The European Commission’s role in EU–Turkey migration: political leadership through strategic framing

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Political leadership through *strategic framing*

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ABSTRACT

This paper suggests an ideational perspective of new institutional leadership and applies it to the Commission's political leadership role in the policy process on EU-Turkey cooperation regarding migration during the timeframe from 2014 to 2016. For this purpose, we propose a conceptual framework – based on the causal mechanism of 'strategic framing' –, which traces how the Commission's ideas were deployed through specific instruments by its actors and networks. Therefore, this paper feeds into the claim for new institutional leadership and more specifically, regarding the Commission's political leadership, by revealing how the Commission's ideational resources have shaped some of the main policy outcomes in EU-Turkey cooperation at the time of the refugee crisis. In this paper, we understand political leadership as a process in which an actor, with institutional, ideational and personal resources, proactively mobilises to shape the policy processes and their outcomes.

Keywords: European Commission, political leadership, ideas, strategic framing, Turkey, migration

Introduction

Over the last two decades, the focus of the debate regarding the Commission's influence on European Union (EU) policy has been on its apparent decline (Nugent and Rhinard 2013: 257) due to two main, concurrent reasons. First, the institutional innovations introduced by the Lisbon Treaty potentially undermined the centrality of the Commission by acknowledging the European Council's (EC) long-standing leadership role, and by making the Commission's role of delivering policy proposals more complex due to the extension of the co-decision procedure. Second, the handling of the three existential crises in the past decade – the Eurozone, refugee, and British membership crises – enhanced the role played by the EC (Smeets and Beach 2020b: 1137).

These developments have led to the argument that power shifts among the EU's political institutions favoured the Council and EC at the expense of the Commission (see, for example, Bickerton *et al.* 2015). However, Nugent and Rhinard (2016: 1200 and 1207) have challenged this new intergovernmentalist view, stating that the Commission's decline has been overstated due to the fact that not sufficient attention has been given to its informal power resources[1]. Indeed, other scholars have affirmed that the Commission emerged stronger during the crisis (Bauer and Becker 2014), and 'with some discretion in highly political matters' (Becker *et al.* 2016: 1020). As a matter of fact, Smeets and Beach (2020b: 1140) have introduced the new institutional leadership claim according to which the new system of EC-centred governance has paradoxically provided 'better opportunities for institutional leadership', by enhancing the role of the Commission in translating broad priorities into meaningful reforms.

[1] Its physical presence at all legislative stages, the perception of it as a (near) neutral facilitator, and its command of expert and technical information.

In the specific case of EU-Turkey cooperation at the time of the refugee crisis, whereas most studies (Batalla Adam 2017; Gürkan and Coman 2021; Turhan and Wessels 2021) have properly depicted a process dominated by intergovernmental actors, with German Chancellor Angela Merkel playing a dominant role among the heads of state and government (HOSG) (Webber 2019: 137-138), Smeets and Beach (2020a: 131) have shown that even though the process was EC-based, it resulted from effective inter-institutional cooperation and it required the extensive involvement of the Commission. However, the focus of Smeets and Beach (2020a) is on informal institutional governance, and they do not explicitly look at the role played by the Commission's ideas in shaping this process. Thus, this paper aims to fill this gap by suggesting an ideational perspective of new institutional leadership and applying it to the Commission. For this purpose, we propose a conceptual framework – based on the causal mechanism of 'strategic framing' –, which traces how the Commission's ideas were deployed through specific instruments by its actors and networks. Therefore, this paper feeds into the claim for new institutional leadership and, more specifically, regarding the Commission's political leadership, by revealing how the Commission's ideational resources have shaped some of the main policy outcomes in EU-Turkey cooperation regarding migration during the timeframe from 2014 to 2016.

The article is organised as follows. In the next section, based on the main contributions from the literature on political leadership, we present our conceptual framework and research design. The subsequent section traces the leadership role performed by the Commission's actors in the different phases of the policy-making process on EU-Turkey cooperation on migration during the period from 2014 to 2016.

Political leadership through 'strategic framing': theory, conceptual framework and research design

Although there is no single, agreed definition of political leadership (Müller and Van Esch 2020: 2-3), by drawing on a generally applicable definition by Burns[2] (1978: 425) and by specifically focusing on the role of ideas in the policy process (Béland 2009; Carstensen and Schmidt 2016; Goldstein and Keohane 1993; Hall 1989; Parsons 2002; Rhinard 2010; 2018; Schmidt 2008; Surel 2000), we understand political leadership as a process in which an actor, with institutional, ideational and personal resources, mobilises proactively to shape the policy process and its outcomes. Therefore, we apply this definition with the Commission as the actor.

Several works have used the concept of political leadership to assess the Commission's role in the process of policy-making (see, for example, Chang and Monar 2013; Endo 1999; Kassim *et al*. 2013; Müller 2019; Nugent 1995; Schoeller 2019; Tömmel 2013; 2020), with most empirical studies focussing on the president (as in Endo 1999; Müller 2019; Tömmel 2013; 2020), or considering it as a unitary actor (as in Schoeller 2019). This literature has shown that the Commission possesses all the resources – institutional, ideational and personal – that are necessary to perform political leadership. While institutional resources can be used by the would-be leader to obtain bargaining leverage in the policy process (Blondel 1987: 4 and 28; Young 1991: 288; Endo 1999: 28; Müller 2019), ideational resources allow the would-be leader 'to shape the way in which participants in institutional bargaining understand the issue at stake and to orient their thinking about options available' (Young 1991: 288). Finally, personal resources, defined in terms of ambitions, abilities, political capital (Endo 1999: 23), and

[2] This definition focuses on three main constitutive elements of political leadership: 1) the focus on 'persons' with 'motives and values' and 'resources', 2) a 'reciprocal process' between 'leaders and followers', 3) the 'process of mobilising … in order to realise goals'.

network capital of the officeholders, can facilitate decision making by creating additional, informal channels of communication.

