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MARMARA ÜNİVERSİTESİ
AVRUPA BİRLİĞİ ENSTİTÜSÜ**

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DALI**

**THE BORDER CONCEPT AND THE EUROPEAN UNION: THE
CASE OF SCHENGEN REGIME WITH SPECIAL REFERENCE TO
TURKEY**

YÜKSEK LİSANS TEZİ

ÖZGE KESKİN

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ONAY SAYFASI

Enstitümüz AB Siyaseti ve Uluslararası İlişkiler Anabilim Dalı Yüksek Lisans öğrencisi Özge KESKİN'in, " *THE BORDER CONCEPT AND THE EU : THE CASE OF SCHENGEN REGIME WITH SPECIAL REFERENCE TO TURKEY* " konulu tez çalışması.....07.01.2011 tarihinde yapılan tez savunma sınavında aşağıda isimleri yazılı jüri üyeleri tarafından oybirliği / oyçokluğu ile başarılı bulunmuştur.

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ÖZET

Bu tez sınır kavramı üzerinde özellikle Avrupa'ya ilişkin kuramsal bir çerçeve geliştirerek, kavramın gelişimini incelemektedir. Aynı zamanda, Avrupa'nın sınır anlayışını sınır kavramının çeşitli tanımları ve türlerinden yola çıkarak irdelemektedir. Schengen rejimi söz edilen sınır anlayışını daha geniş bir çerçevede analiz etmek amacıyla bu tezin örnek çalışmasını oluşturmaktadır. Tez, Avrupa sınır yönetiminin dönüşümüyle ilgili temel ayrıntılara Türkiye'ye referans vererek değinmektedir. Bu anlamda, çalışma iki ana eksenden oluşmaktadır. Bunlardan birincisini, Avrupa Birliği sınırlarının dinamiklerinin incelenmesi; ikincisini de sınır politikaları konusundaki Türkiye ile Avrupa Birliği arasındaki müzakereler dahil olmak üzere her iki tarafın uygulanmalarının gözlemlenmesinden yola çıkarak Schengenleşme/Schengenleştirme sürecinin analiz edilmesi oluşturmaktadır.

ABSTRACT

This thesis aims to develop a theoretical framework on the border concept regarding Europe and examines the evolution of the concept. It also explores related aspects of the border concept including their definitions and types. The European understanding of border investigated through (non) networked border, march, colonial frontier and limes. This understanding is analysed within a broader framework of the Schengen regime as the case study. The thesis elaborates how the European border management evolved by putting a special reference to Turkey. In this manner, the main axes of this study constitute first, evaluating the change in the understanding of the borders of the European Union, and then analyzing the Schengenization process by analyzing the implementations of the border policies of the European Union and Turkey including the negotiation process.

To my butterfly waiting in his larva, Ege..

ACKNOWLEDGEMENTS

I would like to express my gratitude to my thesis supervisor Assistant Professor İbrahim Mazlum who shared with me a lot of his expertise and research insight, for his guidance and contribution.

My deepest appreciation is to Paul Carrington-Gretton in helping me almost everything throughout this study. I would never forget his efforts of motivating me.

I am indebted to my teachers Muzaffer Şenel and Şükrü Yazgan for providing a stimulating and fun environment in which to learn and grow.

I am deeply thankful to my family, my father Uğur Keskin, my mother Gülerman Keskin, my sister Gaye Keskin Erol, and my brother-in-law Turgay Erol for their enthusiastic support and understanding during this work.

I would also like to thank my best friend, Munise Nur Aktan, for helping me get through the difficult times, and for all the emotional support, camaraderie, entertainment, and caring, and to my colleagues at Marmara University, Esin Özge Bayır and Kamber Güler for their unending support and encouragement.

Many thanks to my dear friends, İsmail Sezgin and Nihan Akıncılar whose friendship and support have made it easier to carry on thanks to their helpful comments and contributions.

Lastly, I offer my regards and blessings to Eren Gürbüz whose support was vital for completion of the project in the final phase.

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THE LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific
AKP	Justice and Development Party
COMEX	Schengen Executive Committee
EC	European Community
ECSC	European Coal and Steel Community
EEC	European Economic Community
EFTA	European Free Trade Area
ENP	European Neighbourhood Policy
EU	European Union
EURATOM	European Atomic Energy Community
FRONTEX	European Border Agency
G6	Group of Six
IOM	International Organization for Migration
JHA	Justice and Home Affairs
NATO	North Atlantic Treaty Organization
PKK	Kurdistan Workers Party
SIC	Schengen Implemented Convention
SIS	Schengen Information System
SEA	Single European Act
UK	United Kingdom
US	United States

INTRODUCTION

This thesis aims to develop a theoretical framework of the border concept referring to Europe as a homeland and the location in which the concept has been repeatedly redefined. Starting from the early intellectual discussions, this thesis offers to monitor an evolution, a time travel of the concept in the lands of Europe. Moreover, it explores some related aspects of the border concept with its definition in other disciplines, types and differences between the other limitations of usages. Since the border concept is also explored under the headings of other disciplines such as anthropology, sociology, and security studies, etc, considering all this thesis aims to refer to political science and international relations more to fulfil the existing gap. The European understanding of border that reaches its pinnacle with a case study, Schengen regime that puts an emphasis on how European border management changes within the continent and how it differs from the rest of the world with a special reference to Turkey. The case of Schengen is a crucial example because it reflects the initiation of Europe's new policies and their will to create a common denominator that began with European integration.

The border concept mainly indicates the spatial limits of political authority that is called nation-state in current political terminology. Nation states are also known as the ones which are the primary actors of the international system with its sovereign, territorial engine format that formed with borders which can be considered as one of the main perpetrators of international order. Yet, perception of all borders in the same framework will lead us to a wrong analysis. The creation, evolution and present status of borders with their local backgrounds and different adoption of approaches to the concept create different cases. Even within the same country, different experiences can be observed it is the case for Turkey also. Eastern and western borders of Turkey have differences but also among the eastern borders there are visible distinctions in terms of their formations and management.

The concept of border is one of the important issues of the European Union's agenda. It gained momentum with the adaption of the Schengen Agreement, which was signed by Belgium, Germany, France, Luxembourg and the Netherlands in 1985. Later,

the founders of the cooperation signed the Schengen Convention in order to implement the Schengen Agreement. Changing functions of borders started within the member countries and the EU legislation has gone on to address freedom, security and justice without internal borders. The legal framework of border policies of the EU is to be addressed in the Schengen Agreement, the Treaty of Amsterdam, The Hague Programme and finally the Stockholm Programme to finalize the lands of the Schengen signatory states or the Schengen area. All the legal framework of the European Union border policy will be evaluated in the following chapters.

The border policy of free movement is an important issue in the Union's agenda and shapes the future structure of the EU as an entity. The question that should be asked is how these policies are functioning and how they will be included in the negotiation process of Turkey's accession to the EU. In what sense the tendency of the internal borders to come down while the external borders become more robust should be grasped. Hence, the main interest of this study is to evaluate the impact of these policies both for the Schengen area in general and on the membership negotiations. The decision to select Turkey for analysis is its complicated structure and relations in terms of border management as a candidate country. Considering unique characteristics of Turkey like the permeability of the Turkish-Syrian borderline as far as movement of people is concerned would not be sustainable if this was the frontier of the EU. In addition, how the dynamics of each border of Turkey changes and contributes to evolution of both the EU and the neighbours will be grasped. As the European Union considered the free movement of people as one priority area for judicial and security matters, the comparison of this issue regarding Turkey's current position and candidacy status carries important weight. In order to understand Turkey's efforts to comply with European Union regulations, the traditions and tendencies of both entities should be examined.

The main aim of this study is to evaluate the borders of the European Union, including negotiations between Turkey and the European Union regarding border policy and to clarify the differences between the understanding of border and territoriality concepts by observing of the implementation of these policies. Within this aim, the

border concept and territoriality under the effect of globalization will be examined with all dimensions such as their types, functions and different definitions. Then, the Schengen regime as an implementation of these policies will be analyzed. Implementation refers to the impacts of the policies upon the daily lives of both citizens of Turkey and the EU. Schengenization is a policy process that mostly regulates border functions in two ways (uploading and downloading). It affects the policy of movement of people both for the Schengen area and for those outside and the relations between member states. In this respect, Schengenization which is a separate and broader policy of Schengen regime that regulate borderly relations of signatory states will also be highlighted. Within this framework, the main research questions will be:

- ❑ Do borderlines create separate political entities or is it people's concerns that cause this separation?
- ❑ Is it possible for the case of the EU to unite and divide by the same policy of Schengen with its internal and external border structure?
- ❑ How would the Schengen policy affect and change the current border formation of Turkey as a unique candidate?

In this thesis, a hypothetical deductive approach is used for understanding and explaining the border concept with a special emphasis on the EU and the Schengen regime including also Turkey as a candidate country. It will be based on a historical-descriptive research technique and it will provide an analytical review of the existing literature by covering both the primary and secondary sources in the field. The hypothesis of thesis is that “The Schengenization process makes it possible to unite and divide by the same policy with its internal and external border structure, thereby making integration possible with Turkey if the process is allowed to run and address any concerns of either party via the uploading and downloading process.” It will be intended to test the hypothesis by examining how borders change in given circumstances and elaborating how things occurred historically in the literature. So, some dangers of this are the accuracy of historical evidences and any bias. Yet also local differences that are particular to a specific region that cannot be replicated will make extrapolating

conclusions more difficult. Having already established the basis of the theoretical outlook of this thesis, it is now necessary to reflect upon how evidence will be collected to support the arguments in this thesis. There are numerous approaches to social research, but in endeavouring to explore the impact of Schengen on EU border policy, using historical analysis via border structure is most appropriate approach for this thesis.

The legal framework will also be examined through legal documentation with a critical view regarding the issue, such as European Union treaties and directives and Turkey's founding treaties. The implementation of the border policies will be examined in three dimensions. Firstly, through European understanding of border as a concept with its historical background; secondly, through a case study of Schengen regime, which implies the new facet of the EU, includes contemporary developments; and thirdly, Turkey's unique fabric of borders with a comparison to the EU.

The thesis firstly examines the theoretical discussion on conceptualization of 'border'. In this chapter, the border concept with its political, cultural and economic aspects is covered. The theoretical discussion is followed by the concept of territoriality and its structure. Types of borders are examined not only by exploring the nuances of border, boundary and frontier, but also natural and artificial borders. In addition to these, other categorizations of borders were applied. Especially, Oscar J. Martinez's classification of borderlands is analysed in terms of the interactions of the counterparts of the borders considered. Later, the dynamics of globalization and their effects on border formation are aimed to be grasped.

In the second chapter, the border concept in Europe is analysed through some border types that overlap with the mainstream approaches of specific eras and constitute the current border understanding of the European Union. Firstly, the significance of the European Union borders is evaluated with its historical background. This study focuses on the prevailing ideas about border that inspired and shaped the formation of the actual borders of the EU rather than a historical narrative regarding its evolution. Secondly, William Walter's classification of European borders is also scrutinized with its broader perspective on four strong traditions of European border understanding. The networked non(border), march, colonial frontier, and limes are applied to the territoriality of the

Roman Empire, the French Revolution and emerging 'nation-state', the imperial era, the spread of European territoriality and finally changes in the international system after the World War I and II in order to draw a framework of the conceptualization of European borders. The main aim in this chapter is to show how Europe carried its border structure to the next phases.

In the following chapters, the case study of this work, the Schengen regime is viewed. The Schengen process started long before the border formation of the European Union as a separate policy. It mainly aims towards a 'borderless Europe' as a final target that offers free movement of people in addition to goods, capital and services. In this part, it began with the elaboration of Schengen process from its emergence (including preparations) to the analysis of Schengen in advance. It is necessary to explore the internal and external border formation with reference both to the agreements and to the legal documents of the EU. In addition, the enlargement of the Schengen area and redefinition of external border relations are grasped. In the context, of the former developments, the future of European borders is also evaluated.

The fourth chapter follows the Schengenization issue with a special emphasis on a candidate country, namely Turkey. The dynamics of border issues in Turkey are evaluated. Important phases that contributed more to the creation of Turkish identity simultaneously to the border formation constitute the backbone of the chapter. It includes the theoretical discussions in understanding of identity. After this, dynamics of relations with neighbours of Turkey are evaluated in terms of how the borders formed in-between and types of interactions with counterparts. Crucially, 'Schengenization' of border policies is examined with its uploading and downloading applications. Then, Turkey's adaptation capacity and outcomes of Schengenization process will be discovered. The adaptation capacity of Turkey, both in terms of institutional adaptation and adaptation of policies are investigated. Finally, outcomes of the process will be determined by highlighting policy misfits.

1. CONCEPTUAL AND ANALYTICAL FRAMEWORK OF BORDER

The border concept considering the limited literature on theoretical discussions is to be grasped in this chapter. Firstly, various definitions of the term border are introduced. Later, the border concept with its political, cultural and economic aspects is covered. Yet there are many uncertainties about borders except one thing: the constant flux. Theoretical discussion continues with the concept of territoriality and its features as an activity like including and excluding. Mobility and fixity of territoriality are also discussed in addition to its linkage with the nature of the nation state which is currently in question.

Types of borders are also examined not only by exploring the nuances of border, boundary and frontier, but also natural and artificial borders. In addition to these, categorizations of borders are applied in this chapter. Especially, Oscar J. Martinez's classification of borderlands is analysed in terms of the interactions of the counterparts of the borders considered. Later globalization is defined and its effects on border formation are aimed to be grasped.

1.1 The Concept of Border and Its Relation with Territoriality

To deepen the concept of border, it is important to examine different approaches and their transformation through time. Yet clarification of the border concept is difficult because it is vague and there is no common definition agreed upon. This is ambiguously related to concepts of social sciences. Since border has a multitude of definitions including other disciplines, it makes analysis tough and causes the rise of different understandings and comments. Yet, in social sciences there always exist such problems because concepts are never clear enough to become norms. In this study, border concept will be defined considering these difficulties and there will be a wide range of conceptual analysis in order to fulfil the gap between theory and practice.

Border is a physical limit of an authority or a jurisdiction that is considered as a mark where this authority or jurisdiction begins and ends. There exist three terms;

border, boundary and frontier with different connotations. Literally border means “a line that divides two countries or other areas; the land close to this line”¹.

Definitions of border in the literature and within the EU texts are more mentioned below. Considering these entire definitions, the border concept can be grasped as more of a political concept that is used as a separation and penetration tool simultaneously. Borders, which are inclined to be the lines among sovereign political entities with both uniting and dividing functions, are not simple demarcations. They are part of state institutions and indicate a larger area when countries sphere of influence is considered because it is far beyond the marks on land.

1.1.1 Political, Cultural and Economic Aspects of Border

The border concept is understood differently from political, cultural and economic aspects. Politics grasp border as a key aspect of defining territory of states, which are contemporary primary actors of international sphere. Borders do not only represent the signs of state policies and institutions. It is also interrelated with the sovereignty, citizenship and national identity and their transformations through time.² Anderson identified border concept as institutions and processes.³ In terms of institutions, border (he uses frontier) is the basic political institution, because, without them, there is no way to organize any political, social or economic life among society. As processes, border has four dimensions. There are instruments of state policy, markers of identity, and government tools of control. They have been used as a term of discourse since the meaning varies according to the context. Even within different branches like anthropology, law, sociology, history and political science the definition of border differs with different scholars’ theoretical approaches adopted. Although the literature is vast, it carries great value to mention about geopolitical view of borders. Since geopolitical definition includes geostrategical point of view, it would be subsidiary to make a definition of geostrategy, which mainly inclines states policies of

¹ Sally Wehmeier (ed.), *Oxford Wordpower Dictionary*, Third Edition, Oxford: Oxford University Press, 2000.

² Hastings Donnan and Thomas M. Wilson, *Borders: Frontiers of Identity, Nation and State*, Oxford: Berg, 1999, p.4

³ Malcolm Anderson, *Frontiers; Territory and State Formation in the Modern World*, Polity Press, Cambridge, 1996, p.1.

organizing territories both inside and outside the country. As Walter defines European understanding of geostrategy;

“[A] geostrategy corresponds with a particular way of organising the space of the border. It presupposes many things, including particular definitions of the ‘inside’ and ‘outside’ of the polity, the types of threat or problem which the border is to address, and specific accounts of the time and the space of the border. Geostrategies entail certain territorialisations. Each implies a particular form of controlling space and population. But they also presuppose particular definitions as to the identity and political rationality of Europe.”⁴

As in Ganster and Lorey’s definition, “the political boundary is nothing more than a line that is marked and maintained by both governments”⁵. It may be a wall, a barbed-wire fence, an imaginary line that crosses the deserts and mountains. Occasionally, borders are defined by the natural features yet are still constructed by humans. For instance, Europe as a continent is defined with natural features that divide it from Asia to its east by the water divide of the Ural Mountains, the Ural River, the Caspian Sea, and by the Caucasus Mountains to the southeast. Furthermore, these features are still seen as a barrier to the non-Europeans although they are just parts of nature. It also points out the distinction of boundary making.

In addition to these, Blatter’s work helps to understand exact meanings of border by analyzing four dimensions of border as a term. The first dimension is the difference between the “perceptions of borders as zones and conceptions of borders as lines”⁶. While the former stresses the interaction between the entities, the latter stresses the clear-cut separation of entities. Secondly, there might be a separation of border concept as their degree of flexibility and stability of boundaries is opposed. Flexible borders are mainly described as ‘regions of transition’⁷ and the initiator to new

⁴ William Walters, “The Frontiers of the European Union: A Geostrategic Perspective”, *Geopolitics*, Vol.9 (3), 2004, p.675.

⁵ Paul Ganster and David E. Lorey, (eds.), *Borders and Borders Politics in a Globalizing World*, Lanham: SR Books, 2005, p.xiii.

⁶ Joachim K. Blatter, “Border Theory”, *Encyclopedia of Governance*, SAGE Publications, 2006. http://www.sage-reference.com/governance/Article_n29.html (30.09.2009).

⁷ Ibid.

developments. Yet, stable borders mostly are understood as traditional areas and potentially less developed. The third dimension is about the importance of communities that are considered to be restrained by borders. Some approaches point that border might be understood as the main mark that determines what is inside. Blatter gives ‘frontier society’ as an example that any incident taking place at the frontier does influence the whole society. On the other hand, others defined what is inside first, and saw the border as one of the several markers.⁸

Finally, borders are defined through symmetrical versus asymmetrical aspect of both sides of border. The symmetrical means both sides conceived as equal or similar to each other, the asymmetrical indicates the opposite. Asymmetrical sides of border promote ‘sharp in-group and out-group distinctions’⁹. In addition to all, Blatter makes connections with several keywords to notion of frontier, boundary and border. While frontier is much closer to the terms; zone, movement, centrality and asymmetry, border and boundary are closer with line, stability, marginality and symmetry.¹⁰ He makes an emphasis on the concept of border that it is interlinked with “territorial demarcation of political systems”¹¹.

It is also important to highlight the particular characteristics of border concept that functions as uniting or dividing the lands and the change of these features through time. In this respect, historical point of view is crucial to understand the development of border concept. Although there are many exceptions to identify a chronology for shared borders as Ganster and Lorey did one, generalizing a historical perspective consists of three periods.

“First; a frontier period, or a time of multiple interpenetrating frontiers, lasts from first contact between peoples to the point where contact becomes mixing. Second, a borderlands era develops, during which people intermix and interact without any attention to or attention from national powers. Third, there is a period during which a distinct border

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

region is formed with clearly demarcated boundaries and definable social and political responses to the boundary. In addition to these three periods of development, we might add a fourth dissolution. In the long run, most borders are erased or dissolved. Although we tend to think of borders as being immutably fixed in time, in fact the most common ultimate outcome for an individual border is its eventual dissolution.”¹²

The generalization of Ganster and Lorey might apply to the European Union when the fourth period is taken into account. The EU, after having these three periods, has started to experience the fourth one. At least there exists a strong tendency to diminishing inner borders by emphasizing supranational structure, promoting free movement of goods, services, capital and persons. The main obstacle to this issue is about functions of all borders because while the dissolution of inner borders unites, outer borders continue to divide. It is mostly related with their timing, while as a regional entity in the EU internal borders are losing their importance and having a fourth phase, some of them, mostly the external are having a peak of the third period.

Culture also has a role on creation and maintenance of border besides contemporary nation-state and sovereignty related definitions. Culture is usually seen an ingredient of policy-making process that shapes borders. Yet, still the people who live in borderlands and their cultural importance on border regions are mostly dismissed. As Donnan implies, culture is important in many respects. First of all, culture has a significant role on state diplomacy that shapes the juncture of borders. Secondly, both conflict and cooperation at borders are not the only consequence of state policies but the ‘commitment of regions’¹³ is also a determinant in these dynamics. Thirdly, states have cultural frontiers rather than of political and economic frontiers that negotiations can remain in international, national and largely in local level.¹⁴

Donnan explains in two levels how culture functions. At the first level, people and institutions are bound together. Secondly, people who live in borderlands shape the understanding of national identity and sovereignty. Yet it is not always possible to draw

¹² Ganster and Lorey, *Borders and Borders Politics...*, p xv.

¹³ Donnan and Wilson, *Borders; Frontiers of Identity...*, p.11.

¹⁴ *Ibid.*, p.12.

a strict boundary-making process that people shape. A closer look at the kinds of borders both established through time and classified through space should be considered. Without seeing border shaping experiences, the definition of border would be left in suspense. It is also important to highlight the ways of the functioning of culture. In other words, how people and institutions are bound and how people in borderlands are affected from the creating of identity. This is because belonging also means allegiance that is closely linked with sovereignty and national tendencies.

Borders also mean a lot in the economic sense. Besides its political or cultural significance, borders are always places of interaction and extensions of endless exchanges. As James Anderson inclines, the effects of borders differ in economic and political realms because their spheres of influence are different and have been different through time.¹⁵ Rosenberg also adds “Lines of political jurisdiction halt at fixed national borders, while those of economic activity speed on through a myriad of international exchanges without undermining the ramparts of formal sovereignty above.”¹⁶

It should be noted that the economic aspect of borders are quite different from other definitions of border and also different from evolution of economic borders (not specifically implies strict demarcations but dominant economic policies). Agnew splits geopolitical economy into three historical phases.¹⁷ In the first phase (1815-1875), mercantilism started to be transformed to liberal capitalism by British attempts. Between 1875 and 1945, this is the second phase, economic activities of states increased with rising colonial rivalry. In third phase, which is after 1960s, economic integration extended. A liberal economy was strongly promoted by the efforts of United States and Western Europe. The last era is also important about shaping economic integration of the European Union and regulating of border policies.

¹⁵ James Anderson, “Theorizing State Borders: 'Politics/Economics' and Democracy in Capitalism”, *CIBR Electronic Working Paper Series*, WP 01, www.qub.ac.uk/cibr (27.04.2010) p. 8.

¹⁶ Justin Rosenberg, *The Empire of Civil Society: A Critique of the Realist Theory of International Relations*, (London: Verso, 1994), p.121.

¹⁷ John Agnew, “The ‘Civilisational’ Roots of European National Boundaries”, in Jouni Häkli and David H. Kaplan (eds.), *Boundaries And Place: European Borderlands In Geographical Context*, Lanham: Rowman and LittleField Publications, 2002, p.67.

Political, cultural and economic view of border concept should be fulfilled and covered with a broader sociological definition because border areas and border people should be considered as a part of social and political life. Yet, dynamics that shape borderlands may differ. Oscar J. Martinez¹⁸ mentioned about a five-step process in order to explain how borderlands changed. Border people are influenced by *transnationalism* that these people most probably share ideas, values, traditions, and customs with people living in the counter side of the border-line. Yet they also feel *separateness* in their country and feel *otherness* for the counter side. In addition to these, borderlands consist of cultural diversity and become witnesses of immigration, which also leads to *ethnic conflict and accommodation* problems as a consequence. Since state structures and agents are always ready there with respect to its geographical location; borderlands remain to be the areas of *international conflict and accommodation*.¹⁹ The EU is also having these processes rather in border areas open to migration. Especially, separateness is strongly felt and ethnic conflicts are continued to be the sources of many problems.

The definition of borderlands should remain flexible both in geographical and historical aspects because all definitions of border -like economic, social, political and cultural- evaluate different part of the border concept. In order to simplify, Michiel Baud and Willem Van Schendel have seen necessary to split borders into three regional units of analysis as border heartland, intermediate and outer borderlands.²⁰ Beginning from the first one, the border felt dense and social networks bide by the borders, yet its efficiency gradually lessens in outer borderlands. However, this separation becomes fuzzy by the effect of globalization. Yet, European borders have different characteristics as an entity because it is not always possible to understand the transition of these areas. For instance, with the effect of migration, there might be places where border felt dense comparing the interaction of the outer ones. It is mostly about dispersed settlement. There exist policies of governments aiming merging separate groups into centres that also lead some modern ghettos in big cities.

¹⁸ Oscar J. Martinez, *Border People: Life and Society in the U.S.-Mexico Borderlands*, Tucson: University of Arizona Press, 1994, pp.8-14.

¹⁹ Ibid.

²⁰ Michiel Baud and Willem van Schendel, "Toward a Comparative History of Borderlands", *Journal of World History* Vol.8 (2), 2007, pp.211-21.

