**Answers to EUobserver Written Interview Questions by Ambassador Kaymakcı, Deputy Minister of Foreign Affairs and Director for EU Affairs**

**1. What does Turkey want from an updated EU-Turkey Statement in terms of conditions and EU funding for the millions of Syrians you host?**

First and foremost, I feel myself obliged to get one fundamental thing straight that, the EU-Turkey Statement is not just about migration, it is much more than that. It covers six dimensions, namely accession negotiations, update of the Customs Union, regular high-level dialogue and summit meetings between Turkey and the EU, visa liberalization dialogue, counter-terrorism cooperation and migration.

Thus, if your question is just about the migration aspect of the 18 March Statement, I can tell you that we are only expecting the EU to do its part of bargain and we have already sent this clear message to our EU friends on numerous occasions.

In Migration Deal, we made two commitments and we have well fulfilled them; basically prevention of illegal crossings and once happened also taking back those who might have reached the Greek islands illegally.

On the other hand, the EU promised that for every refugee being returned to Turkey from the Greek islands, a Syrian would be resettled to the EU. The EU kept this promise of 1 to 1. Around 31000 people have been resettled to the EU in return for Turkey readmitted around  2300 people from Greek islands. But in no comparison to any other European country Turkey still hosts more than 4 million people under temporary protection.

The EU’s second commitment was a package of €3+3 billion to be mobilized by 2018. By the way this money is not given to Turkey but to Syrians in Turkey.  Although the situation on the ground is urgent and requires rapid intervention, the current speed of fund flow and the amount of the fund falls short of meeting the needs. Thus, we deem it compulsory for the EU to increase the amount of fund as the number of refugees is growing almost each and every day and develop new fund flow scheme which will be faster and much easier to spend. We have also shared this message with the EU’s relevant authorities. The migration crisis cost Turkey alone more than 40 billion Euros. Where is the fair burden sharing?

The EU did not keep its 3rd promise of putting into practice a Voluntary Humanitarian Admission Scheme. We had negotiated the Scheme with the European Commission for two years. This was supposed to be the legal way of migration to the rest of Europe within the 18 March mechanism.

Fourth promise of the EU was the Article 9 of 18 March Statement which  requires joint endeavours by the EU, Member States and Turkey to create better living conditions in Northern Syria to enable safe return of the Syrians. This promise was never kept by the EU either.

So what we are repeatedly saying is that the new migration deal, especially after the Afghan crisis, has to focus on cooperation in and return of Syrians to Northern Syria, cooperation on the Turkish-Iranian border, joint action in the source countries and fair burden sharing in terms of financial support and resettlement.

I would like to mention briefly other dimensions of the EU-Turkey Statement. The first one is about the accession negotiations. Unfortunately, our EU accession negotiations were blocked by some political issues and now have come to a standstill, though principally a technical process. Consequently, we haven’t made headway with the accession negotiations as fast as we wanted. Despite everything however, Turkey’s status of being a “negotiating candidate country” remains as it is. Turkey’s EU accession perspective should be retained and even further strengthened in the interest of both sides.

Secondly, update of the Customs Union holds an important place in the order of importance. Turkey has already been implementing the EU’s trade and competition policy in line with Turkey-EU Customs Union (CU). From trade, economy, and competition perspectives, it would be incontrovertible to come to the conclusion that Turkey can already be considered a “member of the EU”. No other candidate country has a CU with the EU. The CU, which has been in force since 1996, needs to be updated especially in line with the European Green Deal and to better recover from negative impacts of COVID 19, especially difficulties in supply chains. The updated version may include services, agriculture, energy and some other areas of joint interest if agreed. As Turkey and the EU economies are highly interlinked and interdependent, the modernization of the CU would create a win-win situation for both sides.

The third one refers to Turkey-EU high-level dialogue meetings. We had already established high-level dialogue meetings between the related Turkish Ministers and European Commissioners on economy, energy, transport and foreign policy. However, these mechanisms have also been the targets of the decision of suspension by the EU.  Over the last year EU has shifted her focus on new high-level dialogue meetings on climate change, migration and security as well as on health after the COVID-19 pandemic. Although the new high level mechanisms would serve everybody’s interest, the ones suspended by the EU should also be re-activated in order to make use of the real potential of EU-Turkey relations and accession process as a whole. In that vein, the already established mechanisms such as the Association Council and Political Directors’ meetings must be revitalised to the benefits of both sides. Turkey should also be invited to all meetings that candidate countries are regularly invited, such as Gymnich meetings and others.