The Commission's institutional resources derive mainly from its strategic position in the EU system. In fact, according to article 17(1) of the Treaty on the EU: 1) it has the power to set strategic priorities that are likely to advance the development of the EU, 2) it has the monopoly of legislative initiative with the exception of Common Foreign and Security Policy and some areas of police cooperation, 3) it mediates with key actors as the process moves towards a decision, 4) it has far-reaching implementing powers. In the last few years, the centralization of power within the Commission has created new opportunities for the president to play a leading role not only within the institution, but also vis-à-vis the other institutions. This has occurred thanks to the incremental treaty changes from Maastricht to Lisbon, which have vested the president with the right to approve the nomination of Commissioners, the distribution of portfolios and also with the authority to demand the resignation of individual Commissioners. Furthermore, it has taken place thanks to the process of the presidentialisation of policy control that, since 2004, has started to overcome the traditional administrative fragmentation of the Commission as well as adopting a more strategic approach to policy (Becker *et al*. 2016: 1013; Kassim *et al.* 2017: 658). The *Spitzenkandidaten* procedure, through which President Jean-Claude Juncker was selected in 2014, may have further strengthened the centralization of power as, legitimized by this procedure, he could play a leadership role not only in the College but also in the EC (Christiansen 2016: 1006).

In the case of ideational resources, the Commission is 'the main single source of technical expertise and the main repository of information about the content and impact of most EU policies', and this makes it 'indispensable to policy initiatives and developments' (Nugent

1995: 608). In fact, it can count on the specific technical knowledge, developed during decades of European integration, of its specialized Directorate Generals (DGs), as well as on the actors – such as private firms and associations, non-governmental organizations, and national administrations – with the expertise that it lacks (Kassim *et al.* 2013: 74-75; Nugent 1995: 608). Finally, personal resources have been primarily associated with Commission Presidents and the strength of their commitment to promote European integration, their capacity to develop corresponding objectives, and their ability to broker compromises and persuade member states' governments and the Parliament to proceed along the envisioned route (Endo 1999: 23; Müller 2019; Tömmel 2020: 1145) have been evaluated.

While 'resources' can be considered as a sort of pre-requisite for the exercise of political leadership, in this paper, we adopt an actor-centred constructivist approach (Saurugger 2013) and search for the evidence of the causal mechanism (Beach 2016) of 'strategic framing' (Rhinard 2018) in order to trace the Commission's political leadership and its impact on policy outcomes. The actor-centred constructivist approach, by focussing on actors' ideas and their strategic use, make it possible to investigate how ideational factors have influenced the policy process. Accordingly, the concept of 'strategic framing' refers to the deployment of certain policy ideas in order to reshape a particular policy domain (Rhinard 2018: 309) and can be used to understand 'why EU policy outcomes may reflect the policy preferences of the European Commission, or more specifically, the policy preferences of one of its internal administrative units' (Rhinard 2010: 4-5). Therefore, we unpack the mechanism of 'strategic framing' into its component parts – ideas, instruments, actors/networks – in order to trace the causal process between the Commission in the position of power (X) and its impact on the policy outcomes (Y) (see Table 1).

Table 1: The causal mechanism of 'strategic framing'

Causal condition (X)	**Causal mechanism**				**Outcome (Y)**
Commission in position of power	'Strategic framing' through: ideas, instruments, actors/networks				Commission's impact on policy outcomes
	Agenda-setting	Policy initiation	Policy formulation	Policy implementation	

Source: authors' elaboration

Ideas – as the substantive content of discourse – will be identified in terms of their level of generality (Rhinard 2010: 57-58; Schmidt 2008: 305-306). The first level of generality encompasses the specific policy solutions proposed by policy makers (Rhinard 2010: 57; Schmidt 2008: 306), while the second level concerns the more general programs or paradigms that underpin the policy ideas (Rhinard 2010: 57-58; Schmidt 2008: 306; Young 2013: 127). Then the third level regards the philosophies or worldviews that undergird the policies and programs with values and principles (Goldstein and Keohane 1993: 8; Rhinard 2010: 58; Schmidt 2008: 306; Young 1991: 298; 2017: ch. 6). In this paper, through the qualitative content analysis of the Commission's documents, which were issued during the different phases of the policy process, and interviews (see Appendix 1), we distinguish between the second level ideas that have been operationalized in terms of the Commission's policy priorities and objectives, and the first level ideas that have been operationalised in terms of the Commission's proposals for specific policy solutions (see Table 2). While the ideas at these two levels 'tend to be discussed and debated on a regular basis' (Schmidt 2008: 306), with possible differing positions among EU actors, third level ideas – which can be operationalized in terms of the most general policy goals and of 'normatively grounded principles' (Young 2017: 145) –, these won't be considered in Table 2, since they 'sit in the background as underlying assumptions that are rarely contested' (Schmidt 2008: 306), and are usually shared

by all EU actors. The instruments that are operationalised in terms of specific initiatives – policy documents and/or strategies – used by the Commission to convey its ideas and drive the policy process, will be pinpointed at each stage of the process (see Table 2). Finally, rather than considering the Commission as a unitary actor or focussing exclusively on the President, in this paper we try to shed light on the role played by the specific political and bureaucratic actors in the Commission in the different phases of the process, and also try to map the specific intra-institutional and inter-institutional networks (see Table 2).

Therefore, through systematic process tracing (Beach and Pedersen 2013), and notably through the search for evidence of the causal mechanism of 'strategic framing', we show how the Commission's ideas were deployed, through specific instruments, by its actors and networks, and explain how the Commission left its fingerprints on some of the main outcomes in EU-Turkey cooperation regarding migration. This case study has been selected because, even though EU-Turkey cooperation at the time of the refugee crisis has been extensively documented, these studies have not focused on the role played by the Commission's ideas in this process[3]. Even in the case of Smeets and Beach (2020a), who have shown that the process required the extensive involvement of the Commission, their focus is on the informal institutional governance, and they do not explicitly look at the role played by the Commission's ideas in shaping this process. Furthermore, in contrast to other existential crises, on this specific dimension of the refugee crisis the Commission was in a position of power at the EU level because it was the only actor that had the necessary resources to deal with EU-Turkey cooperation. Indeed, during those years when the European External Action Service (EEAS)

[3] Indeed, most studies have focused on the intergovernmental nature of the process (see, for example, Batalla Adam 2017; Turhan and Wessels 2021; Webber 2019: ch. 5) and/or on the consequences of the deal with Turkey for the EU's foreign policy identity and legal order (see, for example, Fernandez Arribas 2016; Gürkan and Coman 2021; Poon 2016; Wessel 2021: 79).

was not yet equipped to cope with Turkey[4], the Commission could count on the technical knowledge, operational capabilities and organizational resources developed in decades-long cooperation with Turkey by its DGs for Neighbourhood and Enlargement Negotiations (NEAR), for migration and home affairs (HOME), for trade (TRADE), and the delegation in Ankara as well. The timeframe from 2014 to 2016 has been selected because it corresponds to a new political cycle at the EU level with the establishment of the Juncker Commission, it covers the escalation and peak of the refugee crisis, and it is characterised by significant policy developments in EU-Turkey cooperation.