1.1.2 Territoriality

Territory and territoriality are also closely interlinked concepts of border, which are named under the heading of political geography that refer to the ideas of power and space. Territory and territoriality are bound tightly with each other in a way that neither of them can exist alone. “Territoriality is activity: the activity of defending, controlling, excluding, including; territory is the area whose content one seeks to control in these ways.”²¹ Correlating with the spatial dimension, territoriality is also related with movement in which activities of people take place. Modern political science discusses territoriality in an axis of power and space with a central actor, state.

Territoriality is having about power on a bounded space, which consists of population and resources. Usually, territoriality is understood as separation of space into areas with defined boundaries. Many theories accept territory as a critical ingredient of sovereignty. Yet it is important to accept that beside from states, non-state actors may also territorialize their power. In this study, the concept of territoriality focuses more on nation states because the world is divided into areas by sovereign states and these states are exercising power in these territorially defined areas. Sack defines territoriality by saying it ‘classifies, communicates and controls’²² borders by drawing lines, in addition to signing things to particular spaces, regulating cross-border movements and access into or out of specified areas. Davutoğlu also defines the modern concept of border through sovereignty with an inner perspective of a political community that points positive meaning and an outer perspective that inclines a negative one.²³

Since territoriality is more of an activity, these activities can be classified into two categories; inclusionary and exclusionary. Robert Sack defines this activity as ‘influencing the content of an area’²⁴; it may also be affected by inner or outer motives. In that sense, Sack mainly rejects determinist theories that territoriality is more of a

²¹ Kevin R. Cox, *Political Geography, Territory, State and Society*, Oxford: Blackwell Publishers, 2002, p.1.

²² Robert Sack, *Human Territoriality. Its Theory and History*, Cambridge: Cambridge University Press, 1986, p.19.

²³ Ahmet Davutoğlu, *Stratejik Derinlik:Türkiye'nin Uluslararası Konumu*, İstanbul: Küre Yayınları, 2001, p.19.

²⁴ Robert Sack, “Human Territoriality: A Theory”, *Annals of the Association of American Geographers*, Vol.73 (1), 1983, pp.55-74.

process that connects space and society and it is “a primary geographical expression of social power”.²⁵ Cox relates these activities with defence; “territories are spaces which people defend by excluding some activities and by including those which will enhance more precisely what it is in the territory that they want to defend”.²⁶ Immigration policies that aim to prevent flow of people are exclusionary in character, yet promoting investments to particular underdeveloped areas aiming change in the content of the space can be an inclusionary activity. However, the character of activity also changes depending on the subject. It differs whether the activity is inclusionary and exclusionary, especially on migration. It is also different with the European Union because it makes harder to define whether the activity is inclusionary for member state or inclusionary for the EU. Some activities could be taken as exclusionary for member states while these activities could be inclusionary for the EU. For instance, the United Kingdom by excluding itself from the Schengen area on visa regime- is in one sense preventing free flow of people who have free entrance to the Schengen area and this can be grasped as exercising the exclusionary character of territoriality. On the other hand, Schengen regime which aims to abolish internal border checks among signatory states can also be understood as an inclusionary activity of the EU in many senses, both in improving cooperation and coordination between the police and the judicial authorities and the establishment of the Schengen Information System.

Mobility, in other words movement, is also one of the components of the territorial question. Since territoriality is rooted in a specified area as a concept, it makes a stress on fixity and has a tendency of defending while mobility stands against it. As a reason, states which are inclined towards a territorial organization of social, economic and political life grasp regulating the movement of almost everything as a crucial task because ‘territorial strategies are *always* exercises of power’²⁷. In this sense, state is most important actor regarding space, managing exclusionary and inclusionary policies with various others. Yet no action is taken by chance, considering the interests of a state, territoriality also implies organization of a social life where people satisfy their needs about expressing dedication to land and their physical environment. Hence

²⁵ David Storey, *Territory. The Claiming of Space*, Harlow: Prentice Hall, 2001, p.15.

²⁶ Cox, *Political Geography, Territory,...* p.3.

²⁷ *Ibid.*, p.8.

mobility has grown in magnitude and made the distant closer, the concept of land allegiance has also changed. Citizenship and requirements for citizenship are also a part of a discussion of belonging. Yet it is more about the identity rather than land allegiance that is closely related with territorial belonging.

As Anderson, O'Dowd and Wilson implied, territoriality has advantages like simplifying issues of control, establishing unambiguous and clear boundaries with symbolic markers 'on the ground' and giving relationships of power a greater tangibility or 'permanence'.²⁸ It should be added that sensitivity of territoriality also turns advantages rapidly into disadvantages and afterwards to conflicts. As authors²⁹ indicate, territoriality underestimates the reality that the interrelationships are more complex between the "spatial" and "social". In other words, territory represents mostly a fixed definition that offers 'zero-sum' thinking; however it is not the case every time.

Although territory has been seen as a space that state exercises its power, the 'scale' of territorial relations is also important to be determined. To be specific, borders of territorial units are mostly adopted by the locality perspective. Yet, this locality should not be understood as just signs on the map; it consists of all structure, considering culture, economy, and politics, of a social entity. The scale that Hakli and Kaplan draw attention to is about the interactions that take place close to the border and are managed by national actors. In addition to that, European border understanding should also be evaluated with different scales from everyday lives of people influenced by border formations to cross-border cooperation between the institutions. In these terms, there exist various scales.³⁰

While discussing territoriality, scholars argue also on the future of nation-state, how globalization, transnational flows, supranational trading blocs, multinational entities tended to be perceived as threats. Nation-state is an important entity because the

²⁸ James Anderson, Liam O'Dowd and Thomas M. Wilson, "Why Study Borders Now?" in James Anderson, Liam O'Dowd and Thomas M. Wilson, (eds.), *New Borders for a changing Europe: Cross-Border Cooperation and Governance*, London: Frank Cass Publishers, 2003, p.7.

²⁹ Ibid.

³⁰ Jouni Häkli and David H. Kaplan, "Learning from Europe? Borderlands in Social and Geographical Context", in Jouni Häkli and David H. Kaplan, (eds.), *Boundaries and Place: European Borderlands in Geographical Context* Lanham: Rowman and LittleField Publications, 2002, p.7.

contemporary concept of border is defined within this term. The discussion is going on in a feverish way in Europe, (the origin of nation-state.) Europe supports material for both sides by consisting of nation-states and the intention to become a supranational body. In this sense, while some scholars think nation-state may be losing its political and economic competencies, others argue that nation state is renewing itself. On the other hand, some scholars see nation-state in a crisis.³¹ Furthermore, if nation-state is under discussion, international borders should also be. The changes of the modern state mostly led to a group of entities in a hierarchical structure that focuses on internal legality and shared responsibilities. As Walker defines “the principle of hierarchical subordination gradually gave way to the principle of spatial exclusion”³².

If all dimensions of territoriality are considered, territoriality of nation-states should be examined on a different scale. In this sense territoriality, with its exclusionary and inclusionary character, hierarchical structure and mobility as some of the elements, is different from how it had emerged. The difference might be detected in many ways but here international borders carry the importance. Since any changes in the understanding of nation-state both mentally and practically, also lead to changes in borders and the definition of territoriality.

1.2 Types of Borders

The terms ‘border’, ‘boundary’, ‘frontier’ vary in usage. In this work border has been used, yet it is meaningful to mention the distinction between these terms and introduce type of borders. For Anderson, ‘frontier’ has the widest meaning. Originally the term points out ‘the zone in which one faced the enemy’.³³ In the current usage, frontier would be understood as a precise line that authorities of both sides meet or a region like Alsace Lorraine. ‘Border’ has much narrower in meaning.³⁴ It may be a zone or a line of demarcation and ‘boundary’ usually understood as a line of delimitation.

³¹ Donnan and Wilson, *Borders; Frontiers of Identity*, ... p.7.

³² Robert B.J. Walker, Security, “Sovereignty, and the Challenge of World Politics”, *Alternatives*, Vol.15 (1), 1990, p.10.

³³ Anderson, *Frontiers; Territory and State*..., p. 9.

³⁴ *Ibid*.

In addition to that, Krukoski³⁵ distinguishes borders as natural and geometric/artificial borders. Natural borders are usually markers of natural features that separate one region from another like, water dividers, mountain ranges and several other natural confines. Artificial or geometric borders usually are the geodesic and geographic lines that they were created artificially and called as *imaginary lines*. Similar to the definitions above, Barry Smith³⁶ made a distinction between bona fide (physical borders) and fiat (human constructed) borders. Bona fide borders consist of natural features like riverbanks, coastlines, etc. and they are independent in their structure from human acts. Fiat borders have their existence from human acts usually from laws or political decisions.

Border regions, in other words, borderlands also differ in character. Oscar Martinez offers four different types of borderlands, which are alienated, coexistent, interdependent and integrated borderlands. In the first type of borderlands, exchange between both sides is scarce or nonexistent due to the ‘extremely unfavourable conditions’ that Martinez lists as ‘warfare, political disputes, intense nationalism, ideological animosity, religious enmity, cultural dissimilarity and ethnic rivalry’ as causes of this problem.³⁷ Border controls are strict and military oriented. This environment leads to scarce trading and interaction of people of these areas that under a great tension it keeps them underdeveloped and promotes dispersed settlement. Through the nineteenth century the U.S. - Mexico border can be an example of alienated borderlands and some Middle Eastern, African, Asian border settlements have still been carrying the characteristics of alienated borderlands nowadays.

According to Martinez, the second type is a coexisted borderland, that both sides are unconcerned about border and transactions, mainly for two reasons. Firstly, these two countries have experienced ‘unfavourable condition’ mostly before they arranged a bilateral agreement to provide stability at least in minimum standards, or as

³⁵Wilson R.M Krukoski, *Frontiers and Boundaries*, <http://www.info.Incc.br/wrmkkk/artigo.html> (10.03.2010)

³⁶ Barry Smith, *On Drawing Lines on a Map*, http://wings.buffalo.edu/philosophy/faculty_smith/articles/drawing.html (10.03.2010)

³⁷ Oscar J. Martinez, “The Dynamics of Border Interaction; New Approaches to Border Analysis” in Clive H. Schofield (ed.), *Global Boundaries World Boundaries-Volume 1*, World Boundaries Series London: Routledge, 1994.

Martinez defines, conflicts are now at a manageable level in borderlands.³⁸ Secondly, time should pass in order to tensions to be relaxed for both sides. This makes coexistence borderlands more of transitional stage of both sides to build healthier relations with the other part of the border. Interaction would be still scarce and borders would be managed through technical regulations settled by countries, yet, hostility and insecurity would be removed through time. The Turkish-Armenian borderland is in the exact position of coexistence that is trying to be built.

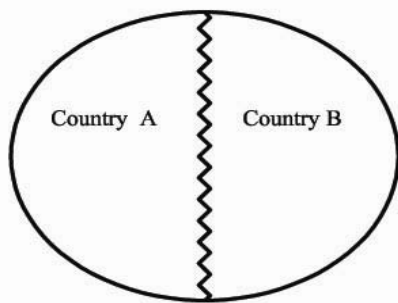


Figure 1 - Alienated borderlands
Tensions prevails. Border is functionally closed, and cross-border interaction is totally or nearly totally absent. Residents of each country act as strangers to each other.

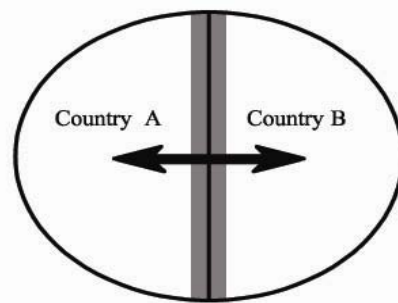


Figure 2 - Co-existent borderlands
Stability is an on and off proposition. Border remains slightly open, allowing for the development of limited binational interaction. Residents of each country deal with each other as casual acquaintances, but borderlanders develop closer relationships.

Source: Oscar J. Martinez, “The Dynamics of Border Interaction; New Approaches to Border Analysis” in Clive H. Schofield, eds., *Global Boundaries World Boundaries-Volume 1, World Boundaries Series* London: Routledge, 1994, p.3.

Thirdly, Martinez defines interdependent borderlands as both sides are experiencing symbiotic relationship. In other words, interdependence is conceived as “creation of a mutually beneficial economic system”³⁹ among the sides. This is made possible with close interaction through economic tools that gives both sides opportunity to bound economies together in the light of stable relations. Interdependence

³⁸ Ibid., p.2.

³⁹ Ibid., p.4.

borderlands have both advantages and disadvantages. As an advantage, people who are in living in border areas would be in close contact with the other side that there would be an opportunity to create multicultural and social environment for these people to enjoy. Yet as a disadvantage, if one of the countries is stronger, then this relation would be ‘asymmetrical interdependence’⁴⁰ and the superior country would be in a tendency of dominating the other. In addition to that, interdependent relations may be built on conditions that countries’ national interests would be the first source. The U.S.-Mexico borderland is an example of asymmetrical interdependence, yet, ideal type of interdependent borderlands can be observed in some European countries.

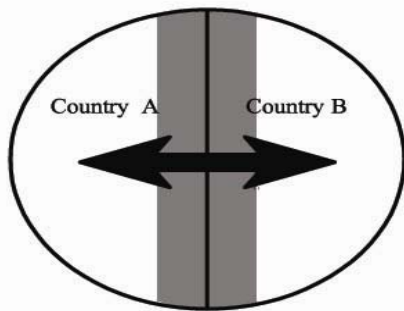


Figure 3 - Interdependent borderlands
Stability prevails most of the time. Economic and social complementarity prompt increased cross-border interaction, leading to expansion of borderlands. Borderlanders carry on friendly and cooperative relationships.

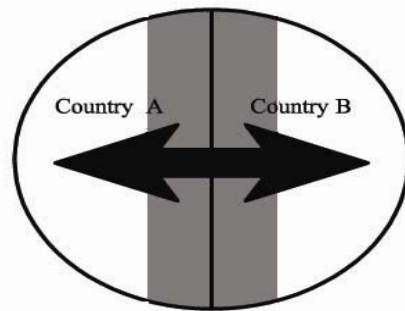


Figure 4 - Integrated borderlands
Stability is strong and permanent. Economics of both countries are functionally merged and there is unrestricted movement of people and goods across the boundary. Borderlanders perceive themselves as members of one social system.

Source: Oscar J. Martinez, “The Dynamics of Border Interaction; New Approaches to Border Analysis” in Clive H. Schofield, ed., *Global Boundaries World Boundaries-Volume 1*, World Boundaries Series London: Routledge, 1994, p.3.

The final type of Martinez’s classification is integrated borderlands. It is an example of “neighbouring states eliminate of all political differences between them and existing barriers to trade and human movement across their mutual boundary”⁴¹. States have an internationalist point of view that through peaceful settlement the common interests of people of both sides are taken into consideration. “Politically stable,

⁴⁰ Ibid., p.4.

⁴¹ Ibid., p.5.

militarily secure and economically strong⁴² alliances are lying at the heart of this type of borderland. The degrees of development and population size of countries are similar that none of these countries feel threatened. There would be a strong will to achieve integration that it may also require the sacrifice of national sovereignty. Although there is not any equivalent example to this borderland, it may be called as the European Union's ideal, at least some countries of which. It is wise to prepare such a typology because it is possible to implement all regions of the world internationally, regionally and ethnically.

1.3 Globalization and the Border Concept

Globalization is apparently effective on nation-states and raises the questions about the future form of political entities. It did not start suddenly. It is initiated by connections among people mostly for economic reasons like trade and commerce that started to be experienced long before the twentieth century. Yet it is not a common phenomenon for all people in the world and is mainly received in different scales and ways. Some views show resistance towards globalization and these views are also signs that the process constantly changing. However, states and borders keep continuing to be the necessary entities of political sphere, contrarily to the challenging features of globalization.

Globalization can also be seen as a challenge to the territoriality, in other means defined space of a government. David Held defines globalization as representing "a significant shift in the spatial reach of social relations and organizations towards the interregional or intercontinental scale"⁴³. The expansion of globalization through spatiality had a great impact on territoriality and border. Yet these changes have not eliminated either territoriality or functions of borders.⁴⁴ The current territorial state has been obviously transformed since the Westphalian state system hence territoriality has

⁴² Ibid., p.5.

⁴³ David Held and Anthony McGrew, *The Global Transformation Reader; An Introduction to the Globalization Debate*, Cambridge: Polity Press, 2000, p.3.

⁴⁴ Miles Kahler and Barbara F. Walter, *Territoriality and Conflict in an Era of Globalization*, Cambridge: Cambridge University Press, 2006, p.1.

not been transformed into de-territorialization. In fact, globalization made sub-state units and social organizations visible.

Globalization has been mostly analyzed with economic parameters especially relocating and flow of the goods. Economic integration is commonly taken as the basic issue of territorial globalization, but, there are other elements that should be taken into consideration. Since the idea of power remains even within increasing globalization, the spheres of political, cultural, social life are expanding and power is exercised at a distance. Globalization mostly refers to increasing interconnectedness with its scope, velocity and depth, and it mainly reduces the importance of borders and boundaries that separate 193 entities in the world.⁴⁵ There is one thing clear that “territorial borders no longer demarcate the boundaries of national economic or political space”⁴⁶, they are functioning still but the significance of them is quite limited now.

When the Westphalian settlement is considered, territoriality defined by fixed borders surrounding the community and states were highly autonomous entities that within these borders, they were exercising exclusive authority. Yet, with increasing interconnectedness, this separation of domestic and international spheres became blurred. In that sense, the post-Westphalian order differed. Although state borders still facilitate the flow of people, goods and sometimes even information, they continue to be contradictory areas of intensified interactions and mostly seen as areas of conflicts.

Since borderlands are still conceived as potential conflict areas which are no fewer than 300, there exist many examples for conflicts even today. For instance, conflicts about territory between nation-states like Armenia and Azerbaijan, Ethiopia and Eritrea, cross-border ethnic conflicts among Serbia and Albania, Zaire and Rwanda, and in addition to that terrorists, illegal workers, human trafficking, and immigration remain problems of border relations.

⁴⁵ James N. Rosenau, *Along the Domestic-Foreign Frontier*, Cambridge: Cambridge University Press, 1997, p.81.

⁴⁶ Anthony McGrew, “Globalization and Global Politics” in John Baylis and Steve Smith, (eds.), *The Globalization of World Politics*, Oxford: Oxford University Press, 2005, p.23.

Anderson makes a classification of four kinds⁴⁷ of border conflicts, which would also affect the understanding of border issue and expresses the problems of the borderlands. The first sources of conflict were 'territorial'. These conflicts usually had the characteristics of nationalist and historical claims, and questioning the distribution of lands by the wars, in other words, "gaining advantage or domination over competing powers"⁴⁸. At the same time, the ideological justification of expansionism also led to many territorial disputes between colonial powers. The second type conflicts were 'positional' conflicts that these disputes are often related with borderline and were caused by the different understanding of demarcation. Positional conflicts might arise from the different interpretations of conflicting states. For instance, Alsace-Lorraine was always the source of conflict between Germany and France. In addition it was a negotiation issue both before and after World Wars.

Thirdly, 'struggles over source of wealth and strategic areas' led to conflicts about handling lands full of natural resources or of a strategic importance. This is quite an important source of conflict that even now is dragging states into war. The colonial race was one of the examples of this kind of conflict specifically between Britain and France in Africa then again Britain and Russia in Asia. Finally, 'territorial adjustment' could be a source of conflict between states. These states were usually revolutionary states like France, Russia, Germany, China, etc. Yet territorial adjustment is usually about control on lands and sense of belonging.

In summary, this section examined the theoretical discussion of the border concept. Basically its definition, both the perception and reality, are fluid and move through cycles with its different scales and backwards and forwards stages. While covering political, cultural and economic aspects of the border concept, the definitions only strengthen its vagueness because definitions change within the political entities, cultural and economic units, and even people who can only define border as much as they feel the limitation. Both culture and economy based definitions stick with the activities taking place in borderlands that mention the permeable character of the

⁴⁷ Anderson classification consists of territorial conflicts, positional conflicts, conflicts over source of wealth and strategic areas and territorial adjustment and it mainly indicates the era of First World War.

⁴⁸ Anderson, *Frontiers; Territory and State* ..., p.26.

borders especially among the EU countries. Borders can be areas of shared ideas, values, traditions and customs but also with clashes on cultural diversity and immigration problems.

The theoretical discussion continued with territoriality and its structure. Territoriality is having power on a bounded space which consists of population and resources. Also “territories are spaces which people defend by excluding some activities and by including those which will enhance more precisely what it is in the territory that they want to defend”⁴⁹. Furthermore, inclusionary and exclusionary activities of defined territories make borders one of the main decisive institutions of states. The mobility perspective consists of the activity of borders which is the opposition of borders fixity. Since territoriality is seen as managing space and exercise of state power, it points out a great organization of a social life that people satisfy their needs while expressing dedication to land and their physical environment in which identity and citizenship are created.

Borders remain as an interesting subject for social scientists, because “some things can occur only at borders”⁵⁰ including airports, train stations and seaports. In this respect, border as a concept includes ‘meaning-making and meaning-carrying’⁵¹ features. Besides from being a physical limit of a state authority and structures that are represented as customs, immigration and security, it made borders more like institutions of state. Institutional changes also reflect the changing perspectives of borders of a state. Since people who cross the border firstly face with new structural formation of the other side country with differences, similarities, and proximities in bureaucracy culture that also inclines main characteristics of institutional traditions of states. Yet, the European Union attempts to create common culture to make the border transition indiscernible for citizens of member states.

Then, the types of borders are examined not only by exploring the nuances of border, boundary and frontier, but also natural and artificial borders. In addition to these, classifying of borders is also crucial to address both characteristics of borderlands

⁴⁹ Cox, *Political Geography, Territory, ...*, p.3.

⁵⁰ Donnan and Wilson, *Borders; Frontiers of Identity...*, p. 4.

⁵¹ *Ibid.*, p.4

experienced and traditions of the European border understanding. New perspectives on border evolution and deeper analysis of border formations can be brought through these classifications.

As the last point, globalization is defined and its effects on border formation are examined. Types of conflicts over borders with their different reasons are also added because without any explanation about the problems raised on borders, it would not be meaningful to understand any current problem. All changes in understanding of both borders and territoriality reflect on the definitions of nation-state as well which is under discussion whether they are in decline or renewal. In case of the European Union, with time even alienated borderlands can become co-existent and later with close interaction through economic tools that gives both sides opportunity to bound economies together in the light of stable relations. Leading to interdependent then integrated borderlands, which is the European Union's ideal.

2. ANALYSING THE BORDER CONCEPT IN THE EUROPEAN UNION

State borders are now less significant, practically more flexible and seen as less necessary institution in the European Union which has achieved free movement of goods, capital, services, and persons. Especially because of the supranational structure of the EU with increasing interconnectedness among European governments, non-governmental organizations and the EU institutions that has made borders non-functional within the European Union. Borders now usually depend on the new definition of border concept through the process of European integration. Yet doubtlessly, state policies, particular events and political sphere shape theoretical evolution of borders.

In the following sections, European borders will be evaluated both in terms of the significance and historical background with a special emphasis on classifications of border that were experienced with different timings and different locations. The classification belongs to William Walters that was named under the heading of European geostrategies. It is important to use such a classification in order to understand how past experiences of European border understanding fits the current practice, Schengen regime.

2.1 Significance of the European Union Borders

The European Union, as a unique entity with its border formation, aims towards a ‘borderless Europe’ as a final target that offers free movement of people in addition to goods capital and services. Borders “are product(s) of the need for order, control and protection in human life and reflect our contending desires for sameness and difference”⁵², so the EU has a tendency to exercise this division by removing borders inside and strengthening borders to the outside. Border regime which started to be implemented in the mid 1980s is called the Schengen and it is more the creation of a

⁵² Liam O’Dowd “Changing Significance of European Borders” in James Anderson, Liam O’Dowd and Thomas M. Wilson, eds., *New Borders for a Changing Europe: Cross-border Cooperation and Governance* London: Frank Cass Publishers, 2003, pp.14-15.

common area of signatory states rather than diminishing all the borders among them. The flexion of inner borders made external borders more rigid and aimed to fulfil the security deficit of the inner. This also led clearly to an ‘us and them’ division, yet not all borders have the same divide (there are countries like Switzerland and Norway which are not members of the European Union but part of the Schengen area).

In addition to the border definition that was attained in the first chapter; as borders are the lines among sovereign political entities with both uniting and dividing functions. They are part of state institutions and indicate a larger area when countries’ spheres of influence are considered because they are far beyond simple demarcations on land. The European Union made a definition of border as “a frontier between States”. The EU differentiates clearly between internal borders (a frontier between two Member States) and external borders (a frontier between a Member State and another country).⁵³ It is noteworthy to mention here that the EU uses the term ‘frontier’ to define borders; obviously it is a sign of treating borders as zones (not just lines) and differentiates the area with its emphasis on inclusion in policy making. It also indicates both the inclusive character of the EU which means the EU will cover all countries in the continent; and exclusive character that set a certain line between the EU area and the non-EU area. Since the EU here made a strict distinction between “we” and “others”, border as a concept is still a vague term that would remain flexible and an open-ended process of explanation. In addition to that, Schengen acquis explains internal borders

“shall mean the common land borders of the Contracting Parties, their airports for internal flights and their sea ports for regular ferry connections exclusively from or to other ports within the territories of the Contracting Parties and not calling at any ports outside those territories; external borders: shall mean the Contracting Parties' land and sea borders and their airports and sea ports, provided that they are not internal borders”⁵⁴.