Fourth dimension is visa liberalization. The EU and Turkey have agreed that when Turkey fulfils 72 benchmarks on visa liberalization dialogue, Turkish citizens should be able to travel freely within the Schengen zone. We are working on fulfilment of the remaining few benchmarks. Due to the current visa system, Turkish citizens cannot travel freely in the Schengen zone. Entrepreneurs of the small and medium-sized companies and thousands of Turkish students involved in the Erasmus+ Programme and researchers benefitting from the Horizon Europe Programme are the ones who suffer the most from the current visa regime applied to the Turkish citizens. The EU side does not engage with or encourage Turkish side to complete the very few benchmarks and now seems to put the pandemics as an excuse.

Counter-terrorism is another important dimension as there is a mistrust issue between Turkey and some of the Western countries. Aggressions, illegal activities, demonstrations, propaganda, money laundering, involvement in the narco business, and recruitment activities carried out by the terrorist organizations like PKK or its affiliates have always been a source of concern not only for us but for the entire region and even for our common future. Again, our constant call to the EU and the EU capitals is to combine our forces to act together and fight against all forms of terrorisms with no tolerance towards any of these terrorist organizations including PKK, Al-Qa'ida, Daesh, Fetullahist Terrorist Organization (FETO) and so on.

All areas of Turkey-EU cooperation including migration management have now been taken hostage by Greek and Greek Cypriot blockages in line with their narrow minded aspirations, abuse of EU veto right and EU membership solidarity against candidate Turkey. This is no doubt against all of our general interests in Europe.

**2. The Commission says the full operational budget of €6 billion under the current facility for refugees was contracted by the end of 2020 and over €4.2 billion was disbursed by August 2021. Do you agree with these figures?**

Yes, I do. The EU has made a pledge of €3+3 billion to be mobilized by 2018. However, since the beginning of the fund transferring process, it has become obvious that each side has their own way of interpretation from the term “mobilization”, for us it has a direct reference to spending the money mobilized. I shall appeal to the same figure as you have referred to in your question, the amount disbursed so far is €4.2 billion for Syrians, this gives rise to our legitimate request for the acceleration of the flow of money and also to substantial rise in the amount of fund which would be tantamount to the rapidly growing number of Syrians (3,7 millions) in Turkey.

In addition, I would also like to remind our EU friends that the number of other Asians reached more than half a million in Turkey.

Another issue is the high rate of administrative costs due to the fact that various international organizations and NGO’s are involved in this process. Less administrative cost means more money to be spent for the Syrians.

Despite our disagreements on how and what to spend the money on,  we are totally on the same page with the EU and the member states what Turkey-EU cooperation under the Facility for Refugees in Turkey (FRIT) has provided basic living for millions of Syrians and their host communities. We also welcome the EU’s decision to continue providing financial assistance to the Syrians in Turkey.

**3. The original statement came with proposals for a visa-free regime. In 2018 you described visa liberalization “as a low hanging fruit”. Yet the Commission in October said you have yet to fulfil six benchmarks, up from five in 2018. Is visa liberalization still a “low hanging fruit”?**

In 2018, as I said visa liberalization was “low hanging fruit”. But unfortunately, because of the pandemic, the focus of attention in the EU was shifted from visa-free travel to some restrictions. Visa liberalization dialogue is not a dialogue anymore since the EU side, DG Home Affairs, has not engaged with us for more than two years.

I am still confident that we can meet all the remaining benchmarks with relative ease if we get the support of the EU in a constructive and supportive manner.
Since we see the Visa Liberalization Dialogue as a crucial element of Turkey-EU relations, we continue our efforts in line with the Presidential Circular on Visa Liberalization Dialogue despite an unfavourable climate in Turkey-EU relations. Unfortunately, Turkey is the only EU candidate country not to have visa liberalization. With the visa liberalization for Turkish citizens, the EU may win the hearts and minds of the Turkish people as it did in 2004.

Covid-19 pandemic proved the importance of cooperation. We should cooperate more than before to overcome the fall out effects of the pandemic. Visa Liberalization Dialogue is a key tool for this and will have a great impact on trade, tourism, economy and investment. Visa-free travel for our citizens is a win-win scenario for both sides.
When the process was dynamic in 2016, we met 65 of 72 criteria and showed how we were able to take important steps swiftly. Let’s not forget that fulfilment of remaining benchmarks not only depends on Turkey’s hard work but also requires the EU’s support engagement and agreement. We hope that visa liberalization dialogue would not be hindered by political motives either.

