

Border policies and migrant deaths at the Turkish-Greek border

Orçun Ulusoy, Martin Baldwin-Edwards, and Tamara Last

Abstract

This paper investigates the impact of developments in Turkish migration management policy and changes in management of the Greek-Turkish border on border deaths prior to the 2015 mass inflow of refugees. As the locus of multiple and sustained Frontex operations, as well as several autonomous major changes in relevant policies and practices over the 2000–2014 period, the Greek-Turkish border can serve as a post hoc laboratory for analyzing the implications of EU-influenced migration and border management for deaths on the border. We conclude that a chaotic mix of national politics, policy development and law enforcement practices, flexible smuggling networks, and Frontex operations contributed to the mass inflows of 2015–2016 and ensured mass casualties.

Keywords: *Irregular migration; borders; deaths; migration policy; Turkey; Greece*

Introduction

On March 18, 2016, the European Council and the Turkish authorities released the EU-Turkey Statement, which indicated their willingness to increase cooperation so as to stop irregular migration to Europe.¹ In order “to offer migrants an alternative to putting their lives at risk and break the business model of the smugglers,” member states of the European Union (EU) and Turkey agreed to several action points that became known as the “EU-Turkey deal.” These included the provision that all irregular migrants and rejected asylum seekers arriving in the Greek islands after the cut-off date

Orçun Ulusoy, Faculty of Law, Vrije Universiteit Amsterdam, The Netherlands; o.ulusoy@madde14.org.
Martin Baldwin-Edwards, Middlesex University, London, UK; International Centre for Migration Policy Development (ICMPD), Vienna, Austria; martin@mimo.gr.

Tamara Last, Faculty of Law, Vrije Universiteit Amsterdam, The Netherlands; tam.k.last@gmail.com.

1 European Council, “EU-Turkey Statement, 18 March 2016.” <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement>.

of March 20, 2016 would be returned to Turkey; that for every Syrian returned from Greece another would be resettled directly from Turkey to the EU (with a complex proviso that initially 18,000 would be resettled, followed by potentially another 54,000); and that Turkey would take measures to prevent all irregular migration from Turkey to the EU. The various meetings that led to the Statement were the response to an ongoing humanitarian crisis taking place in the Aegean region since the spring of 2015: in 2015 alone, more than 860,000 irregular migrants arrived on the Greek islands from Turkey, a sharp increase from the 72,000 of 2014.² Over the same period, more than 800 migrants lost their lives in the Aegean Sea,³ with 2015 proving to be the deadliest year on record for migrants and refugees crossing the Mediterranean Sea.

The Statement was widely criticized by scholars for representing more of the same disastrous policy making that had created the crisis in the first place.⁴ However, it was hailed as a game changer by politicians and policy makers.⁵ This divergence in reactions reflects a fundamental difference in the understanding of the relationship between policy and deaths that Tamara Last has identified in her research.⁶ As Last emphasizes, “the differences between the understandings of academics and policy-makers relate primarily to control over [. . .] the relationship between policies and irregular

2 International Organization for Migration (IOM), “Compilation of Available Data and Information 2015.” <http://doe.iom.int/docs/Flows%20Compilation%202015%20Overview.pdf>.

3 International Organization for Migration (IOM), “IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015.” <https://www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015>.

4 Steve Peers and Emanuela Roman, “The EU, Turkey and the Refugee Crisis: What Could Possibly Go Wrong?” *EU Law Analysis*, February 5, 2016. <http://eulawanalysis.blogspot.nl/2016/02/the-eu-turkey-and-refugee-crisis-what.html>; Maarten den Heijer and Thomas Spijkerboer, “Is the EU-Turkey Refugee and Migration Deal a Treaty?” *EU Law Analysis*, April 7, 2016. <http://eulawanalysis.blogspot.nl/2016/04/is-eu-turkey-refugee-and-migration-deal.html>; Orçun Ulusoy, “Turkey as a Safe Third Country?” March 29, 2016. <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/03/turkey-safe-third>; Orçun Ulusoy and Hemme Battjes, “Situation of Readmitted Migrants and Refugees from Greece to Turkey under the EU-Turkey Statement,” *VU Amsterdam Migration Law Series*, No. 15, 2017. https://rechten.vu.nl/en/Images/UlusoyBattjes_Migration_Law_Series_No_15_tcm248-861076.pdf; Sergio Carrera, Leonhard den Hertog, and Marco Stefan, “It Wasn’t Me! The Luxembourg Court Orders on the EU-Turkey Refugee Deal,” *CEPS Policy Insights*, No. 2017-15, April 2017. http://aei.pitt.edu/86613/1/EU-Turkey_Deal.pdf; Mauro Gatti, “The EU-Turkey Statement: A Treaty That Violates Democracy,” *European Journal of International Law* blog, April 18–19, 2016. <http://orbilu.uni.lu/handle/10993/29754>.

5 European Commission, “EU-Turkey Statement: One Year On.” https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf; Hortense Goulard, “Angela Merkel: EU’s Turkey Deal a Model for North African Countries,” *Politico*, August 23, 2016. <https://www.politico.eu/article/angela-merkel-wants-refugee-migration-deals-with-northern-african-countries-migrants-migration-turkey/>.

6 Tamara Last, “Deaths along Southern EU Borders,” (PhD dissertation, Vrije Universiteit Amsterdam, 2018).

migration/smuggling.”⁷ While academics argue that irregular migrants die at the borders owing to restrictive policies forcing them into irregular travel, policy makers understand that deaths occur because people try to enter without authorization.⁸ Additionally, while academics claim that more border controls increase the risks of irregular travel, policy makers argue that more deaths occur because smugglers act ruthlessly. This is a pattern that long predates the EU-Turkey Statement and relates to academic and policy makers’ reactions to EU border deaths in general, not only to those along the Greek-Turkish border. In a similar vein, Baldwin-Edwards, Blitz, and Crawley note the massive gap between the highly politicized context of policy making and the positivist, empiricist worldview of research-led, evidence-based policy making.⁹

While contemporary discussions on the deaths of migrants in the Aegean Sea are generally focused on the EU-Turkey Statement—notably, its positive and negative effects on migrants, routes, political fallouts, and possible future policy directions¹⁰—little attention has been paid to the pre-Statement period.¹¹ Furthermore, the relevant policies are mainly discussed among scholars from a European viewpoint and with a Europeanization and securitization perspective.¹² Thus, our starting point is the conviction that not only EU but also Turkish migration policies and border practices in Greece must be examined over a longer period in order to understand the development of the situation

7 Tamara Last, “What is the Relationship between EU Border Deaths and Policy? Conflicting Hypotheses from Academics and Policy-makers.” Unpublished paper.

8 Ibid.

9 Martin Baldwin-Edwards, Brad K. Blitz, and Heaven Crawley, “The Politics of Evidence-based Policy in Europe’s ‘Migration Crisis’,” *Journal of Ethnic and Migration Studies*, Special Issue (2018). doi: [10.1080/1369183X.2018.1468307](https://doi.org/10.1080/1369183X.2018.1468307).

10 Arne Niemann and Natascha Zaun, “EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives,” *Journal of Common Market Studies* 56, no. 1 (2018): 3–22. doi: [10.1111/jcms.12650](https://doi.org/10.1111/jcms.12650).

11 With respect to the Greek-Turkish border, notable exceptions are Martin Baldwin-Edwards, “Migration between Greece and Turkey: From the ‘Exchange of Populations’ to the Non-recognition of Borders,” *SEER – South-East Europe Review for Labour and Social Affairs* 9, no. 3 (2006): 115–122; Vassilis Tsianos and Serhat Karakayali, “Transnational Migration and the Emergence of the European Border Regime,” *European Journal of Social Theory* 13, no. 3 (2010): 373–387; Polly Pallister-Wilkins, “The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros,” *International Political Sociology* 9, no. 1 (2015): 53–69.

12 Kristen Biehl, “Migration ‘Securitization’ and Its Everyday Implications: An Examination of Turkish Asylum Policy and Practice,” *CARIM – IV Summer School on Euro-Mediterranean Migration and Development 2008, Best Participant Essays Series 2009/01* (2009). <http://cadmus.eui.eu/handle/1814/11761>; Burcu Tođral, “Securitization of Migration in Europe: Critical Reflections on Turkish Migration Practices,” *Alternatives: Turkish Journal of International Relations* 11, no. 2 (2012): 65–77; N. Ela Gökcalp Aras, “A Multi-Level and Multi-Sited Analysis of the European Union’s Immigration and Asylum Policy Concerning Irregular Transit Migration and Its Implications for Turkey: Edirne and İzmir as Two Major Gateway Cities” (PhD dissertation, Middle East Technical University, 2013).

and the effect of these policies on deaths along the Greek-Turkish border, including during the so-called “crisis” of 2015–2017.

