Carleton University

**Geopolitics of Governing Human Mobility: The EU, Turkey and Illegal
Immigration**

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Abstract

The emergence of the EU as an actor in the governance of human mobility concurrently established a European representation of geopolitics of human mobility. Within this geopolitical representation, the global space is being mapped through problematization of countries' governmental abilities to regulate illegal immigration. The emergence of an illegal immigration regime in Turkey is directly connected to its global geopolitical representation as a “transit” and a “source” country. Using this case, this thesis aims to situate contemporary problematization of illegal immigration as a part of the global geopolitical governance of human mobility and explore the intersection of global and national discursive and non-discursive practices that comprise the mechanisms that it works through.

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Table of Contents

Introduction	1
Illegal Immigration and Governing Human Mobility.....	3
How to Analyze Illegal Immigration as a Technology of Global Governance	5
Chapter Outline.....	8
 Chapter One: Geopolitics of Human Mobility: International System of States, Citizenship and Managing Populations	12
Citizenship, International System of States and Governing Global Population	16
Governing Human Mobility as a Technology of Citizenship.....	21
Governing Human Mobility Nationally: Representations of “illegal immigration” and Practices of Exclusion.....	23
Conclusion:	30
 Chapter Two: European Geopolitical Imagination of Mobility: The EU Immigration Regime and ‘Third Countries’	31
Establishing European Immigration Control Regime:.....	32
European Immigration Regime and the Third Countries.....	46
Representation of Turkey as a Transit and a Source Country	64
<i>Turkey as a Source Country</i>	65
<i>Turkey as a Transit Country</i>	70
Conclusion	75
 Chapter Three: The Discourses and Practices of Managing Illegal Immigration in Turkey	77
Imagining Illegal Immigration in Turkey	79
<i>Discursive Connections between Illegal Immigration and Unemployment</i>	80
<i>Criminalization of the Immigrant</i>	81
<i>Making Illegal Immigration Visible in Turkey</i>	85
Practices of Managing Illegal Immigration in Turkey.....	87
<i>EU Candidacy and Conditionality</i>	88
<i>Visa Requirements</i>	93
<i>Border Management</i>	103
Conclusion	114
 Conclusion	115
Findings:	115
Governing Illegal Immigration within a Historical Perspective	119
EU and Turkey.....	123
 Bibliography	125

Introduction

According to International Organization for Migration (IOM), there are 150 million migrants in the world (Castles and Miller, 2003: 4). United Nations Population Division (UNPD) estimates the number of people that have been living outside the country where they were born in as 185 million (ibid.). Each year millions of people show up at the gates of other countries seeking asylum and/or a better life. In addition to these figures, it should be noted that there are an unknown number of illegal immigrants, crossing borders of countries in hundreds of thousands, yearly.

What does the above paragraph reveal? What does it tell about international migration? For a majority of the scholars of migration, these figures indicate a quantitative measurement of an *irregularity*: human beings' movements from one recognized and sovereign territorial entity to another. Majority of the academic texts on migration either examine already settled immigrant communities or human beings that are on the move. The questions that are pursued often include the causes of migration: the social factors that sustain mobility, states' role in occurrence of cross border "flows" (Joppke, 1998; Freeman, 1994; Hollifield, 2000), the social networks between immigrant communities and their ties to their homelands (Brettel, 2000) and so on. Furthermore, the consequences of migration are examined extensively by the literature. These include societal problems such as xenophobia, the effects of immigration on welfare states (and vice versa) (Geddes, 2003b), political problems such as migration challenging state sovereignty and national citizenship (Jacobson, 1996; Sassen, 1996), immigrants demanding political rights, the rise of right-wing parties, etc. Hence, the majority of the migration literature looks at the above number and perceives people that have already

moved or are in move across the borders as a phenomenon very interesting and worth explaining.

The same numbers given in the first paragraph, on the other hand, can be used to point out to another irregularity. This time, however, it is not the mobility of the people that is subject to scholarly interest; quite the contrary, it is their immobility. The numbers also disclose the fact that only a little over two percent of the world's population constitutes the people living outside the countries that they were born in (Zolberg, 2000: 12; Castles and Miller, 2003:4). Hence, a vast majority of the human beings are staying in the territorial entity that they have been assigned to by birth.

The second point, that is the relative (cross-border) immobility of global human population, unsettles the ways in which the norm that persons stay where are assigned to (mostly) by birth is too readily being accepted. The very fact that there exist multiple disciplines that are specifically designed to accommodate scientific examinations, such as the number of people that are on the move, the causes of their movements, the nature of their movements, the consequences of cross border movements and the strategies to stop certain types of cross border mobility, is actually an outcome of the universal acceptance of this norm.

Why cross-border human mobility has a different character and subject to different limitations? The answer to this question actually lies within the question. The fact that there are "borders" and there is a phenomenon called "cross-border" mobility hints the global organization of space that problematizes certain types of human mobility.

Hindess (2000) argues that the international system of states and modern citizenship constitutes an overarching regime of governing larger human population. This

regime works through dividing the global human population into sub-populations and assigning them to territorial sovereign units. Through international agreements, customary law and practices the states are given the exclusive responsibility and obligation to govern their populations (ideally) free of outside intervention. Citizenship, as an indispensable part of the regime of global governance of human population, stands as a “marker of identification” that labels people as belonging to certain territorial units and not belonging to others. “A system of governance that partitions the world into discrete, territorially based national populations requires the regulation of movement [...]. [I]t suggests that movement within the national boundaries will have radically different character from movement across the borders” (Hindess, 2000: 1494).

The extraordinary nature of cross-border human mobility can be understood as an outcome of the larger global setting that organizes the human population through dividing it into citizens of different territorial entities. Division of larger human population into citizens of diverse territorial units rests partly on the ability of modern citizenship to identify certain movements as “illegal”. The action of rendering human mobility as “illegal”, however, is not a straightforward process and embedded in complex apparatuses of governing human mobility. The technologies of governing human mobility stand as a key mechanism of international system of states and modern citizenship. Therefore governing human mobility constitutes a crucial embodiment of modern power and should be considered as an indispensable part of modern governance.

Illegal Immigration and Governing Human Mobility:

The main objective of this work is to explore illegal immigration as a contemporary mechanism of governing human mobility, which, in this work, is understood as a part of the global geopolitical regime that renders larger human population governable. Governing human mobility, however, should not be understood solely as an overarching power structure that inhibits human mobility in certain ways. On the contrary, “the era that saw the consolidation of the modern system of territorial states was also an era of unprecedented movement across national borders and resettlement in foreign parts” (Hindess, 2000: 1494).

With the organization of modern global geopolitical setting, human mobility have been subjected to governmental programs, it became an object of modern power. The deportation of the poor, the population exchanges, forces emigrations, labor recruitment programs as well as refugee movements can be situated as historical instances of different governmental programs objectifying human mobility and constituting modern human as a subject. These governmental programs are working through facilitation of human mobility rather than limiting it.

Analyzing illegal immigration as a part of these governmental programs would be a very productive project. Similarly, it is as appealing to situate illegal immigration within the dynamics of international political economy, the change from welfare state to neo-liberal state and changing governmental mentalities. In this work, however, illegal immigration will be considered as a part of realizing and sustaining the regime of dividing and ruling global human population. Hence, illegal immigration will be understood as a technology of preserving the system of assigning human beings to certain territories and assuring the “truth” that citizens remain where they are assigned to.

Understood as such, contemporary problematization of illegal immigration constitutes a continuity of global geopolitical regime of population management.

What is illegal immigration and how can we analyze it as a technology of governing human mobility as implicated in the global geopolitical regime of population management? In the following paragraphs some methodological precautions will be proposed, which will guide this work in undertaking the contemporary mechanisms of governing human mobility.

How to Analyze Illegal Immigration as a Technology of Global Governance:

In the immigration literature, illegal immigration is synonymous with exclusion, policies and practices of impeding human mobility. Conventionally illegal immigration and illegal immigrant is being understood as breaches to the sovereignty of a nation-state, which has the legitimate right to decide who can enter and who cannot. Hence, it is often described to emphasize the loss of control by the nation state. In this work, illegal immigration will not be conceptualized as an objective category of describing a certain type of human mobility. Rather, it will be conceptualized as a discursive category, which is being used by a multiplicity of actors, among which state is certainly the most important one, to devise governmental programs to govern mobility. It will be stressed that illegal immigration is a fluid and contested “truth” which plays an important role in governing human mobility. In this sense, illegal immigration should be situated within the larger internationally defined “will to govern” human mobility.

Perceived as a technology of governing human mobility, illegal immigration ceases to be only an issue of exclusion and an issue that is exclusively about a nation-

state's or regional political unit's ability or inability to restrict entry. Since cross border human mobility is governed through internationally defined and recognized mechanisms, such as modern citizenship and technologies that inform citizenship (e.g. passport, visas and border controls), the problematization of illegal immigration cannot be reduced to individual country's policies and practices.

Hence, governing human mobility through regulation of illegal immigration should be explained through at least two levels of analysis, international and national. The international system of states, referred to as the modern geopolitical imagination, informs responsabilization of governments. Governing mobility within one country's borders is not only the right but also the responsibility of that state. The states that fail to perform their responsibility face consequent problematization of their governmental abilities. At the national level, the discourses on illegal immigration and illegal immigrant represent and define the objects to be governed. These discourses are connected to the establishment of concrete practices of "fighting illegal immigration".

The main objective of this paper is to explore the ways in which regulating illegal immigration is defined as an obligation of each single territorial unit, which is not only supervised but also shaped by global discursive and non-discursive practices. Governance of human mobility, requires not only representing and categorizing people, such as illegal immigrants, tourists, students, asylum seekers; but also representing and categorizing countries, such as "source", "transit", "safe" countries and "first country of asylum". In a nutshell the main focus of this thesis is intersection of global geopolitical and national governance of human mobility. Rather than being an arbitrary methodological choice of level of analysis, this analytical nexus of global and national is a requirement that is

conditioned by the theoretical perspective that is being used in this work. Understanding problematization of illegal immigrant as a technology of modern citizenship requires a global perspective.

However, in this work international and national governance of mobility are not conceptualized as divergent mechanisms. The problematization of the transit and source countries internationally has important consequences for the direction and nature of the technologies of governing mobility within these countries. In other words, the very distinction of national and international governance of mobility that is being made in this thesis is an analytical tool rather than a descriptive reality. Certainly the division itself is also part of the mechanisms of global governance itself, for what constitutes the national obligations of governing mobility, the parts that make up the elements of governing mobility within a territorial unit are being defined through this very binary distinction between national and international. The main emphasis in this thesis is not giving insights on factual nature of national and international but exploring the interaction between what is being represented as national and international and what does this interaction reveals in terms of global governance of human beings through problematization of their mobility.

The case that I have chosen to illustrate the mechanisms of governing human mobility is the emerging illegal immigration regime in Turkey in the context of its integration into European Union. The emergence of EU as an actor in the governance of human mobility, following the Amsterdam Treaty and Schengen Agreements simultaneously established a clear European representation of geopolitics of human mobility. Within this geopolitical representation, the global space is being mapped by Europe through problematizing countries' governmental abilities to regulate illegal

immigration. The emergence of an illegal immigration regime in Turkey is directly connected to its representation as a “transit” and a “source” country by other countries and especially the EU. Thus, regulation of illegal immigration in Turkey cannot be analyzed by exclusively looking at national discourses and practices. Using this case, this work aims to situate contemporary problematization of illegal immigration as part of the global geopolitical governance of human mobility and explore intersection of global and national discursive and non-discursive practices that comprise the mechanisms that it works through.

Chapter Outline:

Chapter 1 defines the main concepts that are being used in the thesis. It starts by building the connection between governmentality and geopolitics by using Hindess’ and Lui-Bright’s arguments on international system of states and management of human populations. Although governmentality studies mostly focus on particular technologies of governing a certain population, mostly in the national or sub-national level, the intersection of geopolitics and governmentality constitutes an important perspective to understand the constitution of modern human being. Citizenship, from this perspective stands as an indispensable part of rendering global human population governable through dividing them into sub-populations and assigning them to sovereign territorial entities.

The chapter specifies governing human mobility as a “technology of citizenship”. Understanding the discursive and non-discursive mechanisms of governing human mobility, hence, is crucial to form a perspective through which the intersection of governmentality and international management of population can be observed. How can

we analyze government of human mobility? Chapter 1 lays out the analytical framework through which the international governance of human mobility will be analyzed throughout the thesis. Through the first chapter the conceptual links between analyzing national and international governance of human mobility is being made. The main idea that is presented in the chapter is that governance of human mobility works not only through regimes of representing (e.g. securitizing) the immigrant and act of immigration, but also through establishment of a geopolitical imagination in which countries are also represented (e.g. securitized) through labels such as “transit countries” and “source countries”. The intersection between the international geopolitical imagination and national technologies of governing mobility constitutes the framework that is followed in the next chapters.

Chapter 2 constitutes the first part of the examination of the mechanisms of governing human mobility through problematization of illegal immigration. First it lays out the main historical moments of creation of a European geopolitical imagination of human mobility through the European Union (EU) integration. The chapter moves on to explain this imagination in two levels. First European representations of the “third countries” are analyzed with its consequences such as institutional integration of “third countries” into the European illegal immigration regime. This involves the examination of bilateral and multilateral interaction between “third countries” and the EU, such as readmission agreements and enlargement process. Secondly, European representations of Turkey are analyzed through problematization of Turkey as a “transit” and a “source” country. The analysis is based on formal reports of the EU, governments and other international organizations as well as political speeches and media coverage.

Chapter 3 builds the bridges between European geopolitical imagination of human mobility and its repercussions on governance of illegal immigration in Turkey. The chapter develops in two main sections. First it examines the discourses on illegal immigration in Turkey. Both the convergence with European discourse and also formation of Turkish ways of understanding and representing illegal immigration is analyzed. This section emphasizes the effect of the geopolitical representation of Turkey and problematization of governmental abilities of Turkish management of illegal immigration on the visualization of illegal immigration in Turkey. The second section analyzes the changes that are in place in the selected practices of acting on illegal immigration in Turkey. This is done in two parts, first the transformation of the visa issuing enterprise is examined. The examination of technology of visas includes visa legislation but the emphasis is on more mundane practices such as changing visa issuance practices, transformation of the “visa” itself and rearrangement of visa issuing institutions spatially and organizationally. Changing visa practices create new venues through which “immigrant” will be represented, categorized and visualized. In the second part, the practices of border management are examined. In this part the mapping of new spaces within the context of reinforcing the security of border lines, coastlines and ports of Turkey is scrutinized.

In the third chapter the discourses and practices of constructing illegal immigration and the illegal immigrant in Turkey is examined. However, this national level analysis is done with a perspective that keeps in touch with the larger geopolitical representation of Turkey, and its place in the larger governance of human mobility through problematization of illegal immigration.

Finally, in the conclusion the contribution of this work to the literature on human mobility will be briefly discussed some suggestions for further areas of research will be made.

Chapter One

Geopolitics of Human Mobility: International System of States, Citizenship and Managing Populations

Politics has now to deal with an irreducible multiplicity of states struggling and competing in a limited history. (Foucault, 2000: 409).

According to Foucault, the essential thing that he has come to analyze throughout all his works has been “power”. One of the most important and original contributions of Foucault to the analytics of power is his idea of power as a ‘productive’ entity. Juridical and structural addressing of power conceptualizes power as a negative entity that represses and distorts by definition. Foucault conceptualizes power as positive. He does not deny the fact that power can be repressive; however, it is not necessarily negative, power is not an entity that exclusively limits, represses and distorts. “[Power] traverses and produces things, it produces pleasure, forms knowledge, produces discourse (Foucault, 1980: 119).” The relation between power and knowledge constitutes the basis of Foucault’s search to answer the question of how modern individual was constituted. The theme of power/knowledge in Foucault’s analyses is central especially in Discipline and Punish and the works that follows it.

In his late works Foucault shifted his analysis of the mechanisms of modern power to the governance of the societies as a whole. This shift from constituted a continuity within Foucault’s line of thought. “The same style of analysis, [Foucault] argued, that has been used to study techniques and practices addressed to individual human subjects within particular, local institutions could also be addressed to techniques

and practices for governing populations of subjects at the level of a political sovereignty over an entire society” (Gordon, 1991: 4). In his lecture “Governmentality”, which was given at Paris College De France in 1978, Foucault (1991) draws attention to a specific period in history in which he observes a shift to a “distinctly new form of thinking about and exercising power in certain societies” (Dean, 1999: 19). This was represented by Foucault as a long-term trajectory that was marked by a gradual transformation from “sovereignty” to “governmentality”. Foucault presents an overview of this change, from “the state of justice of the Middle ages” and “the administrative state (police state)” of the 15th and 16th centuries to the “gradual governmentalization of the state” starting with the 18th-19th century liberalism (see Foucault, 1991: 93). The change that marks the beginning of the governmentalization of the state is the transformation from a political rationality in which the ruler is preoccupied with the production and reproduction of his sovereignty to a new governmental mentality, which presupposes an exercise of power with an interest on the well being of the population:

The things with which government is to be concerned are in fact men in their relations [...] to the other things [...], which are wealth, resources, means of subsistence, [...] the climate, irrigation, fertility, [...] customs, habits, ways of thinking and acting, [...] famine, epidemics, death etc.” (Foucault, 1991: 93).

Government here is understood as “the right disposition of things [...] to lead a convenient end” (Foucault, 1991: 94); the “end” is defined by a multiplicity of actors from doctors to teachers and politicians. As a result of this change, state becomes the political entity that “wields its power over living beings as living beings and its politics, therefore, has to be bio-politics” (Foucault, 2000: 416). This power “has as its target population, as its principle form of knowledge political economy, and as its essential technical means apparatuses of security”. Its pre-eminence has resulted “in the formation of a whole series

of specific governmental apparatuses, and [...] development of whole complex of *savoirs*" (Foucault, 1991: 102-103).

Foucault's analyses on "governmental rationalities" has introduced the students of political science and many other disciplines a highly stimulating and productive methodology and philosophy of exploring mechanisms of modern governance, working through configurations of power/knowledge. Although Foucault's works on governmentality has remained "exploratory and suggestive rather than comprehensive" (Lui-Bright, 1997: 581, no.1), the theoretical and methodological enterprise he established has been followed by a number of scholars and a very stimulating and novel literature has been formed which can be called the governmentality perspective (Burchell *et. al.*, 1991; Barry *et. al.*, 1996; Dean, 1999; Rose, 1999). The governmentality perspective has followed Foucault's preoccupation of how modern individual has been constructed through modern mechanisms of power/knowledge, but this time the focus was governmental programs targeting the whole population (nation, society, citizens etc.) imagined and carried out by a multiplicity of actors including but not limited to the government. "These studies have explored how we might analyze political rule not primarily in a juridical or institutional language, but in terms of its various arts" (Walters, 2004: 7). Following Foucault's analytical and methodological approaches, governmentality literature sought to explain the historical and contemporary modes of representations, inscriptions and conceptualizations, in short the production of knowledge that human beings are subjected to by a multitude of actors including themselves. This rendered them amenable to certain practices which aim to conduct their conduct to reach some "convenient ends". The focus of studies from the governmentality perspective

varies greatly from discourse of “self-esteem as a technology of citizenship” (Cruikshank, 1996) to the “governance of economy” understood as “mechanisms through which authorities of various sorts have sought to shape, normalize and instrumentalize the conduct, thought, decisions and aspirations of others in order to achieve the objectives they consider desirable (Miller and Rose, 1990: 8)”.

Notwithstanding the sheer productivity of this perspective, the scholarly endeavor to explore the “governmental rationalities” has been restricted to the analyses of the nation-states and the ways in which the citizens have been subjected and subjectified through certain programs and strategies aiming to reach convenient ends such as well-being or health of the population. Foucault specifies that the political rationality ceases to be defined by sovereignty, meaning conservation of “territory”, through the governmentalization of the state, it comes to be defined in terms of achieving and sustaining the well-being of “living beings”, or “population”. However, he does not argue against the relevance of the “space”, that is the global or regional geopolitical setting out of which this new political rationality flourished. On the contrary, he attracts attention to the formation of modern nation-state system and its role in “governmentalization of the state”:

[...] governmentality was born out of, on the one hand, the archaic model of Christian pastoral, and, on the other, a diplomatic-military technique, perfected on a European scale with the Treaty of Westphalia. (Foucault, 1991: 104).

In spite of this, with some notable exceptions (Hindess, 1998; 2000; 2002; Lui-Bright, 1997; Walters, 2002a; 2004; Torpey, 2000), the question of how people’s conduct have been conducted globally and how the global political and geopolitical conditions have been set for the possibility of “governmentalization of the state” has not been sufficiently

discussed. Nevertheless, the intersection of governmentalization of state and international geopolitics is a crucial point. According to Tuathail and Dalby (1999: 7-8)

modern geopolitical imagination came into its own at the time of the consolidation of the modern inter-state system after the treaty of Westphalia. Geopolitics was a form of state power, its gaze a governmental one interested in the 'right disposition of things so as to lead to a convenient end'. Geopolitics, in other words, was not essentially a practice concerned with international space but a practice concerned with both domestic and international space, and the maintenance of the boundaries, material and otherwise, between them.

