Politics under an Aura of Threat:
Explaining the EU's Ongoing Restrictive Visa Regime towards Turkey

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Paper Prepared for Presentation at the International Studies Association's (ISA) Annual Convention in San Francisco, US, 3-5 April 2013

Abstract

Between 2009 and 2010, five Western Balkan EU candidate countries were granted Schengen visa exemptions for the short travel of their citizens to the Schengen area in return for signing readmission agreements with the EU. Turkey, in contrast, was only offered a vague promise for the initiation of a visa liberalisation 'dialogue', although having signed the readmission agreement as well. Taking this development as a genuine research puzzle the present article asks: why has the EU withheld from Turkey a genuine visa liberalisation prospect? What are the (domestic) dynamics that have driven this differential outcome?

This paper argues that the EU's ongoing restrictive visa regime towards Turkey stems from the issue's securitisation in key member states such Germany. Security-framing practices have thereby occurred in both the political (elite discourse) and bureaucratic arena (visa-issuing process) as being part of the same security *dispositif*. This article's findings bear two important implications – one political, the other theoretical. For one, European visa authorities seem to follow their own visa-issuing policies despite regulations that are in force on the EU level (Visa Codex). On the other hand, the purported theoretical divide between the Copenhagen and Paris School's approaches to securitisation seems empirically rather disadvantageous. Treating these two strands of theory as distinct may in fact lead authors to miss out on important security framing practices.

Key Words: Turkey-EU relations, Schengen Visa Policy, Securitisation Theory, EU Visa Liberalization

Words: 8771

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Introduction

'The time when Turkish people feel least
European is when they wait in line for a visa'
(Egemen Bagis)

Five Western Balkan countries (Serbia, Montenegro and Macedonia in 2009 followed by Bosnia-Herzegovina and Albania in 2010) have recently achieved abolishing short-term travel Schengen visa requirements in return for signing readmission agreements with the European Union. Other states in the EU neighbourhood, such as Georgia Russia or the Ukraine, have been offered visa-facilitation arrangements. Negotiations with Turkey, in contrast, have only been slowly progressing ever since the beginning of the talks in 2008. On 21 June 2012, four years later, the European Council finally moved to authorise the European Commission to sign a readmission agreement with Turkey. Celebrated by some Turkish elites as a victory, the deal bears a crucial shortcoming from the Turkish perspective: there is no guarantee of lifting visas, for the text merely states that the EU will 'take steps towards visa liberalisation as a gradual and long term perspective' (European Council, 2012). In other words, visa-free travel for Turkey is unlikely to be a safe bet. The successful conclusion of the process will be contingent upon Turkey meeting all requirements and the European Council's final approval (in other words: member state consent).

The puzzle lies in the EU's markedly different treatment of Turkey on the visa issue compared to its dealings with other membership candidates in the Balkans. Strong opposition to Turkey by some European member states (such as Germany and Austria) has not only delayed the signing of the readmission agreement but is also likely to pose further complications in future negotiation rounds (see Avcı & Çarkoğlu, 2011). This puzzle, in turn, points at two interrelated questions: why has the EU not been able to grant Turkey a genuine visa-liberalisation prospect? What are the (domestic) dynamics that have driven this outcome?

Common sociological and rational institutionalist approaches cannot satisfactorily account for the *problematique* at hand. From a sociological perspective, the cognitive aspects of actors' beliefs, ideas and values have been said to shape the preferences and

decision-making behavior of agents. If the normative basis of European actors' behaviour is to promote human rights, an idea which innately entails the ideal freedom of movement also, then the 'appropriate' move vis-à-vis Turkey should have been to lift visa restrictions (March & Olson, 1989). This decision has for instance been made with respect to Western Balkan candidate countries. From a rational-choice perspective, in contrast, one would ask about the costs and benefits involved in visa-liberalisation. Granting Turkey a visa-waiver would certainly work towards furthering economic relations between Turkey and the EU. To be sure, Turkey constitutes a well established trade partner for many European states. In 2010, for instance, half of Turkey's exports went to the EU (European Commission, 2012). On the side of potential costs of a Turkish visa-waiver, some European policy makers have argued that unrestricted travel for Turkish citizens may increase illegal migration. The question that then needs to be asked is whether such a threat scenario resides in the realm of possibility. In view of Turkey's stable and persistent economic growth throughout the last decade, some scholars have presented considerable evidence against the migratory threat argument. For example, Turkey's net migration rate has become negative in recent years (Düvell, 2011), survey findings indicate that only a relatively small portion (0.3%) of the country's population maintains actual migratory intentions (Icduygu & Karacay, 2012) and the share of asylum applications from Turkey to the EU-27 have only made up 2.3% of the total of applications in the first quarter of 2012. Taken together, these points largely militate against the purported migratory threat argument (Knaus & Stiglmayer 2012). Ongoing opposition to Schengen visa liberalisation for Turkey is thus best understood in terms of the social construction of a threat (Bigo 2002). Here, securitisation theory offers a well suited analytical lens to make sense of the *puzzle* at hand (Waever, 1995; Buzan Waever & De Wilde, 1998; Bigo, 2002, 2006; Balzacq, 2005, 2010; Stritzel, 2007)

This article, on the basis of an analysis grounded in a securitization theoretical lens, argues that the EU's ongoing restrictive visa regime towards Turkey stems from its securitisation in key European countries such as Germany (Kücükkosum, 2012). Securitisation practices thereby occur in both the bureaucratic (visa-issuing practices in consulates and embassies) as well as in the political arena (discursive threat construction).

