

RESPONSIBILITY SHARING IN TRANSIT COUNTRIES: “MANAGING”
MIGRATION IN TÜRKİYE AND MEXICO

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“Managing” Migration in Türkiye and Mexico

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ABSTRACT

Responsibility Sharing in Transit Countries:

“Managing” Migration in Türkiye and Mexico

This thesis examines why transit states accept disproportionate responsibilities in migration agreements and how the decision-making process is influenced by the interplay between domestic variables and international negotiations in asymmetric conditions. Through a comparative case study of the EU-Türkiye and US-Mexico agreements, the research applies Putnam's two-level game theory as a framework to analyze both levels of negotiation and the overall outcome of the agreement. The findings offer a nuanced view of how international migration agreements are constructed through variables other than considerations of human displacement and their impact on the protection of refugees and migrants. The study promotes soft-law efforts rather than enduring changes to existing migration governance structures. Furthermore, it offers a critical lens to understand how bilateral migration agreements often prioritize containment, undermining the development of formal, rights-based responsibility-sharing frameworks built into international law practice.

ÖZET

Geçiş Ülkelerinde Sorumluluğun Paylaşımı:

Türkiye Ve Meksika'da Göçün "Yönetimi"

Bu tez, transit devletlerin göç anlaşmalarında neden orantısız sorumluluklar üstlendiğini ve karar alma sürecinin asimetrik koşullarda iç değişkenler ile uluslararası müzakereler arasındaki etkileşimden nasıl etkilendiğini incelemektedir. AB-Türkiye ve ABD-Meksika anlaşmalarının karşılaştırmalı bir vaka çalışması yoluyla, araştırma Putnam'ın iki seviyeli oyun teorisini bir çerçeve olarak kullanarak hem müzakere seviyelerini hem de anlaşmanın genel sonucunu analiz etmektedir. Bulgular, uluslararası göç anlaşmalarının, insan göçü ve bunun mültecilerin ve göçmenlerin korunması üzerindeki etkisinden başka değişkenler aracılığıyla nasıl oluşturulduğuna dair incelikli bir bakış açısı sunmaktadır. Sonuç olarak, çalışma mevcut göç yönetim yapılarına kalıcı değişiklikler getirilmesinden ziyade yumuşak hukuk çabalarını teşvik etmektedir. Ayrıca, ikili göç anlaşmalarının genellikle sınırlamayı önceliklendirerek uluslararası hukuk uygulamalarına dahil edilen resmi, hak temelli sorumluluk paylaşımı çerçevelerinin gelişimini baltaladığını anlamak için eleştirel bir bakış açısı sunmaktadır.

“Migrants and refugees are not pawns on the chessboard of humanity. They are children, women and men who leave or who are forced to leave their homes for various reasons, who share a legitimate desire for knowing and having, but above all for being more.”

(Pope Francis, Message for the 2014 World Day of Migrants and Refugees)

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ABBREVIATIONS

APD	Asylum Procedures Directive
CBP	Customs Border Protection
CEAS	Common European Asylum System
COMAR	Mexican Commission of Refugee Assistance
CRRF	Comprehensive Refugee Response Framework
DR	Dublin Regulation
EASO	European Asylum Support Office
EUAA	European Union Agency for Asylum
FCA	First Country of Asylum
FRiT	Facility for Refugees in Türkiye
FRONTEX	European Border and Coast Guard Agency
GCM	Global Compact on Migration
GCR	Global Compact on Refugees
ICMPD	International Centre for Migration Policy Development

IDPS	Internally Displaced People
IO	International Organization
IOM	International Organization for Migration
JAP	Joint Action Plan
JAP	Joint Action Plan
MFA	Ministry of Foreign Affairs
MPP	Migrant Protection Protocols
MS	Member States
NTCA	North Triangle of Central America
NYDRM	New York Declaration for Refugees and Migrants
STC	Safe Third Country
TPS	Temporary Protection Status
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

CHAPTER 1

INTRODUCTION

While migration has always been a historical phenomenon, latest trends, such as the increased securitization of migration and the politicization of refugee crises in various regions, have compelled scholars to delve deeper into the study of migratory practices and their impact on international relations. As we delve into the research of human displacement, taking into consideration the country of origin, transit, or destination, provides a multifaceted view of the same subject. It is common to see that the states affected by protracted conflicts or wars, originating forcibly displaced people, are often geographically distant from the Global North.

As a result, the Northern states have limited incentives to intervene on refugee support unless directly impacted by the irregular migration flows. This leaves transit countries, within the proximity of regions in crisis, facing significant strain on their institutional, economic, and structural capacities as they attempt to respond to the demands of the situation, and the demands of the neighboring countries affected. Moreover, in the absence of a binding international legal framework on migration governance, countries from the North and South increasingly resort to bilateral or ad hoc agreements. These arrangements are shaped by the unequal power dynamics between them and tend to reflect each country's position along the migratory route, as countries of origin, transit, or destination. Migration agreements reflect the political and strategic interests of the states involved, which often prioritize border containment and migration control over the protection and consequences for the people displaced.