Barry Hindess (1998; 2000; 2002) and Lui-Bright (1997) provide a different perspective from which the changing rationalities of government can be seen as a process parallel to the formation of international system of states and modern citizenship. According to them, the system of nation states that developed following two major historical events of the treaty of Westphalia and the end of Napoleonic Wars, constitutes the advent of modern global governance of human population in its entirety through dividing them into sub-populations by assigning them into different territorial political units through the notion of citizenship "as a marker of identification". The governance of human mobility plays a key role within this global management of human population. Explaining the technologies of governance of human mobility is prone to contribute towards answering Foucault's question of "how the modern human subject has been constituted".

Citizenship, International System of States and Governing Global Population

Hindess (2000) argues that there are two main conceptions of citizenship and differentiating them carries great importance for understanding the nature and the

implications of it. The first one, the conventional conception of citizenship, focuses on the relations between the state and the individual. Citizenship, understood as such, is about the rights and obligations of the persons in relation to the state that they are citizens of. The key text that analytically defines the components that comprise citizenship is T. H. Marshall's lecture on "Citizenship and Social Class" (Marshall, 1950). Here, Marshall divides citizenship into "three parts, or elements" as "civil, political and social". The civil element is constituted by the rights that are "necessary for human freedom", including freedom of speech, thought and faith, the right to own property, to conclude contracts and the right to justice (ibid.: 8). The political element is composed of the right to "participate in the exercise of political power" (ibid.). Lastly the social element mainly covers the right to economic welfare and security. The focus here is acquirement of certain rights by the citizens, which are deemed to be universal, yet defined and informed by the relations between the nation-state and the individual who is a member of it. To put it differently, the state stands at the center, which provides the rights to and expects the responsibilities from the citizen, and at the same time, is hypothetically bound by the universality of the definitions of these rights and responsibilities. Notwithstanding the richness and the importance of the relatively recent debates over citizenship such as post-national (Soysal, 1994; Jacobson, 1996; Sassen, 1996) or multi-cultural citizenship (Kymlicka, 1995) follows this "internalist" conception of citizenship, focusing on the changing conditions and structures of rights and responsibilities among the citizens of certain states (mostly western liberal democracies).

The second conception, on the other hand, defines citizenship by looking at it from an international perspective. This rather unconventional perspective offers an

alternative way to perceive the role of citizenship as a political institution, where citizenship is not exclusively about the positive diffusion of rights and responsibilities to all the members of a certain territorial entity, but an indispensable and crucial part of an international regime of population management. This regime, according to Hindess, renders “governable a global population of thousands of millions by dividing it into the smaller sub-populations of particular states” (Hindess, 2000: 1487). The governance of global population, hence, is directly related to the emergence of international system of states. Both Hindess and Lui-Bright suggest that following the Treaty of Westphalia nation-states with sovereignty over a clearly delineated territory and population have been gradually constituted and diffused all over the globe.

Lui-Bright (1997) argues that relevance of “sovereignty” had not ceased with “governmentalization of the state”. According to her, quite contrarily, “external sovereignty”, which is the ability of the states to delineate their borders and citizens with relative immunity from external intervention, has been the precondition for “governmentalization of the state”. External sovereignty, which was initiated by the treaty of Westphalia and further established by international agreements and law through the centuries followed Westphalia, assured the states’ exclusive control over their citizens. “On the one hand the existence of nominally independent sovereign states is a condition of forcing open those geopolitical spaces upon which the arts of governing populations can operate. On the other hand, a set of supranational agreements and the assignment of populations to states are necessary conditions of the world inhabited by these sovereign states” (Dean, 1999: 106). According to Hindess (2000: 1494), the

international state system embarked by Westphalia constitutes a “dispersed regime of governance covering the overall population of the states concerned”.

As a constitutive component of this regime, citizenship stands as a “marker of identification, advising state and non-state agencies of the particular state to which an individual belongs” (Hindess, 2000: 1487). It is through citizenship that the whole global population is being marked as belonging to certain territorial entities and not belonging to others. The evolution and diffusion of citizenship assured that everyone has to belong somewhere, and technologies of identification established the conditions of visualization and representation of “belonging”. The primary and immediate effect of citizenship is that it “suggests that states can and in many respects should, treat their citizens differently than foreigners” (Hindess, 2000: 1491). Citizenship, within the regime of governance of global population, constitutes the framework, through which the distinction between “us” and “other” has come to be made with “less benign” consequences than the “internalist” interpretations oversee. Consequently, while citizenship provides the entitlement of certain rights to persons within the countries that they are citizens of, it also causes them to be treated as foreigners in the midst or at the borders of another country. The foreigner, consequently, becomes subject to limitations; limitations to work, to own property, to drive a car, and even to occupy a space within the territory, to “be” somewhere. Nevertheless, the foreigner has a “home” where he belongs and where he is expected to “be” and faces technologies to realize this such as deportation, repatriation etc. On the other hand, as citizenship has come to be the ultimate international label that all the human beings are expected to be defined and categorized through, being a non-citizen, a stateless person constitutes a systemic error, a situation that is problematic by definition.

As Arendt shows, the organization of the global population under internationally accepted artifact of citizenship as a marker of identification also produces the “stateless”, (Arendt: 1951: 266). Their “calamity arose not from any lack of civilization, backwardness, or mere tyranny, but, on the contrary, that it could not be repaired, because there was no longer any ‘uncivilized’ spot on earth [...]. Only with a completely organized humanity could the loss of home and political status become identical with expulsion from humanity altogether” (Arendt, 1951: 294). Similarly, only in a perfectly organized world that everybody is expected to be a citizen residing in a location set by birth, human beings can become “illegals”.

Although Hindess and Lui-Bright has introduced the general idea of global governance of human population with their analyses of international system of states and citizenship as a marker of identification, they do not explain the mechanisms of this governance. Their works, nonetheless, open up another venue, a new level for the application of theoretical and methodological tools of the governmentality approach, which essentially aims to explore the discourses and practices, in other words different configurations of power/knowledge embedded in governing populations. Following Hindess’ and Lui-Bright’s theoretical openings, identifying components of international governance of human beings becomes possible.

Understanding modern citizenship as “implicated in the international management of population” requires analyses of the “constitutive elements of citizenship” (Walters, 2002a: 267). Certainly, modern citizenship requires variety of technologies to divide, represent, mark and govern; most visible and imminent of which is governing human

mobility. In this sense, governance of human mobility stands as a “technology of citizenship”; that is as a constitutive part of citizenship as a marker of identification.

Governing Human Mobility as a Technology of Citizenship

Governance of human mobility should be thought within the context of the international management of populations and citizenship. “A system of governance that partitions the world into discrete, territorially based national populations requires the regulation of movement [...]. [I]t suggests that movement within the national boundaries will have radically different character from movement across the borders” (Hindess, 2000: 1494). Consequently, “the system of territorial states and the techniques of population management developed within it have turned the movement of people around the world into an exceptional activity” (Hindess, 2000: 1494); an activity, that each state has the right and is obliged to regulate.

Torpey (2000: 5) argues that the development of the modern territorial states “rest[s] on distinctions between citizens/nationals and aliens”. To talk about a nation-state, thus, there should be a distinction between the citizen and the “alien”, the “foreigner” or more generally the non-citizen. Lui-Bright (1997), too, makes this point and argues that the emergence of the governmentalization of state depends on the ability of the states to exert sovereignty over a territory and to claim a group of people as their citizens and all the others as non-citizens. The main component of being able to make such a distinction is the control of movement across the borders of territorial units – the states. “The ability of states uniquely and unambiguously to identify persons, whether “their own” or others, is at the heart of the process whereby states, and the international

state system, have succeeded over time in monopolizing the legitimate means of movement in the modern world” (Torpey, 2000: 17). However, the vice versa is also true; the ability of the states and the international state system to govern the mobility of human beings also became an indispensable element in sustaining the international regime of population management. The governance of human mobility, hence, has been the key technology of modern citizenship: the division of the larger human population into citizens of diverse territorial units rests partly on the ability of modern citizenship to identify certain movements as “illegal”. Indeed, “we speak of “illegal” [...] migration as a result of states’ monopolization of the legitimate means of movement” (Torpey, 2000: 9).

Although the nation state system and modern citizenship constitutes the center of this analysis of governance of human mobility, the actors that are involved in this governance are not limited to nation-states and their tentacles such as bureaucracy. Most certainly the governance of cross-border mobility can be analyzed through a multiplicity of levels and by focusing on a myriad of different actors such as human smuggling organizations, immigrant networks, travel agencies, hotels, universities etc. The concern of this thesis, however, is to identify the people whose mobility is systematically and structurally problematized: the ‘illegal immigrants’.

How does the international governance of human mobility work through constitution of “illegal immigration”? This can be answered through at least two perspectives. First the national problematization of illegal immigration and second the international problematization of countries that illegal immigration sources from and transits through.

From the national perspective, the management of human mobility is about the ability of the state to govern mobility through its borders by discriminating against the non-citizen, refusing entry to the non-citizen, detaining him/her or facilitating the non-citizen's mobility by deporting him/her. From an international perspective, the sum of all the territorial units' (nation-states and others) commitment to govern human mobility informs something more than exclusion; it is the ability to sustain functioning of modern citizenship: the division of humanity into distinct groups by assigning them to different political territorial units. This international regime of population management requires more than understanding exclusion; it requires understanding the geopolitics of human mobility. However, the focus of this thesis is not explaining the geopolitical conditions of governing human mobility isolated from the national technologies embedded in defining and acting on illegal immigration. Rather, the focus would be the intersection of these two levels of analyses. What are the geopolitical representations that influence contemporary national imaginations and practices of governing mobility? And how national discourses and practices are being constructed in relation to the forms of geopolitical imagination of mobility? In this line, first I will briefly talk about the forms of national configurations of power/knowledge in governing human mobility and then relate it to the larger analytical level of geopolitics of mobility.

Governing Human Mobility Nationally: Representations of “illegal immigration” and Practices of Exclusion

From the national perspective, the regulation of mobility takes the form of a right that the nation-states have been entitled with by the international customary and formal

law; the right to refuse entry to non-citizens (with certain restrictions such as *non-refoulement* principle for the refugees). This right is closely linked to “governmentalization of the state”, that is the trajectory in which the primary objective of government has become achieving well-being of the “population” (i.e. citizens) by governing their conduct.

Walters (2002a) shows that by the end of nineteenth century, as a result of the preoccupation with the well-being of the population and the gradual development of the welfare systems, both national and sub-national, brought with it the exclusion of the poor, the vagabond. This process of transformation in the impetus of techniques of governing mobility, in Walters’ analysis particularly deportation, can be called “governmentalization of [governing mobility]” (Walters, 2002a: 278). The exclusion of the “social enemies” such as the poor, however, was an addition to, rather than replacement of, the older unwanted: “political enemies of the state” such as “agitators, subversives, revolutionaries” (ibid.), which are more related to the older concept of (internal) sovereignty that Foucault talks about.

Nation-states’ right to refuse entry and deport the unwanted people can be thought within the exclusionary character of modern citizenship. From the perspective of a particular country, the techniques of exclusion can be explained through examining the formations of discourses on the group to be excluded, such as illegal immigrants and real practices of acting on their ability to move, such as visa and border management practices.

Governing mobility nationally requires categorizing and representing people, rendering them amenable to action and acting on them through practices. The main

categorization, of course, is about citizen and non-citizen, which was explained before. This requires a plethora of techniques of identification among which passport was analyzed brilliantly by Torpey (2000). However, the division between “us” and the “other” does not exhaust the categorizations and representations of people with the aim to manage their mobility. The distinction between a student, a tourist, a guest-worker and a businessman –legitimate cross border movers– have to be made too. The tourist has to be represented as a potential source of income for the state and the society and as a positive contributor in the pursuit of well-being of the society. The discourses on the tourist and tourism, for instance, involve strategies of attracting tourists, hospitality, marketing of the national sites as well as charts and lists of which nationalities visit the country most, what they expect from the visit, which spend higher amounts of money etc. However, more importantly for the purposes of this thesis, the national governance of mobility involves also establishment of regimes of representing the illegal immigrant and immigration – the illegitimate movers, the ones to be excluded. This involves the creation of discourses on illegal immigration. Who are illegal immigrants? Where do they come from? Why do they come? What do they do in our country? In which ways do they pose a threat to the society? In which ways can they be useful?

There is a growing literature on the formation of discourses on illegal immigration in the West, focusing mainly on the process of securitization of the illegal immigration. Representing illegal immigration as a security problem constitutes a crucial component of excluding the “other” through immigration control policies. According to the mainstream “empiricist” literature, the primacy given to immigration control policies and the establishment of discursive links between immigration and security by the security

agencies of the West is a bureaucratic and political response to the objective reaction of the society to the increasing criminal activities of the immigrants as well as the social insecurity as a result of immigrants constituting a burden to the social welfare systems and the economy. Bigo, on the other hand, argues against this type of reasoning, which “considers as “evidence” that the agencies of security only answer to objective problems of the social world” (Bigo, 2001: 92). The constructivist literature (Huysmans 1995; 2000; Bigo, 2001; 2002) contends that societal fears about the immigrant were not causes of responses from security professionals and politicians, but were actually *products* of representations of the immigrant as a security problem by multiple actors, such as security professionals, journalists and politicians. Hence, the discursive practices of representing illegal immigration becomes an active factor in the formation of societal reactions against illegal immigration. However, understanding the modes of representing and imagining illegal immigration is also connected to non-discursive practices developed to police human mobility. Focusing solely on discourses misses the formation of practices of governing human mobility. On the other hand, recognizing the interaction between discourses of illegal immigration and construction of practices of “fighting” illegal immigration represents a clearer vision of governing human mobility. The governmentality approach, with its focus on the question of how the mechanisms of “conduct of conduct” work through configurations of power/knowledge, provides an advantage over other perspectives here. In other words, governmentality approach does not explicitly deal with discursive practices, but also with concrete practices of governing human beings.

The formation of discourses on illegal immigration proceeds parallel to the establishment of practices of governing mobility. The immigration policy literature tends to focus on the legislative processes. For example, the visa policies, namely the legislative decision on which countries' citizens are required to have visas, is examined as an immigration policy, with its effects on the foreign policy and international trade relations of particular countries (Jileva, 2002). However, the practices where the governance of mobility contacts people, such as visa issuing practices, the physical attributes of visas, arrangement of the space at the visa issuing institutions are often ignored. The "micro-practices" of governing human mobility and the discourses on human mobility mutually inform each other, which constitutes the power and knowledge nexus through which certain types of movements rendered illegal and acted on. The mundane technologies of mobility control and the way they come into contact with persons, such as detection technologies installed in ports, machine readable features of visa stickers and information sharing networks, play a crucial role in rendering human beings illegal and in excluding them.

Explaining governance of human mobility from a national perspective, while being a very useful and productive one, misses an important dimension of the issue of citizenship and mobility. The securitization approach which predominantly focuses on discursive formations of constructing the illegal immigrant, establishes an invaluable perspective to understand the issue of illegal immigration, but does this through focusing on national or regional representations of illegal immigration. Similarly looking at the practices of tackling illegal immigration reflects the picture of a national space as a container and exclusion of certain groups. The regulation of movement as "exclusion"

should be qualified by looking at the issue from an international perspective. The formations of discourses and practices connected to illegal immigration cannot be isolated from the international relations and international geopolitical imagination.

Governmentalization of Governing Human Mobility

International system of states, and the techniques of population management that it envisages, requires not only the division of territories and assignment of people to these territories, but also requires that “each state not only the right, but also the obligation to manage its own internal affairs” (Hindess, 2002: 130). Cross-border mobility, however, constitutes a breach of this international equilibrium. “Governments are supposed to keep things within their boundaries, under control, thus preventing ‘spillage’ which may infringe on the sovereignty of the other states, which can become ‘international problems’ or crises and ‘threats to international peace and security’” (Lui-Bright, 1997: 593); hence, the representation of “illegal immigration” as an international crisis and threat to security.

The functioning of this regime of international states each of which is assigned populations marked and divided by particularistic and universal citizenship, is sustained by a functioning international governance working through international agreements and customs (Hindess, 1998; 2000; 2002; Dean, 1999: 106). From this perspective, the governance of mobility is more about the ability of the international system of states and the international governance that it establishes to keep the citizens within their respected territorial units and ceases to be about just “exclusion” and restrictions to human mobility. Governance of human mobility, hence, may well take the form of inclusion

(albeit in its most restricted form) and facilitation of mobility, such as the obligation of countries to accept back “illegals” who have been proven to transit through their territories and to facilitate their journey back to the country that they are citizens of.

The obligation of governments to “keep things in” is reflected in the international governance of movement. Here, the ability of the governments to govern human mobility through their borders is problematized internationally. Consequently, the cases in which particular governments fail to govern human mobility are likely to be defined as international crises, such as influxes of asylum-seekers and illegal immigrants.

Through the international governance of mobility the governmental abilities of countries are being problematized including their capacity to regulate movements through their borders. Analyzing this, just like national technologies of governing mobility, can also be undertaken through looking at the regimes of representations and real practices, but this time the subjects of representations and practices are governmental mechanisms themselves. Dean calls this “governmentalization of government” which stands for a “trajectory whereby mechanisms of governments themselves are subject to problematization, scrutiny and reformation” (Dean, 1999: 193). According to Walters (2002b: 101), through mechanisms of “governmentalization of government” “governmental performance” is being made thinkable and “comparable” through “performance indicators” and “benchmarks”.

The discourses over “illegal” immigration and the practices of controlling “illegal” immigration in the West should also be thought in relation to the categorizations of states themselves such as “transit countries” and “source countries” – countries that fail to hold up to their responsibilities of securing their boundaries and therefore

threatening the security and well-being of other “societies” . This constitutes the basis for an international art of governance, which is an indispensable part of international governance of mobility. The “source” and “transit” countries’ governance is being problematized through official and non-official reports, progress charts, speeches, media coverage etc., which renders their administrative practices amenable to international supervision and action.

Conclusion:

Answering Foucault’s question of how human beings are constituted is an immense endeavor. Foucault emphasizes the importance of undertaking an analysis, historically, starting from the “lowest level”, looking at the subtle mechanisms, technologies and strategies of power (Foucault, 1980a: 100-101). The effort to explore the global geopolitical conditions of governing human mobility might seem contradictory to Foucault’s methodological precautions. However, understanding the international system of nation states, citizenship as a marker of identification within this system and governing human mobility as a technology of citizenship requires a larger perspective; the intersection of geopolitics of and national arts of governing human mobility. Global geopolitical imagination, in other words, works together with the governmentalization of the state. In this system, the governments’ governmental abilities become subject to mundane discourses and practices of representations, categorizations and concrete practices. This, in turn, influences national governmental technologies.

Chapter Two

European Geopolitical Imagination of Mobility: The EU Immigration Regime and ‘Third Countries’

In this chapter the formation of the European geopolitics of illegal immigration will be discussed. This will be done in three sections. First, the Europeanization of production of knowledge and modes of acting on immigration will be discussed briefly. This will involve the analysis of post-war European immigration policy from labor recruiting practices to the post 1980s determination of curbing illegal immigration. The second section will involve a detailed analysis of formal, institutional and discursive integration of Third countries into the European geopolitics of immigration through bilateral and multilateral contacts such as readmission agreements, institutionalized police cooperation activities and especially European enlargement process. The main theme that will be explained in this section will be the mapping of the global space through European representations of “third countries” which are categorized as “countries of origin”, “safe third countries”, “source countries”, “transit countries” and “candidate countries”. In the third section the European representations of Turkey will be examined.

The discourses on immigration and practices of acting on human mobility are connected to representations of global space. Hence, the “open door immigration policy” of post-war Europe is connected to a different imagination of space than the “immigration stop policy” of post-1973 Europe. In the literature that tries to explain changing immigration policies, forms of representations of human beings are emphasized. Within this method of analysis one can observe the discursive conditions of transformations of “guest-workers” into abusers of judicial system who exploit the system using family reunification privileges that they are given by liberal democratic

state institutions. However, the geopolitical imagination emphasizes a rather different dimension of the story; one through which a European imagination of the global space is being formed, in which territorial units are defined as “third countries” that provide industrious workers with required skills later to be defined as “third countries” that flows of unwanted persons such as illegal immigrants, clandestine workers, asylum-seekers, terrorists and criminals are originating from. In the post-war Europe, it is possible to observe a shared geopolitical imagination on the human mobility from labor recruitment to fighting illegal immigration. As much problematic as to talk about a uniform European approach to immigration, especially from 1980s onwards there is an increasing amount of discourse and practices of creating a European representation of human mobility and “third countries” in that respect.

Establishing European Immigration Control Regime:

The post-Second World War attitude of the European countries towards immigration from “third countries” can be crudely summarized under two main headings: an “open-door” policy between 1945 and 1973, and from 1973 onwards an “immigration-stop” policy (Brochmann 1996; Collinson, 1994).