The Schengen Agreement, which was signed by Belgium, Germany, France, Luxembourg and the Netherlands in 1985, is mainly a regional policy of reshaping the

⁵³Official Website of European Commission, *Glossary Justice and Home Affairs European Commission*, http://ec.europa.eu/justice_home/glossary/glossary_b_en.htm#border (22.09.2009)

⁵⁴The Schengen acquis - Convention implementing the Schengen Agreement, *Official Journal L/239*, pp.19-62
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29:EN:HTML>
(22.09.2009)

border structures of signatory states. These states transferred their sovereign authority to make more efficient border control among a created common area. As mentioned in the previous chapter, Schengen regime is seemingly aimed to be the last phase of the integration of European evolution on border regime, yet it does not intend to be a final point but a process the European Union is continuing to experience. While states' internal borders are no longer accepted as national borders, external borders also carry different characteristics when compared to national borders. Thus, external borders belong to a higher authority and represent not only the state that is physically located at the external border but also the other states in the Union. It also raises the opposition to the nation-based view with its strong emphasis on sovereignty transfer in border management.

In addition, the Schengen area consists of both member and non-member states of the EU, hence sovereignty transfer to the EU would not be enough to accomplish the diversity of states in the Schengen area. It is only possible through multilateral negotiations to realize cooperation which has both supranational and intergovernmental features.⁵⁵ Beside these, Wallace also offers 'intensive transgovernmentalism'⁵⁶ that it leads to the process more than 'intergovernmental' and differs from 'supranational'. Yet although five countries initiated Schengen as a regional policy, it was not included into the institutional framework until the Amsterdam Treaty in 1999. Before that it existed in its intergovernmental characteristics but the increasing number of participants led Schengen to be a more complex and stratified structure.

Schengen now consists of 25 countries including all member states of the EU with the exceptions of the UK and Ireland, in addition to the non-EU states; Norway, Switzerland and Iceland. Since the implementation of Schengen acquis in a substantial number of states, it made Schengen a reality for the EU citizens in a short time. Approximately a hundred years ago, there was no mention of passports or any official document to travel across borders. Excluding time of war, there need not even be any

⁵⁵ Ruben Zaiotti, *Cultures of Border Control: Schengen and the Evolution of Europe's Frontiers*, Doctorate Thesis for Doctor of Philosophy Department of Political Science University of Toronto, 2008 pp. 4-5.

⁵⁶ Helen Wallace, "The Institutional Setting: Five Variations on a Theme", in Wallace H. & Wallace, W. (eds.), *Policy-Making in the European Union*, Oxford: Oxford University Press, 2000, p.33.

rigid demarcation to determine exact areas of political entities. Therefore, it has become easier for individuals to adopt the Schengen freedom of travel that initiated the new spirit of uniting. On the other hand, Schengen as a regime has been understood in quite a varied way by non-EU countries. Since regulations that non-EU countries are subjected to are different in character, their reactions to the Schengen initiative also differ. It can be grasped as a policy of ‘othering’ in one way, and standardization of movement in the other.

Furthermore, how borders changed and formed before the European Union is also a crucial question to ask in order to understand current developments. The path to the ‘Europe without borders’ surely passed through the former dynamics and events in European history. The process includes national unifications, colonialism, wars, compromises and treaties that end with new definitions of borders.⁵⁷ Yet there is not linear development that can be linked to the modern state system, since the perception of borders as a concept has changed continuously. Therefore, these changes can be grasped as historical extensions of political projects or indicators that formed these political structures and their fate.

Some periods have contributed more to the current understanding of the European state system than others. Yet this study focuses on the prevailing ideas about border that inspired and shaped the formation of the actual borders of the EU rather than a historical narrative regarding its evolution. The concept of territoriality with its origin, emerging nation state, spreading of European territoriality are some examples of leading approaches that shape the current border formation of the EU. Changes in the international system after the World War I and II were milestones of border theory and they would help to draw a framework of theoretical evolution of borders. Although wars mainly caused changes on the shapes of both external and internal borders, Europe has a long history of border changes and arrangements under the effect of peace treaties signed after the wars. Especially, the Peace of Westphalia formed the basis of the modern European state system. For the first time, it was recognized that each state was sovereign in its own territory. Meanwhile, it has changed the understanding of holders

⁵⁷ O’Dowd, *Changing Significance of European ...*, p.15.

of sovereignty. Rather than addressing families and tribes, sovereignty became a ‘popular image’⁵⁸ of citizens who later nationalized for being part of a common identity.

In the next sections, European evolution of ‘traditional’ border structure would be analysed with respect to changing territorial understanding within a classification. Hence, the elements which contributed to both ideological and physical formations of borders with their relevance to the European Union would be included. The main contributor to the analysis will be the classification of Walters about European geostrategies. Yet its application may miss some points that would be fulfilled by the structural analysis of the thesis.

2.2 Historical Projection of the European Borders

The path to the formation of the EU mostly shaped after the destruction caused by the two world wars. Furthermore, it is crucial to stress the ideas raised after as in the dissolution of the Holy Roman Empire, disintegration of the Westphalian state system and later in erosion of the Concert of Europe. There were also insufficiencies in the Versailles system, considering its short-term impact, and more deficiencies can be highlighted because it mainly focused on self-determination and ignored social dimension of order. The emphasis on space was too high and territorial claims were so dense that even national identity did not fit in the right places. It also caused more problems since it led to national extremism especially by Nazi Germany prior to Second World War.

Dissatisfaction concerning territorial order and national hunger for more power tended to be the main forces of changes on the map of Europe. The ambition of Germany started with aggression towards Poland, Scandinavia, the Low Countries, France, and ended with Britain, then expanded to the Balkan states and finally Russian territory. The Second World War was greater in scale and more serious in its consequences when compared to the First World War. The First World War settlement was shaped through the concerns of minorities, the Second World War aimed to move

⁵⁸ Julian Minghi, “Changing Geographies of Scale and Hierarchy in European Borderlands”, in Jouni Häkli and David H. Kaplan, ed., *Boundaries and Place: European Borderlands in Geographical Context*, Lanham, Rowman and LittleField Publications, 2002, p.37.

people in order to draw certain boundaries.⁵⁹ The Second World War witnessed many violations of sovereignty ideals and national humiliations which were later part of a constructed order that highly stressed the inviolability of states' territories.

It was understood after the Second World War that any attempt to realize 'ethnonationalist territorial ambitions' or an 'anarchic sovereign state system' was far from a success to realize stability.⁶⁰ The new order consisted of states in which territoriality was understood as very similar to sovereignty and also inclined with national emphasis indicating nation-state as the basic political entity. As the state continued to be the autonomous entity of the political sphere, "sovereign territorial ideal continually shaped the evolution of the system"⁶¹. Although territoriality remained as the sovereignty ideal, it became as lines in the map that separate world states including the former colonies of Europe.

The post-World War II order took territorially defined state as the basic units of analysis. Among the political, economic and cultural spheres, the state-based discourse has begun to be used and state-oriented thinking was promoted. It should be highlighted that origin of people, cultural diversity, social habits and even physical appearance of people overlapped with the concept of state. States defined their existence with territory, so borders should exist to define people. Yet these definitions have not reduced the sovereignty or identity problems. For instance, Kostantin Symmons-Symonolewicz's definition of nation-state as the "territorially based community of human beings sharing a distinct variant of modern culture, bound together by a strong sentiment of unity and solidarity, marked by a clear historically-rooted consciousness of national identity, and possessing, or striving to possess, a genuine political self-government"⁶², still does not match with practice. The United Nations has tried to fulfil the deficiencies of the League of Nations by accepting nation-states as participants including multinational states with no emphasis on their structure.

⁵⁹ Jacques Vernant, *The Refugee in the Post-War World*, New Haven: Yale University Press, 1953.

⁶⁰ Alexander B. Murphy, "The Sovereign State System as Political-territorial Ideal: Historical and Contemporary Considerations", in Thomas J. Biersteker and Cynthia Weber (eds.), *State Sovereignty as Social Construct*, Cambridge: Cambridge University Press, 1996, p.102.

⁶¹ Ibid.

⁶² Konstantin Symmons-Symonolewicz, "The Concept of Nationhood: Toward a Theoretical Clarification", *Canadian Review of Studies in Nationalism*, Vol.12, 1985, p.221.

Self-determination as one of the leading motivations for the post World War II era had great impact on overseas colonies of Europe.⁶³ Gaining independence does not really mean having more rights but defining them with state discourses and legacies. European countries were having problems especially in the eastern part of Europe mostly about the sovereignty issue. Yet this era, starting from the First World War to the Second World War including some Cold War motives was a pendulum about territorial aims. Until 1960s similar territorial formations can be observed.⁶⁴ Defending national borders also led to a preoccupation in social lives. As Maier noted “social change and social conflict was described as taking place within familiar well-demarcated dualist categories: city and country, developed and underdeveloped, middle-class and working-class, male and female, native and foreign.”⁶⁵ In addition to social sciences’ categorization, governments also started to use awareness of people about borders.

Nevertheless, the loss was too high in Europe after the Second World War and a solution was needed to stop aggression caused by the extreme nationalism. With economic motives, the efforts of integration began to take place. On the one hand, adjustments were strictly made about determining borders in that era; on the other hand, attempts for closer cooperation were taking place. In other words, while nation-states were clearer in formation with their exact demarcations, they sought for a more secure environment. Moreover, establishment of the EU should be seen as a reorganization of space which made the practice highly affected by previous experiences. As mentioned in the next section, Europe has been experiencing a combination of its past knowledge and building a new perspective on its delimitation habits.

2.3 The Classification of European Borders

There are not many classifications of border that can be linked with the European Union so successfully, yet a division needs to be made of the European

⁶³ David B Knight, “People and Territory or Territory and People: Thoughts on Post-Colonial Self-Determination”, *International Political Science Review*, Vol.6, 1985, pp.248-72.

⁶⁴ Charles S. Maier, “Does Europe Need a Frontier?: From Territorial to Redistributive Community”, in Jan Zielonka (ed.), *Europe Unbound: Enlarging and Reshaping the Boundaries of European Union*, London: Routledge, 2002, p.28.

⁶⁵ *Ibid*, 29.

understanding of border in order to fulfil the existing gap. William Walters made a classification of European geostrategies of border. Walters grasps this classification not as the total description of reality but frames of particular logics.⁶⁶ It consists of four geostrategies; networked (non)border, march, colonial frontier, and limes (see Figure 5).

These logics can be grasped as projections of particular understandings of borders that reflect similar experiences in different times. As mentioned before, the understanding of border as Walters indicated might be accomplished in different times and different locations in Europe. It is more about how to deal with and how to shape the lands and manage the borderlands with a close interaction with the other parts. Border policies have been created within a sense of ‘ordering’ also. These policies and other characteristics of borderlands compose the types of borders that are mentioned above. Yet contemporary developments and understanding of managing lands should be kept in mind in order to apprehend border as a whole.

2.3.1 Networked (Non)Border

The first geostrategy, *networked (non)border* is about deterritorialization and a borderless world that takes place in post-modernist debates about Europe and globalization studies.⁶⁷ The aim is diminishing barriers that divide Europe. As a consequence, spatial borders become fuzzy as mentioned in European Union treaties. In this kind of border, border control is not only at borderlines and both sides of borders are in close cooperation with each other. It consists of exchanging information, using common visas, similar asylum and migration policy and finally managing EU external borders with common standards. In some countries, Schengen regime is understood as a tool to meet this goal. Yet some scholars see this change as eliminating the function of border and promoting expansion of state frontier. Walter indicates this change as a movement that is “escaping from fixed territoriality” and he suggests considering movements of “reterritorialisation”. He simply asks where the new borders will be.

⁶⁶ Christopher S. Browning and Pertti Joenniemi, “Geostrategies of the European Neighbourhood Policy”, *European Journal of International Relations* Vol.14 (3), 2008, p.526.

⁶⁷ Walters, *The Frontiers of the European Union...*, p.679.

In addition, Didier Bigo points out the internal security problem because the question what is included and excluded will be the cause of the discussion. Walters underlines the importance of ‘sharing responsibilities and effective frontier control through cooperation between state agencies on both sides of the frontier’⁶⁸ rather than a divide of ‘us’ and ‘them’. He added that the threat perceptions has changed and so the enemy description. Enemy is described as “the networks, gangs, terrorists which cut across/under borders”⁶⁹. Yet, new structures are seen as too immature to remove these threats and some member countries are clashing about exporting their model to others. Finally, networked (non)border is a point of differentiation of the concept of state border from physical edges to interior ones.

This process started slightly after the world wars when sovereign nation states with their emphasis on territoriality were quite competitive and dedicated to positivist views of sovereignty. Russian withdrawal from the First World War as a result of the Bolshevik Revolution and the US entrance to the war by supporting liberalization of nations was milestone events. US interference in the war was targeted to impose the liberal thoughts and Wilson’s famous Fourteen Points. It aimed more at adjustments of the new world order. The main themes of Wilson’s principles were “self-determination and collective security”. National self-determination, though dictated, became a turning point during World War I. The map of Europe was reshaped through the principles of Wilson. In addition to that, the Russian Revolution gave implicit support to self-determination although in Marxist and Leninist theory “class” was used for ‘national aspirations and movements’⁷⁰. To some extent Marxists cared about a sense of nationalism. While Soviet jurist Gregon Trukin explaining the founding reason of the Soviet Union, he said; “The communist party fought for the unification of all nations... because this was necessary in the interests of the proletarian revolution: the struggle for unification was free and each nation expressed its right to self-determination by the free choice to unite with all the other socialist Republics.”⁷¹

⁶⁸ Ibid., p.682.

⁶⁹ Ibid.

⁷⁰ Anderson, *Frontiers; Territory and State ...*, p.39.

⁷¹ Ibid.

The creation of the League of Nations after the First World War was an attempt to abolish aggression between states, yet it has “very limited scope of authority and no enforcement capabilities”⁷². The ideals and targets of the League were not applied to all states and this territorial organization was highly insufficient at preventing territorial conflicts. The League members signed the Covenant that “the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League.”⁷³ Although the article ensures the territorial integrity of states by accepting their equality in status, it clashes with the representing ideas of nationalism and its competitive structure.

Later, the creation of the United Nations after the Second World War was also an attempt to regulate relations among sovereign territorial states and considering even the emerging ones. Although these efforts were highly related with organizing space, until the establishment of the European Union, the networked non(border) aspect of this formation cannot be fully understood. This is because of the establishment motivation of the EU with a new perspective and participation of multilateral entities, deterritorialization and later reterritorialisation to set new understanding of space in Europe.

The path that leads to more integrated borderlands as in the case of the EU passed through the common standards at borders as mentioned earlier. Schengen Information System (SIS) is one of the aspects of this geostrategy. According to the System, any entrance to the Schengen area is recorded and even the refusal information of applications are kept on record and shared with other Schengen countries to be considered in case of renewed applications. It also emphasizes most the exchanging of information aspect of networked (non)border that after world wars cooperation carried more importance.

⁷² Murphy, *The Sovereign State System* ..., p.100.

⁷³ Article 10, *The Covenant Of The League Of Nations*, http://www.iilj.org/courses/documents/CovenantoftheLeagueofNations_000.pdf (20.01.10)

2.3.2 March

As a second category, *march* has been described as another geostrategy of European border management. The important aspect of march is that it reappears with the transformation of EU external borders.⁷⁴ As a concept, march points to the early times where there did not exist any lines to separate people or entities as today. In other words, it refers to a zone that split two entities; it may also be understood as a ‘buffer zone’⁷⁵. For Walters, the reappearance of march can also be traced back to post Cold War the internal security problem that the EU has to struggle with criminal networks and illegal migration. Eastern Europe was considered as a buffer zone of security before they get their membership status. Firstly, the characteristics of this zone are that it may shift to the east when new states enter to the Union. Secondly, it causes the problem of financing the protection of external borders when this move occurs. Since the border states have the responsibility to protect borders, with new entrances to the EU the zone shifts so also the burden of the cost. Yet, the problem is new members did not have the financial and physical capacity. As in (non) networked borders, march is also dispersed in characteristics. If border controls in international airports are also considered as a zone, it obviously points out the changes of old border areas, also changing the forms of march.

The idea of buffer zone can be applied to many practices and eras of European history. Yet it is basically related with the ‘territoriality’ as a concept which was evaluated in the first chapter. Territoriality is about having power on a bounded space, which consists of population and resources. Beginning with decentralization of the feudalization, small entities began to use not lines but spaces for delimitation. Discrete tiny units emerged independent from the understanding of protection or authority. Territorial understanding has also begun to change through secularization of administration and improvement of legislation. Different from feudal structure, two models emerged in European space; ‘the free city and proto-absolutist state’⁷⁶. These entities were territorial with respective power of the governors, slightly under the effect

⁷⁴ Walters, *The Frontiers of the European Union...*, p.683.

⁷⁵ Browning and Joenniemi, *Geostrategies of the European ...*, p.527.

⁷⁶ Murphy, *The Sovereign State System ...* p.85.

of the church and nobles, yet it has helped the enhancement of territorial thinking. Hugo Grotius (1583-1645) who is known as one of the early theorists of the modern Western international legal system also supported the divine power of nature and its impact on territoriality as a higher authority and offered more of an independent territorial order eliminating control outside the country.⁷⁷ In a way, these are the signs of current secular understanding and independent structure of nation-state formation but without demarcation.

However, as Quentin Skinner implied, territorial state became “the most important object of analysis in European political thought”⁷⁸ during the seventeenth century in which Europe had started its self-discovery and exploration.⁷⁹ In addition, other than territorial state which was analysed here, “the Church continued to exercise great power in many areas; the Holy Roman Empire was far from gone; and a variety of political-territorial arrangements coexisted with early states, including confederations, republics, principalities, duchies, imperial cities and free cities.”⁸⁰ The variety of these administrative units inclines how Europe traditionally bound with diversity experiencing extreme localism, universalism and in-between them concurrently. In addition, there are no clear-cut separations, these authorities mostly intersect each other and there they need buffer zones. Mostly areas close to the counterpart were ignored since in such areas power of control is scarce. It also resembles the EU experience in terms of the variety of actors included in the policy-making process with an exception. It is no longer applicable to create a space to split inside the EU but it is a part of external policy that divides non-EU.

Territorial state as a concept became evident for the most Europeans by the Treaty of Westphalia which is known as the first attempt of the formation of the sovereign state system. One of the important features of this sovereignty is that it is related to authority and legitimacy but not control, which differs from domestic and

⁷⁷ Hugo Grotius, *On The Law of War and Peace*, Kessinger Publishing, 2004.

⁷⁸ Quentin Skinner, *The Foundation of Modern Political Thought* Vol. II. Cambridge: Cambridge University Press, 1978, p.349.

⁷⁹ Stephen Toulmin, *Cosmopolis: The Hidden Agenda of Modernity*, Chicago: University of Chicago Press, 1990, p.35.

⁸⁰ Murphy, *The Sovereign State System* ..., p.86.

interdependence sovereignty.⁸¹ It raises the question about authority whether the state has the right to exclude external factors.

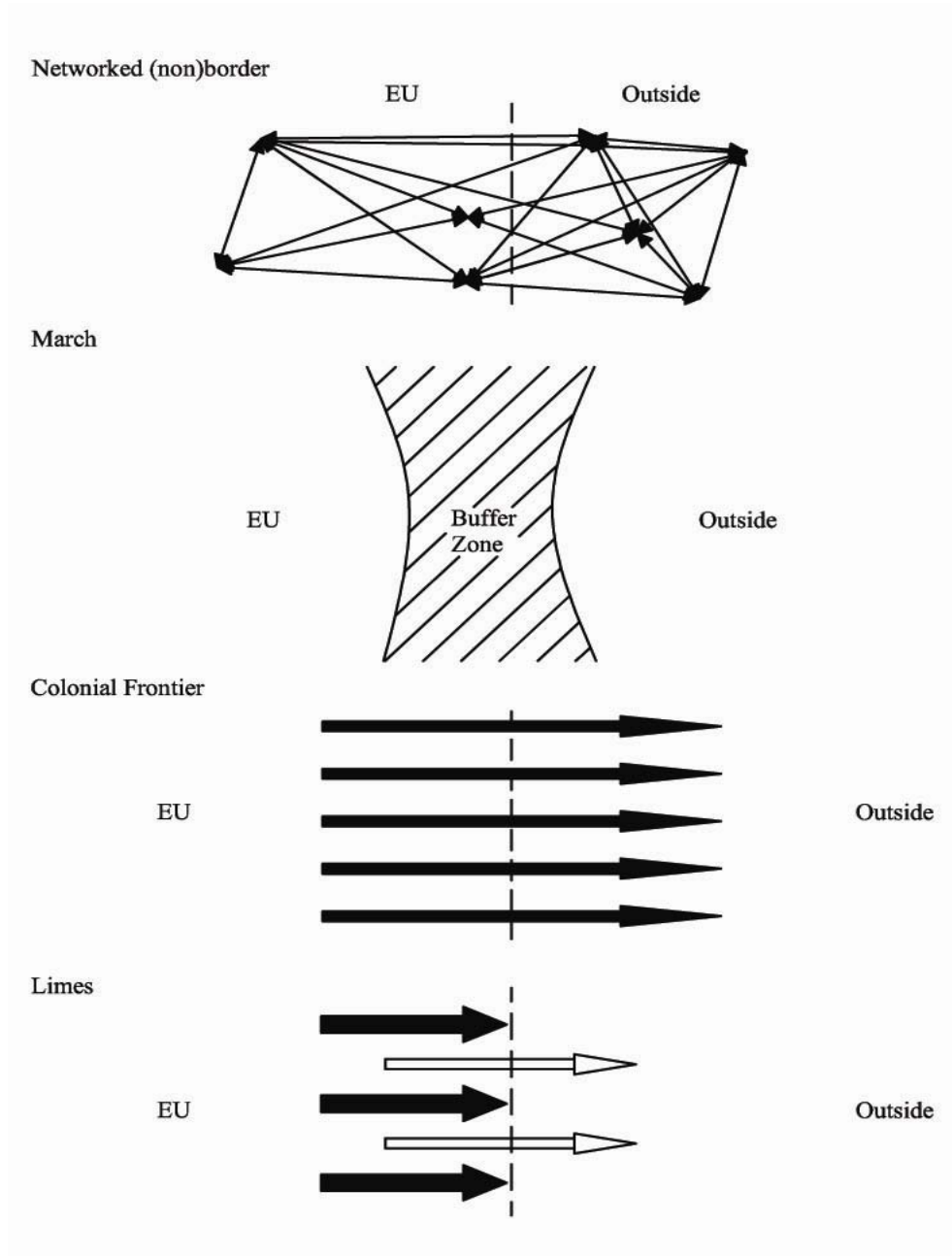


Figure 5 - Walter's Classification of European Union Borders

Source: Christopher S. Browning and Pertti Joenniemi, "Geostrategies of the European Neighbourhood Policy", *European Journal of International Relations*, 2008; Vol. 14 (3); p.528.

⁸¹ Stephen D. Krasner, *Sovereignty, Organized Hypocrisy*, Princeton: Princeton University Press, 1999, p.4.

In addition to the sovereignty principle that is linked with single states, the relations between states had gained a new definition.⁸² So, it is a part of the transition process and ‘creation of more integrated, self-sufficient territories that are important social and political ramifications’⁸³. This transition period was from locality to cosmopolitanism and modernity in particular. Medieval Europe with its fuzzy border formation was gradually moving away to nation-states in which authority was highly centralized and territoriality defined. Rule on behalf of a nation and sovereignty was more common concepts yet the terms of frontier or limit was not used in the modern meaning. Until the seventeenth century, frontier was used for elevation of a church or army’s front line. Later, it gained more peaceful meanings of settling disputes, but as Febvre noted in 1773, the expression of ‘to mark a frontier’ has started to be used commonly.⁸⁴ It should also be noted that the understanding of ‘march’ as a type of border was slightly changing to how it had been understood in the imperial era.

While territory became a priority for European powers, Enlightenment political thinkers also agreed that territorial integrity was one of the foundational social principles of a state.⁸⁵ In any case, territoriality began to be linked with power directly. Yet absolute rule began to be challenged by nationalist ideas by the late eighteenth century. Absolute powers helped the centralization of power, standardization of language and building of armies but ‘differences between peoples living within states were reduced while those between peoples living in separate states widened’⁸⁶.

Territoriality started to be used ‘partitioning up humanity into blocks of people walled into separate national territories’⁸⁷ after 1789. As in the Roman Empire, it was believed that natural features draw these lines of separation. Febvre brings that idea in a more structural way like; ‘They gave countries simple limits which were easy to refer to

⁸² Leo Gross, “The Peace of Westphalia, 1648-1948”, in Leo Gross, (ed.), *International Law in Twentieth Century*, New York: Appleton-Century-Crofts, 1969, p.25.

⁸³ Murphy, *The Sovereign State System* ..., p.92.

⁸⁴ Lucien Febvre, “Frontière: The Word and the Concept”, in P. Burke (ed.), *A New Kind of History: From the Writings of Lucien Febvre*, Routledge and Kegan Paul, 1973, p.211.

