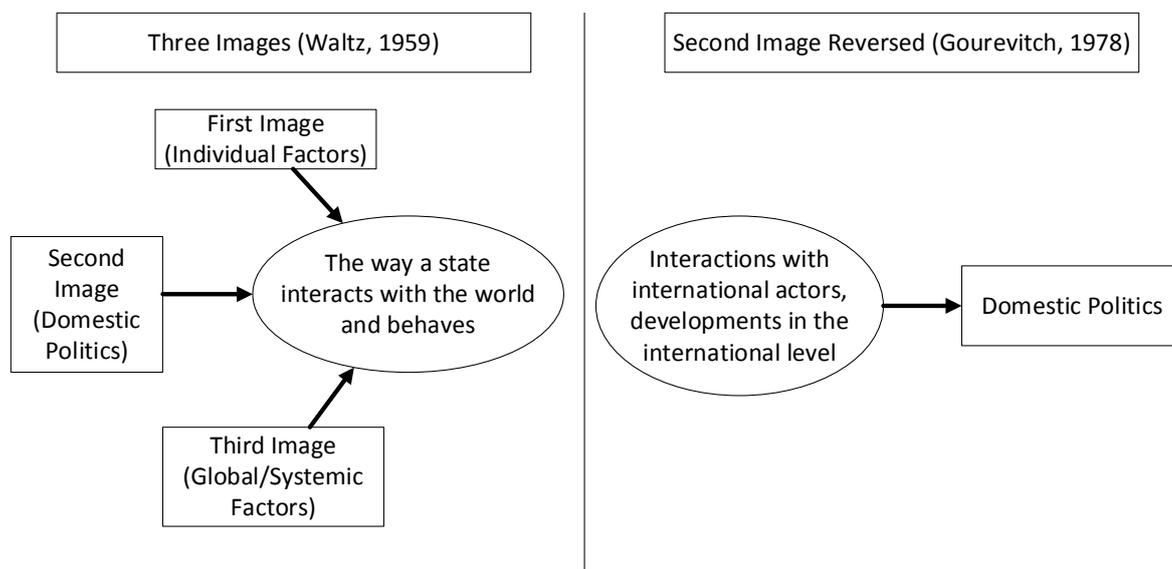


Figure 5 A concept map showing the 'three images' and 'second image reversed'

As Figure 5 illustrates, second image reversed is based on the three images that explain the way states interact with the world (Waltz, 1959). The first is individual factors, which is the leaders or group of leaders, or presidents. The second is state and domestic politics, which consists of a varied set of rules, bureaucracy, standard operating procedures, administrative power and state institutions. The third image is global factors, such as the balance of power amongst states and strategic level of international systems. Building on this understanding, second image reversed shows that interactions with international actors and developments in the international level can become a source of changes in domestic politics (Gourevitch, 1978). Using this logic, scholars investigated causal and constitutive links at the international and domestic levels (Regilme, 2014), conditions that affect these links (Costa, 2008), changes in domestic policies, institutions and

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structures (Costa and Jorgensen, 2012), the impact of domestic mediating factors (Cortell and Davis, 1996; Dai and Martinez, 2012) and ideational type of influences (Zarakol, 2012). The logic has also informed many contemporary theoretical approaches to the IOs like international socialisation or Europeanisation (Olsen, 2002; Schimmelfennig, 2002; Costa and Jorgensen, 2012). Adopting an institutionalist perspective, several studies have also managed to elucidate the role of IIs and IOs on policies, practices and decision-making structures (Checkel, 1997; Schimmelfennig, 2002; Kelley, 2004; Schimmelfennig and Sedelmeier, 2004; Costa, 2008; Costa and Jorgensen, 2012).

The basic line of second image reversed reasoning in this study is that domestic-level outcomes in asylum policy can be driven by international-level sources. Most studies focused on either international level or domestic level factors (Sikkink, 2005), while some prioritised the individual level like governments, leaders or executive (e.g., Schultz, 2013). However, this study does not emphasise one level over the other; because, as Gourevitch (1978, p.911) suggests, “international relations and domestic politics are [...] so interrelated that they should be analysed simultaneously as wholes”. This *intermestic level* is recognised as “the least well developed” level (Gourevitch, 2002, p.310), which provides insights for understanding the role of institutions (i.e., rules, norms, principles) on political outcomes (Hall and Taylor, 1996). The impact on such political outcomes, as Risse (2002, p.258) explains, is highly dependent on “the domestic structures of the policy to be affected and the extent to which transnational actors operate in an environment regulated by international institutions”. Due to structured institutions enshrined in the 1951 Geneva Convention, and the contemporary trends towards multilateral and bilateral governance frameworks, this intermestic level proves useful in understanding asylum policy outcomes. Following this line of argument, this study argues that an analysis on the interactions between these levels is necessary to understand the complex asylum policy-making process in Turkey. Therefore, an institutionalist understanding of second image reversed is adopted as a theoretical framework in this study.

A much-debated question remains within the international level regarding the best way of understanding the role of IOs in the world politics. Neorealist and neoliberal accounts have raised questions about whether IOs really matter and whether they are independent from states (Barnett and Finnemore, 2004). In this debate, realist-oriented approaches have favoured the role of states in IO activities, especially when the IOs do not have their own budgets (Skocpol, 1985; Loescher and Milner, 2011). They claim that IOs do not have autonomous powers and they are simply led by their powerful member states. Basically, this understanding accepts IOs as entities emerging from “the interaction of power and national interest in the international system” (Martin and Simmons, 2012, p.330).

However, these state-centric realist accounts failed to note the potential of the IOs in international relations of states. Rational functionalist accounts have been able to situate IOs as important assets of international regimes, stating that “IOs and IIs provided a way for states to overcome problems of collective action, high transactions costs, and information deficits or asymmetries” (Martin and Simmons, 2012, p.331). IOs represent multilateral activities where states, as rational actors, seek to “minimize market imperfections in the international political marketplace” (Barkin, 2013, p.45). Social constructivist accounts have approached IOs from a different angle: they move from a cost-benefit understanding to an intersubjective social understanding that favours the convergence of normative standards of states (Martin and Simmons, 2012). They suggest that states are not just seeking their own interest and avoiding sanctions; instead, they accept the IOs as legitimate and appropriate entities to follow (Barkin, 2013). Together, both accounts illustrated the significance of IOs in international relations, concluding that IOs can “make authoritative decisions that reach every corner of the globe” (Barnett and Finnemore, 2004, p.1).

Positioning this debate within the politics of asylum, this study contests the state-centric approaches in the literature as long as certain ‘rules of the game’ in the specific issue area are established. It argues that the IOs can exert an autonomous power if the institutions are already established in an international regime. Wealthy and powerful member states can still ‘ earmark’ their funds in the activities of IOs (Loescher, 2001), but IOs can draw on existing institutions and make more authoritative decisions on their own (Barnett and Finnemore, 2004). Therefore, within the refugee regime created by the 1951 Geneva Convention and regulated by UNHCR’s Executive Committee decisions, IOs can stimulate their own strategies, policies and activities.

Taken together, this thesis employs a theoretical approach underpinned by an institutionalist revision of a second image reversed understanding between the international and domestic level factors. It assumes that IOs are autonomous actors that can formulate their own strategies and exert independent influences.

2.4 Analytical Framework of the Thesis

Regarding the analysis of influences exerted by IOs in second image reversed processes, the debate between rationalism and constructivism in the international relations defines two forms of influence; regulative influences and constitutive influences (Checkel, 1997; Fearon and Wendt, 2002; Barnett and Finnemore, 2004; Kelley, 2004; Barkin, 2013). The rationalist perspective focuses on the *logic of consequences* and provides analytical tools to understand the regulative impact mechanisms that induce changes to the concrete actions and behaviours of states. In

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these mechanisms, domestic policy-makers would state that a 'new policy was the most rationale thing to do' or 'it brought lots of benefits'. On the other hand, constructivism focuses on the *logic of appropriateness* and provides the tools to understand the impact mechanisms of cognitive behaviour and thought processes of individuals. In this case, domestic policy-makers would state that the 'new policy was the appropriate and right thing to do'.

This study does not aim to address the rationalist-constructivist debate; instead, it argues both accounts carry a certain weight in accounting for the formation of asylum policies in Turkey. While a rationalist analysis may provide plausible explanations for political action that has the logic of appropriateness, a constructivist analysis may also shed light on political action that has the logic of consequence (Fearon and Wendt, 2002). At this point, March and Olsen (1998, p.952) suggest that political actions, like the strategies and moves of IOs to promote rule adoption, "generally cannot be explained exclusively in terms of a logic of either consequences or appropriateness". Thus, each logic can be simultaneously at work: "coercive mechanisms sometimes reinforce socialization pressures, or that socially constructed focal points help to reduce transaction costs" (Martin and Simmons, 2012, p.336). Therefore, this study will consider both the regulative and constitutive influences informed by these two logics.

Yet, as this thesis has a comprehensive and interactive approach, the aim here is not to categorise the main drivers as 'logic of consequences' or 'logic of appropriateness' but to explore the specific ways and mechanisms employed by external organisations. To reach this aim, this study will employ a continuum of influence mechanisms ranging from voluntary to coercive aspects, by drawing on the policy transfer studies set out by Dolowitz and Marsh (2000).¹⁷ As defined by Dolowitz and Marsh (1996, p.344), policy transfer is:

"a process in which knowledge about policies, administrative arrangements, institutions etc. in one time and/or place is used in the development of policies, administrative arrangements and institutions in another time and/or place"

The Policy Transfer Framework¹⁸ has lately become highly relevant and useful for the study of policy-making by focusing on the specific patterns of interaction and transfer of policy

¹⁷ Here, drawing on Policy Transfer studies does not mean that Turkey's asylum policy has been directly transferred from another context. In contrast, this thesis argues that external influences are mediated through the domestic factors and thereby the domestic policy has transformed into its current form. However, Policy Transfer Framework provides a suitable logic of a continuum that helps to examine the influence mechanisms.

¹⁸ The concept of policy transfer originated from the comparative policy analysis in diffusion of policies across states in the US (Walker, 1969) and continued to be used in the study of policy convergence across the nation-states in the world (Bennett, 1991; Dolowitz and Marsh, 1996). It has become a more relevant concept in contemporary politics as globalisation and developments in communications have enabled

instruments between different levels of actors (Bulmer and Padgett, 2005; Benson and Jordan, 2011; 2012). Promoting a ‘holistic approach’ with a ‘joined-up way of thinking’, the framework enables a careful and intelligent investigation of complex policies by taking all relevant aspects into consideration (Bulmer and Padgett, 2005, p.126). It provides the analytical tools by which to consider the various actors within a single framework such as: “elected officials; political parties; bureaucrats/civil servants; pressure groups; policy entrepreneurs/experts; and supra-national institutions” (Dolowitz and Marsh, 1996, p.345). Moreover, as the framework analyses the transfer of ‘knowledge’ about the policies, rather than the policies themselves, it provides a broader perspective of the influencing mechanisms. For example, the EU did not have a common asylum policy until 2013, but even in the absence of a fully-fledged policy, it was able to exert influence using policy instruments such as directives (Geddes, 2003; Ladi, 2007). Such peculiar aspects of influence through EU enlargement strategies can therefore be “an ideal testing-ground for exploring the analytical insights of policy transfer” (Bulmer and Padgett, 2005, p.126). Taken together, the policy transfer framework can be considered a heuristic device that can elucidate the actual dynamics between the external and domestic factors in the making of Turkish asylum policies (see Figure 6).

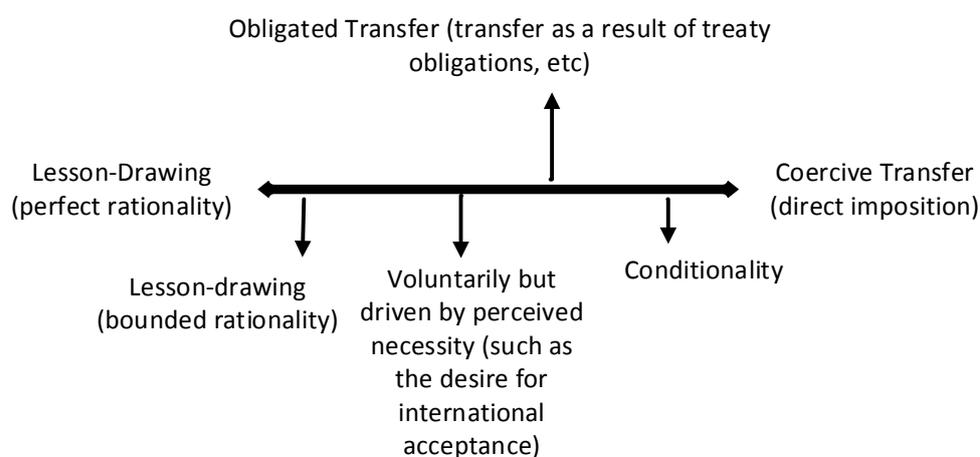


Figure 6 Dolowitz and Marsh’s Policy Transfer Continuum

Although the original framework provides mechanisms like conditionality, obligated transfer, voluntarily but driven by perceived necessity and lesson-drawing, the logic of continuum allows for the modification of the framework in a way that takes various other mechanisms into account. Modifying this framework successfully in their studies, for example, Lavenex and Ucarer (2004) investigated “unilateral emulation”, “adaptation by externality” and “conditionality”. Thus, not

policy-makers to engage more in international networks to exchange their ideas and opinions regarding policies (Dolowitz and Marsh, 2000).

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only the most common and effective mechanisms but also others such as acculturation, monitoring, social learning, legal obligations and lesson drawing can be included in the framework.

This study adopts this logic of a continuum between voluntary and coercive impact mechanisms and modifies the framework in line with the research purposes. Before doing this modification, it first conceptualises the relevant mechanisms: (a) regulative influences; (b) constitutive influences; and (c) domestic mediating factors, as shown below.

2.4.1 Regulative Influences

The regulative influences have *a logic of consequences*, in which the empirical focus of IO impact is on consequences such as state behaviours, policies or practices. Underpinned by a rationalist perspective, the major purpose of these influences is to minimise costs and to maximise benefits in certain issue areas such as international protection of refugees. Through mobilisation of the opportunity structures, IOs can regulate state behaviours, directly affecting policies and their implementations (Schimmelfennig, 2002). Furthermore, as Barnett and Finnemore (2004, p.7) argue, IOs can:

“regulate the social world, altering the behaviour of states and non-state actors by changing incentives for their decisions. Frequently they do this in order to get actors to conform with existing rules and norms of behaviour”

The main assumption here is that states act as rational actors guided by utility-maximisation and opportunity seeking, and to do so, they “accept, and abide by, certain rules of the game” (Barkin, 2013, p.49). In particular, regulative influences may have both soft and hard forms; states may seek opportunities with regards to their international reputations or may be coerced by the IOs using material bargaining power to follow certain norms and institutions (Schimmelfennig, 2002). IOs also can use indirect means of regulative influences that change the domestic balance of power to induce domestic changes (Costa and Jorgensen, 2012). The three mechanisms of these regulative influences are conceptualised as: coercive bargaining, legal obligation, and monitoring mechanism.

2.4.1.1 Coercive Bargaining Mechanism

A coercive bargaining or conditionality mechanism provides opportunities or sanctions in return for states' compliance of certain specific preconditions (Lavenex and Ucarer, 2004). Scholars generally use ‘carrots and sticks’ to describe this effect, which refers to provision of external rewards in the situation of conformity, or restrictions in the situation of nonconformity. By

providing ‘carrots and sticks’, this mechanism actually changes the costs of ‘non-adaptation’ and incentivises actors (e.g., states, individuals) to calculate their costs and benefits (Schimmelfennig and Sedelmeier, 2005). Involved actors are assumed to be rational actors who calculate cost-benefit balances (Kelley, 2004). Also, the mechanism requires a hierarchical relationship between the units at the state and international levels. External organisations have to be powerful enough to change the power balances in the domestic policy area (Dai and Martinez, 2012; Kissack, 2012). External organisations may also have indirect means of bargaining to change domestic power balances, especially by empowering less-powerful actors that are not in the policy-making circle (i.e., NGOs, companies or even bureaucrats) (Dai, 2005; Costa, 2008; Dai and Martinez, 2012).

Whilst economic conditionality and political conditionality have been used in the past by the IMF and World Bank, the most effective type of conditionality that has been studied is membership conditionality (Grabbe, 2002; Kelley, 2004; Schimmelfennig and Sedelmeier, 2004). Focusing on the EU membership conditionality, existing research has shown the important role of the EU incentives or ‘carrots’ of membership, nomination of a state as a candidate state, starting negotiations, legislative and institutional support, monetary and technical support, policy recommendations and teaching programmes such as twinning projects (Grabbe, 2002). In the light of the above, the candidate states engage in a calculative approach and adopt EU rules “if the benefits of EU rewards exceed the domestic adoption costs” (Schimmelfennig and Sedelmeier, 2004, p.684). To increase the cost of non-adaptation, the EU uses ‘sticks’ by criticising states diplomatically (Grabbe, 2002), or by simply withholding the rewards (Schimmelfennig and Sedelmeier, 2004, p.663). Similar to membership conditionality, the EU also provides rewards such as visa facilitation, trade agreements, financial aid mechanisms, cooperation and increased political relations to non-candidate states (Grabbe, 2002, p.250).

However, in order to successfully regulate state behaviour, Schimmelfennig and Sedelmeier (2004, p.664) listed four factors: “(i) the determinacy of conditions, (ii) the size and speed of rewards, (iii) the credibility of threats and promises, and (iv) the size of adoption costs”. Research has shown that the EU failed to induce domestic changes due to some of these factors; for example, it failed to provide a credible membership incentive for Turkey, and thereby lost its transformative power in the domestic domain. Similarly, the EU failed to coercively bargain domestic changes in certain countries under its neighbourhood policy due to the rewards being “quite occasional, sectoral, and inspired by more short-term interests on both sides” (Lavenex and Ucarer, 2004, p.433). Nonetheless, studies showed that the EU conditionality strategy has been more effective than any other constitutive effects in promoting institutional and legislative changes in several policy areas (Schimmelfennig and Sedelmeier, 2004; 2005; 2008).

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In order to explore the coercive bargaining mechanism in the interaction between Turkey and external factors, attention has to be paid to the domestic actors being provided with the incentives (and/or sanctions) (Checkel, 2005). Also, the nature of bargaining (i.e., whether the compliance *explicitly linked* to these incentives or sanctions) is another important determinant (Kelley, 2004). According to Schimmelfennig (2005, p.831), a domestic change can be instigated by a coercive bargaining mechanism;

- when the targeted governments expect the promised rewards to be greater than the costs of compliance;
- when the targeted societal actors expect the costs of putting pressure on the government to be lower than the benefits of conditional external rewards, and these actors are strong enough to force the government to comply with the international norms.

In addition, whether these detailed and linked rewards are *obtained* after compliance can be another indicator of the presence of a coercive bargaining mechanism.

2.4.1.2 Legal Obligations Mechanism

Drawing on international agreements, the legal obligation mechanism exerts a normative influence on state behaviour and actions through specific strategies, policies and programmes of external organisations (Barnett and Finnemore, 2004). As Turkey is a party to international conventions such as the 1951 Geneva Convention and the European Convention on Human Rights, the UNHCR and ECtHR can directly exert a certain legal pressure by overseeing state behaviours. By referring to these legally binding norms, principles and rules, other organisations can also increase their ability to exercise “a considerable influence over government decisions” through regulative means (Loescher, 2001, p.40). For example, the IOM proclaims the normativity of its resettlement programmes by specifically referring to the burden-sharing norm in the refugee regime (Elie, 2010). In addition, external organisations can exert legal pressure by appealing states’ previous agreements. States who had already agreed to unbinding and certain terms usually behave according to these terms, and feel obligated to accept new binding rules in the same domain. As an example demonstrated by Wetzel (2012), EU states were unable to refute NGOs’ claims regarding environmental issues because of their previous commitments in the UN Conference on Environment and Development in 1992. Thus, organisations can create path dependencies for states in order to indirectly affect domestic policies.

The strength of this mechanism relies on the existence of strong enforcement mechanisms. If the rules are legally binding, this mechanism gains power. For instance, the ECtHR can exert a fairly powerful impact as it obligates CoE member states to provide their citizens (and individuals in their territory) the right to petition and accept payment of fines in cases of non-compliance to the

human rights convention (Anagnostou, 2010). If the rules are ‘toothless’ and lacking an effective sanctioning mechanism, it is likely that this mechanism will be less effective (Dai and Martinez, 2012). Since there is no established judicial enforcement mechanism in the refugee regime, for example, the UNHCR and IOM’s impact is expected to be weaker than ECtHR in regulating states’ policies. Nonetheless, these organisations may exert a ‘societal pressure’ on the decision makers by increasing the notoriety of a state in the international community.

The legal obligation mechanism can be understood by seeking (a) *existence of enforcement mechanisms* through which external actors oversee the behaviours and policies in a state, and (b) *an explicit reference to the legal agreements*.

2.4.1.3 Monitoring Mechanism

Monitoring is an information-based influence through which external actors affect domestic policies. External organisations can observe the state behaviours, preferences and policies and issue reports that illustrate the strengths and weaknesses of domestic rules in order to understand whether a state complies with international agreements and principles (Geddes, 2003; Barkin, 2013). As Jacobsen (1996, p.663) explains:

“At the normative level, the threat of bad international publicity is used by refugee organizations to pressure host governments towards more positive refugee policies. Most governments desire to be in good international standing and do not wish to appear inhumane, so the publicity given to refugee abuses is a political consideration shaping their responses”

By increasing transparency, the published reports can be manipulated both to induce cooperation and policy change (Barnett and Finnemore, 2004; Dai and Martinez, 2012) and to decrease “the chance of backsliding by imposing reputational costs” (Kelley, 2004, p.449). This influence of “routine monitoring and attention from the international community” can thus affect states’ domestic policies (Kelley, 2004, p.449). The EU’s annual reports for accession countries (Geddes, 2003), as well as the UNHCR’s monitoring roles in refugee reception and protection, exemplify this influence mechanism (Betts, 2009b). Indicators of a monitoring impact are (a) existence of screening reports, (b) explicit references to these reports, (c) existence of a temporal relationship between domestic changes and publication of screening reports.

2.4.2 Constitutive Influences

The constitutive effects have a *logic of appropriateness* and constructivist pledges; thus, their impact is generally on the beliefs and preferences of domestic policy-makers. These effects

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require an assumption that the ideas shape the behaviours of the target states (Barkin, 2013). According to their role and the context, state behaviours and policies are formed by what is perceived by policy-makers as 'legitimate' and 'appropriate' (Schimmelfennig, 2002). In this point, Barnett and Finnemore (2004, p.7) assert that IOs have an ability:

“to constitute the world, creating new interests, actors, and social activities. This can be understood as “social construction power” because IOs use their knowledge to help create social reality. IOs are often the actors to whom we defer when it comes to defining meanings, norms of good behavior, the nature of social actors, and categories of legitimate social action in the world.”

To have such constitutive impacts in the domestic arena, IOs can teach states how to behave through the use of 'interpersonal' and 'cognitive' learning mechanisms, or they can persuade states and make them internalise the international institutions (norms, principles, rules) by systematic argumentation and promoting the “moral commitment or a sense of obligation” (Schimmelfennig, 2002, p.12). These influences work through building networks and interactions in depoliticised settings where actors have small circles to familiarise themselves with international norms. The constitutive influences generally act through socialisation-based mechanisms like teaching, persuasion, acculturation, etc.

2.4.2.1 Socialisation Mechanisms

Drawing from social constructivist accounts, the socialisation mechanism exerts constitutive influences on state preferences. These impacts of external organisations do not take place in a way that the rules, principles and norms are coercively obligated and imposed; instead, socialisation can stimulate adoption of such norms, values and 'way of doing things' by referring to the logic of appropriateness and focusing on belief change (Geiger and Pecoud, 2014). Instead of strategically changing their opportunity structures, the socialisation mechanism can induce domestic actors to believe that internationally-defined beliefs and values are 'appropriate', and they are 'the right things to do'. Explaining the implications of socialisation, Geiger and Pecoud (2014, p.874) wrote that:

“Governments would not perceive the norms of IOs as imposed on them from more powerful external actors; on the contrary, they would 'self-discipline' themselves, 'socialise' with and adhere to these norms, understood as unquestionable universal values”

Socialisation is defined as a process of inducting domestic actors into the international institutions (norms, principles, rules, and ways of doing things) (Checkel, 2008).

Socialisation mechanisms include several micro-processes such as teaching, persuasion and social influence. Firstly, *teaching* is an attempt at providing information to induce internalisation of group norms (Gheciu, 2005). Due to their technical and administrative superiority, IOs can produce knowledge from information gathered worldwide and help states in their decision-making processes (Barnett and Finnemore, 2004). Similarly, by teaching and provision of information through ‘twinning projects’, the EU also exerts socialisation pressure (Schimmelfennig and Sedelmeier, 2004; Lavenex, 2007; Bürgin, 2014). Socialisation through teaching can also be exerted by establishing informal forums, conferences and networks to promote exchange of information and a shared definition of issues (Thouez and Channac, 2006). Enhancing trust and fostering connections, these settings often lead to collaboration or coordination of state policies (Betts, 2011). For example, through the creation of regional consultative processes, the IOM can “implicitly foster trust and confidence amongst actors” and “explicitly lead to convergence and harmonisation of migration practices and policies between various levels of decision-making, at national, regional and international levels” (Thouez and Channac, 2006, p.381). Similarly, UNHCR also engages in numerous conferences and training programmes to set the agenda, guide discussions and familiarise states with the international norms of the refugee regime (Betts, 2009b; Loescher and Milner, 2011). Secondly, a *persuasion* mechanism is defined as “a social process of communication that involves changing beliefs, attitudes, or behaviour, in the absence of overt coercion” (Checkel, 2008, p.117). Going a step further from just teaching, organisations can actively use argumentation to persuade policy-makers. In this respect, Geiger and Pecoud (2014, p.875) argue IOM has “the capacity to guide the behaviour of weak states through persuasion, in a manner that formally respects their sovereignty”. Similarly, Betts emphasises that the UNHCR can “effectively communicate substantive linkages to persuade other actors to change their behaviour” (Betts, 2009b, p.4). Finally, a *social influence* mechanism is understood as a social sanction or shaming that can lead to a change in the ‘appropriateness’ of a norm when domestic actors are concerned about reputational costs and prestige.

The aim here is not to conceptualise three different socialisation micro-processes. Organisations often employ more than one micro-process at the same time (Kelley, 2004). For example, the UNHCR’s socialisation influences mostly occur by “provision of information, playing an epistemic role, argumentation, or institutional design” (Betts, 2009b, p.5). Also, these micro-processes do not cause different outcomes; the bottom line of socialisation is to induce changes in preferences by making target actors believe that certain institutions are appropriate, and the current domestic policies are inappropriate. Thus, following Kelley (2004), the thesis will not attempt to analyse the differential impacts of these micro-mechanisms but instead examine how socialisation mechanisms impact upon domestic developments in the evolution of Turkish asylum policies.

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The effectiveness of socialisation is highly relevant to the normativity and legitimacy of the socialisation message. In this sense, the UNHCR can employ persuasion and teaching to exert a certain degree of socialisation impact as it is empowered by the 1951 Geneva Convention (Betts, 2009b). Several studies showed that IOM does not have such a normative mandate and a fully-fledged constant infrastructure; thus, its persuasion works mostly on weak states (Thouez and Channac, 2006; Betts, 2011). The role of the EU has been more debatable. The EU represents a strong European collective identity with its "weight in the world, its presence in international organisations [and] its important role as carrier of ideas and normative power" (Lavenex, 2008, p.315). The EU has long been perceived as a role model by Turkey due to Turkey's long-standing desire for 'westernization', which makes the EU's constitutive influences more effective. But the EU's restrictive nature with regards to refugee policies has been criticised by several state and non-state actors, and they are sometimes perceived as less legitimate than the international institutions of the refugee regime (Barbe *et al.*, 2009). For example, the EU's specific rules of 'first country of asylum' and 'safe third country' have been interpreted by Turkish actors as contradictory to the burden-sharing norm of the refugee convention, which has negatively affected EU socialisation efforts in Turkey (İçduygu, 2007).¹⁹ Nonetheless, the EU can still use effective constitutive influences to the extent that a state "regards EU rules and its demands for rule adoption as appropriate in the light of collective identity, values, and norms" (Schimmelfennig and Sedelmeier, 2004, p.667). Thus, the normative perception of an agency and the legitimacy of the rules and institutions are important conditions for effective socialisation.

This study draws on Checkel (2005)'s conceptualisation of socialisation outcomes. The main outcome of a socialisation is internalisation of the message (norms, rules, principles). The domestic actors wholeheartedly believe that the socialisation message is appropriate, and they initiate corresponding changes to domestic policies. It is likely to see this outcome under the following conditions proposed by Checkel (2005, p.811):

- The domestic actor is in a novel and uncertain environment and thus cognitively motivated to analyse new information.
- The domestic actor has few prior, ingrained beliefs that are inconsistent with the external organisation's message.
- The external organisation is an authoritative member of the in-group to which the domestic actors belong or want to belong.

¹⁹ First country of asylum refers to the practice of returning an asylum seeker to the first European country they reached, while safe third country refers to the practice of returning an asylum seeker to the non-European (transit) country, that is considered 'safe' according to international law, where the asylum seeker passed through.

- The external organisation does not lecture or demand, but instead acts out principles of serious deliberative argument.
- The interaction occurs in less politicized and more insulated settings.

However, as studies demonstrated, the outcome of socialisation may not be binary (i.e., internalisation or non-internalisation), but may rather be more intermediate in nature. If domestic actors do not fully internalise the message but demonstrate pro-norm behaviours this can be defined as role-playing or enacting. The domestic actors are expected to have a ‘non-reflective manner’ towards the message of the external actors; although they change their behaviours towards them they may not fully approach them as ‘appropriate’ things (Checkel, 2005). This role-playing behaviour can be explained by group environments and the organisational culture in which the domestic actors “adopt certain roles because they are appropriate in that particular setting” (Checkel, 2005, p.810). This implication of socialisation efforts is also referred to as ‘acculturation’ by Goodman and Jinks (2004, p.626), who define it as a “general process by which actors adopt the beliefs and behavioural patterns of the surrounding culture”. In this regard, the conditions below will guide such an analysis of proving the presence of acculturation mainly as a result of a socialisation mechanism (Checkel, 2005, p.813);

- Agents are in settings where contact is long and sustained, and has some significant duration,
- Agents are in settings where the contact is intense,
- Those agents with extensive previous professional experience in regional or international policy-making settings are more likely to internalize international role conceptions,
- In contrast, agents with extensive domestic policy networks who are briefly “parachuted” into regional international settings will be less likely to internalize new role conceptions.

The above expected conditions for internalisation and acculturation are not necessarily mutually exclusive and can all be approached as indicators of socialisation mechanisms. A condition for role playing, therefore, can and should be observed in socialisation to yield an internalisation, whereas a condition for internalisation may be to cause a role-playing outcome.

2.4.3 Lesson-Drawing Mechanism

Apart from external driving factors, states can also deliberately adopt rules, norms and institutions, not necessarily because of the strategies and activities of external agencies but due to dissatisfaction with domestic policies. This mechanism is defined as the lesson-drawing mechanism. States may want to learn or ‘mimic’ the successful practices and applications of a certain policy somewhere else, while they also may want to draw lessons from unsuccessful ones (Boswell *et al.*, 2011). As Bennett (1991, p.220) explained:

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“There is a natural tendency to look abroad, to see how other states have responded to similar pressures, to share ideas, to draw lessons and to bring foreign evidence to bear within domestic policy-making processes”

According to this mechanism, states deliberately transfer the rules and principles from the international level without any incentives or societal influence (Schimmelfennig and Sedelmeier, 2004). If domestic policy-makers are dissatisfied with the existing domestic policy structures, they examine other suitable policies abroad by focusing on the 'transferability' of external policy instruments. For example, Schimmelfennig and Sedelmeier (2004) investigated lesson-drawing mechanisms and found that some states tried to harmonize their rules with the EU to find solutions for their existing domestic policy problems. Similarly, Lavenex and Ucarer (2004) conceptualised mechanisms named as 'unilateral policy emulation' and 'emulation driven by externalities' in their studies of deliberate attempts at rule adoption in the migration policy area. Drawing on Schimmelfennig and Sedelmeier (2004), whether there is a lesson-drawing mechanism employed can be understood through the following conditions:

- Dissatisfaction with existing policies,
- Domestically-driven search for domestic policy problems, directed abroad at international norms, principles and institutions,
- Evaluation of international rules, norms and institutions.

2.4.4 Domestic Mediating Factors

Apart from considering domestic actors independently in the lesson-drawing mechanism, this study also considers them as mediating factors. External influences often cannot reach domestic settings without facing obstacles. They are generally 'mediated' or 'filtered' along the way through various domestic channels (Gourevitch, 1978; Costa, 2008; Dai and Martinez, 2012). This study also considers the domestic mediating factors as important elements of the interplay between international- and domestic-level factors of policy-making.

The first and foremost domestic mediating factor is domestic veto players such as political parties, civil society organisations, national courts, business groups or epistemic communities.

Quantitatively thinking, external influence mechanisms become more effective in “a system without too many veto players whose positions are not too different” (Costa, 2008, p.529). While these domestic veto players can successfully restrain the external impacts through various channels (i.e., judicial channels, sovereignty or nationalism rhetoric), they sometimes cannot go beyond just postponing external effects especially if there is a misfit in external-domestic policy instruments (Aydın and Kirişçi, 2013). Their mediating role may also vary according to expected

outcomes of vetoing a policy initiative. Kelley (2004) claims that veto players can be more powerful against the socialization-based methods than the rationalist-based methods.

The second factor is the relationship between the state and society. The efficacy of external influences are highly dependent on whether a state has a centralised or a pluralist decision-making system (Cortell and Davis, 1996). As Checkel (1997) found, in the case of a distant relationship between a state and its society, constitutive influences become more effective than regulative influences, whereas in liberal states, where civil society is involved in policy-making, regulative influences might be more effective. Similarly, the existence of 'access points' to the policy-making circle are proposed to be an important mediating factor that affects the outcome of external influences (Costa, 2008).

Finally, the characteristics of a policy area also might have a mediating role for external influences. If there is already a functional domestic policy, external influences would be less effective at changing this policy as the domestic actors, as the beneficiaries of the status quo, would easily become the veto players (Aydın and Kirişçi, 2013). Also, if the policy-area is politicised to a certain level of high politics, such as democracy, security or foreign policy, external influences become less effective (Cortell and Davis, 1996).

2.4.5 Summary of the Analytical Framework: Indicators of Influence Mechanisms

Building on the above conceptualisations of influence mechanisms, this thesis modifies the Policy Transfer Continuum for the purposes of this study (see Figure 7).²⁰

²⁰ In the figure the reason legal obligations mechanism is positioned as less coercive than coercive bargaining is the lack of enforcement mechanism in the refugee regime. Although ECtHR exerts an enforcement mechanism on Turkey, its legal impact is considered less coercive than the coercive bargaining power of the EU.

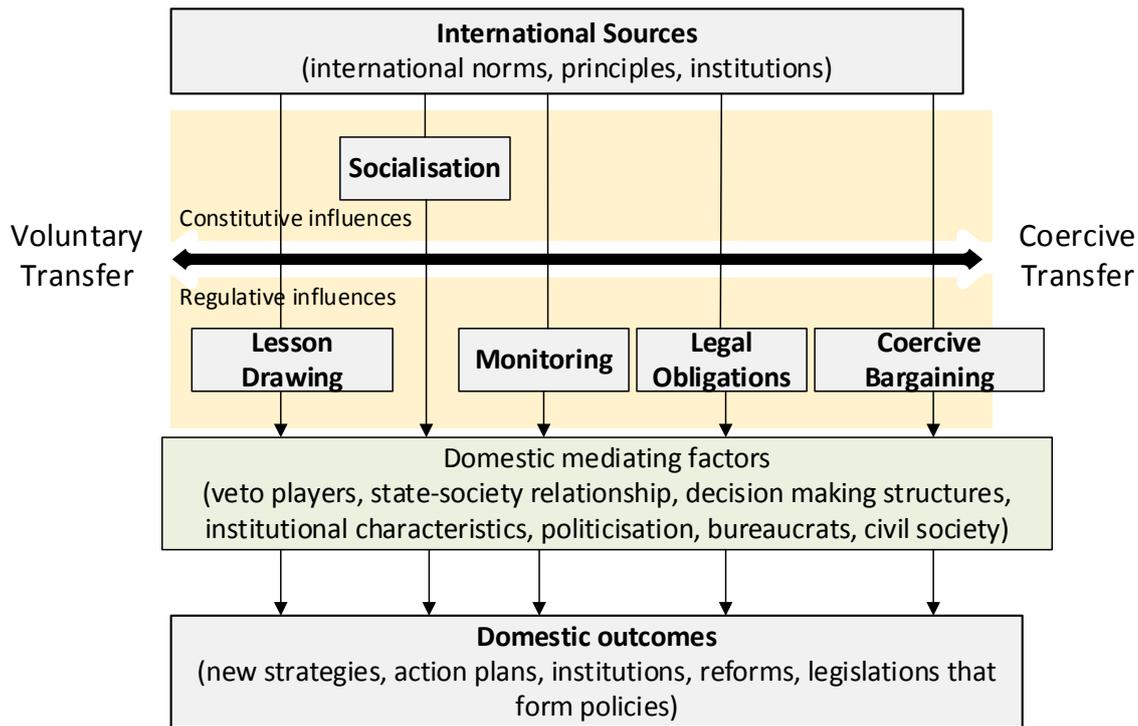


Figure 7 Modified Policy Transfer Continuum for this study

Source: Author's modification of the Policy Transfer Model of Dolowitz and Marsh (2000)

While the voluntary end of the transfer continuum generally occurs in the case of emerging dissatisfaction with the existing policies and the domestic status quo, the coercive end of transfer occurs directly with its enforcement (through bargaining or conditionality). The middle of the continuum explains indirect necessity mode (through normative power and externalities of policy-exporters) (Dolowitz and Marsh, 1996). It is also suggested in this continuum that the impact of IOs generally take place at the coercive end, i.e., EU playing a policy-pusher role for the adoption of its *acquis* or ECtHR forcing states to compensate any violation of human rights (Dolowitz and Marsh, 1996). However, their impact can shift towards the voluntary when IOs monitor states, issue reports or establish conference and seminars for policy-makers with a view to socialising them (Dolowitz and Marsh, 2000). Towards the voluntary end, one can also understand lesson-drawing as a rational action of domestic policy-makers.

In the modified framework, influence mechanisms are not mutually exclusive; each can simultaneously be at work during the policy-making process, as in the example of the EU's conditionality and socialisation impact. The mechanisms can have different intensities, which can vary with time. Multiple mechanisms can form a combined impact and cause turning points in the process by creating domestic changes. Moreover, one single event can be categorised under several mechanisms. For example, a published report can be part of a monitoring mechanism as it can also be part of coercive bargaining or legal obligations. The main aim is not simply to

categorise certain actions into meaningful mechanisms; rather, in line with the comprehensive and integrative approach, to use the framework as a heuristic device to understand how asylum policies emerged in Turkey. Therefore, the study takes into account the possibility of outcomes that are not fully expected. The framework's design as a continuum enables the consideration of unexpected mechanisms that might be peculiar to this case and are not contemplated in the literature.

It is also important to consider the nature of the selected actors while analysing their influence mechanisms. The most powerful external organisation is the EU with its political, financial and normative authority in the region. Therefore, the EU can exert a coercive bargaining, socialisation and monitoring impact. UNHCR, as the core organisation of the refugee regime, can exert legal obligation, socialisation and monitoring pressures. As an organisation dependent on external funding, UNHCR cannot exert a coercive bargaining impact. The IOM, however, can only provide monitoring and socialisation as it is not created with an international convention. The IOM has provided programmes regarding 'voluntary return' and 'resettlement' for facilitating and managing the rights to seek asylum (Triandafyllidou and Dimitriadi, 2013). The CoE can exert both legal and monitoring impacts. As a founding member of the CoE, Turkey subscribed to the European Convention on Human Rights in 1954. Accepting the right of individual petition to the ECtHR in 1987 and the mandatory jurisdiction in 1990, Turkey is liable for the judgements of the Strasbourg court. Since then, the Court's decisions have been binding to Turkey only if the individual applicants have exhausted all Turkish avenues of appeal (Kaya, 2009b). The CoE, in general, does not have the capacity to politically coerce or change policies but serves as a platform for benchmarking and screening human right records of member states. In terms of domestic actors, civilian bureaucrats (AMB in 2008 and then DGMM in 2014) are expected to instigate a lesson-drawing mechanism as they are comparatively superior the TNP officials, who are actually law enforcers. Also, societal actors do not have power to directly impact policies so they are expected to play a mediating role instead. Overall, the strength and the mandate of these organisations are taken into account in the analysis.²¹

This section has established the analytical perspective to the study by both elaborating on the policy transfer continuum and conceptualising the specific influence mechanisms. The asylum policy-making process of Turkey requires a multidimensional, multifaceted and a holistic

²¹ However, following Jacobsen (1996, p.663-4), who observed that: "host governments have their own form of leverage over international organisations. In order for refugee organisations to work in host countries, the host governments must grant permission for them to do so, and any time it can order the organisations out", the role of these organisations are not overestimated in the analysis and considered with reference to their relations with the Turkish authorities.

approach, which can usefully be addressed by this policy transfer framework. Both powerful factors, such as the EU, and relatively less powerful factors, such as UNHCR, IOM, and CoE, can be analysed in a single framework. It also provides a further advantage for understanding the actual dynamics by emphasising the voluntary-coercive aspects of each influence mechanism.

Furthermore, domestic mediating factors will also be included in the analysis. In doing so, taking all types of influence mechanisms into account may cause some ontological problems due to the fact that while some influences deal with consequences like behaviours and actions of states, others concern constitutive elements like ideas and beliefs (Kelley, 2004). However, keeping its focus on the international sources of domestic outcomes, the study's analytical framework contributes to the comprehension of various causal links between external factors and their domestic consequences, as well as their incorporation into domestic policy-making structures.

Table 2 below summarises the indicators of the influence mechanisms to determine whether an influence mechanism exists in the policy-making process. This table enables a detailed scrutiny of the scope conditions and characteristics of each influence mechanism and is used as a guideline while undertaking the empirical analysis.

Influence Mechanisms	Indicators of influence mechanisms
Coercive bargaining	<ul style="list-style-type: none"> ➤ An explicit link between the proposed rewards and the demanded compliance. ➤ Obtained rewards reached after the compliance. ➤ Domestic officials' expectations of the promised rewards are greater than the costs of compliance. ➤ Societal actors' (i.e., NGOs) expectations of the costs of putting pressure on the government to be lower than the benefits of conditional external rewards, and their strength in forcing the government to comply with the international norms.
Legal Obligations	<ul style="list-style-type: none"> ➤ Existence of an enforcement mechanism through which the external actors can oversee the policies of a state. ➤ Existence of an explicit reference to the legal agreements.
Monitoring	<ul style="list-style-type: none"> ➤ Existence of periodic reports. ➤ Explicit references to these reports. ➤ Existence of a temporal relationship between the domestic changes and publication of screening reports.

Socialisation	<p>Acculturation (Role-Playing)</p> <ul style="list-style-type: none"> ➤ Agents are in settings where contact is long and sustained, and has a significant duration. ➤ Agents are in settings where the contact is intense. ➤ Those agents with extensive previous professional experiences in regional or international policy-making settings are more likely to internalize international role conceptions. ➤ In contrast, agents with extensive domestic policy networks who are briefly “parachuted” into regional/international settings will be less likely to internalize new role conceptions 	<p>Internalisation</p> <ul style="list-style-type: none"> ➤ When the domestic actor is in a novel and uncertain environment and thus cognitively motivated to analyse new information. ➤ When the domestic actor has few prior, ingrained beliefs that are inconsistent with the external organisation’s message. ➤ When the external organisation is an authoritative member of the in-group to which the domestic actors belong or want to belong (i.e., intergovernmental networks chaired by such organisations). ➤ When the external organisation does not lecture or demand, but, instead, acts out principles of serious deliberative argument. ➤ When the interaction occurs in less politicized and more insulated settings.
Lesson Drawing	<ul style="list-style-type: none"> ➤ Existence of a domestic discontent with the old policies. ➤ An explicit attempt to emulate international institutions of the refugee regime or to draw lessons from external organisations. ➤ Evaluating the lessons. 	

Table 2 Indicators of influence mechanisms

Source: Bennett (1991), Kelley (2004), Checkel (2005), Schimmelfennig (2005) and Betts (2009b)

2.5 Summary

This chapter has attempted to open up the debate on the role of external factors in asylum policy-making. As states and international organisations become more interdependent in the migration area, international institutions and external organisations appear to be remarkably important to understand the actual dynamics of asylum policy-making. It is therefore significant to examine the activities, strategies and policies of the IOs in the field of asylum, and to comprehend the ways in which these external factors intend to promote domestic changes in states’ asylum policies. The review of the EU’s early impact on Turkish asylum policies with a successful conditionality strategy has provided insights on this purpose. But, in the absence of a credible membership, linking Turkey’s ongoing developments in asylum policies solely to the asymmetrical power relations with the EU fails to explain the causal significance of the EU itself. Alternatively, this chapter presented the significant roles of UNHCR, IOM and the ECtHR as possible external factors to the formation of asylum policies in Turkey. Focusing on the influence mechanisms of these organisations and the

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interplay between the 'international sources' and 'domestic politics', this thesis adopts a novel approach to asylum policy-making in Turkey.

To this end, the theoretical underpinnings of this critical approach have been based on second image reversed understanding of the significant and autonomous role of international organisations functioning in the refugee regime. In the field of asylum, where certain institutions have long been established by the 1951 Geneva Convention, the strategies and activities of IOs exert an influence that can reach domestic policy-making procedures. To understand these influences, this chapter has also proposed a holistic framework of policy transfer, which provides a significant contribution to the understanding of the dynamics between international and domestic politics by combining different influence mechanisms in a single framework.

Taken together the arguments and discussions put forward, this chapter has laid down fundamental guidelines for data collection and analytical elaboration. The next chapter introduces the methodology of the thesis.

Chapter 3 Research Methodology

This chapter introduces the methodology of the thesis. It explains the reasons for choosing a qualitative strategy and case-oriented approach as a research design; interviews and documents as research instruments; and process tracing as method of inquiry in the research. It shows the suitability of the chosen research design, instruments and methods to the research purposes. While it reviews the advantages of this methodology, it also provides the ethical considerations and additional methodological considerations that were undertaken during the research. The chapter begins with the research design; it will then go on to data collection and analysis.

3.1 Research Design: Qualitative Case Study Research

This research adopts a qualitative research strategy due to its compatibility with the research purposes and puzzle. The present study seeks to investigate a complex policy-making process that involves several actors, interventions and trends. The main benefit of the qualitative strategy is that it should allow the intricacies of asylum policy-making in Turkey to be unravelled by exploring the understandings, interpretations, experiences and “the ways that social processes, institutions, discourses or relationships work” (Mason, 2003, p.1). This strategy enables an investigation of the complexities of a social phenomenon and provides in-depth knowledge and valuable insights on key individuals and their thoughts (Hammersley, 2012). Seeking ways “to show how events and patterns unfold over time” (Bryman, 2016, p.395), it provides a suitable toolkit for the investigation of “the ways that social processes, institutions, discourses or relationships work” (Mason, 2003, p.1). Despite its cost in terms of time and effort, the qualitative strategy proves “both rewarding and exhilarating, particularly if the end result offers even a glimpse of an experience that was not previously well understood” (McQueen and Knussen, 2002, p.198).

The qualitative strategy is also particularly useful in scrutinising the domestic actors and mediating factors of external influences. This is partly because this strategy allows examination and consideration of “cultural and historical context” of a phenomenon (Sandelowski, 2004, p.893). Most social objects are not sole, isolated and simple variables; instead, they are “represented in their entirety in their everyday context” (Flick, 2014, p.15). Indeed, contradictions arise when the context is neglected in research; for example, without an understanding of Turkish political culture, political settings and contextual facts, it would hardly be possible to understand the formation of asylum policies (Creswell, 2014; Bryman, 2016). In this vein, the qualitative strategy appears to be a suitable approach as it “celebrates richness, depth, nuance, context, multi-dimensionality and complexity rather than being embarrassed or inconvenienced by them”

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(Mason, 2003, p.1). It enables the inclusion of the 'subjective perspectives' and 'social backgrounds' (Flick, 2009) in the analysis of how asylum policies are made, elucidating the role of neglected domestic variables in Turkish asylum policy-making.

Another advantage of the qualitative research strategy is that it welcomes subjectivity and reflexivity. The researcher has had previous experiences with state institutions, which allow him to relate the motivations and see through the eyes of policy-makers (Bryman, 2016). Therefore, the researcher can reflect on the research by including his values, thoughts, feelings, preoccupations and perceptions as valuable 'data' (Cousin, 2010; Creswell, 2014). Even though this subjectivity and being embedded in the research is often criticised due to the lack of confidence in replicability, it can be useful in identifying and characterising particular patterns in rich and deep data (Bryman, 2016), which helps to elucidate the actual dynamics of policy-making.