While the 2015–2017 “crisis” was a tragic period that cost many lives, we argue that it was not an isolated or “one-of-a-kind” event, but rather another peak point in an ongoing humanitarian crisis in the Aegean region. As will be discussed in the subsequent section, migrants and asylum seekers increasingly became stuck in Turkey without legal channels for resettlement to a third country or integration within Turkey. These changes created a sizable desperate population living in legal and social limbo in Turkey. Previously, this migrant population could be absorbed by Turkey’s informal economy while it was still booming. However, when the economy stalled and Syrian refugees arrived en masse after 2011, a part of the migrant population in Turkey lost much of their means of survival, which added an extra layer of pressure to their already precarious¹³ living and working conditions. This phenomenon has also been observed in the cases of Greece¹⁴ and Spain,¹⁵ following the imposition of harsh austerity economics as part of the eurozone crisis—that is, the contraction of the informal sector, the resulting unemployment of (irregular) immigrant workers, and ultimately the exodus of a large proportion of the migrant population.

At the same time, border management practices on the Turkish-Greek border became more restrictive relative to the prior two decades. The arrival of Frontex on the Turkish-Greek border in 2006 deeply affected the routes and border crossings between Turkey and Greece. Contrary to the official arguments of EU policy makers and officials, the stricter border controls employed by Frontex operations did not “stop” or reduce irregular crossings from Turkey to Greece: as will be discussed below, the routes simply shifted with the initiation of Frontex operations, first to the sea borders in 2008 (the North Aegean region), then back to the land border (the Evros River) in 2010 with massively increased inflows, and finally (after extensive operations on the land border) back to the sea border in 2013 and thereafter. Despite the “modernization” of Greek border practices—in particular, the removal of land mines by the end of 2009—the rate of border deaths during this period actually increased. This is attributed to the greater difficulty in crossing the border, as well as to dangerous new practices used by smugglers and migrants in order to circumvent the

13 Gülay Toksöz, “Irregular Migration and Migrants’ Informal Employment: A Discussion Theme in International Migration Governance,” *Globalizations* 15, no. 6 (2018): 779–794. doi: [10.1080/14747731.2018.1474040](https://doi.org/10.1080/14747731.2018.1474040).

14 Martin Baldwin-Edwards, Riki van Boeschoten, and Hans Vermeulen, “Introduction,” in *Migration in the Southern Balkans: From Ottoman Territory to Globalized Nation States*, ed. Hans Vermeulen, Martin Baldwin-Edwards, and Riki van Boeschoten (Cham: Springer International, 2015), 21–22.

15 Martin Baldwin-Edwards, “Regularisations and Employment in Spain: REGANE Assessment Report,” ICMPPD, MPRA Paper, 2014. http://mpra.ub.uni-muenchen.de/59812/1/MPRA_paper_59812.pdf.

altered border management. Frontex interventions and assistance to Greece increased the risk of death for irregular border crossings, while taking no account of the vulnerability of refugees and other migrants as well as failing to engage with the anticipated mass inflow of Syrian refugees that eventually occurred in 2015.¹⁶

The overarching question investigated in this article is this: “What implications have migration and border management policies had for deaths along the EU-Greece-Turkey border?” We first explore the development of Turkish migration management policy leading up to the crisis—taking into account the influence of possible Turkish accession to the EU on migration governance and the moderating effects of the Turkish labor market—in an attempt to explain how a particular group of people were exposed to the fatal risks of crossing the Greek-Turkish border. Secondly, we examine border management practices along the physical border—including the Greek government’s anti-smuggling apparatus and the multiple Frontex operations—in order to highlight the factors that have contributed to heightening the fatal risks associated with crossing this border irregularly. Finally, we draw these two pieces of the picture together in a discussion of the “border deaths” recorded in Greece by the Deaths at the Borders Database.

Methodology

This paper presents empirical material from a variety of distinct research projects. For the benefit of the paper, the sources and research methods are briefly introduced here, while a more detailed methodology is available elsewhere.¹⁷

The section on the development of Turkish migration management policy is based on a comprehensive review of the relevant policies from 2000 through the EU-Turkey Statement of 2016, with the starting date chosen on the grounds that prior to the year 2000 there was little, if any, development in this field. Migration management first became a popular concept in the

16 The general belief held by the mass media and academics that the 2015 inflows were totally unexpected is contradicted by evidence concerning the views of EU government agencies, as communicated privately to Martin Baldwin-Edwards prior to 2015.

17 Tamara Last et al., “Deaths at the Borders Database: Evidence of Deceased Migrants’ Bodies Found along the Southern External Borders of the European Union,” *Journal of Ethnic and Migration Studies* 43, no. 5 (2017): 693–712. doi: [10.1080/1369183X.2016.1276825](https://doi.org/10.1080/1369183X.2016.1276825); Max Schaub, “Humanitarian Problems Relating to Migration in the Turkish-Greek Border Region: The Crucial Role of Civil Society Organisations,” Research Resources Paper for COMPAS, University of Oxford (March 2013). https://www.compas.ox.ac.uk/wp-content/uploads/RR-2013-Fringe_Migration_Turkish-Greek.pdf.

1990s in order to address changes observed in the form and governance of migration.¹⁸ The working definition of “migration management policies,” for the purposes of this review, includes policies that seek to control, prevent, or manage migration before the border, at the border, and after the border. In the Turkish context, this has comprised entry and visa requirements, border control measures to prevent illegal entry or exit, detention, readmission agreements, and deportation regulations. The policies selected as relevant to migration management were mapped onto a timeline, which was then analyzed using the academic literature on Turkish migration policy in order to identify the developmental stages that are presented in the paper.

In the section on border management in Greece, the information on people smuggling from Turkey to Greece is derived from interviews conducted with a number of persons involved in the smuggling business, by Max Schaub in Greece in 2012 and by Martin Baldwin-Edwards in Athens in November–December 2012.¹⁹ The material presented on Frontex operations is derived from the agency website as well as secondary literature. Unlike the section on the development of Turkish migration management policy, the discussion of border management practices in Greece does not purport to present a comprehensive overview, but instead highlights the conception and impact of EU and national border operations in relation to the nature of irregular migration and smuggling across the Turkish-Greek border prior to the 2015–2016 “crisis.”

The final section, which concerns the relation between migration or border management and border deaths, relies on the Deaths at the Borders Database (DatBD). The DatBD is the first “evidence base” of official records of persons who have died attempting to cross the external borders of the southern EU and whose bodies were managed in EU member states.²⁰ The data were collected in 2014 from municipal civil registries, cemeteries, and coroners’ archives, and then compiled into anonymized, individualized records made up of 41 variables of procedural and personal information. The database is open source and available online, along with summarized and detailed versions of the methodology behind it.²¹ The DatBD covers all bodies found on the Greek side of the Turkish-Greek land and sea borders (part of the EU external borders) for the period 1990–2013. Analysis has shown that no source of

18 Kemal Kirişçi, “A Friendlier Schengen Visa System as a Tool of ‘Soft Power’: The Experience of Turkey,” *European Journal of Migration and Law* 7, no. 4 (2005): 343–367. http://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/ejml7§ion=28.

19 The interviews conducted by Baldwin-Edwards were carried out within a framework of confidential government advisory services concerning irregular migration into Greece over the 2012–2014 period; this is the first publication of material collected within that framework.

20 Tamara Last, “d@b Database,” May 12, 2015. http://www.borderdeaths.org/?page_id=425.

21 See www.borderdeaths.org.

EU border death data is reliable for mapping trends in deaths or mortality rates over time,²² but the DatBD does not represent the minimum number of confirmed deaths that occurred during this period and provides food for thought for the purposes of this article.

The development of migration management policy in Turkey

Since the establishment of the Republic of Turkey, migration and asylum issues dealt with in the national security domain have been characterized by an ad hoc, targeted, and retroactive approach toward politicized groups of foreigners.²³ This section will demonstrate the relevance of this national context to discussions on Greek-Turkish border deaths.

Until the 2000s, in line with the Turkish state's traditional approach, policies targeting migrants, asylum seekers, and refugees were shaped by a "notion of national identity that relies on the perception of one common Turkish culture."²⁴ For example, according to the 1934 Law on Settlement (Law No. 2510)—which was for decades the primary source of migration law in Turkey—only a person of Turkish descent, who was considered to be attached to the Turkish culture and religion, could migrate to and settle in Turkey.²⁵ In addition, Turkey maintained the geographical limitation clause of the 1951 Convention Relating to the Status of Refugees, and as a result only persons from Europe were able to claim asylum in Turkey.²⁶ Legislation and policies on migration were inconsistent and incomplete,²⁷ failing to acknowledge non-Turkish migrants and non-European asylum seekers.