The findings of this paper, above all, bear one crucial theoretical implication: the

purported theoretical divide between the Copenhagen and Paris School's approaches to securitisation seems empirically rather disadvantageous. The evidence amassed in this paper suggests that a treatment of these two strands of theory as distinct approaches may lead authors to miss out on diverse security framing practices in that they can occur as part of the same security *dispositif* (see Balzacq, 2010).

The rest of this article is organised as follows: first, a theoretically informed assessment is undertaken as to assess European opposition to a Turkish visa-waiver. Next, the paper's theoretical framework with securitisation theory is mapped out in detail. Subsequently, an empirical analysis of securitisation practices in the bureaucratic realm (visa-issuing practices of Schengen states vis-á-vis Turkish nationals) and in the political arena (elite level discourse in member states) is undertaken. The article concludes with a discussion of the main findings, policy and theory implications and suggestions for future research.

Making Sense of European Opposition to Schengen Visa Liberalisation for Turkey

Scholars employing a sociological institutionalists lens have put forward that the 'collective norms and understandings [which] constitute the social identities [and interactions] of [European] actors' (Risse, 2000, p. 5) are democracy, human rights, and relatedly, the promotion of the idea of freedom of movement (cf. Diez, 2005, p. 630; Manners, 2002).[2] These normative principles are also written into the Copenhagen Criteria and reiterated in the Treaty on the European Union (TEU). The latter states that 'the Union is founded on the values of freedom, democracy, equality, the rule of law and respect for human rights and dignity' (Macmillan, 2010, p. 452). If these norms constitute the basis of the European 'way of doing things', however, the 'appropriate' move (March & Olsen, 1984) in this context would be to lift visa restrictions for Turkey. Yet, this scenario has obviously not materialised and is particularly striking in view of Turkey's longstanding association history with the EU/EC as well as its longstanding devotion to the project westernisation since the late Ottoman times (Camyar & Tagma, 2010). A sociological perspective thus cannot

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

satisfactorily account for the puzzle at hand.

From a rationalist perspective, on the other hand, one would expect states to be in favour of dropping visa-restrictions for Turkey if potential benefits outweighed the costs of visa liberalisation (Taylor et al., 1996). In economic terms, there is no doubt that Turkey constitutes an important trade partner for the EU. In 2010, for instance, 46 per cent of Turkey's exports went to the EU and 39 per cent of imports came from the latter (European Commission, 2012). Turkey is a particularly important trade partner of Germany and France and the existing Customs Union between the EU and Turkey embodies the institutionalised face of close economic ties (Ülgen & Zahariadis, 2004; Lejour & Mooij, 2005, p. 91). Against this background, visa exemption for Turkish nationals would not only be conducive to furthering trade relationships but also equal to the natural extension of a well-established economic partnership between the EU and Turkey.

On the side of the costs, some scholars have put forward that a visa-waiver might spark massive Turkish immigration waves to Europe. Although not a concern shared by all member states, reluctance to drop visa restrictions for Turkey has been said to emanate from such migratory threat perceptions (Knaus & Stiglmayer 2012). Scholars who have attempted to assess the objective reality of a migratory threat have generally argued that an unstable Turkish economy is likely to pose a migratory impetus - that is, a push factor - for Turks to migrate to Europe (see Erzan & Kirisci, 2004; Teitelbaum & Martin, 2003). It should be noted, though, that these assessments are (i) largely grounded in historical experiences of Turkish guest-worker immigration to Europe, and (ii) were voiced at a time when the Turkish economy's future trajectory was fairly uncertain, the financial crisis of 2001 still vibrant before people's eyes, and the GDP per capita with an average of $3.553 (2002) quite low in comparison to an EU average of $19.282 in 2002 (World Bank, 2012).

Table 1. Turkish Economic Development 2002-2010

	2002	2004	2006	2008	2010	2002-2010
GDP (in billion US$)	232	392	530	730	731	+215%
GDP growth (in %)	6.16	9.36	6.89	0.66	9.16	-
GDP per capita (US$)	3.553	5.832	7.687	10.297	10.049	+182%

Source: Worldbank

Since the 2001 economic crisis, Turkey has managed to strengthen its economy and progressively raise the individual income level to $10.094 per capita in 2010 (see Table 1), with a rising tendency.[3] Turkey's economic growth rates for the years 2010 and 2011, likewise, were as high as 9.2% and 8.5%, respectively. This surge effectively placed Turkey on the upper ranks of countries with the highest economic growth rates.