Building on this qualitative strategy, this thesis adopts a case-oriented approach to carry out an in-depth investigation of the process of policy formation in Turkey (Sandelowski, 2004). The study considers a single case study, the *within-case study* (Tansey, 2007), to obtain in-depth information on the black-box mechanisms of the influences between the international and domestic levels. In a within-case study, the researcher:

“can look at a large number of intervening variables and inductively observe any unexpected aspects of the operation of a particular causal mechanism or help identify what conditions present in a case activate the causal mechanism” (George and Bennett, 2005, p.21).

Within-case study therefore allows investigation of the conceptualised influence mechanisms in the study. It enables the researcher “to peer into the box of causality to the intermediate causes lying between some cause and its purported effect” (Gerring, 2004, p.348). By capturing the 'motivations' of actors and providing “firmer evidence of the factual accuracy of a given proposition” (Gerring, 2004, p.353), it helps to determine the existence and dynamics of each influence mechanism. Thus, employing a within-case research design, this study can open the way for a vigorous and orderly analysis of the emergence of asylum policies in Turkey by considering the causal mechanisms that provide evidence and plausible explanations for the implications of external influences.

Selected case study design allows the analysis of significant historical episodes by asking the questions of 'how' and 'why' (Yin, 2014). The general aim of case study research is “understanding a larger class of (similar) units” (Gerring, 2004, p.342). These units can be states, organisations, or

individuals but can also be ‘a spatially bounded phenomenon’. In this case study, the main unit is the *phenomenon of asylum policy-making* in contemporary politics, which is investigated by intensively analysing the *Turkish case*. The unit of analysis for the thesis is therefore not the *country* Turkey itself, but the *process* of the evolution of Turkish asylum policies. The rationale behind the selection of this case is presented below.

3.1.1 Case Selection

The selection criteria for the case of Turkish asylum policy-making consists of both case-specific characteristics and methodological reasons. The first and foremost reason is the fact that Turkey has recently formed a functional asylum policy despite unprecedented numbers of refugees arriving from countries in the Middle East, Asia and East Africa. Unlike contemporary hostile responses to refugees, Turkey introduced an international norms- and human rights-oriented policy around the time when it became a host country to the largest number of refugees worldwide in 2014. Understanding the dynamics and motivations behind Turkey’s policy-making therefore opens the door to understanding the larger phenomenon of asylum policy-making.

Another exceptional characteristic of Turkey’s asylum policy-making case is Turkey’s legal stance in the international refugee regime. Still holding the geographical limitation to the 1951 Geneva Convention, Turkey retains an institutional right to not grant refugee status to asylum seekers from non-European countries. Although this is an almost unique legal position, the legal framework in Turkish asylum policies demonstrate the significance of international norms, institutions and organisations. It shows that these international-level factors might play some key roles in refugee-receiving countries that are not even party to the 1951 Geneva Convention (e.g., Iraq, Lebanon, Jordan), which makes Turkey a suitable case for understanding the role of external influences in the domestic outcomes.

Another difference that the Turkish asylum policy-making case brings is the role of politicisation of migration in the policies. While migration has been highly politicised in the majority of migrant-receiving countries, there were no political speeches or discussions on the migration issue in Turkey until a large number of Syrian asylum seekers attempted to enter Europe in 2015. This is mostly because migration is not seen as having political leverage in Turkish politics, and the management of migration has been somehow handled by the bureaucracy. However, incipient events shows that Turkey will follow this politicisation trend. Therefore, Turkey represents a case that shows what difference politicisation trends would make in the contemporary asylum policy-making phenomenon.

A final reason to select this case is more methodological. As a Turkish national who has experience in working with state institutions, the researcher has a certain familiarity with the context of Turkish political culture and can reflect on the evidence and data as an 'insider'. The researcher's upbringing and general knowledge therefore enhances the 'richness' of the data while aligning with the chosen research tradition of qualitative strategy.

3.2 Data Collection: Qualitative Interviewing and Document Research

This research has two main instruments for data collection: qualitative interviews and document research. Qualitative interviewing method is the most useful method to elicit 'rich' and 'detailed' historical information about the policy-making process (Mason, 2003; Creswell, 2014; Bryman, 2016).²² Document research was chosen to conduct a systematic examination of printed and electronic documents to gather the meaning of concepts, obtain an understanding of and build empirical knowledge about the Turkish asylum policy-making process (Bowen, 2009). These two methods were chosen mainly because of the complementary advantages they bring to the research purposes.

A semi-structured interview method was adopted as it both allows "control over the line of questioning" (Creswell, 2009, p.179) and to discover unexpected insights by stimulating 'rumbling' or 'going off on a tangent' during the interview (Bryman, 2012, p.466). The research acknowledges that eliciting meaningful data is highly dependent on the relevance of the interviewees to the policy-making process, the strength of their memories, and their willingness "to disclose their knowledge of events in an impartial manner" (Tansey, 2007, p.767). The method has a strict contingency on the participants' ability to remember events and express ideas, experiences and interpretations in the form of words and sentences (Creswell, 2014). However, these drawbacks were countered by adopting a careful sampling strategy and designating a convenient atmosphere for the interview process. Overall, "interactional exchange of dialogue" in the fieldwork represented the most efficient means of data collection, especially because the participants' knowledge, perceptions and interpretations were accepted as meaningful properties of the social world (Mason, 2003, p.62). Particularly, this thesis built upon an *elite interviewing* to find the most relevant information from key personnel in policy-making. The 'elites' in this study

²² Other qualitative methods are not useful for the research purposes. The influences of external organisations and their consequences in Turkish domestic policy-making cannot be explored by the observation methods as the process of policy-making has already occurred. Similarly, focus groups are not relevant to the study as the aim is not to examine group dynamics (Hennink *et al.*, 2011).

connotes to public officials working in domestic or external organisations and societal actors (e.g., NGO members, experts, lawyers) who intervened in asylum policy formation in Turkey.

In addition to interviews, primary and secondary documents were also researched with a qualitative strategy. This method offered a cost-efficient means of collecting data as it saved time and effort (Bowen, 2009). For example, instead of a preliminary preparation for analysis such as transcription, the documents were easily read and analysed. As they were already 'out there', the information in the documents cannot be affected by the presence of the researcher which counters the 'too much reflexivity' critique of qualitative research (Bowen, 2009). The study recognises that documents provide a 'formal' account and do not reveal informal proceedings behind a process, especially when the process is a political one occurring in secrecy (Tansey, 2007). However, the data collected from the documents provided invaluable information about timing, consequence and event dynamics, reforms and interventions in the policy-making process. In accordance with the analytical framework of the thesis, particular attention was paid to seek evidence for the specific indicators of each mechanism, followed by a cross-referencing method.

3.2.1 Scope of the Research

In line with the main purpose of the research, the research sample was carefully selected to gather the most relevant data regarding the *process* of asylum policy-making in Turkey. Therefore, a non-probability sampling strategy was adopted, which depends on the researcher's judgment on the selection of participants. Following Tansey (2007, p.765), the study selected "a sample that includes the most important political players who have participated in the political events".

Firstly, purposive sampling was employed to identify the initial sample of participants according to the relevance of their work, expertise and positions to the asylum policies in Turkey. Local offices of external organisations in Turkey (EU Delegation, UNHCR and IOM), the Turkish National Police, the domestic organisation for migration (Directorate General for Migration Management) and Turkish Ministries (Ministries of Interior, Foreign Affairs and EU Affairs) were identified as 'the most important political players', and their representatives and officials were purposively chosen for the fieldwork. As the Asylum and Migration Bureau in Turkey introduced more pluralist decision-making by including the external organisations and civil society actors (i.e., NGOs, academicians, experts, lawyers), other non-profit and non-governmental organisations, research centres and law offices were also included in this sample. Most relevant staff, consultants, experts, lawyers and academics, who had been "direct witnesses to the events in question" (Tansey, 2007, p.767) were thus contacted and interviewed in this initial sample.

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Secondly, a subsequent method of snowballing sampling was also employed in later phase of the fieldwork as it was necessary to include other less popular but influential individuals in the research. These individuals were approached by asking the purposively-chosen participants if they could suggest anybody related to the topic of this research. Following their suggestions, other important personnel were reached, in particular from law enforcement institutions (the TNP and Gendarmerie General Command), local city councils and activists in the NGOs working in refugee matters. In addition, a group of people who had worked in public and international offices at the time of the asylum legislation was drafted were included in the sample. Overall, employing these sampling techniques enabled the researcher to conduct 44 qualitative interviews with elites from international organisations, state-level institutions and other societal organisations like NGOs and universities.

Data collection from primary and secondary documents was carried out mostly by both researching online sources and collecting documents during the fieldwork. In the initial desk research, available primary sources regarding the Turkish asylum and migration policies were gathered from the websites of each external organisation. Consequently, an online search was conducted in the DGMM website that emphasised the relations with external organisations. Further documents were then gathered from the websites of research centres, NGOs, and newspapers. This desk research was later followed by collecting printed documents in person from the offices when the interviews were conducted.

3.3 Data Analysis: Process Tracing Method of Inquiry

The analysis of the data was conducted by employing the ‘outcome-explaining process tracing’ method proposed by Beach and Pedersen (2013). Process tracing is highly in line with the main purposes of this research: unpacking complex processes like the emergence of asylum policies (Kay and Baker, 2015, p.2) and analysing the dynamic role of international institutions and organisations (Gurowitz, 1999, p.416). Careful process tracing has been found to be very useful in finding rival, alternative explanations for a process (George and Bennett, 2005; Haverland, 2006). Process tracing can support the comprehensive aspect of the analytical framework:

“to consider the alternative paths through which the outcome could have occurred, and it offers the possibility of mapping out one or more potential causal paths that are consistent with the outcome [...] Process tracing can identify single or different paths to an outcome, point out variables that were otherwise left out in the initial comparison of cases, check for spuriousness, and permit causal inference” (George and Bennett, 2005, p.206-15).

This method therefore allows for a controlled analysis of not only the existing explanations (i.e., the EU and the mechanisms of conditionality and socialisation) but also alternative explanations (i.e., non-EU organisations and the mechanisms of legal obligations, monitoring and lesson drawing). Similarly, the method welcomes “theoretical pluralism in policy studies” (Kay and Baker, 2015, p.4), which justifies the comprehensive approach and combining rationalist- and constructivist-oriented mechanisms in this study.

As the main purpose is to find what explains the emergence of asylum policy in Turkey, the thesis focuses on ‘outcomes’ and ‘case-specific explanations’ instead of testing or building theories. To this purpose, the outcome-explaining process tracing method helps the researcher to:

“concentrate on the contingent conjunctions of mechanisms that may vary across time and space (or at least occur in highly specific constellations) that give rise to particular events that may or may not be identical or comparable” (Kay and Baker, 2015, p.10).

Thus, instead of seeking to theorise ‘how policy changes are promoted by external organisations’, the thesis conducted a focused analysis on ‘*the Turkish asylum policy-making* in the light of the relevant interactions with the EU, UNHCR, IOM and CoE’. However, this does not mean that this study avoids theoretical explanations. The process tracing was carried out mostly in a “theoretically informed way” focusing on “a series of theoretically predicted intermediate steps” (Checkel, 2008, p.115). However, considerable attention was paid to the case-specific mechanisms that cannot be disengaged from the case (i.e., peculiarities of the Turkish political structure and state apparatus). Therefore, following Beach and Pedersen (2013), both deductive, theory-oriented and inductive, case-oriented process tracing were simultaneously undertaken to shed light on the explanations for the outcome of asylum policies in Turkey.

As process tracing requires large amounts of data, sources of information like “histories, archival documents, interview transcripts, and other sources” become very important to the researcher (George and Bennett, 2005). Regarding this, interviews play a significant role because, as Tansey (2007, p.766-7) suggests, “elite actors will often be critical sources of information about the political processes [as] first-hand participants of the processes”. Similarly, document research also provides a good description of the processes. As Collier (2011, p.824) explains clearly:

“process tracing focuses on the unfolding of events or situations over time. Yet grasping this unfolding is impossible if one cannot adequately describe an event or situation at one point in time. Hence, the descriptive component of process tracing begins not with observing change or sequence, but rather with taking good snapshots at a series of specific moments”

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The process tracing method thus requires a strong overview of the events and processes with 'rich descriptions' that the official periodic documents can provide (Mason, 2003; Bowen, 2009). It can also offer a suitable way to track changes and developments. As Bowen (2009, p.30) notes:

"Where various drafts of a particular document are accessible, the researcher can compare them to identify the changes. [...] The researcher may also examine periodic and final reports (where available) to get a clear picture of how an organisation or a program fared over time."

In this regard, the incorporation of periodic screening reports issued by both external organisations and Turkish agencies and official documents like policy papers, progress reports, action plans, political agendas and minutes of meetings provided meaningful substances to the process tracing analysis. Overall, through the analysis of the interview transcripts and different official reports, the researcher was able to establish a 'processual account' and trace the sequence of events as presented in the documents (Bryman, 2012, p.396).

The data analysis stage of the research also included a careful consideration of (a) trustworthiness and reliability of the data, (b) research ethics and (c) additional methodological considerations. These will be explained below.

3.3.1 Trustworthiness of the Research

Trustworthiness is generally sought by focusing on the validity and reliability of the data (Morse *et al.*, 2002). To increase credibility of this research, a triangulation of methods and data was achieved by incorporating different data-gathering techniques and different findings to form themes or categories in the study (Creswell and Miller, 2000; Bowen, 2009). Both the research instruments (i.e., interview data and documents) and data sources (i.e., public officials, societal actors, experts, screening reports and newspaper articles) were triangulated and the gathered data was carefully converged and analysed by eliminating the shortcomings of each method. While documents were used to 'verify' or 'contextualize' the interview data, the interview data itself was used to corroborate the findings of the document analysis (Mason, 2003; Tansey, 2007). Interviews with key officials have not only provided undocumented aspects of informal proceedings but also helped streamline the wide range of information coming from the document research (Tansey, 2007). Overall, triangulation was employed to attain the greatest benefit from the research design to present a reliable and valid study. It ultimately facilitated the reconstruction of the policy-making process in important ways, ensuring the credibility of the research.

3.3.2 Ethical Considerations

Before the fieldwork, the ethical conduct of the research was planned according to the University of Southampton's Ethics Policy. The researcher obtained full ethical approval from the Ethics and Research Governance Committee of the University of Southampton prior to the data collection stage of the research.

Research processes were carried out in line with ethical considerations. In the participant recruitment stage, participants were contacted through e-mail and provided with a 'participant information sheet' which provided the details and procedures of the research. They were informed about all aspects of the research and given the contact numbers of the researcher, the supervisor and the Research Governance Committee of the university. After briefing the participants via e-mail, the researcher arranged a suitable time and place for the interview with the voluntary participants. In every meeting, further information regarding the conduct of the interviews was provided and their consent was obtained with a 'consent form'. After receiving their consent, the researcher followed an interview guideline (see Appendix F) to ensure that all questions were in the correct format and a logical sequence to facilitate the interview process (Boeije, 2010).

During the data collection and analysis stages, participants remained assured about the appropriate confidentiality measures. As research into asylum policy-making procedures may contain political and sensitive information, the participants were reminded of their rights to remain anonymous and to withdraw from the research at any time. Those who preferred to remain anonymous were referred to in the research by pseudonyms.²³ Participants all agreed to the terms of safe data storage measures and the confidentiality and anonymity rules of the research.

3.3.3 Additional Methodological Considerations

As this thesis has a comprehensive, multi-actor approach to explore the policy-making process, it required some methodological considerations for the study of 'influences'. The first challenge was to isolate external influences from domestic explanations in the process. For example, how can the EU demands for Turkey to adopt a new asylum legislation be differentiated from a domestic political move for elections? The literature review chapter clearly showed that asylum policy-making takes place in a multi-level area that involves several actors. To address this challenge,

²³ This thesis uses pseudonyms (e.g., Public official 1, UNHCR official 5, NGO member 3) to cite participants who wanted to be anonymised.

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Kelley (2004) conducts a close inspection of the activities of external organisations, which provides a good 'natural experiment' to disentangle the effects of external organisations from internal explanations. Following this method, the research paid most of the attention to the dynamics created by the activities of external organisations and domestic actors.

Taking this issue one step further, another relevant consideration was about the difficulty of differentiating the impact of each external organisation. This can be a challenging task as most of the organisations drive from, or at least refer to, the 1951 Geneva Convention in their activities. In order to distinguish the highly intertwined influences of the organisations, the research sought evidence for "frequency, content and character" of involvement of each organisation (Kelley, 2004, p.436). The relative capacities of each organisation and other information such as whether they employed 'soft law' or 'hard law' was considered. For example, due to the political and financial superiority of the EU, many UNHCR and IOM projects depended on EU strategies and funding (Lavenex, 2007; Lavenex, 2015). Moreover, the research incorporated the question of counterfactuals into the analysis to strengthen it for the purpose of differentiating organisations. Counterfactuals enabled the researcher to apply a controlled thought experiment by considering the absence of an actor in the process (George and Bennett, 2005). By looking at what would have occurred in the process without a given organisation's intervention, the thesis provided alternative scenarios that may be more convincing or further evidence to confirm the causality of the efforts of that particular organisation.

Yet another important methodological issue arises when an attempt is made to disentangle each influence mechanism conceptualised in the analytical framework. How can we understand that an impact can be recognised as lesson-drawing, but not as socialisation or conditionality? In order to assign a causal role for each of the mechanism, the thesis focused on the specific indicators of each influence mechanism. Also, following the question probes of Checkel (2008), the researcher sought evidence to categorise the motivational substances of the participants' interactions with external organisations. For example, how would they describe the relationship between the IOM and Turkish organisation for migration? Some of these probes also included counterfactual questions such as "absent these persuasive [or coercive bargaining, monitoring, legally binding etc.] dynamics would the outcome have been any different?" (Checkel, 2008, p.120).

Finally, a discourse analysis was also carried out to excavate the necessary evidence for the indicators of the mechanisms. For example, a comment on the 'necessity' of new asylum policies in a modern Turkey can yield an understanding of a 'logic of appropriateness' which can imply about the mechanism of *socialisation*. Similarly, another rhetoric that links the new asylum policies to ECtHR rulings or EU membership can imply a 'logic of consequences' and may indicate

the *legal obligations* or *coercive bargaining* mechanism, respectively (Kelley, 2004). Checkel (2005, p.811-2)'s question probes were particularly useful for understanding the dynamics of socialisation processes, which are more difficult to spot than any other mechanisms as it is highly related to the personal perceptions and cognitive processes. For this purpose, specific questions were asked to gather knowledge about the 'thoughts' and 'changing preferences' of domestic actors. Questions like 'what do you think about the international norms? Are they appropriate and sufficient? Should they be followed by every state? Or do you think that they are insufficient, but they are what every country follows?' provided useful explanations regarding the cognitive perceptions of domestic actors. While an answer like "obeying international norms is the right thing to do, even though I didn't think so before" would imply an internalisation through socialisation, another answer like "I do not know what is right or wrong, but we simply obey the international norms like any other states" would indicate a role-playing mechanism is at play. Overall, these prompts and further analytical methods enabled collection of the contextual data that helped the researcher to identify influence mechanisms at play by referring to the voluntary-coercive continuum of the analytical framework.

A final methodological consideration was also made regarding the unexpected findings of the research. As mentioned before, the chosen case of asylum policy-making has its peculiar characteristics due to 'local political culture and understanding' (Tolay, 2015). Thus, particular attention has been paid to the alternative explanations that were not anticipated in the analytical framework. Thus, during the process of 'outcome-explaining process tracing', the analytical framework has been further refined to capture peculiar insights and mechanisms that elucidate the actual dynamics of the policy-making process.

3.4 Summary

The chapter outlines the research methodology of the study. It provides the adopted qualitative strategy and the within-case research design to specify how the research questions were approached. In particular, interviews and document analysis were used as the data-collection instruments. The chapter also explained the reliance on the purposes and principles of outcome-explaining process-tracing method, which is in line with the analytical framework. This method focuses on influence mechanisms and causal explanations that elucidate the impact of intermestic relations on asylum policy-making in Turkey. The chapter also reviewed particular considerations in terms of ethics and the question of how to disentangle the actors and mechanisms while employing a comprehensive framework.

Chapter 4 A Record of Transformation in Asylum Policy-Making in Turkey

The previous chapters set out the research problem regarding the external influences on asylum policy-making in Turkey. The analytical and methodological considerations and frameworks were introduced. It is also explained that Turkey's traditional *ad hoc*, security-oriented approach towards the non-European asylum seekers have gone into a transformation during a policy-making process created today's human rights- and international norms-oriented asylum policy. This chapter compares the 1990s' to the 2010s' asylum system to provide a description of what has actually changed in that time. Its main aim is to draw a picture of the national asylum system at the beginning and end of the policy-making process (1997-2016). This chapter is organised in this way to provide background information for the subsequent empirical chapters that trace these changes in the policy-making process. Firstly, it provides a description of the 1990s' asylum system by explaining Turkey's first attempt to build a restrictive asylum policy. Secondly, it presents the mid-2010s' asylum system by delineating the components of a newly-burgeoning, human rights-oriented asylum policy. Both sections will compartmentalise the analysis into political, legal, institutional and practical aspects of asylum system.

4.1 The 1990s: Initial Security Understanding of Asylum in Turkey

Turkey's traditional *ad hoc* approach towards asylum seekers became a more security-oriented approach during the 1990s. This section explains the state of the asylum system in Turkey before any developments took place by describing the legal, institutional, political and practical dimensions of Turkey's asylum regime in the 1990s.

4.1.1 The Legal Dimension

The 1951 Geneva Convention had previously been the only legal instrument in Turkey in relation to asylum until the 1990s. Being one of the first signatories, Turkey ratified the convention in 1961 and it became a binding law that could be directly implemented due to article 90 of the Turkish Constitution, which provides legal grounds to accept human rights-related international agreements as laws (Kirişçi, 2006). In fact, two other national legislations entitled "the Law on Residence and Travel of Foreigners" and "the Passport Law" were in place; however, they were "not comprehensive to include refugees" (interview with Öztürk, 2016) and "not relevant to the refugee law" (interview with Yılmaz, 2016). Rather, they were generally related to the entry and

exit regulations of foreigners and to the penal codes for their actions, leaving the convention as the sole document to be taken into account for regulating asylum in Turkey.

It was only in 1994 when Turkey took its first steps towards building a national legal ground for asylum by adopting a regulation. This regulation was an outcome of an emerging awareness of the importance of Turkey as a transit country in the light of the *ad hoc* responses to different refugee flows in the 1980s and 1990s. As one public official, who had been one of the first implementers of the regulation, said: “the regulation was actually an aggregation of very secret legal decisions taken at the time of the previous mass movements, which were revised and rendered into a regulation” (interview with Öztürk, 2016). Similarly, a UNHCR officer confirmed that it was not only a reaction to the previous movements but also an initiative to bring different circulars together to provide a legal guidance for the officials to manage asylum seekers (interview with Çorabatır, 2016). This motivation determined the nature and structure of the regulation. Being composed of five brief parts, the regulation first introduced the terms and definitions. Subsequently, the second part regulated “procedures and principles related to individual aliens” while the following third and fourth parts considered “action” and “precautions” for mass movements. Finally, the fifth and last part provided “common provisions” for both individuals and mass influxes.

The regulation was the first attempt to institutionalise the asylum governance in Turkey. For example, it was the first legal manifestation of the Turkey’s traditional geographical limitation policy to the Geneva Convention (interview with Public Official 1, 2016). Unlike the internationally accepted definition of a ‘refugee’, a two-tiered definition was declared with the regulation for the first time. According to article 3, a ‘refugee’ was defined as a foreigner seeking asylum “in the light of the events occurring in Europe”, while an ‘asylum seeker’ was used for defining any other foreigners seeking asylum, reflecting the geographical limitation policy (Asylum Regulation, 1994). Moreover, several restrictive rules were introduced to regulate the area. One restrictive rule was the ‘five day deadline’ rule (Asylum Regulation, 1994, article 4), which regulated that the asylum seekers, whether having entered legally or otherwise, were to lodge their applications within the five days of their entry (Frelick, 1997). This rule was not in line with the Geneva Convention’s ‘non-penalisation’ principle for asylum seekers in relation to their illegal entry or presence (Geneva Convention, 1951, article 31). Given the mountainous and rural characteristics of Turkey’s south-eastern borders, many asylum seekers were not able to reach an official building within five days and they were easily deported under this rule (interview with Karakiş, 2016). Moreover, according to another rule that violated the non-penalisation principle, asylum seekers were immediately taken into custody until further instruction was received from the Ministry of Interior (Asylum Regulation, 1994, article 5). The bulk of the regulation was indeed about the

restrictive measures for mass movements, which can imply a security understanding to asylum (interview with Çorabatır, 2016).

The regulation lacked detailed explanation on certain asylum procedures and circumstances which provided a wide discretionary power to the officials. For instance, if their application were considered as 'inadmissible', asylum seekers were to be deported by the instruction of the Ministry of Interior (Asylum Regulation, 1994, article 6); yet, there was no information on how to assess whether an application is inadmissible. Similarly, regulation lacked information on how to appeal the decisions; asylum seekers were only allowed to appeal to deportation decisions by only applying to the Ministry of Interior, who was making the decisions, but not to a judicial body (ibid, article 29). Also, the two core norms of the refugee regime, namely right to asylum and the non-refoulement principles, were non-existent in the regulation. Thus, it was not very clear on how decisions had been made and what procedures had been at place as there were not many details about the *refugee status determination* procedure (interview with UNHCR Official 2, 2016). The officials undertaking the regulation in the field were left to their own discretion to decide on very important circumstances about asylum seekers.

4.1.2 The Political and Institutional Dimension

Similar to legal dimension, the asylum system lacked a political and institutional space. Unlike the trends in the western world during the 1990s, asylum was not a politicised issue in Turkey. Because of this non-politicisation, the bureaucrats and technocrats in the Ministry of Interior were rendered sole actors of regulating the asylum field (interview with UNHCR Official 2, 2016). Thus, the TNP, the traditional implementer institution of the asylum work, became 'an entrenched bureaucratic group' (interview with Arner, 2016). An interviewee stated:

"The political power has never involved in the issue of migration and asylum. This issue was completely left to a specific unit in the Ministry of Interior. It was not even the Ministry of Interior, it was the Foreigner's branch [of the Turkish National Police under the Ministry of Interior] who was carrying out all of the works in this area. And because they do not have the authority to draft laws, they were issuing as many regulations and circulars as possible to regulate the asylum and migration area" (interview with Ekşi, 2016).

In the absence of political motivations, Turkey's actions in the field of asylum were therefore originating from its bureaucratic roots and organisational tradition in the security institutions. The most important implication of such political indifference in asylum was the security-oriented 1994 regulation. The regulation was not drafted by political actors but mostly by security institutions,

including National Intelligence Organisation, Gendarmerie General Command, Turkish Armed Forces and Turkish National Police, who, as UNHCR's former spokesperson stated, "had come together behind the doors to work on a regulation". The regulation therefore was drafted by security bureaucracy without consulting the UNHCR Turkey office operating since 1961, which indicates the existence of a highly centralised decision-making system (interview with Çorabatır, 2016).

One important reason for having highly security-oriented and centralised decision-making in asylum was the lack of opposition mechanisms within Turkey. In the absence of political interest in asylum matters, neither the governing party nor the opposition party had any strategy regarding this area. Moreover, there were few judicial and social actors that had been knowledgeable enough in the asylum area to be able to carry out checks and balances (interviews with Çorabatır, 2016; Kılıç, 2016). The former refugee coordinator of Amnesty Turkey explained that:

"The refugee law was not a subject in law faculties in the universities [...] Therefore, to put it frankly, our judges, prosecutors and lawyers did not know this area. Because of this, and maybe because asylum was not perceived as a profitable area for the lawyers, many of the asylum matters had not been brought to the courts" (interview with Kılıç, 2016).

In the absence of effective advocacy mechanisms, therefore, the decision-making mandate was on the security institutions. There were neither an effective opposition mechanism nor a participatory decision-making system to change the security-oriented approach to asylum seekers.

4.1.3 The Practical Dimension

Due to the dominant power of security institutions in asylum area, Turkey's practices towards asylum seekers were mostly underpinned by national security concerns. This corroborates earlier observations of Jacobsen (1996, p.661), who stated the following:

"when refugees are the responsibility of the army, or a department with other responsibilities and priorities, few officials have any self-interest in refugees' welfare. Refugees then are more likely to be seen as an extra burden on existing resources and workloads or, as in the case of the army, as a potential threat to security".

Apart from this institutional dynamics, the traditional practices towards non-citizens were also playing a role on these security-oriented practices. Traditionally, in Turkey, 'migrants' were

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understood as ‘Muslim-Turkish descendants who generally live in Balkan states’ (interview with Öztürk, 2016). People coming to Turkey with any other religion and from other nations, including asylum seekers, were categorised as ‘foreigners’, who were perceived as a concern of the security sector in Turkey (interview with Öztürk, 2016). These traditional practices often exacerbated when these ‘foreigners’ were perceived as part of the existing political tensions with the Kurdish population in Turkey. For instance, in the 1991 Iraqi Kurdish flow, Turkey chose to close its borders and engage in international platforms to create a safe zone outside of Turkish territories. Therefore, over-dominancy of security institutions and existing practices shaped a security practice towards asylum seekers.

Nonetheless, the actual asylum practices in the field were being undertaken by a ‘dual system’, emerged in 1980s by an informal cooperation between Ministry of Interior and the UNHCR Turkey office. As the sole responsible unit, the TNP was carrying out the asylum work, but only for European asylum seekers, until 1994, leaving the bulk of the works of non-European asylum seekers to the UNHCR. Describing this dual system, one interviewee from UNHCR said:

“The agreement between Turkey and the UNHCR was not a formal but a gentleman’s agreement. The government was saying that “I am party to this [1951 Geneva] convention with the geographical limitation, so UNHCR can take applications [from non-European asylum seekers]. If the UNHCR accepts and grants their status, we can give permission to leave from Turkey, but in the meantime the applicants should stay in certain cities, not in big cities”. A spontaneous system thus were at place. The authority was given to UNHCR” (interview with Çorabatır, 2016).

Therefore, the UNHCR office in Turkey was conducting the refugee status determination procedures for the non-European asylum seekers, while TNP officials were dealing with comparatively fewer European asylum seekers. The decisions of the UNHCR on these applications were mostly accepted by the TNP due to this spontaneous agreement.

However, this dual system had seen a three-year gap between 1994 and 1997. The 1994 regulation clearly introduced the Ministry of Interior as the sole institution dealing with non-European asylum seekers (Asylum Regulation, 1994, article 6). The TNP officials within the Ministry of Interior then began to process asylum procedures by applying restrictive and securitising rules. As the 1994 regulation did not detail the procedures for refugee status determination and asylum interviews, the decisions made under this regulation were generally found highly concerning with regards to the non-refoulement principle of the 1951 Geneva Convention (Frelick, 1997). Without a Country of Origin Information system and necessary language skills or interpreters among police officers, Turkey lacked an effective mechanism to

recognise genuine refugees (interview with Çorabatır, 2016). The asylum system also lacked reception and accommodation centres for the asylum applicants and equipment to effectively communicate between the provincial units (interviews with Öztürk, 2016; Public Official 5, 2016). However, in 1997, due to external criticism, Turkish authorities began to relax restrictive practices by cooperating with the UNHCR in refugee status determination processes (Kirişçi, 2005b). During this renewed cooperation after 1997, the TNP was conducting asylum interviews but mostly granting the refugee status just before the UNHCR was resettling the refugees (interview with UNHCR Official 2, 2016). Thus, the dual system recommenced with stronger trust and cooperation between the Turkish authorities and the UNHCR.

Taken together, Turkey's asylum system was based on a security-oriented approach towards refugees, especially in the light of mass arrivals during the 1980s and 90s. Even though the first step was taken by adopting a regulation in this time period, it did not introduce a well-thought out, effective governance system. Rather, the provisions created strict procedural requirements which made it very difficult to seek asylum in Turkey. Without the involvement of political actors' and an effective public advocacy, this area was left to the discretion of the security bureaucracy who chose to pursue centralised decision-making, leaving the UNHCR out of the picture. Although the UNHCR was later included in the system, the restrictive provisions remained in this time period. This description of the asylum system shows that there was no functional asylum policy in Turkey, but the TNP was trying to pursue appropriate governance based on an *ad hoc* and *securitising* approach. The next section describes the current asylum system in Turkey to demonstrate what differences the policy-making process has made.

4.2 Mid-2010s: New Human Rights-Oriented Asylum Policy in Turkey

By the mid-2010s, the state of the asylum system in Turkey had acquired distinct characteristics leaning towards a functional and human rights-oriented response to asylum. Following a long and complex policy-making process that started in the late 1990s, the previous securitising and *ad hoc* approach was replaced with a more structural and functional framework that was properly underpinned by human rights and international norms for refugees. This section describes the dynamics of the contemporary asylum regime in Turkey by explaining its legal, political, institutional and practical dimensions.

4.2.1 The Legal Dimension

Turkey's current asylum policy is based on the Foreigners and International Protection Law (FIPL) which was adopted in 2013 and enacted in 2014. The FIPL introduced comprehensive legal

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grounds for the current asylum policies (interview with Public Official 4, 2016). Regarding its depth, an IOM official stated that:

“The law is definitely a big step. [...] Various international protection statuses have been clearly defined. A temporary protection status has been introduced considering the difficulty in processing individual applications in the event of mass influxes. A humanitarian residence permit has been included for individuals who need protection but are not exactly eligible for international protection status. Thus, the protection area has definitely been expanded” (interview with IOM Official 1, 2016).

Indeed, several new rules have been adopted with the legislation to consider possible types of situations and circumstances. Thus, with its scope and provisions, the FIPL has been the most significant instrument in the evolution of the current asylum policies.

The legislation regulates three broad issue-areas: (a) foreigners, (b) international protection, and (c) the new organisational framework. It includes five parts. The first introduces the purpose, scope and definitions like every other law in Turkey. The second part regulates visa, residence and removal provisions for foreigners along with some particular provisions for stateless persons. In relation to asylum, the third part provides several international protection types along with procedures, principles, rights and obligations for asylum seekers and refugees. Then, a brief fourth part regulates common provisions for both foreigners and asylum-seeking persons, but the fifth part introduces a thorough explanation of the new organisation, service units, committees, boards as well as provisions of the establishment, duties and mandate of the new organisational structure.

The legislation introduces the adoption of new principles and procedures in line with the international norms and human rights. Among these, the most important principle is the non-refoulement principle which was, for the first time, clearly defined in a legal document in Turkey (interview with IOM Official 1, 2016). More importantly, it was introduced in the very first part of the legislation, in a way to cover not only asylum seekers but any others who might face danger in their country of origin (interview with UNHCR Official 3, 2016). Apart from that, the legislation brings penal immunity to asylum applicants for their illegal entry or presence, and an effective remedy to the decisions with a suspensive effect (interview with Public Official 2, 2016). It provided right to benefit from health and education and, for the first time, opened the way for

harmonisation of refugees in Turkey (interviews with IOM Official 2, 2016; NGO Member 2, 2016).²⁴ These provisions demonstrate a human rights approach to the refugees.

However, the legislation's provisions still reflect Turkey's geographical limitation to the Geneva Convention. The logic of having two different definitions of refugees has still been preserved, but the previous 'asylum seeker' term used for individuals coming from non-European countries is replaced by 'conditional refugee' in the legislation. Nonetheless, despite having two different definitions, the rights and entitlements given to 'conditional refugees' has been improved to almost the same standard as those of 'refugees' in the legislation (interview with Ariner, 2016). The main reason for keeping such a limitation was to deter the migration flows coming to Turkey (interview with Demir, 2016). The geo-political circumstances of Turkey was an often-mentioned aspect in regards to the explanation of keeping the limitation:

"Turkey is in a geographical location surrounded by a problematic region where the most politically and economically unstable countries reside and, in comparison to these countries, Turkey is in a safer position" (interview with Yıldız, 2016).

Indeed, Turkey's proximity to the refugee-producing regions was one important reason for holding this limitation. Despite some recent counter-arguments such as 'the geographical limitation is no longer keeping the migrants off' and 'refugees are coming regardless of the limitation' (interview with Görendağ, 2016), Turkish officials still maintain that lifting the limitation would be a 'pull factor' for migrants from Middle Eastern countries (interviews with Erdoğan, 2016; EU Official 3, 2016; Karakiş, 2016; NGO Member 1, 2016). Another important reason for keeping this limitation is to use it as a strong instrument for political bargaining with external actors to promote an effective burden-sharing mechanism, especially with the EU who are using this as a condition for Turkey's membership.

In line with the legislation, Turkey also adopted a series of regulations to provide details on the legal provisions. An Implementation Regulation and a regulation on Reception, Accommodation and Removal Centres provided guidelines for authorities in governing asylum. The Temporary Protection Regulation in October 2014 provided a legal protection status to mass refugee flows. This regulation provided Syrian refugees with a 'blanket protection' which consisted of non-refoulement, and access to education and health services rights (Temporary Protection Regulation, 2014). Two regulations on work permits for international protection applicants and

²⁴ The legislation uses the term 'harmonisation' to refer to integration of migrants. This term is deliberately chosen to refer to a new Turkish way of integration that values bilateral exchange between the society and migrants.

foreigners under temporary protection provided the rules for asylum seekers' employment rights in Turkey.

4.2.2 The Political and Institutional Dimensions

The institutional dimension of the asylum system in the 2010s has been based on a newly established civilian organisation, the Directorate General of Migration Management (DGMM), which is under the Ministry of Interior. This organisation brought a new, civilian migration management system based on a delicate balance between human rights and public security (DGMM, 2018a). Taking over the policy implementation duties from the TNP in 2015, the DGMM has become the sole responsible organisation for determination and implementation of migration and asylum policies and granting international protection. Among with its mandate, there is also a responsibility to ensure cooperation with public and societal institutions as well as private and international organisations. Having its central organisation located in Ankara, DGMM has 81 provincial and 148 district organisations throughout Turkey along with overseas units (see Appendix B).

The establishment of the DGMM is one of the successful outcomes of the bureaucratic efforts conducted by a specific civilian bureau entitled Asylum and Migration Bureau. Unlike TNP officials, these bureaucrats were a "high ranking cadre of bureaucrats capable of inspecting the highest ranking state officials in Turkey such as Governors, district Governors and Chiefs of Police" (Ariner, 2012, p.5). This initiative was not triggered by the government but mostly shaped by the bureaucrats' individual characteristics and progressive attitude while they maintained constant communication with the minister and political actors as well as other relevant actors like IOs, NGOs, and academics. It is unusual in Turkey that law-makers consult societal, transnational and intergovernmental actors while drafting a national legislation on such a controversial topic as migration and asylum, but such a consultative decision-making was seen as the main determinant of the new human rights-oriented asylum regime in Turkey (interviews with Academic 1, 2016; UNHCR Official 3, 2016). Although this participatory decision-making approach halted in 2014 when control-oriented policies were adopted, an increasing level of cooperation has appeared again in 2017 with the initiation of capacity-building projects with international organisations. The control-oriented approach was mainly an implication of institutional challenges in establishing a new organisational body and in implementing the necessary work such as registration of Syrians, delivery of identity cards, accommodation of asylum seekers and provision of education and employment rights (interviews with Erkan, 2016; Karakiş, 2016; Public Official 1, 2016; Taşdemir,

2016).²⁵ Overall, despite such a gap, the decision-making is more open to external and societal stakeholders.

Until 2014, the political actors remained indifferent to the asylum issue even though Turkey was becoming the top hosting country in the world. One reason for this lack of political interest is the Turkish society's absorption capacity due to the cultural and historical ties with Middle Eastern countries (interview with EU Official 3, 2016). Due to this, as one interviewee suggested, there has neither been a big incident nor a complaint against Syrians, even in some south-eastern provinces like Kilis where the population of Syrians is greater than that of Turks (interview with Public Official 2, 2016). While some informants alluded to the hospitality of the Turkish society as a reason for this absorption capacity (interview with Erkan, 2016), others noted that this capacity exists because Turkey has not experienced any societal and political problems emerging from migration yet (interview with Academic 1, 2016). Indeed, at the time of the parliamentary sessions for the FIPL, there were neither political debates nor a strong opposition, and the legislation was passed unanimously (interviews with Public Official 2, 2016; UNHCR Official 3, 2016). However, since 2014, when the number of Syrians skyrocketed to the millions, main political parties such as AKP and CHP have become more interested in the issue of asylum in Turkey (interview with Ekşi, 2016). One interviewee said that the numbers of Syrians in Turkey "became something that cannot be ignored in everyday life" (interview with Kılıç, 2016), while another stated that "it is inevitable for the asylum issue to be politicised" (interview with Erdoğan, 2016). Such an incipient political interest has manifested itself into concrete actions when a massive Syrian flow occurred from Turkey to the EU during the summer of 2015. Following several official summits and bilateral debates, the EU and Turkey ultimately reached an agreement on 18 March 2016 which envisaged a deal of exchanging illegal migrants passed to the EU through Turkey with Syrians in Turkey (European commission, 2016a; interview with IOM Official 2, 2016). Subsequently, the issue has become even more politicised after the Turkish President's controversial and unexpected announcement of a 'citizenship grant' to Syrians in July 2016 (Weise, 2016; İçduygu and Simsek, 2017). Overall, asylum is increasingly taking its place in the political agenda in Turkey.

²⁵ This change in the decision-making coincides with the change of political discourse regarding Syrian refugees in Turkey. As the Syrian conflict was initially recognised as a temporary issue by the Turkish government, the initial response to Syrian refugee flows lacked a strategic approach. Only after the numbers rose to a million in 2014 have these Syrian refugees gradually got their place in the domestic politics. Due to this increased politicisation of Syrians and the challenges in establishing a new civilian organisational framework, the participatory decision making came to a full stop.

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Unlike the political actors, the societal and legal actors' progression in the asylum area has been gradual. For example, the number of UNHCR's partnership NGOs has increased to twenty-one in 2013, while it was only six in 1999 (UNHCR, 1999; 2013a). Not only have the number of local and international NGOs increased, but also existent NGOs working in other fields have started to incorporate the asylum issue into their activities (interview with UNHCR Official 1, 2016). For instance, Amnesty International has begun issuing annual reports since 2008 which become a separate monitoring mechanism on the asylum practices (interviews with Görendağ, 2016; Taşdemir, 2016). Similarly, several Turkish lawyers have been involved in the asylum area by taking legal action in domestic and international courts like ECtHR (interviews with Arıner, 2016; Yılmaz, 2016). In particular, with the adoption of the legislation, domestic courts and judges have obtained a role as appeal courts and started to create their own case law (interview with Ekşi, 2016). In 2012, the Turkish Constitutional Court, the most supreme judicial body in Turkey, started to accept individual applications that included those of asylum seekers (interview with Yılmaz, 2016). Even though influence of these actors on the policy is still restricted to the level that the public bodies allow, they have obtained a role in contributing to the institutional dimension of the asylum policies in Turkey.

4.2.3 The Practical Dimension

During the mid-2010s, the traditional implementation of asylum governance changed considerably due to the new asylum system introduced by the FIPL. As the DGMM took over the asylum governance duties from the TNP, the security-oriented practices began to be replaced with human rights-focused practices. One significant implication of the legislation has been that it stopped *ad hoc* practices towards refugees across the country, where the TNP officials were "saving the day" under the restrictive regime of the 1994 regulation (interviews with Academic 2, 2016; Yıldız, 2016). For example, while one asylum seeker could get a negative outcome in one province, the same individual could get a positive outcome from another (interview with Kafadar, 2016). The legislation established a legal framework for the asylum system that produces a more uniform implementation. As one participant stated:

"You could have a provision of an asylum right in a regulation, but it is not easy to make sure this provision is implemented in the same way in every province. But when you regulate the same right in a legislation, and later detail it in secondary legislation, it would be easier to have a uniform practice and it would be more binding for the implementers" (interview with UNHCR Official 3, 2016).

Due to the statutory role of the legislation, public officials feel more obliged by the provisions in asylum governance than they did to the 1994 regulation (interview with Academic 1, 2016). Human rights-oriented rules in the legislation, therefore, began to be implemented in a more systematic way.

The ‘dual system’ of processing asylum applications with the UNHCR remained even after the adoption of the legislation. However, unlike the TNP, the DGMM has begun to process Refugee Status Determination (RSD) processes without waiting for the UNHCR’s decisions (interview with UNHCR Official 2, 2016). Facing capacity challenges, the DGMM had a delay in its first decisions as newly recruited ‘migration experts’ generally lacked experience in the areas of RSD or the Country of Origin Information database. The DGMM was focusing on training these officials before it effectively starts processing asylum applications (interviews with Academic 1, 2016; Public Official 4, 2016). This resulted in a backlog of more than 100,000 asylum applications in 2016 (interviews with EU Official 2, 2016; Public Official 2, 2016). Nonetheless, the DGMM’s efforts in taking over the sole responsibility of RSD processes yielded an outcome of the UNHCR ending their registration and RSD processes in 2018, indicating a new ‘national system’ (UNHCR, 2018b).

As the legislation still retains the geographical limitation to the 1951 Geneva Convention, the practices towards asylum applicants of non-CoE countries have not particularly changed.²⁶ These asylum applicants are still considered ‘guests’ in Turkey and are so granted a ‘conditional refugee’ status until being resettled by the UNHCR. However, due to comprehensive nature of rights and entitlements in the FIPL, definitional differences between conditional refugees and refugees do not have practical implications for the daily lives of asylum seekers in Turkey (interviews with Ariner, 2016; UNHCR Official 3, 2016).²⁷ An IOM official stated the following: “we still have a *de jure* conditional refugee status, but it is *de facto* non-existent” (interview with IOM Official 1, 2016). Such similar practices were mainly an outcome of a general open-door policy and the adoption of non-refoulement principle as a core article in the legislation. Thus, despite the two-tiered legal definition of refugees, new asylum system practically provides a common protection and safeguard to all asylum seekers regardless of their country of origin.

²⁶ The FIPL also clarified the ‘European’ and ‘non-European’ countries in the geographical limitation policy by stating that the European countries are the countries in the Council of Europe.

²⁷ The FIPL establishes the core of the refugee safeguards (i.e., non-refoulement, non-penalisation, right to apply asylum) to any asylum seekers regardless of their country of origin. Apart from that, there are very small differences between the rights of a ‘refugee’ and a ‘conditional refugee’. For example, conditional refugees are excluded from long-term legal integration and family unification rights that refugees benefit. Also, conditional refugees have to apply for a work permit separately whereas refugees do not.

The specific response to the recent Syrian refugees was a highly praised open-door policy, but it has not started off with a systematic and strategic approach (interview with Taşdemir, 2016). The political perspective towards the Syrian conflict was based on the idea that this conflict would be temporary. Turkish authorities were thinking that if Syrians are welcomed in Turkey then they would return to Syria with positive thoughts about Turkey in the near future (interview with Ekşi, 2016). This ambivalent nature of the political approach to Syrians resulted in delays in registering them, which caused problems in providing the necessary environment for integration, employment, education and health (interview with Erdoğan, 2016). Nonetheless, the DGMM was fairly quick to follow up on the implementation of new rules and measures despite the unprecedented nature of the arrivals, indicating a systematic and human rights-based practices in the asylum governance.

Overall, this description of the mid-2010s indicates an incipient, systematic and functional asylum policy underpinned by human rights and international refugee norms. Despite the numbers of refugee arrivals scaling up immensely, Turkey was able to create a legal and institutional framework for its new asylum system. The FIPL represents the most fundamental instrument of the new policy with its comprehensive legal framework. The establishment of the DGMM has transformed the security-based institutional system to a more management-oriented system of governance. Civilian bureaucrats in the DGMM (and its predecessor, AMB) have introduced a participatory decision-making system by including societal and international actors in the law-making process. Despite there being occasional gaps, this approach seems to remain in the new asylum governance. Although the involvement of political actors in the asylum area occurred only after 2016, the societal and legal advocacy has grown immensely even though they had a weak impact upon the new asylum framework. The new asylum system has also brought a uniform implementation of several rules that are in line with human rights and international norms. Even though geographical limitation was intact, new provisions in the legislation were broad enough to cover non-CoE asylum seekers. The DGMM is undertaking important capacity-building endeavours to provide an effective implementation of human rights-oriented policies. The next section compares the 1990s and mid-2010s' systems to delineate the differences made during the policy-making process.

4.3 Summary: Before and After the Asylum Policy-making process

As pointed out so far, there has been considerable development in the field of asylum in Turkey in comparison to the 1990s (see Table 3). First of all, in terms of the legal framework, the statutory grounds were non-existent in the 1990s despite the adoption of the 1994 regulation, but Turkey has established internationally respected legal grounds with the FIPL in 2013. The restrictive rules

introduced by the 1994 regulation (e.g., ‘five-day entry rule’ or immediate detention of the asylum applicants) were not in line with the international norms in the 1990s; however, the FIPL has introduced a set of institutions that are aligned with international norms. Thus, the FIPL itself indicates that the asylum system in Turkey has gained a normative structure.