22 Tamara Last and Joke Harte, "Data on Border Deaths along Southern EU External borders." Unpublished paper, 2018.

23 Marieke Wissink and Orçun Ulusoy, "Navigating the Eastern Mediterranean: The Diversification of Sub-Saharan African Migration Patterns in Turkey and Greece," in *Understanding Migrant Decisions: From Sub-Saharan Africa to the Mediterranean Region*, ed. Belachew Gebrewold and Tendayi Bloom (Oxfordshire and New York: Routledge, 2016), 129–33.

24 Fulya Memişoğlu, "Between the Legacy of Nation-State and Forces of Globalisation: Turkey's Management of Mixed Migration Flows," *EUI Working Paper*, RSCAS 2014/122 (San Domenico di Fiesole (FI): EUI, 2014), 4.

25 Kemal Kirişçi, *Justice and Home Affairs Issues in Turkish-EU Relations: Assessing Turkish Asylum and Immigration Policy and Practice* (Istanbul: TESEV Publications, 2002), 1–29.

26 While it participated in the drafting and signed the 1951 convention, as well as its 1967 protocol, Turkey is one of only four countries to maintain the convention's geographical limitation clause. According to this clause, Turkey declares that it will only extend its legal obligations for persons seeking asylum under the 1951 convention if they come from Europe; non-Europeans are given "conditional refugee status" and are not allowed to stay long term, nor are they provided with the possibility of integration.

27 Juliette Tolay, "Turkey's 'Critical Europeanization': Evidence from Turkey's Immigration Policies," in *Turkey, Migration and the EU*, ed. Seçil Paçacı Elitok and Thomas Straubhaar (Hamburg: Hamburg University Press, 2012), 42. <http://hdl.handle.net/10419/61497>.

Figure 1: Timeline of Turkish migration management policy, 2000–2016



In December 1999, Turkey's foreign policy *vis-à-vis* its relations with the EU entered a new period when Turkey was recognized as a candidate for EU accession. Accession to the EU involves a long process of evaluation, negotiation, and reform in which various policy fields are brought into line with existing EU law (the *acquis communautaire*) in order to ensure consistency in the event of accession. Migration policy is one such policy field. In contrast with Turkey's traditionally stagnant and incomplete approach to migration, from 2000 onward, migration policy in the country shifted significantly in terms of how it developed. But these shifts did not take place in a political and economic vacuum at the national level. The landslide victory of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) in 2002 brought about shifts in governance and Turkey's foreign relations that had repercussions on developing migration policy. Moreover, from 2002 onward, the Turkish economy began to experience unprecedented growth: over the eight-year period between 2002 and 2010, GDP in Turkey tripled, rising from 238 billion to 771 billion dollars. This period of growth slowed starting in 2007–2008, and finally stalled, resulting in a stagnation of GDP per capita at 10,850 US dollars in 2008 and 10,862 US dollars in 2016.²⁸

Taking these factors into account, three periods can be distinguished in the development of Turkey's migration management policy since 2000, each characterized by EU-Turkey relations, national governance, and the economic situation in the country: 2000–2005, 2005–2007, and 2007–present. Developments in migration management policy in Turkey for the 2000–2016 period are tracked in the timeline in Figure 1.

28 The World Bank, "Turkey." <https://data.worldbank.org/country/tr>.

2000–2005: A period of growth and foundational reform

Having waited decades for recognition as a candidate for EU membership, Turkey initially embraced its new relationship with the EU. Over the 2000–2005 period, driven by the government’s ambition to join the EU and the rapport initially experienced in EU-Turkey relations, Turkey began overhauling its legislation and policies (see Figure 1). Migration policy was among the many policy fields to undergo rigorous reform during this period. The National Action Plan for Asylum and Immigration (NAP; *İltica ve Göç Ulusal Eylem Planı*) signaled—for the first time in the country’s history—Turkey’s ambition to create a comprehensive system of migration management that would be in accordance with the model actively promoted by the EU and international organizations funded by the EU. In this way, political liberalization and extensive policy reform altered the state’s national identity *vis-à-vis* migration policy, including its conception of the place of foreigners in Turkish society.²⁹

During this period, European-style migration management and border control policies were adopted by Turkey at a “breath-taking pace.”³⁰ Policy development focused on three aspects in particular: visa requirements, counter-smuggling measures, and readmission agreements. In addition to the adoption of laws, policies, and operational measures, Turkey also embraced the infrastructure of international migration management. While the International Organisation for Migration (IOM) had opened its first office in Turkey in 1991, its presence and relations with Turkey had never been formalized. In 2004, though, Turkey granted full diplomatic status to the IOM’s Ankara offices and became a full member³¹ of the organization, which had helped pioneer the EU model of migration management.³² Most recently, in May 2018, Turkey also became a member state of the International Centre for Migration Policy Development (ICMPD), based in Vienna.³³

For decades, Turkey had adopted a rather liberal visa system as compared to the EU.³⁴ This liberal visa system was, for the most part, an outcome of Turkey’s choices in policies regarding foreign relations and/or economic interests, rather

29 Ahmet İçduygu and Damla B Aksel, “Turkish Migration Policies : A Critical Historical Retrospective,” *Perceptions: Journal of International Affairs* 18, no. 3 (2013), 179.

30 Tolay, “Turkey’s ‘Critical Europeanization,’” 43.

31 Kemal Kirişçi, “Managing Irregular Migration in Turkey: A Political-Bureaucratic Perspective,” *CARIM Analytic and Synthetic Notes 2008/61, Irregular Migration Series: Socio-Political Module* (2008), 14.

32 Ishan Ashutosh and Alison Mountz, “Migration Management for the Benefit of Whom? Interrogating the Work of the International Organisation for Migration,” *Citizenship Studies* 15, no. 1 (2011): 21–38.

33 International Centre for Migration Policy Development (ICMPD), “Press Release: Turkey Becomes the 17th Member State of ICMPD,” May 15, 2018. <https://www.icmpd.org/news-centre/news-detail/press-release-turkey-becomes-the-17th-member-state-of-icmpd/>.

34 Meral Açıkgöz, “Turkey’s Visa Policy: A Migration-Mobility Nexus,” *Turkish Policy Quarterly* 14, no. 2 (2015): 97–107.

than a way of using visa policy as a migration management tool.³⁵ At the end of the Cold War, citizens of former “Iron Curtain” countries could travel to Turkey easily by taking advantage of relaxed visa obligations.³⁶ This, in turn, created an informal economy and trade between Turkey and these countries, which was estimated to be close to 9 billion US dollars annually in the mid-1990s.³⁷

Moreover, the relaxed visa system was not restricted to countries neighboring Turkey. Citizens of African countries like Nigeria—which has long been on the EU’s negative list—could obtain visas for Turkey significantly more easily than they could for EU countries. As Schapendonk points out, a Nigerian national could obtain a student visa for Turkey or enter İstanbul as a football player before continuing on to Europe.³⁸ However, following its rise to power in 2002, the AKP government revised this liberal visa system within the framework of the EU accession negotiations, which led to the adoption of a far more restrictive visa regime. In an attempt to harmonize its visa requirements with those of the EU, for instance, Turkey introduced visa obligations for nationals from countries on the EU’s negative list, including Kazakhstan, Bosnia-Herzegovina, Azerbaijan, and various countries in the Middle East.³⁹

With respect to counter-smuggling measures, Turkey signed (in 2000) and ratified (in 2003) the UN Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the Convention against Transnational Organized Crime. Following the ratification of this protocol, Turkey made several changes in its national legislation. The Road Transportation Regulation (*Karayolu Taşıma Yönetmeliği*), adopted in 2004, included provisions on the responsibility of carriers for the transportation of irregular migrants.⁴⁰ In 2005, the Turkish penal code was amended to increase fines and jail time for smugglers.⁴¹

35 Ibid., 98.

36 Ibid., 101.

37 Deniz Yüksek, “Shuttling Goods, Weaving Consumer Tastes: Informal Trade between Turkey and Russia,” *International Journal of Urban and Regional Research* 31, no. 1 (2007), 61. doi: [10.1111/j.1468-2427.2007.00710.x](https://doi.org/10.1111/j.1468-2427.2007.00710.x).