Türkiye and Mexico, transit states situated as bridges between the Global North and South, have grappled with some of the most relevant and challenging migration scenarios in the last decade. Historically, both transit countries have consistently served as natural conduits for persons who, for several reasons, long to reach the ultimate destinations: Europe and The United States. In fact, Türkiye and Mexico share more than one characteristic in the evolution of their migration history. Merely a few decades ago, driven by seasonal employment policies, they were the countries of origin of some of the most important diasporas that settled in Germany and The United States, respectively. But more recently, both countries have become key players in their regional migration cooperation efforts. Refugees and migrants are often obliged to stay within the transit territories, leaving these countries to bear the burden of refugee protection, migratory control mechanisms, and durable solutions on their own. Moreover, the geographical proximity between countries of origin and transit is a significant factor leading destination countries in the Global North to view these issues as remote and localized, which further discourages their engagement in positive responsibility-sharing practices.

In the case of both Türkiye and Mexico, the cooperation with their more powerful counterparts in joint migration management has resulted in ineffective protection mechanisms that have furthered disadvantaged forcedly displaced people and migrants. This situation leaves asylum seekers and refugees in vulnerable living conditions, as their lives and security depend on saturated protection mechanisms, limited institutional capacities and struggling economies within the transit countries. But the question remains, why are transit countries willing to bear this burden? Considering the limited economic and institutional capacities that already exist in transit countries and the fact that many are developing nations, this research aims to

understand the reasons why transit states take on the responsibility for increased border management, migratory movement control, and international protection on bilateral migration agreements. This involves not only managing extensive frontier control operations but also hosting large numbers of refugees, while addressing an overwhelming number of asylum requests and responding to the responsibilities addressed by migration agreements. The main thesis, would utilize the question: why do transit states accept disproportionate responsibilities in regional migration management, and how are their decisions shaped by the interests and power dynamics with other signatory states?

International migration agreements have profound implications for the effective protection of human rights and the equitable distribution of responsibilities among states. The hypothesis to test is that transit states may accept this disproportionate responsibility in regional migration agreements as part of broader strategic decisions that help them navigate existing asymmetries to advance broader national interests. To explore this, the study compares two key cases: the EU-Türkiye Joint Action Plan (JAP) of 2015 and the US-Mexico Joint Declaration of 2019. These agreements provide a basis for examining their long-term implications and outcomes, particularly in how they have shaped regional migration governance since they came into place.

The analysis focuses on understanding how transit countries, navigated pressures from pre-existing power asymmetries while managing migration, employing an international relations framework to address the thesis question. The first answer can be rooted in the liberal perspective. Cooperation in joint migration management can be influenced by collaboration in other areas of mutual interest, as often issues of common interest reinforce each other.

For instance, economic interdependence such as trade agreements, investments and aid for development would explain why transit countries may prioritize a calculation of long-term benefits in other areas. On the other hand, if there is an existing asymmetrical power dynamic, coercion between states cannot be overlooked. Transit states may comply with the terms established by their more powerful counterparts, out of concern for potential economic sanctions or other types of retaliation. Both transit states are significantly economic interdependent with the US and EU, respectively. For Mexico, its reliance on the foreign trade and investment from Washington, gives a US a crucial role for Mexico's economic stability as one of its most significant foreign trade partners. Similarly, Ankara's integration into the EU market, trade volume, and investment flows from Europe creates a strong incentive to comply with any demands on migratory matters. If this were the case, realism would explain why weaker states make concessions to more powerful states to maintain stability, reflecting the centrality of power asymmetries in shaping international cooperation. However, rather than responding to coercion, transit states have been employing strategies such as migration diplomacy, to balance external demands with local pressures, fulfilling a dual role: managing migration while leveraging their position to secure political or economic gains as side benefits. This approach offers a nuanced understanding of transit states' strategic agency within the broader framework of migration agreements. For Mexico, for example, excessive migratory responsibilities could be accepted by negotiating side benefits in border security matters and joint anti-trafficking efforts for combating cartel's violence and organized crime with the US support. For Türkiye, flexibility from the EU for Ankara to manage conflicts in neighboring regions like Syria and countering terrorism would imply a political gain in exchange for migration management. These

topics are an example of the multifaceted interests that underpin migration agreements, demonstrating that transit countries could strategically leverage cooperation to advance broader domestic and international goals.

With the respective regional contexts in consideration, the cases of EU-Türkiye and US-Mexico will be analyzed by utilizing a two-level game framework to understand the domestic and international dynamics that affected the outcome of each agreement. The analysis will incorporate Putnam's framework to contextualize the state's motivations, strategies, and ultimate interests at the local level that influenced the migration agreement outcome and the transit state's strategy. The analysis framework will take into consideration the state's initial power asymmetry, migratory position as country of transit or destination, and the use of migratory diplomacy. The development of this thesis will be made in nine chapters. The first chapter looks at the case selection and rationale for utilizing Mexico and Türkiye as the focus of this research, followed by the International Relations perspective on migration governance and responsibility sharing. The fourth chapter will also include an analysis of the utilized international law mechanisms and soft law application. Lastly, the following chapters apply the established bases to investigate the distribution of responsibilities within each case agreement according to the defined objectives. Later, the research will elaborate the comparative analysis of the dynamic between the selected transit countries and their counterparts, identifying similarities and particularities in their agreed collaboration, as well as the consequences of the agreement in their regional scenarios. Finally, in the last chapter there will be conclusions, recommendations, and concluding thoughts.