Secondly, the institutional frameworks have also been transformed from the security bureaucracy to a civilian bureaucracy within the Ministry of Interior. Together with such a change in the authority, the decision-making structures have also changed from a centralised to a fairly more participatory one. While it was only the TNP and security institutions trying to regulate the field in the 1990s, it is now civilian senior bureaucracy (DGMM) that coordinates asylum work by consulting with experts, IOs, NGOs and other relevant actors. Apart from these changes, there is still a lack of domestic opposition mechanisms to promote discussion in the making of policies, especially in the political arena, even though some recent developments can be observed in the societal actors and judicial grounds. Indeed, the NGOs, as well as lawyers, have become more visible actors in the asylum field. Yet, the political parties also seemed to have more interest in the asylum issue, despite being indifferent to past developments. Overall, there has been a transformation from a state-centric, entrenched security bureaucracy-based system to a multi-level actor-centric, civilian bureaucracy-led policy area.

The changes to the Asylum System in Turkey between the 1990s and 2010s		
	1990s' Asylum System	Mid-2010s' Asylum System
Legal framework	1994 asylum regulation	2013 Foreigners and International Protection Law and several new regulations
Institutions (rules, principles)	Restrictive rules (five-day entry rule or immediate detention)	Human rights- and international norms-oriented rules
Institutional approach	Securitising	Migration Management / Humanitarian
Policy framing authority	Security bureaucracy (TNP officials) within the Ministry of Interior	Civilian bureaucracy (DGMM officials) within the Ministry of Interior
Implementation of asylum procedures (reception, interviews, RSD)	'Dual' system (TNP & UNHCR cooperation)	A new national system (DGMM)
Decision making structures	Highly centralised / state-centric	More participatory / multi-level actor-centric
Political interest	Non-politicised	A recent trend of politicisation appears

Domestic opposition mechanisms	No domestic opposition	Increased domestic opposition (NGOs, lawyers and to some extent TNP officials benefiting from status quo)
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Table 3 The changes to the Asylum System in Turkey between the 1990s and 2010s

Thirdly, there has also been an improvement in the field practices and in conducting the asylum procedures. Turkey's traditional dual system in processing asylum applications remained unchanged until mid-2010s when the DGMM begun to undertake refugee status determination processes without relying on the UNHCR. However, more importantly, the securitising approach towards asylum seekers has been largely transformed into a more humanitarian one, as underpinned by a migration management aim. Even recently, for the first time in Turkey, the integration (or 'harmonisation' as FIPL introduces) of asylum seekers into the Turkish society has been an important topic on which the studies and consultations have taken place. Thus, asylum seekers are being served with more comprehensive protection in the field than they were in the 1990s.

Taken together, these changes in the structures of the asylum field in Turkey characterise a new Turkish asylum system in which an incipient but a more functional asylum policy is made. Yet, it is important to ask: why have these policies emerged? What was the reason behind the normative and institutional changes in this field? Which factors can explain the emergence of the current asylum system? The literature review chapter already presented the idea that an understanding of these developments cannot be reached just through understanding the role of the EU; however, nor can it be reached through purely domestic explanations. The adoption of a comprehensive approach to investigate this phenomenon is proposed, which can be achieved by analysing the interactions between the international and the domestic factors and examining the implications of transnational influence mechanisms. To this end, following the analytical framework, the next three empirical chapters will conduct a controlled examination of the formation of asylum policies by investigating rationalist-based explanations (Chapter 5), constructivist-based explanations (Chapter 6) and the domestic explanatory mechanisms (Chapter 7).

Chapter 5 The Regulatory Mechanisms of Influences: Strategic Calculation

In the previous chapter, the differences between the 1990's and 2010's asylum systems were explained by comparing the legal, institutional and practical developments within the asylum field. It described how the underpinnings of the Turkish asylum system were transformed from an *ad hoc*, security-oriented approach to a human rights-oriented approach through a policy-making process. To elucidate this process, the thesis proposed three analytical approaches in the analytical framework; (a) rationalist-based mechanisms, (b) socialisation-based mechanisms and (c) domestic explanatory mechanisms. This chapter focuses on the rationalist-based explanations and examines the impact of regulatory mechanisms, namely coercive bargaining, legal obligations and monitoring, along with their consequences on domestic asylum reforms and intermestic relations.

Having a 'logic of consequences', the rationalist-based influence mechanisms are likely to have an impact on the state *behaviours* and *practices*, rather than actors' beliefs and preferences. A strategic calculation of costs and benefits is expected as an outcome of these mechanisms. The relevant actors (i.e., bureaucrats, politicians, NGOs) are also expected to show a tendency towards maximising their benefits in the light of the external incentives and sanctions. Considering these assumptions, this chapter first analyses the EU's coercive bargaining mechanisms in the process of policy-making in Turkey, which are exerted through accession negotiations and visa liberalisation. Subsequently, it examines the legal obligations mechanism, which is widely used by the UNHCR and the CoE, and finally the monitoring mechanism. It shows that the EU's transformative power, through coercive bargaining, fluctuated across time and was mostly shaped by the degree to which the issue of the bargaining was politicised. The legal obligations and the monitoring mechanism did not trigger any developments, but they consolidated the ongoing reform initiatives by helping domestic officials to define policy problems and change practices so as to align with international norms and human rights. It further shows that the strength of external influences, the misfit with international standards and political power balances, had important consequences to the regulatory influences.

5.1 Effects of the Coercive Bargaining Mechanism

In the process of asylum policy formation in Turkey, the coercive bargaining mechanism was an effective external influence solely exerted by the EU (Demiryontar, 2015).²⁸ The EU employed two different coercive bargaining influences to cause domestic changes in the asylum field: (a) accession conditionality, which mostly incentivised Turkey to obtain a strategic approach and draft action plans for domestic reforms in asylum field, and (b) visa liberalisation dialogue, which affected the implementation of Turkey’s first-ever legislation on asylum, FIPL.²⁹

In seeking to understand these coercive bargaining processes, it is important to investigate the framework of the bilateral relations between the EU and Turkey. Turkey’s approach to the EU was first shaped by its westernisation and modernisation policy defined during its republican era in 1920s and 1930s. In line with this policy, Turkey became either a founding partner or a member of several international organisations including the UN (in 1945), the Council of Europe (in 1950), NATO (in 1952) and OECD (in 1960).

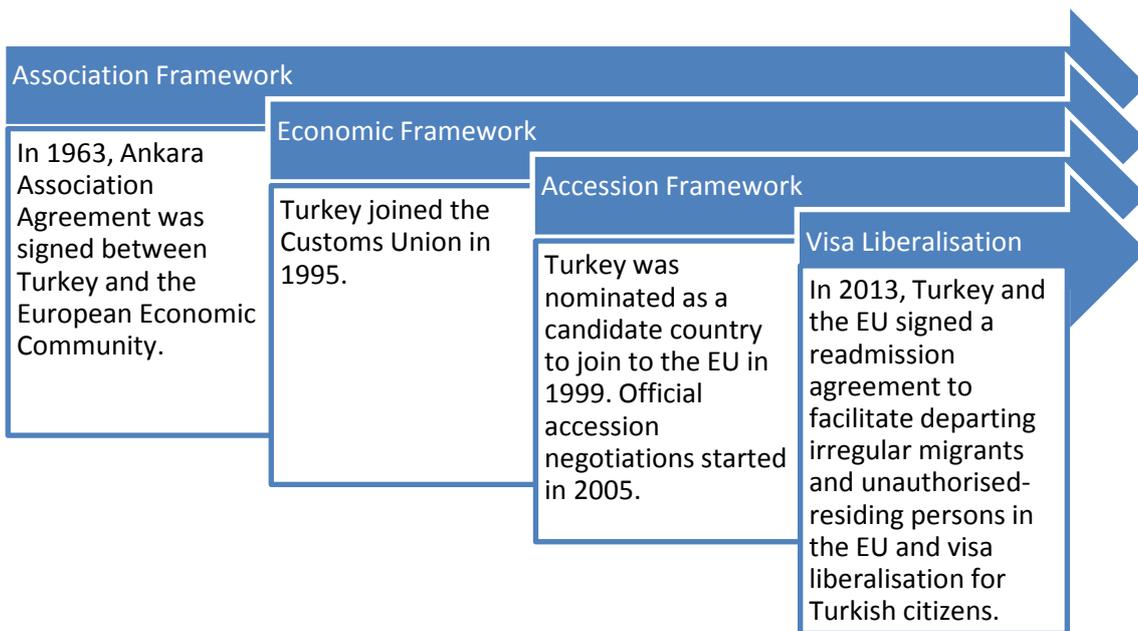


Figure 8 Turkey-EU bilateral relations

However, joining the EU was not straightforward. Turkey applied to join the European Economic Community (EEC) in 1959 but was offered an association agreement instead (see Figure 8)

²⁸ Other organisations, the UNHCR, IOM and CoE, did not have sufficient political power to exert such an influence.

²⁹ These influences were directed at Turkish government and bureaucracy. Civil society actors (NGOs, academics and lawyers) were not powerful enough to impact on policies. Therefore, these actors have not been used as a channel of inducing domestic changes through coercive bargaining.

(Ministry of EU Affairs, 2007). Bilateral relations were later fostered by inclusion of Turkey into the Customs Union in 1995. Upon Turkey's second official application to join the EU in 1987, a candidateship status was given in 1999. Subsequently, official accession negotiations started in 2005; since then, Turkey has been holding a candidate status. The relationships gained momentum again in 2013 when Turkey signed a readmission agreement with the EU to facilitate the departure of irregular migrants and unauthorised-residing persons. This agreement paved the way for a visa liberalisation dialogue for Turkish nationals; however, neither a readmission nor a facilitated visa regime has been implemented to date.³⁰ Taken together, Turkey has different frameworks in its relations with the EU, but the most important ones have been the accession negotiations and the visa liberalisation frameworks in which the EU employed coercive bargaining mechanisms to influence the formation of asylum policies in Turkey (interview with EU Official 5, 2016).³¹

As explained in the analytical framework (Table 2, p.49), the examination of the coercive bargaining mechanisms consists of an analysis of three important indicators: (a) an explicit link between the proposed rewards and the demanded compliance, (b) domestic actors' expectations of the promised rewards being greater than the cost of compliance, and (c) obtained rewards reached after the compliance. Apart from these theoretically-informed indicators, the process tracing also includes case-specific explanations.

5.1.1 Turkey's Accession Negotiations with the EU

The EU has employed an extensive coercive bargaining strategy in its negotiations with countries who wanted to join the EU in the last two decades.³² According to this strategy, the applicant countries have to satisfy certain conditions to proceed on accession negotiations and eventually to become a member state. These conditions can vary from the broadly-defined Copenhagen Criteria of 1993 to specific requirements depending on the political, economic and democratic

³⁰ However, further to refugee flows in 2015, Turkey and the EU signed a deal in March 2016 to curb irregular border crossings. Also known as '1:1 deal', this agreement provided that for every irregular migrant returned to Turkey, one Syrian refugee from Turkey would be resettled in the EU. Unlike the visa liberalisation dialogue, this deal is now being implemented.

³¹ Although these framework of relationships are interlinked in terms of the EU demands, each are independent frameworks going in parallel to each other. A problem in one framework does not necessarily affect the other framework of relationships (interview with EU Official 5, 2016).

³² Since the early 2000s, the EU has gone through a significant enlargement from 15 member states to 28 members. In 2004, eight Eastern European Countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) and two Mediterranean countries (Cyprus and Malta) gained EU membership. This was later followed by the accession of Bulgaria and Romania in 2007 and of Croatia in 2013. Still, the EU has five candidate countries (Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey) negotiating for accession or opening of formal talks.

conditions of the candidate countries.³³ The bilateral accession negotiations are therefore principally held with an understanding of the EU membership as a 'carrot', and the lack thereof.

Turkey also faced a carrot and stick understanding in its accession to the EU, but one of rather an ambivalent nature. Turkey's initial reform packages in the early 2000s verified Turkey's alignment with the Copenhagen Criteria. As a result, Turkey reached the intermediate carrot of opening of the official accession negotiations in 2005. However, the mid-2000s marked several emerging problems that dealt a severe blow to Turkey's membership bid and general developments. Nonetheless, Turkey continued its developments in the asylum area. To understand the dynamics between the EU's coercive bargaining power in accession and Turkish asylum policy-making, this section analyses the following two processes separately: *a pre-candidacy period* between 1999 and 2005, and *a candidacy period* that covers accession negotiations since 2005.

5.1.1.1 Pre-Candidacy Period (1999-2005)

The EU's coercive bargaining impact seemed significant in causing domestic changes to the Turkish asylum system in the pre-candidacy period. Undertaking a comprehensive policy reform process, the Turkish parliamentary amended nearly one-third of the whole Turkish constitution between 2001 and 2004 (Ministry of Foreign Affairs, 2007). Domestic changes were explicitly linked to the EU's membership criteria (interview with Demir, 2016), as reported in a UNHCR report:

"Turkey's priority was the implementation of the political reforms needed to satisfy the "Copenhagen criteria". These benchmarks on democratization and human rights were [...] minimum requirements for the opening of formal accession negotiations with Turkey" (UNHCR, 2005, p.393).

The general political reform process indicated that expectations from opening formal negotiations with EU was higher than the costs of domestic changes, which demonstrates the Turkish government's rationalist behaviour. Following a long period of contradictory coalition governments and an economic depression in 2001, the Justice and Development Party (AKP) was elected in 2002 with a view to pursuing a more energetic attitude towards a pro-European stance which could help stabilise the domestic economy and politics (Çağaptay, 2002; Yeldan, 2002).

³³ Candidate countries need to meet the Copenhagen Criteria of 1993, which consisted of three broadly-defined conditions: *political criteria* (stable institutions guaranteeing democracy, the rule of law, human rights and respect for minorities), *economic criteria* (a functioning market economy) and *incorporation of the Community acquis* (adherence to the various political, economic and monetary aims of the European Union) (Grabbe, 2002).

Welcomed by its European counterparts (Mann and Rodgers, 2002), the AKP's majority win in the election launched a single party rule which, as opposed to the previous coalition rule, facilitated the passage of the EU-oriented reform process at the parliamentary level (interview with Öztürk, 2016). The AKP, demonstrating rationalistic behaviour, used the EU accession as a solution to the previous economic problems, paving the way for the EU's coercive bargaining efforts.

Apart from the broadly-defined Copenhagen Criteria, the EU also conditioned specific requirements in the asylum area for membership. First, in 1998, the EU suggested the need to lift the geographical limitation to the Geneva Convention and criticised the 'five-day entry' rule as being 'too short' (European Commission, 1998). Then, in 2000, the EU posited that the asylum issue should be handled through legislation instead of the 1994 regulation (Kirişci, 2002).³⁴ Subsequently, in its comprehensive Accession Partnership Document (APD)³⁵ in 2001, the EU compiled previous observations and put forward four main criteria regarding the asylum area in Turkey:

- lifting the geographical limitation to the 1951 Geneva Convention,
- starting with the alignment of the EU *acquis* in the field of asylum,
- developing accommodation facilities and social support for refugees, and
- strengthening the refugee status determination system (European Council, 2003).

Taken together, the EU demanded not only legal but also policy and practical advancements in its asylum system for Turkey to be eligible for membership in the union. Moreover, the EU spelled out the linkage between these criteria and the reward in the document:

“Accession Partnership provides the basis for a number of policy instruments, which will be used to help the candidate States in their preparations for membership [...] Failure to respect these general conditions could lead to a decision by the Council on the suspension of financial assistance” (European Council, 2001, p.15-22).

Apart from the ultimate award (i.e., membership), the EU explicitly linked financial support to domestic compliance as an intermediate award, by proposing financial packages as the 'carrot' and the lack thereof. These imply the EU's attempts to change opportunity structures in the domestic domain.

³⁴ This is achieved through an internal report following a more detailed field research conducted by EU experts within the Justice and Home Affairs area (Kirişci, 2002).

³⁵ This document was updated regularly by the EU in 2003, 2006 and 2008. Turkish response to these documents were mainly through publication of National Program for the Adoption of the *Acquis* (hereafter, NPAA).

Within this background of external incentives, the ongoing efforts of the TNP to reform the asylum system seem to reflect rationalistic behaviour. The TNP had already been leading capacity-building efforts in asylum area in collaboration with UNHCR. Yet, the main impediment to progress was a lack of funds due to the non-politicised nature of asylum (interview with Öztürk, 2016). The EU's financial assistance presented an opportunity to fill this budget gap and to overcome the domestic costs of training and capacity-building activities in order to conduct legislative and procedural reforms in asylum system (interview with Public Official 6, 2016). Thus, the financial incentives facilitated the reforms. For example, TNP officials initiated internal studies regarding a draft law in 2001 (interview with Demir, 2016).³⁶ Subsequently, the Ministry of Interior created a Task Force in 2002 (interview with Öztürk, 2016), commissioning not only the TNP but also other relevant domestic units to undertake strategy-building studies on asylum, immigration and external borders (NPAA, 2003).³⁷ The Task Force published an Asylum Strategy Document in 2003, introducing several fundamental principles and a new institutional framework.³⁸ Subsequently, Turkey and the EU conducted a twinning project between 2003 and 2005 in the field of migration and asylum, aiming to build on the strategy document.³⁹ The project's outcome was the 2005 adoption of a comprehensive National Action Plan (NAP)⁴⁰ that streamlined fundamental principles and introduced the necessary measures to be taken for the alignment with the EU *acquis* on asylum. As all these developments represent the roots of the current asylum policies in Turkey, the EU's coercive bargaining efforts played an important role, especially in triggering agenda-setting and strategy building.

A closer scrutiny on these developments demonstrates that such domestic developments were indeed a strategic response to the EU demands in accession negotiations. For example, the 2003 Asylum Strategy Document had two progressive provisions: (a) drafting a new law on asylum and (b) constituting a new specialised unit under the Ministry of Interior which would have a mandate in decision-making for the refugee status determination processes (Asylum Strategy Document, 2003). It was also determined that another superior unit, the 'Consultancy and Evaluation Board', should be constituted to guide the asylum and migration policies and to oversee the decisions

³⁶ As a law enforcer but not law maker, the TNP's efforts in drafting a new law demonstrates the non-politicised nature of asylum in Turkey while also showing the TNP's position as an entrenched bureaucracy within asylum system.

³⁷ These units are Turkish General Staff, the Ministry of Foreign Affairs, the Undersecretariat of Customs, the Gendarmerie General Command and the Coast Guard Command (European Commission, 2002b).

³⁸ The document was entitled "Turkey's Strategy Document on Work Envisaged to be completed in the field of Asylum during Pre-accession Process to European Union".

³⁹ The project was entitled "*Support for the development of an Action Plan to implement Turkey's asylum and migration strategy*".

⁴⁰ The NAP's original title is "National Action Plan for the Adoption of the *Acquis* in the Field of Asylum and Migration".

made regarding refugee statuses. These adopted principles in the Strategy Document represented a direct response to the EU demands of “strengthening the refugee status determination system”.

Apart from the content of the documents, the dynamics of planning the Asylum-Migration Twinning Project also provide an important indicator of the influence of coercive bargaining. Among twelve planned projects in diverse areas, the EU strategically conditioned this specific project to the release of the first financial package in Turkey’s pre-accession period (interview with Public Official 5, 2016).⁴¹ Thus, with a carrot and stick understanding, the release of the funds was linked to the Turkey’s willingness to undertake a twinning project in the field of migration and asylum, demonstrating the significance of this area in bilateral relations. This project was implemented successfully during the 2003 and 2004 with the support of two twinned member states: Denmark and the United Kingdom (interview with Öztürk, 2016). With €807,000 financial support, the TNP improved their position and activities, and the government took one step closer to the political aim of opening the official accession negotiations (interviews with Öztürk, 2016; Terzioğlu, 2017). Under such strategic cost-benefit calculations, therefore, the twinning project helped to address EU demands and obtain financial rewards. It indicates that the EU, Turkish government and the TNP were acting rationally in the light of the EU’s coercive bargaining mechanism.

The 2005 National Action Plan had also significant linkages to EU asylum law. Underpinned by a protection, instead of a security, approach, NAP incorporated international standards of the asylum regime (UNHCR, 2004). Yet, the main motivation behind this was the EU demands:

“EU demands were listed previously in the Accession Partnership Document, and through National Action Plan, Turkey clearly declared what will be done in asylum, like passing a legislation, establishing an institution and establishing reception centres for refugees” (interview with Çorabatır, 2016).

NAP firstly repeated the previous commitments on drafting a new law on asylum and establishing a new civilian unit. It also envisaged the recruitment and education of the officials that would work in this specialised unit by referring to the *EC directive on minimum guarantees for asylum procedures*. Secondly, the investment plans and further twinning projects were provided. A twinning project on establishing the Country of Origin Information System and other projects on the infrastructure of the new asylum system including an administrative building for the asylum unit, reception shelters, refugee guesthouses and removal centres were planned and outlined

⁴¹ Another specific project that had been linked to financial incentives was regarding strengthening civil society.

(NAP, 2005). Thirdly, the new law-making and policy-making structures were introduced. A close relationship with the universities, NGOs and other relevant intergovernmental organisations in decision-making procedures of the asylum field was highlighted. Finally, the NAP defined a new asylum procedure, not only introducing new concepts such as ‘accelerated procedure’ and ‘secondary protection’ but also committing to respect the non-refoulement principle, appeal procedures and free residence of refugees (NAP, 2005). This particular section of the NAP also referred to the specific procedures of the EU *acquis* enshrined in the *EC asylum qualification directive*. Overall, NAP made explicit references to the EU directives and demands, which illustrates the main aim was to align with the EU rules of asylum.

One important example of this cost and benefit understanding was the TNP’s stance to the EU demand of lifting geographical limitation to the Convention. The TNP remained sceptical about this demand and suggested that the limitation could only be lifted when domestic legislative and infrastructural grounds are reached and when the EU respected the burden-sharing norm (NPAA, 2003). The main reasoning behind this was a belief that lifting the limitation would scale up the numbers of refugees coming from Middle East, as expressed by a participant: “if we lifted geographical limitation, Afghanistan would have moved to Turkey” (interview with NGO Member 1, 2016). As the domestic costs were perceived to be potentially greater than the benefits, Turkish authorities delivered the clear message that “Turkey will lift the limitation once it joins the EU” (interview with EU Official 3, 2016) This calculus approach demonstrates that the motivation behind the adoption of documents was mostly based on a rationalist understanding.

Alternative explanations should also be considered to understand the main reason for these developments: there were legal obligations imposed by the UNHCR and ECtHR. Since 1997, UNHCR had been negotiating restrictive rules of the 1994 regulation. In 2000, ECtHR found Turkey in violation of human rights norms in an asylum seeker case. However, these legal impacts were not powerful enough to trigger the developments, but they did reduce the number of deportations amongst asylum seekers. Moreover, UNHCR and the EU exerted a socialisation impact. UNHCR had already been implementing an intensive capacity building activity in line with their project, ‘developing an asylum system in Turkey’. Also, the implementation of the EU twinning project was conducive to a sustained interaction between the TNP and EU officials. Both UNHCR and the EU were effective in knowledge exchange that helped TNP officials to define and conceptualise the specific principles and objectives written in the documents. However, as the data revealed, instead of cognitive motivation and adoption of international norms, the dynamics of the period was rather underpinned by a rationalist understanding of costs and benefits of actions. Counterfactually thinking, the ongoing training seminars or the legal impacts did not necessarily cause adoption of the strategies and action plan. Without sufficient budget, the TNP

would not tie themselves with costly reforms in the National Action Plan if it were not for the EU incentives. This shows the EU's coercive bargaining impact was crucial to the adoption of these documents, rather than legal impacts and socialisation.

In general, therefore, the asylum developments in the pre-candidacy period were highly based on rationalist behaviours and strategic calculations. As the UNHCR's 2004 annual report writes:

“The accession process has become the driving force behind Government efforts to reform the national asylum system, with EU minimum standards largely setting the benchmarks and substantive agenda” (UNHCR, 2004, p.445).

Initially with the Copenhagen criteria, and later on with the APDs, the EU successfully linked its demands to the membership incentive. Furthermore, the EU provided intermediate incentives like the release of a financial package and was able to link it to the domestic moves. Changing the opportunity structures, EU coercive bargaining cultivated a value-maximising manner in domestic decision making. Moreover, closer scrutiny of the adopted 2003 Asylum Strategy Document and 2005 National Action Plan indicates the high responsiveness of the TNP officials to the EU's specific demands, except for the issue regarding the geographical limitation. Taken together, the strategic calculations underpinned the behaviours of TNP officials and yielded important consequences like formulating a comprehensive strategy and an action plan for building an effective asylum system. However, these plans were yet to be implemented, as explained below.

5.1.1.2 Candidacy Period (2006 – Ongoing)

Due to the wide range of reforms, many scholars defined the pre-candidacy period as a 'democratisation' process (Derviş *et al.*, 2004). Indeed, the Turkish government and the public welcomed the opening of the formal accession negotiations in 2005. The EU's strategy of coercive bargaining continued during this period; however, due to the changing political dynamics, its transformative power in domestic asylum system has decreased. Instead of having a triggering impact on domestic reforms, EU's incentives played a different role by constituting a 'suitable venue' that provided opportunities for domestic bureaucrats. It was then the Turkish officials who sought and found solutions at this 'venue' for the domestic problems in the asylum area, which indicates endogenous dynamics in policy-making.

During the candidacy period, the EU kept updating its demands with two other APDs in 2006 and 2008, asking Turkey to lift geographical limitation, continue to implement 2005 NAP, introduce a comprehensive asylum law, establish reception and pre-screening mechanisms at borders, and strengthen social support and integration of refugees (European Council, 2008). Apart from the one regarding geographical limitation, all of these demands were met during this period.

However, this period has had different dynamics than the pre-candidacy period which raise questions over the EU's role behind these developments.

One important difference during this period was a slowdown of EU-oriented reforms. The energised nature of domestic reforms stalled shortly after accession talks began in October 2005 for two reasons. Firstly, some emerging domestic political problems hampered the reform plans. Apart from the security issues due to resurgence of PKK terrorist actions in 2005 (Grigoriadis, 2006), there was a controversy over certain policy areas between the conservative government, AKP, and the traditional secularist opposition (i.e., Republican People's Party, the military and the judiciary) (Kirişci, 2008). The most striking manifestation of this quarrel was a court case opened due to allegations over non-secularist activities by the AKP. This was the ruling party's biggest domestic pressure during this period. The case might even have resulted in the abolishment of the AKP, but instead ended with a financial penalty being imposed. Nonetheless, rising political discussions had negative consequences on the overall picture of the 'democratisation process' in Turkey. As quite deftly put by a participant, "the government was trying to save its own skin and was unable to pursue a strong political will to guide bureaucrats" (interview with Çorabatır, 2016). Indeed, the politically-backed reform climate was hindered by such problems and the bureaucracy was left to themselves to carry out any reform plans.

Secondly, the EU-induced democratisation process was also led astray by the changing discourse of the EU and its member states with regards to Turkey's membership. When Turkey's accession negotiations started, a Negotiating Framework Document was concluded by the EU, establishing that accession negotiations are "an open-ended process, the outcome of which cannot be guaranteed beforehand" (Council of the EU, 2005, p.5). In addition, among the member states, Austria was offering a 'privileged partnership' instead of a full membership, while Cyprus was attempting to put the recognition of its Greek-led government as a requirement for Turkey's accession (Gordon and Taşpınar, 2006). Further to these expressions of interests, the European Commission held off some negotiations with Turkey, including the ones in the area of migration and asylum.⁴² No other candidate countries had ever faced such measures as a 'privileged partnership' or an 'open-ended negotiations framework'; thus, the Turkish officials were

⁴² Initially, the European Commission decided to suspend eight chapters and further not to conclude any chapters until Turkey complied with the Additional Protocol, which was an extension of Turkey's 1963 Association Agreement with the EU to new member states who joined the EU in 2004. This was because the Turkish prime minister emphasized the fact that Turkey would not open its ports to Greek Cypriots - as required by the Protocol - until the EU showed some efforts in promoting the recognition of Northern Cyprus Turkish Republic, a self-proclaimed country of Turkish nationals established in 1974. Subsequently, the French government also stated it would refuse another five chapters in 2008 and Cyprus itself blocked six chapters in 2009 from opening to the talks in accession negotiations. These emplaced barriers to many of the reform plans as they were not officially negotiated in accession talks.

concerned by the EU displaying such blatant double standards in its enlargement policies. They criticised the ‘open-ended’ accession framework asserted by the EU and even proposed they would also maintain domestic developments on an ‘open-ended’ basis (Kirişci, 2007). This political discourse hampered the credibility of the proposed membership reward, affecting Turkey’s cost-benefit calculations and putting EU-oriented reform plans in a difficult position.

Taken together, the domestic political pressures and changes in EU discourse and negotiations had negative impacts on the ongoing reformative process in Turkey. The EU’s failure of providing credible rewards yielded a re-definition of the carrot and stick understanding. As the membership was not ‘guaranteed beforehand’, Turkish officials were worried that Turkey might not be allowed to reach the membership goal even if they followed the EU’s costly demands. This lack of enthusiasm in the political sphere also impacted public opinion; survey results illustrate a fairly considerable decrease between 2004 and 2006 in the percentage of Turkish nationals who wanted Turkey to join the EU (see Figure 9). Overall, a ‘mutual mistrust’ between Turkey and the EU in the accession negotiations seemed to have had a negative effect on the continuation of the domestic reforms.

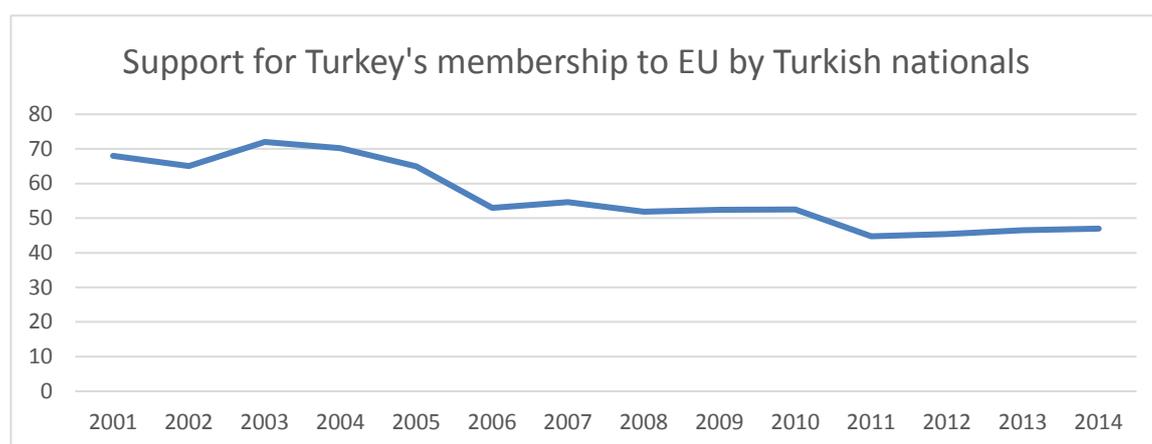


Figure 9 The tendency of voting patterns of Turkish public for Turkey’s EU membership

Source: Data compiled by author from European Commission (2001; 2002; 2003) and Turkish Statistical Institute (2014)

Despite the political problems emerging after 2005, the accession process was neither formally abolished nor halted; Turkey still officially holds a candidate status. As one EU official said, “there was a certain blockage from several sides but the accession process itself never stopped” (interview with EU Official 1, 2016). Although domestic reforms slowed down, the twinning projects and the EU financial assistance remained strong elements in the continuation of the accession process. The comment below illustrates this trend:

“Even though the general public may have the impression that because of the situation of a higher political level is very tense, in reality indeed on the ground cooperation is extremely strong, financial cooperation and assistance is continuous and remains very strong” (interview with EU Official 4, 2016).

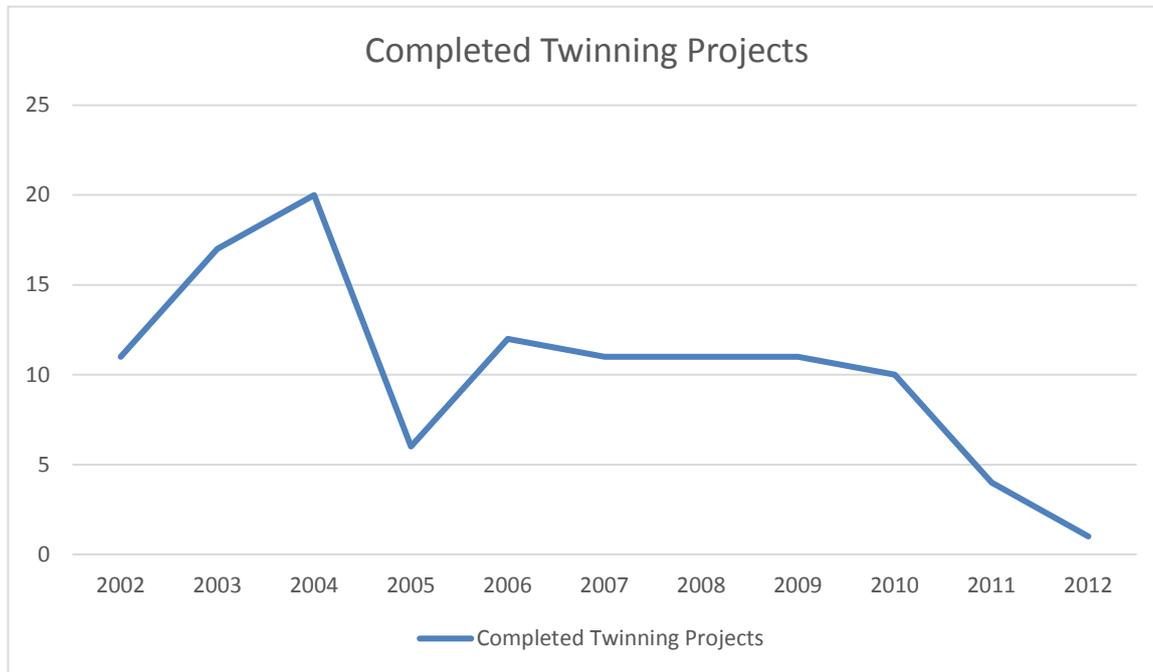


Figure 10 Number of twinning projects implemented by years

Source: Ministry of Foreign Affairs (2017b)

These testimonies overall suggest the maintenance of a technocrat-level cooperation in the accession process, instead of a political one. As Figure 10 illustrates, the number of twinning projects decreased sharply in 2005 but never stopped. As the EU Official 5 (2016) put it, “the accession process is not black and white, like, ‘political objectives are not credible so I stop everything’”. Therefore, the EU has maintained an important position in capacity building and training activities of Turkish bureaucrats.

One clear explanation for the continuation of the twinning projects was a rationalistic attitude of the TNP towards the EU’s material incentives. The EU proposed annual financial assistance and conditioned this to be conducted through twinning projects.⁴³ Despite political controversy between the EU and Turkey, Turkish bureaucrats continued to at least partially align their policies in order to ‘take advantage’ of these opportunities (European Stability Initiative, 2017). This was indeed an important advantage for TNP officials because the migration and asylum area was

⁴³ The EU’s financial support has been divided into three periods so far; between 2002 and 2006 an initial pre-accession funding; between 2007 and 2013 instrument for pre-accession assistance (IPA); and between 2014 and 2020 IPA II funds (Ministry of EU Affairs, 2016).

underfunded by the government due to the lack of a legal framework (interview with Public Official 6, 2016). Any material assistance, including photocopiers and fax machines, mattered and contributed to governance of asylum (interview with Öztürk, 2016). Having maintained such a rationalist understanding, the TNP officials were able to secure two important projects, '*2006 Support to the set up an Asylum and Country of Origin Information (COI) System*' and '*2007 Establishment of a Reception, Screening and Accommodation System for asylum seekers and refugees*', which were later followed by several others under the Instrument for Pre-Accession Assistance (IPA) programme. As the financial assistance was explicitly linked to the projects and TNP officials were able to obtain the financial reward, the dynamics of this technocrat-level cooperation demonstrated the existence of a prolonging coercive bargaining mechanism. It is clear that intermediate awards of funds and the value-maximising approach of the Turkish bureaucracy was an important reason for the cooperation through twinning projects.

However, due to political disagreements and the lost credibility of the ultimate reward of membership, the EU was not able to clearly link the domestic reforms to the incentive of membership. Rather, the EU's impact through the twinning project was based on the principle of partnership. The projects were utilised as a tool for a social and strategic learning processes, which were underpinned by a logic of appropriateness (Bürgin, 2014). Therefore, the EU failed to employ a strong coercive bargaining mechanism that would directly exert an impact on asylum policy-making, but attempted to pursue its strategy via socialisation to effect domestic change. Yet, this strategy was not conducive to a change in the beliefs and preferences of the domestic actors, as will be explained in the next chapter.

Nonetheless, despite the EU's weak transformative power, there has been remarkable progress in building an asylum system during this period (see Appendix A). In 2008, a new bureau was established to regulate asylum and migration. New civilian bureaucrats then investigated the problems and initiated a new law-making process with a consultative decision-making structure, which was unusual in Turkey. Finally, the Bureau was able to draft a comprehensive law which passed through parliament and was enacted in 2013, paving the way to a human rights approach and international norms-oriented policies in the asylum area.

The most striking result in this period is that the developments were actually serving EU demands. They were widely understood as a manifestation of the commitments made to the EU in the 2003 NPAA and the 2005 NAP, which had been prepared in the light of EU accession goals. First of all, the TNP adopted an Implementation Directive in 2006 in order to further adoption of tasks set by the 2005 NAP. Providing a guidance for new asylum procedures, the directive clearly defined the goal of harmonising existing rules and applications of the asylum with several EU directives (i.e.,

EC qualification directive, EC asylum procedures directive, and EC asylum reception conditions directive). One interviewee actively involved in drafting this directive argued:

“One thing we were looking at while drafting the Implementation Directive was whether it complies with our laws or not. [...] we screened the EU directives and discussed firstly if we can implement them, and secondly how far we can go within our legislative framework. Then, by examining the EU directives, we built some mechanisms and drafted the Implementation Directive in a way that would not be contradictory to our own laws” (interview with Öztürk, 2016).

The directive therefore had explicit linkages to EU asylum rules.

Secondly, the establishment of the Asylum and Migration Bureau in 2008 was reported by some interviewees as a further step in Turkey’s commitments to the EU accession criteria (interviews with Çorabatır, 2016; Public Official 5, 2016). Establishing such a bureau was indeed explicitly stated in the 2005 NAP, which was drafted for the adoption of the EU *acquis*:

“A “Unit” should be established within the new “Asylum System” to identify the need for capacity building in the field of asylum and migration with respect to the geographical conditions of Turkey, to follow and evaluate the changes and mass population movements (mass influx) in the region of Turkey, to follow asylum policies developed in EU and to make policies” (NAP, 2005, article 14).

Due to this statement, formation of the Asylum and Migration Bureau in 2008 was widely accepted as a result of the commitments in the NAP (interviews with Çorabatır, 2016; Public Official 5, 2016). Thirdly, together with the establishment of this Bureau, the bureaucrats’ decision-making structure was changed from a centralised one to a more consultative one. This reform was also the result of the EU’s demands, as written in the NAP:

“Close cooperation should be established with universities, NGOs and other relevant national and international institutions, when deemed necessary, as well as relevant institutions and agencies during the preparations of legislation in the field of migration and asylum” (NAP, 2005, article 14).

Indeed, a close relationship was established with several stakeholders in the asylum policy area including the UNHCR, IOM, and CoE, as well as NGOs and academics in Turkey. This consultative decision-making process resulted in the adoption of Turkey’s first-ever legislation on asylum in 2013 and the creation of a domestic organisation to carry out implementation works in asylum in 2014. The transformation of the decision-making structure from a centralised to a more

consultative one was understood as an outcome of the EU's triggering role in inducing a transparent and open-public system (interviews with Erdoğan, 2016; Yıldız, 2016). Also, the new legislation was accepted as a "bold step for Turkey to approximate its legislation with the EU acquis" (interview with EU Official 5, 2016), being highly aligned with EU rules and demands (interview with Kılıç, 2016). Overall, these developments seemed to carry a mentality and a framework very similar to the EU demands in asylum governance.

One question that needs to be asked, however, is why Turkish bureaucrats carried out these concrete developments in line with the EU demands in asylum area without credible evidence of ultimately being offered EU membership. Regarding this, a common view surfaced, mainly in relation to the significance of migration and asylum issues between Turkey and the EU. An EU official stated:

"Migration is much more of an important political agenda item in Europe in comparison to Turkey. [...] Even though other areas within the high political level had been slackening, neither Turkey nor the EU have had the luxury to be indifferent when it comes to the migration area" (interview with EU Official 2, 2016).

Similarly, refugee representative of Amnesty Turkey explained that there were ups and downs in the accession process, but asylum had been "nearly the only area" in which a real progress can be observed (interview with Görendağ, 2016). Another interviewee, who is a public official, claimed that "the migration issue has become the top important issue in the EU-Turkey relations, even became more important than the accession negotiations" (interview with Public Official 5, 2016). Indeed, even though the particular chapter in the accession negotiations regarding the asylum has not yet opened, the EU and Turkey made bilateral agreements in the migration area such as the 2013 readmission agreement and 2016 Turkey-EU deal, demonstrating how important migration is between the parties.

The key problem with this view is that it does not tell us much about the causality of the EU coercive bargaining mechanism. A process tracing of the period reveals that the coercive bargaining tool exerted by the EU through the accession framework did not have much of a causal inference for these developments. In effective coercive bargaining, a domestic expectation of the benefits of the rewards being higher than the cost of domestic change is an important indicator. Despite being among Turkey's commitments to the EU in the accession framework, the formation of the Migration and Asylum Bureau, and later the DGMM, the inclusion of the NGOs and international organisations in decision-making and, lately, the adoption of the asylum legislation were all happening at a time when several chapters in the accession negotiations remained blocked; in other words, at a time when there were few domestic expectations to reach the

'carrot' of the mechanism. Similarly, a coercive bargaining mechanism is expected to provide an explicit linkage between the rewards and the demands. However, these significant reforms were not particularly or explicitly linked to membership, nor to the financial support promised by the EU.⁴⁴ The lack of explicit linkage between the reward and the domestic change, and the obtained concrete rewards (i.e., membership) raises questions about impact of the EU's coercive bargaining mechanism, demonstrating the necessity to consider other factors.

Rather than coercive bargaining, these developments seemed to have domestic motivations that can be attributed to the new bureaucratic environment established by the Bureau. For example, the establishment of the Bureau was indeed a response to the EU requirements in the accession process; however, the three-year gap between the adoption of the NAP and the establishment of the Bureau raises questions about the causality of the EU coercive bargaining mechanism. Instead of reaching the EU membership reward, the formation of the Bureau was in fact rather a domestically-driven decision. Furthermore, the idea of initiating a new law-making process was not initially on the Bureau's agenda, but was later developed as a result of the discontent of Bureau officials who had monitored the plight of asylum seekers in Turkey (interview with Açıkgöz, 2016). Also, during the FIPL drafting period, the Bureau officials' close relationships with the international organisations and civil society actors shows that the FIPL was not drafted with an EU-centric approach but with an approach underpinned by international institutions and norms. A detailed analysis of these arguments will be elaborated in Chapter 7; however, the evidence indicates that domestic motivations mattered more than the EU's coercive bargaining efforts.

Nonetheless, this finding does not mean that the EU had a weak influence on Turkey's domestic politics. In contrast, the EU played an indispensable role during this period by providing financial and technical support through twinning and IPA projects and by providing templates for legislation and best practices (interviews with EU Official 2, 2016; EU Official 3, 2016). What this finding suggests is that the EU's rationalist-based, consequence-orientated influences, as employed through the accession framework, were not the main driver of the domestic consequences. Rather, the EU was an intervening factor in these developments, which is similar to the findings of preliminary work on 'venue-shopping theory' undertaken by Guiraudon (2000b) and Kaunert and Leonard (2012). According to venue-shopping theory, domestic actors seek suitable venues in the international level (e.g., IOs, the EU) to advance their policy goals against domestic opposition mechanisms such as judicial courts. The EU, therefore, seemed a suitable

⁴⁴ Intermediate financial support released through twinning projects were not necessarily linked to the policy-making endeavours, but they reinforced infrastructure of the system (e.g., COI, removal centres)

platform, with its financial incentives in strengthening the infrastructure and community values, for the civilian bureaucrats in the AMB, who then utilised this platform to advocate their policy developments regarding asylum against veto players in Turkey (i.e., TNP). This is also in line with Tocci (2005)'s predictions of the endogenous factors as the main driver of the reforms that are highly EU-oriented. Therefore, the EU has still been an indispensable part of the domestic developments in the asylum area, even though it failed to exert a direct coercive bargaining influence.

A counterfactual analysis can also shed more light on the EU's intervening role in this period. A counterfactual analysis, as George and Bennett (2005) suggest, can help to give a historical explanation by conducting a thought experiment that can then enable us to make a controlled comparison. In this case, Turkey's candidateship and exposure to the EU's conditionality strategy is the real fact, so the counterfactual case would be the lack of such an accession relationship with the EU. When asked about what would happen if Turkey were not a candidate country, the participants were unanimous in the view that Turkey would still need to develop a new asylum system and adopt new legislation as there has been an emerging domestic need and discontent about the lack of a comprehensive system. Talking about this issue, one interviewee argued that Turkey would carry out the same developments, but they would take longer without an external driving force (interview with Efe, 2016). Another interviewee suggested that it was not only the EU efforts but also Turkish bureaucrats and politicians that were effective in engaging with these developments, and stated the following: "let's say the accession negotiations are terminated today with a decision, Turkey would never give up on the ongoing reforms in the asylum field" (interview with Erdoğan, 2016). These testimonies suggest that the EU coercive bargaining was "not the only game in town" (Yılmaz, 2014), but that domestic explanations should also be taken into account.

Overall, the EU accession process has played an important part in developments in the asylum area. While the EU's coercive bargaining mechanism, as employed through accession, exerted an immense impact on developments in the pre-candidacy period, it failed to induce a domestic change during Turkey's candidacy period due to the lack of a credible external incentive (i.e., membership). Rather, the ongoing developments were affected by domestic drivers which will be examined more thoroughly in Chapter 7. The EU's role in this period consisted more of an intermediate platform that provided opportunities for domestic reforms. Having examined the accession process, the following addresses the EU's other coercive bargaining influence, employed through the visa liberalisation process since 2013.

5.1.2 The Visa Liberalisation Process (2013 – Ongoing)

Similar to the dynamics of the accession process, the visa liberation process implies coercive bargaining between the EU and Turkey in the area of asylum. By signing a readmission agreement with the EU in 2013, Turkey obtained the ‘reward’ of opening dialogue on the liberalisation of EU visas for Turkish citizens.⁴⁵ The dialogue consisted of a set of demands that Turkey needed to address to be eligible for visa-free travel, and international protection of refugees was an important topic within the dialogue. This section analyses whether this process, as a coercive bargaining influence mechanism of the EU, has been effective in transforming asylum policies in Turkey. Investigating the causal relations between EU demands and domestic reforms in asylum system, the section reveals that coercive bargaining induced a domestic change only after 2015 following a politicisation trend which was fuelled by a gradual increase in the number of migrants crossing EU borders from Turkey. Yet, it was rather a secondary, supplementary influence on the ongoing domestic efforts by the DGMM to establish a functioning asylum system.

5.1.2.1 The EU Demands and the Domestic Developments in the Visa Liberalisation Process

The EU issued the *Visa Liberalisation Roadmap* in 2013 pointing out the specific requirements to be addressed by Turkey in order to be eligible for visa liberalisation (see Table 4). In addition, the EU conducted three rounds of monitoring and correspondingly issued three reports that put more specific requirements forward. While the first report was issued in 2014, other two reports were issued in 2016 (see Appendix D for more information).

⁴⁵ Visa liberalisation is an incentive that the EU provides to non-member states (e.g., Turkey) who agree to sign a readmission agreement. The agreement mainly regulates the return of irregular migrants from the EU to Turkey if they transited through Turkey and have been residing within EU borders without authorisation (EU-Turkey Readmission Agreement, 2014). See Appendix C for an analysis of how parties reached this agreement with bargaining tools.