38 Joris Schapendonk, “From Transit Migrants to Trading Migrants: Development Opportunities for Nigerians in the Transnational Trade Sector of İstanbul,” *Sustainability* 5, no. 7 (2013), 2868. doi: [10.3390/su5072856](https://doi.org/10.3390/su5072856).

39 European Commission, “Regular Report on Turkey’s Progress towards Accession,” 2002, 2003, and 2004. Available at https://www.ab.gov.tr/123_en.html.

40 *T.C. Resmî Gazete*, No 25384. February 25, 2004. Article 82. According to the regulation, a vehicle used for migrant smuggling will be seized and the relevant transportation permit will be suspended for three years.

41 According to the amendment, migrant smugglers will be sentenced to between three and eight years of imprisonment as well as incurring judicial fines. The penalty increases by half if the perpetrators commit the crime while acting as part of an organization. The code also includes other coercive sanctions against legal entities involved in immigrant smuggling, such as the confiscation of assets.

Finally, starting from 2001, readmission agreements were signed with several countries—Greece in November 2001, Syria in September 2001, Kyrgyzstan in May 2003, Romania in January 2004, and Ukraine in June 2005—and more were drafted and proposed.⁴²

While the changes implemented during this period were both significant and broad in scope, the political influence of the EU on the development of Turkish migration policy should not be overstated, as Tolay emphasizes.⁴³ Not all the measures introduced at this time were effective merely because the political wills of the EU and the Turkish government happened to be aligned. For example, the 2001 Greece-Turkey readmission agreement was poorly implemented, producing few successful returns.⁴⁴ Moreover, there were also other forces at play: during this same period, Turkey's economy (including its substantial shadow economy) witnessed unprecedented growth,⁴⁵ thus increasing the political prominence of such aims as attracting new trading partners, facilitating access to the labor market, and encouraging the acceleration of migration management policies.

Quite apart from any political pressure imposed by the EU in this field, the lack of an existing comprehensive migration policy in Turkey and the desire to open up the booming economy and labor market created a greater need and motivation for the adoption of a European/IOM model of migration management and border control.

Economic growth and the liberal market economy, which was characterized by informality,⁴⁶ had another effect on migration management in Turkey as well. Coupled with the relaxed visa regulations, the booming economy attracted migrants from neighboring countries in addition to transit migrants already on the move. In 2003, the Turkish parliament adopted the Law on the Work Permits of Foreigners (Law No. 4817), which, together with the accompanying implementing measures, dramatically changed and streamlined the procedures for foreigners to obtain work permits in Turkey. These changes aimed to harmonize work permit procedures with existing EU standards—not to cover undocumented migrant workers and address their vulnerabilities. Therefore, the changes had only a limited impact on the regular and irregular

42 Several readmission agreements were proposed to third countries between 2000 and 2002, among them Egypt, Russia, Belarus, Georgia, Israel, Sudan, Nigeria, Ethiopia, Morocco, Tunisia, Libya, Algeria, Jordan, Lebanon, Kazakhstan, Uzbekistan, Kirghizstan, and Mongolia; see European Commission, 2002 Regular Report on Turkey's Progress towards Accession, October 9, 2002. https://www.ab.gov.tr/files/AB_IIiskileri/Tur_En_Realitons/Progress/Turkey_Progress_Report_2002.pdf, 116.

43 Tolay, "Turkey's 'Critical Europeanization,'" 44–48.

44 Baldwin-Edwards, "Migration."

45 The Turkish GDP doubled between 2000 and 2005, from 273 billion dollars to more than 500 billion dollars; see The World Bank country data at <https://data.worldbank.org/country/tr>.

46 İçduygu and Aksel, "Turkish Migration Policies," 179.

migrant populations in Turkey and their situation in the labor market. However, as a result of the absorbcency of the informal Turkish labor market, the economic situation served as a buffer for the absence of protective legislation for migrants in Turkey.

2005–2007: A period of stalling and divergence from the EU

After their landslide victory in 2002, Turkey's AKP government actively pursued intergovernmental relations at the regional and international levels. Initially, this boosted EU-Turkey relations and served to support the conclusion of readmission agreements. However, during this period Turkey also developed its national identity at the regional and international levels, which contributed to worsening EU-Turkey relations.

By 2006, only months after the accession negotiations began,⁴⁷ EU-Turkey relations had begun to sour, and as a result the development of migration management policy slowed. Within the framework of the NAP, which was finalized in 2004 and adopted in March 2005,⁴⁸ bureaucratic and legislative efforts to harmonize migration policies with EU law continued, albeit at a slower pace. Thus, for example, in 2006 the new Law of Settlement (Law No. 5543) was adopted. While this law altered the discriminatory and outdated language of the 1934 law, it maintained the main logic of understanding migrants as being only those of "Turkish culture or origin."⁴⁹ What is more, some of the measures that had been implemented during the first period were reversed or allowed to lapse during this second period.

In the mid-2000s, Turkey's visa policies changed once again. Returning to a more liberal visa regime for third countries and diverging from stricter EU visa policies, Turkey lifted visa obligations for several countries on the EU's negative list: in 2006, for example, Turkey removed visa obligations for Azerbaijan, Mongolia, Uzbekistan, Tajikistan, and Turkmenistan.⁵⁰ This change in visa policy was due to different factors: firstly, the lack of progress in EU accession negotiations stalled harmonization efforts; secondly, with the expansion of its economy Turkey started to look for new trading and investment partners in the region; and finally, Turkey began aiming for a greater role in regional and international relations. In the light of the stalled negotiations, Turkish

47 Luigi Narbone and Nathalie Tocci, "Running around in Circles? The Cyclical Relationship between Turkey and the European Union," *Journal of Balkan and Near Eastern Studies* 9, no. 3 (2007): 233–245. doi: [10.1080/14613190701689886](https://doi.org/10.1080/14613190701689886).

48 Ministry of Interior, Directorate General for Migration Management, "İltica ve Göç Alanındaki Avrupa Birliği Müktesebatının Üstlenilmesine İlişkin Türkiye Ulusal Eylem Planı." [http://www.goc.gov.tr/files/files/turkiye_ulusal_eylem_plani\(1\).pdf](http://www.goc.gov.tr/files/files/turkiye_ulusal_eylem_plani(1).pdf).

49 Tolay, "Turkey's 'Critical Europeanization,'" 44.

50 Açıkgöz, "Turkey's Visa Policy," 102–103.

authorities decided to roll back to the earlier, more relaxed visa system in order to alleviate these losses. Together, these factors contributed to divergence from the EU-approved visa regime previously adopted.⁵¹

2007–2016/present: A period of incoherent pluralism

From 2007, migration policy began to develop once more, this time under the sway of two formative influences: the EU model and the Turkish national agenda. In connection with the former, Turkey continued on the path established by EU accession negotiations. For instance, a crucial piece of legislation envisioned by the NAP—namely, the Law on Foreigners and International Protection (Law No. 6458; LFIP)—was finally adopted in 2013 by the Turkish parliament. The LFIP went into effect in April 2014: it grants all basic human rights to migrants, asylum seekers, and refugees in line with EU legislation, including the prohibition of torture and ill treatment, extended protection, rights for minors, and access to legal counselling and a lawyer. The LFIP was drafted in cooperation and collaboration with civil society experts and international organizations, and approved by parliament with the support of all political parties represented.⁵²

As for the influence of the Turkish national agenda, during this period Turkey reverted to its traditional ad hoc, reactive, and securitized approach to migration policy, adopting reactive measures that targeted specific groups for exclusion from the territory or from social and economic integration. As Ataç and others note—citing examples such as pushbacks along the eastern and western borders of Turkey, the security-driven mentality of bureaucracy, “the lack of specific rules applicable to access international protection within the Turkish borders,”⁵³ and the absence of policies addressing undocumented irregular migrants in Turkey—during this period discourses of criminalization and practices of control became especially significant.⁵⁴

One control measure sought by the EU at this time was the much-discussed and long-negotiated readmission agreement between the EU and Turkey, which was finally signed in December 2013.⁵⁵ This agreement was signed together with a roadmap for the EU-Turkey visa liberalization dialogue, thereby linking the two initiatives to one another. However, visa

51 Açıkgöz, “Turkey’s Visa Policy,” 103.

52 Orçun Ulusoy, “Turkey,” 2.

53 İlker Ataç et al., “Contested B/Orders. Turkey’s Changing Migration Regime,” *Movements* 3, no. 2 (2017): 9–21.

54 *Ibid.*, 12.

55 EUR-Lex, *Agreement between the European Union and the Republic of Turkey on the Readmission of Persons Residing without Authorisation*. [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0507\(01\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A22014A0507(01))

liberalization required significant efforts on the Turkish side to comply with EU standards on document security, migration and border management, public order and security, and fundamental rights.⁵⁶ Especially with regard to public order and security, Turkey failed to meet its obligations under the roadmap, and as a result the EU-Turkey Readmission Agreement was never effectively implemented.