Latest survey findings on individual-level migratory intentions do not lend support to a migratory threat potential either. A Turkey-wide survey conducted in 2006 to assess concrete emigration intentions reports that 'only 0.3 % of the population of Turkey has a specific intention to migrate' (cf. Icduygu & Karacay, 2012, pp. 31-32). Frank Düvell, a UK based expert, on the basis of an empirical assessment draws the following conclusion: 'Net migration between Turkey and the EU is already negative … [and] there are no current signs of a migration pressure from Turkey' (Düvell, 2011).[4]

Finally, if one were to take Turkish asylum application figures as an indicator of immigration potential no imminent threat can be observed either. For instance, in the first quarter of 2012 the five main states of asylum applicants to the EU27 were Afghanistan (6015), Russia (4730), Pakistan (3850) Serbia (3390) and Iraq (2700).[5] For the same time period, Table 2 depicts the highest numbers of Turkish asylum applications. These were reported in France and Germany with 670 and 455,

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

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

[5] http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database, acc. 5 February 2013

respectively, followed by Belgium (90) and Austria (85). The total share of Turkish asylum applications to the EU 27 for the given period was thereby as low as 2.3 per cent. By and large, from 2004 to 2007, Turkish asylum applications to EU member states such as the Netherlands, Germany, France or Austria decreased by 57% on average.

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

	1998	2000	2002	2004	2006	2007	2012[1]	04-07
Belgium	-	-	970	450	315	260	-	-42%
Spain	10	20	55	25	15	25	-	-
France	1,620	-	-	4,740	2,760	2,225	670	-53%
Netherlands*	1,220	2,245	-	340	340	105	-	-69%
Austria*	210	590	3,560	1,115	670	660	85	-40%
Germany*	11,755	8,970	9,575	4,150	1,950	1,435	455	-65%
Finland	100	75	-	140	40	75	-	-46%

Own calculations based on EUROSTAT data; Notes: *EU member states opposing Schengen Visa liberalisation for Turkey; [1]for 2012 first quarter figures only; empty cells stand for unavailable data

In sum, evidence on the ground does not lend convincing enough support to the migratory threat argument upheld by a group of influential elites in the EU. How else then to make sense of ongoing Schengen visa restrictions for Turkey? In this respect, a European Commission official offers a crucial hint:

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

If, as the EU Commission official argues, opposition to Turkish visa-liberalisation is primarily politically motivated, then we could expect economic and other material factors to play a secondary role at most. Granted that this is a correct assessment, securitisation theory offers a better-suited analytical lens to understanding the issue at hand.

Securitisation: Discourse and Practice

The initial formulation of securitisation theory goes back to the so-called Copenhagen School (CS) and scholars such as Barry Buzan, Ole Waever and Japp de Wilde. Breaking with hitherto orthodox conceptualisations of the concept of security, the CS suggested understanding security and related threat perceptions in terms of a process that is socially constructed. Drawing heavily upon linguistic theory, Buzan, Waever and de Wilde put forward what has come to be known as securitisation theory. *Securitisation* thereby describes the process of an elitist speech-act wherein something (object, subject) is casted as a threat to society and/or state (Waever, 1995, p. 54). Securitisation is considered successful if the respective audience accepts the presented threat as such. If that is the case, elites find themselves entitled to pull an issue out of the realm of normal politics (the democratic, open and transparent way of doing things) into the domain of 'high politics' where extraordinary measures become legitimised (Buzan Waever & De Wilde, 1998, p. 21).[6]

Since its initial formulation, the Copenhagen school's speech-act approach to securitisation has experienced various attempts to reformulation. The so-called Paris School (PS) has presented the most prominent alternative account. The PS has criticised the CS' exclusive focus on elitist speeches as dismissive of other potential agents, such as security professionals, bureaucrats, as well as other potential modes of securitisation, e.g. administrative or bureaucratic security-framing practices. As Didier Bigo, one of the main proponents of the Paris school approach, puts it: 'to focus only on the role of political discourse in the securitisation process is to underestimate the role of the bureaucratic professionalisation of the management of unease' (2002, p. 74). Following this advice, PS scholars have generally attended the study of securitisation by focusing 'on the creation of networks of professionals of (in)security, the systems of meaning they generate and the productive power of their practices' (C.A.S.E, 2006, p. 457). Notwithstanding the PS' over attention to the analysis of bureaucratic security-framing activities, authors such as Bigo and Guild

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

have remembered to stress that a richer understanding of securitisation processes will require an analysis of 'the structure of political and bureaucratic interplay' (Bigo, 2002, p. 84; see also Bigo & Guild, 2005, p. 259) in the unfolding of security framing activities. Broadening the perspective as suggested by Bigo and Guild is the only right step if we are to understand complex securitisation phenomena in a satisfactory manner. The present article, for the empirical reasons stated above, thus opts for putting a scholarly eye on the politico-bureaucratic interplay when analysing securitisation processes.