Visa Liberalisation Dialogue Criteria	1st monitoring report (20.10.2014)	2nd monitoring report (4.3.2016)	3rd monitoring report (4.5.2016)
Open borders and accession (effectively <i>open its borders and provide accession to asylum</i>)	Fulfilled	Fulfilled	Fulfilled
Legal criteria (adopt and implement the legislation in a way that is aligned with EU standards)	Fulfilled partially, but with good prospects for further progress	Fulfilled only partially but with good prospects for further progress	Fulfilled
Institutional criteria (establish an implementation organisation)	Fulfilled partially, but with good prospects for further progress	Fulfilled	Fulfilled
Practical criteria (strengthen the reception and protection of asylum seekers)	Fulfilled partially, but with good prospects for further progress	Fulfilled only partially but with good prospects for further progress	Fulfilled
Integration of asylum seekers to society (provide possibilities for integration)	Fulfilled partially, but with good prospects for further progress	Almost fulfilled	Fulfilled

Table 4 Criteria regarding asylum in the EU-Turkey Visa Liberalisation Dialogue

In the first monitoring report issued in October 2014, the EU observed that the legislation provides sufficient protection to asylum seekers and is aligned with EU and international norms (European Commission, 2014). Also, it states that despite retaining the geographical limitation, the FIPL provides very similar protection for non-European asylum seekers (conditional refugee applicants) to the protection proposed for European asylum seekers (refugee applicants); therefore, this reduces the impact of the geographical limitation to a minimum (European Commission, 2014). Moreover, establishment of the DGMM and enactment of the FIPL were significant steps signalling an effective RSD procedure for asylum seekers and a legal remedy, which were among the criteria in the roadmap. Also, 2014 marked the adoption of two regulations representing further progress in the legal criteria. The subsequent two reports were published in 2016 with only a two-month gap between them, indicating an acceleration in developments. Turkey had fulfilled all requirements regarding the asylum area by the third report, which observed that several regulations were adopted, DGMM had taken over the duties from

the TNP and became a fully-functional organisation, and the implementation of the legislation had been initiated.⁴⁶ Figure 11 below shows a timeline of the events in regards to visa liberalisation process but also including the EU-Turkey summits during 2015-6 in the aftermath of the refugee flows of summer 2015.

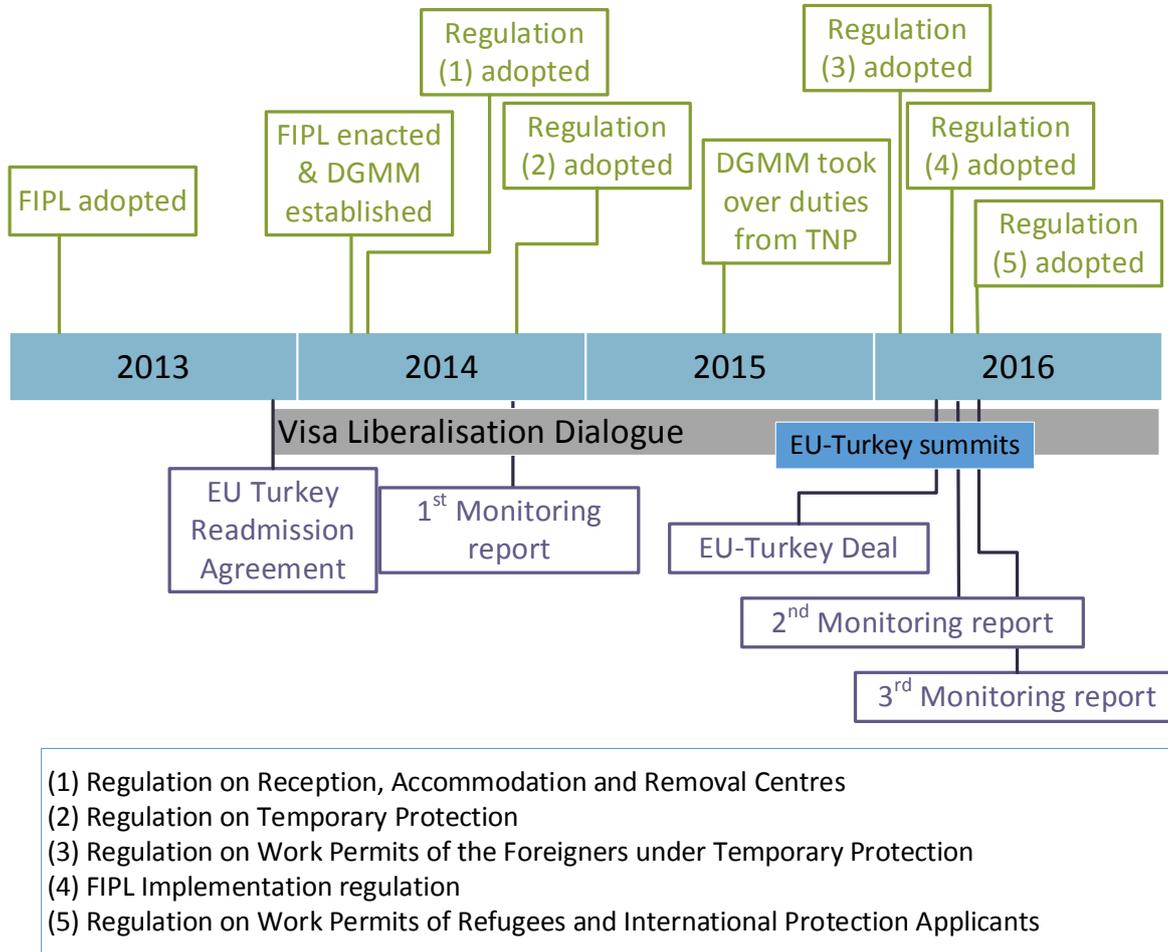


Figure 11 Timeline of domestic developments and visa liberalisation dynamics

5.1.2.2 Explaining the Dynamics of the Visa Liberalisation Process

When asked about the main motivations behind the developments, some interviewees suggested an association between the developments and EU demands regarding visa liberalisation (interviews with Academic 2, 2016; EU Official 2, 2016; EU Official 3, 2016). However, without an explicit linkage and a cost-benefit calculation it would be wrong to assume the efficacy of coercive bargaining. The developments can also be associated to a path-dependency argument as most of the criteria in the roadmap were already envisioned by the DGMM in the FIPL.

⁴⁶ However, the visa liberalisation has not been implemented yet due to unfulfilled criteria in other areas (i.e., terrorism law).

The visa liberalisation process started at a time when Turkey was already undergoing a considerable transformation in its asylum system with the adoption of the FIPL in 2013. Most of the EU's criteria in visa liberalisation intersected with what the AMB had planned regarding the building a functional asylum system based on FIPL. For example, secondary legislations and implementation regulations were already drafted in 2013 (interview with Açıkgöz, 2016). A DGMM official also stated that they did not follow the EU demands line-by-line but focused on their own feedback from the field (interview with Public Official 4, 2016). Indeed, the visa liberalisation was actually a political incentive for the Turkish government but not necessarily for the DGMM, who were actually concerned with the possible huge burden of irregular migrants readmitted from the EU if this incentive was indeed reached (interview with Arıner, 2016). These comments indicate a domestic path-dependent process, rather than an externally-induced reform process. In other words, the bureaucrats were constrained by the new legal framework to carry out these developments and EU's visa liberalisation incentive made no immediate actual difference.

However, questions arise regarding the domestic-path argument when the pace and timings of developments are considered. Once established in 2014, the DGMM was not able to provide an immediate implementation of the new asylum rules and it took two to three years to actually implement the new rules. For example, although the draft of implementation regulation was ready in 2013, it was only adopted in 2016. Likewise, the DGMM was only able to start processing asylum applications in 2016, when there was a backlog of more than 100,000 asylum applications (interviews with EU Official 2, 2016; Public Official 2, 2016). This delay can be explained as an implication of the difficulties of recruiting new officials and starting up a brand-new organisation to deal with all migration and asylum matters at a time when the asylum seeker population in Turkey is at a record high (see Section 7.3). However, there was an immense progress in 2016 in fulfilling the EU requirements in visa liberalisation dialogue despite the existence of migratory pressure (interview with EU Official 5, 2016). Although developments in 2016 seemed in line with the domestic path-dependent explanation, the timing and acceleration of reforms implied a role for the EU influence. These developments can be associated with the politicisation of border crossings of 2015 between Turkey and the EU, which made them refresh their commitments in the visa liberalisation dialogue. One important question is whether these reforms were explicitly linked to the EU demands to reach the visa liberalisation incentive, or whether they were simply a result of DGMM's endeavours of institutionalisation in the previous three years.

An explicit linkage between specific EU demands and domestic developments in 2016 does appear when the EU-Turkey summits are considered. The Turkish government took the increased refugee flows in 2015 summer as an opportunity and utilised them as a bargaining chip in its

negotiations with the EU. On 15 October 2015, the EU and Turkey adopted a joint action plan that announced an effective implementation of the legislation and inclusion of asylum seekers into job market as requirements for Turkey (European Commission, 2015). Turkey reiterated this commitment on 29 November 2015 on a formal meeting with the EU, who proposed the release of visa-free travel by October 2016 if the requirements of the visa liberalisation roadmap were met (European Council, 2015). The reinforced dialogue led the political elites in both parties to come closer and negotiate an EU-Turkey agreement in March 2016. According to this agreement, Turkey would readmit all irregular migrants going to Europe, but for every irregular migrant coming from Turkey to the EU, the EU had to accept one Syrian asylum seeker from Turkey. In return, Turkey would secure an accelerated negotiation on both visa liberalisation and accession to the EU along with a financial support of €3 million under the EU Facility for Refugees. Due to the reinforced negotiation of 'carrots' and domestic requirements, the visa liberalisation dialogue has evolved to a more political level, accelerating the ongoing developments in asylum system (EU Official 5, 2016). Within this political climate, the second and third reports show that all criteria were fulfilled very quickly, indicating how effective politicisation of asylum was in yielding positive results for the EU's coercive bargaining effects in visa liberalisation process.

Furthermore, most participants suggested these domestic developments in 2016 were directly related to the EU's coercive bargaining efforts (interviews with EU Official 3, 2016; EU Official 4, 2016; Tolga, 2016). All declarations of the summits and meeting reports demonstrate that the EU coercively negotiated the required developments as in the example of the demand of permitting asylum seekers to access to labour market which was addressed with adoption of a regulation in January 2016 (interviews with EU Official 3, 2016; Public Official 2, 2016). For instance, the EU's third monitoring report indicated the backlog of outstanding asylum applications as a requirement for visa liberalisation (interview with EU Official 3, 2016) and, in response, DGMM efforts in dissolving this backlog gained an important momentum (interviews with EU Official 2, 2016; Public Official 2, 2016). The DGMM quickly recruited more personnel to carry out the RSD processes and was able to eliminate a considerable amount of the backlog within a few months (interview with EU Official 3, 2016). Taken together, EU's coercive bargaining efforts seem to be explicitly linked to the developments in the asylum system in 2016.

Overall, considering the visa liberalisation process as a whole, the EU demands regarding visa liberalisation were mostly in line with the DGMM's vision of a new, fully-functional asylum system. DGMM was already planning on adoption of the secondary legislations as well as creation of the best mechanisms which, considering the three million Syrian population in Turkey, required extensive efforts in institutionalisation of the new system. The developments seemed dependant on the domestic reform path created by the new legal framework of Turkey. However, the

politicisation of the visa liberalisation process in 2015 has accelerated this reform path and provided a further stimulus for DGMM to implement the new policies. Thus, the domestic motivations were already in place, but the reforms in 2016 were mostly materialised with the help of EU's external incentives including a visa-free travel and a commitment of financial support. In this regard, attributing the fulfilment of five criteria in the visa liberalisation solely to EU coercive bargaining would be misguided. However, coercive bargaining did have an impact in facilitating reforms as a secondary, supplementary influence mechanism.

5.1.3 Summarising the Coercive Bargaining Influences

Coercive bargaining mechanism worked mostly in the pre-candidacy period of Turkey (1999-2005), when Turkey had no plans or strategies on the asylum area. It was the EU's external incentives of the financial support, opening of the accession negotiations and the ultimate membership that strongly induced Turkey to formulate the first ever asylum strategy paper in 2003 and a comprehensive action plan in 2005. During the candidacy period, the mechanism remained in place as the financial support and the membership bid were still ongoing motivating factors. However, the pace of the implementation of the 2005 National Action Plan was affected by the lack of credibility of the membership reward and domestic political problems. Thus, the establishment of the Bureau, adoption of the legislation and the creation of the DGMM as the sole and professional unit occurred under this barely credible incentive of EU membership. The process tracing of this membership period showed that the domestic motivations outweighed external incentives in effecting policy-making. It suggested that the political will and the clarity and the credibility of the carrots and sticks appeared to be important factors in a coercive bargaining mechanism that was effective in shaping the domestic outcomes.

The subsequent coercive bargaining mechanism was the visa liberalisation process, which started in 2013 when Turkey was already undertaking important reforms. The adoption of FIPL and the establishment of the DGMM along with adoption of two regulations (temporary protection and reception, accommodation and removal centres) occurred during this period, but they were already planned; thus, coercive bargaining did not initially have much influence. The EU was only able to exert a strong coercive bargaining pressure when the migration issue became politicised following the 2015 mass refugee flows from Turkey to the EU. Under such a renewed political agenda, the DGMM accelerated the adoption of the secondary legislation and undertook a functional and effective implementation. This trend highlights the importance of political will and the credibility of the promises in coercive bargaining mechanisms. Overall, the EU's influence through coercive bargaining influence mechanism on asylum policy evolution in Turkey has proved effective in helping Turkey draft its first strategies in the field of asylum during early

2000s, and later encouraging Turkey to effectively implement its new asylum policy in the mid-2010s. The next section discusses another regulatory mechanism, namely legal obligations.

5.2 Effects of the Legal Obligations Mechanism

A legal obligation mechanism exerts a normative influence on domestic legal frameworks by referring to certain norms, rules and principles deriving from international agreements such as the Geneva Convention or the European Convention on Human Rights (ECHR). Main indicators of this mechanism are the existence of an enforcement (or punishment) mechanism and whether developments can explicitly be linked to legal agreements. This section examines the legal impacts of ECtHR and UNHCR in the policy-making process.⁴⁷ It reveals that legal obligations did not have the capacity to trigger domestic reforms but induced some minor changes in the implementation of domestic asylum rules and exerted a ‘societal pressure’ that contributed to the creation of a legal framework for asylum governance in Turkey.

UNHCR is the main actor exercising its legal mandate drawing on the 1951 Geneva Convention but the CoE had also exercised a legal mandate through its court, ECtHR, in the asylum policy-making process in Turkey. Although ECHR does not include any rights that are specifically assigned to refugees, it significantly reinforces refugee rights. An NGO member argued that “refugee rights regulated by the Geneva Convention cannot be distinguished from those rights enshrined in the European Convention on Human Rights” (interview with Tokgöz, 2016). Supporting this view, a UNHCR official stated:

“If we are talking about the right to live, liberty and security of person, or prohibition of torture, these rights applies to anyone regardless of their nationalities” (interview with UNHCR Official 4, 2016).

Having a territory-based mechanism instead of a citizenship-based one, the ECtHR’s legal impact resonates with universal human rights, thereby promoting those of the refugees as long as the receiving state is a member of the CoE (interview with Tokgöz, 2016).

A legal obligation mechanism can take a variety of forms of influence such as negotiation, monitoring, adjudicating or simply notifying. For example, the UNHCR “employs advocacy to influence governments and other decision-makers” by carrying out a set of activities such as dissemination, monitoring and negotiation (UNHCR, 2016), while CoE employs monitoring

⁴⁷ The EU and IOM are not investigated in this analysis as the IOM is not established based on an international agreement and the EU can only exert its legal impact to its member states but not its candidates as there is no binding relationship.

through its various units and adjudicates through ECtHR. Obtaining a legal mandate is also necessary to be able to exert this mechanism. The UNHCR principally bases its mandate on the Geneva Convention, its official reports and the Executive Committee (ExCom) decisions (interview with UNHCR Official 4, 2016). Similarly, ECtHR also has its own enforcement mechanism to observe the state compliance defined in the ECHR.

Moreover, a legal obligation mechanism should generate an explicit linkage between domestic changes and the norms and rules of international law. UNHCR generally exerts its legal impacts on norms like non-refoulement, non-penalisation and access to courts and asylum procedures. As mentioned, the ECtHR does not particularly observe refugee norms, but it reinforces these norms by observing human right norms such as prohibition of torture, right to appeal and right to liberty and security of human beings (see Figure 12). Particularly, with regards to the prohibition of torture principle, article 3 of the ECHR states that: “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”. Similarly, the non-refoulement principle of the Geneva Convention also prohibits contracting states to “expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened” (Geneva Convention, 1951, p.30). Because asylum seekers, by definition, flee persecution, prohibition of torture principle directly reinforces the implementation of the non-refoulement. The ECtHR holds the contracting states responsible for any torture or degrading treatment asylum seekers might face if deported (interview with Kafadar, 2016).

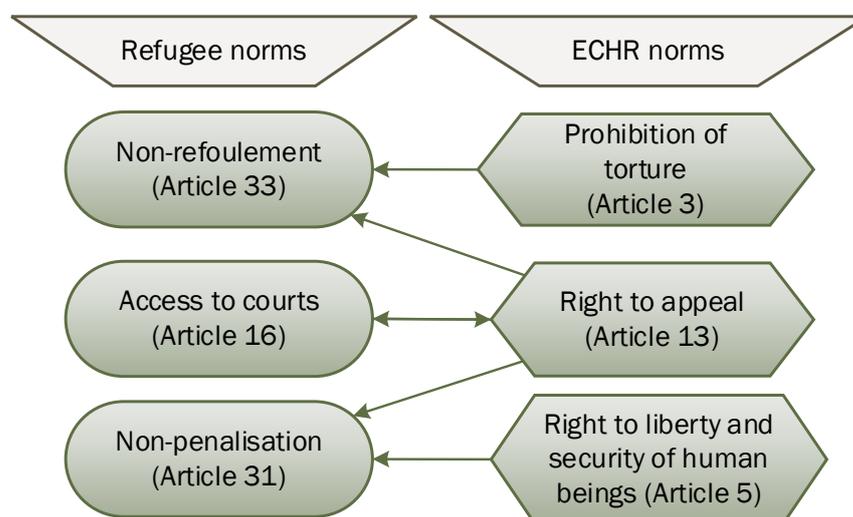


Figure 12 A map of association between ECHR norms and Refugee norms

Moreover, as specified by the article 13 of the ECHR, the right to appeal rule obligates state parties to provide an effective mechanism of remedy within their domestic courts, which also corresponds to the rule of ‘access to courts’ provided by the Geneva Convention (Geneva Convention, 1951, article 16). Similarly, detention of asylum seekers is another legally-regulated

issue where ECtHR convicts many states (ECtHR, 2014). The ECHR's article 5, the right to liberty and security of the human beings, specifies length, method, impact, type and other conditions for lawful detention, such as the court has to be competent to give a detention order, and the detention order has to be prescribed by legislation (Meredith and Mole, 2010). Taken together, although the ECHR does not specifically apply to refugees, its application to all human beings within the territories of contracting states exerts a legal impact on state practices towards refugees.

5.2.1 Domestic Developments in the Light of the Legal Obligations

During the asylum policy-making process, two periods marked a vigorous impact on legal obligation. The first took place in the late 1990s by UNHCR's negotiation efforts and ECtHR ruling on an asylum seeker's case, while the second was exerted via ECtHR rulings in 2009-10.⁴⁸

The first legal impact was exerted by the UNHCR just after the adoption of the 1994 regulation due to UNHCR's concerns about the new securitising and exclusionary rules such as 'five-day entry rule' and non-appealable decisions. Creating a new unit for external relations, the UNHCR undertook public awareness activities by sending official letters to the Ministry of Interior and organising seminars to inform the Turkish public and authorities about the inconsistencies between the regulation and the Geneva Convention (interview with Çorabatır, 2016). Regarding the 'five-day entry rule', discussions took place in a symposium in 1995 at Bogazici University and in other two seminars held in 1998 at Antalya and Ankara (Korkut, 2008). Moreover, the UNHCR hired lawyers and subcontracted NGOs to provide legal counselling to asylum seekers in the late 1990s (UNHCR, 1999). Subsequently, the ECtHR exerted a more concrete legal impact on a key case in 2000 (*Jabari v. Turkey*), finding Turkey in violation of article 13 (right to appeal) of the ECHR (ECtHR, 2000). The court found that there was a lack of judicial review on the administrative decision to reject the asylum application of an Iranian national, Hoda Jabari, on the grounds of failure to apply within the first five days of entry into Turkey.⁴⁹ The court also declared their deportation to Iran would violate article 3 (prohibition of torture).

⁴⁸ Although UNHCR has mostly been very close to the developments and maintained negotiations for alignment with refugee norms, it was only during these two periods when legal obligation mechanisms mattered in asylum policy-making.

⁴⁹ As an Iranian citizen, after being arrested and later released due to an affair with a married man in Iran, Jabari fled across the Turkish border illegally in November 1997 and, from there, attempted to go to Canada via France. After being caught in France with a fake passport, she was sent back to Turkey where she was arrested in February 1998. When she thought she would be deported to Iran, she notified authorities that she is an Iranian citizen and claimed asylum. Following a dual-RSD process, UNHCR granted her a refugee status but Turkish authorities approached application inadmissible as it was not claimed within the first five

These initial legal obligation efforts in the asylum system seem to play a role in changing the behaviour and practices of TNP officials with regards to international law. Firstly, public awareness activities and official letters from the UNHCR persuaded TNP officials to participate in official meetings to discuss alignment of the rules to international law in 1997 (interview with Çorabatır, 2016). The efforts in enhancing legal counselling also contributed to the opening up of the appealing procedures to administrative court for the decisions of deportation of asylum seekers in 1997 (Kirişci, 2012). Subsequently, the TNP amended the asylum regulation in 1999 and changed the procedural requirement from ‘five days’ to ‘ten days’ and introduced a right to appeal to the administrative decisions for decisions on asylum applications. Following the 1999 amendments in the regulation, the TNP also changed its practices, especially after the Jabari ruling. Even though the asylum regulation still had provisions for inadmissibility of applications after ten days of entry, the TNP processed all applications regardless of when they were submitted. There were no intentional deportations under this procedural requirement after these developments, but some deportations took place to the transit countries in the cases where the entry point was known (interview with Öztürk, 2016). These domestic changes in the regulation and practices reduced external criticism and legal impacts immensely. But, as the EU coercive bargaining impacts took over in early-2000s, legal obligations did not seem to be a dominant factor in inducing domestic changes.

The second legal impact was exerted during 2009-10 following a far more symbolic judgment of ECtHR in September 2009 in the case of *Abdolkhani and Karimnia v. Turkey*, which brought about key domestic actions to tackle inconsistencies between national and international refugee law (see Figure 13).⁵⁰ Similar to the previous decision, the ECtHR found Turkey was in violation of the right to appeal (ECHR Art.13) due to lack of an effective remedy (ECtHR, 2010). More importantly, the court declared that there was no need to exhaust domestic judicial mechanisms to apply to the court as the existing mechanism did not provide an automatic suspensive effect for the deportation decisions. This meant that by the time a domestic court decided on an appeal of deportation order, asylum seekers might have already been deported by the authorities. Furthermore, the court declared deportation and detention of asylum applicants would also violate the prohibition of torture rule (ECHR Art.3) and right to liberty (ECHR Art.5), respectively.

day of entry. This inadmissible decision was final, and Jabari did not have the right to appeal this decision. She then applied to ECtHR (ECtHR, 2000).

⁵⁰ *Abdolkhani and Karimnia*, two Iranian nationals and former members of the People’s Mujahidin Organisation in Iran, were recognised as refugees by the UNHCR at a refugee camp in Northern Iraq in 2006 and 2007. When they illegally entered Turkey in 2008 in an attempt to have a flight to Canada to claim asylum, they were captured and deported to Iraq. Later, they entered Turkey again and this time they were detained in order to be deported to Iran. Their lawyer applied to ECtHR in an attempt to stop deportation proceedings (ECtHR, 2010).

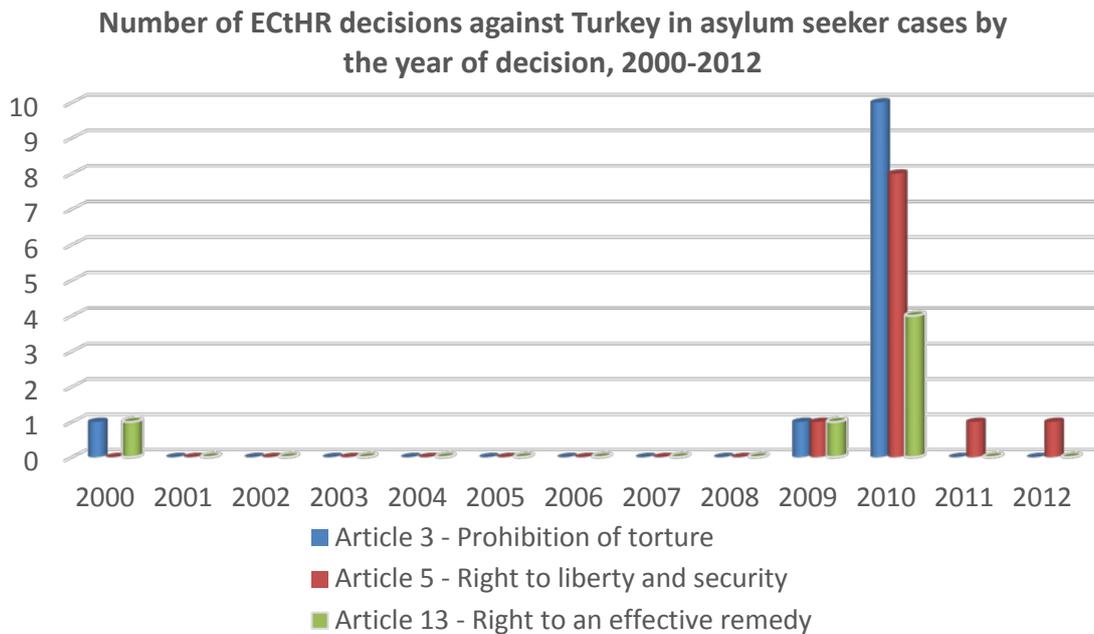


Figure 13 Number of ECtHR decisions against Turkey in asylum seeker cases

Source: Compiled by author from ECtHR cases law (DGMM, 2015)⁵¹

This ruling paved the way for further convictions of Turkey for its deportation orders and practices, conditions of removal centres and the lack of an effective remedy for asylum seekers and refugees (interviews with Efe, 2016; Görendağ, 2016; Tolga, 2016). Indeed, in the first fifteen cases submitted by asylum seekers prior to 2009, there was only one conviction (Jabari v. Turkey case) against Turkey; however, after the *Abdolkhani and Karimnia* case, the consequent twelve cases resulted in ten convictions against Turkey (Aydın and Kirişci, 2013). This decision was followed by the publication of a CoE report in October 2009, which monitored and exerted a legal impact.⁵² In this report, the Human Rights Commissioner of the CoE severely criticised deportations, detainment and lack of effective response to the vulnerable groups among asylum seekers in Turkey. Drawing on field observations during a visit to Turkey in the summer of 2009, the report called on officials to abide by human rights norms (Council of Europe, 2009). Overall, the ECtHR rulings in 2009-10 and this report seem to have been considered by the Asylum and Migration Bureau officials carrying out legislative reforms. The next section investigates the dynamics in greater detail to explain the impact of legal obligations in asylum policy-making in Turkey.

⁵¹ The figure illustrates the data from 34 cases heard in the ECtHR, of which 19 resulted in conviction on the grounds of the three articles indicated.

⁵² This report might also be seen as an implication of a monitoring influence mechanism as it actually provides Human Rights Commissioner's comments on a field visit. However, as Turkey has a strong institutional affiliation with the CoE, and as the content of the report included clear references to the ECHR norms, the report played a role that is closer to a legal obligation than a merely monitoring mechanism.

5.2.2 Explaining the Dynamics of the Legal Obligations

Legal obligations in the late 1990s appear to be a significant contributory factor to the initial domestic changes to the security-oriented asylum regime under 1994 regulation. As Turkey is party to ECHR and the Geneva Convention, both organisations employ a legal mandate, indicating a legal obligation mechanism. Moreover, the domestic developments seem to be directly linked to international norms which demonstrates that both indicators of the legal mechanisms resonate in the dynamics behind the developments in this period. The UNHCR's initial negotiations with the TNP and efforts in legal counselling efforts were strongly associated with the opening of the judicial review over administrative decisions in 1997. These initiatives by the UNHCR mostly referred to the 'access to courts' rule in the Geneva Convention. Moreover, the UNHCR's denouncements of the five-day rule practice by referring the non-penalisation rule of the Geneva Convention played an important role in extending the procedural requirement from five to ten days in the 1999 amendment of the regulation (interviews with Çorabatır, 2016; UNHCR Official 4, 2016). However, instead of revoking it completely, the TNP only accepted to extend the time limit to ten days (Korkut, 2008). It was only after *Jabari v. Turkey* in 2000 that the TNP revisited this procedural requirement as it was understood that the deportation of asylum seekers under this requirement would constitute a breach of the prohibition of torture right in the ECHR. A TNP official stated the following:

“Even though we were strictly following our regulations, we were facing court decisions against us. [...] We had done wrong, it was not rightful to implement what the regulations instructed. Prohibition of the torture is a right which cannot be risked. We understood this with this decision, it was a rude awakening. [...] We did not violate any rights intentionally after 2000” (interview with Öztürk, 2016).

Consequently, considering that the implementation of this rule would result in other ECtHR decisions against Turkey, the TNP began to consider asylum applications regardless of whether they were submitted within the legal time period of ten days (interview with Yılmaz, 2016). In accordance with these testimonies, a content analysis of the annual monitoring reports indeed justifies a gradual decline in denouncements of this procedural requirement in asylum applications (UNHCR, 2000; 2001; 2002; 2003; 2004; 2005). Taken together, UNHCR negotiations resulted in an amendment of the regulation with a view to opening judicial review and relaxed the procedural checks in asylum applications. However, the ECtHR ruling exerted a more decisive legal impact and brought about a decline in refoulements practices.

However, investigating alternative explanations such as socialisation impacts in this period is vital to an understanding of the actual dynamics. Very close cooperation between the UNHCR and TNP

was observed after 1997 in a capacity-building project, 'building an asylum system in Turkey' (see section 6.1, p.119). One question that needs to be asked is whether such a close interaction played a role in bringing these developments with a socialisation impact on the beliefs and preferences of the TNP officials. Rather than solely legal arguments, might TNP officials have been acculturated to the international norms through capacity-building activities? The process tracing of the period reveals a very weak link may exist between socialisation-based efforts and these developments due to uncondusive environment for a belief change (see section 6.1.4, p.131). Owing to explicit references to international norms (e.g., prohibition of torture, access to court), and external efforts of enforcing the international law (through adjudication, negotiation or public awareness), these initial developments in asylum regime in Turkey stemmed from legal obligations to Refugee Convention and ECHR (Korkut, 2008). Nonetheless, gradual decrease in deportations indicates capacity building activities might have played a role in informing and teaching international law to TNP officials who gradually became more aware of Turkey's legal obligations (U.S. Department of State, 2004).

Yet, a question remains on the efficacy of the legal obligations. Instead of a full alignment with the international norms, domestic developments were rather limited in nature. Despite the obligations to non-penalisation rule, the TNP did not revoke procedural requirement but just relaxed its application in 1999. The ten days of entry rule was only revoked in the 2006 amendment to the regulation, which required asylum applications to be made 'without delay' (Asylum Regulation, 1994). The time gap between the Jabari ruling and the domestic legal change is indicative of the limited nature of the legal obligations mechanism, which may be due to the weak, toothless enforcement mechanisms. It is also partly a consequence of the incapacities of the TNP, who were rendered as entrenched bureaucrats charged with law enforcement duties rather than a regulatory duty in the asylum policy area. Despite this, the TNP drafted an asylum law (NPAA, 2003) but it never passed; instead, the TNP amended the regulation again in 2006 (interview with Çorabatır, 2016). Therefore, the legal obligation mechanisms did not exert an immediate domestic change in the asylum system, but they affected the way the TNP takes action in deportation and accessing courts.

The second legal obligation influence was in 2009-10 and played a rather different role in domestic reforms in asylum system. The most important consequence of the *Abdolkhani and Karimnia v. Turkey* case was the finding that there was no effective judicial mechanism in Turkey for asylum seekers, which meant there was no need to exhaust domestic judicial mechanisms. This paved the way for more convictions, as a TNP official stated that: "there was a hail of [ECtHR] cases and we were not able to handle the situation anymore" (interview with Öztürk, 2016). This was also related to the increasing numbers of asylum seekers after 2008, which were no longer

limited to a few thousands but had instead become tens of thousands. According to Tokuzlu (2016, interview), an academic who worked closely with the Asylum and Migration Bureau established in 2008, the Bureau officials were already aware of the fact that this ruling would result in many more decisions against Turkey, as it was clear that Turkey lacked the necessary legal conditions to detain and deport asylum seekers. They were concerned that the increasing numbers of asylum seekers would scale up infringements of international law. Thus, the *Abdolkhani and Karimnia v. Turkey* decision, which was supported by a monitoring report of the Human Rights Commissioner of the CoE, played a symbolic role on the Bureau officials' decision making in a way that contributed to a "transformation in the asylum system in a positive direction" (interview with UNHCR Official 4, 2016). The following endeavours in bringing the national rules closer to international norms show an explicit reference to international norms, thereby indicating efficacy of legal obligations behind domestic developments.

The ECtHR's legal obligations mechanism played a considerably more effective role in alignment with the international law than the UNHCR, despite the UNHCR's close cooperation and legal consultations. The ECtHR rulings had a positive effect on promoting non-refoulement safeguards for asylum seekers (interviews with Ariner, 2016; EU Official 2, 2016). Moreover, its judgements became an underlying factor for a detailed and clear legal basis for detention of the asylum seekers in the FIPL with the introduction of the duration of, and responsibilities and entitlements during, detention (interviews with Efe, 2016; IOM Official 1, 2016). Referring to the right to liberty, legal obligations to the ECHR mostly put an end to a widely-held misperception that the act of detaining asylum seekers is legitimate just because it was done by police officers (interviews with Görendağ, 2016; Kılıç, 2016). In addition, ECtHR rulings were a key factor in the formation of an effective domestic remedy mechanism for asylum seekers, which corresponds to the right to appeal. FIPL introduced 'suspensive effects' that were automatically triggered by the domestic courts for appeals against deportation and detention orders (interviews with NGO Member 1, 2016; Yılmaz, 2016). Overall, the legal obligations to the ECHR in the late 2000s proved more effective than the previous impacts in triggering alignment with international law.

Yet, the ECtHR's legal mechanism was not the only factor in triggering successful law-making process. Principally, a legal obligations mechanism pushes contracting states to align legally with the violated article of the ECHR; however, most interviewees remained sceptical about such an outcome (interviews with Academic 1, 2016; Ekşi, 2016; Kafadar, 2016). As section 7.2.1 (p.155) will illustrate, the law-making process was rather a clear result of a bureaucratic commitment to create a functional asylum system, which indicates a lesson-drawing mechanism. Instead of directly motivating a legislative change, these judgements played a role in contributing to the already existing idea amongst bureaucrats to form comprehensive legislation. The bureaucrats

understood the importance of incorporating a legal framework that would put an end to these convictions from the ECtHR. Furthermore, the bureaucrats then presented these convictions as a rationale for a new legislation to deter the domestic veto players. This is in line with the venue-shopping argument (Guiraudon, 2000b), the use of international structures as suitable venues for advancing domestic political goals.⁵³

Overall, process tracing of legal obligations mechanism demonstrates that both UNHCR and ECtHR had an important role, if not in triggering the reforms but in bringing the national asylum rules closer to the international refugee norms. However, questions still remain over the dynamics of legal obligations in the policy-making process. Given the outcome of an international norms-oriented legislation, why were UNHCR and CoE unable to exert a strong, triggering impact in domestic developments? Despite its central role in refugee regime and its close cooperation with Turkish authorities, why did the UNHCR's legal influences seem less effective than the ECtHR's?

The weak role of legal obligations in asylum policy-making is a consequence of a lack of a strong enforcement mechanism in both the Geneva Convention and ECHR (interviews with Tokgöz, 2016; Yıldız, 2016). Debates exist over the refugee convention being an "outdated" and incapable of addressing the contemporary asylum issues. Regarding this, an academic suggested:

"The convention does provide crucial principles, but it also leaves many issues to the sovereign authority of the nation-states. The UNHCR lacks enforcement powers. For example, they prohibit refoulement, but what will happen if someone is refouled, if states did not share the burden, or if they did not accept refugees. All of these are left to the states' own policy areas" (interview with Yıldız, 2016).

There are indeed no material sanctions in the Geneva Convention for situations of non-compliance with asylum and burden sharing norms and the principle of non-refoulement. When it comes to ECHR, the only sanction for states is to pay fines if their action violated the ECHR (Anagnostou, 2010). This has been criticised as being ineffective as it does not have a direct influence on state policies but rather an 'indirect influence' on the formal aspects and everyday conduct of the implementation of these policies (interview with Koçer, 2016). Although ECHR reinforces some refugee norms, ECtHR cannot provide safeguards in every issues regarding asylum seekers (interview with Yıldız, 2016). This leaves ground to circumvent international rules; for example, an Afghan asylum seeker can easily be deported to Iraq or Iran on the grounds of them being a 'safe third country' regardless of whether they might face persecution or hazard there (interview with Öztürk, 2016). This demonstrates the legal obligations to international

⁵³ This is examined further in Chapter 7.

agreements without effective, strong sanction mechanisms do not have a capacity to induce domestic changes in domestic asylum policy-making.

However, despite the lack of a binding sanction power, UNHCR still plays a role in upholding refugees' rights and enforcing the convention (interview with Taşdemir, 2016). Likewise, material sanctions of compensation payments convicted by the ECtHR may gradually accumulate to form a serious total fine that would eventually change the cost and benefit calculations of a certain policy (interview with Tokuzlu, 2016). An even more important way legal impacts could contribute to asylum policy-making is by increasing the notoriety of a state in the international community to create 'societal pressure' on the decision makers. In this regard, the ECtHR was able to create more effective pressure than the UNHCR due to reputational concerns of Turkey in the international arena (interviews with Academic 2, 2016; Efe, 2016). This was also because Turkey valued the CoE as a significant international platform in terms of strengthening its role in human rights-related areas (Ministry of Foreign Affairs, 2011). A lawyer who had previously worked at the ECtHR stated the following:

"For the making of the asylum legislation ECtHR was a very effective institution. Because, in the international area and in the Council of Europe Turkey was losing face. This is very important, the compensation payments are not important, ten thousand, twenty thousand euros are nothing for a country. But Turkey was leaving asylum seekers without protection, without a refuge, was deporting them to countries where they may face death penalties or persecution. This is a very bad image for a country" (interview with Efe, 2016).

Although Turkey faced considerable fines, Turkish officials in fact were more concerned about the 'bad image' in their human rights record than the material costs. This result is also consistent with the data obtained by Aydın and Kirişçi (2013), which emphasised the importance of reputational costs on bureaucratic officials' decisions while drafting the FIPL. Considering the perception of CoE as a highly valued international platform by Turkish officials, it was only through the calculation of the associated reputational costs that Turkey felt the necessity to align with ECHR norms.

5.2.3 Summarising the Legal Obligations

The process tracing of the legal obligation mechanism indicated a rather indirect and contributory influence on the asylum developments. Initial legal impacts of the UNHCR and ECtHR were actually instrumental in the 1999 amendment of the asylum regulation and subsequently in reducing deportation practices. Although these influences did not directly contribute to essential

reforms of building Asylum Strategy and Action Plans, they were able to change some practices and enhance the TNP officials' awareness of the international norms. A second legal obligation mechanism was employed during 2009-10 through ECtHR rulings and a CoE report. Similar to the former legal impact, there was no direct influence on legal alignment but the mechanism rather created a societal pressure. It was effective on the strategic decision-making of the Asylum and Migration Bureau officials in 2009, by consolidating and contributing to the decision to formulate a comprehensive law.

Taken together, legal obligations had an effect on both the practices and the decision-making in the asylum system. However, the efficacy of these impacts was highly reliant on the degree to which organisations could exercise a legal mandate and their power to sanction states. The domestic perception of this mandate is also seemed to be associated with the legal impact. As the CoE was perceived as a broader and more important platform than the UNHCR, ECtHR rulings and CoE report resonated more than the UNHCR with the asylum policy-making area.

5.3 Effects of the Monitoring Mechanism

This section examines the monitoring influences of external actors in the asylum policy-making process in Turkey. As an information-based influence, monitoring generally takes place through publication of reports to generate transparency in state practices. Similar to legal obligations, it might have a 'societal pressure' on domestic officials. As Jacobsen (1996, p.663) states: "most governments desire to be in good international standing and do not wish to appear inhumane, so the publicity given to refugee abuses is a political consideration shaping their responses". Therefore, by revealing the problems in the field, monitoring could have an impact in the policy-making efforts. During the process, all four organisations employed monitoring activities; however, it was the EU annual progress reports that mattered the most in the asylum area, followed by screening reports of CoE and other international NGOs in the late 2000s.⁵⁴ Examining the monitoring impacts on the formation of Turkish asylum policies, this section shows that monitoring mechanisms played a role in determining policy priorities and problems in the asylum policy, but their efficacy was largely contingent on domestic political context and the dynamics of the reforms in the policy area.

⁵⁴ Other relevant external actors, such as IOM and UNHCR, also employed regular monitoring activities and published thematic reports to raise public awareness and exert a societal pressure on Turkey's asylum practices. But, these reports did not go beyond providing information on their activities and the protection status or resettlement of refugees in general. Therefore, this research does not place their monitoring activities under close scrutiny as the main aim is to investigate the influence mechanisms that played at least some role in contributing the asylum policy reforms.

A monitoring mechanism can be identified by its three indicators: (a) existence of published reports (periodic or thematic), (b) explicit references to these reports, (c) temporal relationship between domestic changes and publication of screening reports. The section first gives an introduction to the existence of monitoring reports, and then addresses their implications in asylum policy-making in Turkey.

The most effective monitoring mechanism has been exerted through the EU's annual progress reports since 1998. Despite their broad range, the reports included migration and asylum topics as an important component. In the early 2000s, these reports contributed to the efforts in defining policy problems in the asylum strategy and action plan (interview with Academic 1, 2016). The lack of credibility in joining the EU has also negatively affected the impact of these reports in mid-2000s, but these reports have always played a benchmarking role for reform plans. Positive feedback and praise as to the adoption of FIPL in particular were welcomed by the Bureau officials and further motivated a human rights-oriented asylum system (interview with Ariner, 2016). Apart from the EU, during the late 2000s the UNHCR and other human right groups exerted a monitoring influence by publishing thematic reports on Turkey's practices towards refugees (see Figure 14) (interviews with Academic 1, 2016; Çorabatır, 2016). Yet, the number of such thematic reports decreased considerably once the Asylum and Migration Bureau initiated a law-making process in 2009, mostly because human rights groups had recognised the ongoing comprehensive reform initiatives. Overall, the existence of the EU progress reports and the thematic reports of the late 2000s imply a monitoring influence. However, the important question is to what extent this monitoring impact had capacity to induce changes in the asylum policy-making process.



Figure 14 A timeline of reports criticising Turkey's practices towards refugees

5.3.1 Explaining the Dynamics of the Monitoring Mechanisms

The impact of monitoring can be investigated by correlating the timing and the content of such reports to the domestic reform efforts in the asylum system. This correlation appears in the EU progress reports in the early 2000s. For example, initial EU reports observed a necessity for an improvement in the living conditions of asylum seekers and in setting up effective reception centres (European Commission, 1999; 2000). In response, Turkey not only commenced a development program in 2001 for reception facilities in two provinces where refugee guesthouses were already in place, but also drafted further plans to build 11 more centres in other provinces. Following up on these plans, Turkish authorities engaged in a twinning project with the EU in 2007 to establish 'Reception, Screening and Accommodation Systems for asylum seekers and refugees' (Twinning Project, 2007). Similarly, the EU also suggested improving awareness among border guards and military officials monitoring the entrance of asylum seekers in green borders (European Commission, 2000). With regarding to this, the Ministry of Interior cooperated with the UNHCR in providing training programmes for these officials in 2002 (UNHCR, 2002). Similar to these endeavours, EU monitoring reports became the guidance for Turkey's 2003 Asylum Strategy document and 2005 National Action Plan. Turkish authorities incorporated a considerable amount of feedback from the EU progress reports, such as building an effective scrutiny mechanism for asylum requests, revoking the time of entry rule, identifying asylum seekers among detained

irregular migrants (European Commission, 1998; 2001b; 2002b; 2003b), and establishing an asylum department and an independent appeal board for examining asylum-related decisions (European Commission, 1999; 2000; 2001b; 2002b; 2003b). Turkish authorities also built upon these strategy papers and plans by initiating a twinning project with the EU on Country of Origin Information systems for an effective refugee determination processes (Twinning Project, 2006). Overall, the reports not only observed Turkey's performance in asylum reforms, but also introduced short- and medium-term priorities in the reforms. These links between the content and timing of the reports and the domestic reform initiatives demonstrates an effective monitoring mechanism in the early 2000s.

The thematic reports in the second half of the decade also played a significant role in informing policy problems in the asylum area. Particularly, in 2007, a UNHCR briefing highlighted an increase in refoulement practices (UNHCR, 2007b) while the Helsinki Citizens' Assembly denounced the lack of legal status and the detainment of the asylum seekers (Helsinki Citizens Assembly, 2007). This was followed by two important reports by Human Rights Watch (2008) and Amnesty International (2009) which criticised refoulement practices and inhuman detention conditions. These monitoring influences played an important role in the decision-making of Turkish authorities in assigning two high-level bureaucrats to an internal inspection to examine these allegations, establishing the Asylum and Migration Bureau, and initiating a comprehensive law-making process in 2009. The Bureau addressed the issues raised in the monitoring reports and incorporated the associated criticism within the legislation. The existence of such thematic reports and their relevance to domestic developments implies an effective monitoring influence during this period.

However, the monitoring impact became trivial after 2010 when the domestic bureaucrats were working on a comprehensive legislation on asylum. The AMB and DGMM did take the EU reports into account and approached them as benchmarks for domestic reform (interviews with EU Official 3, 2016; Public Official 5, 2016). For example, the praise in the EU reports about the new legislation significantly motivated domestic bureaucrats. However, as the new bureaucratic efforts created a high level of harmonisation with the rules of asylum in the EU (interview with EU Official 3, 2016), the size of the 'policy misfit' between the EU and Turkey dramatically reduced to a minimum, making the progress reports less effective (interview with EU Official 2, 2016). Apart from the 'lack of misfit' argument, interviews revealed other possible relevant reasons for the weakening impact of monitoring influences. One reason is due to less sceptical comments in the EU reports, especially in terms of the fear of a possible flow of refugees towards Europe (interviews with Academic 1, 2016; Erdoğan, 2016). Given the Syrian population in Turkey and the heightened number of border crossings, Turkey and the EU indeed became more cooperative

actors when it came to the subject of migration and asylum.⁵⁵ Another reason is Turkey's political discourse on the EU reports. Turkish politicians did not recognise the EU's 2012 and 2013 reports, describing them as "overshadowed by subjective, biased, groundless and narrow views" (Ministry for EU Affairs, 2013), and issued their own alternative progress reports as a response (Ministry for EU Affairs, 2016). EU officials defined this reaction highly political and as an attempt to gain diplomatic leverage (interviews with EU Official 1, 2016; EU Official 2, 2016). When asked about these alternative reports, bureaucrats working at the Ministry for EU Affairs hesitated to comment but they implied that they were not proud of preparing these alternative reports (interviews with Public Official 2, 2016; Public Official 5, 2016). The comments demonstrate the high politicisation of progress reports which were once used as a guideline for bureaucrats in identifying the priorities for reforms. Despite still being used by bureaucrats as benchmarks, the monitoring reports lost the capacity to exert any meaningful external influence to induce or guide the domestic reforms due to these changing dynamics in asylum policies, trends and domestic politics.

5.3.2 Implications of the Monitoring Influences

In general, therefore, it seems that monitoring influences were effective in the early 2000s through the EU progress reports and in the late 2000s through more thematic reports issued by UNHCR and human rights groups. Closer scrutiny shows that the earlier domestic changes have been triggered mostly by alternative mechanisms such as coercive bargaining. However, it also shows monitoring impacts in the late 2000s directly contributed to the emerging domestic discontent with the status quo of the asylum system, which later manifested itself as a lesson-drawing mechanism. Rather than having a direct influence to cause domestic changes in the asylum policy, the monitoring mechanism impacted on the content of the changes, providing guidance for reform priorities and policy problem definitions.

Process tracing revealed that the impact of monitoring varied immensely across time and space. While the EU reports remained as important guidelines for reforms, their actual impact was largely impaired when political tensions arose between the EU and Turkey. Also, the gradual decrease in the degree of consideration paid to the EU reports indicates that alignment with international standards also matter. The evidence therefore suggests that the capacity to inform policies through monitoring is highly dependent on the existing bilateral dynamics such as policy misfit and political discourse.

⁵⁵ Visa liberalisation process initiated in 2013 and the EU-Turkey statement of 2016 are good illustrations of this increased cooperation in the area of migration and asylum.

The findings also have a bearing on the relationship between different mechanisms. It is clear from the data that the EU's coercive bargaining and monitoring impacts had been interwoven between 2002 and 2008 (interviews with EU Official 2, 2016; Public Official 2, 2016). This finding is likely to be related to the reason why most studies analyse 'benchmarking' or 'monitoring' as a part of the EU's conditionality strategy (Grabbe, 2001). This approach is reasonable to the extent that the screening reports are utilised as the main means of communication of the specific conditions in the coercive bargaining mechanism. However, the findings showed that the monitoring impact maintained its power, even though the EU lost its transformative power through coercive bargaining by the mid-2000s. The reports remained an important element of the decision-making amongst domestic officials in prioritising and defining the reforms. This finding demonstrates the difference it makes to consider monitoring as a separate mechanism rather than considering it as a part of coercive bargaining.