⁸⁵ Norman J.G. Pounds, “France and ‘Les Limites Naturelles’ from the Seventeenth to the Twentieth Centuries”, *Annals of the Association of American Geographers*, Vol. 44 (1), 1954, p.55.

⁸⁶ James Anderson, “Nationalism and Geography”, in James Anderson, (ed.), *The Rise of the Modern State*, Brighton, Sussex: Wheatsheaf, 1985, p.126.

⁸⁷ Agnew, *The ‘Civilisational’ Roots* ..., p.21.

and easy to show on maps. They were precise and clear in an age when the real limit, feudal dependencies, was confused and hard to ascertain⁸⁸. In addition to that, the idea of European importance also raised this separation by excluding the East both politically and geographically by categorizing the continents and creation of the concept ‘balance of power’ that regulate the relations of only European states.⁸⁹ Besides, common Christianity culture of Europeans has also further influenced European policies not in a direct way, but, contributed to bridging lineage relations. Authorities still have spaces within them and ‘who is more European’ remains as a vague question still to be discussed.

Here, march should be highlighted because there needed to be a space between the European and the others. Before the eastern enlargement, Eastern European countries carried the mission of buffer zone between Europe and the Soviet Union during the Cold War. Currently Turkey can be considered as the buffer zone between the Middle East and Europe. Basically Europe does not want to carry the burden of financing the protection of external borders when Turkey enters. As a consequence, the responsibility of protecting external borders of the EU defines new form of march so it leads the redefinition of territoriality.

2.3.3 Colonial Frontier

As a third strategy, Walter analyses EU borders considering the imperial aspect of EU that some scholars used to explain as the EU formation. He suggests the third geostrategy as ‘colonial frontier’ that can be traced back to Jack Turner’s ‘The Frontier of American History’ (1920). He mainly made a comparison between European border and American frontier. While European border is ‘a fortified boundary line running through dense population’, the American frontier is ‘the outer edge of the wave – the meeting point between savagery and civilisation’. He defined colonial frontier as ‘a dynamic space, a meeting point between a power, a culture and its outside. It is a space of interaction, assimilation, violence but also pacification’. Colonial frontier is changeable and open to expansion by dominating preferences of inside. It is linked to

⁸⁸ Fevbre, *Frontière: The Word ...*, p.216.

⁸⁹ Agnew, *The ‘Civilisational’ Roots ...*, p.25.

the asymmetry of power that inside determines what is proper and right. As in Turner's understanding of American frontier America is a product that is reproduced in frontiers. Yet there is not such certainty of the EU that reproduces itself at borders. Rather it is a kind of transformation at an institutional degree it is even more uncertain in cultural means. The EU's eastern expansion after the Cold War resembles the colonial frontier especially in the areas that the EU has tried to expand the sphere of influence because the Eastern Europe was seen as changeable and open to expansion by dominating preferences of inside owing to the power vacuum after the decline of the Soviet Union. As it will be explained under the external relations, it is quite common in the EU to establish asymmetrical relations with non-EU countries. However, Walter stresses that there is not a perfect match of understanding the EU borders through the imperial aspect.⁹⁰

Yet, resemblance can be observed especially in areas where the EU established external relations with the non-EU countries, European Neighbourhood Policy (ENP) is one of the examples of the asymmetrical relations that the EU has generated. In the next chapter, there will be broad information about the structure mentioned. The imperial border type was established in the nineteenth century. Imperialist rivalry between Great Powers mostly shaped the European territorial structure, especially through the 1850s when political space began to be reorganized.⁹¹ The transition to the Imperial was not sudden but it is still possible to see the effects of the era. Imperialism is defined as "the creation and maintenance of an unequal economic, cultural and territorial relationship, usually between states and often in the form of an empire, based on domination and subordination."⁹² The spatial dimension of political entities was underlined with newly established railroads and excess transportation. States were more centralized and territorial limitation became a social awareness and transferred through the colonial lands. At first, colonies were seen as separate entities that were used for having economic advantages rather than units being part of the existing political system.⁹³ Yet

⁹⁰ Walters, *The Frontiers of the European Union...*, p.684.

⁹¹ Maier, *Does Europe Need ...*, p.27.

⁹² Ronald .J. Johnston, Derek Gregory, Geraldine Pratt and Michael Watts, *The Dictionary of Human Geography*, 4th ed., Oxford: Blackwell Publishing, 2000, p.375.

⁹³ Jean Gotmann, "The Evolution of the Concept of Territory", *Social Science Information*, Vol. 14, 1975, p.39.

in the nineteenth century, territoriality became an important aspect for states to define their national power by demarcating borders on national claims and national characteristics built on these national entities. Interestingly, territorial integrity of the European powers had become prior to the economic concerns. In this era, laying claims about territoriality continued to be one of the characteristics and was used as a tool of power, which later promoted the migration. There were approximately 60 million Europeans migrated to the other continents.

Besides that, sovereignty has also changed through the imperial era, its conceptual framework has not remained as it emerged. In order to understand these changes, Murphy offers two different aspects of sovereignty; ‘sovereignty as a principle governing relations among states and sovereignty as territorial ideal’⁹⁴. The former description of sovereignty is related to the nature of a state and its activities in the international sphere. The latter is connected with space and power which is linked with the states sphere of influence which can be discussed whether it matches with the physical map of a state. Partly, the unification of Italy and the unification of Germany were the signs of regulating international relations in an efficient way. Another sign of these principles can be observed in the Berlin Conference in 1884 for the first time. In the Act of Berlin ‘sphere of influence’ as a principle was accepted by colonial powers in which territorial ideal was maximized. It is also important to mention that if these principles did not overlap even slightly, conflicts would inevitably begin between the entities reasoning the ‘sovereignty’ issue. Otherwise, establishing relations with other countries would not be enough to fulfil the territorial ideal for power maximization.

The imperial era was claimed to be affiliated with “expansionist, capitalist and even communist systems”⁹⁵ in the Dictionary of Human Geography with the reason of supporting the creation and maintenance of unequal relationships, and mostly being based on domination and subordination of it. However, rather than any proximity with colonialism, imperialism should be evaluated with different parameters. As mentioned above, the imperial era is mostly about having control on outer lands, which later creates the logic of “sphere of influence”. Changes on territoriality and sovereignty are

⁹⁴ Murphy, *The Sovereign State ...*, p.87.

⁹⁵ Johnston, Gregory, Pratt and Watts, *The Dictionary of Human Geography...*, p.375.

mostly about the domination motivation of imperial rules. Yet even after the dissolution of the empires, imperial tendencies have been shown and experienced under the Soviet rule, or with economic enforcements of the U.S. and Japan.

As Anderson inclined modern border is thought to separate different ‘peoples or civilizations’ and civilization was developed later by ‘state system of education, cheap newspaper press and railways that reached rural areas’ and made people aware of their nationality and the territory to which they belong.⁹⁶ Yet Maier claimed that ideological development could not be the only reason for the modern sense of territoriality and nation-state. As he explains ‘material possibilities’ made the world easily controlled and that lead to the need of new territories defined with new boundaries.⁹⁷ Furthermore, European influence on culture, intellectual and commercial life was spread. The traditional ways of this influence is also redefined over and over by European states when there are other actors in this subject. Yet the EU with a common policy on border management has still experienced asymmetrical relations that established in different policy areas especially by the readmission agreements are the signs of the colonial aspect of the border regime.

2.3.4 Limes

Limes is the fourth geostrategy. Walter explains ‘If the space of the march is an area between powers, an interzone, and that of the modern frontier a finite line demarcating and separating territories, then the limes is more like an edge, fringe or limit.’⁹⁸ Limes is also considered as a type of border from imperial history. Different from the colonial frontier as limes conceives border more permanent and aims to draw a limit to expansion.⁹⁹ Peace, stability and order are aims to be maintained inside the limes and threat would be kept outside. Preservation of these is highly supported. In some respects, limes is applicable to the EU. Especially, Ceuta Wall¹⁰⁰, which was built

⁹⁶ Anderson, *Frontiers; Territory and State...*, p.24.

⁹⁷ Maier, *Does Europe Need ...*, p.21.

⁹⁸ Walters, *The Frontiers of the European ...*, p.690.

⁹⁹ Browning and Joenniemi, *Geostrategies of the European ...*, p.527.

¹⁰⁰ Ola Tunander, “Post-Cold War Europe: Synthesis of a Bipolar Friend-Foe Structure and a Hierarchic Cosmos-Chaos Structure?”, in Ola Tunander, Pavel Baev and Victoria Ingrid Einagel (eds.), *Geopolitics in post-Wall Europe: Security, Territory and Identity*, London: Sage Publications, 1997, p.26.

to protect the Spanish border- European borders- from possible North American migrants is seen by Walters as an evident of it. While Whittaker's added "the need for political control beyond the administrative boundary, either through direct military occupation or through alliances, explains why limes came to mean a frontier zone as well as some sort of boundary"¹⁰¹, Walters showed this as a proof of EU policies of seeking cooperation with border authorities outside the EU. In addition to this, limes, as the EU's border geostrategy is understood negatively considering the security aspect. The stress on 'avoidance' is the key reason for this cause.¹⁰²

If limes is one of the past experiences of Europe then it can be traced back to the Roman Empire. Generally, Roman territoriality was far from a secular structure of authority, it was closely linked with private and public law of property of Roman administration. Roman territorial structure consisted of two divisions. Firstly, there existed internal circles of administrative areas inside the Empire. Secondly, external borders were defined, usually with stone-markers and they mainly aimed to separate their lands with other people who were seen as threats. Since external borders shaped with security concerns and focused on protection, neighbouring entities of the Roman Empire were densely bordered. These external borders were mainly called "limes" that marked the boundary and were said to be used against barbaric peoples of the north and east.¹⁰³ They were primarily the Parthians and Persians and the main motivation was to protect themselves behind the limes (or 'frontier line') from Hadrian's Wall to the Danube delta.¹⁰⁴ Unlike Walter's classification, limes do not indicate a limit to expansion here. Yet it is noteworthy to mention that these limits indicated a separation between 'commoner' and 'unwanted or threatener'. Yet, there was not any consensus whether these lands were divided culturally like core and periphery (Christians and later converted Christians) or split administrative units later forming national states. Furthermore, it is obvious that hierarchical territorial units made the Roman government a more efficiently functioning body and clear territorial adjustments led to easier control

¹⁰¹ C.R. Whittaker, *Frontiers of the Roman Empire, A Social and Economic Study*, Baltimore and London: Johns Hopkins University Press, 1994, p.201.

¹⁰² Walters, *The Frontiers of the European ...*, p.692.

¹⁰³ Christer Jönsson, Sven Tägil and Gunnar Törnqvist, *Organizing European Space*, London: Sage Publications, 2000, p.19.

¹⁰⁴ Norman Davies, *Europe: A History*, New York: Oxford University Press, 1996, p.159.

over their lands. It also developed the sense of sovereignty, which differs from today as it was “derived from God” and strengthens the idea of belonging to the higher authority.

To conclude, how borders changed and formed before a broader perspective has been covered by highlighting the significance of the European Union. Eras that contributed more to the current formation of the EU both in a positive and negative way are included. Territorial evolution can be summarized as the journey of small political units, which were created after the dissolution of the Roman Empire. If political life is considered as a pendulum, moving from deduction to induction, these small units carried a tendency towards induction (this still continues with European integration). National unifications were one of the signs of this tendency. Bigger national entities and their will to expand not physically but in an expansionist way to further their sphere of influence were the characteristics of the imperial era. The expansionist tendency did not end with the imperial era, but witnessed two wars in order to dispel dissatisfaction arising from land distribution and locations.

Considering all existing types and classifications of borders of the EU, there is not a single type or definition that limits the current border formation. Rather, the EU consists of a combination of them. Essentially, it is 'networked (non)border' which corresponds globalization aspect of the regime that supports the interaction of the member countries and demands cooperation both for inner and outer borders when it has applied for the common visa regime. It is 'march' when there is need to separate lands with a transition or a 'buffer' zone which is practiced by creating areas of transition for European lands. It is 'colonial frontier' when there is an asymmetrical relation established which also requires othering policies of the EU that makes it easier to define inside. Finally, it is 'limes' to keep the threat outside because it points out the physical limits of the EU which also form part of a discussion of where the EU expansion will end.

The significance of the European borders comes from its unique character. The EU does not prescribe the borders it has; it just lets them evolve according to the need and specific to the requirements. It also cares for flexibility to the relationship between the states but with a common aim, free movement. However, this level of flexibility

means there is no standard border policy and it does mean there are numerous levels of complexity throughout the EU. With exceptions for various situations, examples being the UK and Ireland as part of Schengen whilst some Schengen members are not in the EU like Switzerland. So, these layers of complexity try to meet needs but cause difficulties with negotiations and constant flux. However, the spirit of the negotiations is to be inclusive and meet a common goal.

The definition of border that was attained as 'borders which are the lines among sovereign political entities with both uniting and dividing functions. They are part of state institutions and indicate a larger area when countries sphere of influence is considered because they are far beyond simple demarcations on land' is proven. The definition of border which the Schengen acquis set is also added. However, it was crucial to find sources of that definition when practice is considered. This multilayer structure of the EU that benefits from past experiences in European lands still remains as absorbing aspects of the structure. The main point here is to determine how to gather these practices in a positive way or to understand the EU as an entity targeted by Schengen as a protector and glue of the existing countries in the system. It is quite obvious that the Schengen regime presents the functionalist way of the EU that it can enclose the wide range of border categorizations and practice them even simultaneously.

3. AS A NEW INITIATIVE ON BORDERS: SCHENGEN

In this chapter, the main case of this study, ‘the Schengen regime’ is examined. The Schengen process started long before the border formation of the European Union as a separate policy. Apart from the Schengen regime, other policy mechanisms can also be considered as constructors of the European border regime. Cross-border cooperation under Regional Policy and enlargement including the European Neighbourhood Policy (ENP) are such examples.¹⁰⁵ This variety also leads to the fragmentation of the policy areas of border construction. For that reason, Schengen regime will be taken here as the main regime of border policy since its emphasis on mobility of people is the main interest of this study. It mainly aims towards a ‘borderless Europe’ as a final target that offers free movement of people in addition to goods, capital and services. The main aim of this chapter is to highlight the significance of the European borders. It begins with the Schengen process from its emergence (including preparations) to the analysis of Schengen in advance. Continuing with an exploration of internal and external border formation with reference to the agreements and legal documents of the EU, the enlargement of the Schengen area and redefinition of external border relations are elaborated. In the context of the former developments, the future of European borders is also evaluated.

To explore the established reasons of Schengen regime, this work would try to seek answers to how and why Schengen emerged. What was the motivation for member states to transfer their sovereignty to a higher authority on such a sensitive subject as the border control? Since “some things can occur only at borders”¹⁰⁶, the policy implemented by the EU changes in due course. It would make the observation of new advances difficult but the main goal would be to follow the ‘meaning-making and meaning-carrying’¹⁰⁷ features of border concept which reflects the institutions of a state, which came into being in the Schengen regime. Visibility of this interaction also changes through the views ranging from nationalism to transgovernmentalism. In

¹⁰⁵ Eiki Berg and Piret Ehin, “What Kind of Border Regime is in the Making?: Towards a Differentiated and Uneven Border Strategy” *Cooperation and Conflict*, Vol.41, 2006, pp.53-71.

¹⁰⁶ Donnan and Wilson, *Borders; Frontiers of Identity...*, p.4.

¹⁰⁷ *Ibid.*

addition to that, the future of the Schengen regime will be evaluated in the light of current developments as a unique issue for Schengen countries.

3.1 Emergence of the New Border Regime: Schengen

Mainly it is difficult to draw an analytical framework of the emergence of Schengen for two reasons. Firstly, Schengen as a subject should not be understood in concurrence with European integration theories, as is usually the case. Schengen should be analysed as a separate idiosyncratic issue, which is more rare. Secondly, Schengen is usually scrutinised economically and is seen as part of an economic integration rather than a political one. Since political integration is also less advanced compared to economic progression, Schengen is treated as one of the sub-issues of justice, freedom and security.

Here, it will be made a distinction of views about the emergence of Schengen regime in order to draw an analytical framework. First of all, what is called ‘simplex logic’ which mainly explains the Schengen emergence in a simplistic way, highly promotes the view that Schengen was established by leading European countries’ concerns about economy, security, migration and border control. For instance, Moravcsik’s explanation for Schengen was mostly about the ‘economic concerns’ of France and Germany to abolish border checks for Benelux countries with similar thoughts.¹⁰⁸ His attempt to explain the Schengen system mainly reduces it to simple terms because in simplex logic, authors adopt intergovernmental views that locate Schengen as a cooperation initiative in the governmental decisions of some European states.

However, this view is partly wrong and misses at least one point, which is the transfer of sovereignty. In addition to that, the Schengen contextual emergence is also missing here. Schengen was developed as a separate formation from the European Common Market yet it has not always been seen that way. Although some countries were part of the Common Market, they rejected to be a part of the border regime and the

¹⁰⁸Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca: Cornell University Press, 1998, p.359.

UK is a noteworthy example of that.¹⁰⁹ In that sense, economic integration can be seen as a contrary to border regime because it was more independent and signed before the Single European Act. It should also be added that beside the national economic interests of some European states, Schengen should also be evaluated by political parameters and with reference to the new initiatives of that era. Since nationalism has been swiftly eroding in Europe, even considering French resistance, Schengen emergence should also be inquired by post nationalist approaches.

It is offered here a new aspect; ‘complex logic’ which would be the alternative view to the ‘simplex logic’. This aspect mostly sees Schengen as a response to both current developments of relocation and increasing interconnectedness among European countries. Complex logic specially focuses on the multi-actors organism that also consists of a multilayered structure which is constantly changing. Complex logic mostly arises from the interactions between all the input that is part of the construction period of the Schengen regime. Rather than making an economic emphasis, it is aimed to create a multidimensional approach and grasp Schengen regime apart from the EU formation. With this brief introduction to complex logic, it will be tried to illustrate the shortcomings of the emergence of Schengen and introduce a broader aspect to define both its content and features. As a regional organization why Schengen attached to the EU, how it affects new members while still favouring the old ones and if it is considered as a political project, how would the EU react by furthering it, are the questions to be answered.

It is also important to remember the definition of border concept which is grasped here. It is more of a political concept that is used both as a separation and penetration tool. Borders are considered as the lines among sovereign political entities and parts of state institutions yet they are far beyond the simple demarcations on land when states’ spheres of influence are considered. However, not a single definition exists for the EU, as discussed in the previous chapter. Rather, it is a combination of four geostrategies; networked, march, colonial and limes. They indicate different aspects of

¹⁰⁹ Gallya Lahav and Virginie Guiraudon, “Comparative Perspectives on Border Control: Away from the Border and Outside the State”, in P. Andreas, and T. Snyder (eds.), *The Wall around the West: State Borders and Immigration Controls in North America and Europe*, (Lanham: Rowman and Littlefield, 2000), p.60.

the European border regulation and understanding. Common visa regime, transitive 'buffer' zones, asymmetrical relations with non-EU and threat perceptions are some dimensions of the border regime which will be evaluated in the following parts.

3.2 Preparatory Phases Leading to Schengen

The current European border regime has roots in history and geography as mentioned in Chapter 2. Yet it is crucial to focus more on the post-World War II events. Territorial integrity and sovereignty ideals of states as pre-war motives, continued to be obtained by post-war states in addition to nationalism because nationalist imperatives had strong effects on both internal and external community. Borders were strict even after the establishment of the North Atlantic Treaty Organization (NATO) and the Warsaw Pact so that European states strengthened to have a "monopoly over the legitimate means of movement"¹¹⁰.

Immigration also began to be regulated in this era. For instance, a guest workers system based on bilateral agreements between sending and receiving countries (demanded mostly by Germany, Austria and Switzerland) or a permanent labour citizen system aimed at having workers from overseas territories (an implemented policy of France and the UK) was adopted by European states to control immigration.¹¹¹ However, there was not any clear policy of protecting the rights of immigrants except the "Convention Relating to the Status of Refugees" that was signed in 1951 to regulate displacement of people after the Second World War. Yet both attempts were limited with state policies that resulted mainly in spreading passports.¹¹² Passports were the documents proved to legitimize the travel among European states and clearly signs of state institutionalization and a tendency of trying to protect from the external threats.

Between the years 1945 and 1980, in addition to migration regulations, the number of legal documents that define territoriality and the external as well as internal borders of nation states had increased. In this regard Helsinki Agreement (1975) which

¹¹⁰ John Torpey, "Coming and Going: On the State Monopolization of the Legitimate Means of Movement", *Sociological Theory*, Vol.16 (3), 1998, p.241.

¹¹¹ Zaiotti, *Cultures of Border Control...*, pp.65-6.

¹¹² John C. Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State*, Cambridge: Cambridge University Press, 2000, p.7.

had clearly restricted any interference into issues related to State's domestic matters was particularly important.¹¹³ Its importance stems from its contribution to the stability of territorial integrity and security in Europe on two grounds. First of all, it had strongly underlined the concept of national sovereignty and had emphasized the importance of territorial integrity as guiding principles. Secondly, as Helsinki Agreement was concluded between two rival camps of the Cold War confrontation, its mere existence was in itself an important contribution to European security.

European states mainly ran their territorial claims as a locomotive to both world wars. However, both post-war eras did not really satisfy the needs of national territorial integrity of states and it has been realized that post war settlement did not provide it at all. As a result, nationalism started to be seen as a challenge to the new map of Europe because while one part of Europe was promoting national sovereign states, the other part had different motives (under Soviet influence). Yet the existence of the Soviet Union and its satellite states in Eastern Europe did not really change the formation of borders. The Iron Curtain remained to be a border with a difference; as it was accustomed, the Soviet border did not incline a national border, rather (with increasing ideological rivalry between the US and the Soviet Union) it separated ideas. As in Martinez's definition (Chapter 1) it was 'alienated' borderlands where exchange was scarce or non-existent and border controls were military oriented because of 'ideological animosity'.

In addition to that, the establishment of the European Economic Community (EEC) changed the atmosphere in terms of rigidity of border formation. It started with establishment of European Coal and Steel Community (ECSC) in 1951 which aimed to regulate coal and steel industries of signatory states (Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany) from a centre. In 1957, the six states signed Rome Treaties in order to extend cooperation and establish two organizations; the European Economic Community, (EEC) which aims to establish a customs union and the European Atomic Energy Community (EURATOM) to develop nuclear energy. In 1967, these three communities settled into a common institution called European

¹¹³ Conference On Security and Co-Operation In Europe Final Act "The Helsinki Agreement (1975)" http://www.osce.org/documents/mcs/1975/08/4044_en.pdf (25.05.2010)

Communities (or the European Community) that aimed to demolish economic barriers between the member countries. However, it would be wrong to degrade the EC into an economic union.

It is clear that the EC started to regulate the living space of the EC countries since it dealt with the individual rights which were in the founding agreements of the Community. It also modified the movement of people up to a certain point, since economic initiatives weighted more importance; border formation was given less priority. The EC retained its national sovereignty parameters, as it did not make any noteworthy transformation in terms of border control. As O'Dowd suggested states of the Community avoided even to discuss about border regime due to sensitivity of 'political sovereignty and security'.¹¹⁴ Additionally, states were sensitive about external relations that besides arranging some economic agreements with the third parties, the EC was not able to take actions in the political sphere.

However, things changed in the 1970s and high unemployment rates were seen with the effects of economic stagnation in Europe. It raised the need for opening borders. Yet governments adopted protectionist policies about migration because the migrants were no longer just Europeans. Non-European migration to the continent started more than ever. In addition, families of guest workers migrated to the continent and decided to stay. By the 1980s, softening of the Soviet Union borders also highly alarmed and caused fear in the European governments concerning uncontrolled flow of people. Regulations of the EC were not enough to handle the border issue and migration came to be a challenge for governments of member states. Later, national borders started to be seen as an obstacle for economic integration rather than limits to political authority.¹¹⁵

Economic stagnation and institutional deadlock led France and Germany to take some initiatives to solve the problem of political inertia. A series of attempts finalized with some agreements. One of them is noteworthy to mention here: the Rambouillet agreement. It mainly aimed at abolishing of borders between German and

¹¹⁴ O'Dowd, *Changing Significance of European ...*, p.17.

¹¹⁵ Zaiotti, *Cultures of Border Control...*, p.84.

France in due course. Later, it was also represented in the Fontainebleau European Council and the idea of 'Europe without borders' came to the surface. However, neither the governments of member states nor the Community had a proposed process at that time. Thus, Germany and France initiated the Saarbrücken Agreement, which set a goal of abolishment of border control at their common border.¹¹⁶ Benelux countries also joined the talks for furthering the agreement and many new arrangements were offered in a series of meetings of these five countries. In addition to the Saarbrücken Agreement, the Schengen Agreement was signed on June 14, 1985 with broader regulations. It was not a finalized text but a draft that needed further work. It took five years to decide on a common text for Germany, France and Benelux states, which is The Schengen Implementation Convention, signed in 1990.

