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## Multiple Arenas and Diverse Techniques of Securitisation: The Case of the EU's Visa Regime towards Turkey

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## Abstract

Between 2009 and 2010, five Western Balkan countries were granted Schengen visa exemptions by the EU for the short travel of their citizens to the Schengen area in return for signing readmission agreements. Turkey, in contrast, was only offered a vague promise for the initiation of a visa liberalisation “dialogue” in return for initialising the readmission agreement. Taking this development as a genuine research puzzle the present article asks: What are the domestic dynamics that have driven this differential outcome? This article argues that the EU’s ongoing restrictive visa regime towards Turkey stems from the issue’s securitisation in certain member states (Germany, Austria and the Netherlands). Security-framing practices thereby occurred in both the political (elite-level discourse) and bureaucratic arena (visa-issuing process) as part of the same security *dispositif*. Two crucial implications follow from the findings: on the one hand, European visa authorities seem to follow their own visa-issuing policies despite regulations put in force at the EU level (Visa Codex). On the other hand, the purported theoretical divide between the Copenhagen and Paris School’s approaches to securitisation seems empirically rather disadvantageous. Treating these theoretical lenses as distinct may lead researchers to miss out on interrelated securitisation practices.

## Keywords

EU External Affairs; Securitisation Theory; Schengen Visa Policy; Turkey-EU relations

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*Schengen is a bunch of countries which share a common visa sticker, but which follow their own national visa policies* (National Visa Official, cited in Woon 2007: 29).

Five Western Balkan countries (Serbia, Montenegro and Macedonia in 2009 followed by Bosnia-Herzegovina and Albania in 2010) have achieved abolishing short-term travel Schengen visa requirements in return for signing readmission agreements with the European Union (EU) in a swift and uncomplicated manner.<sup>1</sup> Today, their citizens are free to travel (short-term up to 90 days) to the Schengen area comprising 26 European countries harbouring a population of over 400 million people. The negotiations of the EU-Turkey readmission agreement, by contrast, were cumbersome and lengthy. Talks with Turkey, formally opened on 27 May 2005 in Brussels, were put on ice only after two years due to individual member state government resentments. With the negotiations having restarted in 2008, three years later in February 2011, the Commission and Turkey achieved to agree on a draft text which also found endorsement by the Justice and Home Affairs (JHA) Council. With the European Council’s authorisation, on 21 June 2012, the European Commission lastly moved to initial the readmission agreement with Turkey. While these efforts have culminated in a tentative agreement, the Turkey-EU deal bears a crucial difference to the Balkan cases: there is no guarantee of lifting visas, for the text merely states that the EU will ‘take steps towards visa liberalisation as a gradual and long term perspective’ (European Council 2012). This means that visa-free travel for Turkey’s citizens is unlikely to be a safe bet as the successful conclusion of the process will not only be contingent upon Turkey’s meeting of all requirements, but also the European Council’s approval which is known to be the outlet where member state governments traditionally defend their “national interests”.

The empirical puzzle lies in the EU’s markedly different treatment of Turkey (i.e. no visa liberalisation guarantee) on the visa topic compared to its dealings with other states in the Western Balkans. This conundrum, in turn, points at what are the domestic dynamics that have driven this differential outcome?

The present article, employing a lens grounded in securitisation theory, puts forward that Turkey’s visa bid has become securitised in certain member states, most important,

Germany, Austria, and the Netherlands. Securitisation practices are thereby located in both the bureaucratic (visa-issuing practices in Schengen consulates) and the political arena (discursive threat construction), underpinned by the social construction of a migratory threat posed by Turkey. The paper's findings bear, *inter alia*, one crucial theoretical implication: the purported theoretical divide between the Copenhagen and Paris School's approaches to securitisation - to grasp political and bureaucratic processes distinctively - seems empirically rather disadvantageous. The evidence amassed in this article suggests that a treatment of these two strands of theory as separate may lead authors to miss out on security-framing practices in their capacity to occur as part of the same security *dispositif* (see Balzacq 2010).

The article is organised as follows: first, the paper's theoretical framework with securitisation theory is mapped out in detail. Subsequently, an empirical analysis of the securitisation of the Turkish visa issue in the EU within the bureaucratic realm (visa-issuing practices of Schengen states) and in the political arena (elite level discourse) is undertaken. The article concludes with a discussion of the main findings, as well as policy and theory implications following from the analysis.

### **MAKING SENSE OF EUROPEAN OPPOSITION TO SCHENGEN VISA LIBERALISATION FOR TURKEY**

Common sociological and rational institutionalist approaches cannot satisfactorily account for the puzzle at hand. Scholars employing a sociological institutionalist lens have put forward that the 'collective norms and understandings [which] constitute the social identities [and interactions] of [European] actors' (Risse 2000: 5) are democracy, human rights, and relatedly, the promotion of the idea of freedom of movement (see Diez 2005: 630; Manners 2002).<sup>2</sup> These principles are written into the Copenhagen Criteria and reiterated in the Treaty on the European Union (TEU). The latter states that 'the Union is founded on the values of freedom, democracy, equality, the rule of law and respect for human rights and dignity' (see Macmillan 2010: 452). The very fact that the EU has decided to open accession negotiations with Turkey in 2005 denotes that the EU has approved of Turkey's fulfilling of the Copenhagen Criteria - by doing so the EU, by the same token, also acknowledged that Turkey shares the values of the EU. If these norms and values then constitute the basis of the European "way of doing things", however, the "appropriate" move (March and Olsen 1984) would have been to lift visa restrictions for Turkish citizens. Yet, this scenario has obviously not materialised and is particularly striking in view of Turkey's longstanding association history with the EU/EC as well as its devotion to the project of westernisation since the late Ottoman times (Camyar and Tagma 2010). A sociological perspective thus cannot adequately account for the present puzzle.