With secondary literature and EU official documents, the analysis draws to a considerable degree on empirical new material based on 23 in-depth and strict confidential interviews, conducted between June 2020 and December 2021, with high-ranking officials in the Commission, the EEAS, the Council Secretariat, members of the European Parliament (EP), and with former ambassadors and/or high-level diplomats of Turkey and of some member states (see Appendix 1 for more details). These interviewees were selected according to: 1) their actual involvement in this policy-making process as it offers 'a more direct measure of a causal mechanism' (Beach and Pedersen 2013: 134), and 2) their different institutional/bureaucratic affiliation, in order to triangulate the data collected on the three components of the causal mechanism.

[4] At the time of the High Representative/Vice President (HR/VP), Catherine Ashton, there was only one Special Advisor on Turkey. It was HR/VP Federica Mogherini who established, in the beginning of 2015, a specific division on Turkey with only five officials (Interviews 2 and 23).

Tracing the Commission's political leadership in EU-Turkey cooperation on migration (2014-16)

In this section, we trace the Commission's political leadership role on EU-Turkey cooperation regarding migration during the period 2014-2016, by looking for evidence of the causal mechanism of 'strategic framing' and its main components in the different phases of the policy-making process (see Table 2).

Agenda-setting: enhancing cooperation on migration with third countries

This phase precedes the refugee crisis and corresponds to the beginning of a new political cycle at the EU level with the establishment of the Juncker Commission during the second half of 2014, with its political and bureaucratic structures. During this phase there was no original framing by Commission President Juncker at both the program level of ideas, that is, in the selection of migration as a priority action and in the definition of the problem to be solved, or at the policy solution level. Actually, the candidate for President of the Commission Juncker shared with the EC that migration should be a priority and that the main objectives should be attracting talent, dealing more robustly with irregular migration, protecting those in need, and securing Europe's borders (European Council 2014; Juncker 2014a: 9-10). It was a path-dependent frame of migration policy, historically designed to protect the internal Area of Freedom, Security and Justice (Lavenex 2018: 1202). Moreover, it reflected the centre-right majority in both the EC and the newly elected Parliament, and the necessity for candidate President Juncker to work within a framework of priorities previously established by the HOSG, and to have the support of the new legislature.

In this program framework, and in particular in order to 'deal more robustly with irregular immigration', the candidate for President Juncker underlined the necessity of 'better cooperation with third countries, including on readmission' (Juncker 2014a: 10). The usefulness of this policy solution was also reflected in the tasks assigned to the Commissioner for Migration, Dimitris Avramopoulos, who was asked to work 'on ways to improve cooperation with third countries … including on readmission' (Juncker 2014b: 4). It was a policy solution, which was part of the same path-dependent frame of migration that was based, from the late 1990s and early 2000s, on the practice of controlling migration flows by externalising migration policy through cooperation with non-EU countries.

This policy solution was potentially relevant for EU-Turkey relations because cooperation on migration had already been established in December 2013. At this time, thanks to the work that was accomplished from 2011 by Stefano Manservisi, at that time Director General of DG HOME, Ankara signed a Readmission Agreement (RA) with the EU, in parallel with the beginning of the visa liberalization process (Interviews 2 and 12). However, this agreement was not fully implemented vis-à-vis third-country nationals, since Ankara considered it to be an ex-post condition (to be complied with after the beginning of visa liberalization); while, for the EU it was an ex-ante condition for visa liberalization (Interviews 4 and 9). This shows that DG HOME knew, much earlier during the refugee crisis, that there was room to improve the existing EU-Turkey cooperation on migration and to link it to progress on visa liberalization as a viable tool to address the crisis. According to a Director General of the Services at that time, the decision to strengthen cooperation with Turkey on migration 'was in the substrate', because if Turkey wanted to have visa liberalization, migration management must work (Interview 8).

Policy initiation: strengthening cooperation with Turkey on migration

This phase began in the spring of 2015 when the EU political system started to react to the escalation of the flow of refugees and migrants toward the EU, especially via the Eastern Mediterranean route, and consequently to more than 1,500 deaths in the Mediterranean Sea from January to April 2015 (European Parliament 2015: point A). This dramatic situation and the media exposure that followed led EU institutions to agree, at an ideational programme level, to the need to act 'concretely and rapidly' (Tusk 2015; see also Commission 2015a) in order 'to prevent further loss of life at sea and to tackle the root causes of the human emergency' (European Council 2015a; see also Commission 2015b: 2; European Parliament 2015: points 1 and 13). Indeed, on 23 April 2015, 'four days after 800 people were lots at sea', the President of the European Council Donald Tusk called the first special European Council 'to mobilise the European Union, its Member States and its institutions, in response to the dramatic situation in the Central Mediterranean' (Tusk 2015). In this context, the Commission was the first to mobilise and its actors played a leading role in framing new pragmatic policy solutions such as the creation of hotspots and the strengthening of cooperation with Turkey, which were afterwards confirmed by the EC. In September 2015, the Commission also tried, despite no apparent success, to direct attention towards the need to recognize Turkey as a safe country of origin (SCO) as a first step towards recognizing it as a safe third country.