CHAPTER 2

CASE SELECTION AND RATIONALE

The research will focus on comparing the migration management of Türkiye and Mexico as countries of transit with their respective more powerful counterparts, the EU, and the US. The aim is to explore how different political, social, and geographic contexts shape migratory diplomacy in the Global South. These cases are compelling due to the shared security concerns, mediatic coverage, political tendency towards securitization and right-wing auge, occurring in both the EU and US. On the other hand, the contrasting outcomes of their migration agreements with Türkiye and Mexico can also be studied to understand the transit country's role and inherence. To begin with, Türkiye and Mexico are strategically located at regional crossroads, making them essential in managing migration flows. As transit countries, they must navigate complex policy demands, balancing border control, economic flow, and the protection of diverse migrant populations. Despite differing contexts, both have leveraged their geographic and political positions through migration diplomacy to gain regional influence. Security challenges, such as trafficking and smuggling, have been prioritized by destination countries. Türkiye, bridging the Middle East and Europe, and Mexico, linking South and North America, face similar pressures due to the large-scale forced displacement. Both countries have signed migration agreements that reshaped the domestic policy while allowing strategic use of migratory diplomacy.

As of 2025, Türkiye has been the world's largest refugee-hosting country for 12 consecutive years. According to the UNHCR, by 2024 the country was home to approximately 3 million Syrians under temporary protection and 318,000 refugees

and asylum seekers of diverse nationalities. The 2015 EU-Türkiye Joint Action Plan has not been formally terminated, despite criticism from human rights groups over deportations and poor conditions. However, since 2020, although some cooperation continues, the political implementation of the statement has collapsed. In addition, Türkiye's partial adherence to the 1951 Refugee Convention underscores the need for legislative reform to align with international asylum standards. On the other hand, in the American continent, between 2015 and 2019, asylum applications in Mexico increased by approximately 1,954%, rising from 3,424 to over 70,000 cases, a surge that starkly illustrates the country's shifting role from transit territory to de facto asylum destination (COMAR, 2024). In response, in 2019 Mexico and the US co-developed the Migrant Protection Protocols (MPP), requiring asylum seekers to remain in Mexico. The policy raised serious humanitarian concerns due to organized crime and unsafe conditions. And even then, the US-Mexico border became the deadliest land route for migrants in 2022 and 2023 in the world. Although the MPP was suspended in 2022, Mexico recently agreed to deport irregular migrants to relieve pressure on US border cities. Negotiations on a joint agreement continue, with Mexico urging broader cooperation, while countries like El Salvador, Guatemala and Colombia have signed Safe Third Country agreements and accept to install migrant processing facilities for the US.

Both the EU and US sought to manage irregular migration and bolster border security via agreements with transit countries. The EU's governance complexity plays out in the differing positions of member states, but the collective stance is what shapes external policy. Given their economic and political power, both the EU and US represent the more powerful actors. Therefore, this study focuses on the asymmetrical dynamics between them and the transit countries, without delving into

Türkiye's bilateral ties with specific EU states. Despite institutional differences, comparing the agreements sheds light on shared features shaping regional migration trends, human rights concerns, and burden-sharing efforts in 2 parallel regions dealing with similar collaboration challenges.



CHAPTER 3

THEORETICAL FRAMEWORK

3.1 The liberal paradox and the global refugee distribution

Migration stands as a pivotal issue in the landscape of international relations, with the refugee crisis and other forms of forced displacement adding layers of complexity that involve humanitarian, political and ethical considerations. Chalk (1998) analyzed the ethical dilemmas that states face with their intent to weigh internal and external political obligations in the context of refugee policy. On his analysis, the author emphasized the need of states to find a balance between both their global responsibilities and their real capabilities to tackle these commitments. Appealing to the liberal values, the author argues that there should be a universal application of ethical principles that transcend individual states' interests and boundaries, where the concept of "universalism" is used to justify the rights of refugees above the political needs. Although free market democracies often defend the establishment of such institutional values that prioritize civil and human rights, the movement of people involves political risks that create tension for nation-states (Hollifield, 2004, p.887). Hollifield describes this dilemma as a liberal paradox, where the modern states aim to maintain legal boundaries to protect their sovereignty and comply with their international responsibilities in humanitarian crises minimally, while being careful not to encourage migrants to seek settlement within their territory. As highlighted in this theoretical discussion, states must carefully weigh the implications, costs, and potential benefits of complying with international commitments, this becomes particularly evident when granting protection to refugees. Influx of refugees can often fuel tensions with host communities,