From a rationalist perspective, on the other hand, one would expect states to be in favour of dropping visa-restrictions for Turkey if expected benefits outweighed the potential costs of visa liberalisation (Taylor et al. 1996; Schimmelfennig and Sedelmeier 2002). On the side of the benefits, there is no doubt that Turkey constitutes an important trade and investment partner for EU countries. With regard to trade, in 2010, 46 per cent of Turkey's exports alone went to the EU with 39 per cent of imports coming to Turkey from the EU (European Commission 2012). EU countries with the most significant exports (in terms of value) to Turkey, according to data from 2008, are reported to be Germany, Italy and France with 27.61, 13.67, and 9.82 million USD, respectively (Eurostat 2013).<sup>3</sup> In terms of investment, for the period 2007-2010, the average amount of Foreign Direct Investment (FDI) inflow to Turkey amounted to 14.761 billion USD (UNCTAD 2012). In 2008, the greatest influx of capital to Turkey thereby came from the Netherlands (1.343 billion USD) and Germany (1.237), followed by Spain (838 million USD) France (679) and Austria (586). These being the share of individual countries, on the most general level, the existing Customs Union between the

EU and Turkey can be said to embody the overall institutional face of these close economic ties (Ülgen and Zahariadis 2004; Lejour and Mooij 2005: 91). Against this background, visa exemption for Turkish nationals would not only have been beneficial (particularly so for countries such as Germany, France, Netherlands or Austria), but also equal to the natural extension of a well-established socio-political cooperation between the two parties.

On the side of the costs, some authors have put forward that a visa-waiver might spark massive Turkish immigration waves to Europe (mainly through individuals' overstaying short-term visas). Although not a concern shared by all member states, reluctance to drop visa restrictions for Turkey has been said to emanate from such migratory threat perceptions (Knaus and Stiglmeier 2012). Scholars who have attempted to assess the objective reality of such a migratory threat have generally argued that an unstable Turkish economy is likely to pose a migratory impetus – i.e. a push factor – for Turks to migrate to Europe (see Erzan and Kirisci 2004; Teitelbaum and Martin 2003). It should be noted, though, that these assessments are (i) largely grounded in historical experiences of Turkish guest-worker immigration to Europe, and (ii) were voiced at a time when the Turkish economy's trajectory was fairly uncertain, the financial crisis of 2001 still vibrant before people's eyes, and the GDP per capita with an average of 3,553 USD (2002) quite low in comparison to an EU average of 19,282 USD in 2002 (World Bank 2012).

*Table 1: Turkish Economic Development 2002-2010*

	<b>2002</b>	<b>2004</b>	<b>2006</b>	<b>2008</b>	<b>2010</b>	<b>2002-2010</b>
<i>GDP (billion USD)</i>	232	392	530	730	731	+215%
<i>GDP growth (%)</i>	6.16	9.36	6.89	0.66	9.16	-
<i>GDP per capita (USD)</i>	3,553	5,832	7,687	10,297	10,049	+182%

Source: Worldbank Development Indicators

Since the 2001 economic crisis Turkey has managed to strengthen its economy and progressively raise the individual income level to 10,094 USD per capita in 2010 (see Table 1).<sup>4</sup> The country's economic growth rates for the years 2010 and 2011, likewise, were as high as 9.2 per cent and 8.5 per cent, respectively. Furthermore, the Turkish Republic's overall GDP was as high as 774 billion USD in 2012, marking an increase of approximately 215 per cent as compared to 2002 (232 billion USD) (World Bank 2012). This surge effectively placed Turkey on the upper ranks of countries with the highest growth rates and made it the 17<sup>th</sup> biggest economy in the world. To put things into perspective, in 2012, the GDP of all five Western Balkan countries combined (Serbia, Macedonia, Albania, Bosnia Herzegovina and Montenegro) merely amounted to 81 billion USD (Eurostat 2013).<sup>5</sup> This is about a tenth of the Turkish GDP of 2012.

These being seminal economic indicators, survey findings on individual-level migratory intentions do not lend support to a massive migratory threat potential either. A Turkey-wide survey conducted in 2006 to assess concrete emigration intentions reports that 'only 0.3 [per cent] of the population of Turkey has a specific intention to migrate (Icduygu and Karacay 2012: 31-32). Similarly, Frank Düvell, on the basis of an empirical assessment, confirms the data and draws the conclusion that net migration between Turkey and the EU is negative (2011).<sup>6</sup>

Similarly, if one were to take Turkish asylum application figures as another indicator of

immigration potential no imminent threat is observable either. For instance, in the first quarter of 2012, the main countries of origin of asylum applicants to the EU27 were Afghanistan (6,015), Russia (4,730), Pakistan (3,850) Serbia (3,390) and Iraq (2,700).<sup>7</sup> For the same time period, the share of Turkish asylum applications to the EU27 of the total number of asylum seekers was 1210, or 2.3 per cent (see Table 2). The highest numbers of Turkish asylum applications were reported in France and Germany with 670 and 455, respectively, followed by Belgium (90) and Austria (85). Lastly, from 2004 to 2007, Turkish asylum applications to the Netherlands, Germany, France or Austria have decreased by 57 per cent (average value).<sup>8</sup>

*Table 2: Turkish asylum applications to selected EU member states 1998-2012*

	1998	2000	2002	2004	2006	2007	2012 <sup>1</sup>	2004-07
<i>Belgium</i>	-	-	970	450	315	260	-	-42%
<i>Spain</i>	10	20	55	25	15	25	-	-
<i>France</i>	1,620	-	-	4,740	2,760	2,225	670	-53%
<i>Netherlands*</i>	1,220	2,245	-	340	340	105	-	-69%
<i>Austria*</i>	210	590	3,560	1,115	670	660	85	-40%
<i>Germany*</i>	11,755	8,970	9,575	4,150	1,950	1,435	455	-65%
<i>Finland</i>	100	75	-	140	40	75	-	-46%

Own calculations based on EUROSTAT (2013) data; Notes: \*EU member states opposing Schengen Visa liberalisation for Turkey; <sup>1</sup>data for 2012 first quarter only; empty cells due to data unavailability

By and large, the preceding analysis is not suggestive of an objective migratory threat posed by Turkey as upheld by some influential political elites in the EU. Granted that this is a correct assessment, how else to make sense of ongoing Schengen visa restrictions for Turkey? A European Commission official offers a viable hint in this respect:

'The picture that millions of Turks would migrate and move to Berlin, I think this is just not valid anymore. Visa does not protect against immigration, nor against crime [...] it is more a political issue and I think it is high time to do something about it.' (European Commission Enlargement Official 2012, personal communication).