On 20 April 2015, at a time in which there was still little thought dedicated to how to deal with migration, Commissioner Avramopoulos presented the 10-point plan on migration (Commission 2015a), an action plan drafted by DG HOME, which contained some 'practical steps' (Interviews 2, 8 and 13), such as returns and the creation of hotspots. Once this plan was endorsed by the EC in its first special meeting on migration, on 23 April 2015 (European

Council 2015a), DG HOME further elaborated these solutions in the European Agenda on Migration, adopted on 13 May 2015. It is in the framework of these policy initiatives, that the idea formally emerged, which 'was in the substrate' for strengthening cooperation on migration with Turkey (Interviews 2, 8 and 10). This policy solution had become increasingly strategic due to the conflict in Syria, which made Turkey the main country of transit for the 700,000 people who entered the EU in 2015. And 'there was no alternative solution' (Interview 10), since it was not possible to rely on Greece, whose asylum system was dysfunctional and also under economic and financial surveillance (Interviews 2 and 10). Furthermore, this solution was shared by Germany (Interviews 2, 3 and 10), who was the only member state to exert 'strong leadership' during the crisis (Interview 2; see also Webber 2019: 137-138). Thus, the EC's conclusions mentioned the need to 'step up cooperation with Turkey' in order to prevent illegal migration flows (European Council 2015a: 1) and the European Agenda on Migration, described Turkey as 'a good example of where there is much to be gained from stepping up cooperation' (Commission 2015b: 8).

Towards the end of this phase on 9 September 2015, the Commission also took the initiative to propose a regulation establishing an EU common list of safe countries of origin (SCOs), including all accession and potential candidate countries of the Western Balkans and Turkey (Commission 2015c). On the same day, President Juncker, used his first State of the Union (SoU) address to give political emphasis to this legislative proposal. He justified the inclusion of these countries with the presumption of safety that must 'certainly apply to all countries which the European Council unanimously decided meet the basic Copenhagen criteria for EU membership' (Juncker 2015a: 9-10). However, this proposal was never approved, due to the opposition of the EP to the inclusion of Turkey, which was not based on self-evident technical matters (Interviews 18, 19, 20, 21). Indeed, the idea of including Turkey in the common list of

SCOs was an inherently political strategic choice of the Commission that aimed to strengthen cooperation with Turkey on migration, by taking the first necessary step in view of its formal recognition as a safe third country (Interviews 2, 8 and 13). This attempt was apparently not successful because, even though Turkey was never recognized as a SCO, later it was *de facto* considered as a safe third country.

Policy formulation (first phase): using the refugee crisis to relaunch EU-Turkey relations

This phase was characterised by the peak of the refugee crisis in which the flow of refugees and migrants continued to grow up to October, and at the EU level by the disintegration of the Schengen system (Monar 2016: 138). It began on 23 September 2015 with an informal meeting of EU HOSG on migration to deal with 'the unprecedented migration and refugee crisis we are facing' (European Council 2015b), and ended with the agreement on the EU-Turkey Joint Action Plan (JAP) and the first EU-Turkey political statement, respectively, in October and November 2015. In this context, while the EU political system was under tension and when it was necessary to demonstrate to public opinion that the EU was capable of dealing with the crisis, the whole migration dossier was considered to be under 'tight management by the member states', even though it is a shared competence (Interviews 2 and 10). Therefore, EU institutions dealt with 'emergency measures on migration' and the Commission could only operate 'under strict surveillance of the European Council and with regular contacts with the COREPER' (Interviews 2 and 10). On the specific dimension of EU-Turkey cooperation on migration, the Commission first developed the objective of using the refugee crisis to relaunch EU-Turkey relations, and then framed the policy solutions of (1) conceptualizing Turkey as a strategic partner and, consequently, developing a transactional relationship, and (2) considering

Turkey as a *de facto* safe third country. These policy solutions represented the key ideas behind the first political statement and the JAP, respectively, which were pre-negotiated by the Commission, while working very closely with the German Chancellor[5].

At the ideational program level, the objective of using the refugee crisis as an 'opportunity' to relaunch and 'reinject dynamism' in EU-Turkey relations was first developed in the summer of 2015 through contact between the Director for Strategy and Turkey, Simon Mordue, of DG NEAR, and the Turkish Ambassador in Brussels, Selim Yenel, who was very close to Turkish Prime Minister (PM) Ahmet Davuto□lu and his 'existential last attempt to cement Turkey on a trajectory towards a democratic state' (Interviews 3 and 10). Later, this idea was complemented with the Director General of DG HOME, Matthias Ruete, and Manservisi, who at that time was head of the private office of HR/VP Federica Mogherini (Interviews 2, 3, 8 and 10). According to a high-level Commission officer, 'it would have been a failure of diplomacy not to give it a shot, it was not only on migration, [it was] the last roll of the dice to see if there was a possibility to support democracy in Turkey' (Interview 10).

Based on this objective, and due to the informal EC meeting on migration on 23 September 2015, the Commission proposed to the HOSG to assist Turkey in dealing with the Syrian refugee crisis and to '*reinforce the dialogue with Turkey at all levels … in order to strengthen our cooperation on stemming and managing the migratory flows*' [authors' italics] (European Council 2015b). These proposals were based on the Commission's idea that Turkey should be considered as a strategic partner with whom the EU should establish a transactional relationship in order to obtain Ankara's support in this domain (Interviews 1, 2 and 10; see also Commission

[5] According to Juncker, never in the previous 15 years had the Commission worked so closely with the German Chancellor as it did with the JAP and the first political statement (Webber 2019: 167).

2016b: 2). This idea of Turkey, not only as an accession candidate country, but also as a strategic partner, was not new since it was formally introduced for the first time in the Positive Agenda issued in 2012 by the Enlargement Commissioner at that time, Stefan Füle, in order to relaunch bilateral relations (Commission 2012).

Even if the implementation of this idea 'demanded political courage because it was not in tune with the political opinion' (Interview 22), the EC accepted the Commission's proposals and asked EU institutions 'to work speedily' in order to have 'operational decisions on the most pressing issues before the October European Council' (European Council 2015b). Therefore, the Commission started to work under time constraints in order to reach the above-mentioned 'operational decisions'. The centre of decision-making was in the hands of President Juncker, who gave a special mandate to the Commission's First Vice President, Frans Timmermans, who as former minister of foreign affairs of the Netherlands had good connections with Turkey (Interviews 10 and 22). The latter formed and led a project team, composed of higher-level civil servants with expertise on Turkey in the different DGs, with a key role played by Ruete, Mordue and Manservisi (Interviews 2, 10, 11, 12 and 22). The team developed a very flexible intra-institutional coordination that went outside of the classical hierarchical bureaucratic way of working, also thanks to a close set of strong personal relations that already existed among the components of this team (Interviews 2, 8 and 10). And 'there were no turf battles with the DGs' (Interview 2). The team also established an ad hoc inter-institutional coordination process, working very closely with President Tusk's *chef de cabinet*, and the Secretary General of the Council (Interviews 10, 17 and 22; see also Smeets and Beach 2020a: 138-139). Overall, it represented an informal and 'unusual working situation', in which 'it was not very easy to pigeonhole the role of key actors' (Interview 10) (see Table 2 for more details on the networks).