Through the highly expansionary economic conditions of post-war reconstruction, the European states faced serious deficit of work force. This led to an increasingly inclusive immigration policy in which international labor recruitment programs were institutionalized. Before 1973 there was small reason for policy integration in the area of migration. Different European countries were applying different migration policies skewed towards their own policy preferences varying according to historical conditions

and national interests. Hence, immigration policy (read recruitment policy) was strictly under the control of the nation-states. France, for instance, started to recruit workers from third countries including Turkey by late 1940s (Brochmann, 1996: 23), at the same time enjoying the reserve French citizens that she could hire from Algeria. Germany, on the other hand, predominantly relied on the “*Aussiedler*” – refugees or expellees of German descent – through 1940s and 1950s, along with initiating the “guestworker” programs by inviting first Italians in 1950s, followed by Turkish, Greek, Spanish, Portuguese and Yugoslavian workers in 1960s and onwards (Geddes, 2003: 82-83). Within this context the European imagination of geopolitics of immigration consisted of defining third countries from which adequately skilled workers could be recruited.

The 1973 oil crisis caused a worldwide recession, which downturned the European economic expansion. The recession has contributed greatly to the lost of appeal on the side of the European countries in recruiting workers from the periphery. The discourses emerged on immigrant workers as the primary cause of unemployment, later to be coupled by others such as the immigrants’ criminality. Parallel to that, the countries of origin that were once defined as worker reservoirs of Europe, started to be defined as source of unwanted and uncontrolled migratory flows that cause a variety of problems in “host countries”.

Following 1973 oil crisis, continuing immigration to West Europe through means of family unification, asylum seeking and illegal entrance against the will of the European countries to stop migration (that once they enthusiastically facilitated), has been a factor contributing increasing cooperation on the issue of migration control. This trend has been the central impetus underlying the European representation of global

geopolitics of immigration. The agreement of the Single European Act (SEA) in 1985, which inserted in the EEC treaty the process of “progressively establishing the internal market [...] without internal frontiers with freely moving goods, persons services and capital” (den Boer, 1995: 92) marked the beginning of increasing European intergovernmental cooperation from mid-1980s onward (ibid.; Lavenex, 1999: 34). The abolition of internal border controls in SEA was believed to create serious security deficits for the member states. Notwithstanding the effect of the SEA, the initial examples of European cooperation had been outside the institutional framework of the EU, hence the name “informal” cooperation.

The primal informal cooperation has laid the basis of the institutional structure of Europeanization of representations of and actions on immigration. The primary inter-governmental body that was created through the participation by the entire member states was Ad Hoc Group on Immigration (AHGI). AHGI was established in 1986, which “grew out of TREVI¹” (Collinson, 1994: 125). TREVI, which was established in 1975 originally as a European intergovernmental forum for fighting “Euroterrorism” (Lavenex, 1999: 36), consisted of ministers of Justice and Interior of respective governments as well as senior civil servants. In the mid-1980s the body expanded its area of competence to include the issue of controlling unwanted immigration (Collinson 1994; Lavenex 1999). The outcome of this expansion was the establishment of AHGI, which had six² sub-groups “dealing with asylum, external frontiers, forged papers, admissions, deportations

¹ According to Lavenex (1999: 68 n.19), the meaning of TREVI is subject to debate. It has been argued that it is an acronym that stands for “Terrorism, Radicalism, Extremism, Violence International” by some authors. For others it is Trevi, the name of the fountain in Rome where the first meeting of the group took place.

² According to Brochmann (1995: 83) there are five sub-groups, in which “entry expulsion” (admission and deportation respectively in Geddes’ book) constitutes one group. One could speculate that the cause of these differing accounts on AHGI and TREVI is the covert nature of these inter-governmental bodies.

and information exchange” (Geddes, 2000: 75).). The body was composed of immigration ministers (home affairs and justice) (Brochmann, 1996: 83), and civil servants of the member states, in which the European Commission was also represented, albeit without any “power of initiative” (Geddes, 2000: 75). The composition of these inter-governmental bodies was clearly dominated by security officials that had operated under the bipolar geopolitical security structure of Cold War. Bigo (2000: 171) argues that activities of these security agencies’, who have been “looking inside the borders in search of an enemy from outside”, are crucial in understanding the representation of immigration as a security problem. “The functional expansion of certain intergovernmental frameworks (notably TREVI, whose remit originally only covered terrorism) with the concern about (illegal) immigration is symptomatic of the construction of an internal security continuum” (den Boer, 1995: 96). The security oriented structure of the bureaucratic institutions has been preserved throughout the subsequent transformations of European immigration regime and played a crucial role in constructing the truths on illegal immigration, immigrants and third countries.

In 1988, to overcome the inconvenience created by the overlapping intergovernmental bodies dealing with immigration control, a coordinative body was established: The Rhodes Group. TREVI as well as AHGI were included in the bodies that were coordinated by the Rhodes Group. In 1989, as a result of the meeting of the Rhodes Group, the ‘Palma document’ was produced. The document established an elaborative program on the issues of immigration and asylum with a perspective to strengthen the capacity to govern mobility, to acquire the maximum ability to control unwanted entry to the EU, which was deemed necessary to materialize abolition of internal borders.

In line with the program formed by the Palma document, AHGI prepared the texts of two key agreements; the Dublin Convention and Border Convention³ (Brochmann, 1996: 84-85). Dublin Convention or the “Convention Determining the State Responsible for Examining Applications for Asylum”, aimed to harmonize the asylum procedures of the member states to prevent occurrence of “‘refugees in orbit’ – a situation where no state accepts responsibility for an asylum-seeker” (Brochmann, 1996: 84), but with the primary intention to tackle “asylum shopping”. With the provisions of the agreement, if an asylum-seeker’s application for asylum was rejected, or accepted thereof, by one of the signatories, any subsequent application of the same person in another signatory country would not be examined. Following and complementary to the Dublin Convention, in 1992 in London, two resolutions and a conclusion were agreed upon: “Resolution on Manifestly Unfounded Asylum Applications, Resolution on a Harmonized Approach to Questions concerning Host Third Countries, Conclusion on Countries in Which There Is Generally No Serious Risk of Persecution” (Uçarer, 2002: 25; Lavenex, 1999: 49-54). The London Agreement has crucial implications in relation to the incorporation of the Third Countries to the European management of human mobility, which will be discussed in more detail later. For now, it is important to stress the formation of European level geopolitical imagination with a security emphasis. This involves not only securitization of the immigrant and immigration, as emphasized by securitization literature, but also securitization of the “third countries” through establishing European-wide “harmonized” discourses and practices.

³ External Frontiers Convention (EFC) according to Geddes (2003: 133), “Convention on the Crossing of External Borders” according to Lavenex (1999: 37) and Collinson (1994: 125).

The efforts of AHGI coincide with another important inter-governmental formation: Schengen. By far the most important production of the period marked by informal inter-governmentalism is the Schengen Agreement. It established the framework of prospective common European immigration regime. The first Schengen agreement was signed in 1985 between Germany France and the Benelux countries. The main objective of the agreement was to realize the elimination of the border controls between signatory states. The agreement came into effect in 1990, by then it covered issues ranging from asylum to border control and illegal immigration. Nevertheless, from the onset, the link between free movement of persons inside and the security related to necessity of controlling of mobility of the people coming from outside was made clear:

In regard of the free movement of the persons, the Parties should endeavor to abolish the controls at the common borders and transfer them to their external frontiers. To that end they shall [...] take complementary measures to safeguard security and combat illegal immigration by nationals of the states that are not members of the European Communities (Article 17 of the 1985 Schengen Agreement, quoted in Geddes, 2000: 82).

The main objective of the Schengen agreement was to eradicate the difficulties citizens face in crossing the borders between the signatory states. This can be demonstrated by the “immediate impetus” behind the agreement: the protests held by the lorry drivers frustrated by the long queues at the border-crossings between Germany and France (Geddes 2000: 81). However, it evolved into the process “to create a borderless space surrounded by common external frontiers, a common passport-and visa-regime, a common procedure for the removal of illegal immigrants and overstayers, and the common adoption of the Geneva Convention on refugees” (Verstraete, 2001: 32). The agreement aimed mutual recognition of the short stay visas that were issued by the signatory states and the realization of border-crossings without going through controls. It

was supplemented by, on the other hand, the principle of collective recognition of one condition: “No third country national should gain access to the territory of the Schengen States if he or she might constitute a security risk for any one of the member states” (Guild and Bigo: 2002: 125). Rendering the former objectives conditional on the latter principle required the composition of an elaborate set of “tools”. The Schengen Information System (SIS) foresaw the establishment of a communication network and a mutual database that would enable the member states to collectively categorize, represent and act on people that would constitute a security risk to the Schengen states such as rejected visa applicants (people without adequate funds, convicted of a crime in member states, etc.) and asylum-seekers with manifestly unfounded claims. These people’s mobility is not only restrained, as often emphasized, but it is facilitated occasionally; for instance, they have been forced to move from one country to another through deportations made possible by readmission agreements.

The other tools of the Schengen cooperation included a common black visa list that specified the countries whose nationals needed to obtain visas and white list for the ones who do not need visas to enter Schengen states, a common visa format and rules on issuing visas, sanctions to international carriers that transport people who lack required travel documents or have forged ones (Guild and Bigo, 2002: 126), and criteria for which country should handle asylum applications (Brochmann, 1996: 80).

Schengen agreement was reached just before the SEA, and it showed the willingness of the more pro-integration countries within the EC. The ad hoc cooperation between the EC member states and the Schengen constitute parallel undertakings, which supported each other and eventually merged. For instance, the Dublin convention,

replicates the asylum related articles of Schengen with the intention to disseminate it to the larger EU level (Uçarer and Lavenex, 2002: 4). The Schengen agreement became the driving force of the European integration on immigration related issues.

The Maastricht Treaty or the Treaty of European Union (TEU), which was signed in 1991 and came into effect in 1993, constituted an interesting coincidence of transformation and continuity in the cooperation in the immigration policy of Europe. The Treaty brought about the formalization of the preceding ad hoc intergovernmentalism by incorporating it formally into the EU institutional framework. The newly formed Justice and Home Affairs Pillar was designed as an intergovernmental forum, which would produce partially binding “joint actions” and non-binding “joint positions” on issues including immigration and asylum (Geddes, 2000: 97). It would, nevertheless, be a part of the EU institutional structure, unlike preceding means of cooperation. TEU, in this sense, represents an important step towards building institutionalized and structured mechanisms of European illegal immigration regime.

Often overlapping inter-governmental bodies like AHGI and TREVI have been discarded and were replaced by a more structured division of labor within the Third Pillar. A five-level structure was established with the Council of JHA Ministers stands at the top, Committee of Permanent Representatives supported it and under it there was the K4 committee composed of senior interior ministry officials whose work was carried out by steering groups and working parties (Geddes, 2000: 102-103). However, the actors remained the same; in the Immigration and Asylum Steering Group there were ministers of immigration as well as the police and justice officials of the member countries. The rather secretive nature of preceding forms of cooperation again was preserved to a certain

degree. The same can be said for the unaccountability of the Third Pillar decisions to the supranational organizations such as ECJ and EP.

With the Maastricht Treaty, intergovernmentalism was institutionalized, however, at the same time a degree of community power was introduced to immigration policy. Visa policy was communitarized with the article 100c inserted into the EC treaty (Koslowski, 2000: 159). The article authorizes the community to decide jointly on the countries whose nationals would have to acquire a visa to enter one of the member states' territory. "This was a question of clear legal competence transferred to the Community" (Brochmann, 1996: 88).

The three-pillared structure was reached as a consensus of pro-integration member states and states that demanded the continuation of the intergovernmental cooperation. Although the latter countries seemingly prevailed, the Treaty actually constituted a transitory structure that would work towards a more integrated system. The preceding efforts of cooperation showed that the principle of sustaining free movement of persons, goods, capital and services across borders is inseparable from the issue of immigration control, which again is strongly linked to foreign policy and relations with the "third countries". The conditionality of the free movement of persons within the EU to the enhanced security measures to control immigration to the EU that was made in Schengen agreement and SEA, reflected the inseparability of the two. In this sense, the sustainability of the separation of immigration (as well as other matters that were included in the JHA Pillar), free movement (community pillar) and foreign policy (the second pillar) was very questionable (Geddes, 2000). The ambiguous position of

immigration policy was reflected in its very location within the Maastricht's three-pillared construction.

Migration policy is related to all three "pillars" of the Union Treaty. In the first pillar, "Community matters" a new article [100c on visa policy] is incorporated [...]. The second pillar, "foreign and security policy" [...] has indirect and potential importance, as migration issues are increasingly discussed in terms of foreign policy and security (Brochmann, 1996: 90-91).

This reflects the inherent vulnerability of the JHA pillar, which resembled a "legal sandstone" rather than a "legal granite" and would erode against the gradual expansion of the community pillar (Geddes, 2000: 92-93); a process that had started with the Amsterdam Treaty. Hence, in the long run, the system was proved to be inherently prone to communitarianization of the immigration policy.

The pillared structure, nevertheless, brought dynamism to the production of European immigration regime. "Between 1993 and 1998 the Council adopted more than seventy immigration and asylum measures" (Geddes, 2000: 104). Moreover, the intergovernmental cooperation proved to be productive in terms of exportation of European immigration policy through bilateral agreements signed between member states and third countries. This will be further discussed in the following section.

Amsterdam treaty was negotiated in 1997 and came into effect in 1999. It is the latest cornerstone of European immigration regime, albeit followed the continuity and transformation paradox that dominated the preceding periods. The Amsterdam treaty established a new title IV in the Community pillar, called "Visas, asylum, immigration and other policies related to the free movement of persons" (Apap, 2002: 49). The old JHA pillar was reduced to Judicial and Police Cooperation (JPC). The Council's and Commission's action plans on implementing the Amsterdam Treaty, which was

submitted in December 1998, openly criticized the “soft-law” approach of the post-Maastrich EU immigration policy-making and called for binding measures to be adopted by the Council within two years and five years following the treaties’ ratification (Geddes, 2000: 128). The measures to be adapted in the area of controlling immigration included: visa procedures (uniform visa format, airport transit visas, nationals exempted from visa requirements), carrier liability laws, measures concerning external borders, an EU policy on readmission and return to be adopted and removal of persons denied the right to stay (ibid.: 128-129).

One of the most important elements of the Amsterdam Treaty was the incorporation of the Schengen *acquis* into the EC treaty. The Schengen was incorporated into the Title IV, with flexible integration clauses that allowed Britain, Ireland and Denmark to opt out from the provisions of the title and to opt-in other provisions, albeit the latter being conditional to the approval of the other members. Hence, the Schengen border management regime, with its detailed provisions such as visa format, issuance, border security and police cooperation, became EU law.

The EU institutions were committed to establishing an EU migration regime, which would be done through the implementation of the Amsterdam’s provisions through Commission and Council’s action plan. For this purpose, the Commission started to submit “Biannual scoreboard to review progress on the creation of an area of ‘freedom security and justice’ in the EU” starting in December 2002 (Council of the EU, 2002). The scoreboard evaluated the progress in both implementing measures to establish a common EU migration regime and also in integration of Schengen into the EU law.

The Council's feeling of urgency in producing the framework of the EU migration regime as soon as possible is related to the fact that the Amsterdam Treaty envisaged the transfer of competence on the title IV to the Community pillar in five years. Until that time continuation of the unanimous voting procedure was agreed upon. This meant that the concentration of power in the Council and somewhat higher but still marginal competence of the Commission, EP and ECJ was preserved. After that there would be increasing pressure for the authorization of the Community institutions in the legislation of immigration and asylum measures, in which the Council's role would be smaller. However, the deadline of May 2004 dictated a strict condition of change by no means. The transition to qualified majority voting and "supranationalization" of the immigration and asylum policy was to be decided by the member states through unanimous voting. Hence, "the Council retained the upper hand in decision making, with unanimity as the decisional *modus operandi*" (Geddes, 2000: 113). The Amsterdam Treaty marked the advent of the formation of a genuinely EU migration regime with communitarian and supranational objectives put in force. However "[i]t remains uncertain whether, at some time in the future, it will become a supranational competence" (Apap, 2002: 50).

Nevertheless, the Amsterdam Treaty established a new definition of the European Union: "An area of Freedom, Justice and Security", which was closely related with the transfer of the JHA issues from the 3rd to the 1st pillar and integration of Schengen into EU *acquis*. The definition brought with it the territorial binary division of "inside" and "outside", which is conventionally associated with the territorial sovereign state. "This 'territorialization' puts forward forcibly the notion of the EU as a unitary territory gaining legitimacy as a security actor [...] with a "safer inside" and "unsafely outside" with the

EU frontiers as the dividing line” (Mitsigelas, 2002: 668). The inside/outside security structure, however should not be understood as a uniform structure of Europe with clearly defined borders that set itself against an “outside”, albeit the political rhetoric and discourse represents the geopolitics of Europe exactly as such. As argued by Mezzadra (2003: n.7), “there is no simple distinction between Europe’s inside and outside”, rather, there are different degrees of inside and outside, for instance “Poland is less external to the EU than the Ukraine”.

Nevertheless, it can be argued that the Amsterdam Treaty has reinforced and re-presented the European security narrative: the European definition of “us” and “others”.

In a security narrative, a sphere of trust is separated from a sphere of fear in the sense that fear constructs the relations between the constructing elements of the units – the external relations – and trust constructs the relations between the construing elements of the unit – the internal relations (Huymans, 1995: 58).

The promise of creating an area of freedom security and justice is replicating the process of nation building, “based on the old image of the state as a ‘body’ or a ‘container’ threatened by the migrant and asylum seeker as an “outsider inside” (Anderson and Bigo, 2001: 24).

To eliminate a history of paralyzing conflicts of interests between the European Community’s various nation states, to suppress the memory of a continent recently riven by two major wars, to transcend the old state divisions of this heterogeneous club and to smooth the passages towards a unified Europe, internal and national differences were displaced and translated as differences between Europe and its others. (Verstraete, 2001: 29)

The discourses on the migrant, the others, as a security threat accompanies the representation of the countries that they originate from and transit through as countries that cannot fulfill their duty to govern mobility through their borders and border areas and consequently securitize of them. The Amsterdam Treaty, hence, by creating the territorial

imagination of Europe as a security area, laid out the grounds to reproduce truth about other territorial units, such as “third countries”.

Through the period from mid-1980s until today, the mid 2000s, one can track the formation of a multi-level and only partially coordinated European governance of human mobility. As discussed by Lahav (1998), migration regime involved not only the establishment of delegation of migration control to the supranational institutions like the EU and intergovernmental formations such as the Budapest Process, but also the devolution of them down to the private actors such as international carriers, hotels and employers as well as local administrative units such as municipalities. Another medium through which governance of human mobility is being reinforced is the relations between nation-states. This works mainly through problematization of other countries governance of mobility, which is considered as a duty that they have to carry out as a part of the international system of nation states. Parallel to the emergence of the EU immigration regime, the EU emerges as an actor that takes an increasingly important role in examining, evaluating and shaping other countries' migration regimes.

The international relations of governing human mobility constitute by no means a novelty of the EU integration. Europe saw the regulation of cross-border mobility through internationally defined and implemented media well before European integration gained a momentum such as European. The European level institutionalization and harmonization of practices of deporting the aliens in the 19th century (Caestecker, 1998) and establishment of European guest-worker programs in the post-war Europe exemplify the international governance of mobility preceding not only EU but also contemporary conceptualizations of Europe itself. However, with the Amsterdam treaty, the EU started

to emerge as a real actor with important consequences for the third countries' incorporation in the governance of mobility.

There are countless elements in this governance and relations with the Third countries, in which representing them and devising ways of acting on them constitutes an important part of them. This partly works through categorization of countries as "candidate", "safe", "transit" and/or "source", establishing meanings that inform these categorizations. The discourse coincides with the appropriate materializations of certain practices to act on these categories, such as readmission agreements, twinning projects, airport controls, distribution of funding, transfer of technology, etc. In the following section I will examine the European immigration regime through its relations with the Third countries. This will be followed by the examination of the representations of Turkey within the European discourse on illegal immigration.

European Immigration Regime and the Third Countries:

To reduce the European immigration regime, and especially the relations of Western European countries with third countries, only the Post-SEA period would be inadequate. The post-war years until 1970s constitute a vivid example of partially institutionalized management of movement of persons through facilitating rather than curbing it. The guest-worker programs resembled the current international character of migration control, for they were undertaken partly through bilateral agreements between respective governments, such as the 1961 agreement signed between Turkey and Germany, which made systematized recruitment practices possible. Contrary to the contemporary categorizations, back then, the "third countries" were seen as a valuable

“source of workers” to recruit from, rather than “source” or “transit” countries that unwanted migration “flow” from. In the decades following the Second World War, the countries in Southern Europe as well as Eastern Europe and North Africa were categorized as “source” countries and their population was made subject to recruitment practices by the recovering economies of Western Europe. These recruitment practices involved a system of comprehensive documentation, representation and transportation of workers and were done through cooperation with the third countries.

According to Collinson (1994: 48), through the bilateral recruitment agreements German government sustained an institutionalized system of worker recruitment,

German employers notified the nearest Employment office of their manpower needs, and the Employment Office, having checked that no German workers were available to fill the vacancies, informed the Federal Labour Office of the demand, which in turn contacted the recruitment commission offices set up in the sending countries (Ibid.)

In the same vein, the French worker recruitment was handled with a system of mutual governmental cooperation with Turkey. This has been done through French government’s regular reports to the Turkish government on the quality and quantity of the worker’s needed. These reports covered detailed information on the “age, specializations, professional aptitudes and health” of the workers and respective information sent by Turkish Employment Service (Collinson, 1994: 66).