If, as the EU Commission official argues, opposition to Turkish visa-liberalisation is a primarily politically motivated issue, then securitisation theory may offer a better-suited analytical lens to understanding the puzzle at hand. Let us consider the theory's main tenets in turn.

## **SECURITISATION: DISCOURSE AND PRACTICE**

The initial formulation of securitisation theory goes back to the so-called Copenhagen School (CS) and scholars such as Barry Buzan, Ole Waever and Jaap de Wilde. Breaking with hitherto orthodox conceptualisations of the concept of security, the CS suggested understanding security and related threat perceptions in terms of a process that is

socially constructed. Drawing heavily upon linguistic theory, Buzan, Waever and de Wilde put forward what has come to be known as securitisation theory. *Securitisation* thereby describes the process of an elitist speech-act wherein something (object, subject) is casted as a threat to society and/or state (Waever 1995: 54). Securitisation is considered successful if the respective audience accepts the presented threat as such. If that is the case, elites find themselves entitled to pull an issue out of the realm of normal politics (the democratic, open and transparent way of doing things) into the domain of "high politics" where extraordinary measures become legitimised (Buzan, Waever and De Wilde 1998: 21).<sup>9</sup>

Since its initial formulation, the Copenhagen school's speech-act approach to securitisation has experienced various attempts to reformulation. The so-called Paris School (PS) has presented the most prominent alternative account. The PS has criticised the CS' exclusive focus on elitist speeches as dismissive of other potential agents, such as security professionals, bureaucrats, as well as other potential modes of securitisation, e.g. administrative or bureaucratic security-framing practices. As Didier Bigo, one of the main proponents of the Paris school approach, puts it: 'to focus only on the role of political discourse in the securitisation process is to underestimate the role of the bureaucratic professionalisation of the management of unease' (2002: 74). Following this advice, PS scholars have generally attended the study of securitisation by focusing 'on the creation of networks of professionals of (in)security, the systems of meaning they generate and the productive power of their practices' (C.A.S.E 2006: 457). Notwithstanding the PS' over-attention to the analysis of bureaucratic security-framing activities, authors such as Bigo and Guild have remembered to stress that a richer understanding of securitisation processes will require an analysis of 'the structure of political and bureaucratic interplay' (Bigo 2002: 84; see also Bigo and Guild 2005: 259) in the unfolding of security-framing activities. Broadening the perspective as suggested by Bigo and Guild is the only right step if we are to understand complex securitisation phenomena in a satisfactory manner. The present article, for the empirical reasons stated above, thus opts for putting a scholarly eye on the politico-bureaucratic interplay when analysing securitisation processes.

Further critique to the Copenhagen School's speech-act approach has come from authors such as Thierry Balzacq or Holger Stritzel. Voicing discontent with the CS' narrow focus on 'dramatic moments of intervention' (McDonald 2008: 563) Balzacq and Stritzel have inter alia argued that a proper analysis of securitisation processes will require the examination of the contextual setting within which security-framing activities take place. More specifically, they argued that securitizing an issue usually requires more than a set of speech-acts (*internalist* approach). Discourse as a form of social activity, so the reasoning, inevitably entails 'extra-linguistic' variables as well (Balzacq 2005: 179). This is where for scholars such as Balzacq and Stritzel the context becomes relevant: a critical factor for the success of securitisation is the 'actor's choice of determining the appropriate times within which the recognition [of a threat] by the masses is facilitated' (Balzacq 2005: 182). From this standpoint, which the authors label an *externalist* approach to securitisation (Stritzel 2007: 374; Balzacq 2005: 180), exogenous events and developments are understood as potential windows of opportunity for agents to speak "security language" (see also Salter 2008: 322; Salter and Piche 2011).

Research combining both the Copenhagen and Paris school lenses to securitisation has thus far remained scarce (for an exception see Salter 2011). If the goal is to spur further theoretical development, however, it is necessary to engage the empirical "playing field" by deploying broader theoretical lenses. In this sense, the present study is keen on taking stock of recent refinements in securitisation theory (Balzacq 2010: 3). Taking seriously theoretical developments in the last years translates into a research strategy where political-discursive as well as bureaucratic-practical security-framing activities will be put under scrutiny. As Didier Bigo (2002) has argued, issues can become institutionalised as security issues or threats without dramatic moments of intervention.

The subsequent empirical analysis, correspondingly, examines two different dimensions of the securitisation of the Turkish visa issue in the EU: bureaucratic and political securitisation. The principal method of inquiry is thereby process tracing with a focus on analytically decisive pieces of evidence (George and Bennett 2005: 205).<sup>10</sup>

## **MULTIPLE ARENAS, DIVERSE TECHNIQUES: THE SECURITISATION OF THE TURKISH SCHENGEN VISA ISSUE IN THE EU**

Border control has attained a profoundly new quality in the last couple of decades. As Mark Salter states, 'control over entrants to a country [is now exercised way] before they arrive at the border' (2004: 73). In this setting, consular and embassy officials, private and external security agents have begun taking up essential border policing roles. Control is thus no longer only a matter domestic security forces deal with, but has become 'delegated to the consulates located in the traveller's country of origin, [as] this mode of control is much less visible than police working on the front lines of border control' (Bigo 2006: 21).

These new modalities of border control have effectively put visa officials in the position of 'protecting' their country from individuals 'who come from [...] problem countries' (Whyte 2008: 143). Turkey, by virtue of being placed on the Schengen visa blacklist (Council Regulation 539/2001), constitutes such a risk country for the EU and its member states. Accordingly, Turkish citizens are held to obtain visas before traveling to the Schengen area – a process that has been known to be plagued by various difficulties. In what follows I shall probe into the bureaucratic and political dimensions of the securitisation of the Turkish visa issue in the EU.