jeopardizing social cohesion and national stability. Transit states face navigating international pressures as regional actors, domestic priorities, and realities of hosting refugee populations for lengthy periods of time. According to UNHCR, Global Trends Annual Report of 2024, the total count of displaced individuals surpassed 123.2 million, including internally displaced persons (IDPs), refugees, asylum seekers, and others seeking international protection. One decade ago, the number of refugees and asylum seekers in the world was around 1 million, but by 2022, this number had escalated to over 10 million persons. The rise in regional conflicts and unresolved hostilities in certain countries has been a key catalyst for international displacement, which simultaneously has led to accumulating protracted refugee situations¹ around the world. UNHCR's report puts emphasize on the profound imbalance existing in the international protection system, highlighting that 70% of people fleeing from conflict remain in neighboring countries, which implies a huge commitment for transit states. In fact, in the last five decades 67% of the population in need of international protection remained within their region of origin, close to their own countries. UNHCR states that, 73% asylum seekers are hosted by low and middle-income countries, and furthermore 23% are hosted by the least developed countries (which represent only .5% of the world's GDP). In this category upper middle-income countries, including Türkiye and Lebanon, host one third of all refugees in the world. In fact, up until 2024 Türkiye is the single country hosting the most refugees in the world, hosting around 4 million refugees by itself. Mexico, also

¹ A protracted refugee situation refers to circumstances in which at least 25,000 refugees from the same country have been living in exile for more than five consecutive years. Refugees in this situation are 'trapped' in a limbo: while it is not safe to return home, they also have not been granted permanent residence in their hosting country either. Some of the largest populations in protracted situations includes Afghans, Syrians and South Sudanese. For more information refer to: 'Protracted Refugee Situations Explained', by UNHCR 2020.

belonging to this category, is mentioned as the number 5 in the top 10 major countries registering the most individual registrations of new asylum-seekers, with 118,800 applications by the end of 2022, and it's expected to continue developing a more relevant role for migrants and refugees since Trump came to power in 2025. As Hollifield described it, border states and transit states find themselves in a liberal paradox, how can these countries respond appropriately to comply with their international responsibilities with such limited real capacities? It is evident that hosting states are forced to over-stretch their already ill-equipped services and infrastructure while managing most of the global refugee burden. The economic stress not only commits the host country's resources but also places a significant pressure on the local community and their reception towards refugees. Hosting states often overlook social cohesion efforts and economic integration, refusing to acknowledge the possibility of refugees staying on long-term. This reluctance harms inter-community dynamics and fosters attitudes that hinder refugees' independence and self-sufficiency. The proper funding for humanitarian and development initiatives and the support for social cohesion within host communities is essential to achieve a successful emergency to durable solutions transition to reduce dependence on humanitarian assistance. In this sense, it is only through collaboration and partnership with the international community that states can achieve the necessary level of collaborative refugee response. The Secretary General of the United Nations (UN) António Guterres, has stated in the past that the fear about 'refugee floods' in industrialized countries is usually "greatly exaggerated or mistakenly confused with migration problems", and has added that wealthier countries are not providing as much support as they could and should (UNHCR News, 2010).

3.2 The collective action paralysis of refugee responsibility sharing

Institutions should serve as the cornerstone for overcoming collective action paralysis and international law should serve as a mechanism to establish global migration governance. By providing frameworks for cooperation, enforcing agreements, and strengthening economic assistance channels, international institutions' role is to function as coordinators among states to tackle multidimensional issues like migration as a global priority. The primary instruments founded for the governance of international protection for refugees and asylum seekers is the 1951 Refugee Convention, along with its 1967 Protocol that was further adopted to remove the geographical and time-based limitations for the World War context. Together, the Convention and Protocol function to expand the application of the established definitions of 'refugee' and outline the rights and standards of protection. According to the international protection mechanisms, states can grant asylum seekers protection in their own territory or support other states by 'sharing the burden' with hosting states. However, this 'collaboration' for refugee protection is addressed once in the whole Convention (precisely in the fourth paragraph of the preamble), acknowledging that "the grant of asylum may disproportionately burden certain countries" and that therefore, international cooperation is crucial. The stating of the obvious, without offering alternatives, or specific ways for the international community to share the responsibility, has remained lacking since the establishment of instruments. With this one and only mention of the 'burden' issue, the primary institutional instrument has fallen short to include enough provisions on specifications regarding the distribution of refugees among states and failed to mention any measures on the sharing of economic burden.

Since the creation of the convention, responsibility sharing has been addressed mostly through regional mechanisms, often bilateral and limited. At the same time there has been some global efforts to promote more international collaboration to address the responsibility sharing challenge in the humanitarian context. As an effort towards a better management of the responsibility's distribution, UN Member States signed the 2018 Global Compact on Refugees (GCR), to enhance commitment with host countries and address the increasing refugee crises across multiple regions that often turn into protracted conflicts. Before the GCR, an earlier practice framework, the Comprehensive Refugee Response Framework (CRRF) in 2017, aimed to promote an inclusive response plan to support countries “particularly affected by large refugee movement” or protracted refugee situations, by engaging a broader range of stakeholders and increasing refugees’ self-sufficiency.