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

Research combining both the Copenhagen and Paris school lenses to securitisation has thus far remained scarce (for an exception see: Salter 2011). If the goal is to spur further theoretical development, however, it is necessary to engage the empirical playing field with multiple theoretical lenses. In this sense, the present study is keen on taking stock of recent refinements in securitisation theory (Balzacq, 2010, p. 3). This article's endeavour to take seriously theoretical developments in the last years translates into a research strategy where political-discursive as well as bureaucratic-practical security framing activities will be put under scrutiny. As Buzan states: 'securitization is not just a speech act, but a much more elaborate phenomenon linking together sets of discourses of unease, bureaucratic and technical practices' (Barry

Buzan in the preface of Huysmans 2006). The subsequent empirical analysis correspondingly examines two distinct yet interrelated aspects of the securitisation of the Turkish visa issue in the EU: bureaucratic and political securitisation. The principal method of inquiry is process trace (George, Benett 2005, 205ff.).[7]

Multiple Arenas, Diverse Techniques: The Securitisation of the Turkish Schengen Visa Issue in the EU

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

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

Bureaucratic Securitisation

Because the institution of visa has become a virtual 'first line of defense against […] invaders' (Bigo & Guild 2005, p. 235; Bigo 2006), the visa issuing process has suffered a great deal from discretionary practices (Bigo 2006). In an attempt to counter-act these tendencies the EU has put into force a set of regulations among which are the Common Consular Instructions, the Schengen Border Handbook, and more recently, the Visa Code. While these regulations were enforced to level the

[7] Note that following Stefano Guzzini (2011) securitisation is herein understood as a form of causal mechanism.

bureaucratic 'playing field', scholars have argued that they have not succeeded in bringing about a genuine harmonisation of visa-issuing practices among Schengen countries. Boratyński et al. in their study of Eastern European countries find for instance that the regulations mainly touch upon procedural and technical issues of the visa lodging process' scope and the nature of required documents (Boratyński et al., 2006).

Insights from fieldwork carried out by the Turkey-based Economic Development Foundation [*Iktisadi Kalkinma Vakfi, IKV*] lend further support to the argument that visa-issuing practices across Schengen states are far from harmonised (IKV, 2010).[8] The IKV, who has interviewed Turkish citizens about their Schengen visa application experiences, reports that a majority of the study participants have raised complaints against in-transparent and unfair visa-issuing practices of Schengen authorities. Most of the individuals were thereby reportedly complaining against German and Belgian visa authorities' practices. Among the most frequently raised problems were that consular officials often demanded extra documents and/or disproportionally high amounts of money on applicants' bank accounts (as a guarantee of their return intentions). Further, 63 per cent of the survey participants reported instances where their visa appeal had been rejected without/or only with unsatisfactory disclosure of refusal grounds.[9] The latter problem has been reported for other contexts as well (see Boratyński et al., 2006).

Latest reports from the field suggest that certain Schengen consulates (among which are Germany, the Netherlands and Italy) have begun entrusting intermediary agencies with the processing of the formal aspects of the visa application procedure (Deutsches Konsulat Istanbul, 2012). As a result, individuals no longer engage in face-to-face contact with consular officials because the actual visa application process has been outsourced to private agencies. One consequence of this new regulation is that applicants are now confronted with additional application fees (intermediaries charge about 20€ extra). The increased fee, however, constitutes only a minor aspect of the

[8] Here it is referred to the *Iktisadi Kalkınma Vakfı's* (Economic Development Foundation) two-month Visa-Hotline study conducted from November 2009 to January 2010 (see IKV 2010).