### ***Bureaucratic Securitisation***

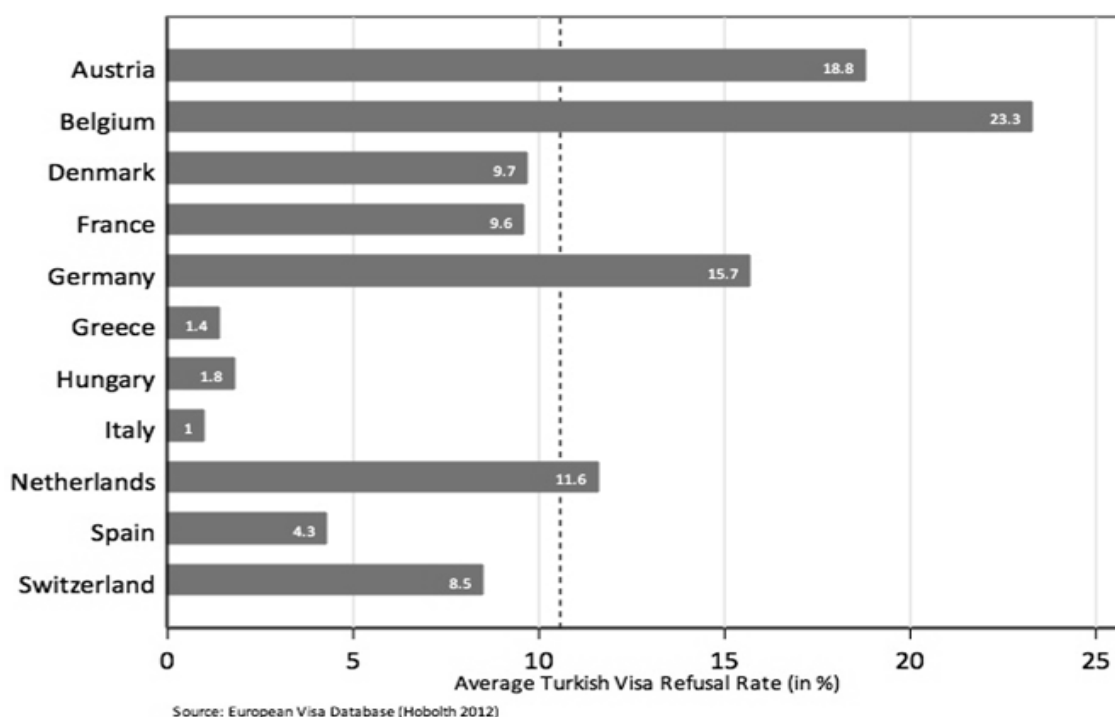
Because the institution of visa has become a virtual 'first line of defence against [...] invaders' (Bigo and Guild 2005: 235; Bigo 2006), the visa issuing process has suffered a great deal from discretionary practices (Bigo 2006). In an attempt to counter-act these tendencies the EU has put into force a set of regulations among which are the Common Consular Instructions, the Schengen Border Handbook, and more recently, the Visa Code. While these regulations were enforced to render the rules of the "bureaucratic game", scholars have argued that they have not succeeded in bringing about a genuine harmonisation of visa-issuing practices among Schengen countries. In their study on Eastern European countries, Jakub Boratyński et al. (2006) find for instance that the regulations mainly touch upon procedural and technical issues of the visa lodging process' scope and the nature of required documents.

Insights from fieldwork carried out by the Turkey-based Economic Development Foundation [İktisadi Kalkınma Vakfı, hereinafter: IKV] lend further support to the argument that visa-issuing practices across Schengen states are far from harmonised (Economic Development Foundation 2010).<sup>11</sup> The IKV, who has interviewed Turkish citizens about their Schengen visa application experiences, reports that a majority of the study participants have raised complaints against highly in-transparent visa-issuing practices of Schengen authorities. Most of the individuals were thereby reportedly complaining against German and Belgian visa authorities' practices. Among the most frequently raised problems were that consular officials often demanded extra documents and/or disproportionately high amounts of money on applicants' bank accounts (as a guarantee of their return intentions). Further, 63 per cent of the survey participants reported instances where their visa appeal had been rejected without/or only with unsatisfactory disclosure of refusal grounds.<sup>12</sup> The latter problem has been reported for other contexts as well (see Boratyński et al. 2006).

Latest reports from the field suggest that certain Schengen consulates (among which are Germany, the Netherlands and Italy) have begun entrusting intermediary agencies with the processing of the formal aspects of the visa application procedure (Deutsches Konsulat Istanbul 2012). As a result, individuals no longer engage in face-to-face contact with consular officials because the actual visa application process has been outsourced to private agencies. One consequence of this new regulation is that applicants are now confronted with additional application fees (intermediaries charge about 20 EUR extra). The increased fee, however, constitutes only a minor aspect of the alterations. More important is whether outsourcing will effectively lead to a change in visa-issuing toward more discretionary practices due to the abolishment of direct contact between consular officials and visa applicants. First-hand reports from the field are indicative of highly opaque practices. For instance, individuals who are in principle eligible for a visa-exemption as service providers going to Denmark or Germany (according to Soysal C-228/06) still face immense hurdles in traveling. Although officially exempt from visa-restrictions, service providers apply for a certificate confirming their visa-free status, in effect, nullifying any potential gain their status may hold. What is more, field observations suggest that intermediary agents more than often misguide individuals to apply for standard Schengen visas, even in cases where entitlement for visa-free travel as service providers would be given (e.g. business persons, academics). In a similar manner, it has been observed that fees were charged where none were applicable (e.g. students, family members etc.).<sup>13</sup>

Examining Schengen visa-issuing figures for Turkish applicants yields quite supplementary insights: visa-rejection rates for Turkish nationals were the highest in countries such as Germany, Austria and Belgium with 16, 19 and 23 per cent, respectively, for the total of Turkish visa applications reached in between 2005 and 2010 (see Figure 1). On the bottom of the table are Hungary, Romania, Greece, Italy and Portugal who exhibited mean refusal rates which were lower as two per cent for the time period 2005 to 2010 (see Table 3).