**4. The benchmarks are outstanding issues that have been pending for years. Why is that and when does Turkey intend to finalize them all?**

Turkey has made a lot of progress on all of the six remaining benchmarks and in the upcoming period we intend to fulfil the remaining benchmarks. However, the EU should also stick to its commitments and when the six benchmarks are met, visa-free travel for Turkish citizens should be accorded. Although there have been some unsolicited and politically motivated messages from the EU circles which tend to lower the motivation of our Line Ministries, we believe that once a constructive discourse is adopted by the EU, it would also be conducive for our relevant authorities to make the very final moves towards meeting the last six benchmarks.

We have already demonstrated our determination with Turkey’s National Action Plan for Accession and Acquis Alignment 2021-23 and the Action Plan on Human Rights. Both have specific activities committed to accelerate the fulfilment of the remaining benchmarks. The Action Plan on Human Rights includes specific activities for meeting benchmarks such as personal data protection and anti-corruption.

Out of six benchmarks, we have recorded significant progress on two remaining benchmarks, namely the Europol agreement and the readmission agreement. With the Commission, we have come a long way in the Europol cooperation agreement negotiations. As for the Turkey-EU Readmission Agreement, the full implementation of the agreement will start simultaneously with the visa liberalization.

We have made some amendments related to the benchmark on anti-terror legislation. In 2019 the Anti-Terror Law was amended to further safeguard the freedom of expression and press, as foreseen in the Action Plan of Human Rights. We introduced the requirement of “concrete evidence” as ground for detention in the relevant legislation in line with the specific recommendation of the EU.

The Presidency of Strategy and Budget, in line with the Action Plan on Human Rights, is now updating the Strategy on enhancing transparency and anti-corruption based on GRECO recommendations.

Revision of the Law on Personal Data Protection in line with the EU Acquis is another activity envisaged in the Action Plan on Human Rights. Now our institutions together with academia are reviewing the Law on Personal Data Protection under the coordination of the Ministry of Justice and in line with the EU standards.
Unfortunately, we could not see any reference to these developments in the Commission’s latest Turkey Report and this creates a misperception i.e. that Turkey takes no steps forward. We are doing our homework and in return expect a more constructive and supportive attitude as well as flexibility from the EU.
On the other hand, the reluctance of the DG Home Affairs and the uncertainty about whether the EU is going to provide visa-free travel with the Turkish citizens continues to obscure the future of visa liberalization process.

**5. The EU blames Turkey for shuffling thousands of migrants and asylum seekers to the Greek border in March last year. Can you explain the rationale behind Turkey’s decision to move all these people to the Greek border and would you do it again?**

Turkey did not move migrants and refugees to the Greek border, but from March 2018 on, Turkey decided not to force or encourage these people to stay in Turkey.

Why? Because the EU has not been fulfilling most of its pledges neither in terms of migration nor in 5 other aspects of the 18 March Statement and what is worse some if the member states had started imposing sanctions on Turkey because of its security operations in Northern Syria. If the EU does not keep its part of the deal, why do you expect from Turkey?

So, some of the refugees decided to go to the Greek or Bulgarian border. If Turkey had really shuffled and moved thousands of people as you claimed, the outcome would have been entirely different today. On the other hand, we have constantly been repeating that our capacity is already exhausted. It is not fair to expect our country to deal with the irregular migration and refugee crisis which are a global issue all by itself.

Turkey cannot continue to shoulder this heavy burden on its own.

We fulfilled the obligations of the 18th March statement regarding migration management and we expect the EU to keep its promises too. The EU and the member states need to take constructive steps to collaborate with Turkey and fulfil their 4 obligations in the field of migration before blaming us for threatening, weaponization or politicization of migration problem.

The EU should accelerate and increase funding to refugees; activate Voluntary Humanitarian Admission Scheme, legal pathways for Syrians; support Turkey’s efforts for voluntary return of Syrians to the areas which we cleared from terrorism in Northern Syria, cooperate with Turkey on Iranian border and in source countries.

Turkey still prevents irregular migration, and if you want to look at the instrumentalization or politization of the irregular migration, you can look at what happens between Belarus and Polish, Lithuanian, and Latvian borders.
Even in this issue Turkey by taking necessary preventive measures has been one of the vital partners to solve the problem to a greater extent.

The irregular migration problem will be with us for decades to come because of the ongoing conflicts, instabilities, negative effects of pandemic and climate change. I hope it will not be taken as a threat if I say early and substantial Turkey-EU cooperation on migration management is vital.

**6. Greece says Turkey needs to accept the return of some 1,450 people. They say these individuals are all vaccinated and Covid-free. Why does Turkey refuse to take them as required under the statement?**

Unfortunately, the 18 March Statement is not fully implemented by Greece or by the rest of the EU, neither in its dimension of migration nor in other five dimensions as I explained with details above.