This example, however, should not create the illusion of total governmental control over the recruitment process. Nor the national implementations of the guestworker programs were uniform. Despite the systematic recruitment practices initiated by the European governments, the role of the state in the immigration process remained partial. Hence, illegal immigration constituted an important variable in the post-war worker recruitment. In France “[i]t [was] a question of an immigration that is for the

most part uncontrolled, characterized by the great variety of countries of origin and the legal (or illegal) routes through which they entered the country” (Collinson, 1994: 49). The governments, again resembling today but only that time explicitly, often chose to allow a room for illegal immigration, for the sake of a healthy economy. The French Minister of Social Affairs, in 1966, comments:

“Illegal immigration itself is not pointless, for if we were to stick to the strict application of the international rules and accords, we would perhaps end up with a shortage of manpower” (Ibid.: 50)

There were crucial differences among guestworker programs between countries. For example, the French recruitment process, contrary to the German one, was centered on employers, with relatively less state involvement. The employers were able to hire workers from their home countries, bring them to France to train and inform the government for “regularization” later (Hollifield, 1999: 61). “This mode of immigration, which bypassed both external (border) and internal (labor market) controls, came to be known as immigration from within (*immigration interne*)” (ibid.).

With the “immigration stop”, this positive cooperation halted. However, the will to stop immigration would prove itself fruitful, too, in creating a European geopolitics of mobility; first in terms of sustaining cooperation within Europe, and then with the third countries. In 1970s, the frustration that European countries faced in trying to curb migration through national policies left its place to increased ad hoc cooperation in 1980s as briefly explained before. Hence, we saw that 1980s and 1990s have been the decade of discovery of intergovernmental cooperation on issues of migration in Europe. However, the same decades saw the incorporation of the Third countries, too, into the effort to control immigration.

The London Agreement that was prepared by the AHGI and Rhodes Group, envisaged the categorization of the third countries as “safe third countries” and “safe countries of origin” as well as the invention of the related category of “manifestly unfounded asylum claims” through its two resolutions and one conclusion. According to the agreement, the application for asylum can be categorized as “manifestly unfounded” if the applicant abused the asylum system (used forged documents, gave false information etc.) or has not been under any threat of persecution in his/her country (Uçarer, 2002: 25-26; Lavenex, 1999: 49-50). The latter is connected to the London conclusion on countries with no risk of persecution. This conclusion defines the category of “safe countries of origin”, which normally would not produce refugees. The applications from these countries are considered potentially “manifestly unfounded”, and subject to fast-track processing. Furthermore, the responsibility to prove otherwise “lies with the applicant, who has to rebut the assumption that s/he did not fear persecution in that country” (ibid.: 53).

According to the second resolution, “on a harmonized approach to safe third countries”, any person that filed an asylum application in the EU member states that have been resided or transited from a “safe third country” in which s/he found the opportunity to apply for asylum, could be sent back to that country, the application without being made subject to any examination (Lavenex, 1999: 50-51). This resolution marked the integration of the “safe third countries” into the system established by the Dublin agreement to prevent asylum-shopping. The Dublin agreement set up the system of distribution of asylum-seekers within European member states and expulsion of the rejected ones by preventing another attempt of application in a different member state.

The London agreement, on the other hand, aspired to equip the EU members with the ability to expel the asylum-seekers outside the EU, without allowing them to apply for asylum in any member state. The construction of concepts like safe third country and safe country of origin enabled them to do this without breaching the principle of *non-refoulement*, consolidated by international Geneva Convention of 1951 on refugee protection.

Towards this direction, as a first step, most of the Central and Eastern European countries have been labeled as “safe third countries” (Jileva 2002: 85). Simultaneously, a series of bilateral readmission agreements were signed between member states and these “safe third countries” to facilitate the return of asylum seekers and illegal immigrants. According to these agreements, the signatory parties agreed to readmit an illegal immigrant, or an asylum seeker, who came from or transited through one signatory for entering the territory of the other. The agreement between Schengen Countries and Poland in 1991, Germany and Poland in 1993 (Grabbe, 2000: 529) and Romania in 1994 (Geddes, 2003: 183) are examples for the readmission agreements. These agreements proved very efficient in terms of keeping people in the place they were assigned by birth.

In 1992 there were 100,000 asylum-seekers from Romania in Germany. In 1995 there were 3,500 Romanian asylum-seekers in Germany. Between 1993 and 1995 around 85,000 people were returned to Romania (ibid.).

Governing the mobility of asylum-seekers, without any doubt, was not the only objective of the growing number of bilateral and multilateral readmission agreements. Illegal immigrants constitute an equally (if not a more) important source of impetus underpinning the signing of the agreements. Furthermore, the distinction between rejected asylum seeker and illegal immigrant is an obscure one. Many asylum seekers

enter the countries illegally, once they claim asylum (often) they become asylum-seekers, and once they are rejected they do not differ from an apprehended illegal immigrant, at least in terms of the subsequent practices that they will be subjected to. The objective to govern illegal immigration underlying the readmission treaties is explicitly visible considering the “*not-safe*” third countries that signed agreements with European countries. Examples would be the readmission agreements signed between Spain and Morocco in 1992 and between France and Algeria in 1994 (Pastore, 2002: 120 n.5). The sole objective of these agreements was to acquire the ability to deport the apprehended illegal immigrants coming from or transiting over Morocco and Algeria. Since these countries were not in the list of “safe third countries”, asylum seekers would not be expected to apply for asylum there, hence France and Spain would not be able to deport them to Algeria and Morocco.

The readmission agreements are one of the main tools of managing illegal immigration in Europe. However, the readmission agreements that were signed between member states and the third countries make up only a part of the international governance of human mobility. Both with the backing of EU member states and the willingness of the third countries to gain the ability to send the illegal immigrants to their country of origin, the third countries, too, signed readmission agreements with other countries, to their east and/or south. For instance, Poland signed readmission agreement with the Czech and Slovak Republics, Bulgaria, Hungary, Romania, Croatia and Ukraine; Czech Republic with Slovakia, Romania and Hungary; Hungary with Romania, Slovakia, Ukraine and Slovenia (Collinson, 1996: 86). The list goes on, however, the readmission agreements were not limited to these bilateral agreements signed among European countries, which

itself counted for more than two hundred in 1990s (Rosenberg, 2002: 33). Bulgaria for example in 2001 was negotiating to sign readmission agreements with Georgia, Tunisia and Lebanon (Ivancheva, 2001: 79). Via these agreements a “web of readmission agreements” was formed (Vachudova, 2000: 161), through which a system of chain of deportations facilitating (forcefully or voluntarily) movement of people defined as asylum seekers and/or illegal immigrants was established. Rigo (2003: 6) argues,

[b]y tracing out these readmission agreements, one effectively produces a map of the ‘flows of expulsion’. Thus an Asian migrant expelled from Germany might pass through Poland and Romania before being ‘sent home’ without necessarily his or her national identity ever being proven.

As part of the larger regime of governing illegal immigration, readmission agreements work as “dispositives of control over population movements” (*ibid.*). The techniques developed within the system of readmission include, for instance, the technologies of defining the country of origin of a person that has no “documents” of citizenship, and establishing detention centers, i.e. spaces to temporarily keep the identified or unidentified deportees and asylum seekers, neither inside nor outside of the country. On the other hand, readmission agreements can also be perceived as “dispositives” of governmentalizing the third countries’ governments by mapping out a new geopolitical imagination that defines and represents territorial units as “origin/source”, “transit”, “safe” and “unsafe” and consequently establishing new responsibilities and governmental abilities for those countries.

Integration of the third countries into the European illegal immigration regime during 1990s and under the Maastricht’s third pillar had been a dynamic process. However, with the signing of Amsterdam Treaty in 1997, it gained a new momentum. There are two main developments following the Amsterdam Treaty: First, the advent of a

new discourse on immigration policy making called the “comprehensive approach” on the migration and asylum issues (van Selm 2002: 144-148) adopted by member states and EU institutions. Second, the new drive and direction that European enlargement gained with the Luxemburg Conference of 1997.

The “comprehensive approach” (van Selm, 2002) included two main strategies: “externalization” and “prevention” (Boswell, 2003). The former refers to the exportation of migration control mechanisms such as visa policy, border security measures and readmission agreements, whereas the latter refers to the elimination of the “root causes” of the very initiation of migratory movements.

The beginnings of the “comprehensive approach can be traced back to 1992 Edinburgh European Council, which called for the coordination of foreign policy and immigration and asylum policy (Boswell, 2003: 621). This was followed by the Commissions 1994 communication, which called for a “holistic approach” to the immigration and asylum concerns, including tackling the “root causes” of migration to impede emigration at the countries of origin (i.e. preventive strategies) (van Selm, 2002: 146). The communication called for the integration of the “root causes” approach “into all external policies of the EU, including the areas of human rights policies, humanitarian assistance, security policy, demographic policies, and trade, development and cooperation” (Boswell, 2003: 626).

By the time the Amsterdam treaty was signed, the external relations had evolved into an important part of the discourse and policy making in the area of migration and asylum. The Austrian strategy paper on immigration and asylum, in July 1998, followed the suit to address the relation between foreign policy and immigration and asylum

issues. This paper, although largely abandoned, “primarily in response to its suggestion to review and abandon the 1951 Geneva Convention” (van Selm, 2001: 147), constitutes a notable reference point in the unique geopolitical imagination and formulation of the external relations of the EU and the third countries within the context of governing illegal immigration. “The strategy paper envisaged a model of “concentric circles” and corresponding foreign policy priorities:

The "first circle" is the EU, or as the paper puts it: "For obvious reasons, the Schengen States currently lay down the most intensive control measures". The "second circle" is the associated states (central and eastern Europe) who are to be in line with "the first circle's standards". The "third circle" is the CIS area plus Turkey and North Africa where the concentration will be on "transit checks and combating facilitator networks" and "intensified economic cooperation is [to be] linked to the fulfilment [*sic*] of their obligations". The "fourth circle" is "Middle East, China, black Africa" where the EU's efforts are to be to eliminate the "push factors"; that is "the extent of development aid" is to be tied to their cooperation (Statewatch, 1999).

Geddes, implying the concentric circles approach, contents that it has an internal logic, in which as one goes outside the core circle, one sees an increased emphasis on restriction [on migration]” (Geddes, 2000:107). Another trend that one can find that changes as one goes outside the core is the change of mechanisms of governing mobility from direct interventions targeting mobility such as technological advancements in border surveillance and control, to indirect governance with “preventive” mechanisms to eliminate the “push factors”, such as development assistance and information campaigns to discourage emigration. This is related to the categorization of the third countries as transit and source countries. The countries in the second circle were defined as transit countries, which needed to adopt control mechanisms. The third circle included countries of transit and/or origin and the fourth circle included countries of origin only, which were

made subject to relatively more “preventive” interventions. As will be shown, the EU policy towards governing illegal immigration in third countries follows this logic established by the Austrian Strategy Paper.

In December 1998, representing another milestone in emerging relations with the third countries concerning governance of illegal immigration, in December 1998, the Commission prepared the Vienna Action Plan on the implementation of the “area of freedom, justice and security”, in other words, on the implementation of the title IV provisions of the Amsterdam Treaty. The plan included some important explicit proposals on incorporating third countries into the governance of immigration, which were missing in the Amsterdam Treaty:

- the development of an integrated approach for the assessment of countries of origin to formulate a country specific integrated approach,
- combating illegal immigration through information campaigns in transit countries and countries of origin. (Geddes, 2000: 128; Boswell, 2003: 627).

The action plans prepared by the High Level Working Group on Asylum and Migration (HLWG) that followed the above initiatives, were reflecting this new foreign policy orientation on “externalization” of immigration control measures and “prevention” of immigration from the third countries of origin and transit. HLWG was established in December 1998 by the General affairs Council to “prepare cross-pillar Action Plans from selected countries of origin and transit of asylum seekers and migrants” (HLWG, quoted in Boswell, 2003: 628). The selected countries included Afghanistan/Pakistan, Morocco, Somalia, Albania (Kosovo), Sri Lanka and Iraq and the neighboring region (Statewatch, 1999). The action plans included detailed examination and representation of humanitarian

status of the concerned countries and regions and “preventive” recommendations for future action in terms of development assistance and humanitarian aid as well as recommendations for “externalization” such as the ones on readmission agreements.

Regarding the Iraqi plan, HLWG undertook the task to update the already existing forty-six-point “EU Action Plan on the influx of migrants from Iraq and the neighboring region” adopted by the General Affairs Council in January 1998. The Iraqi asylum seekers whose numbers increased from 10,000 in 1994 to 36,000 in 1997, were one of the main constituted an increasingly disturbing problem for the EU in 1997 and 1998. By 1998 the situation was being reflected as a threatening security problem, rather than a humanitarian issue. In January 1998, following the increasing news on the Iraqi (Kurdish) “boatpeople” reaching the shores of Italy and Greece, German Minister of Foreign Affairs Klaus Kinkel Stated that:

“Greece and Italy in particular must take much tougher action against illegal immigration... In view of this threatening situation, western Europe must consider itself a *security community*. All our countries are potential destinations if the beginnings are not stamped out” (Statewatch, 1998 emphasis added).

The objective to control Iraqi as well as other asylum-seekers constituted one of the main underpinnings of the emergence of the subsequent action plans (Boswell, 2003: 629). However, the objective of creating an “area of freedom, security and justice” and the strong correlation between this objective and governance of mobility established by the Amsterdam Treaty, have constituted the primary drive behind the new foreign policy path that the EU has taken. Creating a “security community” was possible by establishing a reinforced and redefined geopolitics of mobility around Europe by defining, shaping, reinforcing and sustaining governance of mobility around Europe.

The most elaborate action in this direction was being taken within the process of European enlargement. Through the course of early and mid-1990s the candidate countries were already integrated into the European migration regime by means of readmission agreements. The Amsterdam Treaty, however, changed this and made the candidate countries subject to an elaborate process of change through accession process. Notwithstanding the characterization of the candidate states as “safe third countries” for the purposes of readmission agreements, stressing their likeness to the member states, in the enlargement process they were considered as a part of the security threat to the “Area of Security” foreseen by the Amsterdam Treaty. The “securitization” process did not work only in the domestic level through the criminalization of the migrant. Through the Amsterdam Treaty and the following process of implementing it, the candidate countries who were defined as “transit countries for illegal immigrants” were “securitized”, too (Mitsigelas, 2002: 668). The candidate countries were made subject to an elaborate process of evaluation of “performance indicators” making “governmental performance calculable and comparable” (Walters, 2002b: 101). Unless they align their regime of governing illegal immigration with the EU, they would remain as a part of the threat to the “security community”, hence remain as “others” at the “outside” of the “area”. Hence the accession conditionality was introduced, with significant consequences for the candidate states, and more importantly for the reinstatement of the international relations of governing mobility. From this perspective, the EU enlargement, constitutes the ultimate locus of representing and acting on the governmental functions of these securitized third countries.

The establishment of the conditions for the EU membership dates back to 1993 Copenhagen Summit where general political and economic criteria to be adopted by the candidate countries were set. These included the “stability of institutions guaranteeing democracy, rule of law, human rights, and respect for and the protection of minorities” as well as “the existence of a functioning market economy” (Lavenex, 1999: 107). Between 1993 and 1997, the main focus of the enlargement conditionality was to ensure the candidates’ readiness for the single market (Geddes, 2003: 179) and democratization. The immigration related issues were left to bilateral relations between member and candidate states and outside of the enlargement process.

Lavenex argues that the unwillingness of (at least some of) the member states to relent sovereignty in the area of asylum and immigration, which is embodied with the Maastrich Treaty’s pillared structure, had been one of the reasons for the late entry of the asylum and migration matters into accession conditionality. “An official introduction of intergovernmental agreements on the agenda for enlargement could be perceived as a formalisation of hitherto loose arrangements, thereby strengthening their binding effect within the Union itself” (Lavenex, 1999: 110). Moreover, Geddes argues that the reluctance of the member states to empower the Commission in the areas of immigration and asylum had constituted another reason for the rather delayed entry of these issues in the accession conditionality (Geddes, 2003: 179). The will to preserve immigration and asylum issues under the intergovernmental pillar endured until the Amsterdam Treaty and the acceptance of introduction of the Schengen acquis into the EU acquis. Following the Amsterdam Treaty, however, the reasons to exclude the immigration and asylum as one of the conditions for accession to the EU gradually subsided.

Nevertheless, it is not clear whether Amsterdam Treaty caused the inclusion of immigration and asylum matters into the accession conditionality or vice-versa. Lavenex (1999: 116) argues that, the very integration of Schengen acquis into the EU acquis was partly due to the willingness of the member states to form a legal basis for the accession obligations of the candidate states. Thus, the incorporation of Schengen into the EU can be thought as both a partial cause and an effect of the enhanced enlargement conditionality. In either case, the Amsterdam Treaty constitutes a cornerstone in the EU enlargement process and the incorporation of the candidate states of the European illegal immigration regime.

In the same year as the signing of the Amsterdam Treaty, in 1997, Commission drafted “Agenda 2000”, a proposal for the new accession strategy, and the *avis* (opinions) on the progress of the candidate states in complying with the criteria for membership. This marked the beginning of a new stage in EU enlargement as well as the incorporation of candidate states to EU management of illegal immigration.

In the Agenda 2000, the Commission proposes a “reinforced” pre-accession strategy based on the “Accession Partnerships” (AP) (Grabbe, 1999: 12). 1997 Luxembourg European Council endorsed the Agenda 2000. Within this new strategy, there would be three main instruments through which accession conditionality would be established, implementation will be proposed, and the process would be supervised: respectively, first the APs, second the National Programs (NP) and third the Commission regular Progress Reports.

APs were documents published by the Commission, which would specify each candidate country’s prospective steps required for accession. They contained areas that

the applicant states were expected to make progress such as border management, migration and asylum policy, fighting against organized crime and visa policy (Grabbe, 2001: 94). The APs, first of which were produced in 1998, consisted of generalized clauses on immigration and asylum issues such as “steps must be taken”, “attention paid”, “functioning improved” and “important work must be done”, without describing implementation in detail (*ibid.*).

In response to the framework of conditions that was set by the APs, each candidate country was expected to produce a detailed plan of implementation. Unlike the APs, the NPs are lengthy documents, which include all the planned changes in law, institutional changes, financial requirements and sources of financing as well as responsible ministries and prospective dates of approval, adoption and entry into force. The Commission had updated the APs in several occasions and accordingly the candidate states produced updated versions of NPs.

Since 1999, the Commission published the annual “Progress Reports” on the achievements of the applicant countries as well as on the areas that need to be improved on the basis of the areas of change specified in the APs. The progress reports are much lengthier than the APs. It gives a detailed analysis of the work done towards the alignment of the *acquis* and implementation of the proposed changes. Furthermore, it provides the candidate countries governments with a more comprehensive direction in terms of what is expected of them and what the priorities are.

The prominence of the immigration and asylum matters among other criteria in the “enhanced enlargement process” has gradually increased. In the years following the establishment of the enhanced enlargement process by 1997 Luxembourg European

Council, the integration of the migration matters gained considerable momentum. The primary reason behind this is the process of integration of the Schengen acquis into the EC treaty and the incorporation of the acceptance the Schengen acquis into the conditions for accession. “Article 8 [of the Amsterdam’s protocol incorporating Schengen] stated that the Schengen acquis and associated measures must be accepted in full by all new member states. This is unprecedented, because neither of the other areas of close cooperation – monetary and social policy – contained such provisions for new member states” (Geddes, 2000: 126). Schengen does not constitute the only legal platform for the establishment of the EU conditionality on immigration and asylum matters. In the 1997 Luxemburg Council Conclusions the Presidency stated that:

‘the joint actions, joint positions and conventions arrived at under the heading of Co-operation in the area of justice and home affairs are part of the Community acquis which must be accepted in full by the applicant countries. Furthermore, the New Member states had to undertake to adapt their institutions and administrative systems and arrangements to the standards prevailing in the EU so as to allow efficient implementation of the Community acquis in this area’ (den Boer, 2002: 143).

Schengen constituted a concrete legal addition to the preceding EU JHA regulations, which were far from legally, clear and were largely loose and unbinding as was discussed in the previous section.

In 1998, even before Schengen was officially introduced into the EU acquis, the candidate states agreed to put it into effect before the accession (Geddes, 2003: 179). With the “Council Decision concerning the definition of the Schengen acquis” published in July 1999, the immigration and asylum related harmonization clauses gained legal basis. By then, the EU Council also showed willingness and commitment to the Amsterdam Treaty through the Tampere European Council in 1999. All of these triggered

a new momentum on the migration and asylum related conditions for the enlargement.

After 1999, the APs, the NPs and the following Progress Reports included the clauses on the harmonization of the candidate countries law, administrative capacities and institutional structures with the requirements of the Schengen acquis and the Community acquis in the area of JHA formed prior to the Amsterdam Treaty.