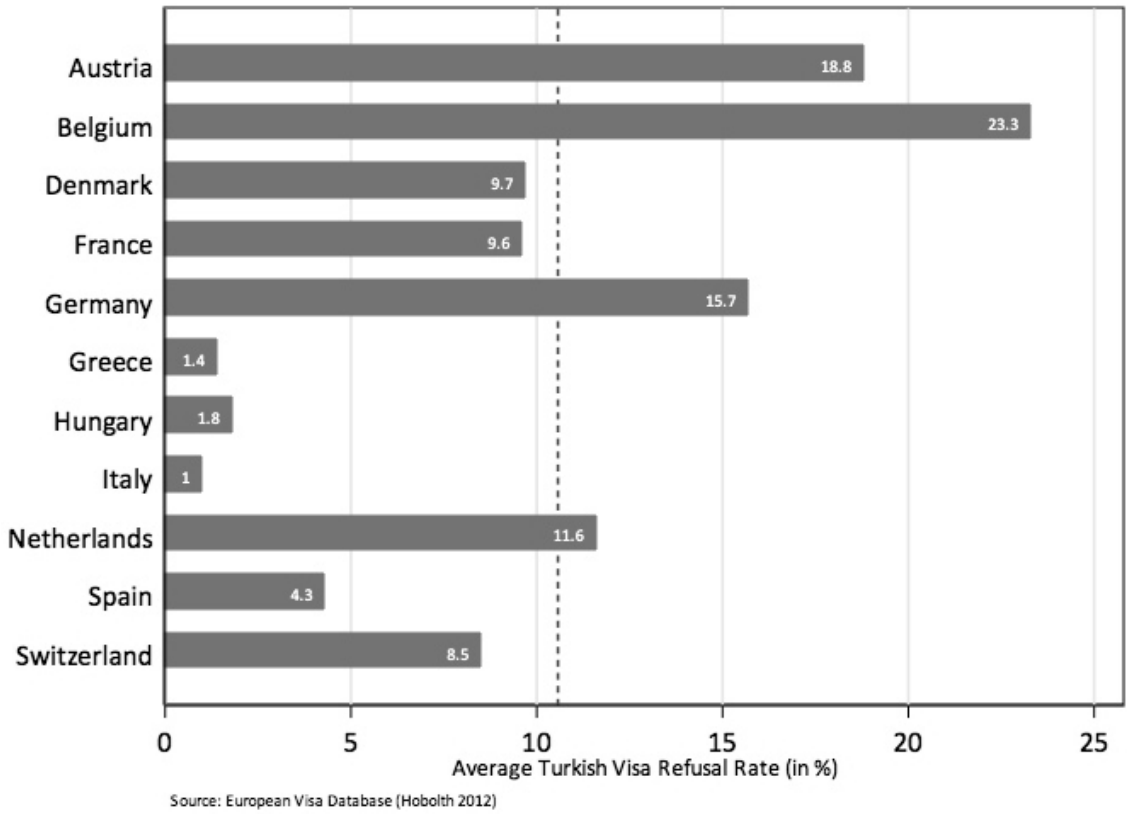
[9] As of April 5, 2012 with the implementation of the so-called 'Visa Code' national authorities are obliged to notify applicants about the grounds of refusal by means of a 'standard form' in either the applicant's native language or one of the EU's working languages - e.g. English, France (see http://ec.europa.eu/home-affairs/policies/borders/docs/c_2010_1620_en.pdf). It remains to see, however, whether and to which extent consular officials will factually abide by this new rule.

alterations. More important is whether outsourcing will effectively lead to a change in visa-issuing toward more discretionary practices due to the abolishment of direct contact between consular officials and visa applicants. First-hand reports from the field are indicative of highly dubious practices. For instance, individuals who are in principle eligible for a visa-exemption as service providers going to Denmark or Germany (ECJ Soysal Ruling 2009) still face immense hurdles in traveling. Although officially exempt from visa-restrictions, service providers apply for a certificate confirming their visa-free status, in effect, nullifying any potential gain their status may hold. What is more, field observations suggest that intermediary agents more than often misguide individuals to apply for standard Schengen visas, even in cases where entitlement for visa-free travel as service providers would be a given (e.g. business persons, academics). In a similar manner, it has been observed that fees were charged where none were applicable (e.g. students, family members etc.).[10]

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

[10] Whether these practices occur systematically or merely sporadically remains an open question and subject to further interrogation.

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



That being said, how have EU member state authorities reacted upon legal cases rendered on the topic of visa-free travel for Turkish nationals by the European Court of Justice (ECJ) as well as national courts?[11] The ECJ, in particular, has ruled in four different instances (Abatay C-317/01; Sahin C-369/01; Tum and Dar C-16/05; Soysal C-228/06), with an additional case (Demirkan C-221/11) still being processed at the time of writing, that visa-restrictions for Turkish service providers run counter the terms of freedom of movement agreed upon between the EC and Turkey in the Ankara Agreement (1963) and an additional protocol signed in 1970. Because these agreements stipulate the gradual abolishment of barriers to freedom of movement between the EC/EU and Turkey legalists have argued that visa restrictions enforced by contracting parties after 1970 are illegal.

The ECJ's most prominent ruling in this regard is the so-called *Soysal case* (C-

[11] Since EU law is supreme to national law, the formula applies that member states are obliged to comply with ECJ rulings (Alter, 1998, 134).