The pre-negotiation with Ankara started on 28 September 2015, when the Commission team met Ambassador Yenel. On this occasion, the Turkish counterpart clarified that financial support was not enough to stop the flow of migrants because PM Davuto□lu needed the opening of some chapters of the accession negotiations and progress towards visa liberalization in order to have leverage to drive the domestic reform process (Interviews 2, 3, 10 and 11). Therefore, Turkey's priorities were in the following order: 1) visa liberalization that would affect all Turkish citizens, 2) bilateral summits between the EU and Turkey, 3) opening of new chapters in the accession negotiations, and 4) financial support (Interviews 2, 3 and 10).

This initial meeting led the Commission to agree with Turkey on 15 October 2015 on the JAP (EU-Turkey 2015a), which represented the 'technical' agreement (Interview 12), and which was based on the Commission's idea that Turkey could be considered 'effectively a safe third country' for refugees (Interviews 10, 22). Indeed, even if Turkey was not recognised as a safe third country, through ambiguous formulation based on a *de facto* consideration of Turkey as a safe third country for Syrians under temporary protection and other asylum seekers, the JAP listed the different measures that Turkey was to implement in order to 'ensuring refugees who are in Turkey … to stay in Turkey' (Juncker 2015b).

The JAP was activated in the framework of the first exceptional meeting between Turkey and the 28 member states, on 29 November 2015, when the first EU-Turkey political statement, which represents 'the political agreement' (Interview 12), was agreed on (EU-Turkey 2015b). This document was also drafted by the Commission team (Interview 10), which used several instruments to favour the negotiations. First, for the format of the EU-Turkey deal on migration, the Commission supported the adoption of a soft arrangement in the form of a political statement rather than a full-fledged agreement. According to a high-level officer of the

Commission involved in the negotiations, the idea of having 'a soft statement that didn't require ratification and that was aspirational rather than legally binding' originated early, as the Commission was 'thinking in a strategic way' and 'it was evident from the nature of negotiations the need for realpolitik' since 'it was impossible to go through ratification' (Interview 10). Indeed, there was reticence by the member states in taking legal actions regarding Turkey, and a 'political process with few legal aspects involved' was preferred (Interview 13) that could guarantee more flexibility on both sides, even if less enforceable (Interview 8). Moreover, there was no time for extensive consultations, which would have been required to obtain the consent of the EP and the ratification by the member states. In the words of a Commission high-level official who was involved in the negotiations: 'we were walking zombies to stay alive' (Interview 10).

Second, through the use of diplomatic language, the Commission produced 'a veritable balancing act', which managed to not only strengthen cooperation with Turkey on migration and to accommodate Ankara's priorities, but also to avoid the veto of those member states, such as Cyprus, which did not like the idea of strengthening relations with Turkey (Interview 10). The language of the statement on accession, for example, 'was chosen purposely to accommodate Turkey' by leaving the process open, while at the same time accommodating Nicosia by giving it the sense that bilateral concerns were not undermined (Interviews 10 and 16, see also EU-Turkey 2015b: point 4).

Finally, the Commission took some contestable political choices in order to obtain Ankara's support in protecting the EU's external borders. First, as demanded by Turkish President Erdo□an, the College decided to postpone the publication of the 2015 critical accession report until after the Turkish national elections, which were called by Erdo□an to re-establish his party

majority in Parliament (Interviews 3, 4 and 10). According to a former Turkish Ambassador 'it was a big mistake to show that the Commission can be manipulated, because Turkey saw it and tried to use it afterwards' (Interview 3). Second, the Commission decided not to publish the 2015 report regarding Turkey's progress in fulfilling the requirements of the visa liberalisation roadmap 'to avoid tensions' because the 'situation was catastrophic' (Interview 12).

Chancellor Merkel played a leading role in favouring a quick agreement on the political statement, based on the pre-negotiations undertaken by the Commission team. As early as the beginning of October, Merkel affirmed that 'the dialogue on migration policy that the European Commission has launched with Turkey is of vital importance' and that 'Germany will work bilaterally in support of the Commission's endeavours in this regard' (The Federal Chancellor 2015a). Indeed, on 18 October 2015, only two weeks before a crucial general election in Turkey, Angela Merkel travelled to Istanbul for talks with President Erdo□an about the JAP (The Federal Chancellor 2015b; 2015c). The exceptional timing of this visit – during an election campaign with the consequence of offering useful propaganda for the Turkish President – shows Merkel's urgency in wanting to activate the JAP with Turkey, her key role among the HOSG, and her willingness in 'support[ing] the bigger picture, with a bilateral agenda between Germany and Turkey' (The Federal Chancellor 2015c).

The outcome was that the first political statement met all Turkish requests. In fact, after specifying that '[r]esults must be achieved in particular in stemming the influx of irregular migrants', it established: 1) the allocation of 3 billion euros to support Syrian refugees, 2) the scheduling of the Intergovernmental Conference for opening Chapter 17 of the *acquis*, 3) the establishment of a high-level dialogue twice a year, 4) the completion of the visa liberalization process by October 2016, and 5) the launch of formal negotiations for updating the Customs

Union (EU–Turkey 2015b). According to a high-level Commission officer that was present at the negotiations 'the organization that could do all that was the Commission' (Interview 10).

Policy formulation (second phase): respect European and international law for legal returns

The process of policy formulation on EU-Turkey cooperation on migration continued also in the first few months of 2016 with the same actors and networks involved. Already, in the beginning of the year, there were many warnings that if the influx of refugees could not be brought under control rapidly, the Schengen area would collapse (Financial Times 2016). In this context, as had occurred in previous EU crises, Chancellor Merkel felt a need to intervene in order to avoid further escalation of the crisis and to 'show instant results to its domestic public' (Interview 10). Therefore, even though in the previous phase the Commission played a leading role in pre-negotiating the contents of the JAP and of the first political statement, the EU-Turkey Statement of 18 March 2016 came 'out of the cake' (Interview 10), since it was negotiated by Chancellor Merkel and PM Rutte[6] with PM Davuto□lu. Consequently, the Commission could play a leading role with its creative policy solutions only in repackaging it, in particular, by making it possible to carry out the legal return of irregular migrants and asylum seekers who had crossed over from Turkey to the Greek islands (Interviews 8 and 10).