Interestingly, EU policy makers believed that the readmission agreement with Turkey was a key instrument for stopping or at least controlling irregular migration to Europe from the eastern borders. This approach became clear with the EU-Turkey Statement of March 2016. The Statement was formulated primarily with the intention of creating an effective readmission system between the EU and Turkey. However, this time, Turkey increased its demands, asking for additional compromises from the EU, such as the allocation of considerable funds (up to 6 billion euros) for refugees in Turkey, acceleration of the visa liberalization roadmap, and re-energizing accession negotiations.⁵⁷

Thus, in this third period, the development of Turkish migration policy was marked by the emergence of a pluralist, dual-path approach. EU-model migration management was implemented through ad hoc, reactive, and foreign policy/security-focused national approaches to policy making. The result was an increase in the population of migrants deemed to be irregular in Turkey, together with more severe consequences for irregularity. This pluralist, dual-path approach was applied not only to migration policy, but to many other policy fields in Turkey as well, and it remains in place today, further contributing to the many defects associated with the EU-Turkey deal.⁵⁸

Finally, the results of the pluralist approach to migration management were moderated by the Turkish economy. Owing to its characteristic informal structure, the country's economy was able to absorb irregular migrants relatively easily into the Turkish workforce during the economic boom. However, when the economy stalled in 2008, the policy and legislative developments of the previous years proved inadequate to address the needs of various groups of regular and/or irregular migrants. In particular, the economy failed to provide legal channels into the documented workforce or secure migrants' status in the struggling shadow economy, which left certain groups with no choice but to seek opportunities elsewhere, including the EU.

In sum, in line with shifts in national governance, foreign policy, and economic conditions, the Turkish state's approach to migration policy changed across the three different periods outlined above: 2000–2005 was

56 Memişoğlu, "Between the Legacy," 15–16.

57 Ulusoy and Battjes, "Situation of Readmitted Migrants," 9.

58 *Ibid.*, 8–10.

characterized by growth and reform, 2005–2008 by stagnation, and 2008 to the present by a disjointed national and EU “multiple-path” approach to migration management.⁵⁹ The introduction into the national context of migration policies geared toward facilitating Turkish accession to the EU culminated in a pluralist approach to migration management in Turkey. This approach is incoherent and—in combination with Turkey’s foreign relations and economic situation—has the potential to produce groups of people likely to take their chances in the EU, with or without authorization.

The development of border management along the Greek-Turkish EU border

Over the last few decades, the migration corridor from Turkey to Greece—which is referred to by Frontex as the Eastern Mediterranean route—has emerged as a major conduit into the EU. The 2015–2017 mass inflow of refugees and other migrants into Greece via Turkey, which prompted the 2016 political agreement between the EU and Turkey, is generally presented as some sort of unexpected phenomenon without precursor. This, however, could hardly be further from the truth. In irregular migration terms, the Turkish-Greek border is typically conceived, by authorities and researchers, as consisting of two borders: a land border delineated mostly by the Maritsa/Meriç/Evros river, and a sea border that stretches between the western Turkish coastline and the Greek Aegean islands facing it. Pioneering research on irregular migration across these borders 20 years ago found smugglers to be more or less essential for entering Greece other than through designated border check points.⁶⁰

Contrary to the views of policy makers, smuggling across the Turkish-Greek border is not a fixed network of international organized criminals: rather, it consists of small, independent units working in cooperation and providing flexibility and continuity for a concatenated chain of migration movements that constitute complex and often long and dangerous journeys to reach the EU.⁶¹ Locally organized networks operate out of cities on the western coast of Turkey (e.g., İstanbul, İzmir, Çanakkale), and each is specialized in a particular aspect of smuggling (e.g., connecting transport, the crossing, border intelligence and

59 Gökçe Bayındır Goularas and Ulas Sunata, “Türk Dış Politikasında Göç ve Mülteci Rejimi,” *Moment Dergi* 1 (2015): 12–40. doi: [10.17572/mj2015.1.1240](https://doi.org/10.17572/mj2015.1.1240); Tolay, “Turkey’s ‘Critical Europeanization’”; İçduygu and Aksel, “Turkish Migration Policies”; Memişoğlu, “Between the Legacy.”

60 Ahmet İçduygu and Şule Toktaş, “How Do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East? Evidence from Fieldwork in Turkey,” *International Migration* 40, no. 6 (2002): 25–54. doi: [10.1111/1468-2435.00222](https://doi.org/10.1111/1468-2435.00222).

61 *Ibid.*, 46–47.

arrangements with officials, and waiting points). İstanbul is the central hub for both the land and sea routes. Moreover, more recent research⁶² reveals a distinction between smugglers with a sort of vocational commitment—i.e., those who are aware that refugees need the help of smugglers in order to find international protection—and those with a purely commercial approach. As a result, individual experiences of smuggling are extremely varied, ranging from compassionate treatment to aggressive exploitation.

Against this backdrop, this section will examine migration management and border control activities in Greece in the decade prior to the so-called migration “crisis” of 2015–2016. It will reveal the priorities and strategies employed by national and EU actors active along the Turkish-Greek land and sea borders—boundaries that also form part of the EU external border. To set the stage, border crossing at the land and sea borders will be outlined in terms of both the role of smugglers and what migrants face at the border. Next, the operations of Frontex will be explored, in terms of what they have encompassed as well as their results. Finally, national enforcement operations along the Turkish-Greek border will be described in relation to immigration politics in Greece.

Irregular migration between Turkey and Greece circa 2012

Up until 2006, the annual number of irregular migrants crossing either the land border between Greece and Turkey or the sea border in the Aegean was small—under 4,000 by sea and even fewer by land.⁶³ In 2006, this suddenly climbed to 12,000 detained on the land border, and in 2007 both borders recorded around 17,000 irregular crossings each. Greek border practices at this time were crude and frequently illegal in that they failed to identify those seeking protection and took no cognizance of the arrival of minors. NGO and press reports from the time provide witness testimony that, along the land border, authorities “used methods such as shouting, flashing lights or shooting in the air to deter them, or employ[ed] motor boats.”⁶⁴ Moreover, refoulement or “pushbacks” to Turkey were commonplace on both the land and sea borders.⁶⁵

The border region of northeastern Greece used to be known for its treacherous minefields, but these had been completely cleared by the end

62 Schaub, “Humanitarian Problems.”

63 Baldwin-Edwards, “Migration.”

64 Schaub, “Humanitarian Problems,” 7.

65 Pro Asyl, “The Truth May Be Bitter, but It Must Be Told: The Situation of Refugees in the Aegean and the Practices of the Greek Coast Guard” (Frankfurt am Main: Pro Asyl, 2007). https://www.proasyl.de/wp-content/uploads/2015/12/PRO_ASYL_Report_Refugees_in_Greece_The_truth_may_be_bitter_but_it_must_be_told_Oct_2007.pdf; Schaub, “Humanitarian Problems.”

of 2009. Until a fence was erected by Greek authorities in 2012, migrants were instructed to cross the River Maritsa/Meriç/Evros in Turkey and then walk across the 12-kilometer stretch of actual land border in the northernmost section of the Turkish-Greek border. Alternatively, they would try to cross the more dangerous sections of the river delineating the Turkish-Greek border by using small inflatable dinghies provided by smugglers. Since 2012, because of the well-guarded fence, this has been the only option for crossing the land border. Upon successfully crossing the river, almost always at night, migrants are picked up by cars or small trucks with the help of local civilians. They are then taken to the nearest local city, whence they are transferred to Athens.