228/06) from 2009. Therein the court invoked the *standstill clause* according to which the re-imposition of travel restrictions after the coming into force of the additional protocol was impermissible.[12] The point of reference thereby is Article 41. It stipulates that 'contracting parties are to refrain from introducing between themselves any new restrictions on the freedom of establishment and the freedom to provide services'.[13] On this basis ECJ judges ruled that Turkish nationals who wish to undertake short-term travels to the Schengen area must not be subjected to visa-restrictions if they travel in the capacity of service providers (for a detailed account Groenendijk & Guild 2011, p. 18).

The key contention with the Soysal ruling, however, lies in the fact that experts arrived at somewhat diverging interpretations as regard the term 'service providers'. For a majority of legal scholars and lawyers the phrase entails both the provision (e.g. business) and reception (e.g. touristic) of services, that is to say, active and passive service provision.[14] These experts based their opinion on pertinent secondary community law which conceptualizes both active and passive sorts of service provision under the same umbrella.[15]

In view of the ambiguities around the notion of service provision, several national courts (mostly in Germany and the Netherlands), called upon by individual claimants, have in subsequent decisions ruled that service provision for Turkish nationals encompasses both active and passive activities.[16] Subsequently, the European Commission, in an attempt to bring clarity, issued a statement that was to provide a legal basis for future action (Commission Recommendation C(2009) 7376). The Commission concluded that visa-free travel for Turkish nationals is (i) only applicable to Turkish service providers traveling to Germany and Denmark, and (ii) solely under the proviso that Turkish nationals go as 'active' service providers (thus excluding

[12] The entry into force of the additional protocol (1970) thereby constituting the reference point.
[13] cf. http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-tr/dv/0928_05_/0928_05_en.pdf; accessed 21 February 2013
[14] See for instance http://www.migrationsrecht.net/european-immigration-migration-law/1334-effects-of-the-soysal-decision-by-the-ecj-on-the-visa-process-for-turkish-citizens-in-germany.html, accessed 12 February 2013
[15] http://www.migrationsrecht.net/european-immigration-migration-law/soysal-decision-european-court-justice.html, accessed 12 February 2013
[16] German and Dutch courts have on various occasions and independent from one another ruled in the affirmative. For an overview see http://www.westphal-stoppa.de/Tuerken-Einreise.htm, accessed on 20 February 2013; see also http://www.europeanunionplatform.org/2012/03/15/top-dutch-administrative-court-rules-in-favor-of-visa-free-entrance-for-turkish-businesspeople/, accessed 1 March 2013

passive service provision such as tourism and alike).[17] These conclusions are striking against the background that a plethora of respected legal scholars have argued that the Soysal ruling should be interpreted to encompass both active and passive service provision, and to affect a number of Schengen states including Germany, Belgium, France, Greece, Italy, Luxemburg, Netherlands, Spain and Portugal.[18] The argument is that the states listed above had no short-stay visa-restrictions in place for Turkish nationals in 1970 (at the time of the coming into force of the additional protocol between the EC and Turkey) which, according to the standstill clause, does not entitle them to reinstate visa restrictions for Turkish citizens afterwards.

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

In sum, then, the empirical evidence amassed above is quite indicative of past and ongoing securitisations of the Turkish visa issue in the bureaucratic realm. Important to note thereby is the occurrence of securitisation moves via diverse channels and techniques (visa-issuing process, national and supranational regulatory attempts). This leads us to the next question, namely of how security-framing practices have unfolded in the political domain.

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

[18] see http://www.westphal-stoppa.de/Tuerken-Einreise.htm, accessed on 20 February 2013

Political Securitisation

European elites have quite differently conceived of Schengen visa liberalisation for Turkey. By no means all and by far no majority of member states have actually resisted waiving Turkish travellers the Schengen visa requirement (see Figure 2). According to Paul, 'Germany, Austria, Cyprus and the Netherlands in particular have been opposed to giving Turkey a visa-free regime' (2012, 29).

Figure 2. EU Member State Preferences on Turkish Schengen Visa Liberalisation

Oppose	Support
Germany, Austria, Netherlands, Cyprus	Italy, Sweden, Finland, Poland, Spain

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

In Germany, the Turkish visa issue has for the first time been made subject to political debate by the leftist party (*DIE LINKE*) in 2009.[19] Following the ECJ's Soysal ruling, the party lodged a parliamentary interpellation *(kleine Anfrage*) to bring light to the implications of the ECJ court case for Germany. The conservative CDU-FDP coalition government's response to the inquiry was highly limited in scope and content. Their position drew upon the distinction between active and passive service provision (advanced by a small group of legalists as described above) in order to argue that the implications of the Soysal case ruling solely entitled Turkish lorry drivers to visa-free travel to Schengen states (the ECJ court case was indeed filed on these two lorry drivers' requests). A year later, the Green Party, dissatisfied with the government's dealing with the issue, handed in a petition urging the latter comply with the ECJ's ruling, and to push for a visa-liberalisation for Turkey on the EU level. The governing coalition ultimately voted down the request in Parliament. CDU spokesman Reinhard Grindel justified the government's decision on the grounds that a