Although by 1998 the applicants were notified to “make progress in areas like border management and control, [...] migration policy, asylum systems and fight against organized crime”, the language remained vague and generalized (Grabbe, 2001: 94). However with the formation of NPs, Commission’s Progress Reports and formalization of Schengen within the EU, the tasks “have been more clearly defined” (ibid.). The harmonization of the candidate states to the Schengen acquis comprised of detailed tasks in the areas such as common regulations for procedures at land and coastal borders and airports, a common visa regime, the organizational infrastructure of law enforcement authorities, the technological and organizational infrastructure at the borders, training of police and legal personnel, police cooperation that includes the Schengen Information System (SIS) (Grabbe, 2000: 525; den Boer, 2002: 144). The “Schengen Catalogue” was published with the objective to provide candidate countries with the information on the directions to shape their NPs according to fulfilling the Schengen norms. The Catalogue was written in four volumes covering “External Border Controls, Removal and Readmission”, “SIS and SIRENE”, “Issuing of Visa” and “Police Cooperation”, which were adopted by the Council in February 2002, December 2002, March 2003 and June 2003 respectively. The “best practices” and “recommendations”⁴ spelled out in the

⁴ “*Recommendations*: non-exhaustive series of measures which should make it possible to establish a basis for the correct application of the Schengen *acquis* and for monitoring it.

Catalogue provided the detailed implementation blueprint that the Progress Reports and, certainly to a much larger degree, the APs lacked.

The process of exportation of the EU immigration regime to the candidate countries is subject to significant scholarly debate. To start with the most broad critique on the issue, it is being convincingly argued the candidate countries, unlike the member states remain as “merely consumers of EU policies, and cannot influence them” (Grabbe, 2000: 526). Furthermore, the EU carries out an explicit double standard by providing flexibility clauses for Ireland and the UK, which give them the option to keep out of the Schengen *acquis* as well as the JHA clauses of the first pillar, and not providing the same flexibility to the candidate states (den Boer, 2002: 143). Compared to the earlier enlargements of the EU, in Greece, Portugal and Spain’s accession, the JHA related conditions for accession imposed on the current candidate states are much wider (*ibid.*)

Despite the highly diverging political, sociological and economical interests and vulnerabilities of the candidate countries, they have to comply with the EU immigration regime in full, which was tailored for the interests of the member states, by the member states. Several studies show that this has great potential to cause serious problems for the acceding countries (Vachudova 2000; Jileva, 2002; 2003). The candidate countries are currently gradually aligning their visa regimes to the EU “negative list”. Bulgaria’s introduction of visa requirements for Russia and Ukraine was retaliated by the respected countries, damaging their political and economic relations (Jileva, 2002: 82-83).

Likewise, ethnic Hungarians living in the countries neighboring Hungary would need to

Best Practices: non-exhaustive set of working methods or model measures which must be considered as the optimal application of the Schengen *acquis*, it being understood that several best practices are possible for each specific part of Schengen co-operation” (Council of the EU, 2003: 4).

acquire visas to enter Hungary, and the Czech Republic would probably have to terminate its customs union with Slovakia (Vachudova, 2000: 153-154).

The governmentalization of the candidate countries' governments through the enlargement conditionality process works through their representation as transit and sometimes source countries. The process of representation, just like the actions that were informed by these representations, does not stem from one center such as the EU or member states. Rather there are many different actors involved in the production of discourse. In the following section, I want to give a synopsis of Turkey's representation as a source country of and a transit country for illegal immigrants. This will include an overview of media reports, governmental and non-governmental organization's reports, politicians and official's speeches on Turkey as a source and transit country.

Representation of Turkey as a Transit and a Source Country:

In the western media, policy papers, reports as well as scholarly publications Turkey, in the context of illegal migration, has been represented under two main categories: as a source country – where migratory flows originate from – and as a transit country, through which immigrants pass to reach destination or host countries. These two main categories form the basis of different modes of governmentalization of government. In other words, the discourse emanating from these three main categories render the Turkish policy making dynamics amenable to action in the international level, shape the understanding of Turkish authorities and public opinion of migration as a phenomenon, and ultimately serve the formation and functioning of the international management of population flows.

Turkey as a Source Country:

The main issue of public discussion in the West on Turkey as a source country is the issue of human rights abuses in Turkey and related to that, the “Kurdish problem”. The discourse on “source countries” works through the representations of countries categorized as “countries of origin” and “countries of destination”. Accordingly, technologies of representations such as charts and listings are formed in which the countries with the highest numbers of immigrants emanate from and arrive to are being visualized in stylized fashions. In all of the sources that use these representations, such as national ministerial and international organizations’ reports, Turkish asylum seekers constitute one of the largest numbers of the total asylum applications made in the member states. Turkey ranks third in the list of the “main country/territory of origin of asylum seekers in Western Europe” in the years from 1990 to 1999 (UNHCR, 2000). Between 2000 and 2002, Turkey ranked the fourth country of origin for asylum seekers after FYR, Afghanistan and Iraq (UNHCR, 2003). Hence, the asylum seekers originating from Turkey, mostly of Kurdish origin, are subject to considerable amount of public discussion in Europe. Not only policy documents, but also frequent media coverage and speeches of European politicians and bureaucracy constitute an important discourse on Turkey as a source country.

Representation of Turkey as a source country or country of origin is closely related to issues such as human rights abuses, minorities, vulnerable groups, internally displaced people etc. in Turkey. Therefore there is an enormous amount of relevant data on Turkey from different resources such as Random House, Amnesty International,

media reports, policy papers etc. Moreover, there is a remarkable amount of country reports prepared by other states and international organizations, media reports and commentaries, speeches by politicians and officials that are directly related to the issue of migration and Turkey as a source country.

The main subject related to immigration from Turkey is the human rights abuses, especially against the Kurdish minority. In most of the reports, there is detailed information on the vulnerable groups, among which Kurds stand as the main group. The fact that Kurds constitute the majority of asylum seekers originating from Turkey had caused some severe criticisms from successive European governments and officials, Italy and Greece in particular. The Kurdish problem and the associated issues such as Turkey's human rights account, military operations against PKK, internally displaced peoples regularly come to surface with every small or large influx of Turkish Kurds to Europe. Turkey as a source country, hence, not only involves Turkey's inability to govern mobility – to stop illegal exits –, but more importantly its governmental abilities in general, to pursue the well-being, liberty and basic rights of the population that is assigned to it. The global geopolitical setting composed of distinct political territorial units gives states exclusive responsibility and obligation to “govern” the population that has been assigned to them. The reactions against Turkey's Kurdish population that leaves the country exemplify the problem of “spillage” which occurs when governments fail to “keep things in” and fail to achieve the population's well-being.

In 1999, Massimo D'Alema, PM of Italy of the time, stated at a press conference: “I am ready to introduce the “Kurdish problem” to the Turkish journalists here, who agree to come with me to the Salento (Puglia) coast at night” (My translation, Milliyet

12.01.1999). His statement reflected his reaction against the preceding comments of Turkish officials that there was no “Kurdish problem” in Turkey but there was a problem of terrorism. Kirişçi notes that, during the same period, D’Alema, who was visiting the US, told Bill Clinton: “If we defend the rights of the Albanians in Kosovo, and rightly so, then I think we have to defend the rights of the Kurdish minority” (Kirişçi, 2001a: 16). These statements by the Italian prime minister should be situated in a greater context of the crisis that emerged between Turkey and Italy as a result of PKK’s head Abdullah Ocalan’s arrest in Italy and Italy’s rejection to return him to Turkey.

Other political issues are also being used in the context of immigration. As a result of an incident where 900 illegal immigrants landed on a French coast, “there were reports that the Turkish government had [allowed if not assisted the passage of illegal immigrants] as a punishment for the adoption in the previous month by the French Parliament a resolution recognizing the Armenian genocide” (Kirişçi 2001a: 16).

A more recent example is the Turkish media reports on the comments made by the Italian newspaper La Stampa, stating that the Kurds constitute the majority of asylum seekers that reach the Italian coasts, who escape from Turkish governments that hold them responsible from terrorist atrocities and fight a war against them (NTV, 02.21.2003; Radikal (02.21.2003). In media coverage like these, the situation of the Kurds in Turkey is being pictured in a highly negative way. On the other hand, on January 4th, 1998, Le Monde article called “L’Europe et Les Kurdes”, as translated in a Turkish newspaper, states that the right to asylum is personal, and “Kurds in Turkey are not in the same situation with Iraqi Kurds [...]. Europe has no right to claim that in Turkish Kurds are being discriminated or peoples’ lives are in danger just because they are Kurds”

(Hürriyet, 07.01.1998). The French newspaper criticizes the Italian Minister of Home Affairs for implying that Kurds would automatically get refugee status upon their admission. Yet, Le Monde does not refrain from criticizing Turkey, the Turkish newspaper adds: “Europe should denounce Turkey for extremity of her police and military [and] viciousness of her policy towards Southeast which caused evacuation of the area from its people (Kurds)” (ibid.). Although less frequent, the Kurdish problem in relation to migration issues appear in American media too. A New York Times article named “Kurds, on Riviera, Recall Horrors of Week at Sea” (02.19.2001) reports that “[o]ne elderly Kurd who spoke to a French radio reporter today said his people were treated badly in Turkey, called vile names and attacked by the soldiers. It was for that reason, he said, that he went to what he called “the human market” to try to flee”.

Some important documents on Turkey as a source country prepared by the EU member states in cooperation with the EU institutions include The Netherlands Delegation’s “Official General Report on Turkey (2002)” and the UK Home Office’s “Report of Fact Finding Mission to Turkey” (2001). Both of these reports were sent to CIREA to the clearinghouse to be shared by the participants. They include general observations on the economic, social and political situation in Turkey and detailed information on certain vulnerable groups (minorities – particularly Kurds, homosexuals, draft evaders etc.), who constitute potential asylum seekers. While media reports and political speeches are predominantly negative in their assessment of conditions causing immigration from Turkey, these reports tend to use a more positive language in their evaluation. These reports diverge from USCR’s and humanitarian NGOs’ (such as Amnesty International) reports. This is not to say that there is less criticism against

Turkey's human rights abuses in CIREA reports that were examined here. However, the fact that these documents do not refrain from making remarks on positive developments in Turkey gives the idea that in these documents might serve the purpose of defining Turkey as a "safe Third Country" in the future. It can be argued that relatively positive nature of information on Turkey in the CIREA documents examined here is making repatriation of a rejected asylum seeker or the rejection of asylum applications easier.

In all three of the documents that are registered under CIREA there were clear remarks on the acceptability of the removal of persons to Turkey. The UK Delegation's report gives a particular example of one case in which a rejected asylum seeker appealed the decision and was rejected by the Court (UK Delegation, 2001: 8). The decision of the court, according to the report, was to a great extent based on the 1999 report of the Special Rapporteur to the UN Commission on Human Rights, which stated that "the situation in Turkey was improving and that [...] the severity of [torturing] methods used has decreased [...] not all returnees faced a real risk of ill treatment" (ibid).

The report by the Netherlands states that since January 2002 the UK has added Turkish asylum seekers to the list of nationalities to be dealt with under the fast track asylum procedure (The Netherlands Delegation, 2002: 156). Moreover in the same report it is being suggested that "[w]ith the exception of France [which does not have the concept of resettlement alternative], all Member states take the view that, apart from persons wanted for political reasons, all asylum seekers from south-eastern Turkey can settle in the west of the country" (ibid.). This is called the "internal flight alternative", a good reason to reject and deport asylum seekers. The internal flight alternative is an interesting concept, constituting another dimension of control and management of

population flows: if one can be safe in West Turkey then he/she should not be eligible to move to another country for protection purposes. “According to the UNHCR, Kurds and members of Christian minorities from the south-east of Turkey do have an internal flight alternative outside the region” (ibid.: 154). UNHCR’s obligation to cooperate with both the host and the source country governments makes it a part of the system of deportation (besides its undeniable role in governing the international population flows). As Bigo (2002: 79) indicates, “the humanitarian discourse is itself a by product of securitization process” by participating in the effort of making the distinction between real and bogus asylum seekers and “defining” who belongs to which among the larger set of migrants, consequently making the latter “illegal”.

Turkey as a Transit Country:

“‘Welcome to Europe,’ says a sign on the western side of the bridge over the Bosphorus in Istanbul, but the Europe of countless migrants’ dreams, that of high incomes and generous welfare benefits, is hundreds of miles west of here. For many, the road to it runs through the seething Istanbul quarter of Laleli” (New York Times, 12.25.2000). This introduction to the NY Times article named “Illegal Migration Rises Sharply in European Union” is a common representation of Turkey as a transit country. All of the media stories on illegal immigration to Europe that are covered here emphasize Turkey’s position as a transit country. Often the geographical location and peculiarities of Turkey such as “centuries old commercial bridge [article does not mention that Turkey was also a bridge between Asia and Europe for population flows unhindered by borders for thousands of years] between Asia and Europe” or “5000 miles of coastline with

remote inlets and busy dockyards” (Washington Post, 05.28.2001) accompany the discourse on Turkey as a transit country. The media stories occasionally include the statements and statistics provided by authorities, which, without any exceptions, point out an increase in the cases of illegal immigration, estimated numbers of illegal immigrants and the difficulties in fighting illegal immigration.

The city of Istanbul, in particular, is being represented as one of the main centers through which immigrants reach Europe. In 2002 Panorama, an Italian news magazine reported that Istanbul was the main door that opens up to Europe for illegal migrants (NTV, 09.02.2002). BBC’s report on human smuggling in Turkey named “Turkey’s Booming People Trade” argues that “Turkey has become one of the main centers of human trafficking [...] the center of the trade is country’s largest city, Istanbul (BBC News, 06.05.2002)”. Being a transit country and center of human smuggling has different connotations. The name “transit country” falls short of the meanings being carried by representation of Turkey. Transit country has a passive connotation; immigrants are *transiting* through Turkey where authorities are not capable of stopping them. Increasingly, in the stories about human smuggling, Istanbul is being represented as the center of organized human smuggling and Turks being the organizers of the syndicates. In 2002, Italian public prosecutor Boemi’s statements that appeared in Turkish media was in this direction; admitting Italy’s frustration for being unable to cope with illegal immigration, Boemi was claiming that the organizers of human smuggling were in Turkey and they should be tackled to control the influx of people (NTV, 02.09.2002). Similarly, another media coverage quoted the Greek minister of public order stating: “[the human smuggling syndicates’] leaders are in Turkey, their base is in Turkey and all

the ships' crews are from Turkey (Washington Post, 28.05.2001).” Authorities in Italy and Greece, both transit countries experiencing similar pressures that Turkey does, are using this discourse to direct the attention to Turkey as the source of syndicates masterminding the “lucrative business” of human smuggling. They accept the fact that they are transit countries easily, which has a passive connotation, but rejecting their nationals' involvement to human smuggling. Hence, defining Turkey as a transit country both implies the flowing immigrants and incapability of Turkish authorities (passive) and Turkish organized crime syndicates masterminding smuggling of humans (active).

Just like the criticisms directed to Turkey for its inability to deal with the conditions in the country that leads to origination of asylum seekers, Turkey is also being severely criticized by particularly European countries for not dealing with illegal immigration sufficiently. This accusations partly resemble the ones directed against Italy (and also Greece) by other member states for “turning a blind eye [on illegal immigration] since most arrivals have no intention to stay” (Guardian 09.05.2001). Italy and Greece are under pressure from destination countries like UK or France for not tackling illegal immigration because of the fact that illegal immigrants are just transiting Italy. Thus, it is possible to talk about a chain reaction of international pressure to tackle illegal immigration, from host countries to member transit countries (e.g. UK to Italy and/or Greece) and from member transit countries to third transit and/or source countries (e.g. Italy to Turkey). On the other hand, in Europe, the existence of the EU as a body should not be discounted, since the pressure from member states to candidate countries and Third countries is increasingly being applied through the EU.

In the 2002 Regular Report on Turkey's Progress Towards Accession (Commission of the European Communities, 2002a), Turkey is being represented as a destination and transit country. In the report Turkey's requirement to strengthen its capacity to fight against illegal immigration was stated several times. This vague statement was solidified in the document through an evaluation of existing conditions, capability and incapability of Turkey to manage migratory flows. For example, in the issue of visa policy, the report points out to a 21-country disparity between Turkish and EU visa obligation list (black list) (Commission of the European Communities, 2002a: 119). In other words, Turkey is applying visa exemption to 21 countries, nationals of which are subject to visa requirement to enter any of the member states. The report specifies Turkey's practices of granting visas, such as granting visas at borders as opposed to embassies and consulates, which constitute disharmony with the *acquis* (Ibid). Report, while pointing out the progress that Turkey made, calls Turkey to show greater effort in fighting against illegal immigration, strengthening border controls, adopting *acquis* on asylum and immigration and improving coordination between law enforcement bodies. According to the report "overall Turkey is still in the initial stages of alignment with the *acquis* in the field of justice and home affairs" (ibid.: 122). The reports on Turkey's progress in applying the changes that EU demands will be examined in detail in the next session.

In the Progress Reports (2001, 2002a) and the country information reports such as the UK Delegation's Report (2001) or OECD's (2003) annual report on migration, there are numbers given by the Turkish MOI on the number of people apprehended for illegal entrance and exit. These numbers are used to justify the point that Turkey is becoming an

important transit country. All of these reports point out to the fact that more than 90,000 illegal entrants were detected by the Turkish police following the year 2000, which constitutes a huge increase compared to the numbers in 1998 and 1999. Reports and policy papers like these often include the incapability of Turkish authorities and legal and structural weaknesses in Turkey. For example, the UK Delegation Report (2001: 14) claims that it was “very easy to obtain false documents in Turkey”: “the fact finding team saw at first hand fake national ID cards being sold openly on the streets of Istanbul within sight of the police” (ibid.:17). Similarly, the Progress Report points out the financial incapability of the Turkish coast guard, which “allocates 70% of their resources to fighting illegal immigration” (2002a: 116). The UK Report includes the prices paid by the illegal immigrants to the smugglers in Turkey (pp. 14). In the United States Department of State trafficking reports (USDS, 2002; USDS 2003) and UK report contains information on Turkey’s problem in dealing with human trafficking. UK Delegation’s Report (2001) report points out to the fact that Turkey is a transit country for human trafficking and drugs. Interestingly, in the section on migration issues, the report claims that “[e]thnically Turkish crime groups are believed to be involved in 90% of all heroin found in the UK.” (Ibid.: 15). This point can be related to the popular image of Turkey that was indicated before as both a transit country and also center of organized crime in both drugs and human smuggling/trafficking. The UK report also gives information on routes in Turkey that are being used for human smuggling.

These reports, speeches and media coverage constitutes a vivid indicator of the big enterprise of examining, representing and defining Turkey as a source and a transit country, which embodies a security problem as a country that cannot stand up for its

responsibilities to control human mobility and cause “spillovers” to Europe and elsewhere. The international management of human mobility, hence, works through “securitization” of third-countries like Turkey as well as the “securitization” of the immigrant. The discourses on the third countries as “source” and “transit” countries as a security problem stand for an integral part of the creation of the international system of territorial entities, citizenship as a marker of identification and management of mobility to sustain such a system. These discourses form the basis of rendering other countries amenable to action that establishes the practices to control mobility.

Conclusion:

Perceived from a perspective of governance of human mobility, the EU integration stands for something different from withering away of the state, eradication of traditional state sovereignty and emergence of post-national citizenship. Certainly the emergence of EU as a regional organization equipped with many powers that traditionally associated with nation states represents a very important change of course in international relations. The creation of an “area of freedom security and justice” in which old state boundaries has lost their essential functions, signifies freedom of movement across the borders of nation-states. However, these developments also stand for continuity. The emergence of the EU as a territorial actor, which has clearly delineated and reinforced borders and exclusive citizenship suggests that European integration does not represent a departure from the international system of sovereign territorial entities and the mechanisms of population control that it brings about.

However, as was shown in the second section of this chapter, the European integration cannot be thought in isolation from its global effects. The emergence of the EU immigration regime signifies something more than the EU's emergence as a sovereign territorial entity. The EU participates in the international geopolitics of governing human mobility by representing third countries as "transit" and "source" countries that "illegal immigration" flows through and originates from. Hence, the EU stands for a territorial sovereign actor that represents the geopolitical mechanisms of governing human mobility. As a technology of citizenship, problematization of illegal immigration does not only work through representing and acting on individuals, but also works through particular geopolitical representations of countries themselves and problematization of their governmental abilities to govern mobility. The European geopolitical imagination of human mobility illustrates the mechanisms of global population management, the geopolitical level of technology of modern governmental power.

The next chapter will further pursue the effects of geopolitics of governing human mobility through exploring the consequences of the geopolitical mechanisms of problematization of illegal immigration on the national regulation of illegal immigration. What are the forms of interactions between the geopolitical representation of Turkey as a problematic "third country" within the European discourses and formation and transformation of representations of illegal immigration as well as micro-practices of governing mobility in Turkey.