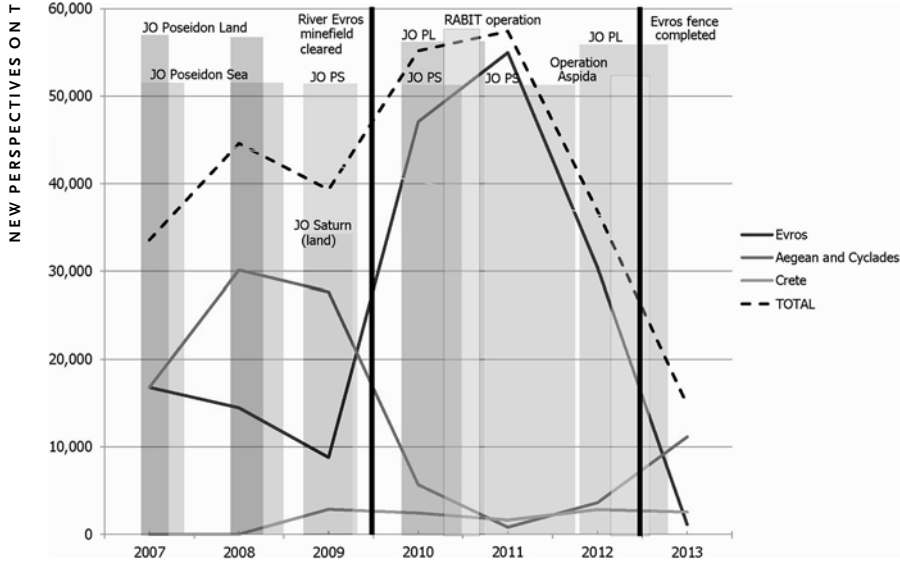
Sometimes, local Greek officials—border guards, the coast guard, or police—will assist in the process if a prior arrangement has been made. Turkish army personnel in the northwest border region have also been known to facilitate crossings. The cost per migrant in 2012 was 100 US dollars, paid to high-ranking officers. Such arrangements are typically reached with Greek and Turkish officials when smugglers have previously been captured and concluded a deal with them.

From the western Turkish coast, there are varied points of departure depending on the activity of Turkish authorities, weather conditions, local personnel, and so on. These are in continuous flux. The destinations in the Aegean are also variable, depending on the safest coastal area in Greece, the speed of the boat, fuel capacity, and arrangements with the local coast guard. The cheapest smugglers typically provide low-quality, unsafe small boats or dinghies and only minimal navigational assistance, while more up-market smugglers provide better service, often avoiding the islands and going directly to the Greek mainland. After coast guard operations made the longer journeys to the mainland more difficult, in 2011–2012 smugglers usually took migrants to the islands of Rhodes, Kos, and Lesbos, from where they could then be taken either to Athens or onward to Sicily.

The arrival and impact of Frontex on the Turkish-Greek border scene

The operational début of Frontex coincided precisely with increased irregular arrivals on the Greek land border in 2006. Immediately, Joint Operation Poseidon Land (JO PL) was set up to provide expertise, personnel, and training for the Greek border guard on the land border. JO PL was repeated the following year, and in 2009 was replaced by Joint Operation Saturn. In addition, in 2007 Joint Operation Poseidon Sea (JO PS) was established in order to address the rising number of arrivals on some northern Aegean islands, which was presumably a displacement effect created by more aggressive

Figure 2: Recorded irregular arrivals in Greece via Turkey; major border management events, 2007–2013



Source: Authors' compilation using data from the Hellenic Police and Frontex

policing of the land border. Figure 2 shows recorded arrivals over the period of 2007–2013, by broad region. The chart is annotated with key events concerning border management in the region.

Beginning in 2006 (not shown in Figure 2 because of missing data), JO PL addressed the lack of training and expertise among the Greek border guard by providing guidance for a few summer months in each successive year. Over the 2007–2009 period, detected crossings of the land border declined, while arrivals by sea increased. However, in early 2010, arrivals at the land border started to increase, reaching a peak of around 7,000 per month in August, September, and October—and as land arrivals increased, sea arrivals declined. The minefields that had claimed many lives along the land border on the Greek side of the Evros River had been completely cleared by the end of 2009,⁶⁶ a fact that doubtless informed the choices of smuggling routes over 2010.

On October 24, 2010, Greece's Ministry of Citizen Protection sent a formal request to the European Commission for assistance at the land border

66 Francesco Martino, "Migrations: Evros, Last Door to Europe," *Osservatorio Balcani E Caucaso – Transeuropa*, September 9, 2010. <https://www.balcanicaucaso.org/eng/Areas/Greece/Migrations-Evros-last-door-to-Europe-79696>.

with Turkey in the Evros region of northeastern Greece. The very next day, the executive director of Frontex made a decision to deploy RABITs (Rapid Border Intervention Teams) to Greece, predicated on “a mass influx of third country nationals attempting to enter [EU] territory illegally.”⁶⁷ Five days later, border control specialists began arriving in the Evros region. As noted by Carrera and Guild, this was the first ever implementation of the RABIT legislation of 2007, yet the justification—namely, that arrivals in Greece accounted for 90 percent of all detections of illegal border crossings into the EU—was statistically suspect according to Frontex’s own quarterly risk analysis reports.⁶⁸ While there had been an increase in detections at land borders, overall irregular migration into Greece was in decline. In fact, the majority of irregular arrivals in the EU were being recorded at airports, not land borders. Moreover, as Carrera and Guild’s analysis of the nationalities of irregular arrivals demonstrates, irregular arrivals at the land borders consisted mainly of Albanian seasonal workers and people from top refugee-producing countries (in particular, Afghanistan, Pakistan, and Somalia).⁶⁹

JO PL consisted of 175 border control experts from 26 member or associated Schengen states, including “experts in false documents, clandestine entry, first and second-line border checks and stolen vehicles as well as dog handlers and specialist interviewers, debriefers and interpreters [. . .] The assets made available from member states’ commitments to Frontex’s Centralised Record of Available Technical Equipment (CRATE) [were] as follows:

- 1 Helicopter (Romania)
- 1 Bus (Romania)
- 5 Minibuses (1 Romania, 2 Austria, 1 Bulgaria, 1 Hungary)
- 19 Patrol cars (4WD) (7 Romania, 3 Austria, 2 Slovakia, 7 Germany)
- 9 Thermo Vision Vans (2 Austria, 2 Bulgaria, 4 Germany, 1 Hungary)
- 3 Schengen buses (1 Austria, 2 Hungary)
- 3 office units from Denmark.”⁷⁰

The objectives set out by Frontex are interesting for both their emphasis and their omissions. The general objective is stated as being “to create a

67 Regulation No. 863/2007 of the European Parliament and of the Council of July 11, 2007, establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No. 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, Recital 7.

68 Sergio Carrera and Elspeth Guild, “‘Joint Operation RABIT 2010’ – FRONTEX Assistance to Greece’s Border with Turkey: Revealing the Deficiencies of Europe’s Dublin Asylum System” (Brussels: CEPS, 2010). <https://www.ceps.eu/system/files/book/2010/11/No%2034%20Carrera%20%26%20Guild%20on%20RABIT%202010.pdf>, 11.

69 Ibid., 8–11.

70 Frontex, “Press Release: Frontex to Deploy 175 Specialist Border-Control Personnel to Greece,” October 29, 2010, 2.

deterrent effect [...] and to demonstrate well-coordinated operational solidarity of the EU member states.”⁷¹ The three specific objectives were:

- (a) Assisting Greece in overall management of border control ... with significantly improved border surveillance and reception capacity
- (b) Providing sustainable support for strengthened border control with the aim of reducing irregular migration flows
- (c) Assisting Greece in developing an adequate, mapped process for more effective border management ... including readmission capabilities.

What is particularly concerning here is that there is no mention of Greece’s obligation to offer international protection and to identify individuals in need of special consideration (e.g., minors). Nor is there any discussion of the fact that most of the irregular migrants previously identified crossing from Turkey were from refugee-producing countries. Thus, we can clearly observe a security rationale allied with political integration (solidarity) objectives. While international protection obligations could not be ignored, they were relegated to a secondary or even tertiary level.⁷²

The actual outcomes of the RABIT intervention in the Evros region were mixed. On a positive note, the capacity of the Greek authorities to register arrivals and identify nationalities was increased.⁷³ In addition, the EU Agency for Fundamental Rights (FRA) considered that there had been a reduced likelihood of informal pushbacks to Turkey since the commencement of the operation.⁷⁴ However, the identification process—which is usually the only substantive interview prior to deportation—remained severely deficient, with no lawyers present, few interpreters available, and heavy workloads for police personnel. Equally, Greece’s poor reception capacity—one of the factors attributed to the *recorded* increase in irregular

71 Frontex, *RABIT Operation 2010 Evaluation Report* (Warsaw: FRONTEX, 2011), 8.

72 Pallister-Wilkins, however, emphasizes the humanitarian commitment of both Frontex and the Greek border guard at the Evros land border, in terms of “good practices” and the dangers of migration; see Polly Pallister-Wilkins, “The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros,” *International Political Sociology* 9, no. 1 (2015): 53–69.

73 Paul McDonough and Evangelia Tsourdi, “Putting Solidarity to the Test: Assessing Europe’s Response to the Asylum Crisis in Greece,” *New Issues in Refugee Research*, Research Paper No. 231 (Geneva: UNHCR, 2012). <https://www.unhcr.org/research/working/4f269d5f9/solidarity-test-assessing-europes-response-asylum-crisis-greece-paul-mcdonough.html>, 15.