As a record high number of states agreed to sign the declaration, the adoption of the New York Declaration for Refugees and Migrants (NYDRM) and the consecutive CRRF were historical achievements for the global community. However, the success of these initiatives has been limited due to their lack of practical directives and an ‘over-theoretical approach’ that overcomplicates their application. Nowadays, we still see certain countries acquiring and continuing their disproportionate responsibilities, and countries like Türkiye, Lebanon, Jordan, and Pakistan (in the Global South) continue to bear the highest refugee burdens. Even in well-established international institutions like the EU, where collective action among member states should be easier to apply, have failed to coordinate a community refugee approach. The Dublin Regulation (DR), for example, requires asylum seekers to apply in the first EU country they have entered, effectively shifting the protection responsibility into border states like Greece, Italy, and Spain. On this last

point, Mouzourakis explains that the DR has resulted in a “back door policymaker on immigration, border management and visa policy” (2014, p.110). According to the author, as this system is structured upon the link between irregular entries and asylum recognition, the regulation has been turned into a de- facto border guard by externalizing Europe’s borders. Critics of the border externalization practice believe that although the institutional structure of the EU has the potential to establish a more equal distribution of asylum responsibilities, the Dublin system has allowed certain members to avoid processing asylum claims and ‘throw the ball’ to those states in the European borderlines.

Other scholars have also critically examined the practice of border externalization, accusing countries of extending their migration controls beyond their territories regardless of the third countries’ context or considerations and damaging potential regional capacities. For example, Betts and Milner (2007) have analyzed how the EU’s policies in Sub-Saharan Africa have impacted the asylum practice of specific African States, as the approaches tend to be ‘Eurocentric’ and disregarding the historical and existing dynamics by imposing policies without a contextual understanding. At the end, externalizing a state’s borders through unilateral agreements is often preferred over the practice of building upon existing global migration governance institutions. Perhaps because it is easier to negotiate on the terms of the strongest state, or perhaps because committing on a multilateral scale presents a more complex challenge. But to understand this tendency and the rationale behind it, we can investigate different theoretical perspectives from International Relations. These perspectives will offer a reasoning behind cooperation in international migration, and how power asymmetries shape such cooperation while providing an idea of why global frameworks remain unutilized.

3.3 International relations: Theoretical perspectives

After years of discussion to reach a better consensus on the refugee responsibility sharing and joint migration management, tools like the GCR have been created to guide the direction. However, despite the improved instrumental framework in 2018, what can be the cause of the international community's collective action paralysis? This paralysis can be examined through different international relations theories, each offering a distinct perspective on the structural and agency-driven factors at play that avoid states from reaching an effective cooperation. To understand the possible answers to this question, this chapter will utilize the International Relations theories to find explanations considering the assumptions of each current.

In the realist perspective, we can start from the assumption that states do not act out of "pure altruism", and we should not then expect different when it comes to refugee protection. Morgenthau argued that realists are skeptical of altruism, reserving it for their own communities (1951). As Snyder notes, states often use coercive power to protect their interests, even in humanitarian contexts (2011, p.32). As an example, it is common for northern states externalize their borders, returning asylum seekers to third countries in exchange for visas, development aid, or funding for humanitarian operations for those hosting states. Similarly, states in the global south may use their position to accept or reject the demands of more powerful counterparts according to the strategy that maximizes their survival chances and maximizes their power capacities.

The Prisoner's Dilemma can be used to illustrate realist dynamics in joint migration management, where mistrust leads states to act unilaterally rather than cooperate. This game results in protectionist policies, stronger border controls, increased nationalism, and limited cooperation in international protection regimes

(Hollifield, 2024, p.6). For some authors, cooperation is only attainable if other benefits are considered. Snyder argues that international refugee strategies require political incentives to reach humanitarian commitments and should be considered to enable cooperation on this regard (2011, p.48). Although this perspective accounts for the variables of power and power dynamics, realism undermines the importance of other influences in a state behavior, such as norms, identity, and domestic policies. Therefore, a purely realistic or neorealistic approach lacks the sufficient flexibility to capture the context that states face while managing cross-border migration.

From a liberal perspective, human rights should be central to the state, including rights for migrants and refugees. As populations become increasingly transnational and multicultural, liberal states face pressure to manage migration flows openly, maintaining global competitiveness and economic profit (Hollifield, 2004, p.903). Hollifield proposes that multilateral institutions or regional regimes, such as the EU model, may be necessary for effective migration management (2004). Castels and Miller (2009) extend this view, suggesting that regional coordination could evolve into global migration regimes, citing the EU's Common European Asylum System (CEAS) as a positive example that sets a guidance for member states. In this view, the GCM is seen as a step forward for constructing a cohesive global governance framework. However, critics point out the lack of consistency in this tool for global migration management and the incapacity to guide on a common institutional action. For example, despite the GCM's significance, its non-binding nature leaves migration governance reliant on voluntary cooperation, limiting responsibility sharing (Hollifield, 2004; Betts, 2011). In the other hand, as Hollifield, Castels and Miller highlight, international organizations like UNHCR and IOM are key actors in facilitating cooperation and supporting global migration policies.