3.3 A Detailed Analysis of Schengen

The Schengen Convention defined the border with a new perspective. As mentioned in Chapter 1, the term border had two distinctions now; internal and external borders. Both internal and external borders referred to national borders as the prevailing level. Yet as a broad organization of the Schengen Convention, there was a formula created which includes all Schengen States and prevents confusion of border description. Both types of borders were considered as common borders of the Schengen States but the definition of external borders addresses more clearly the Schengen area. For people entering from non-Schengen countries, any airport or sea-port is an external border and denotes an entrance to the Schengen area. As mentioned at Article 6 in the Schengen Implemented Convention (SIC), "Cross-border movement at external borders shall be subject to checks by the competent authorities. Checks shall be carried out for the contracting parties' territories, in accordance with uniform principles,..."¹¹⁷ Uniform principles also imply here an understanding of common external border.

¹¹⁶ Schengen and Europe, "History of Schengen and Why it Developed"
<http://people.exeter.ac.uk/watupman/undergrad/rich/hist.htm> (30.05.2010)

¹¹⁷ The Schengen acquis - Convention implementing the Schengen Agreement, *Official Journal L 239*, pp.19-62 <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29:EN:HTML> (10.06.2010)

In addition, external borders had a different role in terms of the obligations. External borders carried much more importance considering the security concerns of the contracting parties. It did not mean total abolishment of the national borders but as indicated in Article 17¹¹⁸, it transferred from internal to external ones. It is also related with uniformity of controls and acceptance of all borders as the common borders. Nevertheless, the Schengen initiative was progressing independently from the EC and it raised a need to comply with the integration of Europe because the aim was pretty much the same and Schengen initiators did not want to harm the European integration project.

With efforts making the Schengen initiative compatible with the European integration project, the Single European Act (SEA) was signed in 1986. The SEA mainly aimed to alter the institutional structure of the EC and widen the extent of the Communities. It also set an objective about borders that there should be created an area ‘without internal frontiers’ for economic integration. Beside its emphasis on economy, the SEA also supported other freedoms like movement of persons and services. Before the SEA, the EC offered a mixed competence in terms of border management but in order to achieve the targeted internal market, it was set that the EC institutions would take decisions and member states allowed to participate regarding to their competency.

Both border initiatives of Schengen and the EC continued simultaneously but the Schengen was the forerunner about the movement of people. The EC initiative, when started, had focus commonly on the abolishment of inner borders and worked more on the regulations concerning it. Relations with the third parties were mostly dismissed unless they became a part of the EC. Yet the EC had efforts on keeping up with the Schengen initiative and allowing supranational actors more into the process like the European Commission, the European Parliament and the Court of Justice. However, intergovernmental cooperation in terms of border management remained even considering the supranational emphasis and relations among states were promoted to strengthen further cooperation. Nevertheless, the UK position that seemed more unwilling to participate in common borders raised some questions like ‘what was the motivation for the European states to abolish all inner borders?’. As a solution, border

¹¹⁸ Article 17 states that “With regard to the movement of persons, the Parties shall endeavour to abolish checks at common borders and transfer them to their external borders.”

focus oriented to external borders and their definition. So, the EC attempted to define 'others' first to remove the doubts about 'we'.

In 1993, the Schengen Implementation Convention (SIC) was ratified by the Schengen States and 'preliminary conditions' were set by the Schengen Executive Committee (Comex). This consisted of seven conditions which were; "external border control; uniform visa deliverance; asylum claims; realization of the Schengen Information System (SIS); respect for the provisions of existing drug conventions; legal protection of personal data; the circulation regime in airports"¹¹⁹. Yet France declared that it was not ready for abrogating internal border controls, which was understood as a temporary blockade to the Schengen process. Although the Schengen Implementation Convention was put in force in 1995, the French attitude about not accepting the removal of border controls with Luxembourg and Belgium had continued for at least 2 years. Meanwhile the new members, Portugal and Spain, joined the Schengen initiative.

The SEA and its target of free movement of goods, capital, persons and services had long been discussed in the EC. Especially the attitude of the UK about free movement of people and abolishment of internal borders fuelled the debate about how ready was the EC to open up its borders. Since the economic integration was a priority, border control or free movement of people were subjects sidelined as far as possible. Yet in 1991 'Draft Treaty towards European Union' emerged with discussions on 'three pillar structure' which consisted of the European Communities first and two additional pillars "Foreign Policy and Security" and "Justice and Home Affairs" that would function intergovernmentally in the first instance.

The pillar system as a central subject was accepted in Maastricht European Council and the EU was established. In addition, as a crucial point, asylum policy, control of external borders, migration by nationals of non-member states, judicial co-operation in civil and criminal matters, customs, and police co-operation were mentioned in the Maastricht Treaty. However, these new initiatives were not really welcomed on national basis. Any supranational arrangement was accepted as a threat to national sovereignty and the states tried to find out least problematic way to be in the

¹¹⁹ Zaiotti, *Cultures of Border Control...*, p.126.

Union. Yet in the structural way, the border control issues failed again because the Maastricht Treaty defined border issues under the external dimension of Justice and Home Affairs, which had limited scope.¹²⁰

The failure of the European initiative on border issues led to the emergence of new ideas: the harmonization of the Schengen regime with the European Union. Although there were concerns about this adoption, the Dutch presidency offered it to the members. It mainly states, “the Schengen Agreement has never been thought of as existing outside the political and institutional framework of the EU. For the majority of the member states, the integration of Schengen into the EU is a priority”¹²¹ Yet ongoing efforts and oppositions were finalized in the Amsterdam Summit. The most important achievements were the issues of the border control, immigration and asylum transference from the third pillar (Intergovernmental) to the first (Community) pillar. There also added special circumstances for the non-EU Schengen members (Norway and Iceland) and non-Schengen EU members (the UK and Ireland).

The Schengen initiative was now inside the EU and there was not any consensus on whether communitarization of the Schengen or Schengenization of the Community took place. The incidents mainly points out that it is Schengen which breathe new phase into the EU in the area of ‘freedom, security and justice’. It was also understood this way by member states and the European Commission that the agenda was set and priorities were clearly defined. Nevermore, the Amsterdam Treaty made legal framework ready and arranged the institutional structure. It was time to discuss how far could be gone with the new initiatives and the formation of the third pillar. The clash between federalist states (supported to become a closer union) and anti-federalist ones (opposed to the promotion of supranational structure) was in stage.

The Tampere European Council was seen as an opportunity to discuss more on future of the new initiative of asylum and migration policy with a strong security

¹²⁰ Jan Niessen, “International Migration on the EU Foreign Policy Agenda”, *European Journal of Migration and Law*, Vol. 1 (4), 1999, p.487.

¹²¹ Jaap W. De Zwaan, “Schengen and the Incorporation into the New Treaty: The Negotiating Process”, in Monica Den Boer (ed.), *Schengen’s Final Days? The Incorporation of Schengen into the New TEU, External Borders and Information Systems*, Maastricht: European Institute of Public Administration, 1998, p.18.

emphasis. A policy framework generated after the Council with its short and medium term goals and its most noteworthy proposal was establishing a 'European Border Agency'. Laeken, Seville and Thessaloniki Council Meetings followed as the political guidelines. From November 2004, when the Council accepted the Hague Programme, the area of Freedom, Security and Justice was being established in the European Union through strengthening cooperation between Member States, Schengen Associated Countries and other partners. Border security is being a part of the regulating of external borders as a phenomenon. European Border Agency (Frontex) was created particularly to integrate national border security systems of Member States against all kind of threats that could happen at or through the external border of the Member States of the European Union.

Although the Schengen initiative has not followed a linear line and faced with significant obstacles and oppositions, it is now a part of the EU politics with its accomplished goals. Internal border checks were almost completely abolished and there created a common border understanding that responsibly was shared by all member states including the newly participated ones. This achievement is important at least for two reasons. Firstly, it has highly promoted the innovative side of Europe that is ready for taking risks to form new structures that are thought to be needed. Secondly, it has created a sustainable initiative that even the issue of transferring sovereignty was grasped as an advantage for the member states to continue further integration and as an initiative melted in a bigger pot. The Schengen initiative with broadening its scope has brought a new perspective to border control and visa regime for all over the world. It has expanded because of common visa requirements of member countries that the Schengen became a familiar phenomenon for most of the world.

To evaluate the Schengen regime in the light of all developments that took place in the international area, the 'complex' logic can be applied for many reasons. As mentioned before, this aspect mostly sees Schengen as a response to both current developments of relocation and increasing interconnectedness among European countries. In addition, the gradual elimination of the control of common borders applied 'independently' from the Community in which free movement is to be coordinated by

economic integration. It points out that the Schengen initiative could not be degraded to economic motives. It is a far deeper process that carries different motivations and needs. Although the Schengen initiative has started with founders of the Community, the EC lacked the way by showing more attention to national emphasis on eliminating borders.

However, national actors have not been the only decision-makers of this understanding. Since post-nationalist approaches have not been ignored and inclusions of other actors who benefit from the process continue to be considered, this view consists of a more stratified structure. Residing economic and political aspects, securitization of borders should also be included into the reasoning of the border issue in addition to the flourishing social networks and common culture of the Schengen area. It is mainly grasped as a source of discussion because being a part of the Schengen regime is also related with national culture and as mentioned before related with some sensitive concepts for nation-states such as sovereignty, citizenship and security.

It should be also noted that the complex logic with its political and economic dimensions unites its complexity with its sociological point of view. Accepting the triggering role of economic integration and world politics on the existing system, Schengen regime is also a product of understanding of nationalism that is composed of experiences and identities of different actors. Besides this, the interactions of these components carry an important weight and there should not be dismissed the role of affecting each other. In other words, how is the Schengen regime created outside the EU despite its strong national traditions since the establishment and how actors practice through the process needs to be explored.

However, Schengen initiated with heads of government considering security concerns and it was even under discussion while establishment was taking place. It is logical to create a multilayered response to the emergence of Schengen yet it will not be enough. The complexity of the regime can only be understood by being away from degradation of the motives of the regime to economic concerns. As mentioned in the definition of border which are far beyond simple demarcations on land, it carries different timings and connotations in the EU context as it is evaluated in the previous chapter. They are also used here as tools to define the complexity of the Schengen

regime. The characteristics of networked (non)border, march, colonial frontier and limes are both the projections of former border understanding of Europeans and the signs of the new concept of border that has been brought by the Schengen regime.

More specifically, networked border is about ‘deterritorialization and a borderless world’¹²². Fuzziness of spatial borders is mentioned and close cooperation on borderlines is highlighted which includes exchanging information, using common visas, similar asylum and migration policy and finally managing EU external borders with common standards. It is far from ‘fixed territoriality’ that the aim is to create a common area which matches with the Schengen area. Similar to that, march indicates mostly a ‘buffer zone’. Eastern Europe could formerly be seen as march before admission to the EU. Although there is not any sign of Schengen indirectly creating a buffer zone, as will be seen in external relations, the Schengen regime has efficiency in other parts of the world.

Furthermore, colonial frontier which is changeable and open to expansion by dominating internal preferences can also be considered as a part of the Schengen regime. Since one of the characteristics of the Schengen regime is creating asymmetrical relations with the non-EU area, readmission agreements and other regional arrangements can be seen as the domination tendency. In addition to that, limes is mentioned as a limit and an edge of authority. In short, limes indicates that Schengen will remain as a regional policy area with defined territories. As put previously, peace, stability and order are aims to be maintained inside the limes and threat would be kept outside. It is quite similar to the division of internal and external borders of the EU.

To be clearer, complex logic of Schengen emergence not only indicates the relations of member countries apart from their bounds on economic dimension; it is also covering a wide range of characteristics of European border concepts. Since the above mentioned concepts have carried more meaning when considering their previous definitions. They are also signs of Schengen peculiarity that combines both the new and the traditional interpretations of various types of border.

¹²² Walters, *The Frontiers of the European Union...*, p.679.

3.4 Schengen Enlargement

As mentioned before, the Schengen initiative targeted to expand in order to success as a European project. In article 140 of the SIC, it is stated “Any Member State of the European Communities may become a Party to this convention. Accession shall be the subject of an agreement between that State and the contracting parties.”¹²³. It was quite obvious that the Schengen initiative was envisioned to be a broader organization that was in comply with the EC. Yet strong willingness to gather other participants to the Schengen project did not incline an easy process of admission. For every step, the requirements for being a member became difficult and raised the security concerns. Ilkka Laitinen, Director of the European external border agency Frontex, stated about the enlargement of the Schengen area “a deliberate choice of the European Union to focus more on the free movement of persons than on security aspects.”¹²⁴ However, security concerns have never been underestimated in the Union; on the contrary, new parameters are introduced. A safeguard provision was included, allowing member states to use an ad hoc mechanism in case they considered it necessary to reintroduce unilateral border checks.¹²⁵ For instance, Portugal re-established national border controls in the summer of 2004 during the European Football Championship and France reinstated border checks after the July 2005 bombings in London.

While enlargement of the Schengen was promoted in one sense, on the other it was envisaged that it would emerge a set of problems. One main problem was the requirements for being a member. Although requirements were the same for all candidates, they differed in their features and traditions of border management in many senses. That was resulted with a variation in negotiation processes both in practice (smooth or tough) and timing (shorter or longer). One of the issues under this influence was ‘enlargement’ of the EU, which implied the fulfilment of power vacuum in Eastern

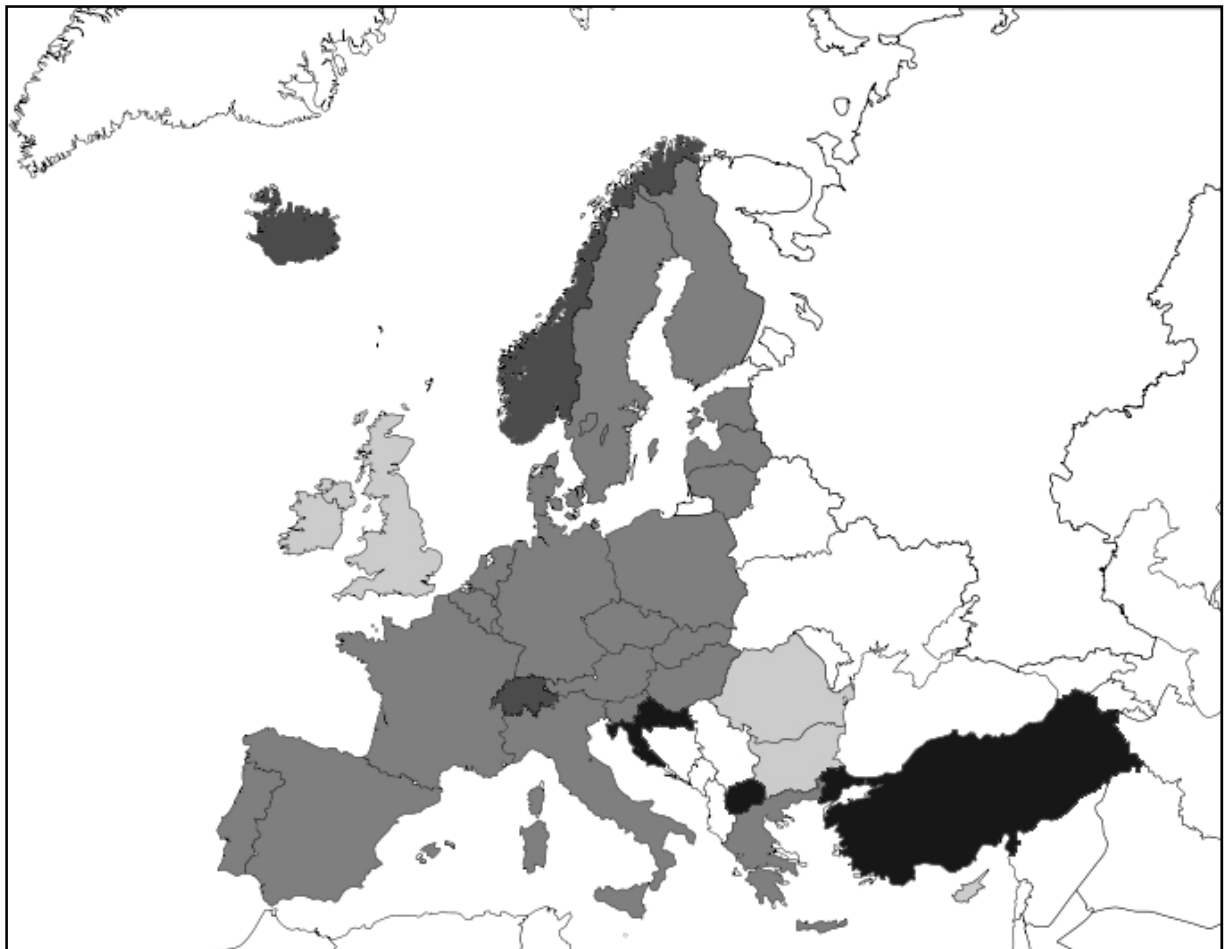
¹²³ The Schengen acquis - Convention implementing the Schengen Agreement, *Official Journal L 239*, 22/09/2000 P. 87 <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29:EN:HTML> (10.06.2010)





¹²⁴ “Security fears as EU drops borders”, BBC News, 20/12/2007 <http://news.bbc.co.uk/2/hi/europe/7154196.stm> (15.10.2010)

¹²⁵ Anaïs Faure Atger, “The Abolition of Internal Border Checks in an Enlarged Schengen Area: Freedom of Movement or a Web of Scattered Security Checks?” *CEPS Challenge Research Paper*, Vol.8, 2008, p. 2.

Europe while expanding the common market by allowing new partners to join. Enlargement also led member states to work more on external policy area especially on border controls. Yet no satisfactory step was taken considering Justice and Home Affairs (JHA) pillar.

Map 1: The European map and the Schengen area (2010)¹²⁶



-  Non-Schengen EU countries
-  Schengen countries
-  Non-EU Schengen countries
-  EU Candidate countries

¹²⁶ Compiled from a blank map of European nation states locations.

Being a member of the Union does not mean automatic inclusion in the Schengen regime. There are five EU member states that are not part of Schengen. Although Cyprus, Bulgaria and Romania are members, they were not included in the Schengen system, because they have not agreed their obligations which are required for entering into the Schengen regime. Other members, UK and Ireland stayed out of the Schengen area by their own wills. Denmark also put an annotation to the Schengen agreement for future changes which can be grasped as a special position. In addition, Switzerland, Norway and Iceland are not members of the EU but they are members of Schengen. A country's adoption of Schengen decided by the EU Council members included in this system depends on the decision by consensus. It also consulted the European Parliament prior to the decision. Although being a member of Schengen regime is promoted, it also needs requirements to be fulfilled.

After the Amsterdam Treaty and following Council Meetings, the control of external borders became one of the important subjects to be regulated because the EU now had more initiative to act as an active player in the international area both bilaterally and multilaterally. Additionally, enlargement was also considered as one of the crucial policy areas of the EU. Talks began within the EU before the accession of ten candidate countries about how to shape the future relations with these new neighbours. Today there are 25 countries; Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland. The visa-free entrance for Macedonia, Montenegro, and Serbia to the Schengen area was approved from January 1, 2010. Some countries that are part of the EU have not yet implemented Schengen zone member rules.

Besides, annulment of inner borders for member countries, the position of third party nationals should also be included here which it is relatively disadvantageous. Increasing numbers of Schengen countries unfortunately does not incline any support for mobility of other nationals. Especially, the legal context does not overlap with practice which also raises some problems while regulating the Schengen area. It is important to note here that non-EU and non-Schengen countries named as third party

countries should also be included in the process, in order to establish equal relations because European citizens travel easily to other parts of world comparatively to the non-EU. In the next chapter, mostly external relations with the emphasis on main policy areas will be analysed.

3.5 External Border Relations in Schengen Formation

As mentioned before Schengen initiative has two sub-subjects as internal and external borders that for a long time the emphasis was on internal borders and their abolishment. With the expansion of borders by admission of new states, external relations became pretty much important for policy makers of the initiative. It should be also added that starting from the establishment of the Schengen era, it carries different characteristics compared to other historical phases of border formation in Europe that were mentioned in previous chapters. As a result, the construction of the Schengen area, which started in the mid-1980s, coincided with different motives of time period, most importantly the Cold War. Since the Cold War had different features of border understanding (a more ideological and far from national tendencies), Schengen implementation mainly remained in Western Europe. After dissolution of the Soviet Union, regulation of external relations were redefined especially in practical terms because the new independent states in Eastern Europe alarmed the Schengen states and delayed the signing of the Schengen Implementation Convention.

First attempt on external relations attempt was the readmission agreement that has signed with Polish government in 1991.¹²⁷ A new visa regime was introduced between the Schengen States and Poland in order to prevent illegal migration.¹²⁸ This attempt also expanded to the other Eastern countries. It also gave opportunity to Schengen States to affirm that Schengen initiative was not about building ‘Fortress of Europe’. At the same year, 33 countries from Eastern and Western Europe met in Berlin to negotiate on migration control and met again in 1993 to start some initiatives together

¹²⁷ Krystyna Iglicka and Robert Rybicki, *Report-1 Schengen - Consequences for National Migration Policy*, <http://pdc.ceu.hu/archive/00002152/01/rep1pol.pdf> Policy Documentation Centre, 8-9 (01.06.2010)

¹²⁸ Piotr Kaźmierkiewicz, “The Polish Experience with regard to the Preparation, Negotiation and Implementation of the Readmission Agreement with EU Member States”, *Institute of Public Affairs*, 2006 Warsaw, Poland, p.9.

(‘Berlin Group’). In the following years, readmission agreements were signed with other eastern countries like Slovenia, Romania and the Czech Republic. Although many negotiations started with eastern countries, there was no clear foreign policy formed.

It was pretty much same with the European Union initiative that there felt a need for formulating external relations. The reasons were the internal pressure on adopting the common foreign policy for creating a strong common market and external incidents that raised the fear of illegal migration resulted from dissolution of the Soviet Union.¹²⁹ Especially starting from Maastricht Treaty, the EU became more active in international area. Firstly, an agreement was signed with European Free Trade Area (EFTA) and the freedom of movement was settled among them. Later, in 1992, ‘Declaration on the principles governing external aspects of migration policy’ was adopted. In addition to the deepening migration issue, the EU signed ‘Europe Agreements’ with the Central and Eastern European countries and initiated the Euro-Mediterranean Partnership which is formerly known as the Barcelona Process. Although these established external relations are on mostly economic basis yet these interactions also affected the border issue. The Euro-Mediterranean Partnership that includes 22 member states and 16 partner countries comprises three areas, economy, politics and culture. Most importantly, the aim is to create stability and prosperity in the region. The Mediterranean region carries significance for some EU countries which suffer from illegal migration that via these policies they plan to increase their spheres of influence within the Mediterranean that would prevent unwanted flow of people.

However, both initiatives constituted asymmetrical relations that the EU imposed the agreements on the participating countries. Especially the candidate countries in order to become a member to the EU were forced to adopt more restrictive measures of border control.¹³⁰ It also indicated the opportunism of the EU that they put

¹²⁹ Niessen, *International Migration on the EU ...*, p.486.

¹³⁰ Sandra Lavenex, “Migration and the EU’s new Eastern Border: Between Realism and Liberalism”, *Journal of European Public Policy*, Vol.8 (1), 2001, p.33.

pressure of accession on the countries suffered mostly from migration issues.¹³¹ In addition, it stated the lack of trust to the candidate countries.

The same concern led to the birth of the idea of European Neighbourhood Policy (ENP) in 2003 to strengthen the relations with other neighbours of the EU. From various policy areas, such as cooperation on political and security issues, economic and trade matters, mobility, environment, integration of transport and energy networks or scientific and cultural cooperation, the focus would be on border management and migration. Unfortunately, this border cooperation attempt also remained quite limited with the security concerns of the EU. As a result partner countries of ENP have been seen as pieces of any potential threat that the EU would name. Since threat definition of the EU has varied, the partner countries might also be perceived as threats. One reason for that, the EU attempts to regulate the borders of neighbouring countries by tightening borders with them. It is obvious that the action taken is not friendly but carries the characteristics of the EU way of establishing top-down and asymmetrical relationship. Although the ENP called neighbouring states as partners, it is obviously a European project that aimed mainly benefits of the EU by starting the initiatives and setting the agenda on their realm.

Other initiative that the EU started was with African, Asian and Latin American countries (also known as African, Caribbean and Pacific -ACP- countries). Although there are limited relations with these countries about border management, it is important for the EU to expand its sphere of influence as a new entity, which tends to act over the member countries. However, this attempt was also stuck in the security concerns of the EU again. Especially after the attack of September 11 in the United States, threat perceptions of the EU differed and more proactive measures were accepted about borders in order to prevent any terrorist attacks. One of the proactive measures that were taken with ACP countries was also readmission issue. It was signed in the Cotonou Agreement, Article 13 that “the Parties agree in particular to ensure that the rights and dignity of individuals are respected in any procedure initiated to return illegal immigrants to their countries of origin” and further “each Member State of the

¹³¹ Heather Grabbe, “Sharp Edges of Europe: Extending Schengen Eastwards”, *International Affairs*, 76, 2000, p.520.