This second statement was necessary because the measures foreseen by the JAP were not enough to reduce the number of migrants from Turkey to Greece. Therefore, its objective was to end migration from Turkey to the EU by making Ankara willing to take back all migrants

[6] At that time, the Netherlands was holding the Presidency of the Council.

and asylum seekers in exchange for additional concessions, namely, an extra 3 billion euros in aid, the acceleration of visa liberalization from October to June 2016, and the opening of new chapters of the *acquis* (EU-Turkey 2016: points 5, 6 and 8). In fact, the main innovation of this statement was the one-for-one idea that for every Syrian taken back by Turkey from the Greek islands, another Syrian would be resettled from Turkey to the EU (EU-Turkey 2016: points 1 and 2). Even if it seems that this policy solution 'was previously born in the Commission from the discussions with Turkish interlocutors' (Interviews 10, 11 and 22), it actually came out of a meeting between Mehmet Samsar (PM Davuto□lu's representative) with Jan Hecker and Jan Willem Beaujean (respectively the representatives from the German Chancellery and the Dutch Ministry of Justice), in early March 2016, during which they thought of what could be done to prevent people from leaving Turkey to reach Europe (Interviews 10, 13 and 22; see also Smeets and Beach 2020a: 142). This solution was also proposed by Gerald Knaus[7] (European Stability Initiative 2015: 2), who discussed it with Jan Hecker and Chancellor Merkel (Interviews 7, 8, 11, 12 and 22).

The repackaging by the Commission involved how to make this one-for-one solution legally worthwhile, because returns should not undermine the rights of refugees (Interviews 10 and 13). Indeed, in this phase the objective of the Commission was 'delivering on the full potential of EU-Turkey cooperation while respecting European and international law' (Commission 2016a: 2). Thanks to the assistance of the DG on Legal Services, the Commission, with its communication of 16 March 2016, provided various policy solutions in order to allow the EU be carry out returns legally. First, it established that the arrangements for the return of all new irregular migrants and asylum seekers from Greece to Turkey 'should be considered as a temporary and extraordinary measure' (Commission 2016a: 2; see also Commission 2016b: 2).

[7] The founding chairman of a Berlin-based think tank.

Second, it established that, according to the EU Asylum Procedures Directive, an expedited procedure can be applied whereby there is no need to examine the substance of an application 'if a person has been already recognised as a refugee or would otherwise enjoy sufficient protection in a "first country of asylum" [as Syrian refugees in Turkey], or if a person has come to the EU from a "safe third country", where … the third country can … guarantee effective access to protection [as non-Syrian refugees in Turkey]' (Commission 2016a: 3). Third, it suggested that Greece and Turkey should change their domestic legislation (Commission 2016a: 3). In particular, the Commission specified that while in the case of Greece 'this applies to the status of Turkey as a "safe third country"', in the case of Turkey 'this applies in areas like the renewal of temporary protection status for Syrians who had left Turkey, access to effective asylum procedures for all persons in need of international protection … and ensuring that protection equivalent to Geneva Convention is afforded to non-Syrians, notably those returned' (Commission 2016a: 3). Moreover, in the weeks that followed, the Commission 'negotiated with Turkey everything that was in the Geneva Convention, covering Syrians and other refugees' (Interview 10; see also Commission 2016b: 4; Commission 2016e: 5).

Policy implementation: providing substantive inputs and creativity

During this phase, which started immediately after the agreement on the first political statement, the Commission played a leading role in implementing all the provisions of the EU-Turkey deal, even if it was a 'common responsibility' (Commission 2016b: 2). In particular, after the second statement, new actors were created to take care of the most operational issues, such as the immediate humanitarian needs of migrants and refugees in Greece, the day-to-day follow-up with the Greek and Turkish authorities, and return and resettlement of irregular migrants and asylum seekers (see Table 2 for more details). However, the main domains in which the Commission left its fingerprints were visa liberalization and economic resources for refugees.

In the case of visa liberalization, the Commission provided very substantive input and much needed creativity on how to take forward the acceleration of the timetable from October to June 2016, which, had it not been for the 15 July 2016 attempted military coup in Turkey, it could have turned it into reality (Interviews 3, 10 and 11; see also Commission 2016a: 6). In fact, in order to comply with the provision of the statement on the acceleration of visa liberalization, and even though 5 requirements out of 72 had not yet been fully fulfilled (Commission 2016c: 10), the Commission exceptionally tabled on 4 May 2016 the legislative proposal to initiate visa liberalisation (Commission 2016d). At the same time, however, in order to counterbalance this acceleration of the visa liberalization due to the politicization of this process through the statement, the Commission designed two creative policy solutions. First, it conditioned the initiation of visa liberalization to 'the understanding that the Turkish authorities will fulfil, as a matter of urgency [...] the outstanding benchmarks' (Commission 2016d: 3; Interview 8). Second, President Juncker asked the Services to work urgently on the draft of a new proposal

for a legal visa liberalization suspension mechanism (Interviews 10 and 11; see also Commission 2016e: 11), which was issued on the same day of the proposal of visa liberalization with Turkey.

The Commission's 'creative thinking' also played a key role in 'designing and operationalizing' the 6 billion euro of economic assistance to Turkey (Interview 10), which since 2015 had become the largest refugee-hosting country in the world with over 4 million refugees. The first objective of the Commission was mobilising the funds 'in the most flexible and rapid way possible' (Commission 2015d). In the middle of April 2015, it was the same Commission team, guided by Vice President Timmermans, who wanted to have the funds contracted by the end of August, to make the initial decisions. And a few alternative solutions were rapidly considered. First, the idea of hinging upon a Trust Fund was abandoned because it would have been too slow in contracting funds (Interviews 4 and 10). Second, Commissioner for Enlargement, Johannes Hahn's proposal of using pre-accession assistance funds committed to infrastructure development was given up, because Turkey would not have accepted it (Interviews 3 and 10). In addition, 'special engineering' for Cyprus was provided for in the form of drafting voluntary contributions – member states' certificates – since it could not have accepted hard commitments towards Turkey (Interviews 10 and 16; see also Commission 2016b: 9; 2016e: 11). The result was that a new mechanism was designed which mobilized funds from the EU budget and from the member states, and which allowed the Parliament to act at least as an ex-post budgetary authority for funds from the EU budget (Interviews 1 and 10). This new coordination mechanism of different sources of funds – the Facility for Refugees in Turkey (FRIT) – was established by means of the Commission Decision of 24 November 2015 and it became operational on 17 February 2016.