However, these authors have failed to mention that IOs (International Organizations) are also heavily dependent on states' resources, including financial contributions and ideational support, which makes them extremely susceptible to the powers' influence (Lavernex, p.7, 2015). Looking at the EU example, in many cases IOs have become subcontractors for implementation of policies agreed at EU level. Looking into the main organization, UNHCR has become one of the first responsible actors for implementing EU's Regional Protection Programs to strengthen institutional capacities in third countries of asylum, supporting reception and registration conditions, adoption of law, etc. (Lavernex, p.12, 2015), promoting offshore refugee protection mechanisms instead of pushing for distribution in the system. At the end, IOs and other international institutions exist on long lasting established economic and political systems, which often replicate the power asymmetries between Western donor states and the Global South (Betts, 2009). Migration has also been through a securitization undertaking by most of the West, where immigrants have been politicized and framed as an imminent threat. In this process, to treat migration as a security issue becomes a political choice that defines the priorities agenda of a country.

Often, the securitization perspective does not discriminate between economic migrants or refugees, and sometimes even tourists suffer from excessive visa restrictions, surveillance, and increased focus on border controls. Securitization is one of the latest branches of the critical theories, mostly being followed by the Copenhagen School. Although security is usually associated with neorealism, securitization does not center on the state's survival, but rather on how certain issues (such as migration, terrorism, or environmental change) are framed as existential threats and later exploited by the political rhetoric. According to Weaver, the process

of securitization allows the elites or other influential actors, to transfer an issue from the dimension of normal politics into an agenda of ‘emergency issues. This new framing of a given topic makes extraordinary actions seem more justifiable to counteract the risk it represents. In this process, actors can legitimize responses that might be considered excessive on different circumstances, often threatening to civil liberties and often recurring to militarization and repression. In line with security concerns, far-right governments frequently leverage the politization of refugee crises to capitalize on the societal fears on migrant arrivals and further exacerbate the anti-refugee speech. On this perspective, this discourse not only justifies xenophobia, but reinforces the public demand for restrictive immigration policies that politicians, in return, take advantage of to demonstrate control and decisiveness (Huysmans, 2006, p.45). However, although this perspective is useful for understanding how migration is framed as a security threat, it also over emphasizes military and policing responses at the expense of other socio economic or humanitarian factors. In this sense, securitization is not enough to explain international cooperation, power asymmetries and the influence of domestic actors shaping the state’s behavior.

When it comes to constructivism, Alexander Wendt poses that “anarchy is what states make of it” (1995). This means that the international system in this perspective, is not governed only by material power and interests, as realists suppose, but also socially constructed norms, identities, and meanings. Constructivism, which drives away from the classical IR theories, addresses the importance of the shared norms, values and identities that conform the international system. In this framework states’ interests and behaviors are not set, but rather shaped by the social context in which they exist. Theorists of this belief argue that politics are shaped by the identities of states and the norms they follow.

Under this perspective there is a mutual constitution of agents and structures, where not only do states (agents) follow rules that compose the international system, but the system itself influences the states' behavior (Wendt, 1995). If applied to migration, this perspective would suggest that states' responses are not only shaped by objective demographics or economic interests, but also the political actor's interpretation and framing of migrants and refugees. As norms play a pivotal role in shaping identity, which in turn influences political behavior, they can transform the state's perception of its role and actions in the international system (Finnemore & Sikkink, 1998).

Constructivists argue that the interests of political agents are shaped by the interaction with social structures, and therefore this dynamic can explain state responses to refugee crises or migrants. It must be noted that this scholarship has been critiqued for the lack of engagement with non-western values and norms, and even more for not being able to explain how these system norms affect the composition of the system. In this research constructivism alone would not be able to explain the power dynamics among relevant local actors that influence the negotiation on multilateral agreements, and for this reason this theory was not used.

3.4 Theories in migration management

Traditional theories of international relations such as realism, liberalism, and institutionalism, and even the critical theories like constructivism and securitization, have long addressed the conditions in which states can cooperate to promote shared interests or welfare. However, despite acknowledging the benefits of cooperation to address international migration, the current theories have not sufficiently explained why the existing legal framework has failed to support the development of global migration governance.

To better understand the dynamics of cooperation in migration management, it is necessary to turn to scholars who examine migration itself as a socially and politically constructed issue. Betts, for example, describes the lack of cooperation through a North-South impasse. The author explains how the Global North (State A) prioritizes security and migratory controls, while the Global South (State B) is concerned with obtaining gains in favor of labor mobility and assistance for development (2008, p.163). The difference between priorities makes asymmetric states to lock in a North-South impasse where cooperation is hardly reached. Both parts can avoid deadlocks in negotiations by aligning priorities, State A would offer concessions in areas like trade or economic cooperation if the State B offers higher migratory controls at their borders.