When it comes to the Migration Deal, we have seen three developments: First, Greece decided to qualify Turkey as a non-safe country for Turkish citizens while describing Turkey as a safe country for third-country nationals. This is a double standard that we cannot allow and this is in violation of the 18 March Statement.

Second, Greece has not returned those people (escaping to Greece in military helicopters) who are involved in coup attempt in Turkey, but would like to return only those irregular migrants.

Furthermore, Greece is continuing its push-back policy in the Aegean Sea in the eyes of the Frontex and the EU, and not much has been done against this.

I would like to underline that in the last two years, almost 25 thousand people have been pushed by Greece in the Aegean Sea.

In addition Greece tries to block almost all areas of Turkey-EU cooperation by abusing its EU solidarity and veto right for their own selfish aspirations.

Unless Greece reverses its policy on these issues, Turkey will retain the current position and not take anyone from Greece. This is an issue of a principle, otherwise 1950 people are not a big number for Turkey to take from Greek islands since Turkey already hosts around 3.7 million Syrians and half a million other Asians.

Let me also underline that for around 160 thousand refugees Greece has received more than 3 billion Euros while not Turkey but Syrians in Turkey will receive 6 billions by 2023. Is this fair burden sharing in Europe?

**7. To what extend is Turkey involved in helping the Libyan Coast Guard to prevent migrants from taking the sea voyage towards Europe?**

As a country at the crossroads of irregular migration with a proven track record of helping people in need, we follow closely migration flows in our wider neighbourhood, including those emanating from Libya.

From the outset of the Libyan crisis, Turkey has been committed to finding a political solution, while alleviating the suffering of Libyan people.

To this end, it should be our common priority to support the Libyan authorities to reunify their institutions (security & army). This is also important for a successful border management in the South and Mediterranean.

Turkish Naval Forces provide Libyan Coastal Guard with a comprehensive training program to combat irregular migration. Besides, Turkish Coast Guard Command trains Libyan Coastal Guard on search & rescue, environmental protection and maritime law.
We also provided Libya with 2 Coast Guard boats & equipment.

We will continue to support Libyans in their fight against irregular migration, along with other areas.

Let me also remind that when the situation was better in Libya few years ago, we asked the EU to cooperate with Turkey in terms of helping the Libyan Coast Guard. Unfortunately, this offer of assistance was rejected by the EU. Today, the priority of Libya does not seem to prevent irregular migrants, but to bring stability and peace to the country. In line with the bilateral agreement with Libya, Turkey will continue its support to the Libyan forces.

**8. The EU has been critical of Turkey’s military deployment in Libya, noting it refuses to participate in Operation Irini to help impose a UN arms embargo. Can you respond to those criticisms?**

Turkey’s military deployment is, first and foremost, upon the request of the legitimate government of Libya. There are similar deployments elsewhere in the world, made for various reasons, some of which are by EU member states.

Therefore, we are not sure whether the EU’s criticism is a genuinely partial and substantiated one. As for the other criticism towards Turkey for not participating in Operation Irini, three things come to mind: The set-up, functioning and legalistic aspects of the Operation.

First, as for the set-up, I am not sure whether Turkey was ever invited in the first place.
Even so, we would not probably participate, simply because we believe Operation Irini is flawed from the outset. It has chosen, by design, to turn a blind eye to the massive arms transfers to the Libyan warlord Haftar through land and air. These are two main avenues that feed Haftar anyway. Therefore, as for the functioning side of things, the Operation does not meet the demands of the relevant UN resolution. Finally, when we look at the legal background, we see that the EU initiated this Operation without consulting the legitimate Libyan government.

It also ignored its written commitments stemming from the Nice Implementation Document towards non-EU NATO Allies. Article 12 of this Document is very clear: the EU must have coordinated with Turkey prior to the initiation of the Operation.
What’s more, realizing the EU’s reticence, Turkey kept demanding a proper consultation. This was not granted.

What’s even more, later on when we reminded our EU friends of this expectation, we were told that consultations had in fact been made (referring to the participation of an EU representative in a NATO meeting).

All in all, we would have wished to see that the EU had initiated an Operation that was serious, in line with what is expected of it and in full respect to international norms as well as the EU’s commitments.

Therefore, the EU’s criticisms are one-sided and not really substantiated.