*Figure 1: Schengen Visa Rejection Rates for Turkish applicants (2005-2010). Selected EU countries.*





*Table 3: Schengen Visa Rejection Rates for Turkish applicants, by Schengen country and consulate (Mean values in per cent for the period 2005-2010)*

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

Adapted from European Visa Database (Hobolth 2012)

How have EU member state authorities reacted upon legal case decisions rendered on the topic of visa-free travel for Turkish nationals by the European Court of Justice (ECJ), and national courts?<sup>14</sup> The ECJ, in particular, has ruled in four different instances (Abatay C-317/01; Sahin C-369/01; Tum and Dar C-16/05; Soysal C-228/06), with an additional case (Demirkan C-221/11) still being processed at the time of writing, that visa-restrictions for Turkish service providers run counter the terms of freedom of movement agreed upon between the EC and Turkey in the Ankara Agreement (1963) and an additional protocol signed in 1970. Because the latter stipulate the gradual abolishment of barriers to freedom of movement between the EC/EU and Turkey, and prohibits the enactment of retrograde regulations (standstill clause), legalists have argued that visa restrictions enforced by contracting parties after 1 January 1973 (the coming into force of the additional protocol) are unlawful.<sup>15</sup>

The ECJ's most prominent ruling in this regard is the so-called *Soysal* case (C-228/06) rendered on 19 February 2009. Therein the court invoked the *standstill clause* according to which the re-imposition of travel restrictions after the coming into force of the additional protocol was impermissible.<sup>16</sup> The point of reference thereby is Article 41. It stipulates that "contracting parties are to refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services".<sup>17</sup> On this basis ECJ judges ruled that Turkish nationals who wish to undertake short-term travels to the Schengen area must not be subjected to visa-restrictions if they travel in the capacity of service providers (for a detailed account Groenendijk and Guild 2011: 18). The key contention with the *Soysal* ruling, however, lies in the fact that experts arrived at somewhat diverging interpretations as regard the term 'service providers'. For a majority of legal scholars and lawyers the phrase entails both the provision (e.g. business) and reception (e.g. tourism) of services, that is to say, active and passive service provision.<sup>18</sup> These experts based their opinion on pertinent secondary community law which conceptualises both active and passive sorts of service provision under the same umbrella.<sup>19</sup>

In view of the ambiguities around the notion of service provision, several national courts (mostly in Germany and the Netherlands), called upon by individual claimants, have in subsequent decisions ruled that service provision for Turkish nationals encompasses both active and passive activities.<sup>20</sup> Subsequently, the European Commission, in an attempt to bring clarity, issued a statement that was to provide a legal basis for future action (Commission Recommendation C(2009) 7376). The Commission concluded that visa-free travel for Turkish nationals is (i) only applicable to Turkish service providers traveling to Germany and Denmark, and (ii) solely under the proviso that Turkish nationals go as "active" service providers (thus excluding passive service provision such as tourism and alike).<sup>21</sup> These conclusions are striking against the background that a plethora of respected legal scholars have argued that the *Soysal* ruling should be interpreted to encompass both active and passive service provision, and to affect a number of Schengen states including Germany, Belgium, France, Greece, Italy, Luxemburg, Netherlands, Spain and Portugal.<sup>22</sup> The argument is that the states listed above had no short-stay visa-restrictions in place for Turkish nationals in 1973 (at the time of the coming into force of the additional protocol between the EC and Turkey) which, according to the standstill clause, does not entitle them to reinstate visa restrictions for Turkish citizens afterwards.

The ECJ is currently processing a court case (Demirkan C-221/11) which is to clarify once and for all the definitional discrepancies between active and passive service provision and thus the question whether Turkish nationals would *de facto* be eligible for visa-free short-travel. If the court should rule in the affirmative - that is to say, establish that both forms of service provision fall under the same umbrella - it would effectively open up the way for visa exemption for Turkish nationals travelling to the Schengen states listed above. To sum up, then, the empirical evidence amassed above is quite suggestive of past and ongoing securitisations of the Turkish visa issue in the

bureaucratic realm. Important to note thereby is the occurrence of security-framing practices via diverse techniques (visa-issuing process, national and supranational regulatory attempts). This leads us to the next question, namely, how security-framing practices have unfolded in the political domain.

### ***Political Securitisation***

European elites have quite differently conceived of Schengen visa liberalisation for Turkey. By no means all and by far no majority of member states have actually resisted waiving Turkish travellers the Schengen visa requirement (see Table 4). According to Paul, "Germany, Austria, Cyprus and the Netherlands in particular have been opposed to giving Turkey a visa-free regime" (2012: 29).

*Table 4: EU Member State Preferences on Turkish Schengen Visa Liberalisation*

<b>Oppose</b>	<b>Support</b>
Germany	Italy
Austria	Sweden
Netherlands	Finland
France	Poland
Cyprus*	Spain

Sources: Paul (2012), Kücükkosum (6 April 2013); \* see endnote 23.

With the exception of Cyprus, whose preference on the matter can be said to follow a generally antagonistic stance vis-à-vis Turkey and its EU credentials, the analysis of the political-discursive securitisation strategies in the other three countries (Germany, Austria and the Netherlands) should aid understanding the specific dynamics that have driven visa politics on the EU level.<sup>23</sup>

In Germany, the Turkish visa issue has for the first time been made subject to political debate by the leftist party (*Die Linke*) in 2009.<sup>24</sup> Following the ECJ's Soysal ruling, the party lodged a parliamentary interpellation (*kleine Anfrage*) to bring light to the implications of the ECJ court case for Germany. The conservative CDU-FDP coalition government's response to the inquiry was highly limited in scope and content. Their position drew upon the distinction between active and passive service provision (advanced by a small group of legalists as described above) in order to argue that the implications of the Soysal case ruling solely entitled Turkish lorry drivers to visa-free travel to Schengen states (the ECJ court case was indeed filed on these two lorry drivers' requests). A year later, the Green Party, dissatisfied with the government's dealing with the issue, handed in a petition urging the latter comply with the ECJ's ruling, and to push for a visa-liberalisation for Turkey on the EU level. The governing coalition ultimately voted down the request in Parliament. CDU spokesman Reinhard Grindel justified the government's decision on the grounds that a Turkish visa-waiver would cause massive illegal immigrations to Germany, and, as a corollary, aggravate domestic integration problems. His statement in parliament read as follows:

'We put the integration of foreigners living here on the centre stage [...] this

pertains particularly to those [...] who have been living here for many years but have so far made little use of our integration offers. [...] Visa exemption for Turkish nationals can lead to a dramatic increase in uncontrolled immigration to Germany. In consequence, this means: Visa-free travel for Turkish nationals aggravates integration problems. We reject it.' (Deutscher Bundestag 2010).<sup>25</sup>

More recently, the Minister of Home Affairs, Hans-Peter Friedrich, reiterated his government's position by stating that general visa-liberalisation for Turkey is unfeasible because he, as the responsible minister, has to 'keep security risks in mind'. To be sure, the security risk Friedrich alludes to is the purported threat of illegal immigration stemming from Turkey.<sup>26</sup> This premise leads Friedrich to argue that visa facilitation measures for Turkish business people via application bureaus would constitute the only feasible option at the time.<sup>27</sup> Overall, the speech-acts of both Grindel and Friedrich's embody language that is vague and based on beliefs that seem assumed to be common (see Salter and Piche 2011: 936). The belief that foreigners are not adequately integrated, particularly those of Turkish origin, is widespread in Germany (Schaefer, Austin and Parker 2005: 1). Conservative political figures often particularly appeal to this "integration deficit" argument when making claims for stricter immigration policies, or, visa restrictions for that matter.<sup>28</sup>

Austria, in contrast, has not had any comparable parliamentary debate on the Turkish Schengen visa issue.<sup>29</sup> In 2012, following a bid by Christoph Leitl the president of the Austrian Chamber of Commerce to lift visa-restrictions for Russian and Turkish travellers as a means to boost economic relations, Minister of Home Affairs, Johanna Mikl-Leitner, from the conservative Austrian People's Party (ÖVP) responded with a resolute "that's out of question".<sup>30</sup> Generally speaking, Johanna Mikl-Leitner has been very much on the same page as her German counterpart Hans-Peter Friedrich on matters related to Turkey's Schengen visa liberalisation. Both have on various occasions uttered that they oppose a visa waiver for Turkey on the grounds that it would cause massive illegal immigration.<sup>31</sup> More recently, also, Mikl-Leitner joined a group of European elites in a petition to the European Commission urging the examination of the possibility of a suspension clause for visa-exemptions already given to some Balkan countries (particularly Serbia, Macedonia, Romania).<sup>32</sup> It is thereby important to note that both Austria's Mikl-Leitner and Germany's Friedrich barely made an effort to differentiate between the immigration of third country nationals via Turkey through the Turkish-Greek border (transit migrants) and actual Turkish citizens who choose to migrate to EU territory. This is an important distinction to make as the number of transit migrants is exponentially higher.<sup>33</sup> Yet, the abolishment of short-term travel Schengen visas for Turkish citizens is recurrently lumped together with the issue of transit migration. This confusion all the more fortifies the purported migratory threat argument.<sup>34</sup> Overall, the securitisation process in Austria has been largely driven by the Ministry of Home Affairs without much involvement of other actors such as Parliament.

In the Netherlands the debate has, quite similar to Germany, ensued following the ECJ's Soysal ruling on Turkish visa requirements – to which a reaction in Austria, for instance, has remained totally absent. In response to a national court case in Harleem which had ruled that Turkish service providers could travel visa-free to the Netherlands (as a number of other German courts), the Minister of Immigration and Asylum Geerd Leers announced that he would appeal the ruling: 'EU court ruling does not affect the Netherlands. The ruling in Harlem goes against our principles'.<sup>35</sup> Reportedly, an "emergency debate" took place in a committee immediately after the announcement of the ECJ ruling in March 2009.<sup>36</sup> Maxime Verhagen, then Minister of Foreign Affairs, is portrayed as follows in a newspaper at that time: 'There will be a tsunami of Turks and that is the fault of Verhagen'.<sup>37</sup> Overall, the debate in the Netherlands has very much resembled the Austrian setting where much of the issue has been handled on the ministerial level.

In sum, the political discourse on the Turkish visa liberalisation in the three countries

analysed above - Germany, Austria and Netherlands – can be said to have taken place under the shadow of a purported migratory threat. By equating visa-free short-term travel with a “security risk” (Austria, Netherlands, Germany) and by establishing a causal link between Turkish immigration and domestic integration problems (Germany), politicians have effectively superimposed an aura of threat on the topic of Turkish Schengen visa liberalisation in the EU, reflecting, by the same token, a more general trend of the securitisation of the issue of migration in the EU also (Huysmans 2000, 2006; Van Munster 2009, Bourbeau 2011). The socially constructed threat around the issue of visa-free travel for Turkish nationals, in turn, has enabled European policy makers to keep in force visa restrictions – here, the respective “extraordinary measure” (Buzan, Waever and De Wilde 1998: 21) - deployed in order to curb the purported Turkish migratory threat.

## CONCLUSION

This article has drawn upon the case of the EU’s visa regime towards Turkey to illustrate the multiple arenas and diverse techniques through which securitisation can occur in the real world.<sup>38</sup> Substantively, it has been argued that the EU’s ongoing restrictive visa regime towards Turkey stems from its securitisation in three member states: Germany, Austria and the Netherlands. Security-framing activities were thereby located in the bureaucratic (visa issuing process in consulates; national and supranational regulatory units) as well as political arenas (elite level discourse). While both processes showed nodes of inter-linkage, it appears that the political security-framing process seem to have been more relevant than bureaucratic securitisation in the coming about of governmental policy preferences. This, of course, is not surprising given that politicians are in possession of the competency to render binding political decisions. A subject certainly worthwhile probing into in this regard is the extent to which bureaucratic security-knowledge production affects political security-framing logics, and vice versa: in which arena (political or bureaucratic) resides decisive security expertise and in which the prerogative for interpretation? Another stimulating question in this context may lie in asking to what extent securitization matters on its own merit in the coming about of policy preferences, and to what extent it operates as a form of triggering/intermediate mechanism actuating other sources of domestic preferences such as public opinion, analogous to the mechanism of politicisation (Hooghe and Marks 2009). Given the limited scope of this paper, I leave these questions for prospective studies.