5.4 Summary

This chapter was designed to determine the effects of external regulatory influences on the formation of the Turkish asylum policies with a focus on 'logic of consequences'. It analysed the influence mechanisms that affected the opportunity structures of domestic actors through which the domestic actors change their behaviour and practices to maximise benefits and minimise costs.

The chapter found that the EU's coercive bargaining mechanism was most influential before 2005 when there was a political, bureaucratic and public inclination towards EU membership. It incentivised the TNP officials to adopt strategies and action plans, through which Turkey committed to itself to comprehensive reforms and to build an effective asylum system aligned with that of the EU. However, this mechanism lost its power, especially after 2005 when the perceived credibility of the EU rewards decreased abruptly. In the late 2000s, the explicit link between the EU demands and the domestic reforms somehow disappeared; instead, domestic motives appeared to be the main reason behind the reforms in the asylum area. These endogenous dynamics were still relevant during the EU's other coercive bargaining mechanism within the framework of the visa liberalisation dialogue. During this process, the reforms and the EU demands mostly converged, but the motivation was still coming from the DGMM officials' commitment to establish a fully functional organisation and system to manage migration in Turkey. Only after the EU-Turkey political summits held in the aftermath of the 'refugee crisis of summer 2015' did the EU's coercive bargaining become effective in creating domestic changes in the asylum system. Overall, the causality of the EU's coercive influences on the domestic asylum reforms appears to be limited to the periods before 2005 and after 2015. Nonetheless, the former

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period of EU accession framework was sufficiently effective to set out the reform agenda and the fundamentals of current asylum policies in Turkey. Taken together, the analysis above suggested two major findings: firstly, the EU's coercive bargaining influence mechanism was most effective when the cost-benefit calculations were politicised, and secondly, the mechanism proved most impactful when there was a huge 'misfit' between domestic policy and the demanded rules and norms.

Unlike coercive bargaining, the legal obligation mechanism employed by the UNHCR and the CoE were not effective in triggering concrete developments such as adoption of strategies or establishment of units. Rather, these influences helped to change the practices in the field and to inform decision-making amongst Turkish authorities to create the necessary legal structures. Initially, the legal impacts of late 1990s and early 2000s were effective in changing the implementation of asylum rules (e.g., non-refoulement and non-penalisation) which was also reinforced by human rights rules (e.g., prohibition of torture, right to liberty and effective remedy). Subsequently, the legal impacts in the late 2000s contributed to the domestic motivation to create a legislative framework that would be compatible with international law. These findings indicate that the legal mandate of the external organisations and the perception of this mandate by domestic officials appears to be an important determinant in the legal obligation impacts.

Furthermore, the monitoring mechanism did not result in concrete consequences in domestic structures, but appeared as a useful tool for identifying policy problems and confirming reforms. The initial EU reports in the early 2000s were largely taken into account by the domestic officials in prioritising the reform objectives and in planning capacity-building projects, but later they became less important and were only used as a 'checklist' or a confirmation tool for the reforms. Subsequently, the monitoring impact nearly disappeared, especially after 2010 when the reforms were driven mostly by domestic motives and when Turkish politicians began to use EU reports as political leverage in order to show their discomfort with the criticism in the reports. The data also showed that thematic reports published by human right groups in the late 2000s contributed to the creation of domestic awareness about the problems in the asylum system, which supported a lesson-drawing mechanism employed after 2008.

Taken together, these findings suggest important insights to the understanding of the evolution of asylum policies in Turkey. It seems that the EU coercive bargaining mechanism used in the accession framework was indeed instrumental in promoting cost-benefit calculation and yielding important official documents of strategies and action plans for reforms. The legal obligations and monitoring mechanisms had no direct relations to the domestic reforms, but they still contributed

to the domestic motivation for developing a proper asylum system, which appeared as important factors to asylum policy-making in Turkey, especially after 2008.

The findings in this chapter have particular implications for the analytical understanding of the regulatory influences. It appears that the politicisation of an issue (or the lack thereof) and the existence of any mismatch between domestic and international rules are both strong determinants of the impact of regulatory influences. Also, the analysis showed that the simultaneous existence of different mechanisms might create a dynamic interaction between domestic and international factors.

Chapter 6 The Constitutive Mechanisms of Influences: International Socialisation

The previous chapter examined the rationalist-based regulatory influences with a logic of consequences in the second image reversed process of asylum policy-making in Turkey. It explained important dynamics relating to cost-benefit calculations and societal pressures that changed the domestic actors' behaviours. However, regulatory influences do not fully reveal all the second image reversed understanding. Therefore, this chapter examines the socialisation-based, constitutive external influence mechanisms and their consequences on the formation of asylum policies in Turkey.⁵⁶

Constitutive influences have a *logic of appropriateness*. To understand why they were effective in asylum policy-making, there has to be a cognitive transformation in the preferences and beliefs of domestic officials. Sorting out this difference is not an easy task, but, as illustrated in Table 2 (p.49), there are important indicators for socialisation such as a sustained interaction, de-politicised settings, and role positions of domestic and individual actors. Taking these into account, this chapter analyses three different socialisation processes in relation to asylum policy-making in Turkey: socialisation of (a) TNP officials, (b) civil servants in AMB and DGMM, and (c) civil society actors. It shows that the socialisation impact varied greatly due to strong domestic mediating factors such as institutional settings and domestic motivations. In general, it did not have capacity to change the domestic asylum system, but did function as a strong tool for informing the policy decisions and triggering or empowering other existent influence mechanisms.

6.1 Socialisation of the Security-Related Bureaucracy: TNP Officials

As mentioned previously, the TNP under the Ministry of Interiors was the main institutional body carrying out asylum work in Turkey until it handed over this responsibility to the DGMM in 2014. Until 2008, when the Asylum and Migration Bureau (the civilian predecessor to the DGMM) was established, the TNP had proceeded its mandate in decision-making and undertaking work in the field of asylum. During this period, and especially from the late 1990s, TNP officials had received intensive training and teaching seminars, which may imply a socialisation process. This section

⁵⁶ This chapter analyses the role of the EU, IOM and UNHCR in the socialisation mechanism. The CoE was not analysed in this sense as it did not have training projects and a sustained interaction with domestic officials in the field of asylum.

considers the implications of these socialisation efforts as employed by the UNHCR and the EU on the TNP officials' beliefs and preferences. The section first illustrates the history of the training seminars and then analyses the expected conditions for socialisation. Finally, it examines whether there was a change in the beliefs and behaviours by considering domestic mediating factors and alternative explanations. It shows that the TNP officials learned new information and the perspectives of the international institutions, but they were not perfectly socialised with the international norms and values due to the existence of material side-payments and stringent domestic factors.

6.1.1 Teaching and Training Efforts

As mentioned in Chapter 4, the Turkish asylum system during the 1990s was only based on the securitising 1994 regulation, which lacked any detailed explanation of certain asylum procedures and circumstances. The TNP officials were mostly using discretionary powers under this regulation and there was a lack of knowledge about the international norms and rules of asylum procedures (interview with Öztürk, 2016). However, the TNP officials dealing with asylum in Turkey had begun to interact with external actors, as starting from 1997 onwards when the three-party meetings started between the UNHCR, Ministry of Interior and Ministry of Foreign Affairs in Turkey. These meetings created an atmosphere of mutual trust between the UNHCR and the Turkish ministries, in which the parties agreed that the UNHCR could continue conducting refugee status determination to non-European asylum seekers as the Turkish officials had neither an established mechanism nor an interest in dealing with non-European asylum seekers. One important outcome of these meetings was the bilateral cooperation in teaching and capacity-building activities. Commenting on the implications of these meetings, UNHCR's retired spokesperson stated that:

“After 1997's three party meetings, UNHCR decided to educate Turkish police working in the Foreigners branch. By receiving support and raising funds from some countries, and subsequently from the EU, UNHCR instigated an intensive training campaign during 97-99 when the relationships aroused” (interview with Çorabatır, 2016).

A series of training and consultation activities then were instigated by the UNHCR's project, 'developing an asylum system in Turkey'. This interaction with the UNHCR officials was later upgraded to a formal level in 2000 with the adoption of the Cooperation Framework, which consisted of further training programmes and capacity-building activities for a three-year period. These teaching projects were only the beginning of a prolonged capacity-building effort which is still ongoing (see Table 5).

UNHCR's training project 'Developing an Asylum System in Turkey' and the number of beneficiaries		
2000	Training in refugee law for TNP officials, judges and border guards	150 officials
2001	Introductory training on refugee law for TNP officials	76 officials
2002	Four seminars on refugee law and one advanced RSD training session for TNP officials	182 officials
2003	Training programme for senior administrators, TNP officials, border guards, judges and public prosecutors	218 officials
2004	26 seminars and workshops for TNP officials	880 officials
2005	Training for supporting the implementation of the NAP	650 officials
2006	Workshops, seminars, on-the-job training schemes and internships	300 government officials and 100 civil society members

Table 5 Number of training programmes and the domestic officials attending

Source: UNHCR Annual Report (2000; 2001; 2002; 2003; 2004; 2005; 2006)

UNHCR's training programmes included not only the TNP officials but also other actors including bureaucrats and civil society actors. As written in the NAP, a total of 527 TNP officials and 276 Gendarmerie officials were educated in refugee law and the international protection of refugees through the UNHCR's training project until 2005 (NAP, 2005). Also, various judges, lawyers and NGO members also benefitted from such teaching and public awareness activities by the UNHCR during this time (interview with Erdoğan, 2016).

In the early 2000s, the UNHCR's efforts in teaching the TNP officials in the asylum field was also accompanied by several other training programmes. The EU's High-level Working Group on Asylum and Immigration (HLWG), which was assembled in 1998 to draft and implement action plans on refugee-producing countries (FECL, 1999), implemented its 'Support to the Turkish Immigration Authorities in the Area of Asylum' project in 2002 within the framework of its Action Plan on Iraq. UNHCR also became involved in this project by organising a study tour for 11 Task Force officials established in 2002 to draft strategy documents on asylum, migration and border control (UNHCR, 2002). This project included ten training seminars in Turkey, two conferences and one workshop in Germany, which ended in 2004. Furthermore, the International Catholic Migration Commission (ICMC) also conducted five seminars under the 'Migration and Asylum Police Training and Cooperation Project' project in 2004. In 2005, the ICMC also cooperated with

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the UK and Turkish Ministry of Interior on another project regarding interview techniques for the TNP officials responsible for refugee status determination activities.

An important driver of the various training programmes in this period was the external financial support of the EU. The EU's pre-accession funds and other funds for HLWG's action plan on Iraq were important elements in advancing the training programmes, especially after 2002. As a senior TNP official noted, it was the EU's financial assistance that strengthened the UNHCR's efforts in conducting trainings programmes both within Turkey and abroad for the responsible personnel working in the asylum area (interview with Öztürk, 2016). Acknowledging the importance of the EU funds, UNHCR Turkey's retired spokesperson also stated that the UNHCR and the EU were acting together when their objectives converged and this partnership resulted in a proliferation of the available training programmes (interview with Çorabatır, 2016). Another UNHCR official also confirmed that the EU membership process played an important role in facilitating the UNHCR's efforts in teaching and supporting the TNP officials and other bureaucrats for the asylum reforms (interview with UNHCR Official 2, 2016). Therefore, in the absence of a proper asylum system in Turkey, both the EU and the UNHCR were actually working in cooperation in the early 2000s to educate the TNP officials and other bureaucrats in order to affect domestic change.

Apart from financing the UNHCR, the EU also conducted its own training programmes through twinning projects. In the field of asylum and migration, the first twinning project was conducted in 2003, which aimed at preparing an action plan for implementing Turkey's asylum and migration strategy papers by "aligning its asylum and migration policies with the EU legislation" and "improving the operational capacity" of the TNP officials working in the asylum field (Twinning Project, 2002). With the assistance of a Pre-Accession Adviser and other short-term experts, this twinning project provided expert knowledge and consultation to the TNP officials while drafting the national action plan. It consisted of training seminars on settlement, work permits, deportation, project budgeting, human resources and on screening the EU *acquis* in the field of asylum. Some particular seminars were also conducted in several places in Turkey to help disseminate the adopted strategies to an operational level and to familiarise key personnel with member state practices. Furthermore, consisting of several study visits to EU member states, this initial project also enabled TNP officials to examine further training needs and eventually led to two other twinning projects conducted in 2006 and 2008; one on *building a country of origin information systems* and another on *establishing reception, screening and accommodation systems*.

Towards the late 2000s, these teaching programmes continued. The EU financial assistance for training projects were transformed into an IPA scheme while the IOM and UNHCR continued to

engage in projects to improve the functionalities of the asylum system. In 2006, funded by the UK, a project named “Technical Co-operation on Migration: Turkey” was conducted by the IOM in collaboration with the Ministry of Interior and TNP. This project resulted in a comprehensive report on “comparison of European Union *acquis* and Turkish legislation on migration”. Also, in the law-making process that started in 2009, the UNHCR and IOM carried out projects to second their personnel to the Asylum and Migration Bureau. Although there was a loose contact between actors during 2013-5, several bilateral projects since 2016 have been programmed and initiated.

Overall, starting from 1997 onwards, TNP officials, as well as other public officials received intensive training programmes from various external actors but especially from the UNHCR and the EU. Yielding an increased interaction between these external actors and the TNP officials, these training and teaching efforts may imply a socialisation process in which the domestic beliefs and preferences were changed. Drawing on the scope of conditions advanced by the previous socialisation studies, this section investigates whether socialisation efforts yielded any impact on the beliefs and preferences of the TNP officials.

6.1.2 Explaining the Social Environment and Conditions

The proliferation of training seminars conducted in the asylum area in Turkey from 1997 onwards may have had implications for a strong learning process that could result in the socialisation of TNP officials. The majority of participants agreed that the increased interaction between the domestic officials and external actors had positive impacts in changing preferences (interviews with Efe, 2016; Erdoğan, 2016; Public Official 5, 2016). For example, the TNP officials believed that five days were sufficient to apply for asylum and those that applied after this period would be considered irregular or illegal migrants instead of asylum seekers. Refoulement of those applicants who failed to lodge an asylum claim within five days was the preferred recourse under the 1994 regulations. However, these beliefs and preferences have changed after getting in touch with the external actors. One TNP official in particular stated that:

“Our relations with the UNHCR were energised for the first time in 1997. We were carrying out asylum works according to our laws, as written in our job description. But while we were strengthening our relationship with the UNHCR, we began to learn international law. We had already known the Geneva Convention and the human rights, but our perception and interpretation of what we knew has changed” (interview with Öztürk, 2016).

There is a common understanding that these training efforts were important in changing the perspectives of the TNP officials. However, for an effective socialisation one would expect to see

whether TNP officials pursued pro-norm (or pro-institutional) behaviours after the socialisation took place. To this end, the process tracing analysis covers social environment of the settings, the characteristics of the external and domestic actors as well as the consequences of the socialisation efforts.

First of all, the combination of training projects implemented from 1997 onwards provides some support for the conceptual premise that the TNP officials had long and sustained contact with external actors, as expected in an effective socialisation mechanism that leads to internalisation of the international norms and values (Checkel, 2005). The analysis of the public reports illustrates an intensive training process being delivered to the TNP trainees, which implies a strong interaction between the UNHCR and TNP officials. In particular, the Cooperation Framework signed with the UNHCR in 2000 demonstrates that the contact was good enough to initiate an official agreement to ‘develop an asylum system’. As the US Department of Senate’s report observed, “[t]he training has led to increased contacts between the UNHCR and police, Jandarma, military, coast guard, civil society, and judicial authorities”.⁵⁷ Similarly, the informants also confirmed the existence of strong ties and intensive contact. For example, a TNP official highlighted the intensity of their contact with the UNHCR by stating the following: “the UNHCR never left us alone [...] there was a growing process with the UNHCR” (interview with Öztürk, 2016). Such contact was possible due to a considerable emphasis that UNHCR had placed on these capacity-building activities (interviews with Çorabatır, 2016; UNHCR Official 3, 2016). Overall, evidence from both the published reports and the interviews reveal that the scope for socialisation was present beginning in late 1990s and early 2000s.

One important reason for such an intensive interaction between the TNP officials and the UNHCR officials was the existing dual procedure of refugee status determination (RSD). When the three-parties held meetings in 1997, it was decided that both the TNP and UNHCR officials would conduct RSD processes as the UNHCR’s role on resettlement to other countries was perceived as important and the only solution to the non-European asylum seekers in Turkey (interview with Çorabatır, 2016). Unlike its counterparts in Europe and other regions, therefore, the UNHCR Turkey office was regularly undertaking the RSD processes for every asylum seeker together with the TNP officials (interview with UNHCR Official 2, 2016). A TNP official stated “we started to work together in refugee status determination in 98-99 or even after 2000 and our connection became stronger” (interview with Öztürk, 2016). Therefore, the connection between the domestic actors and the UNHCR actors was not only arising from the increased training programmes but also from

⁵⁷ The term ‘Jandarma’ in this quotation refers to Turkish Gendarmerie General Command which is a para-military law enforcement authority operates in the rural areas of Turkey.

the close cooperation in dealing with the asylum claims. Such cooperation in conducting RSD processes also provided a suitable socialisation environment in which the UNHCR officials were actually ‘acting out’ the principles instead of lecturing or demanding compliance from the TNP officials (Checkel, 2005).

The environment and style of the interaction did also matter for effective socialisation. As interviews revealed, many seminars and workshops were conducted outside the formal bureaucratic circles, mostly in holiday locations in Turkey and in large hotels (interviews with Öztürk, 2016; Public Official 1, 2016; Terzioğlu, 2017). Also, they were conducted in a manner that promoted exchange of information rather than strong persuasive negotiations (interview with IOM Official 1, 2016). These illustrate the presence of a teaching environment in less-politicised and more insulated settings, which is another expected condition for socialisation to be successful in promoting belief change (Checkel, 2005). However, a common discourse arising from the interviews was the material gains from these activities. Public officials in TNP and Gendarmerie indicated the advantages they gained through travel grants from these external organisations, which eventually made their units more favourable and respected in comparison to other units of law enforcement (interviews with Öztürk, 2016; Public Official 1, 2016). This may raise questions over the suitability of such activities for socialisation outcomes.

Closer inspection on the contact thesis of socialisation can show other problems for an effective socialisation of the TNP officials. As a recurrent theme appearing in the interviews, not all TNP officials were benefiting from the prolonged interaction with the external actors. Apart from the TNP officials in the headquarters at the capital city of Turkey, other officials in the provincial TNP branches (in the field where the first asylum requests were being dealt with) lacked this long and sustained relationship. This was mostly because of the geographic personnel rotation system of the TNP, which is an organisational control measure of human resource management.⁵⁸ This rotation policy underpins a system in which the TNP officials are required to be transferred to other departments and regions on a regular basis (Önder, 2015). The TNP officials in the central headquarters were actually being excluded from this policy and they remained in the same posts to maintain their expertise in the asylum and migration fields, becoming “entrenched bureaucrats” as they were main beneficiaries of the training efforts (interview with Ariner, 2016). Indeed, two TNP officials participated in this study both confirmed they worked from 1999 until 2009 within the same department in the TNP, which is rare in the TNP (interviews with Öztürk, 2016; Terzioğlu, 2017). Yet, the assignments of other TNP officials in the provinces were being

⁵⁸ This rotation system is applied in all public duties in Turkey. According to this system, TNP officials are being reassigned to different posts and locations once in at least every two years.

done under this rotation policy which prevented accumulation of knowledge and experience. Due to this system of assignment, the UNHCR's consistent and vigorous efforts in teaching and capacity building did not have a prolonged impact on the beliefs and preferences of the TNP officials in the provinces because "trained staff in a year was not coming in the next year, resulting in a loss of expertise" (interviews with UNHCR Official 2, 2016; UNHCR Official 3, 2016). Thus, a long and sustained relationship was only the case with particular officials in the TNP headquarters, indicating only a partial impact.

Critical readers might actually feel that socialisation of those in the TNP headquarters would be sufficient for value internalisation and change of preferences. However, there were other adverse conditions for effective socialisation. One of these was the TNP officials' lack of extensive experience in transnational and international settings. Despite having previously attended a number of informal transnational forums, the TNP officials were "close to the outside world" and only after reinstating close cooperation with UNHCR in 1997 did they become able to enlarge their transnational ties with the external actors (interviews with Öztürk, 2016; Terzioğlu, 2017).⁵⁹ This might imply they were comparatively new actors in international settings, making socialisation efforts less likely to yield changes in their beliefs and preferences.

Another unfavourable condition for an effective socialisation appears to be lack of a perception of external actors as 'authoritative members' (Checkel, 2005). The previous studies suggested that a perception of external actors as 'authoritative' is an anticipated condition for an effective socialisation. Especially for a teaching mechanism of socialisation, the perception of the external actors as 'teachers' and the domestic actors as 'students' is an important, and expected condition (Gheciu, 2005). However, neither the UNHCR's nor the EU's training programmes demonstrated a perfect teacher-student relationship for several reasons. Firstly, the UNHCR efforts in capacity building and RSD processes were generally restrained by lack of external funding (interview with Çorabatır, 2016). The TNP officials were frequently noticing the mistakes of the UNHCR officials in their RSD decisions (interview with Öztürk, 2016). A recurrent theme in the interviews was a sense amongst interviewees that the UNHCR office was not an established, professional body from day one; rather, it had its own gradual development. Recruiting more staff and enlarging the office, it was only 2007 the UNHCR recognised itself as an authoritative actor in Turkey:

⁵⁹ One example for earlier informal transnational forum was the Budapest Process established in 1993, which promoted shared understandings of migration concepts for both EU states and non-EU states in the eastern migratory routes.

“The Office’s efforts to reach out to the public and the media have raised UNHCR’s profile. It is now viewed as the authoritative source of information on refugee protection in Turkey” (UNHCR, 2007a).

The UNHCR was therefore not perceived as an ‘authoritative’ actor, affecting socialisation efforts negatively. However, this lack of a teacher-student relationship was also because the TNP officials were not self-recognising as ‘students’; Aydın and Kirişci (2013) suggest that the motivation for the strong relationship with the UNHCR was based on cost-benefit calculations on the part of Turkish side. Furthermore, the EU twinning projects demonstrated a similar circumstance. Several public officials stated that the external advisers of the twinned countries were neither liked nor respected, nor able to manage the projects (interviews with Öztürk, 2016; Public Official 2, 2016). Also, there was a common bias of the TNP officials towards the efficacy of the twinning projects. The projects were criticised due to providing the knowledge and experience of only a ‘twinning’ country but not several countries, which would clearly be more useful for the TNP officials (interview with Terzioğlu, 2017). For these reasons, the external actors pursuing socialisation were not perfectly recognised as authoritative actors, while the TNP officials were not self-recognising as ‘students’, as they were acting with a rationalist understanding. These appeared as a barrier to the socialisation of the TNP officials.

More importantly, the TNP officials’ mindset was also an important aspect in understanding whether the socialisation was successful. In order to yield full internalisation, the TNP officials were expected to have few prior and ingrained views that would have been inconsistent with the message disseminated by external actors (Checkel, 2005). Yet, the traditional security concerns regarding foreigners was one important ‘ingrained’ belief of the TNP officials. When asked about their perception, domestic officials mentioned the discrepancy between their beliefs and the external message. For example, one TNP official stated:

“UNHCR had a totally different international perspective, provided a global approach and this became too abstract for us which could let our mobility down. [...] We were not necessarily happy about this” (interview with Öztürk, 2016).

The ‘global approach’ UNHCR had was contradicting with the existing national legal framework and practices in the field. Similarly, this ingrained security perception amongst foreigners formed a domestic resistance to the EU norms as disseminated by the twinning projects (interview with Demir, 2016). In particular, it created a considerable barrier to some of the more essential reform messages such as the lifting of geographical limitation or non-penalisation of asylum seekers. Therefore, a prior and existent belief amongst the domestic actors was conflicting with the international institutions.

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This strong belief in favour of the status quo was still relevant in mid-2000s after an intensive training process. This was mainly due to benefits of the broad discretionary powers given to TNP officials by the national legislations. For example, one TNP official, who was one of the drafters of the Implementation Directive adopted in 2006, stated that the directive had many similarities with the old national legislations on foreigners adopted in the 1930s and 1950s that provided a pragmatic approach to TNP officials:

“The old Settlement law, the passport law and the foreigners’ law were perfect legislations. They did not seem to have a strict, securitising approach but provided a broad approach; if you want to approach strictly with a security understanding you were able to implement them. The implementation directive also provided this approach” (interview with Öztürk, 2016).

In line with such discretional powers, interviewees also revealed that without a substantial change in the legal framework of the asylum system, it would be difficult to change the mindset of the TNP officials as they are law enforcement authorities who have done police jobs for a long time, and who are primarily responsible for implementing national legislations but not international values and norms (interviews with Public Official 1, 2016; UNHCR Official 3, 2016). This is in fact why the establishment of the Asylum and Migration Bureau in 2008 and the DGMM in 2014 were important developments in changing the mindsets of the domestic officials working in the asylum field. Without a law enforcement duty, these institutions had a clearer operational framework and well-defined roles and responsibilities (interviews with Açıkgöz, 2016; IOM Official 2, 2016). Therefore, the socialisation-based efforts were not effective in changing the old and ingrained beliefs of security-oriented approach to asylum seekers due to the stringent legal and institutional frameworks of asylum system in Turkey.

Overall, these findings illustrate external teaching and capacity-building efforts were not conducted in a perfect socialisation environment. Neither external actors nor domestic officials were cognitively motivated for an effective teaching process due to a lack of a teacher-student perceptions in the training projects. Although there might be a strong interaction between the TNP officials and external actors like the UNHCR, taking place mainly in non-politicised environments that would facilitate norm transfer, socialisation was only effective to those officials in the headquarters. And yet, these ‘entrenched’ TNP officials not only lacked previous experience in international settings, making socialisation less likely, but also held a strong ingrained security-based understanding of the foreigners that was inconsistent with the international norms and values disseminated by external actors. The stringent domestic legal and institutional structures were also important barriers in changing the previous beliefs and preferences of TNP officials.

Taken together, the results of this analysis show that the social environments and the characteristics of domestic and external actors in these teaching and capacity-building endeavours of the external actors were not conducive to a socialisation mechanism that would yield a change in the beliefs and preferences amongst the TNP officials.

6.1.3 Explaining the Implications of Socialisation Efforts

The above analysis found that the social environment and conditions were not completely suitable for a socialisation mechanism to exert influence on TNP officials' preferences and attitudes. Yet, TNP officials spearheaded some important reforms in the Turkish asylum regime following these capacity-building activities. Following the 2003 strategy report on asylum, a comprehensive action plan was adopted and approved by the government in 2005. Subsequently, a new directive was circulated in TNP relating to the implementation of this action plan. Could these developments be an implication of external socialisation efforts? Despite unsuitable conditions for socialisation, could these developments illustrate a shift in TNP officials' arguments, attitudes or preferences in asylum matters? Apart from the conditions, it is important to examine the outcomes of the socialisation process. Reports and interviews revealed that TNP officials were neither acculturated to international norms nor internalised them wholeheartedly, but socialisation efforts increased awareness of international norms among the domestic officials and guided the reforms towards international norms.

In order to ensure an effective socialisation outcome, it is expected that prolonged attitudes and preferences in line with the refugee norms will be seen. Although the adoption of the 2003 strategy paper and the 2005 action plan were important developments, interviews suggest that the TNP officials were reluctant to continue these reforms. There was a certain lag between the reform plans and their implementation (interview with Ariner, 2016). For example, one of the most relevant reform plans was to conduct an impact analysis of lifting the geographical limitation, which has never in fact taken place (Public Official 2, 2016). Many reports indicated concerns over increasing refoulement practices between 2006 and 2007 (UNHCR, 2006; 2007a), described as a "dark period" by a former UNHCR spokesperson (interview with Çorabatır, 2016). Work on a draft asylum law did not take primary attention, instead a minor amendment was made to the 1994 regulation in 2006. Such a slowdown in reform implementation might well suggest that the developments were not indicative of a shift in arguments and beliefs in the asylum regime, even after a long and intensive training period.

Nonetheless, this does not mean that TNP officials totally rejected the socialisation message; rather, the training efforts worked as 'public awareness' events. Among the socialisation

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messages disseminated by the external actors, only reasonable ones were being accepted (interview with Çorabatır, 2016). Thus, the TNP officials were not fully accepting of all of the socialisation messages, but were picking particular aspects which were already compatible with their own mindsets, as one TNP official confirmed:

“They [external actors] advertised their system in a very good way. We were able to take care of our system more efficiently when we see their system. Instead of an automatic rejection, we accepted [messages] that were suitable for our own system, like shopping in a market. First, we experienced a cognitive transformation, and then, we had 180 degree turn in some of our practices even without any change in our legislations” (interview with Öztürk, 2016).

In this regard, during the teaching seminars, the TNP officials did learn the definitions of core concepts of the refugee law, the differences of refugees than other migrants, the importance of traumatic experiences and the age-gender-diversity sensitivities (interview with UNHCR Official 3, 2016). New referral mechanisms were introduced and the domestic attitudes towards the most marginalised groups of asylum seekers, including women, children and LGBT, were changed (interview with Öztürk, 2016). All these lessons were included in the National Action Plan, which form the fundament of the current asylum policies. More importantly, the TNP officials became more aware of the importance of the non-refoulement principle. Reports showed that “incidents of refoulement have declined as a result of this training” and the government’s “willingness to improve the functioning of the national asylum procedure” (U.S. Department of State, 2004, p.22). Thus, despite failing to effect a socialisation outcome, the external training efforts were effective in creating an awareness on certain topics among the TNP officials through provision of knowledge and experience.

For some of more ‘suitable’ socialisation messages, a further domestic mediating factor was in place: the absence of a comprehensive legal framework through which to implement reforms. Due to socialisation efforts, TNP officials were internalising new knowledge about international norms only to the extent that they are aligned with the existing national laws. For example, a TNP official stated that they were well aware of the sensitivity of child and women asylum seekers due to UNHCR’s training programmes (interview with Öztürk, 2016). They even attempted to build shelters specifically for these classes of asylum seekers, but it was only temporarily effective as there was neither a budget allocated for such an endeavour nor the legislative framework to support it. Even though the TNP officials were redefining their priorities and changing their preferences according to international norms, they were faced with legislative barriers and a lack of funds that prevented them from behaving with a certain consistency of action. As ‘law

enforcement officers', they neither had a mandate in law-making nor were able to persuade their superiors in the Ministry of Interior.⁶⁰ This lack of change in the legislative framework was also feeding the ingrained beliefs underlying the security understandings of the TNP officials. Therefore, the socialisation efforts did not seem to play an instrumental role in changing the structures or yielding concrete reforms due to the intact legislative framework of Turkey.

Another reason for inefficient socialisation amongst TNP officials could be understood with an analysis using the alternative influence mechanism. Material incentives often outweigh the impact of socialisation (Johnston, 2001). As set out in the previous chapter, the constant external incentive of EU membership coincided with these socialisation efforts in the early 2000s. The strategy papers and action plan were inherently prepared as a response to the EU demands but not as a response to the norms and values disseminated by external actors in training programmes, which confirms a participant's statement: "I think these initial documents were adopted reluctantly and by the EU push" (interview with Public Official 2, 2016). More importantly, there were some disagreements emerging between the TNP officials and their senior officials in the Ministry of Interior when it was understood that one of the EU demands was to establish a civilian authority to carry out asylum work (interview with Terzioğlu, 2017). Such cost-benefit calculations along with other material side-payments were important factors affecting the outcome on the TNP's socialisation of international norms.

6.1.4 Summary of Socialisation of TNP Officials

In general, it seems that the training and capacity-building efforts of the external actors did not have a strong socialisation impact on the TNP officials' beliefs and preferences with regards to asylum issues. The investigation of the social environment as well as the actors' experiences and mindsets has shown that the TNP officials' education processes were not perfectly conducive either to an acculturation or a socialisation. Although there was a decrease in the number of deportations due to these socialisation messages, the TNP officials were not inclined to change their behaviour wholeheartedly. Nonetheless, these messages made them aware of the international institutions of the refugee regime by effectively providing information, despite the fact that the rotation system of TNP officials was also preventing the accumulation of knowledge.

One of the more significant findings to emerge from this analysis is that the domestic mediating factors (i.e., rotation system of TNP officials, loyalty to the national laws, entrenched bureaucratic

⁶⁰ This was also due to the lack of political will in changing legislative framework in asylum especially after 2005 when the EU accession negotiations went into a deadlock.

beliefs like security understanding of asylum seekers) play an important role in affecting the socialisation processes in Turkey. Also, the existence of other strong mechanisms, especially regulatory mechanisms like the EU's coercive bargaining in the early 2000s, have a strong bearing on the outcome of socialisation efforts. The bureaucratic disagreement between the TNP and the Ministry of Interior in transferring the work to a civilian unit also reveals that the strategic calculus approach in the early 2000s had been maintained. Due to these factors, therefore, the TNP officials were not fully socialised to international norms but did, for the most part, benefit from the exchange of knowledge and experience. These findings suggest that constitutive influences themselves are not a sufficient explanation for the domestic changes as they had been transformed by domestic mediating factors.

6.2 Socialisation of the Civilian Bureaucracy: AMB Officials

As mentioned above, the TNP's decision-making mandate was taken in 2008 and handed to a newly established civilian unit, the Asylum and Migration Bureau (AMB). This unit was also under the Ministry of Interior like the TNP, but it was specifically established to observe and determine the problems in the field of asylum and migration and undertake the necessary legislative and institutional reforms. Starting from 2009, the Bureau officials initiated a new law-making process which later resulted in the 2013 Foreigners and International Protection Law (FIPL). Then, the Bureau became the Directorate General for Migration Management (DGMM) in 2014 and it completely took over the implementation of asylum work from the TNP in 2015. These developments were already demanded by the EU in the early 2000s but they were mainly driven by domestic motivations through lesson-drawing mechanism, which will be elaborated in the next chapter.

However, some aspects of the law-making process may indicate a socialisation impact. The FIPL and the bureaucrats' discourses indicate a consistency between the domestic outcome and the socialisation message. In addition, the Bureau officials were in very close cooperation with the UNHCR and IOM officials during the law-making process. Although such sustained interaction with the IOs halted during the law-implementation process that started in 2013, it has recommenced since 2016 with the training programmes for newly appointed 'migration experts' in the provincial units of the DGMM. Therefore, because socialisation of the new DGMM officials and 'migration experts' have yet to be seen, the socialisation efforts with civil servants were limited to those high-level bureaucrats in the AMB. This section examines whether these bureaucrats were socialised to the international norms by external institutions (the EU, IOM, and UNHCR). It shows that intensive and vigorous training projects that would work as a step to socialisation were absent at this time; however, the domestic actors benefited from close cooperation with the

UNHCR and IOM during the law-making process which yielded a constitutive outcome, at least to a certain degree.

6.2.1 Interaction of UNHCR and IOM with the Bureau in the Law-Making Process

During the FIPL drafting process, the Bureau, unlike its predecessor the TNP, opted for a consultative decision-making structure, which was an unorthodox way of law-making in the Turkish bureaucracy. In fact, the TNP had been constantly in contact with, and open to suggestions from, relevant actors like NGOs and UNHCR, but this was limited when it came to legislative processes – even some internal circulars were not shared with NGOs (interview with Ekşi, 2016). Having a participatory approach, the Bureau invited the UNHCR and IOM offices in Turkey to join this law-making process in 2009, seeking technical support and personnel (interview with Açıkgöz, 2016). In return, both the UNHCR and the IOM seconded their officials to the Bureau until the adoption of the law in 2013. Here, a lesson-drawing mechanism may seem obvious as invitations are coming from domestic bureaucrats representing an inside-out direction in the motivations. Yet, close cooperation of external and domestic actors and changing discourses in this process may imply a socialisation effect, despite the fact that the socialisation influence seemed to be taken out of the hands of the IOs due to this lesson drawing mechanism.

During the law-making process of 2009-2013, the UNHCR's contribution to the legislative process was instrumental. The UNHCR office's "most talented brains" were working together with the Bureau providing expert knowledge and training, as well as translation services (interview with Çorabatır, 2016). The 1951 Geneva Convention and the UNHCR's Executive Committee decisions were all included in the discussion in the writing stage of the legislation (interview with Arıner, 2016). Every article of the legislation was studied by UNHCR officials together with their justifications and, as Çorabatır (2016, interview) put it, the UNHCR became the "co-author" of the legislation. The UNHCR was especially influential in integrating the international institutions of the refugee law (e.g., non-penalisation of illegal entry, non-refoulement, administrative and judicial appeal procedures) into the domestic legislation (interview with UNHCR Official 2, 2016). After the draft law had been sent to parliament, there were some amendments, but no article in the international protection area was changed, which, according to a UNHCR official, was an outcome directly related to the UNHCR's expertise and hard work during the writing phase (interview with UNHCR Official 3, 2016).

The IOM's particular contribution to the law-making was not comparable to a 'co-authorship' like the UNHCR's but was nevertheless important in facilitating the research of necessary information, especially regarding other countries' policies and contexts. Arıner, who was recruited by the IOM

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and seconded to the Bureau, stated that what IOM experts were doing did not go beyond project management (interview with Ariner, 2016). Indeed, the IOM is highly reliant on external funding due to its decentralised, 'projectisation' management system (Geiger and Pecoud, 2014). Another IOM official who worked at the Bureau also acknowledged the institutional functionalities of the IOM:

"I cannot say that the IOM has a binding document like the ones that UNHCR and ECtHR have, but in the light of all these binding documents in the international arena, the IOM supports the governments in different countries with different projects. But international migration law is one of our fundamental working areas, we have our units in this area both in Geneva and in our regional offices. We directed the Asylum and Migration Bureau by utilising our experts in these units as well as other academics and representatives of different institutions" (interview with Açıkgöz, 2016).

As the IOM was not established through an international agreement, it indeed lacks a legal impact on governments. Nevertheless, the large network within which the IOM operates exerted an important facilitating influence on the writing of the legislation. The IOM arranged study visits of several experts not only including local academics like Lami Berlan Tokuzlu and Nuray Eksi but also Philippe De Bruycker and a German judge who provided their knowledge on EU directives of asylum and migration (interview with Ariner, 2016). Moreover, such a large network also facilitated learning from other countries' examples.⁶¹ Explaining her experience in the Bureau working on the institutionalisation part of the legislation, an IOM official stated:

"Migration management legislations of 28 EU member countries, United States of America, Canada and Australia along with their organisational frameworks were scrutinised and we prepared our arguments as to what an optimum model could be for Turkey" (interview with IOM Official 2, 2016).

Overall, the IOM's contribution was somehow less than the UNHCR's due to its organisational functionalities, but the IOM provided a great advantage for the Bureau to obtain the necessary flow of information during the drafting of the legislation. This interaction implies a socialisation impact on the bureaucrats while drafting the law. Whether this was really the case shall be investigated below.

⁶¹ At the time of the writing phase of the legislation, in 2010, the IOM had 132 member countries (Bast, 2010).

6.2.2 Social Environment and the Conditions in the Law-Making Process and Institutionalisation of the New Asylum System in Turkey

Drawing on socialisation theory, several indicators can be observed in the law-making process. Firstly, the heads of the Bureau were relatively new actors in the asylum and migration field and did not know the asylum issues they were assigned in the first place (interview with Public Official 2, 2016). As the UNHCR's former spokesperson defined, they were like a "blank canvas" when they requested to learn the area from the UNHCR and the IOM (interview with Çorabatır, 2016). Although they had previous experience in the state apparatus and bureaucratic settings, they had little previous knowledge about the migration issues that was consistent with the international norms represented by these IOs. Furthermore, their initial belief had much similarity with that of the IOs' in determining the necessity of a human rights-oriented approach in the asylum system (interview with Ariner, 2016). This initial line of thought characterises a favourable condition for socialisation (Checkel, 2005).

Secondly, domestic actors are expected to be in a novel and uncertain environment which cognitively motivates them to analyse new information (Checkel, 2005). There had been an increasing number of asylum applications after 2008, which was impacting both the TNP's and UNHCR's capacities for registering and resettling asylum seekers (Kılıç, 2016). Additionally, there was a sharp increase in the number of sceptical NGO reports performed as an immediate cause for the establishment of the Bureau. Such new developments and emerging problems were then followed by the symbolic conviction of Turkey by the ECtHR in the *Abdolkhani and Karimnia v. Turkey* case in 2009, which paved the way for several subsequent convictions as the ruling stated Turkey did not have a clear domestic legal remedy system for its practices on asylum seekers. These findings indicate that AMB officials were indeed in a novel environment and the increasing number of asylum applications as well as the ECtHR's decisions contributed to the uncertainty within it.

Another set of indicators that could support the socialisation hypothesis are more related to the working environment. The theory informs us that the interaction should be in a less-politicised and more insulated settings and in that setting the external actors should not lecture or demand but, instead, act out the international norms and principles (Checkel, 2005). The testimonies of those who participated in the Bureau activities revealed that the working environment in the law-drafting process was more of a private one which was not publicised (interview with Tokuzlu, 2016). The Bureau conducted its activities in a non-politicised nature, mostly in the bureaucratic and techno-centric arena. Similarly, the external actors were indeed not lecturing or demanding

the adoption of international norms, but represented the principles and values of their institutions. One IOM official who participated in the Bureau described their way of working:

“I cannot distinguish the IOM officials’ contributions from that of the UNHCR’s. There was an invaluable effort and it was being done all together. Because we were working in the same office and there were no distinctions like ‘you work for the UNHCR’ or ‘you work for the IOM’. Mr. Toros was gathering us and assigning the tasks. Then we all together work for that task by obtaining support from our own institutions’ experts and by conducting our individual researches” (interview with Açıkgöz, 2016).⁶²

The external actors were therefore acting out and representing the principles and values of their organisations while working alongside the Bureau officials, which is in line with the socialisation thesis.

A more important indicator of a socialisation mechanism is related to the role of the conceptions of the actors. Having a perception of external actors as authoritative members of a community that domestic actors want to take part in is an expected condition that supports the internalisation of an idea (Checkel, 2005). Instead of the EU, the AMB preferred to approach both IOs, the UNHCR and the IOM, as “genuinely expert” organisations in migration governance (interview with Açıkgöz, 2016). While the relations with the EU was confined to regular meetings, AMB deliberately requested expertise and technical support from these IOs; but, more importantly, instead of going through a recruitment process, AMB requested multilingual personnel who could contribute directly to the law-making activities (interviews with Ariner, 2016; Çorabatır, 2016).⁶³ The ‘secondment’ of external actors to the Bureau therefore implies a trust relationship and an acceptance of authority which was mostly absent in training projects for the TNP. Moreover, this need-driven approach then became a role-seeking approach in the international community, where the IOM and UNHCR are authoritative members. The AMB paid informal visits to the CoE and the EU institutions in Europe to share initial drafts of the legislation and form informal ties with these organisations (Ariner, 2012). Some Bureau officials also joined certain international forums such as the Budapest Process and Prague Process which was labelled as “stealing the role of the Ministry of Foreign Affairs” by one participant (interview with Ariner,

⁶² Mr Toros was the head of the AMB who later appointed as the first Directorate General of the DGMM.

⁶³ The reason behind the preference of IOs over the EU is the Bureau’s interest in ‘global’ examples of migration governance, including Canada, Australia, etc. The Bureau’s reluctance to conduct twinning projects with the EU was due to the idea that these only provided information about the twinned member state, but Turkey’s context required comprehensive, internationally-recognised solutions instead of religiously aligning with the system of a single member state. See section 7.2.2 below in the next chapter for further information.

2016). The Bureau, therefore, was highly active in seeking 'suitable venues' and in becoming a part of the international platforms (Guiraudon, 2000b).

Overall, the findings illustrate a fairly positive environment for a socialisation effect on the civil bureaucrats in AMB. Transforming the decision-making towards a participatory system acted as a catalyst for close cooperation and intensive interaction between domestic and external actors. AMB bureaucrats were comparatively new in the asylum area and did not have prior beliefs that were consistent with the message of the external actors, which motivated them to learn the area from expert organisations. Coupled with the urgent need for solutions to domestic problems in their asylum system, AMB officials' approach to IOs resulted in intensive cooperation and interaction in the law-making process, supporting the contact thesis of socialisation. The intimate nature of everyday work in the Bureau and the perception of external actors as authoritative actors provided a suitable venue for socialisation. The following analyses whether this suitable environment resulted in any actual socialisation impact.

6.2.3 Explaining the Implications of the Socialisation Process

Whilst the law-making process had a favourable environment for effective socialisation, the outcome of this process was not indicative of a full internalisation process in which the bureaucrats wholeheartedly believed the newly-introduced norms as being the 'appropriate things to do'. Instead, the civil servants in AMB gradually acculturated to the international norms. They introduced various norms into the Turkish asylum system, but this was not because they thought this is what it should be, but mostly because of the fact that all modern states follow these norms and as a modern state, Turkey should do the same.

Firstly, if socialisation is effective there should be a transformation in the beliefs and preferences of the bureaucrats. Here, there is no clear-cut belief change. Instead, the initial idea of the necessity for a human rights approach in 2008 was somehow strengthened and AMB became more assertive in their arguments for a comprehensive system in line with international norms and human rights. Nonetheless, close cooperation and transfer of know-how gave an impetus to the law-making process (interview with Demir, 2016). Many participants alluded to the notion of a 'teaching/learning process' when asked about the contribution of external actors (interviews with Academic 1, 2016; Öztürk, 2016; Yıldız, 2016). Therefore, socialisation efforts may have had an impact on empowering the existing beliefs.

However, instead of a perfect cognitively-motivated internalisation of human right norms, the dynamics of law-making typify more of a need-driven process in which the focus was on the need to address the domestic problems emerging from ECtHR convictions, an unprecedented number

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of asylum applications and criticism of NGOs. Indeed, the outcome of the human rights focus in the legislation seem to be indicative of an answer to these domestic needs (Kirişçi, 2012). For example, the non-refoulement principle, along with other new humanitarian statuses, was introduced at the very beginning of the legislation as a sign that it provides a comprehensive safeguard for all foreigners who may face torture or persecution in their home countries. Similarly, the legal framework for detention and deportation of foreigners was created with a view to aligning with the norms of the ECHR and Geneva Convention. These could be seen purely as an immediate answer to the legal problems that had occurred with the ECtHR, instead of a cognitive shift in preferences as in a socialisation outcome.

Taking both approaches into account, the main causal factors of the law-making process characterise an interplay between a lesson-drawing mechanism and a socialisation mechanism. This is mainly because external socialisation efforts mostly intersected with domestic political objectives (interviews with IOM Official 1, 2016; IOM Official 2, 2016). But, as the dynamics represented more voluntary motivations, socialisation had a secondary role in constituting new attitudes and behaviours in the Turkish asylum system.

The main indicator of this secondary role of socialisation was the continuation of nation-centric sentiments such as the geographical limitation policy in the legislation. The limitation to Geneva Convention is still currently in place and the non-European asylum seekers are not provided with international protection. This is mostly because the Bureau could not rule out Turkey's peculiar geo-political concerns while incorporating the socialisation message. Another indicator is a departure from the participatory decision-making approach after the adoption of the law in 2013. Even though a more formalised form of cooperation was envisaged in the legislation, the DGMM did not continue to cooperate closely with the IOs and the NGOs with the immediate implementation of the law (interviews with Academic 1, 2016; Tokuzlu, 2016). Some interviewees approached this 'centralisation' turn as plausible due to the difficulties of starting up a new organisation in a fairly chaotic situation of non-registered Syrians and non-Syrian asylum seekers in Turkey (interviews with Academic 1, 2016; IOM Official 1, 2016). Yet this halt in interaction did not deal a serious blow to accumulation of knowledge and trust relations as from 2016 onwards the several joint projects with the EU, UNHCR and IOM started.

Taken together, the Bureau demonstrated, to some considerable extent, pro-norm arguments and behaviours, but still opted for a balanced approach in which Turkey's specific conditions were considered. This indicates that socialisation was incomplete, which can be defined as acculturation. In the previous studies, acculturation was used to describe the socialisation process by adopting the norms of the groups, not because they are solely appropriate things to do, but

because other relevant and important actors are inducing them (Checkel, 2005; Ariner, 2012). The emphasis on Turkey's prestige and reputation in managing migratory movements overweighs the humanitarian concerns in AMB's discourse (interviews with Kirişci, 2012; Academic 2, 2016). Because the Bureau sought new roles and gained an important position in both domestic and international settings, their socialisation with the external actors can be better explained by acculturation, instead of a full socialisation.