[19] Bundestag Drucksache 16/12562, accessible on http://dip21.bundestag.de/dip21/btd/16/125/1612562.pdf

Turkish visa-waiver would cause massive illegal immigrations to Germany, and, as a corollary, aggravate domestic integration problems. His statement in parliament read as follows:

> We put the integration of foreigners living here on the centre stage [...] this pertains particularly to those […] who have been living here for many years but have so far made little use of our integration offers. [...] Visa exemption for Turkish nationals can lead to a dramatic increase in uncontrolled immigration to Germany. In consequence, this means: Visa-free travel for Turkish nationals aggravates integration problems. We reject it (Deutscher Bundestag, 2010).[20]

More recently, Minister of Interior Hans-Peter Friedrich reiterated his government's position by stating that general visa-liberalisation for Turkey is unfeasible because he, as the responsible minister, has to keep 'security risks in mind'. To be sure, the security risk Friedrich alludes is the purported threat of illegal immigration stemming from Turkey.[21] This premise leads Friedrich to argue that visa facilitation measures for Turkish business people via application bureaus would constitute the only feasible option at the time.[22] Overall, the speech-acts of both Grindel and Friedrich's embody language that is vague and based on beliefs that seem assumed to be common (see Salter & Piche, 2011, p. 936). The belief that foreigners are not adequately integrated, particularly those of Turkish origin, is widespread in Germany (Schaefer, Austin & Parker, 2005, p. 1). Conservative political figures often particularly appeal to this 'integration deficit' argument when making claims for stricter immigration policies, or, visa restrictions for that matter.

Austria, in contrast, has not had any comparable parliamentary debate on the Turkish Schengen visa issue.[23] In 2012, following a bid by Christoph Leitl the president of the Austrian Chamber of Commerce to lift visa-restrictions for Russian and Turkish travellers as a means to boost economic relations, Minister of Interior Johanna Mikl-Leitner from the conservative Austrian People's Party (ÖVP) responded with a

[20] translated by author
[21] http://www.saarbruecker-zeitung.de/aufmacher/berliner_buero/art182516,4523479#.UVFkG1spYyA
[22] yet, a similar facilitation practice is already in place, as described further above (note 18), and quite far from working in the spirit of a genuine visa facilitation measure.
[23] An interesting phenomenon is that Austrian deputies have recently handed in a parliamentary interpellation asking about the reasons why Turkey has visa-restrictions in place for Austrian citizens but not, for instance, for German or Swiss nationals (see http://www.parlament.gv.at/PAKT/VHG/XXIV/J/J_10133/fname_238562.pdf, accessed 10 March 2013).

resolute 'that's out of question'.[24] Generally speaking, Johanna Mikl-Leitner has been very much on the same page as her German counterpart Hans-Peter Friedrich on matters related to Turkey's Schengen visa liberalisation. Both have on various occasion uttered that they oppose a visa waiver for Turkey on the grounds that it would cause massive illegal immigration.[25] More recently, also, Mikl-Leitner joined a group of European elites in a petition to the European Commission urging the examination of the possibility of a suspension clause for visa-exemptions already given to some Balkan countries (particularly Serbia, Macedonia, Rumania).[26] It is thereby important to note that both Austria's Mikl-Leitner and Germany's Friedrich barely made an effort to differentiate between the immigration of third country nationals via Turkey through the Turkish-Greek border (transit migrants) and actual Turkish citizens who choose to migrate to EU territory. This is an important distinction to make as the number of transit migrants is exponentially higher.[27] Yet, the abolishment of short-term travel Schengen visas for Turkish citizens is recurrently lumped together with the issue of transit migration. This confusion all the more fortifies the purported migratory threat posed by Turkish nationals.[28] Overall, the securitisation process in Austria has been largely driven by the Ministry of Interior without much involvement of other actors such as Parliament.

In the Netherlands the debate has, quite similar to Germany, ensued following the ECJ's Soysal ruling on Turkish visa requirements – to which a reaction in Austria, for instance, has remained totally absent. In response to a national court case in Harleem which had ruled that Turkish service providers could travel visa-free to the Netherlands (as a number of other German courts), the Minister of Immigration and Asylum Geerd Leers announced that he would appeal the ruling: 'EU court ruling does not affect the Netherlands. The ruling in Haarlem goes against our principles.[29]

[24] Tiroler Tageszeitung, 04.10.2012 (see: http://www.tt.com/%C3%9Cberblick/Wirtschaft/Wirtschaft%C3%96sterreich/5508746-42/leitl-f%C3%BCr-visa-freiheit-von-russen-und-t%C3%BCrken.csp, access 15 March 2013).