European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request and without further formalities”.¹³²

In addition to the readmission policies, there exists also the policy of ‘remote control’. The term started to be used for “American state’s capacity to regulate movement across its borders, and the deployment of this capacity within the territory of other sovereign states so as to achieve...”¹³³ control. Yet not only the United States but also the European countries have been using it as a foreign policy tool and a part of Schengen culture. The practices differ like visa regimes, carrier sanctions, interdiction policies, etc.¹³⁴

3.6 Future Advancement of Schengen

Beside its developing structure, the Schengen also inspires new initiatives. The creation of G6 (Group of 6) between France, Germany, Italy, Spain, the United Kingdom and Poland (who joined later in 2006) is an example of one of these initiatives. It is an informal forum, which deals with immigration, terrorism and law and order and acts as a policy-making ‘laboratory’. In addition, the Treaty of Prüm was signed in 2005 by seven EU member states: Austria, Belgium, France, Germany, Luxembourg, the Netherlands and Spain. Exchange of the data of DNA files, fingerprints and vehicle registration is the basic issue concerned. More comprehensibly, the main aim is “to play a pioneering role in establishing the highest possible standard of cooperation especially by means of exchange of information, particularly in combating terrorism, cross-border crime and illegal migration, while leaving participation in such cooperation open to all other Member States of the European

¹³² The Cotonou Agreement, <http://www.acpsec.org/en/conventions/cotonou/accord1.htm> (20.05.10)

¹³³ Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* Cambridge: Harvard University Press, 2006, p.9.

¹³⁴ Zaiotti, *Cultures of Border Control...*, p.248.

Union”¹³⁵. It is also known as Schengen III that securitized many subjects related to the Justice and Home Affairs pillar.

The EU’s texts also affect the regulating the border issue for instance, waiting for the inclusion of border domain in the Constitution for the Lisbon Treaty. After rejection of the treaty, it was planned that new drafts were to be prepared. With a name change, “Draft Treaty amending the Treaty on European Union and the Treaty establishing the European Community” reached to the Lisbon Treaty, signed in 2007 and entered into force in 2009. The Lisbon Treaty envisaged noteworthy changes in the Justice and Home Affairs field, especially in territorial terms. The territorial aspect of the Constitutional treaty is a crucial subject to examine. The European border project is an attempt to change existing territorial divisions centrally to the nation-state. Yet this change has not demolished territoriality in a total sense, but redefined it with different layers. While ‘hard’ territories are those that focus on ‘border controls, jurisdictional limits and a concern with territorial integrity and sovereign rights’, the other is more open, it sees Europe as an area of solidarity and ideal territorial cohesion.¹³⁶

Beside the current developments which foster the border management in the EU, there are some shortcomings and deficiencies of the established system. As mentioned in the sub-headings above, the Schengen initiative started as a regional organization that was shaped through intergovernmental motives and under the influence of a small number of states. If compared to the present moment, the Schengen targets have not much changed in the time since it was established. Therefore, on the one hand the Schengen initiatives need to be considered as a symbol of courage; but on the other hand, it can be grasped as an imposed policy of some states that creates a top-down form, which lacks democratic accountability of system.

Another deficit of the Schengen system is that the border issue is excessively securitized. Aiming towards freedoms but replacing them with security parameters is

¹³⁵ Elspeth Guild and Florian Geyer, *Getting local: Schengen, Prüm and the Dancing Procession of Echternach: Three Paces Forward and Two Back For EU Police and Judicial Cooperation in Criminal Matters*, The Centre for European Policy Studies www.ceps.eu/ceps/download/1245 (20.06.2010)

¹³⁶ Luiza Bialasiewicz, Stuart Elden and Joe Painter. “The Constitution of EU Territory” *Comparative European Politics*, Vol. 3(3), 2005, p.335.

seemingly contradictory. This over emphasize on security also affects the neighbours of European countries negatively. Yet the enlargement of the EU also became a source of tension. Especially, the Turkish candidacy aroused many questions. Although the Schengen initiative is criticized for damaging the EU's institutional cohesion by using a 'flexible method', it is also used as a weapon to new comers and candidates.

While exploring deficiencies, it is also important to highlight projections of the Schengen regime with possible scenarios. Although future predictions of the existing system depend on a variety of ingredients like the innovation capacity of the Schengen regime, furthering participation of states and strength of handling crisis, there might be put an analysis of feasible events which may take place in Europe or in regions that will affect the Schengen area. To be more specific, it is evaluated under the headings, like, enlargement, unexpected practical consequences, growing cultural diversity and alienation.

Enlargement of the Schengen area is one of the topics of discussion for the future of the Schengen regime. To be a member of the Union does not necessarily mean entering the Schengen regime. Although being part of the Schengen zone is promoted, requirements of the regime should be fulfilled prior to that. Besides the candidates, new members of the EU are still waiting in the queue to correspond the conditions. For the candidates, it is even complicated to harmonize the national policies of border management with the EU. Especially Turkey carries the unique position when the discussions of admission to the EU are considered which will be evaluated in next chapter. Zhurzhenko called European authorities as 'imaginative geographers'¹³⁷ and mainly focused on impression of Ukraine as a non-European country that is considered as buffer zone what is called in this work, march. Enlargement also points to a limit of inclusion within the EU.

Another aspect of the projections is unexpected practical consequences of the regime. Since implementation of the *acquis* does not exactly match with the legal texts, it constitutes a gap with the practice. It arises firstly from national differences, secondly,

¹³⁷ Tatiana Zhurzhenko, "Regional Cooperation in the Ukrainian-Russian Borderlands: Wider Europe or post-Soviet Integration?" in James Scott (ed.), *In EU Enlargement, Region-Building and Shifting Borders of Inclusion and Exclusion*, Aldershot: Ashgate, 2006, p.100.

from application of same standards to all members can also be counted as a source of wide range of problems which may also be related with changing migration experiences. Schengen should also be considered as a policy for different kinds of movement and life-long immigration is the most noteworthy. As a consequence, Schengen regime initiators should also deal with growing cultural diversity and alienation. This is because, free movement within the Schengen area allows people to stay in different places for longer, and this is the reason that EU needs also to try and create a common identity that sticks people together, in order to avoid alienation. In that sense, borders are also ‘spaces of meaning’¹³⁸ naming political community and thus involves trying to manage the structure of European space. It is done through, for example, central political agendas, structural policies, spatial planning strategies and research-funding programmes.¹³⁹ Currently, the EU is handling this issue pretty well but further enlargement and illegal migration still questions on the agenda.

To conclude, the Schengen regime is more the creation of a common area of signatory states rather than diminishing all the borders among them. Although the Schengen regime is seemingly aimed as the last phase of the integration of European evolution on border regime, it is an ongoing process for the EU with no end point but a continuing experience. Since the Schengen area consists of both members and non-members of the EU, cooperation is only possible with multinational negotiations and that it responds both to the intergovernmental and supranational features of the structure. It is also noteworthy to mention that such a regional organization has become one of the major policies of the EU and led to more of a supranational structure.

It is crucial to examine Schengen as a unique case separately from integration theories and apart from an economic basis, especially when its emergence is considered. The emergence of Schengen should be grasped with a complex logic rather than showing more attention to the ‘economic concerns’ and adopting an intergovernmental approach. Since sovereignty transfer is the pivotal characteristic of the Schengen

¹³⁸ Zaiki Laidi, *A World Without Meaning: the Crisis of Meaning in International Politics*, London and New York: Routledge, 1998.

¹³⁹ James Wesley Scott, “Bordering And Ordering The European Neighbourhood: A Critical Perspective On EU Territoriality And Geopolitics” *Trames A Journal of the Humanities and Social Sciences*, Vol.13 (3), 2009, p.237.

process, post nationalist approaches should not be dismissed while evaluating it. First Schengen started in the era that territorial integrity and sovereignty ideals of states were seen as pre-war motives and continued to be obtained by post-war states in addition to nationalism, which had strong effects on the both the internal and external community. Later, immigration became something to be regulated especially after the economic stagnation that Europe suffered.

A series of meetings were held and agreements were signed while starting the Schengen initiative. Most importantly, the Schengen Implemented Convention shaped the framework of the new border formation, which basically offered a distinction between internal and external borders. Internal borders continued to remain but external borders carry much more importance for the protection of the Schengen area. Although with efforts making the Schengen initiative compatible with the European integration project, like promoting free movement that was agreed in the Single European Act, Schengen has included this into the EC structure with the Amsterdam Treaty. From then on it is part of the EU politics, which is important for two reasons. Firstly, it has highly promoted the innovative side of Europe that is ready for taking risks to form new structures that are thought to be needed. Secondly, it has created a sustainable initiative that even the transferring sovereignty issue was grasped as an advantage for member states to continue further integration and as an initiative melted in a bigger pot.

Including the enlargement of the Schengen area, the EU have had attempts to further the Schengen process including introducing new policies and organization within the EU and far reaching policies outside the EU. As enlargement expanded, new partners needed control over the established system. Examples of this include, the European Neighbourhood Policy, agreements with African, Asian and Latin American countries, creation of the G6 forum, etc. However it is the Lisbon Treaty that should be not be dismissed when questions about the latest developments in this period arise. It should also be noted that more discussion is needed to detect the deficiencies of the system in order to make it better rather than following fears or concerns every time when new entrance of a country takes place. It is crucial not to see the newcomers as something to digest but a link that would make the chain stronger.

4. TURKEY'S CONCEPTUALIZATION OF BORDER AND SCHENGENIZATION

The fourth chapter follows the Schengenization issue with the perspective of a candidate country, Turkey. The characteristics of Turkish border concept and the nature of the development of Turkish identity within a given space and within the 'imagined community' of people's minds is considered. Contributing factors of the evolution of Turkish borders are in the investigation. Further to that, the Ottoman Empire and the development of the Turkish Republic with its position between Europe and Asia literally and politically are covered. There are many complex relationships in this region and the balancing of this geographical position and the effect of the continued Turkish leaning toward Europe on the non-EU neighbours is also considered through the current policy of zero problems with neighbours and Turkey becoming a frontier of the EU. This includes a study of the types of border and the cycles through which they move. The effect of Schengenization and the Europeanization of Turkey via uploading and downloading of EU policy is also investigated and issues of security are speculated upon.

4.1 Dynamics of Border Issue with Two Synchronic Processes: Border Formation and Identity Creation in Turkey

The definition of border concept defined here departs from the perspective that borders are the lines among sovereign political entities and parts of state institutions but they are far beyond the simple demarcations on land when states sphere of influence. However, Turkish border experience differs from the European one. First of all, as discussed in the previous chapters, definitions of border or the combination of four geostrategies; -networked (non)border, march, colonial and limes- served to understand European borders; but, their applicability are more restricted with the Turkish practice. For that reason, the characteristics of Turkish border concept are also evaluated in this section with its own parameters in addition to European ones. Important phases of border formation of Turkey are included as key-stones to the theoretical understanding. In addition, the change through policies of governments and mainstream approaches are

also included, in terms of their relevance to the understanding of border both in policy applications and theoretical contributions.

In Turkey, border formation and identity creation have been synchronic evolutionary processes. Dissolution of the Ottoman Empire was accompanied by a new phase identity creation that was shaped by Turkish elites with dynamics of the era. Besides, legal documents which contributed to the formation of Turkish Republic, mostly borders have been shaped through exercises including the parameters of domestic and international politics. It is shown here how these processes have been synchronous and in what ways Turkey is led to the Schengen. Yet before the in-depth analysis, a brief introduction is needed in order to reach a better understanding of identity creation in Turkey.

Social constructivism has contributed more especially in understanding the process of the construction of the national identities among other definitions of identity. As Wendt defines people become a 'social object' by attaching themselves to social life by including and excluding of the views of others within various meanings of social identities.¹⁴⁰ In addition to that, the discussion of Mateescu on where the self ends and otherness starts with a more non-spatial emphasis really helps to understand constructed identities with a clearly defined territory.¹⁴¹ At this point, he shows evidence of the increasing attention paid to spatial dimension by Ernst Gellner and Benedict Anderson and focuses more on national identity creation. While Gellner¹⁴² explains nation as a culture-organization bound with the territorial boundaries, Anderson¹⁴³ defines it as an imagined community that is sovereign and territorially limited.

In this sense, the formation of the Turkish identity also carries motives of social constructivism and strong nationalist tendencies. Yet other theories like idealism and realism are also notable contributors to territoriality and sovereignty, because

¹⁴⁰ Alexander Wendt, "Collective Identity Formation and the International State", *American Political Science Review* Vol.88, 1995, p.385.

¹⁴¹ Dragos C. Mateescu, "The Time Beyond Space: Exploring Alternative Directions for the Analysis of Identity Formation in the case of Romania and Turkey", *Europolis, Journal Of Political Science And Theory*, Vol.4, 2008, p.289.

¹⁴² Ernst Gellner, *Nationalism*, New York: Weidenfeld & Nicolson, 1997.

¹⁴³ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London: Verso, 1983.

“[p]olitical life occurs in space”¹⁴⁴. Moreover, the establishment of the Turkish Republic was quite urgent but belated. It was urgent because after the dissolution of the Ottoman Empire, Turkey had to fight for its national freedom, which eliminated the ethnic and cultural heterogeneity of the Ottoman Empire. This survival instinct did not allow enough time for formation of a newly established Republic but strengthened the nationalist tendencies of Turkey that drifted to be part of the current state system. It was also belated because Turkey was one of the latest nations involved in the nationalism wave in Europe. Furthermore, nationalism was partly dictated with nationalist directives in order to forge a new identity for the Turkish Republic.

Structural change of the administration, the new understanding on the source of sovereignty and emerging territoriality were the basic changes and mainly shaped the border formation of the newly established Turkish Republic. The society also was to be created in the image of “European society, with secular nationalism, a liberal economic and political outlook and a notion of social solidarity”¹⁴⁵. Yet Kemalist ideology sees Ottoman rule as a disruption to Turkish ethno-centred traditional rule and republican revolution would renew the idea. As Aral defines “[f]rom the Kemalist perspective, national sovereignty did not entail direct political participation by the populace in decision-making. It simply implied a republican regime as opposed to monarchy”¹⁴⁶. Even before the establishment of the republic, the Ankara government shaped the framework of the new entity. To be specific, between 1919 and 1923, there were;

the first formulations of definitive, boundary producing (both physical and ethical) discourses of Turkish political life, such as the supreme political objective of political unity based on territorial integrity, the Muslim majority as an organic totality, terms of ethnic and religious differentiation, the unity-disruptive minority rights, threats to national security and the cultural and political meanings of Turkishness in mainly the foreign policy texts of the nationalist government¹⁴⁷.

¹⁴⁴ Robert B.J. Walker, *Inside/Outside: International Relations as Political Theory*, New York and Cambridge: Cambridge University Press, 1993, p.126.

¹⁴⁵ Berdal Aral, “Turkey’s Insecure Identity from the Perspective of Nationalism”, *Mediterranean Quarterly*, Winter 1997, p.78.

¹⁴⁶ *Ibid.*, p.80.

¹⁴⁷ Ahmet İçduygu and Özlem Kaygusuz, “The Politics of Citizenship by Drawing Borders: Foreign Policy and the Construction of National Citizenship Identity in Turkey”, *Middle Eastern Studies*, Vol.40 (6), November 2004, pp.27-8.

It is mostly seen as the Westernization process of Turkey headed by the founder of the Republic, M. Kemal Atatürk and the state ideology based on his six pillar structure; “secularism, republicanism, populism, nationalism, etatism and reformism.”¹⁴⁸ The new ideology that set forth the principles of the new republic is also part of the creation of Turkish identity and the crucial point in this was surely the limitation of living area within a clearly defined territory. As discussed in Chapter 1 about territoriality, it can also be grasped as an activity; inclusionary and exclusionary. Both actions help the formation of the community. Although there are many ways to define actions of state policies especially foreign policies with inner and outer perspective, building the Turkish nation in terms of border construction is considered in this research. With bilateral and multilateral agreements the formation of borders was almost completed even before the establishment of the republic.

The founding international agreement was the Lausanne Treaty that drew the main framework of the ‘territorial, national and ethno-political boundaries’¹⁴⁹ of Turkey. However, before the international recognition of borders, ‘National Pact’ (Misak-ı Milli) which was adopted first by the Ottoman parliament and later by the new Turkish government set the national borders and it was quite decisive even for the current border formation of Turkey unilaterally.¹⁵⁰ Article 6 of the ‘National Pact’ (Misak-ı Milli) proclaims that ‘complete independence and liberty in the matter of assuring the means’ of its development constituted ‘a fundamental condition’ of the Turkish people’s ‘life and continued existence’.¹⁵¹ With the National Pact (*Misak-ı Milli*) of 1920, which set forth certain claims for the Ottoman state, especially set goals of national independence, territorial integrity and armed resistance to foreign occupation.¹⁵² The national borders were also clearly defined. Although it was decided in the Ottoman Parliament, nationalist aspirations were considerably visible and it initiated the new policy of the Turkish Republic and the establishment of a new

¹⁴⁸ Barry Buzan and Thomas Diez, “The European Union and Turkey”, *International Institute for Strategic Studies*, Survival, Vol.41(1), Spring 1999, p.44.

¹⁴⁹ İçduygu and Kaygusuz, *The Politics of Citizenship*..., p.29.

¹⁵⁰ Mustafa Budak, *İdealden Gerçeğe Misak-ı Milli'den Lozan'a*, İstanbul: Küre Yay., 2002.

¹⁵¹ Arnold J. Toynbee, *The Western Question in Greece and Turkey: A Study in the Contact of Civilisations*, Constable, 1922, p. 210.

¹⁵² Misak-ı Milli, Atatürk'ün Bütün Eserleri, İstanbul: Kaynak Yayınları, 2001, pp.167-168.

parliament, the Grand National Assembly, in Ankara. It also meant that there was not a huge gap between the border formation of the late Ottoman Empire and the new Turkish Republic. The National Pact mainly covers the current national borders but does not address the exact lines. It states in the first article;

. . .the Ottoman Muslim majority living within and beyond the armistice line united in religion, in race and in aim, imbued with sentiments of mutual respect for each others' racial rights and surrounding conditions, form a whole which does not admit of division for any reason in truth or in ordinance¹⁵³.

Although the National Pact was adopted with an emphasis on the Ottoman Muslim majority, a national perspective also existed which had stress on Turkishness. Thus, it was finalized by the Lausanne Treaty with some exceptions; Western Thrace, the Mosul and Hatay provinces in which consisted multi-cultural populations with religious variety.

Due to the fact that, border of Turkey were not drawn immediately. Turkey had to fight both in World War I and the Independence War, borders were mainly shaped through the threat outside which began with the Italo-Turkish War and was followed by the Balkan Wars. Altering the perception of the border in Turkey, the Italo-Turkish War points an important set of events starting in 1911 because the Ottoman Empire began to lose its territorial integrity. Especially, the mainstay of the Balkan Wars inclines incomplete emergence of nation-states on the European territory of the Ottoman Empire. Emergence of the new states with an emphasis on nationalism made also Turkish redefinition of territoriality almost inevitable.

Even before the establishment of the Turkish Republic, Atatürk told in 1921; *"There is no such thing as a line of defence. Only a surface to defend. That surface consists of the entire Fatherland. Not one inch of our country can be abandoned unless drenched with the blood of its people."*¹⁵⁴ This understanding set the idea that every part of the country should be treated in the same way and considered as the most valuable

¹⁵³ Lord Kinross, *Atatürk: The Rebirth of a Nation*, London: Widenfeld and Nicolson, 1964, pp.531–32.

¹⁵⁴ Republic of Turkey Ministry of Culture and Tourism, "Ankara – The Mausoleum of Atatürk" <http://www.kultur.gov.tr/EN/Genel/BelgeGoster.aspx?17A16AE30572D3137EE1F1486EE5030EF3642F2144BBDA75> (20.06.2010)

part. Yet his ideology has been grasped with different connotations. The basic understanding of Kemalist ideology formed under the idea of “*Peace at home, peace in the world*”. This idea was understood as establishing peace within the state as far more important, in other words, being a stable state in the international environment is something to be focused on. In addition to that, after the establishment of Republic, Atatürk set Turkey’s foreign policy which was based on four merits; establishing a fixed balance equation of Turkish security, developing economy, integration with Western groups and good relations with the Middle Eastern Islam countries.¹⁵⁵ Other than these areas, Turkish citizenship which started to emerge in the late Ottoman era relied strongly on clearly defined territoriality and a sense of belonging.

While the national movement continued with national manifestations, international treaties as foreign policy tools also shaped the Turkish national identity in terms of forming national borders. It was a crucial tool to define the identity by delimiting the space. Demarcation of lands mainly gives the impression to citizens that in order to be ‘in’ they must accept the common ideas of the entity or leave it. Thus, whatever the political entity offers to citizens without considering ‘ethnic, cultural, religious and linguistic origin’¹⁵⁶ they are accepting the idea by staying within the defined territory. Brubaker offers territorial demarcation as the first step to define a modern sense of citizenship.¹⁵⁷ With a brief introduction of Turkish identity and border formation, in the next section, the dynamics of the relations with neighbouring countries and the most visible consequence of these borderly relations, namely migration will be analysed in order to detect differences and similarities of the practices and the characteristics of borders within Turkey and Europe.

¹⁵⁵ Mustafa Bıyıklı, “Kaynakçalı ve Açıklamalı Atatürk Dönemi Türk Dış Politikası Kronolojisi” *Dumlupınar Üniversitesi Sosyal Bilimler Dergisi*, December 2008, p.3.

¹⁵⁶ *Ibid.*, p.31.

¹⁵⁷ William Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, Cambridge: Harvard University Press, 1992, pp.22-4.

4.2 Dynamics Caused by the Relations with Neighbours of Turkey and Migration

Turkey is located in two continents that consist of south-eastern Europe and south-western Asia geographically that many relations also occur in this vast area. The important point here in analyzing neighbourly relations is also discovering probable future neighbours of the EU. Yet, as seen above, the changing role of Turkey in its location is mostly about its neighbourhood including the Black Sea region to Turkey's north and the Middle East to its south, in a variety of border areas also important to grasp. Furthermore, Turkey has been affected by diverse forms of migration and refugee flows as a result of its location.¹⁵⁸

Turkey is now neighbouring with eight countries, Bulgaria, Greece, Georgia, Armenia, Azerbaijan, Iraq, Iran and Syria and possesses 10765 km of borders which consists of 2949 kilometres of land borders and 7816 km of sea borders. With being located in a vast region, the number of neighbouring countries of Turkey is relatively high. The number of neighbours might not be surprising when cultural diversity of the region is considered. Modern political life compelled on Turkey the necessity for national security, but Turkey's location is in an area that is difficult to control because of natural landscape and perceived as zone of conflict. Beside land borders, Turkey's sea borders are also vast and it includes the passage of foreign country vessels especially when the Bosphorus and Dardanelles (Turkish Straits) are considered. They provide a link from the Black Sea to the Marmara Sea and the Aegean Sea which then connect the Mediterranean Sea.

There are many dynamics of Turkey's border relations with its neighbours but the relevance with this work would be the main logic of their construction and their types in terms of formerly introduced classifications. However, the accurate information is scarce because there are not many sources being comprehensive enough to seize all. As it can be observed in Neşe Özgen's classification, it is important to mention that Turkey's border formation changes in parallel to the changing foreign policy

¹⁵⁸ Sheila Siar (ed.), *Migration in Turkey: A Country Profile 2008*, Geneva: International Organization for Migration, 2008, p.11.

perceptions.¹⁵⁹ For the Turkish case, the state borders have shaped according to the conjectural relations with neighbours. However, it is also important to decide where these specific border formations fit in the European border context. Turkey definitely shelters different types of borders which also do not exactly match with the European forms. However, as in other nation-state formations, there are many similarities. Moreover, detecting differences carries importance to reach the standardization ideal of Schengen regime. In this context, Syrian border inclines integrated border most of the time aside from that permeability of border stands on kinship relations. Although Turkey has advantages to create asymmetrical relations to control irregular migration as a host country, it is not the case with Syria because of relatively low number of migrants and visa free entrance.¹⁶⁰

As stated above, Syrian border is unique in its formation because its permeability is quite high. Since borders do not always incline a separation among people in the counterpart rather along political lines. Sociological extension that was rooted in both countries meant that relatives are living in the two countries. In other words, the Syrian border carries a unique character in terms of the kinship relations of the counterparts of the border. However, the planned action by the governments is not always reflected in practice, and this is shown between families who have ties across borderlands. There are some special regulations, for instance the daily permit for Syrian part to cultivate their lands in Turkey right after the establishment of the republic and opening up borders on religious holidays to enable people to celebrate together in effect removing the formal government borders temporarily by the coming together of borderland communities.

The border with Syria was drawn by the Ankara Agreement between Turkey and France after 400 years of the Ottoman rule in the region which is one of the reasons of the cultural continuity of the region.¹⁶¹ The process of border formation started in 1921 and lasted till 1939. Hatay was one of the conflicted areas of the border formation

¹⁵⁹ Neşe Özgen, “Sınırın İktisadi Antropolojisi: Suriye Ve Irak Sınırlarında İki Kasaba” in Belkis Kümbetoglu and Hande Birkalan-Gedik (eds.), *Gelenekten Geleceğe Antropoloji*, Istanbul: Epsilon Publication, 2005), p.103.

¹⁶⁰ Siar, “Migration in Turkey...”, p.11.