6.2.4 Summary of Socialisation of the AMB Officials

Overall, this section showed that an impact with a 'logic of appropriateness' was present in the law-making process. There was no clear shift in the beliefs of domestic officials; however, there was an evolution of the associated thought processes as empowered by these social conditions and the close cooperation with external actors. The analysis revealed that these socialisation efforts yielded an acculturation outcome, where the new knowledge was adopted, though mostly for the purposes of taking part in the community. The reason behind a full internalisation not being yielded was because the officials mostly tried to find the balance between the socialisation message and domestic necessities. Whilst failing to allow them to exert a full internalisation of refugee norms and human rights, socialisation efforts nevertheless enabled AMB officials to gain more power in their roles and to further extend their mandate and presence in the transnational networks.

However, the analysis showed that socialisation can only be partially effective to this end; the existence of a lesson-drawing mechanism dominated the main dynamics of the law-making process. Furthermore, the national context, Turkey's geographical circumstances and the Syrian refugee crisis appeared as important determinants that hindered the socialisation efforts. Taking this alternative explanation into account, this section suggested a cautious role for the socialisation mechanism's causality in constituting the new human rights-oriented understanding of the Turkish asylum regime. It also showed that the change in decision-making from centralised to participatory in nature facilitated the inclusion of external actors such as UNHCR and IOM and the dissemination of the international human rights.

6.3 Socialisation of Civil Society Actors: NGOs, Academics and Lawyers

In Turkey, societal actors such as non-governmental organisations, lawyers and academics have not historically been sufficiently powerful to inform and change policy and practices in the asylum area. They were carrying out their activities to help and advise asylum seekers, but their involvement in policy discussions was limited to a particular period of the AMB's participatory

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decision-making initiative during 2010-11. Although these actors provided their feedback on the draft legislation, it is difficult to determine how much of their input was considered and is reflected in the new asylum system.⁶⁴ Despite being unable to create an impact on policy, these actors have proliferated in their advocacy activities. This section examines whether these societal actors were socialised by external organisations. It demonstrates that socialisation was fairly effective in empowering these actors' advocacy. However, as these actors were not powerful enough to put any significant pressure on domestic policy-makers, this socialisation instead resulted in increased public awareness, which allowed for a certain influence over other mechanisms, such as monitoring and legal obligations.

Similar to bureaucrats in the asylum area, societal actors have also benefited from training programmes from, and joined projects with, external organisations. During the policy-making process, there was a growth in the number of actors advocating refugee rights in Turkey. Not only had their number was increased, but also the existing societal actors transformed from 'charitable' organisations that merely provides humanitarian aid to asylum seekers to advocacy actors that aim to impact policies and practices in the field (Eroğlu, 2013).

Their intensified focus on the issues surrounding asylum seekers' rights, and the existence of a frequent and sustained connection with external organisations implies a socialisation mechanism (Lavenex and Schimmelfennig, 2011). However, the dynamics of each organisation's socialisation mechanisms shows different characteristics. The CoE did not have a close connection with the domestic societal actors in the area of asylum. The IOM had a "loose connection" with the NGOs but worked closely with academics and lawyers to produce policy reports and briefings to inform policy-makers (interviews with IOM Official 1, 2016; IOM Official 2, 2016). The UNHCR and the EU's socialisation efforts yielded different results, as explained below.

The UNHCR was the first actor that engaged in sustained public awareness activities beginning from the mid-1990s. In the aftermath of the adoption of the restrictive 1994 asylum regulations, the UNHCR began to promote public awareness by delivering training seminars and fostering relations with NGOs (interview with Çorabatır, 2016). As there was not an NGO working exactly in the asylum area, the UNHCR office contributed to the establishment of a new NGO, the Association for Solidarity with Asylum Seekers and Migrants, and obtained a partnership relationship with another NGO, the Human Resource Development Foundation (interview with Kılıç, 2016). In addition, the UNHCR held annual consultation meetings with media actors and

⁶⁴ This is mainly because the AMB officials aimed to find a 'balanced approach' between the international norms and national concerns and those NGOs who disregards the national sensitivities were not necessarily welcomed by the Bureau. The next chapter will elaborates more on this point.

other NGOs in the early 2000s to initiate policy debates around asylum (Kirişci, 2007). Gradually, the UNHCR increased its contact and partnerships with the NGOs involved in asylum area from only six partner NGOs in 1999 to 28 operational and implementing partners in 2013 (UNHCR, 1999; 2013a). Furthermore, the UNHCR's socialisation efforts also worked horizontally with the existing human right NGOs by integrating asylum into their advocacy areas. For example, the UNHCR and Helsinki Citizens Assembly (hCa) maintained close cooperation in assessing refugee status-determination decisions. Eventually, this connection strengthened the refugee department of the hCa and it became a separate, independent NGO named, Refugee Rights Turkey (interview with UNHCR Official 1, 2016). Many other human rights NGOs became more knowledgeable and gained greater power and voice in advocating asylum rights while also undertaking referral duty for both government officials and asylum seekers (interview with NGO Member 1, 2016).

The EU also seemed to have a socialisation impact on civil society actors in Turkey by enhancing their activities through pre-accession funding and network-building with both local and European counterparts (Tekin and Guney, 2015). While these funds were generally for human rights-based NGOs and for improving the democratisation of Turkey (interview with Karakiş, 2016), there were also refugee-specific NGOs such as the Association for Solidarity with Refugees (Mülteci-Der) that benefited from such support (interview with NGO Member 2, 2016). However, some participants working in the NGOs claimed that the EU provided only 'short-term' funds, and only for particular areas (interviews with Academic 1, 2016; Academic 2, 2016). The discontinuity of the EU funds caused problems with creating consistent research and advocacy that could form a lobbying impact (interview with Yılmaz, 2016). Local NGOs therefore have been left to cherry-pick their advocacy areas purely because the EU has an emphasis and financial package for those areas (interview with Arıner, 2016). Therefore, the EU's socialisation impact through financial programmes has had an impact on strengthening the society actors, but this was limited in its scope.

The main implication of the socialisation of societal actors appears to be a contribution to the impact exerted by other influencing mechanisms. For instance, the UNHCR's training projects with bar associations (see Table 5, p.121) ultimately created an indirect legal impact through the ECtHR adjudication that contributed to the creation of the FIPL. Firstly, training activities disseminated the international norms among lawyers, and further enhanced awareness among lawyers, prosecutors and judges (interviews with Kafadar, 2016; UNHCR Official 1, 2016). Interviews revealed that these actors not only adopted international norms and values but also started to perform certain behaviours consistent with the socialisation message. Demonstrating pro-norm behaviours, they advocated asylum rights by instigating associated judicial mechanisms (interviews with Efe, 2016; Kılıç, 2016; Yılmaz, 2016). The first clear example of this was the

UNHCR's actions in recruiting lawyers to provide legal counselling to asylum seekers which yielded the opening of a judicial review in 1997. Gradually, these socialised lawyers became more active in bringing cases before domestic courts. However, as a legal framework for asylum governance was non-existent until 2013, domestic courts were not overruling the administrative decisions. Therefore, socialised lawyers were exhausting domestic judicial mechanisms and litigating asylum seeker cases before the ECtHR (see Figure 15).⁶⁵

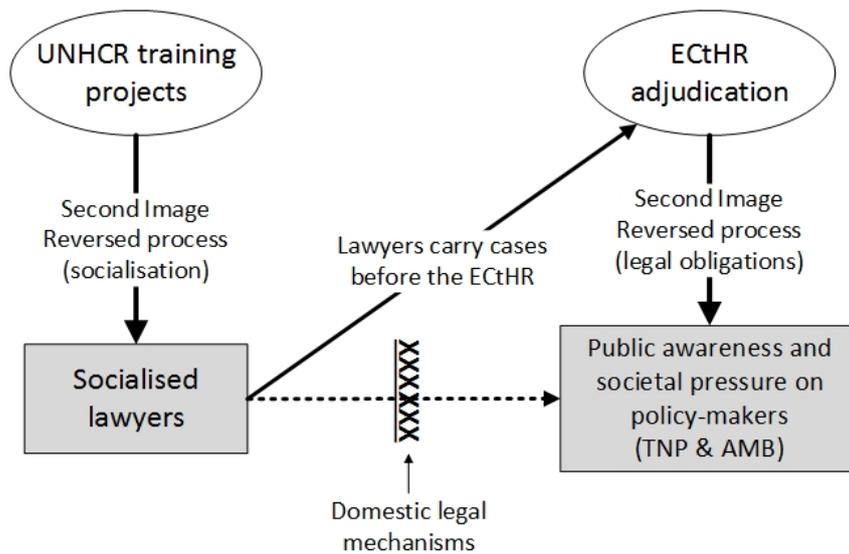


Figure 15 Diagram showing a cautious implication of lawyers' socialisation

As the ECtHR has played a contributory role by enhancing public awareness and putting societal pressure on domestic decision-making, socialised lawyers appear to have an indirect role in supporting domestic changes to the asylum system (see section 5.2, p.100). Lawyers instigated legal proceedings and appealed ECtHR for human rights violations of asylum seekers during the 2000s. Then, the ECtHR adjudicated the cases and convicts Turkey for violations of ECHR during 2009-10. This trend of advocacy indicates a pattern of direction both inside-out and outside-in, as characterised in the lawyers' actions to mobilise ECtHR adjudication and ECtHR's legal impacts on domestic policy-makers. Similar to this pattern in the lawyers' advocacy, the socialisation of NGOs and academics also created an outcome that facilitated the monitoring influences of the EU and IOM (see Figure 16).

⁶⁵ See Figure 13 (p.104) for more information on ECtHR rulings. Out of 19 rulings against Turkey between 2000 and 2012, 14 of them were represented by Turkish lawyers socialised by the UNHCR (DGMM, 2015). For example, two Turkish lawyers participated in this research, namely Yılmaz (2016) and Efe (2016), who represented 9 of these cases, expressed that they have received extensive training programmes in the UNHCR-led public awareness activities. They also act as refugee advocacy actors in their affiliated NGOs, the Association for Human Rights and Solidarity for the Oppressed (MAZLUMDER) and Human Rights Agenda Association (IHGD), demonstrating pro-norm behaviours.

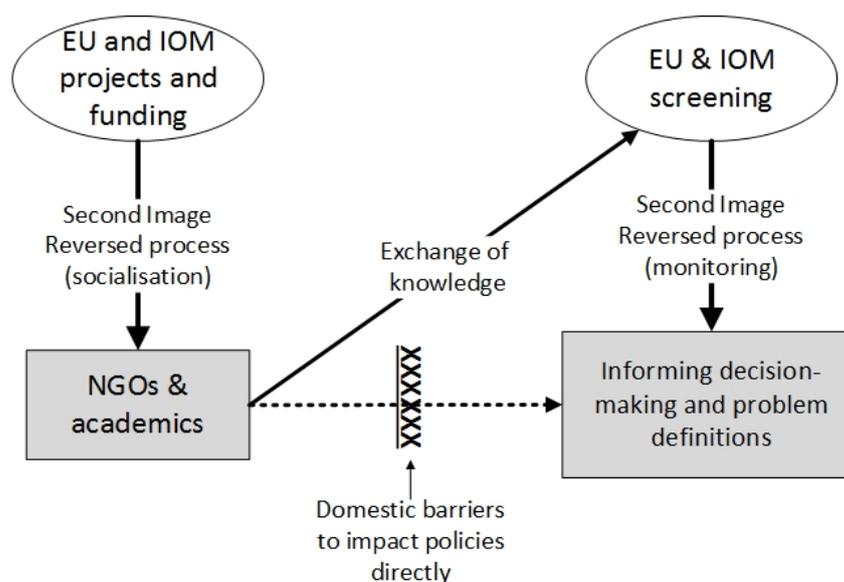


Figure 16 Diagram showing a cautious implication of NGOs' and academics' socialisation

The joint projects intensified transnational networks not only horizontally with the other NGOs but also vertically with external officials, mostly in the EU and the IOM. For the EU in particular, NGOs in the field became important sources of information, as expressed by an EU official:

“We are in touch with local NGO's who are very experienced in the field of asylum and migration and who have their own network. We meet them, we listen to them, we read their papers, and all these contribute to the preparation of our progress reports”
(interview with EU Official 4, 2016).

By empowering the NGO networks, therefore, these external actors benefitted from the NGOs' local knowledge, which demonstrates an inside-out trend in information exchange. This is in line with the study of Kubicek (2011, p.911), who found that the EU used such transnational networks with NGOs to “put a Turkish face on EU initiatives, which otherwise risked being perceived as patronizing or ignorant of Turkish reality”. Similarly, the IOM's projects with academics and lawyers initiated an accumulation of knowledge and created a scholarship in the area of asylum and migration that was incorporated into the law-making process of 2009-2013. It is somewhat surprising that socialisation efforts by the EU and IOM on civil society turned out to be supportive of their monitoring and consultation mechanisms rather than exerting a direct constitutive impact on the preferences and beliefs of policy-makers.

These trends of transnational advocacy resemble the premises of social movement literature (Sikkink, 2005). A similar pattern is defined as ‘boomerang pattern’ in this literature:

“When channels between the state and its domestic actors are blocked, the boomerang pattern of influence characteristic of transnational networks may occur: domestic NGOs

bypass their state and directly search out international allies to try to bring pressure on their states from outside. This is most obviously the case in human rights campaigns” (Keck and Sikkink, 1998, p.12).

Overall, in the light of the findings in the literature, the UNHCR’s initial socialisation of the lawyers and the EU’s and IOM’s socialisation of NGOs and academics seems to prompt a chain of events in the long term and yields positive consequences in building current asylum policies in Turkey. This shows the interconnection between rationalist, regulatory influences and constructivist, constitutive influences. It particularly supports the premise of this thesis in that these influence types do not function in an ‘either-or’ manner but rather as a ‘both-and’ mechanism.

Overall, the findings of this section indicate that attempts at socialisation of societal actors did not yield any concrete impact on domestic asylum reform. Nonetheless, the socialisation was fairly effective in empowering the current societal actors as well as in establishing new ones, and eventually creating a civil society advocacy network. This network in fact proved highly effective in prompting other influencing mechanisms to induce domestic changes. For example, the efforts at increasing education and public awareness of the lawyers prompted a chain of events that yielded a stronger legal influence in the long term through the use of the ECtHR. Similarly, the EU’s and IOM’s efforts in creating a sustained interaction with the NGOs and academics yielded an impact through improving the exchange of information required for monitoring and consultation purposes. Therefore, a socialisation trend within civil society existed but its consequences only became apparent in the long term and in an unexpected way, namely by triggering other influence mechanisms. This finding also supported the premise of focusing on intermestic relations as it demonstrates how constitutive influences can prompt the creation of, or otherwise empower, the effectiveness of existing regulatory influences.

6.4 Summary

The chapter analysed the dynamics of socialisation mechanisms and their implications on the beliefs and preferences of domestic actors. It examined indicators such as social environment and the existence of an argumentative and behavioural change. From this analysis, it appears that constitutive influences, as achieved through socialisation efforts, were not solely influential in inducing a change in thought processes. However, they played an important role in promoting shared information for domestic reforms and in facilitating the intermestic relations that could prompt further second image reversed processes.

Firstly, the chapter found that the TNP officials benefited from intensive capacity-building activities in the early 2000s, but these activities did not go beyond creating awareness of the

international norms and increasing the knowledge of TNP officials. Due to the rotation appointment system of the TNP officials, an entrenched security approach and the unchanged legal framework, they did not demonstrate beliefs or behaviour consistent with the international institutions of the refugee and human rights regimes. Furthermore, the impact of the strong EU coercive bargaining prior to 2005 outweighed the socialisation efforts. Although the TNP officials became more aware of the internationally-defined rules of asylum, these domestic factors and alternative mechanisms dealt a significant blow to the internalisation or acculturation of these rules.

Secondly, the findings indicate that the socialisation influences were not effective in changing the beliefs or preferences of the AMB bureaucrats in a way that yielded full internalisation. However, the bureaucrats were acculturated to the most important international norms and incorporated them in following developments. They did not perceive all the norms as the most 'appropriate things to do' but they mainly adopted most important ones because other modern states do the same. During their acculturation to international norms, they began to obtain certain role positions which ultimately transformed their position and role to that of a fully functional organisation (i.e., DGMM) in 2014. However, this acculturation does not provide sufficient explanation for any following developments as the dynamics were mostly need-driven. The AMB officials had already been seeking solutions to the domestic problems emerging in the asylum and migration system. The fact that they stopped their close connections with external actors in 2013 actually demonstrates that they were *drawing lessons*, rather than being merely *socialised*. This finding shows that favourable socialisation conditions are not sufficient for an effective socialisation and that existing rationalist-underpinned mechanisms dampened the socialisation outcome.

Thirdly, the findings also show that the socialisation efforts were effective in the civil society area but only resulted in empowering their activities and triggering other influence mechanisms, rather than placing an extra, direct pressure on the bureaucrats. Due to domestic barriers, societal actors were not sufficiently powerful to impact policies directly, thereby the socialisation of these actors was not instrumental in inducing domestic changes in the policy-making process. Nonetheless, socialised actors triggered other regulatory influence mechanisms that accordingly placed pressure on domestic policy-makers, while the socialisation of lawyers instigated legal mechanisms which eventually created an ECtHR-driven legal impact. Furthermore, the socialisation of NGOs and academics mainly worked to enhance the monitoring of Turkey's practices in the asylum field and the knowledge-sharing between international and domestic actors. Therefore, socialisation has, in general, led to the empowerment of the societal actors but also had the unintended outcome of prompting other influencing mechanisms.

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The process tracing in this chapter also illustrated important insights for the analysis of socialisation mechanisms. It highlighted the importance of domestic factors (e.g., legal status quo, organisational management systems, traditional bureaucratic understandings, and distant state-society relations) in filtering the socialisation influences. It also confirmed the premise that socialisation requires a long and consistent effort to yield an internalisation outcome. The analysis also showed that the socialisation of actors was mostly shaped by the existence of alternative regulatory influence mechanisms. However, at the same time, socialisation is more likely to strengthen other regulatory influence mechanisms. Taken together, the chapter maintains that socialisation of the domestic actors was largely affected by the dynamics of the process and, indeed, the alternative impacts when forming asylum policy in Turkey.

Chapter 7 Domestic Factors and Lesson-Drawing

Previous chapters investigated the regulatory and constitutive influences on the evolution of Turkish asylum policies. They also incorporated the domestic dynamics and mediating factors into the analysis. However, due to the transformation from a security bureaucracy to a civilian bureaucracy during the policy-making process, some domestic actors may have played a more important role by pursuing a lesson-drawing mechanism than merely functioning as domestic mediating factors. Indeed, the establishment of the Asylum and Migration Bureau in 2008 changed the decision-making and reform management strategies to an extent that would require an analysis by looking beyond regulatory and constitutive influences. Therefore, this chapter focuses on domestic motivations and dynamics that lead a lesson-drawing mechanism in the second image reversed process of asylum policy-making in Turkey.

In a lesson-drawing mechanism, domestic changes are mostly driven by domestic motivations. Through various means, domestic actors become dissatisfied with the status quo and deliberately seek knowledge and experiences from another time or place (Rose, 1991). They act to find the best solutions to fix the domestic problems which are deemed most costly. The main indicator of a lesson-drawing mechanism is the existence of endogenous dynamics that consist of drawing lessons from international institutions to induce domestic changes (see Table 2, p.49). Therefore, this chapter examines the domestic sources of the developments in the asylum area and the role of interaction between intermestic relations on these sources.

This chapter traces the domestic processes of the formation of the Asylum and Migration Bureau (AMB) in 2008 and the activities of this Bureau that led to the adoption of the FIPL. Subsequently, it examines the dynamics of the DGMM's initial decisions and the actual law-making process that occurred between 2009 and 2013. The chapter shows that an initial domestic dissatisfaction with the existing asylum system triggered a lesson drawing mechanism that was instrumental in the law-making process. It also shows the significance of individual efforts and leadership capabilities of the AMB bureaucrats in mobilising international actors to create a transnational advocacy network. Acting as policy entrepreneurs, these bureaucrats strategically created a transnational advocacy network and utilised it to deter domestic veto players during the adoption of the FIPL.

7.1 The Establishment of the Asylum and Migration Bureau

The Asylum and Migration Bureau was established in 2008 under the Ministry of Interior taking the decision-making mandate in asylum reforms from the TNP. Following a slowdown of the

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asylum and migration reforms after 2006, the creation of the Bureau represents an important development as it sped up the reform process. This section investigates the domestic sources of the establishment of the Bureau. It explains that the EU's demands were effective to some extent in this development, but it was the domestic necessity and new reformist cadre in the bureaucracy that mainly induced its creation.

As explained in Chapter 5, the asylum field in Turkey underwent significant developments in the early 2000s in the light of regulatory influences of external factors. The EU's coercive bargaining mechanism, which was employed through the accession framework, provided external incentives for the Ministry of Interior officials and TNP officials which yielded a strategy document in 2003 and a comprehensive action plan in 2005. Similarly, the UNHCR's and more importantly the ECtHR's legal impacts also affected the asylum practices in the field in a positive way in the early 2000s. However, after 2005 there was a slowdown in asylum reforms, despite continued EU support through financial assistance and twinning projects (interview with Arner, 2016). There were some positive developments in 2006 such as the adoption of the Implementation Directive and the amendment of the 1994 Regulation, but the TNP officials were actually backsliding into old, security-oriented practices, especially in 2008 when the number of asylum seekers in Turkey rose sharply (interview with Öztürk, 2016). The TNP officials became reluctant to implement the reform plans set out in the 2005 National Action Plan (interviews with Çorabatır, 2016; Public Official 2, 2016; Terzioğlu, 2017). One important implication of this was the fact that the TNP officials had been working on a draft asylum law since 2001 but this draft was somehow not escalated for enactment; instead, the existing 1994 Asylum Regulation was merely amended in 2006. Section 5.1.1.2 (p.85) explained the main reasons behind this backslide with reference to domestic political clashes and the lack of credibility of the EU membership incentive.

However, the testimonies revealed that there was also a disagreement between the TNP officials and other pro-EU domestic bureaucrats which also negatively affected the reform plans. On the one hand, the TNP officials had an implicit discontent with the idea of creating a new civilian unit, which was an EU demand in the accession framework. Due to this demand, the pro-EU Turkish officials working at the EU delegation in Turkey, the Ministry of EU Affairs and the Ministry of Interior, shared the perception that a new institution had to be created from scratch. Rejecting such organisational change, the TNP argued that there were still police-like security organisations assigned to undertake asylum works in some EU member states even though the EU demanded a civilian organisation from Turkey to regulate this area (interviews with Public Official 6, 2016; Terzioğlu, 2017). Furthermore, the head of the TNP stated that "we did not mention a new unit in the national action plan, we wrote that the existing institution should be strengthened" (interview with Terzioğlu, 2017). Although the primary aim of the TNP officials was also to align with the EU

asylum rules and to be ready for the accession negotiations, they were not necessarily happy with losing their mandate in regulating the asylum and migration area. On the other hand, the pro-EU Turkish officials in the Ministries also were dissatisfied with the TNP's security-oriented approach in asylum. An official working in the Ministry of the EU Affairs stated that:

“The problem with the police was their entrenched security approach. To change this perspective by a learning process was taking time. They have been police for 25 years or 30 years, [some of them have been] a police chief for 18 years or 20 years, no matter how much you tell them, they will always say that ‘Turkey is not a dumping state of the EU’. We lost 4-5 years because of this” (interview with Public Official 5, 2016).

TNP officials' ingrained national security understanding in the asylum area was indeed shaping their behaviour both in the field and in their relations with the EU. Considering the EU membership as a further pull factor in the human mobility, they wanted a fair burden-sharing system from the EU in order to prevent Turkey from becoming a “dumping ground” for unwanted migrants. Such a position was not particularly welcomed by some pro-EU bureaucrats, and together with the TNP's reluctance in pursuing the reforms, a bureaucratic disagreement was in place especially during 2007 and 2008, which affected the implementation of reform plans set out by the 2005 National Action Plan.

Such a dispute between the TNP and other bureaucrats was not the main reason for the creation of the Asylum and Migration Bureau in November 2008; however, it was sufficient to create an unsettled bureaucratic climate in the asylum area. Furthermore, there was a combination of several factors that led the Ministry of Interior officials to make the decision to establish the Bureau. The main factors included (a) increasing external criticism, (b) a resurgence of political will to pursue reforms, and (c) the recommence of talks with the EU in migration area.

First of all, there has been an increase in the number of monitoring impacts after 2007. This monitoring influence was mainly a result of an increase in the asylum seekers and a return to the security-oriented practices of refoulement and detention during 2007 and 2008. This change in the TNP's approach was a result of a lack of political pressure to pursue EU-oriented reforms in mid-2000s and lack of capacities to deal with increasing refugee arrivals (interviews with Çorabatır, 2016; Kılıç, 2016). The existing refugee population in Turkey was not directly proportional to the resettlement departures from Turkey (see Figure 17). Therefore, there was an increase of the refugee population that characterised an excess burden on the TNP capacities, making them return to security-oriented practices. These changing trends resulted in greater involvement of humanitarian NGOs who are interested in the asylum field, thereby exerting a stronger monitoring impact during 2007-08 (interview with Academic 1, 2016). Having a logic of

consequences mentality, this impact urged the officials in the Ministry of Interior to come up with new solutions to deal with the problems in this area.

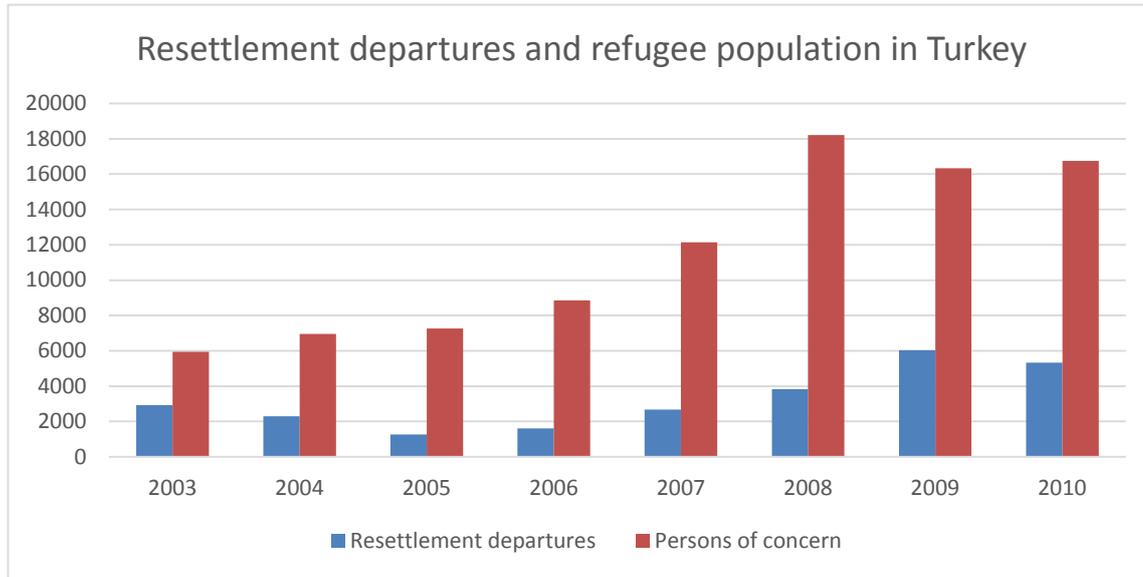


Figure 17 Resettlement departures and refugee population in Turkey by years

Source: Data compiled by author from UNHCR Databases (2018a; 2018b)

A second factor leading to the decision to establish the Bureau was the change of the Minister and the senior bureaucrats in the Ministry of Interior after the re-election of the AKP in July 2007 which set off a new reform process. The new minister, Mr Besir Atalay, was appointed in August 2007 and subsequently senior bureaucrats, including the undersecretaries of the ministry, were replaced. Interviews revealed that Atalay and his team had different perspectives and attitudes than their predecessors and accordingly initiated a new reform process, especially in the human rights area (interviews with Ariner, 2016; Görendağ, 2016; Kılıç, 2016). Such a new reform process can also be seen from the increasing number of high-level bureaucratic meetings in Turkey after 2007, the so-called Reform Monitoring Group Meetings (see Figure 18).

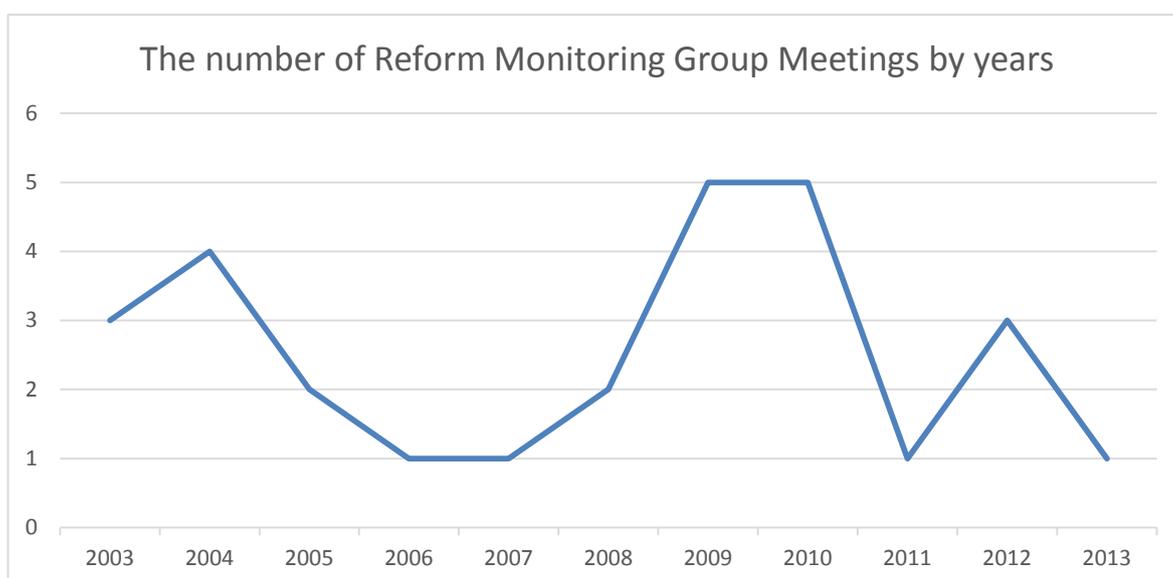


Figure 18 Number of Reform Monitoring Group meetings held by years

Source: Ministry of EU Affairs (2015)

Established in 2003 by the Deputy Prime Minister responsible for human rights, the Reform Monitoring Group meetings consisted of four mainstream ministries in Turkey; Interior, Foreign Affairs, Justice and EU Affairs (Ministry of EU Affairs, 2015). The main purpose of the meetings was to maintain Turkey's reform process without practical problems and to "overcome bureaucratic inertia and bottlenecks" (European Commission, 2004, p.15). Figure 18 reveals that there has been a steep increase in the number of meetings between 2007 and 2010, indicating that the bureaucracy was keen on pursuing the reforms, especially after the AKP was re-elected. More importantly, as a Ministry of Foreign Affairs official who attended these meetings reported, after 2008 in particular the meetings had only two important items on their agenda: Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security) of the EU *acquis*, of which the latter was mostly related to the reforms in the migration and asylum area (interview with Public Official 6, 2016). Apart from these meetings, a new parliamentary committee was established in 2008 on human rights, which investigated the problems in the asylum system (Aydın and Kirişçi, 2013). This indicates further evidence for an emerging political inclination for reforms in this area. Therefore, the appointment of insightful bureaucrats after the election led to a resurgence in the bureaucratic interest in reform plans especially in the area of migration and asylum, representing a strong rationale for establishing the Bureau in 2008.

Apart from domestic bureaucratic reform initiatives, there was also a certain level of EU impact behind the decision to create the Bureau. Although the accession negotiations on the migration and asylum area were blocked, the EU officials kept reminding Turkey of its commitments in the 2005 NAP, especially after the domestic political issues were alleviated with the re-election of AKP government in 2007 (interview with Çorabatır, 2016). As Açıkgöz (2016, interview) stated, "within

the scope of the reform process, what the EU says, its criticisms and reports were being paid attention at that time”. Furthermore, bilateral talks on a readmission agreement between Turkey and the EU recommenced in 2008 after a two-year hiatus, which led the Ministry of Interior bureaucrats to further consider the planned reforms in the area of Chapter 24 including migration and asylum (interview with Public Official 6, 2016). Thus, despite the low credibility of the EU membership reward, the EU accession framework and the commitments made to the EU in the pre-accession period were still important elements as far as the Ministry of Interior’s bureaucrats were concerned (interview with EU Official 5, 2016).

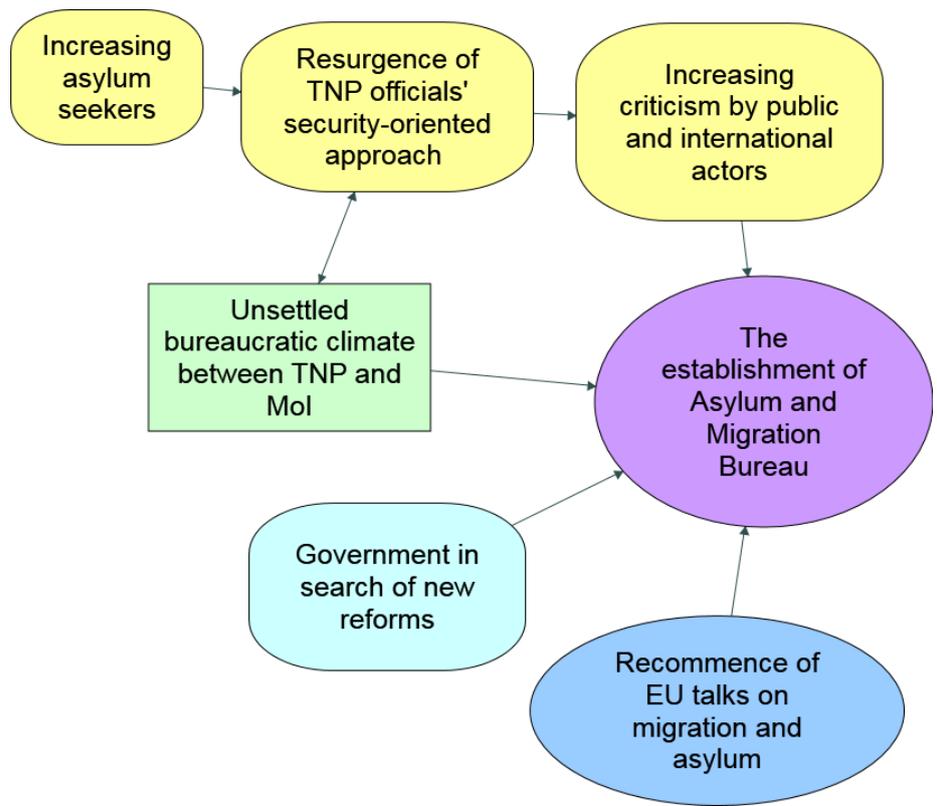


Figure 19 Dynamics of establishing the Asylum and Migration Bureau

Taken together, the increasing criticism through monitoring, a new reform agenda with newly-assigned bureaucrats, and finally the possibility of re-energising the EU relations all played a role in meddling in the existing power games between the TNP and the Ministry of Interior officials (see Figure 19). Terzioğlu (2017, interview), who was the head of the Foreigners’ department in the TNP between 1999 and 2009, reported that the newly appointed undersecretary did not like the TNP’s way of regulating the asylum area. Subsequently, soon after the 13th Reform Monitoring Group meeting and the release of the HRW report, the Minister Besir Atalay appointed his senior inspectors on 15 October 2008 to investigate the credibility of the criticisms and the stalemate of

EU-oriented reforms in the migration and asylum area (Ariner, 2012; Kirişci, 2012). Together with this assignment, the inspectors became the heads of the Asylum and Migration Bureau.⁶⁶

Overall, the findings indicate that the idea of establishing a new civilian unit to regulate the asylum and migration area in Turkey did not emerge out of thin air; rather, it was an EU-oriented development. Indeed, Ariner, in his research with the Bureau officials, found that the Bureau was established “with the wind of the EU behind it” and in order to “better comply with the conditions set forth by the EU” (Ariner, 2012, p.5). Some informants also suggested the importance of the EU’s accession framework and the commitments to the EU in the 2005 National Action Plan behind the creation of the Bureau (interviews with Açıkgöz, 2016; Çorabatır, 2016; Public Official 5, 2016). However, the link between this domestic development of establishing the Bureau and the external reward of joining the EU was not obvious.⁶⁷ In other words, the Ministry of Interior officials did not necessarily decide to create the Bureau for the sake of receiving the membership rewards from the EU. Instead, there was a combination of several factors including the growing criticism and the political will to pursue the reforms in the human rights area. As Kirişci (2012, p.78) suggests, the critical reports of the NGOs had indeed “visible effects” on the appointment of inspectors to the Bureau. In addition, following the AKP’s re-election in 2007, appointment of a new reformist Minister yielded a new general bureaucratic reform process in which the asylum and migration area was one of the important areas to consider (interviews with Çorabatır, 2016; Kılıç, 2016). A Ministry of Interior-published book also notes that Turkey’s geopolitical significance and the increasing number of migrants required an effective migration management policy which was considered in this reform process (Ministry of Interior, 2012). These findings suggest that despite being an EU-oriented development, the creation of the Bureau was not actually triggered by the EU’s external influence; rather, it was driven by domestic bureaucratic apparatus who particularly considered the situation of asylum regime in the light of increasing migrants and growing criticism.

Yet, a question still remains: if the Ministry of Interior officials had mostly domestic bureaucratic drivers instead of external EU drivers, why did they not come up with an original national reform plan instead of pursuing EU-oriented reforms? Even without an explicit link to the membership reward, why were domestic actors pursuing EU-oriented reforms? This is mostly because Turkey had a long-standing policy of joining the EU in order to be a part of the ‘modern’ and ‘western’ club of states. At the same time, as an EU official usefully put it, “the EU wants to give a

⁶⁶ Apart from the AMB, two other bureaucrats were assigned to establish another bureau on Border Management.

⁶⁷ For more information, see section 5.1.1.2 (p.85).

framework for countries that want to modernise their know-how” (interview with EU Official 1, 2016). Thus, there has always been an inherent domestic motivation to follow EU rules and values; and, it was against such a background that the domestic actors utilised this membership framework as an anchor for domestic reform policies. Regarding this, the EU official also expressed his views as follows:

“It was a logical step to say ‘okay, we have to change it anyway because the current organisation is not working or cannot handle the amount of issues that it needs to deal with, so if we do something let us do it like the EU’” (interview with EU Official 1, 2016).

Indeed, in order to reform domestic institutions and policies, the EU accession framework was strategically used by the domestic bureaucrats, especially through the RMG meetings in which high-level bureaucrats and politicians came together to discuss domestic reforms (interview with Public Official 6, 2016). This result is consistent with that of Tocci (2005, p.73)’s who also emphasized “endogenous factors” behind the domestic reform process in Turkey, but usefully explained that these factors have been “intricately linked with the launch of Turkey’s accession process”. Therefore, instead of an external EU influence, the domestic reforms were actually spearheaded by the domestic actors who consider EU rules to be ‘democratic’ and ‘modern’, which indicates that the EU institutions played a role as an ‘anchor’ instead of a ‘trigger’ to the domestic developments in making the decision to create the Bureau.

Thus far, the process-tracing revealed that the establishment of the Asylum and Migration Bureau was spearheaded by the domestic bureaucrats within the Ministry of Interior to advance reform plans. Although the EU was effective in the emergence of the idea of building such a civilian unit, it was triggered by domestic motivations that were constructed by two civil servants who inspected the asylum system in the field. These motivations were also consolidated by external monitoring impact, domestic problems due to incapacities of the TNP and domestic political inclination for reforms. Turning now to the Bureau’s activities and their implications, the next section traces the dynamics of the initial decisions taken by the Bureau leading to the law-making process.

7.2 Law-Making Process

The appointment of two Ministry of Interior inspectors to investigate the asylum area was indeed a significant step towards the formation of Turkish asylum policies. Following a field inspection, these new actors adopted an unusual method to reach the policy reform objectives. The Bureau made two important decisions: (a) to draft a comprehensive law, and (b) to adopt a participatory decision-making process, which means including international institutions and societal actors in

the law-making process. This section analyses the evolution of these decisions as well as elucidates the motivations behind these decisions. The analysis shows that there was a necessity for solutions to domestic problems but, at the same time, the leadership capabilities of the Bureau officials were also a significant factor that contributed to the making of these decisions.

7.2.1 The AMB in Search of a Solution: Decision to Draft New Law and to Pursue a Participatory Approach (2008-2009)

The first activity of the inspectors appointed to the Bureau was to conduct field inspections to gather information and to examine the existing asylum and migration system. In Turkey, civil inspectorship is an elite and important bureaucratic position; the inspectors can investigate the highest rank of officials including the governors, district governors and chief of police in the provinces and can draft confidential reports directly to the minister (interview with Ariner, 2016). Indeed, the two inspectors, Mr Atilla Toros and Mr Ramazan Yiğit⁶⁸, started their investigations at the removal centres and satellite cities, where asylum seekers are sent to wait for the decision on their applications. Subsequently, they inspected the works at the TNP for a three-month period to grasp the existing situation in the regular migration as well (Ariner, 2012). Upon these investigations they prepared a confidential report, which “revealed serious drawbacks” in the migration and asylum system (interview with Public Official 6, 2016). Together with this report, the Ministry of Interior officials felt the need to resolve these problems and became more concerned about the issue (interview with Ariner, 2016). These investigations indicate an emphasis on gaining a first-hand examination of the existing system without any internal or external bodies; and, particularly the unpublicised internal report showed that there was domestic dissatisfaction with the asylum and migration system, indicating a lesson-drawing mechanism.

However, such discontent with the existing system did not mean that the Bureau officials were initially aiming to undertake drastic action to establish a fully functional organisation and to draft comprehensive law. Testimonies of those seconded to the Bureau reveal that the initial aim was only to de-securitise this area in order to manage migration efficiently (interview with Ariner, 2016). An IOM official seconded to the Bureau stated that:

⁶⁸ While Mr Ramazan Yiğit left the position sometime after this assignment, Mr Atilla Toros continued in this post as the head of the bureau and became the Directorate General of the DGMM in 2014.

“[The Bureau] did not start with taking the responsibility from the TNP and adopting a comprehensive law; rather, the Ministry of Interior was going to undertake small legislative amendments and administrative measures” (interview with Açıkgöz, 2016).

Indeed, the first actions of the Bureau were to resolve the most urgent problems in the field by circulating small and thematic regulations. These problems were already highlighted by increasing monitoring impacts in the late 2000s. One criticised problem was the existing application of residence fees for asylum seekers and refugees. Even though the UNHCR granted refugee status and arranged a third country for the asylum seekers, the TNP was not giving leave permits due to the unpaid residence fees, which were creating important barriers for the resettlement of asylum seekers to third countries (interviews with Beyaztaş, 2016; Kılıç, 2016; Public Official 2, 2016). Other problems were about the education and health expenses and work permits of the asylum seekers (interview with IOM Official 2, 2016). Initial efforts to resolve these issues in the AMB resulted in several small developments in the early 2010s.⁶⁹

However, while they were working on such minor amendments and administrative measures, the inspectors became involved in an effective learning process in the Bureau. As mentioned in section 6.2.2 (p.135), they had no other previous knowledge nor an approach to the asylum and migration area; thus, they were cognitively motivated to process new information from the NGO reports to their own inspections to EU progress reports and to UNHCR and IOM consultations (interview with Academic 1, 2016). Due to this acculturation process, the Bureau officials began to obtain new conceptions of their roles and they improved their initial aims:

“The aim was very limited at first. It was going to be some amendments to the existing legislations coming from the 1950s on Passport and Settlement, etc. Then, it was decided that it would be a new legislation, but it was still going to be a very small legislation which would be one or two pages” (interview with Ariner, 2016).

During this learning process, the Bureau officials understood that small regulations would not be sufficient to deal with the problems in the field and that the asylum and migration area would necessitate a more comprehensive approach and a specialised expertise (interview with Açıkgöz, 2016). Upon their investigations and further learning, they also understood that effectively

⁶⁹ Some important developments were the adoption of 2010 Circular on Asylum Seekers and Refugees and 2010 Regulation regarding the Changes on the Implementation Regulation of the 2003 Law on Foreigners' Working Permits. While the regulation facilitated work permit applications, the circular introduced exemption on residence fees for destitute asylum seekers, admission of asylum applications from illegal migrants, foreigner registration numbers, confidentiality measures for personal information of asylum seekers, interview rooms and right to use an interpreter during the interview (Alan, 2016).

managing this area would benefit Turkey (interview with Ariner, 2016). They became more aware of the fact that the asylum system had been based on seeking solutions after the problems occurred, and they needed a more proactive, comprehensive and structural approach (interviews with Beyaztaş, 2016; IOM Official 1, 2016).

This incipient understanding was then consolidated by important legal impacts emerging in 2009. Firstly, the ECtHR's ruling on the Abdolkhani and Karimnia Case was an important indicator of the problems in the field. As explained in Figure 13 (p.104), the ECtHR decided that Turkey lacked the necessary legal grounds for detention and deportation of asylum seekers. A more striking implication of this decision was the annulment of the requirement to exhaust the domestic judicial mechanisms to apply to the ECtHR for asylum seekers, which meant asylum seekers were allowed to apply directly to the ECtHR. This decision paved the way for several similar decisions in other cases of asylum seeker in Turkey.⁷⁰ Similarly, an important report entitled "Human Rights of Asylum Seekers and Refugees" was also published by the Commissioner for Human Rights of the CoE in 2009 (Council of Europe, 2009). The then commissioner, Mr Hammarberg, directed wide-ranging criticism varying from residence fees of asylum seekers to the living conditions in detention centres to the refoulement and arbitrary detention practices in the report (Alan, 2016). These factors created a consolidating impact on the endogenous motivations to develop a proactive, comprehensive and structural approach to solve the problems.

Subsequently, the inspectors decided to instigate a new law-making process to draft not a 'small' legislation but a comprehensive legislation that could solve the problems in the field. Having already been set as an objective in the 2005 NAP, the idea of drafting a new law was also consolidated by the ECtHR's ruling and the criticising reports of the NGOs and the CoE. However, it emerged mainly due to the domestic motivations derived from the dissatisfaction with the existing system. The informants reported several aspects of these domestic motivations. Firstly, migration to Turkey became an increasing trend which signalled the need for a legislation (interviews with Efe, 2016; Kılıç, 2016; NGO Member 1, 2016). Indeed, the numbers of asylum seekers increased in 2007-8 and reached more than 10,000, overstretching the existing infrastructure of the asylum system. Also, the lack of a legislation in asylum raised questions on the statutory role of the implementation of the regulations, as asylum was only covered very briefly in several legislations (Settlement law, Passport Law and Foreigners' law) (interviews with Beyaztaş, 2016; Demir, 2016; Efe, 2016). However the most important aspect of the domestic motivations was the existence of a bureaucratic will that the Bureau demonstrated to recognise

⁷⁰ In 2010, the ECtHR found Turkey in violation to human rights in the cases of *Z.N.S v. Turkey*, *Charahili v. Turkey*, *Keshmiri v. Turkey*, *Ranjbar and others v. Turkey*, *Tahrani and others v. Turkey* (DGMM, 2015).

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that Turkey needed such a law (interview with Public Official 2, 2016). Indeed, it was the understanding of the inspectors in the Bureau that set the clear purpose of drafting a new legislation that would solve the main problems in the asylum and migration area.

In seeking to draft a new law, the undersecretary of the Ministry of Interior and the inspectors carefully studied who to recruit in terms of new personnel to the Bureau. While the two inspectors were assigned as the heads of the Bureau, several experienced and high-ranking TNP officials, who had benefited from most of the training programmes in the asylum area, were also hand-picked for the Bureau. More importantly, the Bureau also requested personnel from the UNHCR and the IOM and then included the NGOs and academics in the law-making process. This was a clear signal that the law-making process was definitely going to be different than previous attempts by TNP officials. In fact, the NGOs, academics and especially the UNHCR had previously been able to interact with the TNP in relation to asylum matters; however, they had never been included in the decision-making circle (interviews with Ekşi, 2016; Görendağ, 2016; UNHCR Official 2, 2016). It was indeed the first time that a bureaucratic unit, especially in a ministry like the Ministry of Interior who traditionally had had a nationalist trajectory and approach, extended its decision-making circle to include the NGOs and external actors (interviews with Öztürk, 2016; Public Official 2, 2016). As the informants also stated, the Bureau adopted “a method that was not implemented before” (interview with Öztürk, 2016), which was indeed a “deliberative process” led by the heads of the Bureau (interview with IOM Official 1, 2016) and yielded “maybe the most transparent and pluralist law-making process in Turkey” (interview with Erdoğan, 2016). Therefore, the Bureau brought a ‘participatory’ approach in the decision-making in asylum area by directly including the personnel from the UNHCR and IOM as well as by keeping close consultations with the EU, NGOs and academics.