Hollifield also addressed the collective action problems on migration governance and asserted to recognize the asymmetry of interest and power between migration receiving and sending countries (2024). Hollifield, as Betts, agrees that the solution for this dilemma is through a *suasion* game. In an initial phase, to get countries to overcome the *impasse*, tactical issue-linkage is required to identify those issues and interests not related to migration but that can help states leverage their position when negotiating to reach cooperation. For Betts, institutions like UNHCR and IOM can guide the states to find these cooperation points.² The representation of the *suasion* game pinpoints two relevant characteristics of current asymmetric relationships, first that both states need to be effectively persuaded to cooperate and

² Tanzania as an underdeveloped state had threatened to forcibly repatriate refugees, while Global North Donors (or Western States) showed little to no interest on the situation. In this case, UNHCR managed to frame the refugee crisis in a more appealing way for donors' priorities, such as highlighting its impact on regional security stability. As a result, a compromised solution was reached, donor states were committed to provide more assistance and supported a voluntary repatriation effort. For more details, please refer to: Alexander Betts, "International Cooperation in the Global Refugee Regime," *Global Economic Governance Program Working Paper*, 2008.

gain something in return, and second that ideally international organizations and institutions can play a critical role to point out these side gains in interest. However, in some cases there is no external actor that can account for supporting the negotiation process in favor of cooperation. While Betts' framework highlights how powerful states can be persuaded to cooperate, in other academic postures their counterparts, mostly the transit states, are also leveraging their side benefits. By understanding the importance of their role in migration management, transit states have managed to increase their power vis-à-vis state the most powerful state, without the support from a third actor involved. As Tsourapas (2017) argues, such strategy can be defined as migration diplomacy, and it offers leveraged position particularly in power-asymmetric relations. The tightening of border controls has led many migrants to remain in transit countries, unable to return home or move forward. For this reason, the increased relevance of transit states on regional migration management has become a useful tool for negotiating advances in alternative matters.

Considering this tendency, the suasion game lacks the considerations that provide further explanation on the transit state's improved negotiation position. Each of the state's constraints imposed by the domestic political actors, interest groups, and public opinion as well as their own agenda, have ultimately dictated both North and South states' foreign policy and negotiation dynamics. As Northern states are prioritizing deterrence policies and transit states are seeking political gains achievable by their leveraged position, Putnam's two-level game theory would be the most accurate framework to address the state's internal gaps by illustrating how international agreements are shaped not only by interstate bargaining, but also by the pressures that leaders in the negotiation navigate. In migration diplomacy, this

interplay is particularly important, as governments must balance external commitments with political costs, often leading to renegotiations, stalled agreements, or selective compliance. Moreover, the available global architecture for migration does not provide a binding or coherent structure for joint governance, therefore states have opted for bilateral or soft law arrangements that are more flexible and expedient.



CHAPTER 4

THE TWO-LEVEL GAME FRAMEWORK

4.1 Putnam's Framework and power assumptions

The previously described fragmented landscape reinforces the value of Putnam's framework as the theoretical perspective to capture both, the internal constraints, and the particularities of the negotiation in ad hoc multilateral commitments. While overcoming the concept of the black box on classical international relations studies, Robert Putnam developed a framework on the political dynamics of international negotiations represented by a two-level game. As described by the author, during international negotiations, the pressure of stakeholder groups in the domestic realm seeks to achieve progress on the application of the policy of their preference. On the other hand, at the international level, national governments intent to maximize their benefits while dealing with an opposing state while trying to satisfy the domestic demands (Putnam, 1998). To find the optimal trade-off within both levels, the local and international, the lead negotiator aims to reach an efficient win-set. As Putnam describes it, such win-set refers to the common ground of international policies subjected to the preferences and bargaining power of domestic actors (1998, p.45). The larger the win-sets, the greater the number of outcomes can be acceptable for both, the domestic stakeholders, and international actors. As Putnam explains, leaders and negotiators face with the challenge to calculate how much political capital they are willing to risk domestically to achieve their international goals, if international gains are significant enough agreements are signed, and if not, concessions are provided. Considering the cases to be analyzed through the Putnam's framework, it must be noted that although Putnam's model is not limited to

democracies, it can be assumed that the pressure of domestic constituents has the predicted impact mostly on democratic regimes, where the local actors can cause ratification hurdles.

Putnam's two-level framework will be adapted to fit the case selection due to several reasons. First, the two-level framework was designed with democracies in mind, under the assumption that domestic actors (voters, parliaments, interest groups, media) naturally constrain the negotiator through ratification requirements, public opinion, interest groups, lobbies, and institutional implementation, etc. For the selected case studies, Türkiye considered as a hybrid authoritarian regime, this deviation from the democratic ideal where domestic actors' interests narrow the win-set, makes this a particular case to test Putnam's framework and it will be analyzed in depth on the corresponding chapter.

Second, in this research the European Union will be treated as a single country or 'State A' in the representation of the game because the focus on its collective role and policies has been those of a unified actor in bilateral negotiations with Türkiye. The EU negotiates agreements through centralized institutions like the European Commission, representing collective interests of its member states. This would simplify the analysis by focusing on the EU's cohesive position rather than the individual bilateral dynamics of states. In the context of Putnam's two-level framework this mismatch of migration opinions among EU member states will be considered as it shapes the domestic 'win-set' at the EU level. Divergences among states that arise from differing migration policies, public opinions from leaders and political priorities affect the EU's ultimate negotiation position. Therefore, the internal dynamics among member states influence the scope of compromises the EU can offer or accept, indirectly impacting the bilateral negotiations with Ankara. The

analysis considers such divergence in EU states policies as part of the domestic constraints, and in conclusion aligning with the two-level model where domestic actors shape the international outcomes of a singular negotiating entity.