74 European Union Agency for Fundamental Rights, *Coping with a Fundamental Rights Emergency: The Situation of Persons Crossing the Greek Land Border in an Irregular Manner* (Vienna: FRA, 2011). http://fra.europa.eu/sites/default/files/fra_uploads/1500-Greek-border-situation-report2011_EN.pdf, 20.

arrivals at land borders in 2010⁷⁵—was not significantly improved by Frontex interventions.⁷⁶ In terms of reducing irregular inflows via the land border, initially there was no decline in numbers (see Figure 2). In fact, arrivals continued to increase throughout 2011 (albeit with a seasonal reduction over the winter) and ultimately did not decline until August 2012. An initial diversion effect from the southern Evros border to the northern part had required Frontex to redirect resources there; this was then followed, in August 2012, by another diversion effect toward the Turkey-Bulgaria border and the Turkey-Greece sea border, although with much reduced total numbers.

National operations and political attitudes toward immigration in Greece

With the onset of economic austerity in the wake of the global financial crisis, Greek politics briefly shifted to the right; in electoral terms, the country embraced a neo-Nazi political party (Golden Dawn) while, on the ground, incidents of racial violence multiplied. Mainstream Greek political parties responded to this popular trend by toughening up their policies on irregular immigration and asylum seeking, and the center right party (New Democracy) even flirted with the idea of a future coalition government with Golden Dawn. As a result, an openly aggressive policing mentality emerged in relation to both border management and the treatment of immigrants within Greek society.⁷⁷

Beginning in August 2012, the center right government initiated two policies. One, Operation Aspidia, concerned border management, while the other, Operation Xenios Zeus, concerned police round-ups of foreign-looking people on Greece's streets.⁷⁸

Under Operation Xenios Zeus, thousands of police conducted systematic stop-and-search on the streets as well as in homes, targeting, on a daily basis, areas populated by immigrants and persons with a foreign appearance. Between August 4, 2012 and June 2013, the police stopped and detained just under 124,000 people on the streets of Athens, of whom a mere

75 Carrera and Guild, "Joint Operation," 11.

76 McDonough and Tsourdi, "Putting Solidarity," 17–18.

77 Martin Baldwin-Edwards, "Immigrants, Racism and the New Xenophobia of Greece's Immigration Policy," *MMO Working Paper Series*, Working Paper No. 11 (Athens: Mediterranean Migration Observatory, 2014). <https://ec.europa.eu/migrant-integration/index.cfm?action=media.download&uuid=2A60854A-E0CF-B3C2-AB3CF1D3484F3627>.

78 Danai Angeli, Anna Triandafyllidou, and Angeliki Dimitriadi, "Assessing the Cost-Effectiveness of Irregular Migration Control Policies in Greece," *MIDAS Policy Paper* (Athens: ELIAMEP, 2014). <http://www.eliamep.gr/wp-content/uploads/2014/11/MIDAS-Policy-Paper-EN.pdf>.

6,910 (less than 6 percent) were subsequently found to be residing unlawfully in Greece.⁷⁹

In the meantime, Operation Aspida was building on existing policies and border control measures. Previously, in January 2011, a decision had been made to construct a fence for the 12 km of actual land border in the northern section of the Turkish-Greek border, where the Maritsa/Meriç/Evros River meanders into Turkish territory. Until 2010, this part of the border had been heavily fortified with minefields. This project, however, was refused funding by the European Commission on the grounds that it was “pointless” and that there should instead be a more effective use of money via the purchase of technical equipment such as thermal cameras, X-ray technology, and specialized vehicles.⁸⁰ Ultimately, though, the project managed to sustain governmental support, and was finally completed in December 2012. Three months before the completion of the fence, Operation Aspida had begun with the stated intention of deterring irregular arrivals. 1,881 police officers were deployed along the Evros land border, with most of them being assigned border management duties but some involved with the reception and screening of arrivals. This operation was twice extended beyond its original lifespan.⁸¹ The actual impact of Operation Aspida and the border fence has been difficult to gauge. Effectively, they built on the outcome of the RABIT operation initiated two years earlier. However, by focusing on the land border, Operation Aspida did nothing to address the increasing arrival of migrants in the islands of the northern Aegean. Moreover, as mentioned above, reception and asylum procedures remained dysfunctional despite increased governmental and political attention on the border. In particular, warning signs detecting any irregular arrivals made up mostly of people from refugee-producing countries (including a growing proportion of Syrians)—who were unlikely to be deterred permanently by border controls—went ignored.

In sum, the Turkish-Greek border has been the focus of both national and EU migration management operations. Following the removal of land mines—an outdated mode of deterring unwanted people from entering the territory—the land border was fortified in accordance with modern technologies (e.g., a fence, operational bases, and increased policing mandates) and border patrols were intensified, militarized, and equipped with the latest surveillance technology as well as with more, larger, and better transportation. As demonstrated during the 2015–2016 “crisis,” these efforts did not in fact ultimately solidify the border, but simply changed the way that people

79 Baldwin-Edwards, “Immigrants, Racism.”

80 Angeli, Triandafyllidou, and Dimitriadi, “Assessing the Cost-Effectiveness,” 27.

81 *Ibid.*, 28.

could attempt to cross it. As the border became the focus of various actors, strategies, and politics, crossing the border became a more complex operation, and so smugglers adapted their networks and strategies accordingly. Irregular migrants and smugglers, it must be noted, are not a threat to border management, but an integrated part of it. Border deaths certainly preceded the border management practices on the Greek side of the border that have been discussed in this section. However, these practices have subsequently contributed to an increase in the risk of death during border crossing, as well as affecting exactly how people die.

Border deaths between Turkey and Greece

People have been dying in the attempt to cross the Turkish-Greek border for decades, as elsewhere along the EU's external borders.⁸² The year 2015, though, saw the highest number of such deaths ever recorded in the Aegean Sea. This last part of the paper will present a discussion of border deaths in the light of Turkish migration policy and enforcement activity along the Turkish-Greek border where the deaths occurred. It does not seek to exhaustively examine the relationship between state practices and deaths, nor to definitively establish cause and effect. Rather, the purpose is to demonstrate some of the many links between migration, border management, and deaths, similar to those observed along other sections of the EU's external borders.⁸³

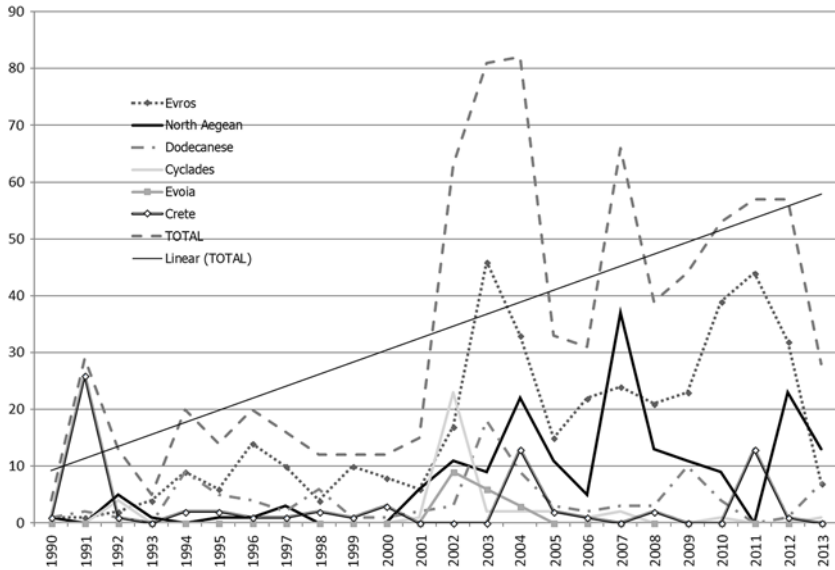
Different sources of border death data show different trends over the last three decades. However, one common trend is an overall increase in the number of deaths since the year 2000, as compared to the 1990s.⁸⁴ The same is true of border deaths recorded in Greece (see Figure 3). Interestingly, though, this increase mirrors a shift in Turkish migration management. As outlined above, prior to 2000 Turkey had a liberal visa policy toward third countries and very little migration law; from 2000 onward, Turkey began adopting and implementing the EU's model for migration management, creating (by exclusion) a group of people with an interest in moving on to neighboring

82 Last et al., "Deaths at the Borders Database"; Tamara Last, Thomas Spijkerboer, and Orçun Ulusoy, "Deaths at the Borders: Evidence from the Southern External Borders of the EU," *Revue Hijra: La Revue Marocaine du Droit d'Asile et Migration* 1 (2016): 5–23.