Chapter Three

The Discourses and Practices of Managing Illegal Immigration in Turkey

In this chapter the effects of European problematization of governmental abilities of Turkey will be analyzed. It is important to note that the national technologies to regulate cross border mobility cannot be thought in isolation from international geopolitical regime of population management. Hence, the Turkish case, which will illustrate the crucial influence of European representations of Turkey within the context of a transit and a source country of illegal immigration, is not a unique case. Within the EU, other countries too, even other member states are being categorized and represented in ways that renders their governmental abilities amenable to action. As shown before, Italy and Greece have been repeatedly accused by other EU member states for allowing illegal immigration flow through their borders towards other European countries. Hence, by showing the formation of a discourse on illegal immigration and concrete practices of “fighting” illegal immigration in Turkey, the objective of this chapter is not to point out a special case of a country that is trying to be a member of the EU and dictating the impositions of the EU to achieve that end. Instead, the aim of this chapter is to show the intersection of geopolitics of governing human mobility and formation of national governmental apparatuses of regulating illegal immigration.

The methodology of this chapter borrows greatly from governmentality literature. The focus is not the central institutions and legislative processes of immigration control but the different modalities of power/knowledge. Hence, rather than focusing on how many illegal immigrants were apprehended after the establishment of new practices of fighting illegal immigrant, how this would effect Turkey’s bid for EU membership or

which legislative changes have taken place as a result of efforts of harmonization to the EU acquis, the chapter will explore the ways in which discourses on illegal immigration have formed and transformed and in which ways practices of fighting against illegal immigration actually helped formation of such a discursive category. The emphasis will be on the governance of human mobility, hence on the points where power comes into contact with people. Guiding principle, however, will be to understand the changes that are taking place in Turkey in relation to its place in the geopolitics of governing human mobility. What is the intersection of European geopolitical imagination of human mobility and regulating illegal immigration in Turkey?

Although problematization of Turkey as a “source” and a “transit” country creates an exclusionary effect on Turkish citizens’ mobility, it certainly does not imply exclusion of Turkey from the European geopolitics of managing illegal immigration. To the contrary, the visibility of Turkey within the discourses of illegal immigration has two main consequences. Firstly, the issue of illegal immigration becomes visible in Turkish discourse directly as a result of strong European (and Western) criticism of Turkey as a transit and a source country. Although migration is far from being absent in Turkish political imagination, the form and content that it is taking is being greatly affected by European discourses. Secondly, as a result of particular European representations of Turkey’s governmental abilities to manage illegal immigration, formal organic connections formed between European and Turkish governmental institutions. Representing the truth about Turkish governments’ governmental ability to govern mobility simultaneously defines the areas of action to establish “best practices” of fighting illegal immigration. Formation of institutionalized links between Europe and

Turkey can generally be observed through candidacy process, but certainly not just limited to that. Through institutionalized contacts Turkey is participating in the European geopolitics of governing human mobility.

In which ways Turkish discourses on illegal immigration is being shaped as a result of European representation of Turkey as a “transit” and a “source” country? What are the main channels through which Turkish state is becoming a part of European regime of governing human mobility? In which ways Turkey’s participation in European illegal immigration regime establishes nationally defined technologies of governing human mobility? The main objective of the following three sections will be to answer these questions.

Imagining Illegal Immigration in Turkey:

National governance of mobility, works through establishment of regimes of representing the illegal immigrant. This involves the creation of discourses on illegal immigration. Through Turkey’s integration into European illegal immigration regime, Turkey is creating its own representation of the illegal immigrant and immigration as well as converging to the European representations.

Ceyhan and Tsoulaka (2002: 28) specify four axes through which representing the immigrant in the West functions. The first one is the “socioeconomic axis” which “associates” the immigrant with unemployment and represents her/him as a socio-economic problem. The second one is a “securitarian axis” which links the immigrant to internal as well as external insecurities. The third axis is “the identitarian axis where migrants are considered as being a threat to the host societies’ national identity” (ibid.).

The last axis is the “political axis” which is about the racist and xenophobic discourses cultivated for political gains. Below the discourse in Turkey will be examined through the first two axes and the nature of representing illegal immigrant in Turkey will be evaluated. Following that, the effect of Europe’s geopolitical representation of Turkey will be assessed as a factor in constructing Turkish perceptions of illegal immigration. As will be shown, the conventional representations of illegal immigrant in Western Europe do not fit the Turkish imagination of illegal immigrant, yet the discursive practices of geopolitical representations of Turkey are virtually forming a discourse on illegal immigration in Turkey.

Discursive Connections between Illegal Immigration and Unemployment:

In 2000, Turkish Minister of Labor and Social Security of the time, Yaşar Okuyan made a comment on the problem of clandestine workers in Turkey. Without citing any sources, he claimed that there were more than one million clandestine workers in Turkey (Hürriyet, 12.29.2000). Picking this statistical “truth”, the trade unions and other commentators claimed the existence of a clandestine worker problem in Turkey (Zaman, 12.01.2003; NTV, 10.10.2004). Interestingly, following the Minister’s remarks, one can observe a quick increase in the discourse of foreign workers in Turkey, albeit still remaining marginal. Notwithstanding public’s consciousness of the existence of foreign workers in Turkey, such as Romanian construction workers in mid-1990s (virtually non-existing today), domestic workers from Balkan countries and Russian and Ukrainian workers in the entertainment sector, foreign workers never sparked a large scale public reaction. Many commentators criticized the crisis discourse on illegal workers, some

attracted attention to Turkish governments' faulty taxing regulations as a direct cause of employers' tendency to employ foreign workers (Gürsel, 2001) as opposed to influx of cheap work force from less developed countries. Others questioned the validity of specifying the number of foreign workers and building correlation between unemployment and magnitude of this number (Kaşka, 2001).

According to Gençler (2002: 11), the speculations on number of foreign workers in Turkey show great diversity. In 1993 Turkish Labor Organization claimed that there were 2 million foreigners in Turkey, most of them Iranians and a majority of whom are living on their labor. A trade union (Yol-İş), on the other hand, claimed that there were 47 thousands foreign workers in Istanbul and another one claimed that the number was 450 thousand (ibid.).

Criminalization of the Immigrant:

The discursive process of criminalization or securitization of the illegal immigrants and illegal immigration in Turkey again takes a different shape. The frequent media coverage of the illegal immigrants that were apprehended by Turkish security or military forces resemble the news on successful operations of drug smuggling, in some cases with some remarks on international police cooperation. The fate of the immigrants that were caught is rarely of interest to the media. On the other hand, the media occasionally covers the trials of human smugglers for they have news value as a criminal case (Hürriyet, 05.14.2001). This stance towards illegal immigration reflects two peculiarities of Turkish discourse on illegal immigration. First it shows that in Turkey the acts of unauthorized crossing of borders are perceived as illegal acts and as a police issue.

This resembles the European discourses on illegal immigration. However, media's criminalization and securitization of illegal immigrants remain at the level of problematizing their unauthorized entry. Hence, secondly, the lack of discursive linkages between apprehension of illegal immigrants and societal problems such as unemployment, immigrants' involvement in crime and/or terrorism confirms the marginality of perception of illegal immigrants as a societal security problem, by media, bureaucracy and political elite.

A clear indicator of lack of popular discourse linking illegal immigrants and societal problems such as crime and unemployment is the indifference of bureaucracy and politicians to pursue a fight against illegal immigrants within the country. In the absence of public pressure to do otherwise, ignoring the existence of illegal immigrants rather than going under the financial and political burden of trying to find and apprehend them seems to be a more viable option for Turkish state. In 2001, an ex-Minister of Interior, Nahit Menteşe states:

When apprehended, illegal immigrants are causing troubles to the state. Some individuals or syndicates are facilitating their movements and gaining lots of money. Ignoring [illegal immigrants] would be a better approach. Rather than causing problems to us, just let them go. [...] [R]ather than coping with them inside, we should keep our borders tight. We should absolutely not allow illegal immigration (Milliyet, 07.25.2001).

Kirişçi (2002: 133) also notes:

[...] for police officers to let immigrants go by is often much easier than facing the bureaucratic hassles of intercepting, apprehending and processing the deportation of illegal immigrants. Police officers have actually complained that at times they find themselves having to meet the basic needs of illegal immigrants from their own meager salaries or go out and seek donations from the public.

On the other hand, the increasing profitability of human smuggling/trafficking is often subject to media coverage and political discourse in Turkey, which is also the case in Europe. This serves towards the criminalization of immigration in Turkey. Often the senior security officers as well as the politicians express the increasing profitability, sophistication and organization of human smuggling business, which – as in Europe – has an underlying connotation: the requirement of increasing national and international funding/assistance and public support for the fight against it. In June 2000, BBC reported: “Europol says gangs are making as much from human trafficking as they are from drug smuggling” (BBC, 06.19.2000). Next year, on a TV interview, Terzioğlu, Chief of DFBA, warned that “[Human smuggling] became more attractive than drug smuggling; because it is more profitable” (NTV, 05.14.2001). Hence, we can observe a convergence in the discourse of security officials in Europe and in Turkey in terms of profitability and complexity of human smuggling as a criminal activity.

However, the criminalization issue, especially the organized crime aspect of illegal immigration, should be qualified in the Turkish case where criminalization discourse is being employed in different ways for different political agendas. One important issue that has been continuously emphasized both by the media, the political elite and the bureaucracy is the link between the PKK (Kurdistan Workers Party) and the increasingly profitable human smuggling business (Kirişçi, 2001a: 16; NTV 05.14.2001; Radikal, 21.02.2003). While the link between PKK and human smuggling has domestic political agenda in revealing another illegal activity of the organization besides drugs and arms trade, the crucial objective of the discourse is internationally defined. Building on the strong European discourse on evil human smuggling syndicates, Turkish political

elite emphasizes PKK's detriment to the international community and especially to Europe in being one of the main human smuggling organizations working in Turkey. Turkish politicians and bureaucracy have continuously campaigned for international recognition of PKK and later KADEK ⁵ (Kurdistan Freedom and Democracy Congress) as a terrorist and criminal organization. Minister of Justice Cemil Çiçek, after an EU JHA ministerial meeting stated:

There is a direct link between illegal immigration and terrorist organizations. Without solving this link the problem, illegal immigration cannot be solved. Illegal immigration is an important source of revenue for criminal organizations. [...] KADEK is still not recognized as a terrorist organization by an important part of Europe. [...] This creates problems" (Milliyet, 09.12.2003).

As we have seen the securitization literature tries to build the relation between the formation of illegal immigration discourse by looking at the end of cold war and the search of the security agencies for new "enemies within the state, from without" (Bigo, 2000; den Boer, 1995). In Turkey, however, the enemy of the state has been traditionally been defined as already within the state; the Islamists striving to end the secular democratic regime, secessionist minority groups that threaten the societal unity and homogeneity of the nation as well as the communists and terrorists. Even after the terrorist atrocities that hit Istanbul in November 2003, which were readily connected to al-Kaida and New York attacks, there was no popular outcry blaming border security or loose visa regulations to Turkey's Southeastern neighbors. If we cannot build the formation of a discourse on illegal immigrant and illegal immigration in Turkey either by

⁵ PKK has changed its name to KADEK in 2003, and acknowledged a change in its strategy from armed struggle to peaceful campaigning.

looking at perception of threats by security agencies or examining popular reactions, then what is the cause of increasing discourse on illegal immigrants?

Making Illegal Immigration Visible in Turkey:

Despite being marginally visible in the popular discourse, there is one area where specifically illegal immigration attracts a lot of public attention, from media to bureaucracy and politicians. The importance of geopolitical dimension of imagining illegal immigration is evident when one considers the connection between the formation of illegal immigration discourse in Turkey and representations of Turkey as a “source” and a “transit” country within the Western discourses in general and European discourses in particular.

The issue of Turkey as a transit country in international immigration attracts greatest public attention when negative remarks are made by the western governments and institutions on Turkish management of immigration flows. As mentioned before, there are frequent media reports, comments by politicians and international organizations as well as policy papers on Turkey’s incapability (or unwillingness) to deal with migration flows. All of these find great resonance in Turkish public discussion. The media is very sensitive to the criticisms made to Turkey by any western institution. The fact that criticism is mainly coming from European countries makes it even more important because of Turkish political elite’s strong commitment to be a member of the EU. The politicians also have a good reason to be pro-European; according to Euro-Barometer 2002, 71 percent of Turkish people would vote in favor of joining EU in a

referendum and 73 percent think EU would be beneficial to Turkey (European Commission 2002b, Candidate Countries Euro Barometer).

Turkish officials perceive the fight against illegal immigration as a matter of responsibility towards Turkey's relations with the West, involving her accession to the EU. Consequently, as a rule, whenever criticism is made on Turkey by a western source (be it a newspaper, by a politician or by an organization), there is news coverage reporting the criticisms followed by the acknowledgements of the Minister of internal Affairs himself or officials denouncing the claims. These are accompanied by numbers of people apprehended in Turkey before leaving the country for the west or entering illegally, which proves the efforts and achievements of Turkey.

A recent example would be the aftermath of the acknowledgement of the US State Department's Human trafficking report in July 2003. In all of the major newspapers and televisions in Turkey, the report was analyzed and the acknowledgements by the Minister of Internal Affairs and senior officials were reported (Milliyet, 12.06.2003; Hürriyet 12.06.2003; NTV, 12.06.2003). Interestingly, although the report was on Human Trafficking, the Deputy Director of General Directorate of Security (police) denouncing the report, gave numbers on how many illegal immigrants and ships carrying them were apprehended in last 8 years and gave information on the operations against human smugglers (Hürriyet, 12.06.2003; EGM (General Directorate of Security), 13.06.2003).

Another interesting media coverage came after Tony Blair's statements on a firmer stance against illegal immigration before the Seville summit in 2002 including economic sanctions against transit and source countries. A media story covering the apprehension of a ship full of illegal immigrants headed for Italy and death of 6 illegal

immigrants in the process had the heading of “Tony Warned and We Caught” (Hürriyet, 23.05.2002).

The international pressure on Turkey to increase its ability to tackle illegal immigration stands for the most important discourse through which illegal immigration becomes visible in Turkey. Hence, besides the formal venues through which the EU is integrating Turkey into its immigration regime through problematizing its governmental abilities, the criticisms that it makes stand as one of the factors contributing the formation of a discourse on illegal immigration in Turkey.

Practices of Managing Illegal Immigration in Turkey:

In this section, the formation of concrete practices of regulating illegal immigration will be analyzed. The practices that are being devised through Turkey’s integration into the EU immigration regime are setting the concrete measures to regulate illegal immigration in Turkey. In addition, however, practices are also creating the basis of defining the illegal immigrant and illegal immigration, through mapping spaces like consular posts, coastlines and entry ports. The practices cannot be separated from the discursive representations of illegal immigration, hence the working of governing mobility through configurations of power/knowledge.

The practices of governing human mobility through Turkey will be analyzed at two main levels. The first level is Turkey’s integration of governing immigration at a distance through visa policy and practices of visa issuance as well as the organizational and physical changes in the visa issuing institutions. Second level includes analyzing

managing mobility in the borders of and ports of entry to Turkey. But, before that, the formation of candidacy conditionalities will be analyzed through formal documents.

EU Candidacy and Conditionality:

The pre-accession process is the most important variable in the changes that are taking place in legislation, policy-making, law and practices to govern illegal immigration through Turkey. Turkey has been defined as one of the countries that are in the “third circle” in the Austrian strategy paper, as well as in the majority of the academic works on European immigration policy. Nevertheless, the EU pressure on Turkey for change in the area of migration policy embodied in pre-accession conditionality is very real. The formation of redefined and reinforced governance of human mobility in the context of EU enlargement and integration of the candidate countries to the European illegal immigration regime represents the key institutional structure that Turkey’s governmental abilities are being problematized.

There are three main sets of documents containing official information on Turkey’s harmonization with the EU acquis: first, the Accession Partnership (AP) between the EU and Turkey, second the “Turkish National Plan for the Adoption of the Acquis” (NPAA) (Secretariat General for EU Affairs, 2001; 2003), and third, regular Commission reports on Turkey’s progress towards accession. Through these documents it is possible to follow the EU conditionality and the proposed changes envisaged by the Turkish governments. However, analyzing the AP and the NPAA together and also separately from the Commissions reports is useful.

The AP outlines and specifies deadlines (short-term and medium-term changes) for the expected changes and priorities of the EU according to the EU acquis, which is constituted by multiple forms of binding and non-binding propositions such as the convention articles, Council resolutions, directives, decisions, joint positions, joint actions etc. The NPAA, which is the official national response to the AP, contains the timeline for an exhaustive list of required changes in the respective laws of Turkey along with the corresponding articles of the EU acquis outlined in the AP. Both of these documents deal exclusively with the incorporation of the EU acquis into the Turkish legislation, without giving substantial information on the elements that are required for the implementation of the changed legislation, such as organizational and infra-structural adjustments. Only exception to that is in the NPAA, which contains two sections that lay the “Schedule for Necessary Institutional Changes” and “Financial Requirements and Source of Financing”. These articles give some information on the timeline for the institutional changes in a very generalized language, such as “training of personnel” and “strengthening the technical and administrative capacities of agencies and institutions” (Secretariat General for EU Affairs, 2003: 661).

The criteria that 2003 Turkish AP (Commission, 2003d) lays down, related to the issue of migration, are as follows:

In the short term:

- Continue to strengthen the fight against illegal immigration and negotiate a readmission agreement with the European community,
- Continue the fight against trafficking in persons.

- Improve the capacity of public administration to develop an effective border management in line with the acquis and best practices with a view to prevent illegal migration.

In the medium term:

- Strengthen efforts to develop sustainable training programmes on the acquis and its implementation in the field of JHA also with a view to increasing administrative capacity and improving inter-agency cooperation.
- Adopt the acquis in the field of data protection and exchange of personal data for law enforcement purposes and create the institutional capacity for its implementation including the creation of an independent supervisory authority so as to be able to fully participate in the SIS and Europol.
- Pursue alignment of visa legislation and practice with the acquis,
- Adopt and implement the acquis and best practices on immigration (admission, readmission, expulsion) with a view to preventing illegal immigration,
- Continue alignment with the acquis and best practices concerning border management so as to prepare for full implementation of the Schengen acquis,
- Start with the alignment of the acquis in the field of asylum including lifting the geographical reservation to the 1951 Geneva Convention; strengthen the system for hearing and determining applications for asylum; develop accommodation facilities and social support for asylum seekers and refugees. (Commission, 2003d)

Regarding the issue of “continuation of the Alignment on Border Management and preparation for the implementation of the Schengen Acquis”, the Turkish NPAA lists

five “necessary legislative changes” and four “institutional changes”. The legislative changes include harmonization with the EU acquis on “airport transit arrangements”, “security features of passports and other travel documents”, “gradual abolition of checks at the common borders”, “correct application of Schengen acquis and best practices on frontiers plus removal and readmission” and lastly “freedom of movement with a long duration visa” (Secretariat General for EU Affairs, 2003: 661-662). The NPAA specifies the law that is scheduled to change such as “Law on Foreign Nationals” or “Passport Law”, the ministry responsible for the legislative adjustment as well as “proposed date of the approval of the Minister/Council of Ministers” and “proposed date of adoption of the parliament and entry into force” (ibid.).

The “institutional changes” include four articles on “training of personnel”, “construction of expulsion centers”, “fulfillment of the legislative, administrative, and infra-structural needs for the establishment of a non-military and professional border guard institution” and “strengthening technical and administrative capacities of agencies and institutions” with the respective periods of implementation (ibid.).

The other priority areas indicated in the AP has also corresponding NPAA articles similar to the one explained above. The section on visa harmonization, for instance, includes the proposed changes in the legislation and foreign policy such as “listing of the third countries whose nationals must be in possession of visas”, “types of visas” and “airport transit visa requirements”. It is needless to list all the legislative changes proposed here since the aim of this chapter is to give an idea about the implementation of the changes with real implications on the mobility of the people. There are other

resources available to follow the real practices of management of mobility, albeit limited in quantity and quality.

One of the main documents that specifies these changes is the Commission's annual reports on the progress made by the candidate countries. Based on the above conditions laid out by the Council's AP and corresponding changes proposed by the NPAAAs, the Commissions annual reports evaluate Turkey's progress as well as lack of progress in the harmonization. However, the Commission's reports are also very generalized, superficial and brief in their evaluations and analyses. Given the traditional covert and secretive nature of the practices related to illegal immigration, this is not surprising. The reports that would genuinely be useful are not made public. One example is the "General JHA expert mission to Turkey – 18 - 29 September 2000: Mission report on the situation in the field of Justice and Home Affairs in Turkey". The request that I've made to gain access to the document was rejected with the following rationale lying behind:

[T]he findings from this Mission report are used by the European Commission for the regular assessment of the progress made by the Turkish government in order to align its legislation with the EU legal framework. They are also used for strategic planning of financing current and future projects with Turkey. A disclosure of this internal document at this point – even partially – would gravely obstruct our internal decision-making as to which matters in Justice and Home Affairs should be focused on during the ongoing negotiations (Commission, 2003b).

Another document's release, this time requested from the Council, was rejected because:

The document contains a description of trends in the area of illegal immigration from various third countries and methods used by facilitators to illegally bring asylum seekers into the European Union. Also measures to discourage illegal immigration are mentioned. If this information would become public, facilitators could use this to find other ways to bring asylum seekers into the EU (Council of the EU, 2003c).

Hence the information on the real practices of governing mobility in Turkey that will be explained in the following sections had to be gathered from a large spectrum of resources ranging from media coverage to bureaucratic training seminars and official reports to interviews with high-rank officials that were broadcasted. The practices will be followed in two sections first the visa requirements, then the border management measures.