These being potential avenues for future research, the article’s findings bear three further political and theoretical implications. First, European visa authorities seem to follow their own visa-issuing policies despite regulations put into force on the EU level (e.g. Common Consular Instructions, the Schengen Border Handbook, and the Visa Codex). The fact that similar observations have also been made in other contexts (Boratyński et al. 2006) indicates that the EU’s visa harmonisation efforts have not been successful. The problem with hitherto devised EU regulations can be said to lie in their overemphasis on formal and technical aspects of the visa issuing process. A genuine visa harmonisation, however, would require EU policy makers to stipulate precise decision-making instructions for national authorities.

Second, the EU’s differential treatment of Turkey on the visa issue as compared to the Western Balkan candidate countries is disadvantageous insofar as it only further weakens the EU’s credibility towards Turkey (Yildirim et al. *forthcoming*). In the absence of a genuine membership prospect, it is contended here that the EU needs to make better use of policy-based intermediate rewards (Trauner 2009) if it wishes to see rule adoption in target countries continue.

Third and finally, the purported theoretical divide between the Copenhagen and Paris School’s approaches to securitisation seems, on palpable empirical grounds, rather

disadvantageous. The treatment of these two strands of theory as distinct lenses is likely to lead authors to miss out on security-framing practices (e.g. bureaucratic-technical and political-discursive) in their capacity to occur interconnected as part of the same security *dispositif*. As Buzan has stressed elsewhere, securitisation is 'not just a speech act, but a much more elaborate phenomenon linking together sets of discourses of unease, bureaucratic and technical practices' (in the Preface of Huysmans 2006).

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<sup>1</sup> At the time of writing, amongst these countries, Macedonia and Serbia were membership candidates, and only Montenegro and Turkey had entered EU accession negotiations. Other states in the EU neighbourhood, such as Georgia, Russia or the Ukraine, in a similar procedure (visa deals in return for readmission agreements) were granted visa-facilitation concessions.

<sup>2</sup> These principles are stated in the Copenhagen Criteria and said to form the normative basis of the EU. Among these principles are rule of law, democracy, human rights, societal diversity and pluralism. These norms also imply the idea of freedom of movement. As Juan Diez puts it, these principles are at the same time 'constructed as characteristics of all EU member states' (2005: 630).

<sup>3</sup> Currency converted from EUR to USD by author at rate of EUR/USD 1.3 (1 August 2013).

<sup>4</sup> An important point to note here is that Serbia, Bosnia-Herzegovina, or Montenegro – who had lower income levels on average than Turkey at the time of the signing of the readmission agreement – have easily achieved to attain visa-waivers from the EU. Assuming that overall wealth is taken as a crucial factor in the assessment of immigration potentials, this is a puzzling paradox.

<sup>5</sup> Currency converted from EUR to USD by author at rate of EUR/USD 1.3 (1 August 2013).

<sup>6</sup> It is also important to note at this point that general migration scholarship has found that individuals typically prefer to stay rather than migrate (*natural inertia*). This choice is due to the relatively high costs and uncertainty associated with movement in general and international migration in particular (Faist 2000).

<sup>7</sup> Available at <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>. Accessed on 5 February 2013.

<sup>8</sup> One last issue that has not been expressly taken up in this discussion is the population factor. Obviously, Turkey, with a population of approximately 76 million is much larger than the Western Balkan countries, which altogether, are home to about 16 million people. Turkey's population size makes it the second biggest state after Germany in the EU. While the population factor, in fact, is a crucial one in debates on Turkey's EU membership, it has, to my knowledge, not been an express matter of concern in the context of the issue of Turkish Schengen visa exemption. It is for this reason omitted in the present discussion.

<sup>9</sup> It is important to note here that CS scholars have also stressed that securitisation can occur in the absence of the objective reality of a threat as well (Waeber 1995: 82, footnote 58). As Waeber puts it: 'the utterance itself is the act' (1995: 55). The probably most prominent illustration of such an occurrence is how the Bush administration has discursively represented and portrayed Saddam Hussein 'as a grave and gathering danger' (Hughes 2007: 83), which in turn legitimised the invasion of Iraq in 2003.

<sup>10</sup> Note that, following Stefano Guzzini (2011), securitisation is herein understood as a causal mechanism.

<sup>11</sup> Here it is referred to the IKV's two-month Visa-Hotline study conducted from November 2009 to January 2010 (see Economic Development Foundation 2010).

<sup>12</sup> As of 5 April 2012, with the implementation of the so-called Visa Codex, national authorities are

obliged to notify applicants about the grounds of refusal by means of a 'standard form' in either the applicant's native language or one of the EU's working languages - e.g. English, French (see [http://ec.europa.eu/home-affairs/policies/borders/docs/c\\_2010\\_1620\\_en.pdf](http://ec.europa.eu/home-affairs/policies/borders/docs/c_2010_1620_en.pdf)). It remains to see, however, whether and to which extent consular officials will factually abide by this new rule.

<sup>13</sup> Whether these practices occur systematically or merely sporadically remains an open question and subject to further interrogation.

<sup>14</sup> Since EU law is supreme to national law, the formula applies that member states are obliged to comply with ECJ rulings (Alter 1998: 134).

<sup>15</sup> A brief historical note is in order: Up until the 1980s, Turkish nationals were able to travel to almost all European countries without visa restrictions (Abadan-Unat 2011). However, growing civil unrest and intensifying political turmoil in Turkey in the second half of the 1970s changed the situation fundamentally. An increasing number of political and non-political asylum seekers turned to Europe for refuge. To illustrate, Germany alone registered 57.913 asylum requests from Turkey in 1980, as compared to merely 809 in 1970. As a consequence, following the years after the Turkish military coup of 12 September 1980, almost all European countries except England and Italy required Turkish citizens to obtain a visa (Abadan-Unat 2011: 20).