**9. The Commission says there are “serious deficiencies” in Turkey’s democratic institutions and that Ankara has made no progress when it comes to the fight against corruption. It also notes broad-scale restrictions on journalists, writers, lawyers, academicians and human rights defenders. How do you respond to that?**

Turkey is party to all international anti-corruption conventions (such as Criminal Law Convention on Corruption of the Council of Europe, United Nations Convention against Corruption and European Council Convention on Civil Law Convention on Corruption). As the indication of its will and determination in anti-corruption, Turkey participates in the activities of GRECO. We completed the first three evaluation rounds of GRECO and now carry out its activities towards Fourth and Fifth Evaluation Round.  Judicial Reform Strategy has already been in practice and Human Rights Action plan is being implemented.

I’m sure with the stronger EU perspective and EU-Turkey positive agenda, the reforms can only be accelerated.

Adopting anti-corruption strategy was the unofficial opening benchmark for Chapter 23. Thus, Turkey adopted and implemented 2 action plans on anti-corruption since 2010.

As envisaged by the Action Plan on Human Rights, we are now updating the Strategy Paper on increasing transparency and reinforcing anti-corruption for the third time. The Presidency of Strategy and Budget is now coordinating the process of the anti-corruption framework with relevant institutions. Legal framework is already in place including the provisions regarding sanctions.

Besides, I should also add that after the nefarious FETO coup attempt of 15 July 2016, Turkey had to follow security-focused policies. Also from the EU side, we have seen enlargement fatigue and damaging Turkey’s EU perspective.

The stronger the EU membership perspective of a candidate country is, the faster the candidate country makes reforms. I hope with the positive agenda between Turkey and the EU, the reform process can be accelerated.

Freedom of expression is under the guarantee of the Constitution. There is an active and pluralistic media community enjoying international standards of freedom of expression and media. There is also a vibrant academic atmosphere where many different viewpoints freely express themselves.

Unfortunately, there could be some cases where journalism or human rights defending can be used in the service of committing severe crimes such as hate crime, glorification of terrorism or terrorist propaganda. In this respect, no profession can provide a shield against criminal investigations.

But it is utmost important to underline that it is judiciary to decide whether there is a limitation on freedom of expression on a specific case. It is again judiciary who will decide on whether an act is a crime or not.

Our sole priority, as in many other democracies, is to strike a proper balance between maintaining public order and security and protection of the freedom of expression.
Also, I would like to bring to your attention that Turkey plans significant measures under the Action Plan on Human Rights to further enhance freedom of expression. For example, the Anti-Terror Law was amended to enhance freedom of expression and legal remedies against judgements related to freedom of expression were enhanced.
What is acknowledged by the European Commission reports on Turkey is that the legal framework for fundamental rights is in place. However turning legislative changes fully into practice requires time. We will continue our efforts in line with our National Action Plan for Alignment with EU Acquis and Action Plan on Human Rights. Any step taken in fundamental rights is for our citizens.

However we are a candidate country and member of the Council of Europe. While we continue our efforts, we would like to take input of the European Commission. That’s why we insist on opening Chapter 23. That’s why we need more projects on fundamental rights to complement our efforts.  We need the EU’s anchor and more dialogue on these issues.

**10. Why is Turkey choosing not to implement rulings by the European Court of Human Rights? (see Osman Kavala and Selahattin Demirtaş)?**

This is a misleading and incorrect question. Turkey implements ECtHR judgments. This is done in close cooperation with the ECtHR and the Committee of Ministers which is in charge of supervision of the execution of judgments. For example, in 2019, the execution of 732 judgments and in 2020, execution of 168 judgments were completed. In 2021, 138 cases have been closed. In the last 10 years, 2861 judgments have been implemented. The total number of judgments implemented is approaching 4000.
The supervision of the implementation of a judgment is a process. For instance, the execution of McKerr v. The United Kingdom judgment, which concerns the loss of lives during UK security forces operations in Northern Ireland, is being supervised by the CMDH since 2001. Similarly, the execution of Duval v. France judgment, which concerns the detention centres and prisons, is also being supervised by the CMDH since 2011.

In this regard, the implementation of the Kavala and Demirtaş judgments, is also an ongoing procedure.

It is regrettable to see that these two judgments are constantly singled out, while there are many other judgments of the Court against numerous member states that have not been implemented.  For instance; the Court’s judgments under Bekir Ousta and Others versus Greece group, concerning the denial of Turkish associations’ registration have not been implemented by Greece for over 13 years.

We observe that some countries approach to the process of the Committee’s supervising of the Court’s judgments with political considerations.

Before the Turkish judiciary gives its final judgement on these two cases, any attempt would be a direct intervention in the judiciary. Everyone should wait for the judiciary to complete its own process.