Visa Requirements:

Often the management of mobility is associated with the matters of controlling the entry and/or exit of the persons to the territorial entity through borders or border areas such as seaports and airports. However, as pointed out by many authors the technology of visa, especially the practice of issuing visas in the embassies and consulates rather than borders and ports, constitutes a much more effective and, perhaps more importantly, a preemptive technology of mobility control. The increasing importance of visas among the other technologies of migration control is reflective of a common trend of impeding the initiation of movement of unwanted persons rather than interrupting it after it has started at the borders or ports of entry. This common trend has been called “remote control” practices, which connotes the shift of control measures away from the border and to the country of origin (Bigo and Anderson, 2003: 19; Crowley, 2003: 34). For the majority of the people in the world, who has to have a visa to travel especially to the richer countries, the journey cannot start without getting a visa from the consulate of the country of destination. On the other hand, “[t]hose who do not require visas may simply board a plane or bus, get into the car and start driving. For them the border does not necessarily arrive until they reach the physical external frontier” (Guild, 2003: 91).

With regards to illegal immigration, the visa has a direct effect on the formation and representation of the category itself, as well as the quantity of the people who have been defined as illegal immigrants. With the diffusion of enforcing visa requirements for selected countries after the 1980s, the number of the people who could move across borders through legal ways has declined and who cross the borders illegally has burgeoned. The means that people could use to reach the destination that they wish to arrive has changed too. Through supplementary practices like carrier sanctions, it was made impossible for people without visas to use legitimate means of transportation like carriers or trains without valid visas. Consequently the incidents of people crossing the borders on foot, hiding at the back of commercial trucks or in ships multiplied. Furthermore, a new sub-category of “illegal immigrant” has emerged, which was to be called the “overstayers”. Overstayers are the people who actually immigrate legally with the required documents yet become “illegals” by staying in the host country longer than the period that has been specified in his/her visa. The enforcement of visa requirements and exclusive authorization of the consulates and embassies for issuing visas have crucial implications for the management of human mobility through representation of and practices on illegal immigration.

The integration of the candidate countries to the visa regime of the EU, is of course itself is a “remote control” tool. Even though candidate states’ borders with the current member states will not be considered as proper “internal borders” even well after they become members and passengers that wish to pass through these borders will be subject to security checks, they are still required to harmonize their visa lists and visa issuance practices with the EU before they can become members.

The projected and partly realized transformation of visa policy and practice in Turkey through its incorporation to the EU immigration regime can be analyzed under three main levels. First is the common visa policy, which is about the categorization of countries into ones whose nationals require visas to enter and ones whose do not. Second is harmonization under a “common visa practice with regard to procedures and conditions for issuing visas” (Seiffarth, 2002:44), which include the administrative and physical/infra-structural changes on visa issuing. Third is the transformation of the physical features and contents of the “visa” itself.

The Commission’s regular report for the year of 2002 indicates that, as part of the visa regime harmonization, Turkey introduced visa requirements to Bahrain, Qatar, UAE, Kuwait, Saudi Arabia and Oman. The list was further expanded in April 2003 to include Indonesia, South Africa, Kenya, Maldives, Seychelles, Grenada, Saint Lucia, Bahamas, Barbados, Belize, Jamaica, Fiji Islands and Mauritius (The Commission of the EU, 2003: 109). With the last adjustments the discrepancy between the Turkish and the EU negative list has dropped to seven countries. These are Bosnia-Herzegovina, Iran, Kazakhstan, Kyrgyzstan, Macedonia, Morocco and Tunisia⁶. Interestingly among these seven countries only Iran is a neighbor of Turkey. For all the other countries neighboring Turkey (except Greece which is a member state), Turkey already applies visa requirements. Normally applicant country’s resistance towards accession conditionality on visa requirements would be expected to be in the form of delaying the application of visa requirements for the neighboring countries. This was the case for most of the CEEs

⁶ I could not find any source that directly lists these seven countries. I had to compare Turkey’s and the EU’s “white lists” to see the discrepancy. One thing to note is Turkey’s list includes the Turkish Republic of Northern Cyprus, which is not recognized by any other country, hence does not take place in the EU’s list.

(Jileva 2002; 2003; Vachudova, 2000). Turkey's exception can be explained in two ways. First Turkey's economic relations are predominantly with European countries, and visitor from its Eastern borders constitute less of an economic priority for Turkey. Second, Turkey has been employing a flexible visa issuance practice for its Eastern neighbors, East European countries and other countries from which there is significant amount of tourists, which allows cheap and easy access to Turkey.

Visa issuing practices constitute another main locus of change in the process of harmonization. The Schengen agreement specifies the "rules for granting visas" in the Common Consular Instructions (Seiffarth, 2002: 46). These instructions are consisted of definition of types of visas; determining the foreign mission or consulate that is responsible for issuing the visas; checking/consultation through the SIS and VISION data networks; examination and decision-making procedure for visa applications; and how to fill the visa stickers.

For Turkey, the prospective changes in the determination of the visa issuing institution are possibly more important than the harmonization with the EU negative list. Turkey offers relatively easy and cheap access for millions of people annually from thirty-four countries including Azerbaijan, Armenia, Georgia, Turkmenistan, Russia and Ukraine, through allowing nationals of these countries to obtain visas at the gate of entrance. The list includes some neighbors of Turkey as well as others with close economic, political and cultural ties. Comparing the number of visas issued in the consular offices with the border stamps issued at the entry gates shows the significance of the practice. "During the year 2001, around 495,000 visas were granted by the diplomatic and consular representations abroad. [...] During [the same year] a total of 3,372,919

visas were granted at the border gates” (Commission (Project Fiche), 2003a: 2). Tourism has been one important factor determining the citizens of the countries that would be granted the border stamp. Hence, “citizens of some EU countries [...] which have started to require visas from Turkish citizens since the 1980s benefit extensively from the practice of issuing visas at the border” (Şen, 2002: 57). This “border stamp” is called “*bandrol*” in Turkish, which is not the regular visa sticker that one would obtain from visas issued by Turkish consulates abroad. According to a MFA official:

This practice basically turns the visa requirement into an exemption. The origin and legal meaning of visas indicate that in fact citizens of countries for which a border visa is issued and those for which there is visa exemption are subject to the same permit procedure. In both cases, the one and same transaction for a permit to enter the country is executed by the security forces at the border crossing (Şen, 2002: 57).

The practice of visa issuance at the gates of entrance provides advantages well beyond the facilitation of easy and cheap access. The border stamp has “encouraged the development of an informal import and export activity known as ‘suitcase trade’” (Kirişçi, 2001a, 21). This mode of trade involved the importation and exportation of relatively small amounts of cheap goods (mainly textile) by people entering Turkey from neighboring countries as well as Russia and Ukraine with tourist visas. In spite of its informal nature, the suitcase trade “amounted to approximately US\$ 4-5 billion a year during the 1990s” (ibid.).

The practice of issuing visas at the borders is providing a very easy and relatively cheap access to people from many countries. Hence although officially the negative visa list seems fairly harmonized to the EU, actually the practices are offering de facto visa exemption to some countries. This way Turkey has been able to sustain high level of mutual cross border movements with its neighbors while preserving the visa

requirements. However this is scheduled to change soon. The NPAA specifically schedules the abolition of the practice of issuing visas at the borders by 2005 (Secretariat General for the EU Affairs, 2003: 665).

In addition to the abolishment of the border stamp issuance practice, one of the main requirements of the EU accession is starting to issue Airport Transit visas for certain countries. Currently Turkey does not have such a visa type. It is scheduled in the NPAA to adopt the airport transit visa system. Salih Şen (2002) contents, “solving this issue will be helpful for the case of individuals who try to enter EU territory by planes taking off from Turkish airports but who are returned to Turkey due to their illegal status”. When this is done, the nationals of the countries that are included in the EU’s list for the countries with airport transit visa requirements will have to acquire Turkish visas in spite of the fact that they will never officially enter the Turkish soil.

The effect of expanding the negative visa list and ending visa issuance at the entry points on limiting the number of people entering Turkey legally would be direct. One of the most probable immediate effects would be an increase in the illegal border crossing attempts. According to Kirişçi (2002: 137), “there are none or very few illegal transit migrants apprehended by the Turkish authorities who are nationals of the countries that benefit from the *bandrol* visa practice”. Moreover, the end of relatively liberal visa policy of Turkey might cause an increase in the people to seek asylum in the European countries. This might be the case for Iranians who constitute the largest number of asylum applications in Turkey, and soon will be subjected to visa requirements (ibid.: 138).

With the required changes in visa practice, Turkey is becoming a part of a European system of documenting and representing the migrant. The transformation not only reinforces the already existing features of controlling entry to Turkey such as considering the visa applicants' economic status – the long existed exclusion of the poor - or relation to any illegal organization like terrorist groups. In addition to it also creates the framework for identifying and governing the individuals posing a threat defined by other countries (i.e. the member states). Through changing visa legislation and visa issuing practices Turkey is conforming to the European categorizations and representations of the third countries.

Turkey's participation in the Visa Inquiry Open-Border Network (VISION) system and SIS establishes its integration into the common definition and creation of the unsafe "other". With the SIS the visa applicants will be made subject to routine checks, which work on a "hit" "no-hit" basis. If there is a "hit" on a person it means that this person is not acceptable by at least one of the member states and cannot be issued a visa. The VISION system establishes a regular exchange of information on "black lists" and *bona fides* between the central units of member states (usually MFA) as well as consultation platform especially for the visa applicants from certain countries, whose entry permission has to receive confirmation from other VISION participants (i.e. EU member states) (Nygard, 2001). The names of these countries are listed as classified in the Common Consular Instructions (CCI).

Currently "Turkish Embassies and Consulates General that are authorized to issue visas in foreign countries can exercise this authority directly without consulting the

central government or without asking for "permission" about the relevant foreigner's visa application" (Şen, 2002: 64).

According to a Commission Report (Commission, 2003a: 8):

Turkey has a national visa register unit functioning under the Directorate General for Security at the Ministry of Interior and a functioning on-line link between this central authority and border gates. On the other hand, the consular services abroad have an on-line link with the Ministry of Foreign Affairs. However, a visa-on-line system between the Ministries of Foreign Affairs and Interior does not exist, which means that the consular services issuing visas abroad do not have direct access to the national visa register and consultation with the Ministry of Interior is carried out via telex.

However, Turkey, following the other candidate countries such as Slovenia and Bulgaria, soon will have to establish the technical and organizational basis to participate in these data base networks. Hence, Turkish consulates and embassies will not only be connected to and bound by Turkish central government but also to the member states central governments as well as visa issuing posts.

The expansion of the negative list as well as the end of visa issuance practices at the entry points reinforces the requirement of establishing and reorganizing Turkey's visa issuance authorities abroad. This brings us to another aspect of visa issuance practices: the administrative and physical changes of visa issuing institutions.

The Schengen Catalogue provides detailed descriptions of the organizational and spatial arrangements as well as technological requirements for the Consular offices that would issue visas. The Turkish NPAA does not specify changes to be undertaken to bring the Consulates in line with the best practices specified in the Catalogue. However, considering that the more countries are being included in the Turkish visa list and visas will only be available through the consulates and embassies, it would not be wrong to

expect some important harmonization effort in this area. Turkish visa issuing institutions will have to be spatially, technologically and organizationally designed according to certain principles laid out in the Catalogue, security constituting the main one.

The Catalogue establishes detailed security provisions including the physical characteristics of the location and the building of the Consulate and the interior arrangements for the visa section. The provisions are highly detailed. The Catalogue specifies the design of the space in the visa section of the Consulate, the only place in the building that applicants can enter, which replicates and restates the securitization of the immigrant. Despite the thorough security checks that applicants would have to go through in the entrance, the Consulate staff would be separated from the visa applicants with bulletproof, safety glass separators to avoid any unnecessary contact. Moreover, the waiting rooms would be designed as easily observable by the Consulate staff, with electronic equipment set in place, which would ensure continuous surveillance of the applicants (Council of the EU – Schengen Catalogue, 2003a).

One of the most emphasized security components of the visa issuing institutions in all the documents relating to Turkey's harmonization of visa issuing practices is the capability of these institutions to process and detect the forged travel documents. Detecting forgery is one element of visa practice that the emphasis and belief on the high-end technological equipment that one can see in all aspects of controlling illegal immigration becomes clearly visible. The Fiche of the Twinning Project for visa policy and visa practice specifies the equipment that is required to detect forgery which includes magnifiers, UV lamps, scanners, printers and software (Commission, 2004: 7). The Fiche

further schedules the training of 300 consular staff and visa officers on detecting forged documents as well as training of trainers in the MFA (ibid.: 7).

The physical attributes of the visa itself become an important locus of reconfigurations of technologies of controlling human mobility. The requirements imposed on candidate countries for the harmonization of the visa sticker establishes a common European way of documenting information on the migrant. Again the main concern is the security, to prevent counterfeiting and assuring recognition of the forged documents. But also, besides the objective of preventing forgery, the respective technologies used on the visa sticker such as machine readable features that contains information on the applicant is an important part of rendering the immigrant knowable. This works through establishing uniform standards for assigning computer generated numbers for the holder of visa and machine readable zones on the sticker containing information that might be used in the future which can make him “*bona fide*” as well as “banned”. To identify the critical points in the European representation and categorization of the immigrant, the rule of thumb is to look at the articles and provisions that are labeled as “classified” or “restraint” within the texts of reference of the EU immigration policy and practice. In the Common Consular Instructions (CCI) that were accepted in Schengen Agreement of 1985 and amended several times, the annex 5 that gives the details on the information that will be inserted in the “machine readable zone” on the visa sticker is classified (Council, 2002c: 53). The nature of information that can be entered on the zone is not made public which probably has important implications for the processes that the visa holder goes through.

The Turkish NPAA schedules the harmonization with the EU on the visa sticker. The Turkish visa sticker would have to be replaced by the standard Schengen sticker with the above mentioned high-end security features specified by the EU and International Civil Aviation Organization (ICAO) (Secretary General for the EU Affairs, 2003).

Border Management:

Border management constitutes the main locus of Turkey's integration into the European geopolitics of mobility control. The representation of Turkey as a bridge that connects Asia and Middle East to Europe, which has been positively praised to signify Turkey's geopolitical importance, in the discourse of mobility control becomes her nightmare to be represented as a highway for unwanted illegal immigrants to access to the EU. Hence, managing her borders have become the first and most important element of managing cross-border mobility through Turkey.

Often it is argued that there is no way to have absolute control cross-border mobility. For some, the border management practices were no more than showcases of "visibility" that governments use to show "to the public that they are 'doing something' about [illegal] immigration" (Guiraudon and Joppke, 2001: 12) without much success in actually controlling it. Bigo argues that "public policies with regard to security and immigration are 'symbolic' [...], which have dissuasive effects but they are not a political programme of controlling the borders" (Bigo, 1998: 158). Even though practices of policing borders, technologies of arranging border as a space, configuring entry points to govern mobility might be an ultimately failing program, this does not make it less

relevant to pursue to understand and explain contemporary technologies governing human mobility. As Miller and Rose (1990: 10-11) put it well,

“governmentality” is an eternally optimistic and government is a congenitally failing operation [...]. ‘Reality’ always escapes the theories that inform programmes and ambitions that underpin them [...]. The will to govern needs to be understood less in terms of its success than in terms of the difficulties of operationalizing it”

Seemingly unsuccessful practices of fighting “illegal immigration” proves itself very successful in creating more areas to intervene, more security problems, more illegal immigrants, more governance of mobility.

The changes that Turkey has been undertaking to harmonize its border management practices and standards with the EU member states as specified by the documents and reports over conditionality can be analyzed under two main headings. First the organizational changes, and then the real practices that seek to govern the movements across the borders. The second one can be further analyzed under two main parts, the land borders and the sea borders.

The main organizational requirement for border management has been the establishment of an independent and civilian border management unit under the Turkish MOI. The organizational changes that so far has been carried out by Turkey, on the other hand has been in the direction of unifying the border management under the Land Forces Command. The Commission’s 2002 regular report states that control of the borderline with Syria and part of the border with Iran was transferred from the Gendarmerie (military police force) to Land Forces Command (military). There is no criticism of this reinforcement of military control on the borderlines on behalf of the EU in the report. Quite contrarily in the overall assessment part on external border is as follows:

“Regarding external borders, recent developments aimed at developing an integrated

border management strategy are an important step forward. This strategy needs to take into account the February 2002 Schengen Catalogue” (Commission of the EU, 2002: 119). Contrary to this assessment, in 2001, at the meeting between Turkish officials and EU on Customs, Tax, Drugs and Money Laundering, the EU side demanded an explanation for the transfer of authority from Gendarmerie to the Land Forces Command, for it was contradicting the Tampere Conclusions that demanded establishment of a professional body responsible for border control, meaning “demilitarization” of border control (Council of the EU, 2002: 34). In the same meeting the answer of the Turkish side was as follows: “it is not possible at this stage for Turkey to carry out border controls emphasized in Article 25 of the Council resolutions of the Tampere European Council [...], military units ensuring security of the borders of the East and Southeast of Turkey which will for the external border of the European Union in the future, shall effect the security of the EU positively too” (Ibid. 35). It seems that this reasoning was accepted by the EU. This might be explained by the blurring of the line between military and police in Europe itself as Bigo (2001) points out: “the boundaries between the forces in charge of the security within the territory and those responsible for defending the territory itself are now becoming more and more uncertain (Bigo, 2001: 138).”

Another important organizational effort has been the creation of the Task Force for “Asylum, Immigration and Border Management” in order to integrate and bring together the agencies responsible for border management, immigration and asylum. The Task Force was established with three working groups (immigration, asylum and border management) under the coordination of Ministry of Internal Affairs (General Directorate for Public Security and Department of Coordination for the EU) with the participation by

the officials from the MFA, Undersecretariat of Customs, General Staff, Gendarmerie General Command and the Coast Guard Command. The main objective of the Task Force working groups was to “develop an overall strategy” in their respective areas with the “expert assistance” provided by the EU and towards the overall objective of implementing the required transformations for harmonization with the EU acquis and practices on border management (Commission, 2003b: 2).

In 2002, the first twinning project on the border management was set, which would be devised, implemented and finished between 2002 and 2004. This first leg of the harmonization projects funded by the EU included adopting an action plan, training 50 key personnel, 250 staff and undertaking 5 training courses for the dissemination of the strategy provided by the twinning project by 2004 (ibid.: 12).

Preceding the signing of the Twinning project, there was a significant effort on training the Turkish officers on border management. According to a Council document sent from the Presidency to CIREFI on “Network of pre-frontier liaison officers”, a “pilot project [had been] initiated in 1999 by Germany, concerning the setting up of an adviser bureau at Istanbul airport” (Council of the EU, 2000: 4). The same document notes that “non-specialized officers” responsible of combating drug trafficking, organized crime and illegal immigration named “joint Nordic corps of liaison officers” are located in Turkey as well as some other countries since 1996 (ibid.). According to the document, in addition to the mentioned liaison officers, there are “Airline liaison officers” from Great Britain and “Immigration Liaison officers” from the Netherlands in Turkey (ibid.: 13). The reaction of Turkish officials and politicians to the international assistance and cooperation is positive. The training and education projects are considered as positive

developments. However, an EU document on the seconds of a meeting between Turkish and EU officials argue, “Turkish side expressed some reluctance to let foreign officials take over Turkish authorities for the control of entry. It could only agree to the secondment of foreign officials to airlines companies” (Council of the EU, 1999: 5).

Turkey’s capability to express preference on not having foreign officers in Turkish institutions, however, has ceased with increased prospects and conditions to enter the EU. With the Twinning projects established between Turkey and the EU, the involvement of the advisers from the EU member states in the harmonization efforts on border management as well as other issues related to immigration has been systematized and institutionalized. One of the key inputs of the Twinning project for border management is the hosting of a Pre-Accession Advisor (PAA) within the Turkish MoI for two years. The PAA will be selected among senior officers from member states with “experience at senior level of developing border management strategy and operational experience of border management” (Commission, 2003b: 2). The PAA will be responsible of assisting the Turkish Task Force and the border-management working group in drafting an action plan and scheduling an implementation schedule. The action plan will involve:

The necessary legislative changes to align with the *acquis*, in the context of a specified timetable; a programme of support for the development of institutions whose roles are set out in the strategy; identifying training needs and developing a training programme for personnel involved in border management; identification and prioritisation of both infrastructure and equipment necessary to implement the strategy; and identification of national co-financing for the above. (Commission, 2003b: 3)

The organizational changes have direct consequences over the form and content of management of peoples’ movements across the borders. On the other hand, there are

changes that are taking place, that are designed to directly affect cross-border mobility of persons. This takes the shape of the effort (and the belief to succeed) to gain absolute control over who passes the borders or entry points, which leads to transforming the borders and ports through physical rearrangements and technological configurations of surveillance and detection.

The ports of entry, especially the border gates and airports and seaports constitute very important locations, where the transformations that are being undertaken to control “illegal immigration” in Turkey. The border gates and the ports are planned to go through meticulous and thorough transformations, which include spatial rearrangements. The border-gate and seaport buildings, according to a MoI bulletin, will be “modernized” in order to organize the entry and exit routes. The persons that wish to leave the country and those who wish to enter the country will be kept in separate waiting rooms (EGM, 2002: 20). The gates and ports will be equipped with document control devices to detect forged passports and other travel documents.