Why did the Bureau choose to adopt a participatory decision-making process and include the external and domestic actors in law-making process? A variety of perspectives were expressed in the fieldwork in relation to Turkey’s overall reform progress. Firstly, the EU and the CoE had already recommended a consultative process in decision-making in their previous reports (NAP, 2005; Council of Europe, 2009). Similarly, the UNHCR had already been reminding the TNP officials in its training programmes that working closely with the NGOs was essential to governing the asylum area (interview with UNHCR Official 2, 2016). Indeed, the socialisation efforts may seem to be playing a role in this choice of consultation in decision-making (interviews with Erdoğan, 2016; Public Official 5, 2016; Yıldız, 2016). However, a common view amongst interviewees was that it had more of a domestic explanation than an external one, even though the opinions differed as to what kind of domestic factor was effective behind this choice. Some informants argued that there had already been a civilisation trend in the decision-making

structures of the Turkish bureaucracy due to AKP government's reform policies and the proliferation and strengthening of NGO activities in Turkey (interviews with Efe, 2016; Kılıç, 2016). An academic also stated that a consultative process was already in place in Turkish state tradition as it was 'recommended' in the Regulation on the Procedures and Principles related to Legislative Preparation (interview with Ekşi, 2016). Yet, these views surfaced mainly in relation to the general picture of reforms in Turkey, and they can only explain the circumstantial factors through which to understand the rationale behind the consultative decision-making in the asylum area. For example, despite this general favourable picture, the Border Management Bureau was also established at the same time as the Asylum and Migration Bureau, but the former chose to pursue the traditional route in terms of decision-making and did not approach the NGOs and international institutions (interview with Ariner, 2016). Therefore, although the socialisation and the general reform processes in Turkey provided a favourable environment through which to approach the stakeholders while making the decisions, these processes in fact lacked a causal impact.

Nonetheless, two recurrent themes in the interviews shed more light on the causal explanation for this pluralist approach. Firstly, better management and governance of the area of asylum required a specialised knowledge that the Bureau officials did not have. As an informant stated, "asylum was a specific issue area that required a serious experience" (interview with UNHCR Official 2, 2016). This knowledge could only be obtained from experienced stakeholders in this area (e.g., international organisations, NGOs, academics) and a participatory approach in decision-making therefore was a "necessity" to obtain this knowledge (interview with Taşdemir, 2016). A public official also exemplified that "if you are preparing something suitable to international standards, you would need appropriate personnel" (interview with Public Official 2, 2016). Indeed, the excerpt below was from a formal Turkish response to the report of the Human Rights Commissioner of the CoE indicates the domestic need for such an approach:

"Since the problem is multifaceted and complex, it requires internationally shared responsibility, solidarity and burden sharing and the solutions are beyond the means of a single country" (Council of Europe, 2009, p.33).

Overall, in order to draft a comprehensive law in the area of asylum, fostering a participatory decision-making process was indeed perceived as a requirement.

Yet, these need-driven motives also fall short of a plausible causal explanation behind the adoption of such an approach. As a more important theme, personal characteristics and leadership capabilities of the heads of the Bureau appear to be the most relevant factor in this decision. Informants suggested that it was the "initiative" (interview with Academic 1, 2016) and

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“administrative preference” (interview with Demir, 2016) of the heads of the Bureau that paved the way for the inclusion of stakeholders in the decision-making circle. An IOM official stated the following:

“We have to accept that Mr Toros had a personal impact because in his individual approach he was always demanding, and he strategically devised this picture step by step. He always had a macro, strategic framework in his mind that he wished to reach and by sharing this with all international institutions he attempted to gather support” (interview with IOM Official 2, 2016).

Atilla Toros had indeed had a distinct strategic approach and, as an EU official also stated, the IOs were supporting them to reach these pro-active plans:

“Mr Toros and we were discussing actually project ideas to support his action and what he was trying to achieve, such as capacity- and institution-building. Because he had a plan, of course, he had something in mind and we were absolutely backing him” (interview with EU Official 4, 2016).

Indeed, Mr Toros had a strategic approach and committed himself to advancing this area. Such “positive intentions” of him were echoed in testimonies from many other Bureau officials (interview with UNHCR Official 2, 2016). A UNHCR official who was seconded to the Bureau expressed his views in relation to working with Mr Toros:

“Working with these people [heads of the bureau] was something that changed my expectation from a state official. Particularly, Mr Toros had an individual vision which I believe was very important in proceeding the legislative works” (interview with UNHCR Official 3, 2016).

Overall, the leadership capabilities and personal insights of the head of the Bureau seem to be a more important factor that elucidates the choice of participatory approach in decision-making.

Taken together, the analysis of the motivations behind the decisions taken by the Bureau can show that the Bureau’s activities started with a need-driven approach but subsequently continued with more leadership-oriented dynamics (see Figure 20). In general, both decisions to draft a new law and to adopt participatory decision-making were needed for Turkey to manage migration and asylum, and effective leadership was also required as the asylum and migration area in Turkey was multifaceted and the state agencies lacked knowledge in these areas. On the one hand, however, the decision to draft a new law depended more on its necessity for Turkey and less on

the domestic actors' leadership. This is because the idea to draft a law had already been on the agenda when the mandate was at the TNP officials in the early 2000s (Demir, 2016).

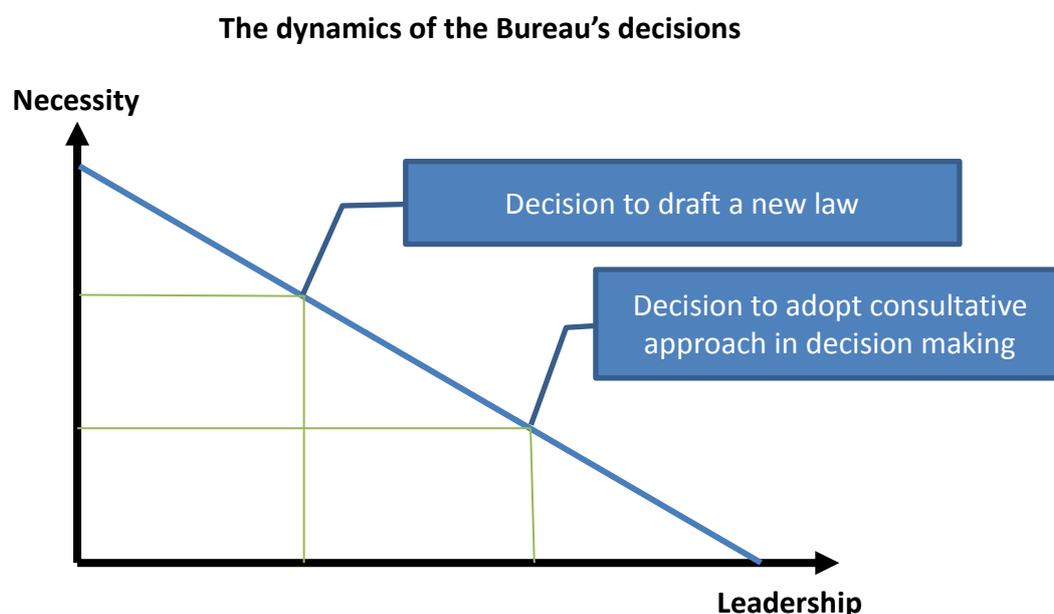


Figure 20 Dynamics of the Bureau's decisions

On the other hand, the decision to adopt a participatory approach in decision-making depended more on the leadership capabilities and less on the necessity. It was indeed needed as the necessary expertise was at the international institutions and other stakeholders, but the fact that the other Bureau of Border Management did not choose this decision might show that it was more a matter of the personality and leadership. Taken together, these two themes (i.e., necessity and leadership) were indeed important determinants by which to understand the dynamics of the Bureau's decisions, but they differed in scope in affecting the two decisions.

Overall, the process-tracing showed that the Bureau's initial activities represent a lesson-drawing mechanism which yielded two important decisions for making asylum policies. While the decision to draft a law emerged during the learning process in which the Bureau sought solutions to domestic problems, the decision to have a participatory process in decision-making depended more on the individual characteristics of the Bureau officials. Indeed, the analysis indicates that the leadership of the Bureau officials was an important factor; as seen in a testimony:

“To some extent, it is also a question of personality [...] you always have the element of individuals, one should not overstate it, but I think it is an important element” (interview with EU Official 3, 2016).

Thus, apart from the institutions (rules, norms, principles) and the organisations (external or internal), the actors also appear to play important roles in making asylum policies in Turkey.

Turning now to the drafting process of the legislation, the next section will investigate the implications of the Bureau's initial decisions on the evolution of asylum policies in Turkey.

7.2.2 The Making of the Foreigners and International Protection Law (2009-2013)

Following the initial decisions, the Bureau initiated a law-making process in 2009 which resulted with the adoption of the Foreigners and International Protection Law (FIPL) in 2013. Having a participatory decision-making, the Bureau officials brought external factors in the law-making process, giving them a significant opportunity to exert a socialisation impact by knowledge transfer, interaction and acculturation. However, as the leader of the process, the head of the Bureau played a vital role in policy entrepreneurship. Process tracing of the law-making period (2009-2013) reveals the significant role of the domestic actors' ability to draw on external support in framing the legislation and to cultivate relationships with relevant stakeholders to ensure adoption of the law.

7.2.2.1 Domestic Efforts in the Formulation and Enactment of the Law

The first manifestation of participatory decision-making was an open invitation to join the law-making process. The head of the Bureau, Mr Toros, individually paid visits to the offices of UNHCR and IOM and particularly requested "multilingual" and "qualified" personnel from these organisations to be seconded to the Bureau in 2009 (interview with Açıkgöz, 2016). The IOM representative immediately accepted to provide a full support to the activities (interviews with Açıkgöz, 2016; IOM Official 2, 2016). The UNHCR also accepted to second its experts to the Bureau in 2010, after its new representative was appointed (interviews with Academic 1, 2016; Ariner, 2016). In contrast, Mr Toros did not invite the EU to join the law-making process, mostly because of his sceptical view of the EU's twinning strategy with member states. Mr Toros' vision was to gather comprehensive knowledge to construct a functional law that could solve the domestic problems in the asylum system, which would go beyond the limited knowledge of an EU member state conveyed through a project without considering Turkey's national context (interview with Açıkgöz, 2016). Confirming this, the EU Official 4 (2016, interview) stated: "it was always a challenge for us to try and make the Bureau work more with member states because, obviously, our concern is the alignment with the EU *acquis*". The Bureau therefore had an inclination towards the UNHCR and the IOM rather than the EU.

Another reason Mr Toros was keen on working more with the UNHCR and the IOM was because these organisations were conducting all secretarial works of the Bureau. The IOM officials were particularly providing technical support in relation to the foreigners and the institutionalisation of the new organisation parts of the legislation, while the UNHCR officials were helping in the

international protection area.⁷¹ By bringing in the best country examples and translating the text in foreign languages, both organisations were important in formulating articles regarding harmonisation of refugees, temporary protection regime and the terminology of refugees (interview with IOM Official 1, 2016). At some point, Mr Toros became familiar with their organisational structure and chose to work with them instead of including the EU (interview with EU Official 2, 2016).

However, eagerness to work more with the UNHCR and IOM does not mean the Bureau completely rejected EU demands and *acquis*. Despite excluding the EU from the ‘kitchen’ of law-making, the Bureau took the output results of previous twinning projects into account while drafting the legislation and held regular meetings with the EU delegation to take their feedback on board (interviews with EU Official 4, 2016; UNHCR Official 3, 2016). Also, the Bureau received week-long study visits as a further feedback mechanism from EU experts under the EU’s TAIEX program (interview with EU Official 2, 2016). Moreover, instead of twinning projects, the Bureau accepted IPA projects, funded by the EU but implemented by IOM and UNHCR to build capacities (interview with UNHCR Official 3, 2016). As the EU Official 5 (2016, interview) explained:

“Turkey was inventing [a new policy] in addressing migration issue, this is not something that you can do alone, you need many other partners especially the EU. So, I think that Turkey was playing tactically with the EU”

Therefore, despite excluding the EU from the actual law-writing, the Bureau approached EU rules on asylum as a ‘modern’ governance method and considered them while drafting the law.

The actual law-drafting process took place during 2009 and 2010. The UNHCR and IOM directly supported the Bureau in carrying out careful examinations of international agreements, the EU *acquis* and reports, ECtHR decisions and other country legislations (interviews with Public Official 5, 2016; UNHCR Official 3, 2016). The previous 1994 Regulation and 2006 implementation directive were also considered along with the outputs of teaching programmes undertaken by the UNHCR and other external actors in the early 2000s (interview with Öztürk, 2016). The Ministry of Foreign Affairs, the UNHCR, and the IOM personnel utilised their extensive networks especially to find other countries’ examples (interview with UNHCR Official 2, 2016). The Bureau released the first draft of the law in 2010 (see Figure 21). Subsequently, a further consultation process was undertaken with several actors such as the Council of Europe, European Commission and civil

⁷¹ As mentioned in Chapter 4, the legislation FIPL consisted of three main parts: (a) foreigners, which regulates the regular migration, (b) international protection, which regulates the asylum, and (c) institutionalisation, which regulates the new organisational framework and establishment of Directorate General for Migration Management.

society actors. What is surprising is that the Bureau actively sought feedback on the draft law by paying informal visits to Strasbourg and Brussels to meet with their counterparts in the CoE and EU, which was not ordinary practice in Turkish bureaucracy (interviews with Arıner, 2016; EU Official 5, 2016; Öztürk, 2016). Regarding this, an IOM official stated: “showing the court decisions, Mr Toros negotiated with ECtHR saying ‘you are criticising us, we want to make new legislation; would you give your recommendations on this’” (interview with IOM Official 2, 2016). Similarly, upon the Bureau’s encouragements, academics discussed the draft law in academic conferences and gave feedback to the Bureau (interview with Ekşi, 2016), while the NGOs informed the Bureau of their human right concerns and published reports, which helped to improve the transparency of the law-making (interview with Academic 2, 2016).

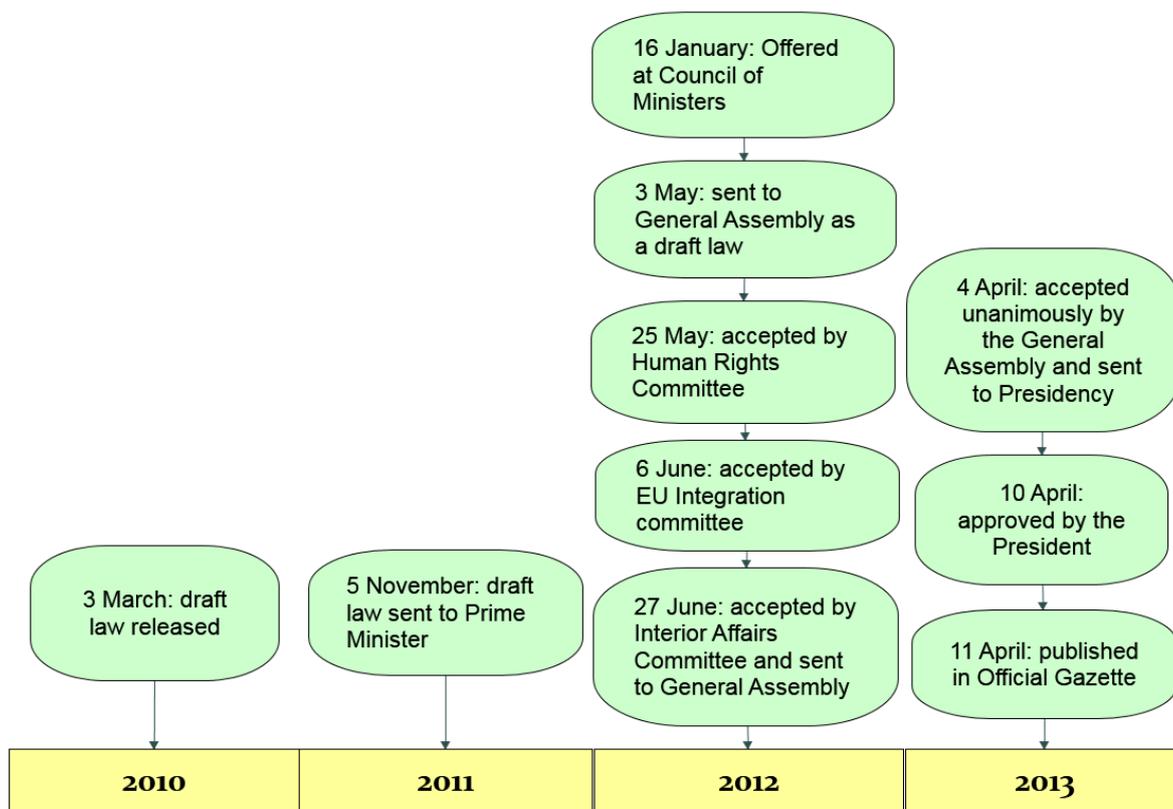


Figure 21 Timeline of the making of Foreigners and International Protection Law

Source: Ministry of Interior (2012)

The inclusion of the relevant stakeholders in the decision-making circle in the law-making process seemed to prove effective in terms of alignment with the international standards and human right norms. Following such a consultation process, the Bureau prepared the final draft of the legislation and submitted to the Ministry of Interior in 2011 to be escalated to the parliamentary committee sessions (interview with Öztürk, 2016). In June 2012, the Interior Affairs Committee, EU Integration Committee and Human Rights Observation Committee have issued reports for the approval of legislation. Ultimately, the law was adopted in April 2013 with a view to creating

functional asylum policies aligned with international norms and human rights. The following investigates the main motivations behind such moves in the law-making process.

7.2.2.2 Explaining the Dynamics of the Lesson Drawing and the Socialisation Mechanisms

The law-making process marked important interaction with external actors and the AMB demonstrating some strong signs of a socialisation mechanism. However, as explained in the previous chapter, voluntary approach of the Bureau to these external actors proves a strong domestically-driven interaction, instead of an exogenous one. Indeed, socialisation had rather a secondary role as the dynamics mainly illustrate a strategically-led, need-driven law-making process. Gradually becoming acculturated to the international norms with the help of the UNHCR and IOM, the Bureau officials carried a policy entrepreneurship by mobilising the international actors to create a transnational advocacy network. They mainly achieved this by pursuing a rationalistic mechanism of lesson-drawing with a proactive manner to address the domestic problems within the asylum system.

Despite close cooperation with external actors, the strong internalisation of international norms did not occur as the Bureau did not accept the socialisation message ‘wholeheartedly’ as ‘appropriate things to do’. Those participants who observed these close consultations with external actors were indeed cautious about the real impact of consultations. This lack of a full-socialisation impact was mostly because the Bureau had taken a balanced approach between international norms and national security concerns in the migration and asylum area. This is evident in the case of Turkey’s long-standing geographical limitation policy. Despite improving safeguards and rights of asylum seekers regardless of country of origin, the Bureau still maintained the two-tiered definition of refugees to reflect the policy, but in a way that keeps the door open for a bargaining with the EU in the future:

“When the day [to join the EU] comes, the Bureau would simply replace the articles 61, 62 and 63 with a new article of refugee definition and the whole legislation would still be implemented” (interview with Çorabatır, 2016).

Indeed, the Bureau devised an inclusive approach and advertised this explicitly in their communications (DGMM, 2018a), stating they constructed a migration management system that is ‘delicately balanced’ between human rights and public security.

Another important implication of such a balanced approach was the Bureau’s varied perspectives towards NGOs. While the Bureau welcomed feedback from NGOs like the Helsinki Citizens Assembly and SGDD-ASAM, who had contract relations with the UNHCR office in Turkey, its approach to NGOs such as Amnesty International was somehow sceptical. Amnesty’s refugee

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rights coordinator criticised the Bureau's apparently hostile approaches to their lobbying efforts in the parliament:

“It was implied that, saying that this legislation was against human rights and requesting reconsideration would mean like we were constituting an opposition to the adoption of whole legislation. [...] We did not only talk to the Ministry bureaucrats, but we informed also the political parties about our requests for changes in the legislation, and this was perceived as an opposition effort instead of a contribution” (interview with Görendağ, 2016).

The Bureau had indeed been inclined to take some NGOs on board while excluding others, which was mostly because they were in need of a balanced input instead of a merely human rights one. Some NGOs who advocated a definite lift of the geographical limitation without proposing how Turkey would handle the increased migration afterwards were not welcomed by the Bureau (interview with Açıkgöz, 2016). Similarly, some NGOs who were able to include an article in relation to LGBT rights and prohibition of discrimination became frustrated when they saw these articles were taken out of the final version of the legislation (interview with UNHCR Official 3, 2016). Some provisions related to ‘consideration of application as withdrawn’ and ‘accelerated procedures of asylum’ were also not found in the legislation (interviews with Academic 2, 2016; Yılmaz, 2016). As a participant stated, “some of the recommendations sounded plausible to the Bureau officials while some did not” (interview with Yılmaz, 2016). These comments are indicative of a strong filtering mechanism of the feedback on the part of the Bureau, disproving an effective socialisation impact.

Rather than socialisation, the law-making process showed characteristics of a lesson-drawing mechanism. The Bureau voluntarily initiated consultations and gained knowledge and understanding of the domestic problems in Turkey's asylum system, which typifies an explicit attempt to emulate international norms. For example, drawing on this interaction, the Bureau made a very effective move in adopting two small regulations in 2010 and 2011 to resolve the issues regarding residence fees and health expenses of the asylum seekers, which provided quick solutions and prevented external criticism during the law-making process (interview with IOM Official 2, 2016). Moreover, IOM and UNHCR secondments to the Bureau, visits to CoE and EU and taking feedback from civil society all demonstrate a voluntary ‘teaching’ process in order to find solutions to domestic problems by referring to international norms and human rights, implying a clear lesson-drawing mechanism.

Furthermore, going beyond simply drawing lessons, the head of the Bureau's consultations with external actors represented a strategic move to win the hearts and minds of the stakeholders in

the migration and asylum area. He envisaged that a comprehensive law in such a controversial topic would not be straightforward to pass through parliamentary committees and the General Assembly. The legislation was a domestic need, but at the same time, it was going to create a great responsibility for Turkey in terms of managing the asylum flows. Otherwise, the counter-argument was a traditional and a strong one: the law would create a pull factor for refugees and illegal migrants to come to Turkey, which would cause severe problems in terms of security and stability. This argument was already upheld by TNP, who were showing resistance to the initial administrative measures of the Bureau in the early 2010s (Alan, 2016). Also, this was not a law-making by parliament; rather, it was a bottom-up law-making process in which the drafting ministry needed to consult and persuade every relevant ministries and political actors to coordinate a smooth enactment (interview with Ariner, 2016). Therefore, Mr Toros also had to think through the difficult trajectory of passing legislation drafted by a ministry. As the legislation would be the first of its kind in the area of asylum in Turkey, Mr Toros had to utilise strong leadership capabilities to pursue this goal.

Several important decisions made in the law-making process show a strategic and proactive manner of Mr Toros. Initially, he rejected any unrelated and less beneficial mechanisms that would slow down the process. For example, he rejected the idea of combining the legislation with the Bureau of Border Management due to his insight that this would hamper the adoption of the legislation. Similarly, he did not want any twinning project from the EU as he thought their contribution would be more limited than what the IOM and the UNHCR could provide themselves. Nonetheless, he made sure that this decision did not alienate the EU by initiating feedback mechanisms through consultations as well as IPA and TAIEX projects. More importantly, he led the Bureau officials to prepare justifications for why he did not plan any twinning with the EU but rather worked closely with the UNHCR and the IOM (interview with Açıkgöz, 2016). Likewise, Mr Toros envisaged that each article in the law had to be drafted very carefully to deter the veto players (interview with UNHCR Official 2, July 2016). Thus, he led the Bureau officials to work carefully on creating systematic foundations and the rationale for each article, which resulted in a 200-page long document detailing what the previous law was like, what the new law would bring, what the basis of each article was, and how the EU *acquis* and other countries' laws regulated this topic (interviews with Açıkgöz, 2016; Ariner, 2016). Another important decision was about the structure of the law. Initially, the law's three different parts were considered separate laws. However, following close consultations with academics and the Directorate General for Laws and Decisions under the Prime Minister's office, he decided to combine the three parts into one legislation as it would protect its overall integrity during the parliamentary sessions (interviews with Tokuzlu, 2016; UNHCR Official 3, 2016). Thus, taking visionary decisions, he utilised

consultations with external actors to further his goal of passing a comprehensive law that meets all domestic needs (interview with IOM Official 2, 2016).

Indeed, the Bureau was able to devise a strategic leverage by advertising the transnational consultations to advance the validity and credibility of the legislation (interview with EU Official 4, 2016). Any criticism might have put the legislative endeavours in a difficult position at the parliamentary stage; to prevent this, the Bureau undertook a policy entrepreneurship to 'lobby' actors to eliminate potential vetoes and to create a transnational advocacy network. The Bureau's informal visits to international actors are understood as both a lobbying activity and a strong advocacy tool for the legislation (interviews with IOM Official 2, 2016; Kılıç, 2016; Tokuzlu, 2016).⁷² An official stated: "these visits were important both to make what Turkey is doing visible [...] and to lay claim in this area" (interview with IOM Official 2, 2016). A TNP official, who attended to the informal visit to CoE, stated the following:

"The ECtHR had many cases during the 2009 and 2010. [...] We also discussed this when we visited them. We told them that we are preparing a new legislation, but you have a lot of cases, are we going to deal with these cases, or with the legislation? Then they suspended the cases, there were no decisions for some time" (interview with Öztürk, 2016).

Similarly, using the participatory decision-making, the Bureau also instructed the NGOs to ignore the violations in the field for some time as bad publicity would constitute a severe blow to the passage of the legislation (interview with Academic 1, 2016). This cooperation with the NGOs has also strengthened the Bureau's discourse about the legislation. As one EU official confirmed, "Mr Toros was very proud of saying that 'while we were preparing the new legislation, we had lots of consultation with the civil society'" (interview with EU Official 4, 2016). Through this network, external organisations began to change their previous sceptical views in their reports. For example, the UNHCR representative has advocated for the legislative efforts in several platforms and commended the Bureau's efforts in drafting the legislation (interview with UNHCR Official 3, 2016). Similarly, the EU welcomed these developments through an annual progress report finding the legislation highly in line with the EU *acquis* and international standards except for the geographical limitation policy of Turkey (European Commission, 2013). Overall, such a strategic entrepreneurship was an instrumental move for advocating for a 'liberal' and 'democratic' law-making process.

⁷² These visits were in an informal nature due to political reasons (interview with EU Official 5, 2016).

Moreover, Mr Toros was able to bring several institutional and contextual advantages home. Firstly, he was completely backed by the senior officials in the Ministry of Interior (interview with Kılıç, 2016). His plan was accepted as an important reform item on the agenda of Reform Monitoring Group in which the Turkish Presidency also had a representative among the other four ministers (interview with Öztürk, 2016). Thus, the government was also well-informed of the objective and did not pose a barrier to it. The second advantage was the Ministry of Interior's superiority among the other ministries:

“[Drafting the legislation] was even well-above the mandate of the Ministry of Interior. But there is a saying; according to Turkish laws, all ministries are hierarchically equal, but in each issue that needs a coordination, Ministry of Interior comes first among the equals.[...] Because we have the local authorities, it is advantageous [for us to coordinate with other ministries]” (interview with Öztürk, 2016).

Indeed, the Ministry of Interior has strong persuasive power in inter-ministerial issues, especially in areas like migration and asylum where other ministries clearly lacked knowledge (interview with Public Official 2, 2016). A third advantage was the depoliticised nature of the policy instruments in migration and asylum due to the lack of knowledge of the members of the parliament about the migration and asylum issues (interviews with IOM Official 2, 2016; Public Official 5, 2016). As Arner (2012) also found in his study, more politicised areas in Turkey (e.g., border management and the establishment of human rights institution) have been more controversial in terms of having a participatory approach to include NGOs and other external organisations into the reform process. Nonetheless, the migration and asylum area was not politicised and political actors were indifferent to the legislation.⁷³ Taking these advantages, Mr Toros was able to convince the domestic courts and some nationalist-oriented ministries such as the Ministry of Labour and Social Security to support the passage of the legislation (interviews with Arner, 2016; Öztürk, 2016). Pro-EU ministries such as Ministry of Foreign Affairs and Ministry of EU Affairs played a considerable role in supporting the new law (interviews with Public Official 5, 2016; Public Official 6, 2016).

Such strategic entrepreneurship of Mr Toros indeed proved effective in deterring the opposition from resisting the passage of the law through the General Assembly. During the parliamentary committee sessions and final negotiations, all ministries and domestic units supported the

⁷³ The minutes of the parliamentary committee meetings showed this indifference. Although the topic of these meetings is to discuss the draft legislation, there were only a few vague comments on the legislation in most of the minutes. Most of the discussions were held over other topics that had been perceived as politically significant.

legislation except for the TNP as the predecessor unit (interview with Açıkgöz, 2016). The TNP was mainly concerned about the loss of their traditional mandate in asylum governance (interviews with Ariner, 2016; Public Official 5, 2016) and about the fact that the law could act as a pull factor and attract more asylum seekers and illegal migrants that would exacerbate national security (interview with Public Official 6, 2016). As a UNHCR official reported, the main arguments of the TNP in these final meetings were “the legislation was not actually bringing a new thing”, “there was no need for a different institution”, “the TNP had already been doing the same thing” and “if the legislation would have passed the TNP could also implement the legislation” (interview with UNHCR Official 3, 2016). They were highlighting the fact that Turkey was a transit country and the TNP was an important institution providing security in this area (interview with Ariner, 2016). However, this opposition was a ‘weak’ one that did not exert any influence on the adoption of the law which was already ‘crafted’ by the Bureau (interviews with Public Official 2, 2016; Public Official 6, 2016). The majority of participants agreed with the statement that legislation was advertised as “a human rights- and liberty-bringing legislation” and “a legislation that brings a democratic asylum and migration system” (interview with Ekşi, 2016). As a result, the General Assembly voted unanimously for the legislation in April 2013, which showed a consensus among all political parties (interview with Public Official 3, 2016). An informant expressed his views as follows:

“The legislation was adopted with a unanimous vote, not a majority vote but we are mentioning a unanimous vote here. In this regard I think this indicates the existence of a societal consensus on this. [...] This was not a picture that we observe too much in the assembly, it was an interesting outcome” (interview with UNHCR Official 4, 2016).

Overall, through various strategic moves Turkey adopted the legislation in April 2013 with an unusual unanimous voting and fully enacted its rules one year later, in April 2014.

An implication of these interaction dynamics within the transnational advocacy network is the possibility that second image reversed processes can also be triggered by domestic factors (Figure 22). By adopting a participatory decision-making, the head of the AMB became a policy entrepreneur and created a transnational advocacy networking that helped “sharing information, attaining greater visibility, gaining access to wider publics, multiplying channels of institutional access” (Keck and Sikkink, 1998, p.14). This transnational networking created “a transformative and mentality changing process” not only for domestic bureaucrats but also for international actors (Açıkgöz and Ariner, 2014, p.5). Through lobbying and strategic leadership, the policy-making is transferred to a more suitable ‘venue’, where the AMB’s strong arguments made any potential veto players (i.e., TNP) more amenable to the new legislation.

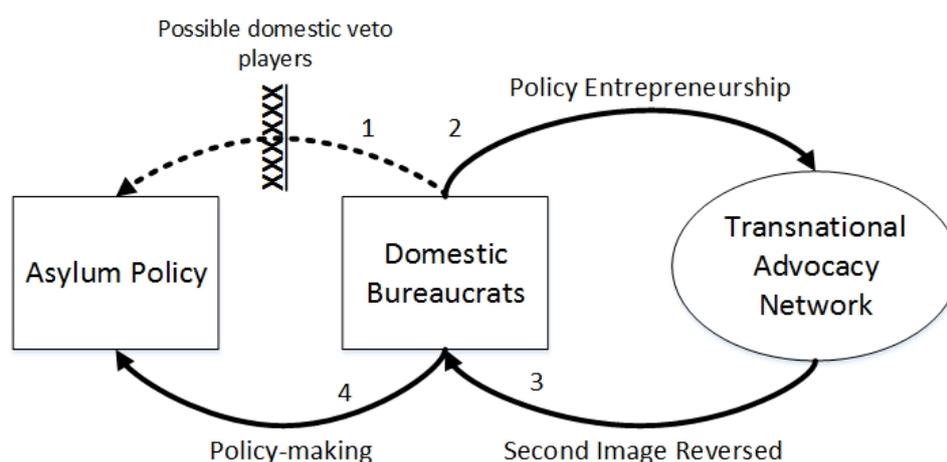


Figure 22 Diagram of domestic bureaucrats as the trigger of second image reversed

This implication does not mean that second image reversed processes require a domestic endeavour of entrepreneurship, but it questions the one-way direction of the influence in second image reversed processes. It proposes the existence of a feedback mechanism that shapes the way domestic outcomes are driven by external sources.

In summary, the process tracing of law-making has shown a strong lesson-drawing mechanism spearheaded by Bureau officials. Although the relevance of UNHCR and IOM's socialisation impact is clearly supported by the findings, it was rather secondary to the lesson-drawing as the strategic actions of the bureaucrats (in, e.g., maintaining a balanced approach to asylum, taking all stakeholders on board and bringing the benefits of migration management for all) indicate a clear domestic motivation and leadership in both formulating and passing the law. This does not mean socialisation was not effective at all; it went hand in hand with the lesson-drawing but rather played a role in informing the law-making decisions triggered by endogenous dynamics.

7.3 Policy Implementation Process

Once the legislation was enacted in 2014, the AMB became a fully-functional domestic organisation named the Directorate General for Migration Management (DGMM) under the Ministry of Interior. The DGMM gradually took over the duties of the TNP and began to carry out some developments such as adopting secondary legislation and implementation of legislation, registering Syrians under Temporary Protection, processing a backlog of asylum applications and establishing the infrastructure for the integration of asylum seekers. Despite the existence of the EU's coercive bargaining impact, the majority of these developments were spearheaded with domestic motivations by the Bureau officials who wanted to establish the best mechanisms of the

implementation of the new asylum system.⁷⁴ However, an unprecedented increase in the number of refugee arrivals and a ‘centralisation’ trend in decision-making constructed the main dynamics behind these path-dependent developments.

Once established, the DGMM had a restricted capacity to provide an immediate implementation due to the unprecedented number of Syrian and non-Syrian asylum seekers, most of whom were not even registered properly (see Figure 23 & Figure 24).

Number of Syrian population and non-Syrian asylum applications in Turkey

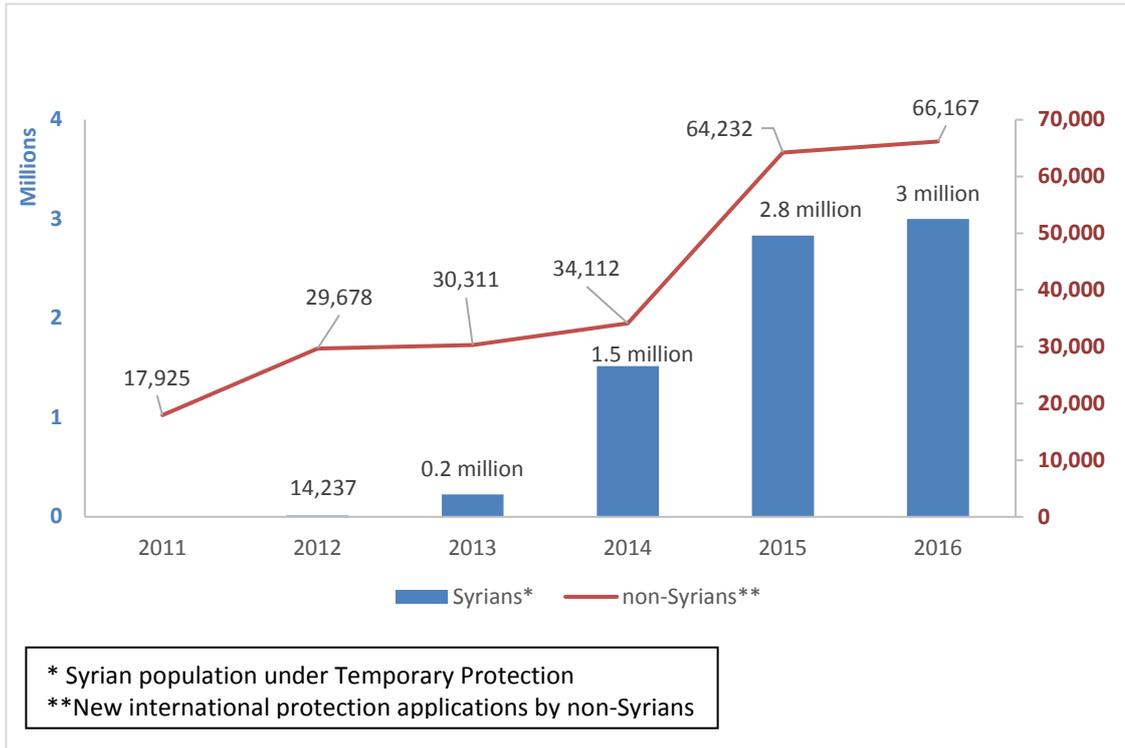


Figure 23 Number of Syrian population and non-Syrian asylum applications in Turkey
 Source: Data compiled by author from DGMM (2018b)

⁷⁴ As explained in section 5.1.2 (p.94), these developments were highly in line with the EU demands yet the EU coercive bargaining was only effective in facilitating these reforms once the political actors became more interested in the refugee flows in 2015.

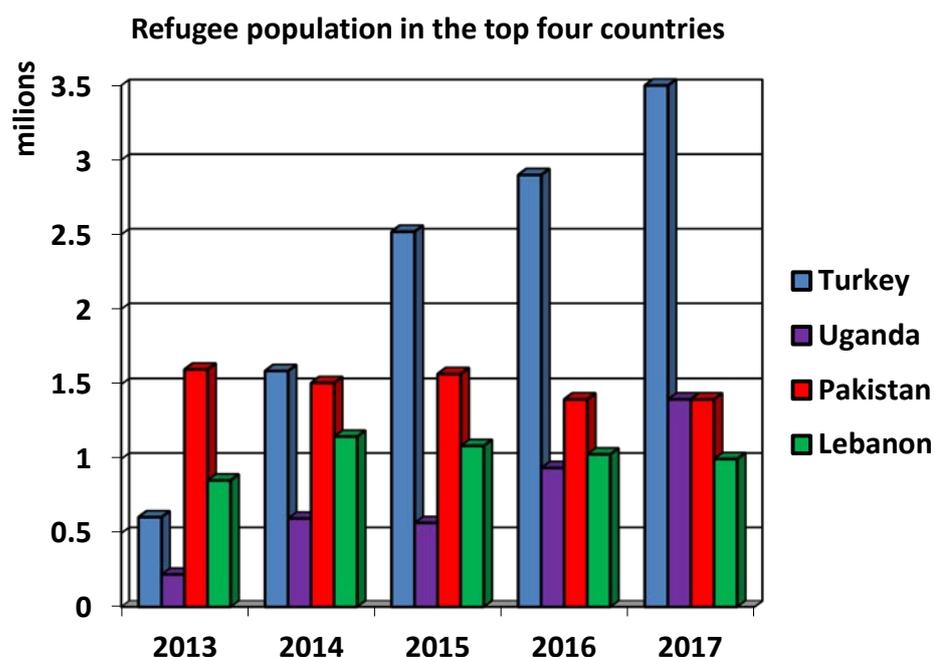


Figure 24 Refugee population in the top four countries

Source: Data compiled by author from UNHCR (2017)

As the figures show, Turkey became a host country to the highest number of refugees worldwide around the time when the DGMM took over asylum duties from the TNP in 2015. Due to this huge workload, even though the Bureau had the first drafts of the implementation regulations ready in 2013, there were some delays in enacting them (interviews with Açıkgöz, 2016; Public Official 2, 2016). Regulations on work permits and the implementation of the FIPL were only adopted in 2016, three years after the adoption of the law. A common view amongst interviewees was that the DGMM was still a new institution and lacked an established organisational culture. In seeking to reach the best mechanism and best implementation, the DGMM officials were waiting for feedback from the field, which caused delays in both adoption of regulations and carrying out RSD processes (interviews with EU Official 2, 2016; Public Official 4, 2016). One example was that the DGMM did not start processing asylum applications until RSD officers were fully inducted for a standardised application across all provinces in Turkey (interview with Academic 1, 2016). Recruiting and inducting these officers occurred as late as May 2017, following an enhanced political dialogue on visa liberalisation with the EU (European Asylum Support Office, 2017).

Apart from the DGMM's capacity-building efforts, there was a change in the strategy of participatory decision-making. After the law was adopted in 2013, there was a sudden halt in consultation process with the UNHCR and IOM. Although several bilateral projects with UNHCR and IOM were drafted in 2013, they did not start until 2016. Such a centralisation turn was understood as plausible by most of the participants considering the difficulties in the start-up of

the DGMM in the light of an unprecedented number of asylum seekers (interviews with Academic 1, 2016; IOM Official 1, 2016). Nonetheless, since 2016, when the developments gained a momentum with the EU-Turkey political summits, there was a return to consultations and capacity-building projects with UNHCR, IOM and the EU. Some important projects are UNHCR-led “strengthening Turkey’s national asylum system” and IOM-led “supporting Turkey’s efforts in migration management”. Overall, the DGMM experienced a lag in the asylum developments in the aftermath of the adoption of the law, which was mostly due to the workload and the domestic costs of starting up a new organisation.

7.4 Summary

This chapter focused on the domestic dynamics of the formation of Turkish asylum policies. It analysed the domestic institutions, actors and the decision-making structures, showing that the domestic motivations were indeed vitally important in the making of the asylum policies as they paved the way for an unusual law-making process. Thus, the Bureau conducted a vigorous lesson-drawing mechanism which yielded a comprehensive asylum legislation aligned with the international standards and human right norms.

Particularly, the chapter provided evidence for the fact that the creation of the AMB in 2008 had EU-oriented goals but was mostly driven by domestic motivations of finding solutions to the problems in the field as well as recommencing the reform process which had slowed down in the mid-2000s. Analysing the AMB’s significant decisions of drafting a new law and adopting a participatory decision-making, the chapter also illustrated that domestic dissatisfaction with the asylum system and the personal insights of the Bureau officials were of a great importance in instigating a lesson-drawing mechanism that eventually shaped the law making process. Furthermore, process tracing of the law-making period of 2009-2013 also elucidated that international organisations (i.e., IOM and UNHCR) were the vital contributors to a socialisation process of the Bureau officials while the EU, NGOs and the academics were less effective. However, this socialisation worked more as an advocacy tool than in changing the bureaucrats’ beliefs and preferences because it was the strategic approach and the leadership of the head of the Bureau that facilitated the legislation being passed by parliament through deterring possible opposition mechanisms. The lack of political interest in migration and asylum also prevented political quarrels over migration and created a favourable environment for developments in the area to take place. Overall, the chapter illuminated the role of domestic factors as a causal explanation to the evolution of asylum policies in Turkey.

Taken together, these findings also suggest significant implications for the knowledge of asylum policy-making as well as for the lesson drawing mechanism. Despite the proliferation of multilateral efforts in managing migration, the domestic actors and institutions also played important roles in triggering the developments and shaping the asylum policies in the absence of external influences. However, the process of policy-making still relied on the interconnectedness of the international and domestic settings. Also, the findings proposed that the individual-level variables (e.g., leadership capabilities, having a strategic approach) can be significant variables in the analysis of the effectiveness of a lesson-drawing mechanism.

Chapter 8 Conclusion

This thesis set out to explain the emergence of the current asylum policies in Turkey by investigating the interplay between the external influences of the EU, UNHCR, IOM and CoE and domestic factors. The preceding chapters introduced the problem and the rationale to this thesis, conceptualised and justified the analytical framework and methodology, and finally delved into a close investigation of the influencing mechanisms employed by these organisations. This chapter reviews and concludes the research by presenting a summary of empirical findings and their implications for scholarly knowledge. Highlighting the importance of international institutions in the refugee regime, it points out that the interaction dynamics between international and domestic factors have been instrumental in defining policy problems and shaping the beliefs and preferences of policy players. It also demonstrates the importance of taking a step further from ‘correlational’ thinking to causation to unfold the complex processes of asylum policy-making. Beginning by providing a general overview of the conducted research, the chapter goes on to propose empirical findings and conclusions to the analysis. Subsequently, it considers contributions and limitations of this research and provides recommendations for further research.

8.1 Overview of the Research Puzzle and Design

Turkey has recently created its first functional asylum policies. Adoption of the FIPL in 2013 and establishment of the DGMM in 2014 have played a considerable role in bringing the human rights and international norms into the asylum system. However, this outcome did not appear overnight, but was the result of a long and complex policy-making process originally embarked upon in the late 1990s. Since then, domestic officials and external organisations, namely the EU, UNHCR, IOM and CoE, made important interactions and negotiations over the domestic developments in asylum area. This thesis aimed to explore the evolution of current asylum policies by analysing the implications of these interactions in the form of influences on the policy-making process.

Recent developments in the field of asylum in Turkey have led to renewed interest in elucidating the actual dynamics of this complex policy-making process. An extensive body of research has shown that the EU has been the foremost factor that triggered the domestic reforms in the asylum area. However, the thesis argues that such a complex process of policy-making cannot be illuminated without taking other relevant organisations into account. Therefore, it draws on a growing body of literature that recognises the respective roles of the UNHCR, IOM and CoE on the emergence of policy. However, much uncertainty still exists in this literature about the causality of

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both the EU and any other organisations' influences, and indeed domestic reforms, in the asylum area. This thesis fills this gap by tracing the sources, features and evolution of the policy-making process and rigorously investigating the external influencing mechanisms and their implications. To these ends, the thesis posed the following research questions:

- *How have the interactions with EU, UNHCR, IOM and CoE affected the evolution of asylum policies in Turkey?*
 - *What are the mechanisms of these organisations' influences?*
 - *What differences did these mechanisms make in the changes observed in asylum policy-making in Turkey since the 1990s?*
 - *How do domestic actors and conditions mediate these external influence mechanisms?*

Within this backdrop, due to the comparatively established nature of the refugee regime, the thesis argued for the important role of the interplay between external organisations and domestic factors in shaping domestic asylum policies. In seeking to answer this research question, therefore, it employed an institutionalist account of second image reversed understanding.

The thesis adopted a systematic and comprehensive analytical perspective to explore both international and domestic factors and their intermestic mechanisms in the study. It found that existing research extensively focuses on the EU conditionality and a loosely-defined socialisation mechanism. To unpack the complex policy-making process, this thesis combined several influence mechanisms in a single voluntary-coercive continuum by taking into account both theoretically-informed influence mechanisms (i.e., coercive bargaining, legal obligations, monitoring, socialisation, lesson drawing) and case-specific domestic variables (e.g., refugee flows, political discourse, bureaucratic context, individual factors and the state apparatus) to determine the actual dynamics. It also conceptualised these mechanisms by breaking down their indicators to examine their presence and levels of effectiveness, thereby providing a critical and systematic approach to the analysis. The thesis therefore proposed a new analytical framework to be used as a heuristic device while investigating the external influences in the domestic domain.

This thesis employed a design of qualitative case study research which allowed for controlled examination of several processes. Data collection of the research consisted of semi-structured qualitative interviews and an intensive document research. In line with the holistic nature of the analytical framework, the thesis conducted a process-tracing method of inquiry that aimed at explaining the domestic changes. Focusing on the influence mechanisms and the causality of the external organisations, the thesis therefore conducted an outcome-explaining process tracing as a case-oriented approach that employed theoretical explanations to understand the actual

dynamics between external influences and domestic consequences. The next section will provide a discussion of the empirical findings and their implications on further understanding of the topic, the associated theory and contributions to the literature.

8.2 Summary of the Empirical Findings

The empirical part of the thesis started with a descriptive historical record of Turkey's asylum policy development in Chapter 4, comparing the different aspects of the asylum system of the 1990s and the current system. It provided evidence of the transformation of Turkey's responses to asylum from a securitising approach to an approach underpinned by human rights and international norms. Firstly, it described how Turkey's asylum system obtained a normative structure with the adoption of FIPL, which introduced a comprehensive set of provisions that had a focus on human rights and international norms. Secondly, Turkey created a new institutional structure. Through the creation of the DGMM, the asylum system has seen a change in its decision-making, going from centralised to participatory. The area of asylum has become more multi-level actor-centric, especially with the involvement of NGOs, lawyers, academics as well as state institutions and external organisations. This meant a slight increase in the number of domestic opposition mechanisms which thereby created an incipient trend of politicisation. Thirdly, in a practical sense, the current system provides a wider protection than ever with regards to the integration of asylum seekers and in seeking to provide a universal implementation of the new provisions in the asylum system. Overall, the transformation of the asylum regime in Turkey indicates that the country conducted a controversial and complex policy-making process which eventually led to the emergence of an asylum policy.

After setting out the context of the process, the thesis conducted an in-depth process-tracing analysis in Chapter 5, 6 and 7 with reference to the theoretically informed influence mechanisms and observed outcomes. Appendix E illustrates a general picture of the flows, intensities and turning points of each influence mechanism in the policy-making process which, according to the findings, can be broken down to specific periods that represent the stages of how asylum policy emerged and evolved in Turkey.