¹⁶¹ Tuba Kor (ed.) “Türkiye’nin Kara Sınırları”, *Anlayış*, Vol.74, 2009, pp.48-9.

but it later joined Turkey with a referendum in 1939. In addition, Syria has not officially recognized the inclusion of Hatay in Turkish territory, but things have calmed down with new initiatives of foreign policy (i.e. removing visas with Syria). A new era between Syria and Turkey was initiated by the death of Syrian president Hafez al-Assad as the Turkish presidents' participation in the funeral was later followed by increasing diplomatic relations. Relations have been strained in part by disputes about water, Syria's support for the outlawed Kurdistan Workers Party (PKK) which has juxtaposed the current "zero problem" policy with Martinez's classification of alienated border.¹⁶²

Furthermore, Syrian borders are quite integrated because interaction and cooperation are highly increased. It is mostly artificial and along the border line there is not any physical obstacle as the longest borderline of Turkey. As in other eastern borders, the Syrian border also suffers from smuggling despite the enormous number of mines in borderlands as in the case of Iranian and Iraqi borders. Yet the new policies aim in clearing land mines and cooperation against smuggling. For instance, Turkey signed free trade agreements with Syria, Jordan, and Lebanon for economic integration which also aims in fighting against smuggling.¹⁶³ It is also noteworthy to mention that Turkish attempts to create an alternative economic zone with a goal of free movement of goods and persons among above mentioned countries.

The Iraqi border is also quite similar to the Syrian border because the people who live on both sides of the border are in close relationship with each other¹⁶⁴, so border concept does not mean any 'limitation' for them. As in Martinez's classification, it indicates almost integrated borderlands however, political instability weakens this fact. The main problem of this borderland remained terrorism; as a consequence of the power vacuum in northern Iraq which has increased in the last years. The reasons of these conflicts are mostly caused by the density of the Kurdish population in both sides.

¹⁶² Martinez, "The Dynamics of Border... p.3

¹⁶³ Turkish Foreign Ministry, "Joint Political Declaration on the Establishment of the High Level Cooperation Council among Turkey, Syria, Jordan and Lebanon" http://www.mfa.gov.tr/joint-political-declaration-on-the-establishment-of-the-high-level-cooperation-council-among-turkey_-syria_-jordan-and-lebanon.en.mfa (20.11.2010)

¹⁶⁴ Mesut Özcan, *Border Concept And The Middle Eastern Borders: The Case Of Iraq*, Master Thesis, Marmara University, Istanbul, 2002, p.77

In other words, ‘ethnic continuity’ across the border has been the source of destabilization of the area.¹⁶⁵

Relocating borderlines due to the security reasons with the consent of both sides is quite rare practice in the international area. Turkey’s only natural border is with Iran. It is between the water basin of the lakes Van and Urmia. The formation of the Iranian border traced back to the Agreement of Qasr-e Shirin in 1639 with Safavids and the Ottoman Empire.¹⁶⁶ Since then, significant changes have not taken place. Yet the emergence of Kurdish riots and constant Kurdish migration between Turkey and Iran created a necessity to make an agreement on territory exchanges. At the Tehran Convention, in 1932, Turkey got the Mt. Ararat and agreed the Qotur and Bajirge areas to belong to Iran.¹⁶⁷ Yet new initiatives are also about to be introduced. A ‘special’ army is planned to set up for border lines. One of the priorities of the army is also fighting against terror but it is mostly the borderlands which are problematic areas in terms of terror actions.

Beside these, the Armenian border carries different characteristics compared to above mentioned borders. It is an important sample of ‘alienated borderlands’ that the interaction of the counterparts is almost non-existent. In 1920, The Treaty of Alexandropol which is also known as the first international agreement of the Turkish Republic signed between the Democratic Republic of Armenia and the Grand National Assembly of Turkey that ended the Turkish-Armenian War and formed the border between these countries. The border was also confirmed by Moscow and the Kars Agreements and later reaffirmed with the Soviet Union in 1991.¹⁶⁸ The same year, Armenia gained its independence and rejected the Turkish border. As a result the relations remained scarce and the border gate was closed for many years.¹⁶⁹

¹⁶⁵ Ibid., p.79

¹⁶⁶ Kor (ed.) “Türkiye’nin Kara Sınırları... pp.48-9

¹⁶⁷ Pirouz Mojtahed-Zadeh (ed.) *Boundary Politics and International Boundaries of Iran*, Boca Raton, Florida: Universal Publishers, 2006, p.128.

¹⁶⁸ Kor, *Türkiye’nin Kara Sınırları*, pp.48-49.

¹⁶⁹ However, the relations between Armenia and Turkey have been more complicated than degrading into a border issue because there existed a recognition issue aroused by so called Armenian genocide. Another issue with Armenia is Turkey’ taking side with its Turkic ally Azerbaijan over the Nagorno-Karabakh conflict. Yet Turkey accepted an invitation for a presidential visit in 2008, and then participated in

As in other border formations in the Caucasus, the Agreement of Moscow with the Soviet Union drew the Georgian border in 1921.¹⁷⁰ The basic problem of this border is about demarcating the border without considering the society there. The Sarp River is accepted as the borderline, so a village had been split up into two which causes people to suffer from the consequences of living in the same village in different countries as in the case of Syria. Turkey's relations with Georgia are almost non-problematic in terms of politics and they are also in a close cooperation in many areas. Since Turkey has strong historical and economic ties with Georgia, the Russian invasion of Georgia in 2008 made Turkey to represent its respect for Georgia's territorial integrity which is also crucial to keep borders stabilized.¹⁷¹ The border of Azerbaijan which is the shortest border line of Turkey was also drawn by the Agreements Moscow and Kars and reaffirmed with the Soviet Union in 1991. It is precisely between the Nakhchivan Autonomous Republic and Turkey, but while Nakhchivan is autonomous in internal affairs, it has a dependent status on defence and foreign policy to Azerbaijan.

As indicated above, the borders of Turkey were mostly formed in the Ottoman era, as is the case with Bulgaria. Bulgaria declared its independence in 1908 yet the current border was formed in the Istanbul Agreement in 1913 after the Balkan Wars and was confirmed with the Lausanne Treaty in 1923. It is mainly an artificial and political border. There exist three gates and they are mostly used as border gates both for railways and land routes that link to the European continent. Another border in the European continent is with Greece. Greece gained its independence in 1829 with the Edirne Agreement. Yet expansion of its lands continued until The Armistice of Mudanya in 1922. The border is a political one and crosses the midline of the Maritsa River. The Greece land border is less problematic when it is compared to the sea borders. There is an ongoing dispute about the continental shelf, wrong-sided islands and the airspace of Greece with Turkey.¹⁷² Although tensions are relaxed these days,

negotiations to normalize relations between the two countries, signing protocols in 2009. Unfortunately normalization of relations has not been easy that faced with strong criticism by Azerbaijan and remained under the shadow of the Nagorno-Karabakh conflict that has not been solved despite the attempts.

¹⁷⁰ Kor, *Türkiye'nin Kara Sınırları*, pp.48-49.

¹⁷¹ Republic of Turkey, Foreign Ministry of Foreign Affairs, "Turkey's Political Relations With Georgia" http://www.mfa.gov.tr/turkey_s-political-relations-with-georgia.en.mfa (23.06.2010)

¹⁷² Deniz Bölükbaşı, *Turkey and Greece: The Aegean Disputes: A Unique Case in International Law*, Great Britain: Cavendish Pub., 2004, p.87.

Greece still suffers from illegal migration flow to the EU.¹⁷³ Moreover, Greece is trying to Europeanize the border problems with Turkey by using external policy tools reasoning protection of the common external border of the EU that it became a part of Schengenization process. This practice is also new in the EU. For the first time, the EU sent its ‘Rapid Border Intervention Team’ to Greece to fight against illegal migration along Turkish border to prevent entrance of mostly Afghan migrants to the EU zone.¹⁷⁴ Although Greece has been a part of Schengen regime since 1992 and updated its immigration law to correct the shortcomings of the previous legal framework and to align with European requirements, it is still seen as the Europe’s gateway for illegal migration.¹⁷⁵

Besides determining physical marks of territorial lands, borders have carried different meanings. Especially foreign policy initiatives cannot be thought separately from border formation. Other than the early years of the Turkish Republic in which the changes on the map of Turkey were still taking place, Turkish border concept changed mainly after the EU candidacy. However, since the Cold War era, events that changed Turkey’s borderline parameters should be included into the discussion. During the Cold War, there was obvious hostility towards the Soviet Union and the neighbours with the rise of Turkish nationalism according to which especially Syria and Iraq were perceived as threats.¹⁷⁶ In addition to these, the Aegean dispute with Greece also led to controversial issues and a large effect on Greek-Turkish relations since the 1970s. In 1974, the status quo in Cyprus changed by the division of the island (as two parts, northern Turkish community and southern Greek community).¹⁷⁷ It would almost expand the conflict between Greece and Turkey especially the issue on Aegean dispute which is a package of issues over sovereignty and rights in the Aegean Sea which covers the breadth of territorial waters, delimitation of continental shelf, airspace related

¹⁷³ Charalambos Kasimis and Chryssa Kassimi, “Greece: A History of Migration” <http://www.migrationinformation.org/Feature/display.cfm?ID=228> (27.06.2010)

¹⁷⁴ BBC News, “EU Teams to Patrol Greek Border Amid Migrant Surge” <http://www.bbc.co.uk/news/world-europe-11618094> (10.11.2010)

¹⁷⁵ Vassiliki Zigoura, “The European Union Immigration Regime and the Greek Immigration Policy: How Relevant?”, *Paper prepared for the 3rd Hellenic Observatory the 2nd PhD Symposium*, London: LSE, 2007, p.25

¹⁷⁶ Bülent Batuman, “The Shape of the Nation: Visual Production of Nationalism Through Maps in Turkey”, *Political Geography*, Vol.29 (4), 2010, p.223.

¹⁷⁷ William M. Hale, *Turkish Foreign Policy 1774-2000*, London: Frank Cass Publishers, 2000, p.180.

problems and militarization of islands.¹⁷⁸ In 1979, the Islamic Revolution in Iran surrendered Turkey with perception of threat that both changed the security concept and foreign policy parameters for Turkey. The military coup in 1980 also became a source raising the nationalist wave in the country which was also used as a US backed tool to prevent a ‘socialism threat’ in third world countries.¹⁷⁹

Later, security oriented policies were started to be more influential in the borders with the rising tensions and terror. On the other hand, the Bosnian and Chechen War changed the securitization policy axis of foreign affairs. In that sense, Turkey’s border formation was more rigid to the outside and indicates a change in the perception of the enemy. Othering policies (as a dividing aspect of borders that considers the counterparts as others) that had seen neighbours as mistrustful and sources of conflict were in rise and publicly promoted. These developments also reinforced the support of for NATO that it is also in compliance with these securitization dynamics. Yet in 1999, Turkey experienced a turning point in its history and was accepted as a candidate country in the Helsinki European Council which is a noteworthy event for strengthening the relations with the EU that this would open a new phase in Turkey to promote civilian authorities and alternate the security basis of the previous period. The relations with the EU were in sight because the pre-accession process started with Helsinki including a transitional policy, adoption of legislation and harmonization to the EU.¹⁸⁰ New policy tools introduced with the candidacy status of Turkey will also be analysed under the subheading of Schengenization of border issue that contributed more to the process of Europeanization and differences on border formation of Turkey.

As having a high number of neighbouring countries and different characteristics of border formation, Turkey is also a destination of diverse forms of migration and refugee flows. Nonetheless, Turkey was traditionally an emigration country since 1970s with large number of citizens moving to Western Europe.

¹⁷⁸ Aslan Gündüz, “Greek – Turkish Disputes: How to Resolve Them?”, in Dimitris Keridis and Dimitrios Triantaphyllou (eds.) *Greek – Turkish Relations in the Era of Globalization*, Everett, MA: Brassey’, 2001, p.89.

¹⁷⁹ Frank Bealey, “Stability and Crisis: Fears About Threats to Democracy” *European Journal of Political Research* Vol.15, Issue 6, 687-715, 1997.

¹⁸⁰ Gamze Avcı and William Hale, “Turkey and the European Union: the Long Road to Membership”, in: B. Rubin and K. Kirisci (eds.), *Turkey in World Politics*, Boulder, CO: Lynne Rienner, 2001.

Particularly, West Germany was hosting “guest workers” that was based on a bilateral agreement. The Turkish labour force was also directed to the Middle East and to the Russian Federation and Commonwealth of Independent States in 1990s.¹⁸¹ As a result, emigration for labour has been a noteworthy contribution the Turkish economy. The ratio of worker’s remittances to gross national product (GNP) rose to 20.3% within the years of 1963-1974 and in 1990 workers remittances were around 3.246 billion dollars in balance of payments.¹⁸²

Table 1. Estimates of migrant stocks in Turkey by country of origin, 2005

Country	No.
Bulgaria	507,172
Germany	288,528
Kosovo (Serbia and Montenegro)	118,581
Greece	62,463
The former Yugoslav Republic of Macedonia	33,242
Netherlands	23,019
Romania	21,873
Russian Federation	20,944
United Kingdom	19,983
Azerbaijan	17,707
France	16,928
Austria	15,121
United States	14,323
Iran, Islamic Republic of	13,667
Cyprus	10,961
Switzerland	10,937
Afghanistan	10,164
Other Countries	122,792
TOTAL	1,328,405

Source: Sheila Siar (ed.), *Migration in Turkey: A Country Profile 2008*, Geneva: International Organization for Migration, 2008, p.17.

On the other hand, Turkey’s refugee population is quite high. Turkey’s location stands on the transit route of Afghanistan, Bangladesh, Iraq, Iran and Pakistan for

¹⁸¹ Siar, “Migration in Turkey...”, p.11.

¹⁸² TÜİK, *Statistical Indicators 1923-2009*, Ankara: TÜİK, 2010, p.469.

< http://www.tuik.gov.tr/yillik/Ist_gostergeler.pdf > (10.12.2010)

irregular migrants.¹⁸³ Besides, Turkey has been also a route for human trafficking especially in the Black Sea region from countries Moldova, Ukraine, Russian Federation, Kyrgyzstan and Uzbekistan. In addition to all, Turkey is also a preferred destination for migrants who settle for economic reasons or refugees or asylum seekers. Mostly Eastern European and the former Soviet Union countries choose Turkey as a prior step to employment in the EU.¹⁸⁴

Table 2. Estimates of Turkish migrants abroad, 2007

Country	No.
Germany	2,706,232
France	197,819
Netherlands	184,424
Austria	153,836
United States	100,325
Saudi Arabia	95,752
Bulgaria	95,248
Greece	66,402
Switzerland	61,861
United Kingdom	60,110
Belgium	46,324
Israel	41,162
Sweeden	35,338
Denmark	32,472
Kazakhstan	30,650
Australia	29,997
Canada	19,021
The former Yugoslav Republic of Macedonia	16,253
TOTAL	4,402,914

Source: Sheila Siar (ed.), *Migration in Turkey: A Country Profile 2008*, Geneva: International Organization for Migration, 2008, p.21.

There are some historical events that made Turkey a ‘de facto country of first asylum’ like the Iranian revolution, political turmoil in the Middle East, end of Cold

¹⁸³ Kemal Kirişçi, *Turkey: A Transformation from Emigration to Immigration*, Migration Information Source, <http://www.migrationinformation.org/Profiles/print.cfm?ID=176> (10.11.2010)

¹⁸⁴ Siar, “Migration in Turkey...”, p.11.

War, the Gulf War and many other forces.¹⁸⁵ Although Turkey is a signatory state of the 1951 Convention relating to the Status of Refugees, it grants only European refugees because of its “geographical limitation”.¹⁸⁶ Yet, the migration issue began to turn out to be more important issue when the membership of the EU is considered. The EU’s concern about the probability of a massive migration from Turkey to the EU constitutes the main axis of Schengenization process.

4.3 Schengenization of the Border Issue

As in the dynamics of relations with neighbours, the reciprocity principle also introduced here with the Europeanization concept in which two different policy areas can be applied; *downloading* and *uploading* that are to be examined under the heading of Schengenization of border policy. Crucially ‘Schengenization’ of border policies including the conceptual introduction is examined here. Both inconsistencies and problems of adaptation of border policies are investigated. In addition to that, the efforts of both Turkey and the EU are to be as effective as possible to shape for furthering the relations.

4.3.1 Schengenization / Downloading and Uploading Effect

Europeanization as a term is used to describe a variety of phenomena and changes. In spite of the difficulty to reach a common definition on the term Europeanization since it is a highly debated concept, in this study the conceptualization of Kaminska will be followed which defines Europeanization as “the adaptation of domestic political structures to European pressures and then the ability of project the national preferences on the EU level.”¹⁸⁷ Europeanization combines two dimensions of this concept: “downloading” and “uploading”. Leonard defines Europe’s character as “a network of centres of power united by common policies and goals”¹⁸⁸ and it is created together by members. This policy “refers to the universe of concrete civilian actions,

¹⁸⁵ Ahmet İçduygu and E. Fuat Keyman, “Globalization, Security and Migration: The Turkish Case”, *Global Governance*, Vol.6 (3), 2000, p. 383.

¹⁸⁶ Ibid.

¹⁸⁷ Joanna Kaminska. *New EU members and the CFSP: Europeanization of the Polish foreign policy* <http://www.politicalperspectives.org.uk/General/Issues/EPRU-2007-1/EPRU-2007-S1-02.pdf> pp. 4-5 (05.06.2010)

¹⁸⁸ Mark Leonard, *Why Europe Will Run the 21st Century*, London: Fourth Estate, 2005, p.6.

policies, positions, relations, commitments and choices of the EC (and EU) in international politics which have come to cover nearly all areas and issues of international politics”¹⁸⁹.

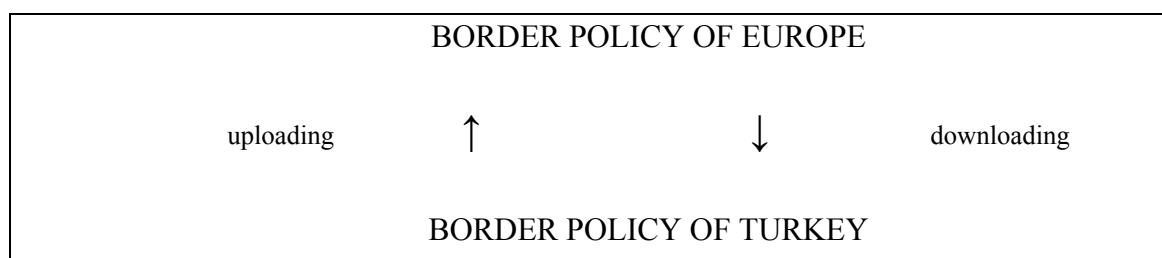


Figure 6 - Europeanization of Turkish Foreign Policy

This thesis examines Miskimmon and Paterson’s model¹⁹⁰, which is mostly used to analyze Europeanization, but it will be enriched with other definitions. For Olsen the term Europeanization have five possible uses, the one best fits here is “Europeanization as changes in external territorial boundaries” (as in the case of enlargement).¹⁹¹ It takes Europe as a geographical concept that borders are delimited and defined.¹⁹² Furthermore, this kind of Europeanization includes *rule following* which means “routine application of stable criteria for entry and of standard operating procedures to pre-specified situations”.¹⁹³ However, *argument and persuasion* also takes place to the ones who are believed to “appeal to a shared collective identity that evokes common standards of truth and morals”.¹⁹⁴ Although there is not any evidence which one applies when, there will be made an analysis of Europeanization with an application to Schengenization by using its downloading and uploading tools. Both Turkey and the European Union would be analyzed by not only viewing the current developments but also with historical projections of differences.

¹⁸⁹ Roy Ginsberg, *The European Union in International Politics: Baptism by Fire*, Lanham, MD: Rowman and Littlefield, 2001, p.3.

¹⁹⁰ Alister Miskimmon and William E Paterson, “Foreign and Security Policy: On the CPSU between Transformation and Accommodation” in Ken Dyson and Klaus Goetz(eds.), *Germany, Europe and the Politics of Constraint*, UK: Oxford University Press, 2003, pp. 325-345.

¹⁹¹ Johan P. Olsen, “Europeanization”, in Cini Michelle (ed.), *European Union Politics*, UK: Oxford University Press, 2003, p.334.

¹⁹² Jönsson, Tägil and Törnqvist, *Organizing European Space...*, p.7.

¹⁹³ Olsen, *Europeanization*, p.336.

¹⁹⁴ Ibid.

The main policy which is also Europeanized about borders is surely the Schengen initiative. Firstly, it started as a regional organization, and then was Europeanized and secondly, it became the main policy of the EU with some exceptions (such as limited participation of the UK and Ireland to the border cooperation). In addition to that, not all subjects of border formation can be standardized, because national interests and regulations cannot be fully eliminated. Yet multilateral and bilateral negotiations have taken place that led to the issue going from the political sphere to a technical one by securitizing it.¹⁹⁵

As seen in the table above, the process includes mostly imposing European border policy to the Turkish border policy-making and Turkey's ability to project its national preferences. It is mainly called 'Schengenization' for both processes; downloading for adaptation of the EU border formation to Turkish border formation; on the other hand, the uploading dimension includes Turkish external relations with the EU and Turkey's involvement in the agenda setting of the EU. Since Turkey is a candidate country, it is mostly 'downloading' that consists of the EU requirements to fulfil the criteria of becoming a member. Furthermore, there can only be mentioned limited issues of 'uploading' which has mostly remained as Turkish attempts to attract attention to terror on borderlands. First of all, Radaelli's approach of Europeanization processes including construction, diffusion and institutionalization will be explained. Later, Turkey's capacity in terms of institutional adaptation and adaptation of policies and policy process will be elaborated. Following that, misfits or mismatches of the ongoing situation will be discussed and finally outcomes will be discerned.

In Radaelli's definition Europeanization consists of three processes; 'construction, diffusion and institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms.'¹⁹⁶ Construction and diffusion of Schengen regime is evaluated in the previous chapter. Here, institutionalization of Schengen regime will be examined by

¹⁹⁵ Didier Bigo, "Frontiers and Security in the European Union: The Illusion of Migration Control" in Malcom Anderson (ed), *The Frontiers of Europe*, London and Washington: Pinter, 1998, p.151.

¹⁹⁶ Claudio M. Radaelli, "Europeanisation: Solution or Problem?" *European Integration Online Papers* (EIoP), Vol.8 (16), 2004, p.3.

concentrating on the external border management, implementation of Schengen acquis including visa and asylum rules, border protection and finally migration issue.

As previously discussed, the EU external border management is one of the policy areas of downloading. The formation of external borders became tighter by removal of internal border limitations. In other words, after diminishing inner borders, supervision of the entrance to the free-field area gained much more importance. Although there are many steps taken, there cannot be mentioned a fully integrated border management at the EU level. While member states have been showing their will to go further on integration, the issue of transfer of the authority still remains as a barrier for harmonization of external border policy. Although it is known that there are different practices in corporate restructuring of border management among the EU members, there are also some commonalities and there is a special emphasis on civil authority that the units of land, sea and air borders are under one roof and assignments are to be collected by civil authorities and these are used as a downloading tool for the standardization in Schengen zone.

In addition to forming external borders for member states, the EU border control issues cannot be limited to the member states, because the Union is closely linked with neighbouring states that should be shown a tremendous importance. As mentioned before, the EU has established relations with states surrounding the continent (especially the ones in which the EU members received the biggest number of immigrants) in terms of border control. Especially readmission agreements could be examples for that.

Secondly, after being a candidate country, the EU's political, economic and social policies are needed to be implemented starting from the adoption of *acquis communautaire* unconditionally. In addition to that non-negotiable 'short- and medium-term priorities, intermediate objectives and conditions' were also set in the Accession Partnership Document issued in 2000 by the Commission.¹⁹⁷ Beside these, a candidate country should fulfil the Copenhagen Criteria which targets 'stability of institutions

¹⁹⁷ Ahmet İçduygu and E. Fuat Keyman, "Globalization, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses", *Citizenship Studies*, Vol.7 (2), 2003, p.224.

guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy'. It has also been made clear that the Schengen acquis must be accepted in full by all States which are candidates for admission (Article 8, Protocol integrating the Schengen Acquis into the Framework of the European Union). This is also understood as the candidate countries, unlike the United Kingdom and Ireland, cannot be allowed partial participation in the provisions of the Schengen acquis.

The downloading process does not only require implementation of Schengen acquis but the organisational infrastructure of law enforcement authorities, the technological and organisational infrastructure at the external borders, regulations and provisions in the field of criminal law, and the training of police and legal personnel are the subjects to be ensured.¹⁹⁸ Legal and administrative mechanisms will have to be given the capacity to control organised crime, money laundering, terrorism and illegal immigration, and it should be acquired to have these mechanisms running smoothly. However, the EU gives time for candidates to fulfil Schengen requirements even after the gaining membership status which is the case of Bulgaria, Northern Cyprus, and Liechtenstein.

Requirements of Schengen regime also include improvement of practical implementation of visa and asylum rules and alignment of visa policy. Den Boer also adds other information like "the monitoring of practical application of organisational change, the preparation of staff, the protection of data, practical implementation of Europol requirements and installation of liaison officers, and the establishment of an independent, reliable and efficient judiciary."¹⁹⁹ The crucial point of this implementation is also related with border protection that special teams are set for borderlines which are different from police teams. It is also related with illegal migration that the EU aims to prevent.

¹⁹⁸ Monica Den Boer and Gilles de Kerchove, "Schengen Acquis and Enlargement," in Vincent Kronenberger (ed.) *The European Union and the International Legal Order: Discord or Harmony*, The Hague: T.M.C. Asser Press, 2002, p.318.

¹⁹⁹ Ibid.