Of course, these initial spatial and infrastructural arrangements for security will be accompanied with the separation of EU citizens and non-EU citizens with the accession of Turkey to the EU. Furthermore, in case of Turkey’s accession, the border-gate controls will be a phenomenon that would exclusively be applied at the Eastern borders since the Western land-border-gates of Turkey will be on EU’s internal borders shared by Bulgaria, Greece and Turkey, hence devoid of border-controls.

With regards to external land-border controls, the Commission’s 2001 progress report states, “a number of actions have been taken to strengthen border management, in particular to prevent and deter illegal border crossings” (Commission of the EU, 2001:

82). These include setting-up new checkpoints, assignment of additional sea patrols, enhancement of harbor security, and construction of watchtowers along the Iranian border (ibid.).

According to Mehmet Terzioğlu, Chief of the Department of Foreigners, Border and Asylum (DFBA) (Terzioğlu, 2002 No: 12) and MoI's information bulletin on the fight against illegal immigration, there are several projects pending to reinforce the borders. The first one, the physical border security system project, involves the reinforcement and restoration of the Syrian, Iraqi, Iranian, Armenian and Georgian borders (the whole Eastern and Southeastern borders of Turkey) that would "minimize the illegal border crossings" (EGM, 2002: 21). The project includes some traditional border enhancement methods such as building roads (176.4 km) for patrolling the borders, enhancing the borders with 443 km of triple steel wiring and installing 242 fixed and 204 mobile projectors (ibid.). In addition to these, however, and maybe more importantly, the Turkish border enhancement strategy follows the European consent on fully exploiting the technological frontiers on securing the territorial frontiers for governing human mobility. Along these lines, the project includes the installment of thermal cameras to the borders and entry points, equipping the security forces with night-vision goggles and night-vision binoculars (ibid.: 21).

The European consent on the use of and the belief in the high-end technology to manage human mobility becomes visible through the projects initiated by member states within accession assistance programs and European illegal immigration regime. A good example would be the project designed by the UK, which involved the establishment of a "New Detection Technology Center" in Dover. The center would show UK's

commitment to “the use of cutting-edge technology to secure borders against clandestine entry” (Council of the EU, 2002b: 2). The project involves, among other ambitious objectives, the installation of the “technology-based solutions” to the “vulnerable areas” and routes, which includes the “Balkan Route” defined as “Turkey - Balkan States - Italy/Austria” (Council of the EU, 2002b: 3). The technologies include carbon-dioxide detectors, heart beat detectors, X/Gamma-Ray scanners.

Although it is not possible to find official information on the applications of these projects in Turkey, several media reports point out that these technologies are actually being installed. A newspaper article, “Technological revolution at our borders”, reports the installation of x-ray scanners and optical vehicle-plate-scanners to the Habur border-gate on Iraqi border (Akşam, 10.08.2003). Moreover, Hürriyet, a Turkish daily, reported that carbon dioxide and body-temperature detectors were installed at several seaports to prevent infiltration of illegal immigrants into commercial ships (Hürriyet, 24.05.2002).

Turkey, as a consequence of being categorized as a transit and a source country, has been required to control not only illegal *entries* to its territories –through its future EU external borders (i.e. eastern and southeastern borders) – but also illegal *exits* from its future internal borders (i.e. western borders and coastline). Especially security of the coastline and maritime is considered as of utter importance, hence subject to proportionally high level of discourse in Europe.

Russel King characterizes the Mediterranean as “Europe’s Rio Grande”, which, he argues, has become Europe’s migration frontier after the 1980s (King, 1998: 125). In the absence of pre-1973’s systematic facilitation of immigration to Western Europe, “Europe’s migration frontier” can be called “Europe’s illegal immigration frontier” to

emphasize the European tendency of representing human movements across Mediterranean as “irregular”, “unwanted” or “clandestine”. Turkey’s continuous and multi-dimensional visibility within the discourses on illegal immigration through the Mediterranean was indicated in the previous chapter. As a result of this, the objective to reinforce Turkey’s capacity to control exit from its coastline becomes a priority within her integration to the EU illegal immigration regime. Therefore, practices to control trans-Mediterranean “illegal” human mobility in Turkey should be understood and analyzed as an indispensable part of international governance of human mobility.

The second project outlined in the MoI bulletin involves the problematization of the “security” of Turkey’s coastline, which constitutes a key geographical unit within the larger geopolitical image of Mediterranean as Europe’s illegal immigration frontier. The project envisages the modernization of Turkish Coast Guard Command by installing “sea-vehicle and crew scanning systems” (e.g. thermal cameras) on Coast Guard boats. The “modernization” of the Coast Guard to bring the institution to the “EU standards” is complemented by the plans to purchase “Airborne Control Units” (helicopters). The bulletin however, does not talk about a potentially more ambitious and larger project to ensure “maritime security” in Turkey. Through these projects new spaces are being mapped, which need more surveillance, more security personnel to control, and which will reproduce the very legitimating object for these interventions: more illegal immigrants.

“Project Deniz”⁷, which is a sea-borders project that is being carried out under the UK’s leadership and supported by the EU, constitutes the most serious joint initiative to prevent illegal immigration through and from Turkish seas. A Council document on pilot

⁷ Deniz means “sea” in Turkish.

projects in fighting illegal immigration defines Deniz as involving “secondment of experts from member states to Turkey, with a view to developing cooperation skills so that preventive actions will be taken against trafficking of illegal immigrants by sea” (Council of the EU, 2003b: 3). In the same document the project has been further specified as an “intelligence-led project” that aim to “detect the movement by sea of the clandestine migrants” and arresting “one or more principle organizers behind illegal maritime immigration” (ibid.: 17). Although Deniz was defined as an information and intelligence-based project, there are several reasons to believe that it was more than that. *Milliyet*, a Turkish daily, reports that two heartbeat detectors were granted to Turkey by the UK under the Project Deniz, which were to be installed in Turkish seaports to tackle illegal immigration (*Milliyet*, 12.06.2003). UK’s plans to provide high-end detection technology to the main routes of illegal immigration shows continuation with the project of “Center of Excellence at Dover” and “Project Deniz”. Thus, it is possible to argue that Deniz could be the first of series of future similar projects specifically tailored for Turkey.

Although Project Deniz has been defined as a project to fight organized crime and criminals, the following statements found in the Council document clearly reveal that what was really aimed is more than arresting organizers. The document states that the Commission was approached to provide financial support to the project Deniz in order to “meet the cost of detention and repatriation” of the detected illegal immigrants (ibid.). The document further lays the European rule of thumb of fighting illegal immigration: “The benefits of detecting illegal migrants will only be fully achieved if EU money can be found to deal effectively with their post-detection.” (ibid.). The government programs

are hence creating new venues of representing, intervening and constituting human subjects. The detected illegal immigrants will be defined as deportees and new spaces will be arranged to keep them in such as detention centers.

Through Turkey's incorporation into programs like Project Deniz, through border reinforcement programs and personnel training schemes, the borders, coastlines and ports of Turkey is being defined in a new way. Through construction of concrete technologies of surveillance and detection as well as establishment of a well equipped and internationally connected bureaucratic security apparatus, such as an independent body of coast guards, new spaces are being mapped, spaces are securitized. Governing mobility does not only work through defining the illegal immigrant through discursive practices such as, securitizing her/him through socio-economic and criminal representations. "Government is also a matter of intervention" (Miller and Rose, 1990: 7). Through the installation of technologies of surveillance, the recruitment, training and employment of security personnel the spaces are being intervened, spaces are being rearranged and made visible. The coasts, the border areas, ports are being turned into spaces of gaze in which continuously human beings are breaching the norms of global mobility, and in turn being represented, categorized as problems, and feeding the system of redefining security, borders and human mobility in a vicious cycle.

Through these concrete practices of regulating mobility a well working machinery is being established which is redefining 'illegal'. Once invisible border crossers are now being turned into subjects that are waiting to be redefined as criminals, terrorists, prostitutes, welfare abusers and above all "illegals". Hence, practices of regulating illegal

immigration in Turkey are actually *constructing* “illegal immigration” and the “illegal immigrant”.

Conclusion:

This chapter constitutes the key chapter in understanding the mechanisms of governing human mobility through illegal immigration. The essential objective of this thesis has been to suggest a different perspective through which the construction of modern human subject could be thought about. The international system of states and citizenship as a marker of identification renders the global human population governable partly through technologies of governing human mobility. In the previous chapter the geopolitical discursive and non-discursive practices of rendering governmental abilities of governments amenable to action was discussed. In this chapter the configurations of power/knowledge that comes into contact with individuals were examined. Both representing the illegal immigrant and illegal immigration on Turkey, and the concrete practices of fighting against illegal immigration embody the modern power that governs renders individuals visible as illegal immigrants and makes them subject to action. By analyzing the national apparatuses of regulating illegal immigration in Turkey, the flow thought in this thesis has been completed. Starting from a global perspective, it was shown that the management of human populations requires particular forms of mapping the global space and representing the sovereign territorial units in terms of their governmental abilities to participate in this global structure. By means of examining the national mechanisms of regulating illegal immigration the interaction between geopolitics of and national micro apparatuses of regulating human mobility was illustrated.

Conclusion

In this work, illegal immigration has been analyzed as a fluid and contested “truth”, as a crucial embodiment of international governance of human mobility, which constitutes a key technology of what Hindess calls “international management of human population”. By building the theoretical and methodological framework of this thesis within the intersection of geopolitics and governmentality, the aim was to illustrate the international conditions of “turning human beings into subjects”. Through the case study of the emerging European geopolitical imagination of human mobility and its interactions with the regulation of illegal immigration in Turkey, a particular mechanism of rendering human population governable by dividing them into sub-populations and assigning them to territorial units was the objective. In the conclusion, first, the contribution of this work to the analyses of immigration will be briefly discussed through the main findings and some concluding points will be made. Following that the problematization of illegal immigration will be situated within a historical trajectory. Lastly, some future research areas will be specified.

Findings:

Migration literature often examines migration control as a national policy issue and focuses on national institutions (Brochmann and Hammar, 1999) such as the judiciary (Joppke, 1998) and the interest groups (Freeman, 1994). The constructivist accounts of securitization of illegal immigrant (Huysman, 1995; den Boer, 1995; Bigo, 2000; Ceylan and Tsoulaka, 2000), in spite of their power and productivity, reproduce the predominantly national or regional focus on the issue of human mobility. However, the

examination of the emergence of a discourse of illegal immigration and the formation of concrete practices of fighting illegal immigration in Turkey reveals that isolating the national policies of immigration control in analyzing the role of nation-state in controlling human mobility draws an incomplete picture. Understood as a component of geopolitical regime of governing global human population, problematization of certain forms of human mobility by definition becomes a global issue that requires a wider perspective.

Within the global context, the problematization of illegal immigrant stands for the larger “will to govern” human mobility to sustain their division and organization within particular territorial entities. From this perspective, the representation of Turkey as a “source” and a “transit” country and forms of actions on the governmental abilities of Turkey in regulating illegal immigration does not stand as a regional political dynamic in which a country that is striving to become a member of a regional organization is trying to meet the candidacy requirements. Nor the impositions of the EU conditionality uncomplicatedly can be seen as a decline of candidate states’ “sovereignty”. Instead, securitization of Turkey and other “third countries” and parallel mechanisms of governmentalization of governing human mobility represents a continuum of global geopolitical regime of population management established by international system of states and modern citizenship. Consequently if sovereignty is defined from a global perspective as the preservation of the system of divided humanity into citizens of exclusive and clearly delineated territorial units, then it is possible to argue that contemporary problematization of illegal immigration and apparatuses to manage it connotes a continuity and even reinforcement of “sovereignty”.

There is a large literature on the effects of European enlargement on the immigration policy of the candidate states. The literature predominantly focuses on the processes of formal immigration policy transfer and their effects on Central and East European Countries and to a lot lesser degree on countries like Turkey and Morocco that are located outside the “second circle” that is the immediate periphery of the EU (Collinson, 1996; Grabbe, 1999; 2000; Koslowski 1998; Jileva, 2002; Pastore, 2002; Kirisci, 2002). Neither the discourses on categorizing and representing the third countries nor the related formation of forms of representing illegal immigration in the “third countries” have been adequately analyzed in this literature. In this work, the effects of the emerging European illegal immigration regime have been analyzed from a rather different perspective.

First of all, the discourses that reflect the European geopolitical imagination of human mobility, such as mapping of the global space through labeling territorial states as “transit” and “source” countries were analyzed as an important part of rendering human mobility governable. As a result of situating illegal immigration within the context of global governance of human populations, the discourses of representing governments themselves has been a key point in this work. Understanding the global “regimes of representation” (Rojas, 1999) and governmentalization of governing human mobility was shown to be a crucial technology of governing human mobility.

Second, the analysis of national mechanisms of governing human mobility through problematization of illegal immigration was undertaken in a different methodology. Generally in the immigration literature illegal immigration is considered as an objective fact, albeit with different names such as “undocumented migration” or

“clandestine migration”. Following the governmentality approach and the constructivist literature on immigration (Huysman, 1995; Bigo, 2000; Ceylan and Tsoulaka, 2000) one of the primary emphases of this work has been to examine the discourse on illegal immigration in its relation to establishment of governmental programs to fight against it. Hence one of the main areas of focus in this study has been the ways in which illegal immigration has been represented as a problem in Turkey, such as the discursive practices that links illegal immigration to terrorism, unemployment and crime.

However, there is one important difference between the governmentality approach and the analyses done by the constructivist literature on immigration. While the constructivist accounts of illegal immigration often exclusively focus on the discursive practices in rendering illegal immigration thinkable, following the governmentality literature, one of the primary areas of concentration in this work has been the intersection of the discursive and non-discursive of governing mobility through illegal immigration. As Miller and Rose (1990: 7-8) suggest, ‘[g]overnment, of course, is not only a matter of representation. It is also a matter of intervention. [...] *[T]echnologies of government*’ seek to translate thought into domain of reality, and to establish ‘in the world of persons and things’ spaces and devices for acting upon those entities of which they dream and scheme” (original emphasis).

Examining the central legislative processes of immigration control policy and transfer of these policies to other countries does not reveal a lot in terms of understanding the mechanisms of governing mobility. Immigration literature often focuses on central power structures such as legislative developments in migration control such as visa legislation, asylum law and immigration law. Diverging from both the constructivist and

mainstream illegal immigration literature, in this work “micro-practices” of governing human mobility was highlighted. Hence rather than focusing on visa legislation and asylum and immigration law, the focus of this work has been the mundane technologies of mobility control and the way they come into contact with persons such as detection technologies installed in ports, machine readable features of visa stickers and information sharing networks, arrangement of spaces like consulates which play a crucial role in rendering human beings illegal and governing their mobility. The “micro-practices” of governing human mobility and the discourses on human mobility mutually inform each other, which constitutes the power and knowledge nexus through which certain types of movements rendered illegal and acted on.

Governing Illegal Immigration within a Historical Perspective:

The international system of states and citizenship as a “marker of identification” defines cross border human mobility as an exceptional activity. As Torpey (2000: 9) argues, the consolidation of international system of nation states has resulted in the “states’ monopolization of legitimate means of movement”. The international system of states embodies a “will to govern” human mobility. From a historical perspective, this will to govern had taken different forms.

Walters (2002a), following Foucault’s trajectory of governmentality, shows the gradual governmentalization of deportation. While until the end of 18th century regulation of mobility has been a tool for reinforcing and preserving sovereignty, with the 19th century it enmeshes in the bio-political governmental projects of achieving well-being of the population (ibid.: 277-278).

Within this framework, the population exchange of early 1923 that had taken place between Turkey and Greece can be identified as an embodiment of managing human mobility for the purposes of creating a homogeneous nation-state with loyal citizens; one with the objective of sustaining sovereignty. On the other hand, the labor recruitment programs that Turkish workers have been subjected to, can be thought as the outcome of a bio-political governmental project of facilitating human mobility for the utilization of foreign work force to strengthen national Keynesian economic structure. How can we situate the contemporary problematization of illegal immigration?

The answer to this question requires an overview of the structural forms of governing illegal immigration. Certainly illegal immigration represents itself as a problem between the prosperous Western liberal democracies on the one hand and poorer developing countries on the other. A common comment that we can see in the media coverage made in Economist article with the sub-title “Whom to let in the richer countries and why?” is very explanatory:

A workable policy [dealing with migration] should be more selective not restrictive. Countries could, for instance, freely admit the citizens of any country with broadly the same income per head as theirs, letting them to work or stay as long as they liked. It makes no sense for America to limit the working opportunities of young Australians, or for EU countries to keep out Canadians (the Economist, October 31st 2002).

In this sense governing human mobility through regulating illegal immigration “helps to keep poor in their place and, by promoting discrimination against the foreigner, it appears to offer some benefits even to the poorest of citizens who remain at home” (Hindess, 2001: 1494). Walters (2002a) perceives similarities between the poor law logic of the 17th century, where poor people were obliged to live in certain “parishes” and forbidden to live in another one, and the modern understanding of excluding the poor: “it [...]

reproduce[s] the poor law logic, but increasingly in a context where the salient distinction is not local versus foreigner but national versus foreigner” (Walters 2002a: 270). In this sense, the exclusion of illegal immigrant coming from the poor countries share some characteristics with the national bio-political governmental thinking started in the 19th century. Moreover, by apprehending the illegal immigrant before s/he starts the act of migration, the state seems to be protecting the life of the “illegal” which would be in danger at the hands of evil human smugglers that put the “illegals” through hazardous journeys. In this sense the problematization of illegal immigration represents modern bio-politics that has the well-being of the subject as its primary concern. On the other hand, the discrimination of the illegal immigrant, the practices that s/he is subjected to such as mass deportations suggests that problematization of illegal immigrant is more of a “policing of the alien”, informing an older lineage of governance.

However, when following the main path that this study has followed and looking at the issue from a international perspective, illegal immigration seems to serve for a rather fluid and flexible definition of the unwanted. Not everybody from poor countries is excluded from the West. On the contrary, the technologies that are reinforced to prevent illegal immigration, such as visa practices, enable governments to “filter” (Walters, 2004), the unwanted, but at the same time preserve the constant mobility of wanted, such as skilled professionals, bright students or artists. The integration of third countries into this system is forming a global network of defining, representing and filtering processes that seek to govern mobility, rather than only to exclude.

On the other hand, filtering the unwanted is also being handled in an intentionally ambiguous way. As Overbeek (1995: 29) shows, while visually the governments seem to

be committed to stop illegal immigration, the flow of illegal/clandestine workers is being allowed. In this case it might be argued that keeping the clandestine workers as “clandestine” serves the interest of the host countries best. Hence, the regulation of illegal migration stands as a flexible governmental tool, which is being used to filter the unwanted (how it may be defined) but also to keep the global flows of goods services and people unhindered, regardless of where they come from.

Although the mentalities of governing human mobility are changing and being redefined, this study shows that the will to govern mobility within the system of territorially defined sovereign entities constitutes a continuity. The contemporary mechanisms of governing human mobility still work as a technology of citizenship defined as a marker of identification. Even considering the example of EU, which has been too readily praised as the vivid embodiment of post-national citizenship as “breaking the link between the status attached to citizenship and national territory” (Soysal, 1994: 147), there is a continuity in terms of essential definition of citizenship and problematization of human mobility. Certainly EU symbolizes fundamental changes in international relations as a regional organization members of which has transferred many powers that are traditionally associated with sovereign state. The facilitation of free movement within the EU is one of those changes. However, when looked at the issue from a larger perspective, the EU essentially does not differ from a territorially defined sovereign political unit, at least in terms of the link between citizenship, territoriality and governance of mobility. Through the Amsterdam agreement and incorporation of Schengen to the EU acquis, EU defines itself as a political unit (albeit preserving nation states’ sovereignty to a great extend) with clearly delineated borders, with increasingly

strengthened and reinforced mechanisms of mobility control at its external borders, which increasingly participates in the international geopolitics of governing human mobility as an actor and with an exclusive citizenship (albeit conditioned to member state citizenship).

Hence, from the perspective of citizenship as a marker of identification and mobility control as a technology of citizenship, EU embodies more of a reshuffling in the same international system of territorial sovereign political units and techniques of population management that it envisages.

EU and Turkey:

The integration of Turkey into the EU illegal immigration regime serves the formation of an imagination of illegal immigration and practices of governing illegal immigration. Juxtaposing this crucial influence of the EU enlargement over Turkish imagination of immigration with the general principles that EU imposes on Turkey such as pluralism, respect to minority rights and human rights brings forward important questions. EU candidacy plays a crucial role in self-perception of Turkish citizenship as a multi-cultural and pluralist institution against which the minority cultures do not necessarily pose a threat. However the simultaneous reinforcement of immigration controls, cutting the traditional forms of cross-border interaction with its neighbors and creation of a negative public discourse on illegal immigration serves the transformation of Turkish citizenship in the other direction, towards a more skeptical and reserved stance against the immigrant. The effect of Turkey's integration into the European illegal

immigration regime and geopolitics of human mobility over the transformations of Turkish citizenship emerges as a promising and exciting future research area.

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