[25] That assessment has been dealt with at length in section two and refuted. http://kurier.at/politik/tuerkei-will-visafreiheit-fuer-mehr-grenzschutz/770.435, accessed 20 March 2013

[26] http://www.krone.at/Oesterreich/Asyl_Mikl-Leitner_fuer_Aufhebung_der_Visafreiheit-Balkan_im_Visier-Story-338743, accessed 20 March 2013

[27] http://www.nytimes.com/2012/07/15/world/europe/illegal-immigrants-slip-into-europe-by-way-of-greek-border.html?_r=0, accessed 10 March 2013

[28] http://derstandard.at/1331206756124/Druck-auf-Griechenland-Oesterreich-schmiedet-Allianz-gegen-illegale-Migration, accessed 27 March 2013

[29] http://www.nrc.nl/nieuws/2011/02/17/geen-visumplicht-voor-turken-die-naar-nederland-reizen/,

Reportedly, an 'emergency debate' took place in a committee immediately after the announcement of the ECJ ruling in March 2009.[30] Maxime Verhagen, then Minister of Foreign Affairs, is portrayed as follows in a newspaper at that time: 'There will be a tsunami of Turks and that is the fault of Verhagen'.[31] Overall, the debate in the Netherlands has very much resembled the Austrian setting where much of the issue has been handled on the ministerial level.

In sum, the political discourse on the Turkish visa liberalisation in the three countries analyzed above - Germany, Austria and Netherlands - has taken place under the shadow of a purported migratory threat. By equating visa-free short-term travel with a 'security risk' (Austria, Netherlands, Germany) and by establishing a causal link between Turkish immigration and domestic integration problems (Germany), European politicians have effectively superimposed an aura of threat on the topic of Turkish Schengen visa liberalisation in the EU. This socially constructed threat, in turn, has enabled European policy makers keep in force visa restrictions – here, the 'extraordinary measure' (Buzan Waever & De Wilde, 1998, p. 21) - deployed in order to curb the ostensible migratory threat posed by Turkish nationals.

Concluding Remarks

This article has drawn upon the case of the EU's visa regime towards Turkey in illustrating the multiple arenas and diverse techniques through which securitisation can occur in the real world. Substantially, it has been argued that the ongoing restrictiveness of the EU's Schengen visa regime vis-à-vis Turkey stems from its securitisation in three member states (Germany, Austria and the Netherlands). Security framing activities have thereby been located in both the bureaucratic (visa issuing process in consulates; national and supranational regulatory units) and political arena (elite level discourse). Epistemologically, the article thereby conceptualized securitization as a form of causal mechanism which opens up room for process-tracing analysis that is in line with the theory's poststructural and reflexive epistemological foundations (Guzzini 2011, 331).

accessed 27 February 2013

[30] http://www.publiekrechtenpolitiek.nl/visumplicht-voor-turkse-zelfstandigen-en-artikel-94-grondwet/, accessed 15 February 2013

[31] http://www.welingelichtekringen.nl/politiek/29436/er-komt-een-tsunami-van-turken-en-dat-is-de-schuld-van-verhagen.html, accessed 20 February 2013

The article's findings bear important political and theoretical implications. First, European visa authorities seem to follow their own visa-issuing policies despite regulations put into force on the EU level (e.g. Common Consular Instructions, the Schengen Border Handbook, and the Visa Code). The fact that similar observations have also been made in other contexts (Boratyński et al., 2006) indicates that the EU's visa harmonisation efforts have not been genuinely successful. As a consular official puts it: 'Schengen is a bunch of countries which share a common visa sticker, but which follow their own national visa policies' (Woon, 2007, p. 29). The problem with hitherto devised EU visa regulations can be said to lie in their overemphasis on formal and technical aspects of the visa issuing process. A genuine visa harmonisation, however, would require EU policy makers to stipulate precise decision-making instructions for national authorities. The analysis of Schengen states' visa issuing practices towards Turkish nationals has made abundantly clear that national officials enjoy a good deal of leeway in the Schengen visa-issuing process. Future research should closely follow developments on this front.

On a more general level, the EU's differential treatment of Turkey on the visa issue as compared to the Western Balkan candidate countries can be said to be disadvantageous as it only further weakens the EU's credibility towards Turkey. In the absence of a genuine membership prospect, it is contended here, the EU needs to make better use of policy-based intermediate rewards (e.g. Trauner, 2009) if it wishes to see rule adoption in the target country continuing.

Finally, on the theoretical level, the purported theoretical divide between the Copenhagen and Paris School's approaches to securitisation seems, on obvious empirical grounds, rather unjustified. This article's analysis suggests that a treatment of these two strands of theory as distinct lenses may lead authors to miss out on different security framing practices (e.g. bureaucratic-technical and political-discursive) in their capacity to occur as part of the same security *dispositif*.

Appendix

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

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

Adapted from European Visa Database (Hobolth 2012)

Note: *Schengen States opposing Visa-Liberalization for Turkey on EU level

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