1997-2006 problem definition and agenda setting: Turkish officials accepted the need to hold formal meetings with UNHCR to discuss the provisions in the 1994 regulation in 1997. Subsequently, the judicial review was opened for decisions regarding asylum seekers and the regulation amended in 1999 to relax the procedural requirement of applying asylum. These developments show the first concrete changes driven by the UNHCR's initial legal and socialisation mechanisms. Following these interactions, the TNP clearly developed a positive

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attitude to transnational relations and became more open to external input, which paved the way for a closer partnership with the EU, other foreign governments and NGOs like ICMC.

These emerging cooperative attitudes were strengthened by the ECtHR's decision in 2000 on the Jabari case, which changed the understanding of the procedural requirement of ten days *vis-a-vis* universal human right values. From 2000 onwards, the TNP officials gradually changed their behaviour by deeming asylum applications admissible regardless of the timeframe they were submitted in and by avoiding refoulement of failed asylum seekers. This was in fact a minor but an important change from a national security understanding to one of refugee rights, as the non-refoulement principle is central to the international refugee regime. However, it was pragmatic in nature and did not yield inclusion of non-refoulement principle into 1994 regulation. The main aim was to deter ECtHR convictions and external criticism.

These two observed changes in attitudes and practices were then overshadowed by the strong coercive bargaining of the EU. Turkey was nominated as an EU candidate country in 1999 and an effective coercive influence was emplaced after 2001. The EU successfully negotiated its demands and the rewards with Turkey and induced a domestic strategic-calculation approach, changing the behaviour of TNP officials. The previous attitude change and practice change then turned into an opportunity-maximising attempt with the coercive bargaining. As an outcome, Turkey adopted the 2003 Asylum Strategy Document and 2005 National Action Plan, which were both crucial elements to laying the foundations for the current asylum policies. They introduced a new reform agenda that was explicitly linked to EU demands. The EU's intermediary rewards (e.g., financial package, official launch of accession talks) changed the associated cost-benefit calculations, showing that benefits of the EU accession process would be higher than the costs of the short-term domestic changes.

Taken together, after 1997, following the UNHCR's efforts to foster transnational relations the TNP began to accept external input as an 'appropriate' thing. However, their pragmatic visions and rationalist motives undermined these constitutive external impacts and directed them to seek the new opportunities that the EU was providing. Therefore, the coercive bargaining mechanism was more influential than socialisation, monitoring and legal influences in the period following 2001. The intensive socialisation mechanism, legal impacts of the ECtHR and EU's monitoring in the early 2000s played a significant role in informing the content of the strategy and action plans. They enhanced the awareness of the TNP officials with regards to international norms and principles and guided the subsequently emerging efforts, but it was the EU's coercive bargaining impacts that triggered the developments.

2006-2008 Reform slowdown and securitisation turn: 2006 marked two developments. The first was an amendment to the 1994 regulation that changed the ten-day rule to ‘without delay’ and introduced the devolution of decision-making to governorates. The second was the adoption of the Implementation Directive that integrated some EU rules and facilitated implementation of the rules adopted in the 2005 NAP. These developments were the final implications of external influences of coercive bargaining and socialisation at work until 2005. However, due to the lack of credibility to EU incentives and the lack of political push to pursue reforms – due to the governing party dealing with nationalist and secularist opposition – there was a slowdown in the implementation of reforms in the asylum area. This was coupled with an increase in the number of asylum seekers arriving in Turkey, which restrained the capacities of the TNP to one of managing and the UNHCR of resettling them. These changing dynamics characterised a slight return to a national security understanding between 2006 and 2008, when there were many occurrences of deportation; this increase in refoulement practices did not go unnoticed, as several NGOs monitored the situation and expressed their concerns, which constituted the basis for a subsequent lesson-drawing mechanism.

2008-2013 Law-making: The stagnation of reforms after 2006 and the emerging problems in the field subsequently yielded an increased impact of monitoring by NGOs and the CoE that urged Ministry of Interior officials to take responsibility for inspecting the criticism levelled at them regarding the inhuman conditions of the detention centres and unacceptable refoulement practices. This was the first sign of a lesson-drawing mechanism which was also supported by a domestic political will to pursue reforms after the re-election of the AKP government. The Asylum and Migration Bureau were then created to recommence reforms. ECtHR rulings and CoE monitoring in 2009 formed an extra influence that consolidated the urgent necessity of a comprehensive legislation. The Bureau officials approached the international organisations, academics and NGOs to initiate a law-making process during 2009-13. Although the creation of such a bureau and the drafting of new law had long been demanded by the EU, these developments were nevertheless mostly necessity-driven. This sense of “Turkey needs these reforms” was spearheaded by the bureaucrats’ leadership and strategic approach in proceeding the necessary legal and bureaucratic steps in building the current asylum policies.

The new participatory decision-making style led to a fairly effective socialisation mechanism during the law-making process. New bureaucrats in the AMB brought a non-securitised but balanced mindset between human rights and Turkey’s particular circumstances. This balanced approach prevented a full internalisation of the international norms and perception of norms as ‘appropriate’ things to do; rather, the outcome was an acculturation of domestic officials. Through sustained interaction and exchange of knowledge with IOM and UNHCR officials, the

bureaucrats gradually became acculturated to the international norms of the refugee regime. Although they began to perceive norms as appropriate things to follow, they still had strategic motivations (e.g., gaining a powerful role in the national and international arena through visiting international actors as well as domestic institutions). Due to this acculturation outcome, for example, they chose to retain the geographical limitation to the Geneva Convention but adopted most of the international norms including non-refoulement and non-penalisation and introduced them in Turkey's new asylum system. The socialisation efforts not only increased the knowledge of the AMB bureaucrats but also empowered them to seek new role conceptions within both the national and international platforms, which facilitated the reform process. Despite this, the strategic approach was intact, and the domestic motivations were always the main trigger for any developments.

The analysis of this period show that monitoring, legal obligation and socialisation mechanisms were not powerful enough to induce concrete domestic changes, but they did reinforce the mechanisms of lesson-drawing. As the main drivers of the changes, domestic bureaucrats mobilised external socialisation influences and initiated a transnational advocacy network which empowered their positions in the domestic and international arena.

2013-2016 institutionalisation and implementation: The lesson-drawing mechanism, reinforced by socialisation mechanism, was highly effective in yielding a crucial outcome with FIPL and DGMM. But after 2013, the participatory decision-making was halted and there was a delay in adopting secondary legislations in order to transfer the legislation into policy and practice. During this period, the EU enacted another coercive bargaining mechanism through the visa liberalisation process, but this did not result in any immediate consequence. This stagnation in the ongoing reforms was mostly because of the increasing number of Syrians in Turkey and the problems of institutionalisation of the newly established Directorate General for Migration Management.

2016 politicisation and implementation: Turkey signed a bilateral agreement with the EU in 2016 on the issues of returning Syrians that passed EU borders irregularly. This agreement reenergised the ongoing visa liberalisation process and exerted a recent coercive bargaining. The DGMM began to address the specific demands of the EU, such as eradicating asylum backlog. It also mobilised the already-planned training programmes of the UNHCR and IOM, implying an increase in socialisation efforts.⁷⁵

⁷⁵ Although the findings suggest an increasing trend in external influences in this year, the dynamics of this period is beyond the scope of the present research as they are too recent to investigate at the time of the writing of this thesis.

Overall, these findings clarify how influence mechanisms yielded outcomes in the asylum policy-making process in Turkey (see Figure 25).

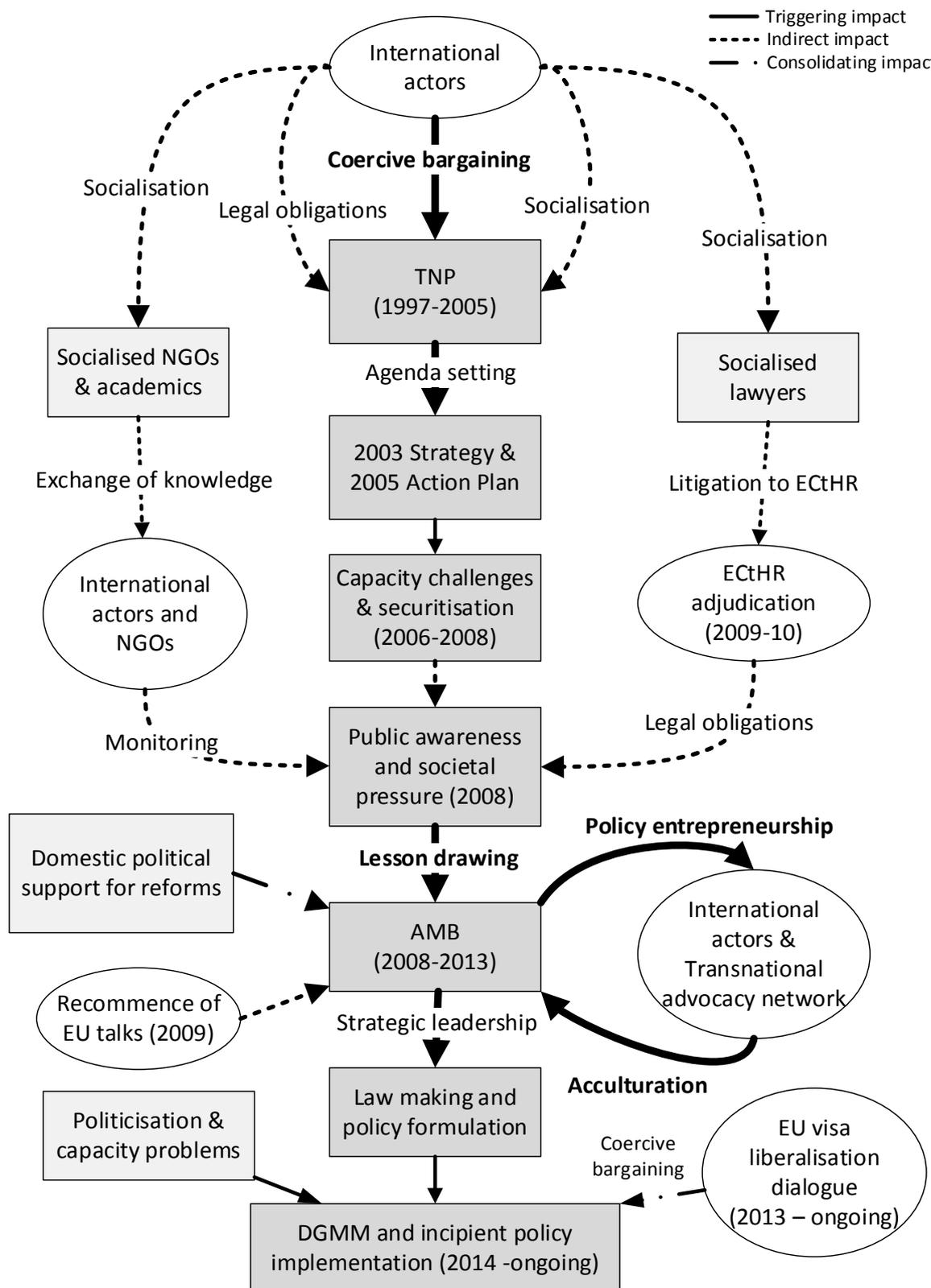


Figure 25 A diagram of influence mechanisms during policy-making process

The main finding of the study is that the asylum policy in Turkey emerged through the strategic use of a transnational advocacy network initiated by newly-appointed bureaucratic leadership. The findings show that Turkish asylum policy-making took place in two important reform processes: creating strategic reform plans (early 2000s) and implementing these plans (late 2000s and early 2010s). While creating strategic reform plans was shaped by the external driver of the EU membership process, the latter process of implementing these reforms were mostly carried out by domestic bureaucrats. The EU's *coercive bargaining mechanism* from 2001 to 2005 was the most effective external driver for the adoption of national strategies and action plans. But when it comes to the implementation of these reforms and strategies, external influences were mainly put in motion by domestic bureaucrats. From 2009 to 2013, *the lesson-drawing mechanism* of the bureaucrats was the most effective mechanism, but it was also supported considerably by a *socialisation mechanism* employed by the UNHCR and IOM in the law-making process. Other three influence mechanisms, namely socialisation, legal obligations and monitoring, did not play a triggering role. Rather, they manifested themselves into the process as consolidating factors, mostly playing a role in defining policy problems, planning reforms and giving feedback.

During the reform implementation, the bureaucrats mobilised the roles played by the UNHCR, IOM, EU and CoE in creating a strong advocacy tool for transforming the asylum system towards human rights and international norms. Also, during these processes, the domestic institutional context and the timing of external interventions mattered in shaping the nature and efficacy of external influences. Although the degree to which asylum is politicised appears to be important, it was not a catalyst in making domestic reforms. Instead, a combination of state-level (i.e., being in line with government goals and administrative reform agendas) and individual level factors (i.e., strategic behaviours and leadership skills) significantly affects the degree to which domestic outcomes are driven by international sources.

8.3 Implications of the Findings and Conclusions

The findings indicate that the Turkish asylum policy was not driven solely by EU conditionality but mostly by domestic motivations and lesson-drawing mechanism carried out by the domestic bureaucrats in the AMB. This is partly consistent with that of Tocci (2005), who predicted the EU to be an external 'anchor' for domestic officials in pursuing their domestic reforms. But it also shows how the AMB bureaucrats used not only the EU but also other international actors as an advocacy tool, which characterises a vertical policy-making technique defined as 'venue-shopping' by Guiraudon (2000b). The lesson-drawing mechanism, characterised as a strategic policy entrepreneurship, empowered the role of IOs in domestic policy area. In turn, these external actors' socialisation mechanism enabled the AMB bureaucrats to acculturate to the human rights

and international norms. Similarly, such vertical venue-shopping endeavours took place amongst societal actors. Socialised lawyers through UNHCR-led training programmes were not directly effective in yielding domestic changes due to the lack of legal structures in the asylum system and the centralised nature of decision-making. However, they did litigate asylum cases to the ECtHR and indirectly supported an external legal obligation mechanism on Turkey. Secondly, monitoring impacts of NGOs and CoE during late 2000s did not exert a direct impact to the criticised aspects in the monitoring reports, but played an informative role in feeding domestic discontent and contributing to the lesson-drawing mechanism. Finally, the external empowerment of NGOs by the IOs yielded strong transnational networks that created an important exchange of information, eventually reinforcing the external monitoring. These vertical movements of the influence illustrate a two-way process where international and domestic level factors interact, mobilise and trigger a second image reversed process. They illustrate that the direction of the influence in second image reversed processes is not only outside-in, but is also inside-out (see Figure 26). Although international factors have a bearing on the domestic policies in the asylum area, domestic actors play a significant role in mobilising the international influences too.

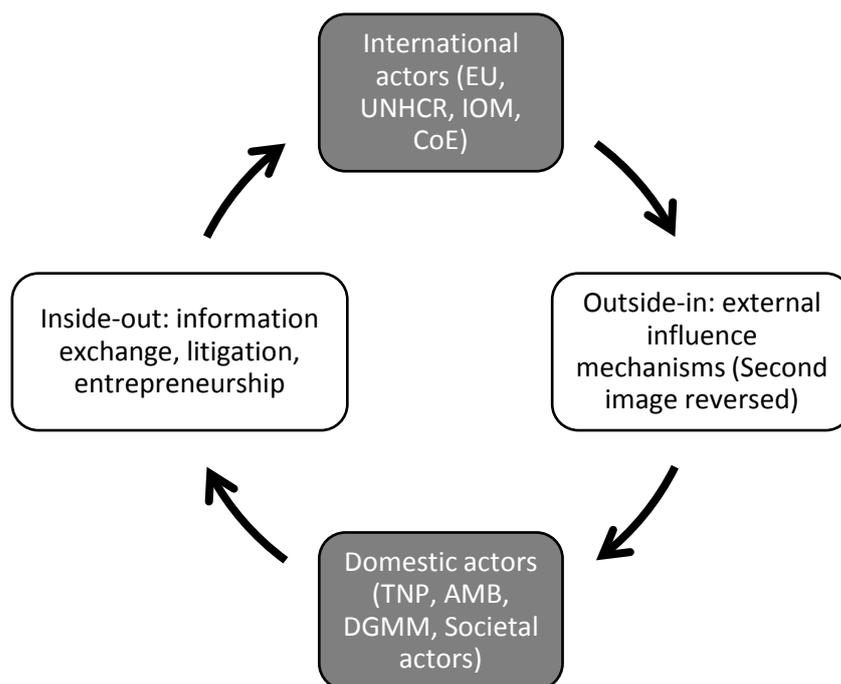


Figure 26 Two-way process in second image reversed processes

The findings also justify the assumption that intermestic relations are more effective than merely domestic level or international factors in shaping domestic asylum policies. This case shows that domestic and international actors have been interwoven during the process and that asylum policy in Turkey is a result of the interplay between these levels. The findings showed that each domestic change appeared to help Turkish asylum system to get closer to the international norms and principles. They also showed that the external influences *per se* are not sufficient to induce

Chapter 8

domestic changes as the international institutions, rules and norms of asylum are filtered through along the way. One clear implication, for example, is the importance of the degree to which asylum and migration is politicised in Turkey. In the pre-accession period of 2001-2005 and in the aftermath of refugee flow of 2015, the politicisation dynamics facilitated the regulatory influences in changing the domestic cost-benefit calculations. This is illustrated in the Turkish officials' responsiveness to the EU demands through coercive bargaining and monitoring mechanisms when asylum was among the topics of high political debate. This confirms the importance of multilateral frameworks in asylum governance.

Another implication of the findings was the importance of both institutional and individual factors in exploring the actual dynamics of asylum policy-making. On the one hand, the analysis showed that TNP's long-standing institutional characteristics and its ingrained national security understanding put forward strong barriers for socialisation influences. However, individual bureaucrats might move beyond from just enforcing the laws and they might become policy entrepreneurs. The strategic move by individual bureaucrats in the AMB in bringing participatory decision-making indicates the important role of 'human agency' of the bureaucrats in the AMB as policy entrepreneurs (Eroğlu, 2015). Yet, when the DGMM was established in 2014, the impacts of external factors again lost their capacity to induce changes due to newly emerging organisational characteristics. Thus, this study highlights the value of investigating not only the individual characteristics and personal visions in understanding the policy motives but also organisational and institutional structures that allow or restrain these motives. This implication corroborates the ideas of Shafer (1994, p.xi), who suggested that: "structures do not act, people do; of course, self-interested individuals make things go, but they do not act in a vacuum, they act in settings". Therefore, the findings indicate an important benefit of incorporating not only the agents but the settings they act upon, which may well have a bearing on the agency-structure debate.

Regarding the influence mechanisms, it also seems that the level of intensity and salience of external influences in the domestic arena were important determinants of when domestic changes occur. The process tracing shows that domestic changes occurred mostly when the number of external influence mechanisms were high. For example, the strategy papers and national action plans were adopted as a result of the combined impact of coercive bargaining, socialisation, monitoring and legal obligations of the EU, CoE and UNHCR. Similarly, new law-making efforts emerged as a result of domestic discontent (lesson drawing), CoE's legal influence, NGOs' monitoring influence and, to some extent, the EU's efforts in recommencing the talks in accession (coercive bargaining). These two developments also occurred at a time when the number of like-minded domestic agents were high. The strategy papers and national action plans seemed to be a result of the harmonisation of domestic agents like political actors, civil society,

and TNP officials in believing the EU-oriented reforms were necessary. Similarly, the law-making process saw a combination of like-minded actors like bureaucrats and political actors. This conclusion points to the timing of domestic changes in the light of external influence mechanisms.

The findings provided some insights into the role of the IOs. The results showed that there is no enhanced impact when the IOs interact at the international level. For example, there have been several joint projects (e.g., funded by the EU and implemented by the IOM and UNHCR) and these did not make any significant difference to the impact of the associated influence mechanisms. During the policy-making process, the IOs represented their organisational principles and they acted as autonomous actors as suggested in the institutionalist accounts (Barnett and Finnemore, 2004; Martin and Simmons, 2012). Although the IOs were highly dependent on external funding, the existence of the 'rules of the game' in the refugee regime complex enabled them to exercise their mandate (Betts, 2013). At the same time, the established institutions, rules and principles in the refugee regime also enabled domestic policy entrepreneurs (i.e., AMB officials) to use the IOs as a forum when their aims converge (i.e., to formulate a humanitarian policy that has regard for national sensitivities).

Overall, findings also provided some support for the conceptual premise that correlation does not imply causation. By tackling 'correlative thinking', this thesis unpacked the complex policy-making process, took minute details into account and provided a clearer picture of how asylum policy emerged in Turkey. It therefore represents an important example of how to analyse contemporary multilateral policy-making processes by showing the added value of unboxing the period through the use of suitable analytical and methodological tools.

8.4 Contribution to the Existing Literature and Practice

The thesis provides a number of important contributions to the literature, mainly to the Turkish migration policy studies, forced migration studies and international relations literature. It also provides contributions to the practice for those working in state institutions and IOs in a decision-making capacity.

First of all, the empirical findings in this study provide a new scholarly understanding of how the transformation from a security approach to a human rights approach happened in Turkish asylum system. Before this study, evidence of the main dynamics and motivations behind the evolution of asylum policy in Turkey was mostly descriptive, purpose-oriented and purely anecdotal (Tolay, 2015). Previous studies focusing on the influences of the EU (Macmillan, 2012; Bürgin and Aşıkoğlu, 2017), UNHCR (Kirişci, 2012; Cartwright, 2013; Scheel and Ratfisch, 2014), IOM (Fine, 2017), ECtHR (Tokuzlu, 2005; Ekşi, 2014) or domestic factors (Eroğlu, 2015) have presented some

dimensions of the realities. Some studies also took a step further by scrutinising specific influence mechanisms like Europeanisation (Borzal and Soyaltin, 2012; Macmillan, 2012; Aydın and Kirişçi, 2013), organisational change (Seyhan, 2014) and international socialisation (Arıner, 2012). However, they generally examined only one aspect of the process (either one actor or one mechanism), and generally showed 'correlative thinking' without necessarily going into depth in analysing the evidence and implications of influence mechanisms. This thesis employed specific indicators of each influence mechanism to conduct a systematic and critical analysis. Its Policy Transfer Continuum promised to demonstrate useful analytical tools to streamline the complex processes. More importantly, it incorporating the intermestic dynamics between the international and domestic actors into the analysis as the most important determinant of the emergence of the asylum policy in Turkey. The systematic analysis of the interaction of elements in the international and domestic policy arena has extended our knowledge of what explains the emergence and evolution of asylum policy in Turkey.

Another contribution of this work to the literature on forced migration has been to confirm the necessity of international cooperation in designing policies with regards to refugees. The latest unprecedented flow of Syrian refugees and so-called European 'refugee crisis' was a reminder that states are incapable (and oftentimes reluctant) of providing an effective international protection to refugees. Reintroducing temporary borders within the EU demonstrates that burden sharing remains a heavily debated issue and states choose to free-ride from their regional and international obligations when migratory pressures are high (Betts, 2009b; Fargues, 2014). This thesis demonstrates that an effective management of migration is only possible with multilateral frameworks such as regional and international cooperation or at least coordination of policies. Thus, this study contributes in several ways to our understanding of studying asylum policies and provides a rationale for scholars to prefer multi-level framework of analysis, which takes into account transnational relations, the interaction of domestic and international actors and interventions of external actors in the domestic arena.

This thesis is also useful in several ways for the second image reversed literature. Firstly, it shows that the existence and strength of influence mechanisms do not necessarily explain their actual effects on domestic policy area by confirming that the second image reversed processes are strongly mediated through domestic elements such as institutional characteristics, individual aspirations of domestic bureaucrats and the degree to which the area is politicised. Secondly, it demonstrates how domestic actors might enable, and trigger, the second image reversed processes, which highlights a new understanding of the role of domestic actors from merely *mediating* role to a *mobiliser* or *driver* of the second image reversed processes, rendering the policy-making a circular process. Explaining the significant role of individual characteristics and

leadership capabilities, this thesis has provided a deeper insight into the existing knowledge about the inside-out direction of influence contemplated in the literature by the frameworks of 'vertical venue-shopping' (Guiraudon, 2000b) and 'policy entrepreneurship' (Keck and Sikkink, 1998).

This thesis also has some important implications for future practice. The findings regarding the consultative decision-making adopted in the law-making period suggest an important benefit of taking all stakeholders on board while designing a policy. Such a participatory approach will not only deter the veto players but will also result in finding mutual ground for both state preferences and the safeguards of refugee protection. Similarly, this thesis clearly showed that indicators of influence mechanisms, the degree of politicisation of the issue-area, institutional settings and individual characteristics were important determinants of the impact of external influences. A key policy priority of IO officials should therefore be to factor these dynamics into their strategies and capacity-building activities to have a better impact on the domestic policies.

8.5 Limitations of this Study

The thesis offered a systematic exploration of the evolution of asylum policy in Turkey by investigating the interplay between external influence mechanisms and domestic mediating actors. However, there were two main limitations during the empirical investigation of the research. The first limitation arose from the single case study design of the research that is limited in the sense of general applicability of the results in other context and time periods. It helped this thesis to show clear causal relations between the international- and domestic-level factors. Having an outcome-explaining purpose, this study does not aim to offer insights beyond the particular case of Turkish asylum policy-making. Given the peculiar role of domestic elements in the study, it would be difficult to generalise findings to policy-making processes in other states. However, the theoretical underpinnings (i.e., second image reversed process of international refugee norms) and analytical framework (i.e., policy transfer continuum) can be applied in other states, time periods and policy areas.

The second limitation of this research is a methodological one. The research has investigated a period of nearly two decades, which required recruiting key informants as pertinent to this time period. Qualitative data gathered from interviews was limited by the lack of key informants, especially for exploring the earlier developments in the period as most of the relevant bureaucrats were retired or moved to other posts. Also, during the interviews, some limitations were encountered due to problems like forgetting some parts of the story or unnecessarily overemphasising the role of some (affiliated) actors. Although triangulating the data has helped

to alleviate these limitations, there appeared to be certain difficulties in evaluating the facts and evidence.

8.6 Recommendations for Future Studies

The findings and conclusions provide several insights for further research. Firstly, as this study only covered the policy-making of asylum policies in Turkey, further investigation of the implementation of these policies is required to determine the degree to which the new policies are aligned with human rights and international norms. This thesis showed emergence of an incipient trend of politicisation of asylum in Turkey, which, coupled with the failed coup of July 2016, transformed into a more dynamic set of negotiations and concerns about national security. Incorporating these contemporary dynamics will be useful in understanding the implementation and direction of asylum policies in Turkey. Moreover, implementation of policies can also be examined by studying the policy impact on the lives of the refugees in Turkey.

As the study concluded that the EU was not solely effective in bringing domestic changes in asylum system, further studies could explore other policy areas to check the causal role of the EU in policy-making in Turkey. Such a policy area should have an established international regime similar to international refugee regime (e.g., human rights regime, international security regime) to test the findings under the same lenses of this study. Moreover, recommendations can be made for further studies in forced migration studies. The thesis chose Turkey due to its geopolitical significance and its affiliation with international organisations. In this sense, further research on asylum policy formation should be undertaken for other states that are on the borders of the EU and who may have transit or 'buffer zone' characteristics between the refugee producing and refugee receiving states. It would be interesting to draw other lessons from states experiencing the same or similar conditions of external influences and refugee flows.

It would also be interesting for future studies to compare the roles of the European organisations *vis-a-vis* other organisations in creating transnational networks with states' domestic officials. This thesis can be a part of a prospective comparison study to test the role of the European organisations (i.e., EU and CoE). For example, South Korea has followed a fairly similar policy-making path by ratifying Geneva Convention in 1992 and adopting its first-ever national law on asylum in 2011 (Kim, 2012; Schattle and McCann, 2013). Being a member of UNHCR and IOM but having no affiliations with EU and CoE, South Korea's asylum policy development can be investigated with a view to determining the differences that European organisations make in domestic asylum policies.

Finally, students of international relations can employ the analytical framework for understanding second image reversed processes in other policy areas. The research design and methodology of this study can also be replicated in other areas of international relations where the interaction of the international and domestic spheres are emphasised. In this sense, undertaking the process tracing of this study, correlational relationships of many complicated phenomena can be elucidated with reference to their causal mechanisms.

8.7 Conclusion

Overall, this chapter highlighted the implications of the dissertation's findings. It evaluated the conducted research process and provided recommendations for future research. Generally, the research underlined the important role of the interplay between international institutions and domestic actors in the asylum policy of Turkey by undertaking a within-case study. It also raised the question of what difference it would make to have a comprehensive approach in analytical framework on explaining the actual dynamics of complex process. More particularly, its findings suggest important clarifications on the evolution of asylum policies in Turkey. It clearly demonstrates that the EU was not the only organisation behind the process. It included other organisations, namely the UNHCR, IOM, and CoE. But the policy-making process was highly shaped by the interaction dynamics between these external organisations and domestic actors. Domestic settings like politicisation, institutions and individual characteristics played a significant role in not only mediating but also mobilising the influence mechanisms. Overall, the thesis showed that this is the first time Turkey designed a functional asylum policy in its history. Evidently, the current asylum policy may still be exposed to minor amendments due to the changing nature of domestic politics and the dynamics of refugee communities in Turkey. Whether it is a really effective policy for providing international protection for those who had been persecuted and have fled from war-torn regions will only be understood once the policies are fully implemented.

Appendix A Milestones in Asylum Policy-making in Turkey



Figure 27 Milestones in Asylum Policy-making in Turkey

Appendix B The DGMM's organisational chart

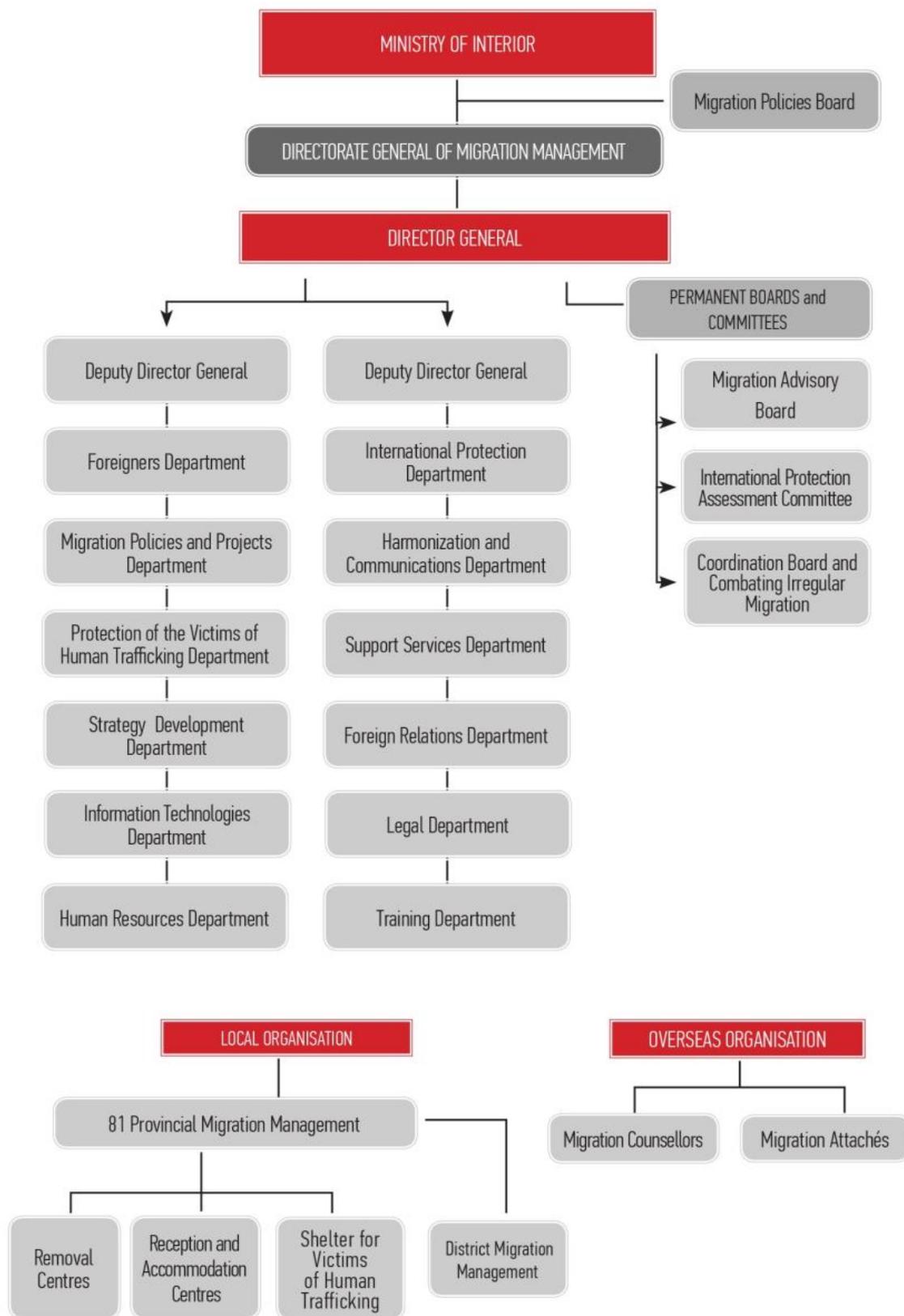


Figure 28 The DGMM's Organisational Chart

Source: DGMM (2017)

Appendix C The Dynamics of EU-Turkey Readmission Agreement

Originating from the strategy of externalisation of migration management, the EU has pursued this policy to both neighbouring states including Turkey and other migrant-sending states (Table 6). The main objective of this policy tool is basically to shift the responsibility of governing the migratory flows as far from the EU as possible, or, in other words, to externalise the EU migration policy.

Country	Entry into force of the agreement
Hong Kong, Macao	2004
Sri Lanka	2005
Albania	2006
Russia	2007
Ukraine, FYROM, Bosnia & Herzegovina, Montenegro, Serbia, Moldova	2008
Pakistan	2010
Georgia	2011
Armenia, Azerbaijan, Turkey, Cape Verde	2014

Table 6 The EU's readmission agreements signed with other countries

Turkey's initial approach to signing a readmission agreement with the EU in the early 2000s was not a positive one, even though it has been clearly declared in the 2003 APD that a readmission agreement has to be concluded with the EU. Such a negative approach was due to the cost and benefit calculations of the Ministry of Interior and particularly the TNP officials who were implementing the asylum and migration policies. Below comments can highlight this negative approach to the readmission agreement:

Appendix C

“Turkey’s approach in the very first years of the readmission negotiations was clear and it was a total denial over the discourse of ‘Turkey is not a dumping state’” (interview with Public Official 5, 2016).

“I have never seen any institution within the Ministry of Interior advocating for this agreement, they did not want to sign it. The readmission agreement was going to be a huge burden on the infrastructure which was non-existent in Turkey” (interview with Ariner, 2016).

Similar to the requirement of lifting the geographical limitation, concluding a readmission agreement was not welcomed by the TNP officials as it would increase the deportations from the EU to Turkey, thus, increasing the domestic costs of scaling up irregular migrants. The Turkish approach was then critical due to the concern of Turkey’s becoming a buffer zone at the south periphery of the Europe.

Despite this initial negative approach, the Ministry of Foreign Affairs officials agreed to negotiate readmission agreements in 2004 due to the high expectations of the EU membership. After having several rounds of negotiations until December 2006, however, the talks ended in a stalemate. İçduygu and Aksel (2014) propose two important reasons for this: firstly, Turkey requested some time to conclude its own readmission agreements with the countries at the East of Turkey, so that non-Turkish readmitted persons from the EU could be returned to their home countries and the domestic costs would be lower. The second reason was the mutual distrust emerging in mid-2000s and the blockage of opening certain chapters in accession negotiations. However, Ministry of Foreign Affairs officials had a different approach to the readmission agreement than the Ministry of Interior officials especially in the late-2000s. They believed that this agreement would not cost much to Turkey and also it would help re-energise the EU-Turkey relations, which would mobilise the Turkish domestic institutions to conduct more reforms in the migration area. Commenting on this, a Ministry of Foreign Affairs official stated:

“The security bureaucracy [TNP officials] was completely against this [agreement]. They said this would cause a huge domestic cost, the EU would deport all of the migrants to us. But what happened? No one has been returned. Everyone knows that these agreements are only for show, they are for deterrence, they won’t cost anything. Look at the EU reports on the implementation of readmission agreements [with other countries], look at how many migrants have been returned. When we understood this, we said we are doing this agreement and this would also provide a refreshment for domestic institutions” (interview with Public Official 6, 2016).

The Ministry of Foreign Affairs officials were therefore in favour of making this agreement. This caused a bureaucratic dispute over the benefits and costs of the readmission agreement with the EU. One major reason for the emerging of such a tension between ministries was the lack of a political will on the migration issue. Indeed, in Turkey no political parties considered migration as an important area that could leverage the electoral power. Such a depoliticised nature of the migration area in Turkey therefore left bureaucratic institutions on their own to conduct their own strategies and policies.

Yet, the Ministry of Foreign Affairs officials' efforts yielded a politicisation trend in this area. Energising the negotiations with several technocrat level meetings with the EU officials in 2009 and 2010, the Ministry of Foreign Affairs officials were able to convince the Turkish government to make such an agreement by referring to the incentive of a visa liberalisation process for Turkey. The intensity of the talks and the calculations of both sides then led to the readmission agreement signed in December 2013, which also started the visa liberalisation process of Turkey:

“[...] the dialogue between the European Commission and Turkish authorities in view of preparing, fostering and monitoring the visa liberalisation process will be initiated in parallel with the signature of the readmission agreement” (Visa Liberalisation Roadmap, 2013).

Overall, as a result of a coercive bargaining process employed through readmission negotiations, Turkey was able to reach the intermediate carrot of opening a visa liberalisation process in return for signing the readmission agreement with the EU. Contrary to accession negotiations, the EU's coercive bargaining efforts in persuading Turkey to make such an agreement was more effective. However, having different viewpoints among the two most important ministries was an important domestic mediating factor that negatively affected the EU's efforts. Nonetheless, the government's aim to use visa liberalisation as a domestic electoral leverage was far outweighed the cost of bureaucratic opposition of Ministry of Interiors. Commenting on this, two informants confirmed the political nature of the decision to make the agreement:

“Visa liberalisation seemed very nice and good for the government, but not for the Ministry of Interior, the carrot was for the political arena but not for bureaucracy” (interview with Ariner, 2016).

“We might not sign the readmission agreement, but it was a political decision considering the contextual necessities at the time. It was linked to visa liberalisation and this was perceived as reasonable” (interview with Public Official 5, 2016).

Appendix C

Indeed, the carrot of a visa-free travel to EU was a strong incentive. It was also an important leverage for the 2011 elections for the re-election of the AKP government (İçduygu and Aksel, 2014). Another public official explained these 'contextual necessities':

“The recent developments coming over the visa liberalisation has rather situated on a different level. Upon the incoming refugee flows, EU community offered an incentive package to Turkey. On the other hand, Turkey agreed with EU and involved in an endeavour that could provide visa-free travel to its citizens. Through this method, they actually appeased one another” (interview with Demir, 2016).

The increasing number of irregular migrants in the EU was also a strong motive for the EU to reach a readmission agreement even though it would cost changing the visa regime for Turkish nationals. Only after these contextual necessities and cost-benefit calculations was the agreement reached, indicating a coercive bargaining mechanism.

Overall, a coercive bargaining mechanism was in place in the area of irregular migration and it affected Turkey's decision to reach an agreement with the EU. However, the impacts of this mechanism on the asylum developments in Turkey occurred only when the visa liberalisation process has started in 2013. The following will analyse the influences of the coercive bargaining mechanism of the EU in this process.

Appendix D The Monitoring of Turkey by the EU in the Visa Liberalisation Process

	Visa Liberalisation Dialogue	1 st monitoring report (20.10.2014)	2 nd monitoring report (4.3.2016)	3 rd monitoring report (4.5.2016)
Open borders and accession	Border controls in line with international refugee law, Respect non-refoulement, Provide accession to asylum procedures	Fulfilled	Fulfilled	Fulfilled
Legal criteria	Adopt and implement FIPL and secondary legislations in line with Geneva Convention and EU acquis, Exclude geographical limitation, Ensure the respect of non-refoulement, taking into account ECtHR, possibility to lodge asylum request and to obtain refugee or a subsidiary protection, Allow UNHCR to fulfil its mandate on Turkish territory without restrictions.	Fulfilled partially, but with good prospects for further progress The Turkish authorities will need to ensure that: <ul style="list-style-type: none"> • all the secondary legislation necessary to effectively and fully implement the law is adopted; and, • the provisions of the law are effectively and consistently implemented throughout the country. With reference to the first point, it will be particularly important to ensure that: <ul style="list-style-type: none"> • the provisions of the law, notably the possibility of accessing an international protection status determination procedure and acquiring an international protection status, are also effectively applied to applicants and refugees (recognised by UNHCR) who were already present 	Fulfilled only partially but with good prospects for further progress: It will be useful to streamline procedures, notably by adopting the by-law defining the specific rules to be followed to implement the Law on Foreigners and International Protection.	Fulfilled

Appendix D

		<p>on Turkish territory when the law came into force;</p> <ul style="list-style-type: none"> • those declared beneficiaries of ‘temporary protection’ in accordance with the law will be granted, by secondary legislation that will be adopted, rights comparable to those provided by the EU Temporary Protection Directive and the possibility of accessing individual international protection status determination procedures, if required; and • ‘conditional refugees’ are granted a status that does not differ in practice from the one given to refugees covered under the ‘geographic limitation’, offering both groups work permits, social assistance and opportunities to integrate, in line with the approach in the EU Qualification Directive. 		
Institutional criteria	<p>Established a specialised body for RSD, with the possibility for effective remedy in fact and law before a court as well as for ensuring protection and assistance to asylum seekers, Build capacity to this body.</p>	<p>Fulfilled partially, but with good prospects for further progress: Turkish authorities should ensure that:</p> <ul style="list-style-type: none"> • the provisions of the law with regard to lodging appeals at administrative and judicial level against the rejection of an application for international protection, and related decisions such as detention orders, are effectively and consistently implemented throughout the country, including with regard to the independence and impartiality of judicial review; • the General Directorate for Migration Management finishes making its intra- 	Fulfilled	Fulfilled

		<p>institutional arrangements and has adequate staffing, particularly at provincial level, and that it takes on responsibility for carrying out asylum procedures in practice;</p> <ul style="list-style-type: none"> • there is a clear division of responsibilities for securing the rights of applicants for and beneficiaries of international protection, respectively. 		
Practical criteria	<p>Provide adequate infrastructures and sufficient human resources and funds ensuring a decent and protection of the rights and dignity of asylum seekers and refugees</p>	<p>Fulfilled partially, with good prospects for further progress:</p> <p>The Turkish authorities should:</p> <ul style="list-style-type: none"> • set up an adequate number of reception centres also for non-Syrian applicants and beneficiaries of international protection who do not have any other accommodation, providing accommodation at least for those in the most vulnerable groups, taking inspiration from the standards set out in the Reception Conditions Directive and the Qualification Directive; • write policies and put in place institutional tools to prevent discrimination against those who receive international protection and to ensure equal access to accommodation for all beneficiaries of international protection, taking inspiration from the standards set out in the Qualification Directive. 	<p>Fulfilled only partially but with good prospects for further progress:</p> <p>Turkish authorities should ensure that international protection applicants have their claims considered within the shortest possible timeframe, with the result of either obtaining one of the protection statuses foreseen by the Turkish legal order or, in an unsuccessful case, of receiving an order to leave Turkey. In this context, it is of great importance that the DGMM take specific measures to:</p> <ul style="list-style-type: none"> • reduce the remaining backlog of applications which have been pending for a long period of time; • ensure that migrants, who entered Turkey irregularly and introduced international protection applications which were subsequently found ineligible, are returned to their country of origin in a timely manner; • prevent asylum applicants whose applications are pending, as well as unsuccessful asylum applicants, pending their departure from Turkey, 	Fulfilled

Appendix D

			from absconding and making secondary movements towards the EU.	
Integration	Provide a possibility for refugees to self-sustain, to access to public services, to enjoy social rights and to be put in the condition to integrate in Turkey	<p>Fulfilled partially, but with good prospects for further progress.</p> <p>The Commission recommends that the Turkish authorities:</p> <ul style="list-style-type: none"> • ensure that all beneficiaries of international protection, including the beneficiaries of temporary protection and ‘conditional refugees’ as defined by the new law, can effectively and systematically exercise their rights relating to identity cards and access to the labour market, so as to support self-sufficiency and integration; • design and implement policies facilitating access to rights for beneficiaries of international protection, who risk becoming socially marginalised, particularly those living in non-state accommodation; • monitor and verify, including by collecting statistical information, the real capacity of beneficiaries of international protection to access public services and benefit from the social assistance options provided for in law. 	<p>Almost fulfilled</p> <ul style="list-style-type: none"> • Turkish authorities should continue working to facilitate the effective access of beneficiaries of international protection to social services (notably schooling for their children), to legal employment opportunities, decent housing, vocational and linguistic training and any initiative contributing to their social inclusion and economic self-reliance within the Turkish society. 	Fulfilled

Table 7 Monitoring of Turkey in visa liberalisation process

Source: Visa Liberalisation Roadmap (2013) and European Commission (2014; 2016b; 2016c)

Appendix E A Qualitative-Based Impression: Flows and Intensity of Influences

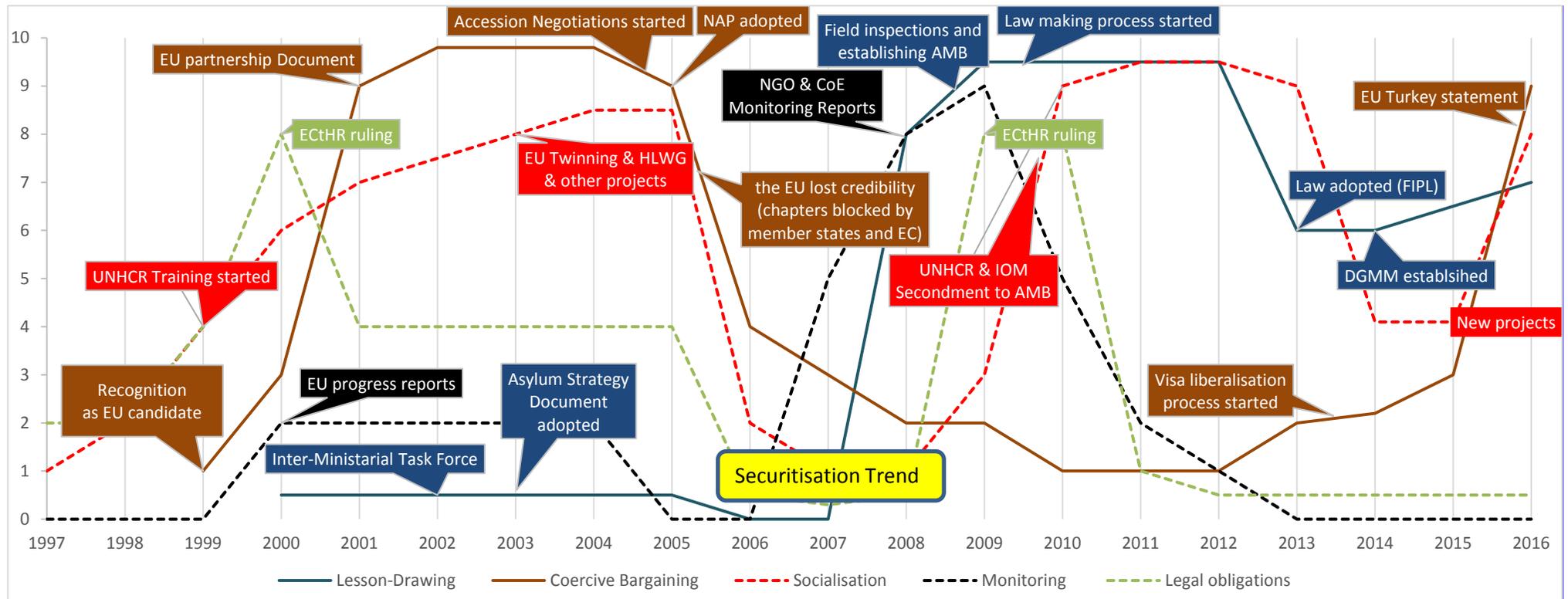


Figure 29 A qualitative-based impression on flows and intensity of influences

The lines in this figure represent the effectiveness of influence mechanisms. They are visualised according to the author’s impression on the qualitative data, which means the distance between the lines and changes in the line do not represent a statistical analysis and cannot be justifiable quantitatively. However, the figure itself provides a useful visualisation of how effective influence mechanisms were comparatively and how they changed over time. The author assigned 1-3 for “not effective”; 4-6 for “somewhat effective” and “consolidating impact”; and 7-10 to “triggering impact”.

Appendix F Interview Guide

Asylum and
refugee policies
of Turkey

Development of asylum policies

Drivers of domestic reforms

Practical, political, institutional and legal developments in asylum system

International
organisations and
influence
mechanisms

Institutional relations with international organisations

Strategies, activities, and programmes of IOs

Direct and indirect mechanisms of impacts (i.e., conditionality,
socialisation, teaching, learning, supervision, monitoring, lesson-drawing)

Intended and unintended consequences of impacts

Domestic politics
and institutional
setting in Turkey

Decision-making structures

Domestic mediating actors/veto players

Role of state-society relations

Actual domestic consequences of external factors

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