In the operationalisation of the FRIT the Commission aimed at avoiding the impression of writing a blank cheque to President Erdo□an (Interviews 5, 6, 14 and 15). Consequently, when the Commission decided on the governance of the Facility, it denied the Turkish authorities of the ability to be in charge of it. It determined that strategic guidance on the coordination of the assistance should be delivered by a Steering Committee, chaired by the Commission and one representative from each member state, with Turkey only sitting in an advisory capacity in order to make Turkish authorities participate in developing a common understanding of assistance needs (Interviews 5, 6, 14 and 15; see also Commission 2015d: art.s 5 and 6). Another important objective of the Commission was 'having value for money' (Interview 10). Therefore, the Commission selected 'a much riskier solution than giving money to international organizations' (Interview 10), which was to run the Facility through direct management (Interviews 1, 5 and 15). Accordingly, it was the Commission that selected and coordinated the implementation of the relevant actions (Commission 2015d: art. 6), with DG NEAR acting as the Secretariat and being responsible for the development component, and DG ECHO being responsible for the humanitarian component. Thus, in the framework of the development assistance strand of the FRIT (about 59 percent), DG NEAR has supported the longer-term needs of refugees and host communities in the fields of health, education and socio-economic development, by contracting projects with international organizations and direct grants to Turkish ministries through the reimbursement of costs (Interviews 1 and 3). While in the framework of the humanitarian strand of the Facility (about 41 per cent), DG ECHO has provided funds to the UN, organizations of the Red Cross family and international NGSs, with the Emergency Social Safety Net, which was launched in 2016 by Commissioner Stylianides to support individual refugees through monthly cash transfers to cover basic needs, while not only standing out as the largest EU humanitarian aid program ever developed but also enabling

the EU to become the world leader in humanitarian assistance in the form of cash (Interviews 5, 6 and 10).

Table 2: The Commission's strategic framing on EU-Turkey cooperation on migration from 2014-2016

	Ideas (Sources)		**Instruments**	**Actors/networks**
	Level of generality			
	Program/paradigm level: priorities and objectives	**Policy level: specific solutions**		
Agenda-setting	- Migration as a priority action with 'deal[ing] more robustly with irregular migration' and 'secur[ing] Europe's borders' among the main objectives (Juncker 2014a: 10)	- 'better cooperation with third countries, including on readmission' (Juncker 2014a: 10) - 'improve cooperation with third countries … including on readmission' (Juncker 2014b: 4)	- Political guidelines - Mission letter to Commissioner for migration	- Candidate for President/President Juncker
Policy initiation	- Acting concretely and rapidly (Commission 2015a) - Preventing more people from dying at sea: '[t]he immediate imperative is the duty to protect those in need' (Commission 2015b: 2) - Addressing the root causes of migration: '[t]o try to halt the human misery … we need to use the EU's global role and wide range of tools to address the root causes of migration' (Commission 2015b: 2)	- Returns (Commission 2015a) - Strengthening cooperation on migration with Turkey (Commission 2015b: 8) - Recognizing Turkey as a SCO (Commission 2015c; Juncker 2015a: 9-10)	- 10-point plan on migration - European Agenda on Migration - Proposal of regulation establishing an EU common list of SCOs including Turkey - SoU address	- President Juncker - Commissioner Avramopoulos - DG HOME

Policy formulation	**First phase**	- Using the migration crisis as an opportunity to relaunch EU-Turkey relations (Interviews 2, 3, 8 and 10)	- Considering Turkey as a strategic partner and initiate a transactional relationship (Interviews 1, 2 and 10; Commission 2012) - Considering Turkey *de facto* as a safe third country for Syrians under temporary protection and other asylum seekers (Interviews 10 and 22; Juncker 2015b)	- Ambiguous formulation in the JAP - Soft arrangement for the format of the deal - Diplomatic language - Postponement of the publication of the 2015 accession report - No publication of the 2015 visa liberalization report	Intra-institutional network: Commission Team on Turkey - President Juncker (with Head of Cabinet Martin Selmayr, and Deputy Head Richard Szostak) in tandem with First Vice-President Timmermans (with Head of Cabinet Bernardus Smulders) - Experts from: DG HOME (Director General Matthias Ruete); DG NEAR (Director General Christian Danielsson, Director for Strategy and Turkey Simon Mordue); HR/VP Mogherini Office (Head of the Office Stefano Manservisi); Legal Services (Luis Romero); Secretary General (Deputy Paraskevi Michou); DG TRADE; DG ECHO Other Commissioners supporting the dossier: Hahn, Mogherini, Avramopoulos, Stylianides Inter-institutional network: - Piotr Serafin (Tusk's Chef de Cabinet) - Jeppe Tranholm-Mikkelsen (Secretary General of the Council of the EU) Member states' officials: - Jan Hecker (German Chancellery) - Jan Willem Beaujean (Dutch Ministry of Justice) Turkish interlocutors: - President Erdo□an, PM Davuto□lu, Mehmet Samsar, Selim Yenel
	Second phase	- '[R]especting European and international law' in carrying out returns (Commission 2016)	- '[A] temporary and extraordinary measure' (Commission 2016a: 2) - Application of an expedited procedure (Commission 2016a: 3) - Requirement of changes to Greek and Turkish domestic legislation (Commission 2006a: 3)	- Communication on the 'Next operational steps in EU-Turkey cooperation in the field of migration'	