83 See, e.g., Jorgen Carling, "Migration Control and Migrant Fatalities at the Spanish-African Borders," *International Migration Review* 41, no. 2 (2007): 316–343; Derek Lutterbeck, "Policing Migration in the Mediterranean," *Mediterranean Politics* 11, no. 1 (2006): 59–82; Özgün E. Topak, "The Biopolitical Border in Practice: Surveillance and Death at the Greece-Turkey Border Zones," *Environment and Planning D: Society and Space* 32, no. 5 (2014): 815–833; and Martin Baldwin-Edwards and Derek Lutterbeck, "Coping with the Libyan Migration Crisis," *Journal of Ethnic and Migration Studies* (May 2018). doi: [10.1080/1369183X.2018.1468391](https://doi.org/10.1080/1369183X.2018.1468391).

84 Last et al., "Deaths at the Borders Database."

Figure 3: Recorded border deaths, Eastern Mediterranean route, by Greek regions 1990–2013

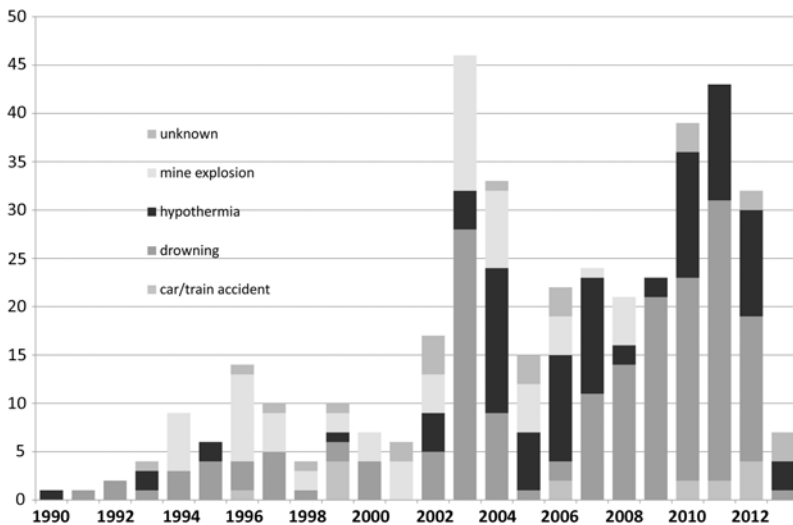


Source: Authors' calculations using data from the Deaths at the Borders Database (<http://www.borderdeaths.org>)

EU territory. A second shift, triggered by the economic downturn starting in 2008, is also mirrored in the arrival and death data in Greece, presented in Figures 2 and 3. The informal economy had acted as a buffer for people excluded by the new migration management policies, but a year into the economic downturn it was no longer able to absorb the population of irregular migrants. The downturn drove more people to attempt to cross the EU's external border and thereby increased the number of people exposed to the existing risk of border death.

Deaths on the Turkish-Greek border were commonplace in the early 2000s, especially on the land border, which was planted with land mines. Public records of such deaths were maintained at the local level and kept quiet, with no political interest ever indicated either by the Greek state or by EU agencies. The peak in the number of deaths at the land border over the 2001–2004 period is largely attributable to land mines, as can be seen by the cause of death recorded in the Deaths at the Borders Database. On the one hand, the removal of the minefields by 2009 was definitely a positive contribution to the reduction of deaths and serious injury, as shown in Figure 4. On the other hand, the removal of land mines is also thought to have encouraged migrants and smugglers to use the land route rather than the sea routes that had emerged in the Aegean, which in turn contributed

Figure 4: Causes of death among border deaths in the Evros region, 1990–2013



Source: Authors' calculations using data from the Deaths at the Borders Database (<http://www.borderdeaths.org>)

to increased arrivals and a corresponding peak in deaths at the land border in 2010 and 2011.

The completion of the border fence in 2012, along with the intensification of personnel, meant that drowning became the standard cause of death along the land border as well as the sea border (see Figure 4). Single boat incidents tend to result in large numbers of casualties by drowning, as seen in the Aegean Sea. Thus, the boats used to cross the Maritsa/Meriç/Evros River produced larger clusters of deaths, as compared to incidents such as mine explosions or car or train accidents, which typically result in only a few fatalities at a time. For instance, the large proportion of drownings in 2003 shown in Figure 4 is attributable to a single capsizing on the river, after which 23 bodies were found washed up on the Greek riverbed. Hypothermia, another major cause of death shown in Figure 4, is also often associated with crossing the river, whether by swimming or after capsizing. In addition, the sealing of the 12-kilometer actual land border is thought to have diverted people back to the Aegean Sea (see Figure 2), where embarking on a boat is necessary in order to travel to the islands and onward to Athens. This diverted population of travelers included many who were seeking international protection as they had not attained (and, indeed, *could not* attain) a meaningful status in Turkey and were therefore determined to cross the border to reach the EU.

As measures against smugglers and irregular migration intensified, practices developed that further endangered passengers on migrant boats.

These included pushbacks by the Greek border and coast guards; pullbacks by the Turkish border and coast guards; dangerous chases and maneuvering; departures in bad weather and at night to reduce the risk of interception; confiscation of boats, leading to a drop in boat quality; and arrest and prosecution of smugglers on board, leading to inexperienced passengers driving the boat. Such high-risk strategies employed by state agents and smugglers can directly cause deaths. For instance, the rise in drownings observed in the Evros region (see Figure 4) indicates that crossing the Maritsa/Meriç/Evros River has become more dangerous, especially since 2006, coinciding with the initiation of Frontex operations in the region. In fact, such border management and smuggling practices at the EU's external borders have been observed on all irregular migration routes, and since the early 2000s there has been widespread agreement among academics and NGOs that this escalation, directly triggered by the EU model of border management, has increased border deaths.⁸⁵

Conclusions

The management of the Turkish-Greek border is a highly complex system that has exhibited rapid evolution over a fairly short period of time. We have demonstrated above that its principal forces of structuration were institutional-political, as opposed to being coherent policy responses to existing or anticipated migration flows. In the case of Turkey, the lengthy and attenuated EU accession negotiations interacted with national politics in such a way as to leave a specific group of people without meaningful opportunity either to integrate into Turkey or to resettle to third countries. It was this group that moved toward the EU border between Greece and Turkey, facing the risk of death associated with irregular border crossing, a risk that has been progressively heightened by Greek and EU counter-smuggling strategies and efforts to prevent illegal immigration.

From the EU's perspective, Frontex involvement in the management of the Greek border resulted initially from the urgent institutional need of Frontex for political legitimacy, exaggerating the severity of migration inflows in Greece in order to justify intervention, alongside the very poor capacity of the Greek state to manage its borders without recourse to land mines and other non-legal techniques. The complex system that emerged took no cognizance of migrants' motivations, characteristics, human needs, or entitlement to international protection. Frontex reacted to smugglers' changes of strategy with short-term

85 Last, "What is the Relationship"; House of Lords, "Operation Sophia, the EU's Naval Mission in the Mediterranean: An Impossible Challenge" (London: House of Lords, European Union Committee, May 13, 2016). <https://publications.parliament.uk/pa/ld201516/ldselect/ldcom/144/144.pdf>.

redeployment of resources to specific loci: there was no strategy, no grasp of long-term implications, and apparently no awareness of the role of policy in reducing or increasing deaths on the border.

In this way, the pluralist, ad hoc, and security-oriented policies adopted and implemented in Turkey over the last two decades—which were in part driven by the possibility of Turkish accession to the EU—contributed to border deaths along the Greek-Turkish border. In addition, Greek and Frontex border activities added to the dangers faced by migrants trying to cross this border, which also contributed to an increase in deaths. Taken together, then, both Turkish migration management and Greek/EU border management contributed to the inflow “crisis” of 2015–2016 and ensured mass casualties.

While this article has contributed to a growing but largely repetitive academic discussion on irregular migration and border deaths, it has attempted to distinguish itself by adopting several fresh approaches. Firstly, rather than taking the standard Eurocentric approach, it has presented a coherent analysis of the development of Turkish migration policy as a backdrop to border deaths along the Turkish-Greek (EU) border. Secondly, rather than describing a seemingly coherent “master plan” to fatally exclude certain people from the EU, it has described how border management along the Turkish-Greek border is the complex outcome of a chaotic mix of national politics and law enforcement practices, smuggling networks, and Frontex operations. Finally, the relationship between Turkish migration management and Greek/EU border management on the one hand, and deaths on the other hand, has been discussed empirically—yet without the usual reference to unreliable mortality rates.⁸⁶

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