Finally, there exist both downloading and uploading processes in Schengenization, however, uploading process of Turkish border policy to the Schengen regime remains quite limited since the candidate countries do not have any say normally in the common policies of the EU. Yet with the Nice Agreement, the EU has pledged to have ‘permanent and continuing consultations’²⁰⁰ with the non-EU allies, which also includes Turkey. It is the starting point of Turkey to Europeanize both its foreign and security matters in the EU, at least to discuss and ask for support. In the next section, Turkey’s adaptation capacity and outcomes of Schengenization process will be discovered.

4.3.2 Adaptation and Its Outcomes

Although Schengenization process is about the member states, it is necessary to create an account for Turkey including its “bottom-up” and “top-down” dimensions.²⁰¹ The bottom-up dimension is related with the evolution of European institutions and top-down dimension is the impact of those institutions on member states. In this case, top-down dimension will be handled to a candidate country. Yet Turkey, as a candidate country, carried much more importance for the EU so that the adoption of the EU standards is closely monitored by the Union. It is also a sign of Schengenization that can be applied to the non-Schengen countries by using it as a policy tool. The important point here is the adaptation capacity of Turkey, both in terms of institutional adaptation and adaptation of policies and policy process.²⁰² While institutional adaptation requires mostly bureaucratic restructuring and constitutional changes, adaptation of policies is about elite socialization, changes in public perception concerning the political cooperation.²⁰³

As seen in the previous chapters, the maintenance of the external borders moves when a new member state joins the EU. The example of Eastern Europe and the

²⁰⁰ Burak Akçapar, *Turkey's New European Era: Foreign Policy on the Road to EU Membership* Lanham, MD: Rowman and Littlefield, 2007, p.61.

²⁰¹ Tanja A. Börzel, “Pace-Setting, Foot-Dragging, and Fence-Sitting. Member State Responses to Europeanization”, *Journal of Common Market Studies*, Vol.40 (2), 2002, p.193.

²⁰² Birgit Sittermann, “Europeanisation – A Step Forward in Understanding Europe?” *Westfälische Wilhelms-Universität Münster; Nachwuchsgruppe Europäische Zivilgesellschaft und Multi-Level Governance (NEZ)*; Münster, 2004, p.5.

²⁰³ Kaminska. *New EU members and the CFSP*...p.7.

moving of the EU external border could give insight into how Schengen would affect Turkey if its candidacy were upheld. Turkish borders, with many borderlines would be the external borders of the EU that there are various options of how this could be approached. For example, how the external border is formed with UK and Ireland could be a way of Turkey handling the border issue, as they are part of the EU but opt out to preserve their own borders. However, the UK and Ireland began taking part in some aspects of the Schengen agreement, such as the Schengen Information System (SIS), from 2000 and 2002 respectively. Yet it is important to highlight how the EU is imposing its border policy and what the inconsistencies are while doing it. Turkey has also started to make its border regime compatible with the EU at institutional level. For instance, The Accession Strategy for Turkey requires Turkey to adjust its visa policy to the standards of the Schengen visa regime. New passports are introduced in this context because older ones are considered to be particularly easy to forge.

Other than the requirements of National Program of 2003, there defined new initiatives to National Program 2008. It mainly consists of harmonization of the definition and the types of visas to the EU, defining the framework of the procedures and legislation to fight against illegal migration and employment, establishment of a professional organization related to border security both to green and blue borderlands of Turkey in order to serve for protection of borders by 2011 and finally the creation of technical and legal base of SIS II by the accession realized.²⁰⁴ In addition to these, the establishment of a new immigration and asylum unit under the Ministry of the Interior, and harmonization of the Turkish legislation with the *acquis* in terms of asylum, immigration and the protection of foreigners by the existing geographical restrictions are also included as the requirements to be fulfilled.

The security parameters including protection of borderlands also require regulations for units to be established for border protection. Moreover, these security concerns also include fighting terrorism at borders for the case of Turkey. National Program also comprises the establishment of Europe-Middle East Explosives and Bomb

²⁰⁴ National Program for the Adoption of the *Acquis* 2008, Section 24 Justice and Home Affairs, Table 24.1.2 and 24.2.1

Research, Review and Training Center for an effective fight against terrorism in order to increase international and regional co-operation.²⁰⁵

Another issue that the EU would like Schengenized is the “readmission agreement” which the EU requires Turkey to sign. As mentioned earlier, readmission is one of the external policies of the EU that ensures illegal immigrants who are the citizens of the subjected country or who made illegal entry from the subjected country to return to the signatory country without any explanation. Turkey has not accepted to sign the agreement because it does not want to carry the burden of the readmission process in addition to the asymmetrical relation that the EU wants to establish. Yet the EU officials quite insist Turkey make the agreement since in their perspective there is no issue, if borders are highly protected.²⁰⁶

Table 3. Persons forcibly removed from Turkey by main countries of origin

Country	2004	2005
Pakistan	9,396	11,001
Iraq	6,393	3,591
Moldova	5,728	3,462
Afghanistan	3,442	2,363
Bangladesh	3,271	1,524
Georgia	2,294	2,348
Romania	1,785	1,274
Azerbaijan	1,591	1,410
Germany	1,477	-
Ukraine	1,341	1,335
Russian Federation	-	1,152
TOTAL (for all countries)	55,777	44,302

Source: Sheila Siar (ed.), *Migration in Turkey: A Country Profile 2008*, Geneva: International Organization for Migration, 2008, p.32.

As mentioned earlier, Turkey stands on the transit routes of illegal migrants. On the table above, it is seen high number of migrants who returned to their countries of origin from Turkey. Since the number of migrants seems quite high, the EU’s concerns

²⁰⁵ National Program for the Adoption of the Acquis 2008, Section 24 Justice and Home Affairs, Table 24.2.1

²⁰⁶ International Strategic Research Organization, “Readmission in Terms of Turkey-EU Relations: Under Which Conditions?” USAK Papers No: 10-02, March 2010, p.2.

about Turkey's admission can be understood justifiable. However, the EU's will on Turkey's becoming a more "serious" state capable of truly regulating the flow of people in and out of the country will just elicit Turkey to enter so called safe area of Schengen regime and considered as not a country in 'negative list'.²⁰⁷ It will not precisely reduce the number of people who want to enter the country illegally and make harder to enter the Schengen zone for the other nationals. Schengen in that sense will be a regime continues to divide by uniting Turkey because commonalities it offers will be different. It is important here to mention how Turkey contributes and how ready for adaptation to the Schengen regime.

In terms of policy adaptation, Schengenization process should be traced back to 1999 when Turkey gained candidate status. It is mostly preparation between 1999 and 2002 that in this era; relations with the EU were in sight because the pre-accession process started with Helsinki Summit in which included a transitional policy, adoption of legislation and harmonization to the EU.²⁰⁸ Later, in 2002 the Justice and Development Party (AKP) formed the government. How and to what degree changes take place in the foreign policy of Turkey is beyond the aim of this work. However, it is useful to relate the current foreign policies with Turkey's Schengenization process in terms of adaptation of policies and policy misfits. Özcan and Usul explain foreign policy difference as 'adjustment change' which is related with 'the level of efforts' that change does not qualitative but quantitative.²⁰⁹ In other words, the purposes of foreign policy do not change but interactions are increased. It is claimed to be the case with the relations of the EU that after becoming a candidate, Turkey has enhanced the relations with the EU in order to improve its candidacy status.

For the AKP leaders, Turkish foreign policy would depend on certain principles such as "multi-dimensionality, zero-conflict with neighbours, a balance between security and democracy, the acceptance of Turkey as a central state in the

²⁰⁷ Kemal Kirişçi, "A Friendlier Schengen Visa System as a Tool of 'Soft Power': The Experience of Turkey" *European Journal of Migration and Law*, Vol.7, 2005, p.349.

²⁰⁸ Avcı and Hale, *Turkey and the European Union...*

²⁰⁹ Mesut Özcan and Ali R. Usul, "Understanding the 'New' Turkish Foreign Policy: Changes within Continuity Is Turkey Departing From The West?" *Uluslararası Hukuk ve Politika* 6-21, 2010, p.110.

diplomacy of the region, the resort to more active and pro-active diplomacy and rhythmic diplomacy, exerting soft power rather than hard one.”²¹⁰ “Multi-dimensionality and zero-conflict with neighbours” policies are the ones to be highlighted here. With these policies, Turkey went on changes in its visa requirements especially with neighbouring countries.

In Turkey, the Interior Ministry has regulatory powers on border issues. However, the actors vary in the operational area. While The Security General Directorate is responsible for the entrance and exit of persons, flow of goods are under the authority of Customs Undersecretaries.²¹¹ Considerable parts of the land borders are under the control of Land Forces Commander and the rest is to Gendarmerie Headquarters, in addition, the sea borders are controlled by the Coast Guard of the Interior Ministry.²¹² A Strategy Paper has been prepared by the EU experts to create a single unit consisting of trained professionals for the purpose of border protection. In addition to that Turkey's geographical location is also questioned in terms of border crossings and difficulties of control especially in the mountainous parts. One of the concerns about borders is the instability of political regimes of Turkey’s neighbours. Since Europe sees the Middle East more a conflicting area and source of threats, transition to a single unit would not be easy but is to be financially assisted by the EU.

Turkey has started to work on the new structure which is named the *Integrated Border Management Strategy* under the Implementation of National Action Plan that constitutes the framework document of the new border management.²¹³ As mentioned in the Progress Report of 2009, there were made slight changes in external border management that Turkey was asked to do more about asylum and immigration policy. Turkey was also criticized about limited improvement about implementation of integrated border management and lack of a clear route map that strictly follows the requirements.²¹⁴ At the same time, lack of a formal control mechanism and weak

²¹⁰ Ahmet Davutoğlu, ‘Türkiye Merkez Ülke Olmalı’, Radikal, 26 February 2004.

²¹¹ Zeynep Özler, ‘AB’de ve Türkiye’de Sınır Yönetimi,’ İktisadi Kalkınma Vakfı Değerlendirme Notu, Nisan 2010. http://www.ikv.org.tr/images/upload/data/files/16-ab_ve_trde_sinir_yonetimi-zeynep_ozler-nisan_2010.pdf (20.07.2010)

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Ibid.

linkages between police and custom authorities also added to the list indicating needed improvements. Creating a single, civilian authority which will be operated in border management is the higher priority for the EU.

Besides these, Turkey's geographic location raised concerns mostly about threat of terrorism which shaped the border policies mostly on the security-orientated axis. Even the construction of a civilian single unit that the EU offers to Turkey should be configured through Turkey's own parameters. Since there is not a common structure of border units among member states, Turkey also should shape its border management examining its political, administrative, technical infrastructure and financial needs. The new civilian authority should also gradually take the responsibility because Turkey has a substantial number of border gates and borderlands to control. Also, it should be kept in mind that Turkey's new policy is quite effective in the border areas that a noteworthy number of countries signed agreements about removing visas. These steps also promote cooperation and peace among neighbouring countries as well as other areas of the world.

Radaelli offers four possible outcomes of Europeanization; inertia, absorption, accommodation and retrenchment.²¹⁵ They cover both the magnitude of change and its direction. As it is understood, 'absorption' is more related to change as adaptation. Keeping the core but 'domestic structure and policy legacy provide a mixture of resiliency and flexibility'²¹⁶. Turkey's Schengenization outcomes could be regarded in this category, because while there are noteworthy changes at administrative levels, policy paradigms are still kept the core.

One of the areas of policy misfit is the Kurdish question. It mainly raises the problems in Schengenization process because Turkey suffers a lot with intense terrorist attacks especially in borderlands. Although PKK is listed as a terrorist organization internationally by a number of states and organizations, including the United States, United Nations, NATO and the European Union, it spread to a vast geographical region that comprises south-eastern Turkey, north-eastern Iraq, north-eastern Syria and north-

²¹⁵ Claudio M. Radaelli, "The Europeanization of Public Policy", in Kevin Featherstone and Claudio M. Radaelli (eds.), *The Politics of Europeanization*, Oxford: Oxford University Press, 2003, p. 37

²¹⁶ Ibid.

western Iran. This problem has also affected the relations with above mentioned neighbours that it has raised tensions from time to time. Yet securitization of borderlands is still seen problematic when the continuing terrorist aggression has been considered. In this sense, PKK terror on borders is one of the subjects that Turkey has tried to Schengenized. Acceptance of PKK as a terrorist organization by the EU is a successful step to Europeanization issue. Yet, new achievements are needed to convince EU about border initiatives that Turkey is ready to take.

Another policy misfit is about migration. Migration carries two dynamics for Turkey. On the one hand, there is the issue of protection of national security since illegal entrance to the country violates the laws of Turkish state. On the other hand, migrants use Turkey as a passage country which also makes Turkey accountable to the third party countries. The EU has Schengenized this issue by readmission agreements that ask potential passage countries to sign. Although Turkey has not negotiated to sign the readmission agreement with the EU, it has pursued international collaborations and taken several measures to counter irregular migration. For instance, the Turkish Penal Code criminalized human smuggling and trafficking and made controls firmer at borders. Turkey also signed the UN Additional Protocol against the Smuggling of Migrants by Land, Sea and Air, became a member of IOM (International Organization for Migration) and even signed some readmission agreements which Turkey suffers from large number of migrants like Syria, Kyrgyzstan, Romania and Ukraine. Turkey mainly rejects to become a buffer zone by signing the readmission agreement rather chooses promoting policies to share the burden of transit migrants.

It is mostly related with the external dimension of the internal security policy of the EU which points certain security dilemmas provoked by globalization effects. Increasing mobility of persons and goods, large-scale migratory flows, mass communication devices, in addition to the consequences of EU enlargement caused territorial shift and migratory pressure, also made difficult to follow up transnational criminal organizations.²¹⁷ Besides the problems arise from terrorism, Turkey's main

²¹⁷ Artur Gruszcza, "The Securitization of the Eastern Borders of the European Union. Walls or Bridges?" Paper to the UACES 40th Annual Conference Exchanging Ideas on Europe: Europe at a Crossroads, Bruges, 2010, p.2.

problem to be Schengenized is irregular migration. Different sorts of migration took place which consists of using forged documents; hiding in border-crossing vehicles; passing land borders on horses or on foot; crossing the sea border by ferries, small boats; or entering country by legal visas but overstaying.²¹⁸

Schengenization is the process by which all border categories are brought under the umbrella of the EU considering both internal and external borders. So, borders such as the Turkish-Syrian border would become an external border of the EU soon. Rather than concerns to be highlighted, Turkey's admission to the Union and shifting of the border to the east similar to Eastern Europe enlargement should seriously be considered. In this instance history shows us that the border in this case would be less inclined towards such a permeable barrier for free movement of people. Therefore the downloading process will change the relationship with Turkey's external neighbours in a more exclusive manner whilst changing internal borders to be more inclusive as in European experiences. However historically the EU is also sensitive to local structures and needs hence uploading to renew it and keep the dynamics of status qua.

Turkey is unique, with its history, formation and borders. Although now a modern republic with a secular establishment backed by the military there is a traditional society deeply rooted in Islam which is exceptional for an EU candidate. European borders mostly evolved from smaller units into larger nation-states with a linear progression to be further included within the EU. However, for Turkey it was contrary to this as borders formed by the disintegration of a large geography to smaller political units. Structural change of administration, new understanding of source of sovereignty and emerging territoriality were the basic changes and mainly shaped the border formation of the newly established Turkish Republic.

Turkey has huge borders which vary greatly. Land, sea, and relations with neighbouring nations varies greatly too. Some have continuing conflict even today as illustrated in section 4.3; therefore, as border security is a big issue for the EU this will be a political talking point as a candidate country. Modern political life compelled on

²¹⁸ Ahmet İçduygu and Şule Toktaş, "How do Smuggling and Trafficking Operate via Irregular Border Crossing in the Middle East? Evidence from Fieldwork in Turkey", *International Migration* Vol.40, 2002, pp 25-54.

Turkey the necessity for national security, but Turkey's location in an area that is difficult to control. Since 1959 the Turkish Republic has been on a continual path towards EU membership. Europeanization continues the process with uploading and downloading so membership should become more easily achievable as both parties realize more synergies.

CONCLUSION

The main aim of this study is to evaluate the borders of the European Union, including negotiations between Turkey and the European Union regarding border policy and to clarify the differences between the understanding of border and territoriality concepts by observing of the implementation of these policies. Within this aim, the border concept and territoriality under the effect of globalization were examined with all dimensions such as their types, functions and different definitions. Then, the Schengen regime as an implementation of these policies was analyzed. Implementation refers to the impacts of the policies upon the daily lives of both citizens of Turkey and the EU. Within this framework, it is questioned whether borderlines can carry both uniting or dividing features in terms of defining people inside and outside of the defined borders. Importantly, it is pointed out whether borders as lines are to be the tools of separation or the concerns? Above all, European contribution to the border concept namely, Schengen, and its effect both on the border concept and Turkish candidacy was explored.

Border concept, including most of the theoretical discussions, is fluid and moves through cycles with its different scales and considering its backwards and forwards stages. Even the definition, perception, and reality are fluid. The “border” definitions only strengthen its vagueness because definitions change according to various the political entities, cultural and economic units, and even people who can only define border as much as they feel the limitation. Both culture and economy based definitions stick with the activities taking place in borderlands that mentions the permeable character of the borders especially among the EU countries. Borders can be areas of shared ideas, values, traditions and customs but also with clashes on cultural diversity and immigration problems. Yet mainly, borders, which are inclined to be the lines among sovereign political entities with both uniting and dividing functions, are not simple demarcations. They are part of state institutions and indicate a larger area when sphere of influence is considered because it is far beyond the marks on a map.

Since border as a concept is far beyond the lines of maps, territoriality and its structure should also be included in the way of contributing to the theoretical

discussion. Territoriality is having power on a bounded space which consists of population and resources. Also “territories are spaces which people defend by excluding some activities and by including those which will enhance more precisely what it is in the territory that they want to defend”²¹⁹. Furthermore, defined territories make borders one of the main decisive institutions of these including and excluding activities. Opposed to the fixity of borders, activity of borders can also be grasped from the mobility perspective. Since territoriality is seen as managing space and exercise of state power, it points out a great organization of a social life that people satisfy their needs while expressing dedication to land and their physical environment in which identity and citizenship are created.

It should be kept in mind that “some things can occur only at borders”²²⁰ including airports, train stations and seaports. In this respect, border as a concept includes ‘meaning-making and meaning-carrying’²²¹ features. Besides from being a physical limit of a state authority and structures that are represented as customs, immigration and security, it made borders more like institutions of state. Institutional changes also reflect the changing attitudes of borders of a state. Since people who cross the border firstly face with the new structural formation of the counter side country with differences, similarities, and proximities in bureaucracy and culture that also inclines the main characteristics of institutional traditions of states. Yet the European Union attempts to create common culture to make the border transition indiscernible for citizens of member states. Considering its various forms, border types are scrutinized deeply with the possible border formations and bring new perspectives on border evolutions.

The effect of globalization should not be eliminated while discussing border concept. All changes in the understanding of both borders and territoriality change the definitions of nation-state which is under discussion whether they are in decline or renewing. In the case of the European Union, even alienated borderlands can become co-existent throughout the years and later with close interaction through economic tools

²¹⁹ Cox, *Political Geography, Territory, ...*, p.3.

²²⁰ Donnan and Wilson, *Borders; Frontiers of Identity, ...*, p.4.

²²¹ *Ibid.*, p.4.

that gives both sides the opportunity to bound economies together in the light of stable relations. It leads to interdependent borderlands to become integrated which is the European Union's ideal.

While covering how borders changed and formed before the European Union, considering its contribution more to the current formation of the EU both in a positive and negative way are included in the study. First demarcations of the Roman Empire called "limes" and the names of the counterside people were 'barbaric'. Surely, Europe has evolved in time with other series of incidents. Yet it is crucial to see how evolution took place mentally and in which ways the EU carries its parts within its new formation, including (non)border network, limes, march, and colonial borders. In addition to that, how an entity hosts different border formations with the same policy is noteworthy to examine. Political life can be considered as a pendulum, moving from different phases, with different understanding of limitations, but the EU still continues with integration.

The Schengen regime with its unique character constituted the backbone of this study and the realization of integrated borderlands. It is more the creation of a common area of signatory states rather than diminishing all the borders among them. Although the Schengen regime is seemingly aimed as the last phase of the integration of European evolution on border regime, it does not intend a final point but a process the European Union is continuing to experience. Since the Schengen area consists of both members and non-members of the EU, cooperation is only possible with multinational negotiations that it both responds the intergovernmental and supranational features of the structure. It is also noteworthy to mention that how such a regional organization has became one of the major policies of the EU and led to more of a supranational structure.

Since Schengen is a unique case, it should be separated from integration theories and apart from economic basis especially when its emergence is considered. The emergence of Schengen should be grasped with a complex logic rather than showing more attention to the 'economic concerns' and adopting intergovernmental approach. Since sovereignty transfer is the pivotal characteristic of the Schengen process, post nationalist approaches should not be dismissed while evaluating it. First Schengen started in the era that territorial integrity and sovereignty ideals of states were

seen as pre-war motives and continued to be obtained by post-war states in addition to nationalism which had strong effects on both internal and external community. Later, immigration became something to be regulated especially after economic stagnation that Europe suffered.

Series of meetings were held and agreements were signed while starting the Schengen initiative. Most importantly, the Schengen Implemented Convention shaped the framework of the new border formation which basically offered a distinction between internal and external borders. Internal borders continue to remain but external borders carry much more importance for the protection of Schengen area. Although with efforts making the Schengen initiative compatible with the European integration project like promoting free movement that was agreed in the Single European Act, Schengen was included into the EC structure with the Amsterdam Treaty. From then on it is part of the EU politics which is important for two reasons. Firstly, it has highly promoted the innovative side of Europe that is ready for taking risk to form new structures that are thought to be needed. Secondly, it has created a sustainable initiative that even the issue of sovereignty transferring was grasped as an advantage for member states to continue further integration and as an initiative melted in a bigger pot.

Including enlargement of Schengen area, the EU has had attempts to furthering the Schengen process including introducing new policies and organization within the EU and far reaching policies outside the EU. As enlargement expanded, new partners needed control over the established system, for instance, the European Neighbourhood Policy, agreements with African, Asian and Latin American countries, creation of G6 forum, etc. It is definitely the Lisbon Treaty that should be shown necessary attention for the latest developments. It should also be noted that more discussion is needed to detect the deficiencies of the system in order to make it better rather than following fears or concerns in every entrance of a new country. It is crucial not to see the newcomers as something to digest but a link that would make the chain stronger.

It is crucial to locate Turkey into this frame. Since its candidacy status gained in 1999, it is almost ten years Turkey has been experiencing preparation period. Yet Turkey is unique in its history, formation and borders. Although now a modern republic

with a secular establishment, there is a traditional society deeply rooted in Islamic culture which is exceptional for the EU outlook. Formation of borders also differs. It is almost impossible to compare the formation of Turkish borders with European borders. Turkey had to fight for its national freedom which eliminated the ethnic and cultural homogeneity of the Ottoman Empire. This survival instinct did not allow enough time for the formation of a newly established Republic but strengthened the national tendencies of Turkey that drifted to be part of the current state system. Structural change of administration, new understanding of source of the sovereignty and emerging territoriality were the basic changes and mainly shaped the border formation of the newly established Turkish Republic.

The society was also to be created in the image of “European society, with secular nationalism, a liberal economic and political outlook and a notion of social solidarity”. It is mostly seen as the Westernization process of Turkey headed by the founder of the Republic, M. Kemal Atatürk and the state ideology based on his six pillar structure. Evidence of the orientation of the Turkish Republic towards Europe as a clear direction and demarcation of lands mainly gives the impression to citizens that in order to be ‘in’ they must accept the common ideas of the entity.

Turkey has large borders which vary greatly. As examined in the section of relations with neighbours, conflicts took place continuously for some time relying on securitization of the borders and their structure. Therefore, it might raise questions in the EU because external border relations are a big issue for the Schengen area. Yet Turkey’s will to be in Schengen area and current attempts to establish non-problematic relations with neighbours by expanding relations in areas of not just security but also in politics, economy, culture, has a greater impact in external relations. Especially bilateral agreements were signed in order to implement better regulations and cooperation specifically encouraged with neighbouring states. There were also new visa regulations introduced which mostly removing the need for visas.

However, there still exist a gap between the requirements of Schengen regime and Turkey’s adaptation to it. Comparing institutional adaptation, Turkey remains weaker about policy adaptation which mostly requires both public perception

concerning the political cooperation and elite socialization. However, current policy paradigms raise the questions about the threat of terrorism and migration. Although the main aim of removing visas contributed to the right of free travel of people all around the world -as it is asked whether border lines meant to separate or the concerns- Turkey's new policy and the Schengen regime within member states are functioning with the possibility of uniting in this respect. Yet Turkey's border policy is far from constituting a coherent whole which is ready to be the part of Schengen regime that is previously inclined as not only a zone but also an identity. Since the adaptation of its policies with Schengen regime does not consist of a single process, it should be shown more attention to the other values of Europe such as democracy, freedoms and human rights. On the other hand, for the case of Europe, there need to be a more peaceful look in order not to build great walls against the non-Europeans. As it has been experienced during the Cold War era, protection feeds protection more, security seeks more security yet without creating an environment free from concerns. Otherwise, integration will not be possible for Turkey with its neighbours and Europe with its candidates because all these relations are like links which would make the chain stronger if bounded with each other robustly.

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