Policy implementation	- Taking forward the acceleration of the timetable for visa liberalization (Interviews 3, 10, 11; Commission 2016a: 6) - Counterbalancing the politicization of the visa liberalization process (Interviews 8, 10 and 11; Commission 2016d: 3; 2016e: 11) - Fast and flexible allocation of funds (Commission 2015d) - Not writing a blank cheque to Erdo□an (Interviews 5, 6, 14 and 15) - 'Having value for money' (Interview 10)	- Conditioned initiation of visa liberalization (Commission 2016d: 3; Interview 8) - Visa liberalization suspension mechanism (Interviews 10 and 11; Commission 2016e: 11) - New mechanism (Commission 2015d) - Exclusion of Turkey from the governance of the FRIT (Commission 2015d: art. 5 and 6) - Direct management of funds (Interviews 1, 5 and 15; Commission 2015d: art. 6)	- Reports on the progress made in the implementation of the statement - Proposal of regulation on visa liberalization - Proposal of suspension mechanism - Decision on the FRIT	Intra-institutional network: - In Brussels: Commission Team on Turkey (see above) - In Greece: EU Coordinator (Marten Verwey); Commission Team - In Turkey: Commission staff in the EU delegation; ECHO Unit Steering Committee on the FRIT: - Commission - Member states - Turkey (advisory role) Steering Committee on return and resettlement: - Commission - Greece - European Asylum Support Office (EASO) - Frontex - Europol - The Netherlands - France - The United Kingdom - Germany

Source: Authors' elaboration

Conclusion

This paper has suggested an ideational perspective of new institutional leadership and applied it to the political leadership role played by the Commission on EU-Turkey cooperation during the refugee crisis. In particular, we have used the causal mechanism of 'strategic framing' to trace how the Commission's ideas were deployed and how they shaped some of the main policy outcomes.

The empirical research presented in this paper feeds into the new institutional leadership claim in three main directions. First, by revealing how, 'under strict surveillance of the European Council' (Interviews 2 and 10) the Commission's ideas have shaped some of the main policy outcomes. In the process that led to the first political statement, the analysis shows that the Commission convinced the EC not only of the necessity to enhance cooperation with Turkey on migration as a viable policy solution to address the crisis, but also of the necessity to consider Turkey as both a strategic partner (and establish a transactional relationship), and as a *de facto* safe third country. However, and even though more empirical investigation may be required, it seems that this result was favoured by the fact that Germany's Chancellor Merkel, who was the only member state to play a dominant role during the crisis, shared these policy solutions and supported, through her bilateral agenda with Turkey, the Commission's endeavours. In the phase that led to the second political statement, even if it was negotiated by Chancellor Merkel and PM Rutte, the Commission played a leadership role with its ideas that made it possible, at least formally, to carry out legal returns. The Commission's ideas also played a leading role in the implementation of the deal, and in particular, in accelerating visa liberalization while at the same time counterbalancing this acceleration, as well as in designing and operationalising the FRIT.

Second, the proposed ideational perspective of the new institutional leadership suggests that the Juncker Commission's activity of 'strategic framing' was part of a sort of broader EU principled realism philosophy, which inspired the EU's response to the 'existential threat' posed by the refugee crisis (Interviews 7 and 10). According to this philosophy, in providing a response to the crisis, the EU should try to achieve its most general goal, which is to save it from disintegration while at the same time respecting the normatively grounded principles of saving the life of migrants and refugees, and of guaranteeing their rights (Interviews 2, 10 and 22). In this broader ideational framework, the Commission mobilised on EU-Turkey cooperation in order to contribute 'to stop the influx as fast as you could and bring about benefits' by suggesting engagement with Turkey from a strategic point of view, while at the same time providing 'a response as dignified as possible', and using the window of opportunity opened by the crisis 'to rediscover Turkey and reinject dynamism in EU-Turkey relations' (Interview 10). However, if on one hand this philosophy led the Commission to contribute to the shaping of a deal that proved to be particularly resilient, on the other hand it led the Commission to take some contestable political choices. These are, namely, the *de facto* consideration of Turkey as a safe third country; the support for an informal deal that bypassed Parliament's decision-making power and the jurisdiction of the EU Court of Justice (Interviews 19, 20, 21; see also Wessel 2021: 79); the deviation from its standard operating procedures on enlargement and visa liberalization, which clashed with EU normative commitments, the community method of decision-making, and its credibility as a neutral facilitator.

Finally, this study contributes to the new institutional leadership claim by suggesting that in a crisis context the Commission, under the political control of the EC, can develop a specific intra-institutional and inter-institutional way of working (see also Smeets and Beach 2020a) in order to provide a response to the crisis, which could also be turned into 'a semi-permanent

platform for the management of crisis' (Interview 10). Indeed, according to a high-level Commission officer who worked on this dossier, this case study shows that 'divisive issues for the Council have to be managed from the bottom' (Interview 22).

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Appendix 1: List of interviews

Interview number	**Place and date(s)**	**Institution (position at the time of the interview)**
1	Remote: 5 June 2020; 14 and 28 August 2020; 10 November 2020	Commission services (Head)
2	Remote: 24 June 2020; 29 November 2021	Commission services (former Director General)
3	Remote: 1 July 2020; 9 December 2021	Turkish Ministry of Foreign Affairs (former Ambassador)
4	Remote, 3 and 7 July 2020	Commission services (Director)
5	Remote, 30 July 2020	Commission services (Head)
6	Remote, 6 August 2020	Commission services (Head, Ankara)
7	Remote, 28 August 2020	Commission services (Director General)
8	Remote, 16 October 2020	Commission services (European Coordinator)
9	Remote, 6 November 2020	Commission services (Officer)
10	Remote: 17 November 2020; 3 December 2021	European External Action Service (Ambassador); Cabinet of the President of the European Council (Foreign Policy Advisor)
11	Remote, 2 December 2020	Commission services (Officer)
12	Remote, 18 January 2021	Commission services (Officer)
13	Remote, 9 October 2020	Dutch Ministry of Foreign Affairs (Diplomat)
14	Remote, 18 November 2020	European External Action Service (Head of Delegation of the EU to Turkey)
15	Remote, 7 December 2020	European External Action Service (Head of Delegation of the EU to Turkey)
16	Remote, 3 August 2020	Cypriot Ministry of Foreign Affair (Ambassador)
17	Remote, 7 July 2020	Council Secretariat (Director General)
18	Remote, 17 November 2020	MEP, Committee Chair
19	Remote, 15 July 2020	Former MEP
20	Remote, 20 July 2020	MEP
21	Remote, 7 July 2020	Former MEP
22	Remote, 6 December 2021	European Commission (Legal Advisor)
23	Remote, 11 June 2020	European External Action Service (Deputy Head)