<sup>16</sup> The entry into force of the additional protocol (1970) thereby constituting the reference point.

<sup>17</sup> Available at [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/d-tr/dv/0928\\_05\\_0928\\_05\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-tr/dv/0928_05_0928_05_en.pdf). Accessed on 21 February 2013.

<sup>18</sup> See for instance <http://www.migrationsrecht.net/european-immigration-migration-law/1334-effects-of-the-soysal-decision-by-the-ecj-on-the-visa-process-for-turkish-citizens-in-germany.html>. Accessed on 12 February 2013.

<sup>19</sup> <http://www.migrationsrecht.net/european-immigration-migration-law/soysal-decision-european-court-justice.html>. Accessed on 12 February 2013.

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

<sup>21</sup> It is important to note that the otherwise integrationist Commission surprisingly exerted restraint in its conclusions on the issue. What is more, both Danish and German consulates have made it a requirement for Turkish service providers to attain an eligibility proof prior to travel at one of their consulates. In effect, this procedure does not render service providers' travel procedure much different from normal visa applications. Individuals who want to take advantage of the service recipient clause still need to audit before the respective member state consulate, or intermediary agency for that matter. Depending on the respective country, consulates may require additional proof of the services intended to be provided on Schengen soil (e.g. invitation letter by the transacting party stating duration of stay, financial remuneration and so forth) and evidence of employment in Turkey. It is also important to note that countries such as Germany have variously made it an requirement for individuals to lodge their application files and documents in German language (certified translations, if necessary) therewith impinging further difficulties and costs on applicants.

<sup>22</sup> See <http://www.westphal-stoppa.de/Tuerken-Einreise.htm>. Accessed on 20 February 2013.

<sup>23</sup> The case selection strategy is underpinned by the rationale to analyse member states who were opposed to Turkish visa liberalisation. According to secondary sources, these are Germany, Austria, the Netherlands. In some other source France and Cyprus are mentioned as well. The latter two, however, are theoretically of little interest for the following reasons: as regard France, much of its opposition during Sarkozy's tenure derived from his government's individual antagonisms. As regard Cyprus, its stance mostly derives from a generally antagonistic stance towards Turkey and the latter's EU credentials. Therefore, study cases selected for analysis are Germany, Austria, and the Netherlands.

<sup>24</sup> Bundestag Drucksache 16/12562. Available at <http://dip21.bundestag.de/dip21/btd/16/125/1612562.pdf>. Accessed on 1 March 2013.

<sup>25</sup> Translated by the author.

<sup>26</sup> Available at [http://www.saarbruecker-zeitung.de/aufmacher/berliner\\_buero/art182516,4523479#.UVFkG1spYyA](http://www.saarbruecker-zeitung.de/aufmacher/berliner_buero/art182516,4523479#.UVFkG1spYyA). Accessed on 1 March 2013.

<sup>27</sup> Yet, a similar facilitation practice is already in place, as described further above (see endnote 18), and quite far from working in the spirit of a genuine visa facilitation measure.

<sup>28</sup> <http://www.guardian.co.uk/world/2010/oct/11/germany-immigration-horst-seehofer>, accessed 14 June 2013.

<sup>29</sup> An interesting phenomenon is that Austrian deputies have recently handed in a parliamentary interpellation asking about the reasons why Turkey has visa-restrictions in place for Austrian citizens but not, for instance, for German or Swiss nationals (see [http://www.parlament.gv.at/PAKT/VHG/XXIV/J/J\\_10133/fname\\_238562.pdf](http://www.parlament.gv.at/PAKT/VHG/XXIV/J/J_10133/fname_238562.pdf). Accessed on 10 March 2013).

<sup>30</sup> Tiroler Tageszeitung, 4 November 2012 (see: <http://www.tt.com/%C3%9Cberblick/Wirtschaft/Wirtschaft%C3%96sterreich/5508746-42/leitl->

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f%C3%BCr-visa-freiheit-von-russen-und-t%C3%BCrken.csp, access 15 March 2013).

<sup>31</sup> That assessment has been dealt with at length in section two and refuted.

<http://kurier.at/politik/tuerkei-will-visafreiheit-fuer-mehr-grenzschutz/770.435>. Accessed on 20 March 2013.

<sup>32</sup> [http://www.krone.at/Oesterreich/Asyl\\_Mikl-Leitner\\_fuer\\_Aufhebung\\_der\\_Visafreiheit-Balkan\\_im\\_Visier-Story-338743](http://www.krone.at/Oesterreich/Asyl_Mikl-Leitner_fuer_Aufhebung_der_Visafreiheit-Balkan_im_Visier-Story-338743). Accessed on 20 March 2013.

<sup>33</sup> [http://www.nytimes.com/2012/07/15/world/europe/illegal-immigrants-slip-into-europe-by-way-of-greek-border.html?\\_r=0](http://www.nytimes.com/2012/07/15/world/europe/illegal-immigrants-slip-into-europe-by-way-of-greek-border.html?_r=0). Accessed on 10 March 2013.

<sup>34</sup> <http://derstandard.at/1331206756124/Druck-auf-Griechenland-Oesterreich-schmiedet-Allianz-gegen-illegale-Migration>. Accessed on 27 March 2013.

<sup>35</sup> <http://www.nrc.nl/nieuws/2011/02/17/geen-visumplicht-voor-turken-die-naar-nederland-reizen/>. Accessed on 27 February 2013

<sup>36</sup> <http://www.publiekrechtropolitiek.nl/visumplicht-voor-turkse-zelfstandigen-en-artikel-94-grondwet/>. Accessed on 15 February 2013

<sup>37</sup> <http://www.welingelichtekringen.nl/politiek/29436/er-komt-een-tsunami-van-turken-en-dat-is-de-schuld-van-verhagen.html>. Accessed on 20 February 2013

<sup>38</sup> Epistemologically, this article conceptualized securitisation thereby as a causal mechanism which opened up room for process-tracing analysis that is in line with the theory's post-structural and reflexive epistemological foundations (Guzzini 2011: 331).



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