Taking into consideration the above assumptions on Putnam's framework, the following secondary level game representation will include each player, its strategies and payoff structure. In the secondary level, at the international negotiation arena, the first scenario will represent an initial fully asymmetric dynamic, where the State A holds the initial advantage. The second scenario will demonstrate the change when the actors' interests have shifted the overall power structure. In the second scenario, the issue-linkage, as a practice of connecting multiple interests into the negotiation including material gains, reflects a dynamic nature of the modern migratory diplomacy, where migration is understood as part of a broader picture that involves security, economy, and humanitarian concerns.

4.2 Game representations

Considering the scenario in which there is full power asymmetry at the international table, this game assumes there are two states (players A and B) that aim to reach a migration agreement. The strategies represented in Table 1 revolve around migration management. In this situation, State A wields greater power, and so State B can either cooperate or resist. In this game, State A usually being more economically powerful, is the desired country of destination for migration routes, and has more resources and influence in global dynamics. State B has less resources in comparison, less power, and usually located in the Global South. State A has two strategies, in the first option it can coerce state B through its power advantage to pressure into compliance. In the second option, State A can opt to cooperate by

offering financial aid or political recognition for State B to manage migration.

Likewise, State B has two strategies, to cooperate by accepting the terms and assist in retaining migrants within its borders. Or the second option, to resist by refusing cooperation, allowing migrants to pass or pressure State A to reconsider or offer better terms. This game represented in the table below:

Table 1. Full power asymmetry in international negotiation

	State B (Cooperates)	State B (Resists)
State A (Cooperates)	(8,4)	(6,2)
State A (Coerces)	(10,2) *	(3,1)

Nash Equilibrium of this game is A: Coerce, B: Cooperate = (10,2). Where State A prefers to coerce as it yields the highest benefit (10) irrespective of State B. State B prefers to cooperate if coerced since resisting would lead to worse outcomes.

In a second scenario, we assume that State B leverages its strategic position by utilizing migration diplomacy and raises its conditions for cooperation. State A decides whether to accept the updated terms (cooperate) or resist. In this scenario, if State A cooperates with raised conditions of B, State B gains more benefit, while A sacrifices parts of its benefit. If A resists, both states lose substantial benefits, this scenario is represented in the game in Table 2.

Table 2. State B utilizes migration diplomacy to leverage its position

	State B (raises new conditions)	State B (stick to terms)
State A (Cooperates)	(6,8) *	(8,4)
State A (Resists)	(3,2)	(5,3)

Nash Equilibrium for this stage of negotiation is (A: Cooperate, B: Raise Conditions). At this state A cooperates because resisting yields lower payoffs.

As represented in this game, initially destination countries can hold greater power and can coerce or pressure transit countries into retaining migrants or assuming responsibility on border controls. This reflects a situation in which the destination country offers minimal concessions while imposing significant responsibilities in the transit country. However, at the later state, a shift in the bargaining power supports the transit country to leverage its position and raise conditions for continued cooperation, demanding higher benefits or side utility from other interest gains. The game captures how power asymmetries shift as transit countries can exploit their geopolitical importance to renegotiate terms, shaping the outcomes on the migration agreement and its terms. On the other hand, with regards to the first level analysis, it will be useful to explore how domestic actors like civil society, political actors, institutions, and media shape international outcomes by feeding the national identity of the state at the basis.

4.3 The two-level analysis application in joint migration management

For the negotiation process at the international stage, the second level of analysis will consider the agreements made between the destination (EU and US) and transit states (Türkiye and Mexico) and the negotiation that occurred to reach said agreement. The added rational considerations of the state's material gain, side benefits, and power leverage against their respective counterparts are suitable for the secondary level analysis. Overall, the two-level framework approach applied at both local and international levels of analysis can be accurately utilized to interpret the bargaining process of international negotiation, especially when the process of negotiation is intended to produce a soft law mechanism such as a bilateral cooperation agreement. These agreements, unlike a formal multilateral treaty or convention embedded in global migration governance mechanisms, are highly contingent, subject to political negotiations and often lack of enforceability. For these reasons, the proposed framework is useful while trying to understand the interplay between domestic and international scenarios. The absence of binding obligations increases the relevance of domestic win-sets and political calculations, as negotiators seek flexibility to accommodate shifting internal preferences while extracting maximum external gains. Putnam's framework will be crucial to understand the balance of priorities that transit countries perform to respond not only to external pressures but also to fulfill their role as key pivotal players in the broader migration regime. According to this framework, the following sections will describe the application of the two-level analysis and define the concepts that will be employed throughout the analysis. These variables to be defined include transit state, country of destination, and migration diplomacy.

CHAPTER 5

INTERNATIONAL LAW AND RESPONSIBILITY SHARING

5.1 Global migration governance in practice

The previous chapters have discussed that until now, the available migration governance mechanisms from the 1951 Convention to the GCM have far failed to move beyond theory into effective practice. Migration management is so difficult to harmonize at the global level that alternative forms of coordination, such as soft law initiatives, have emerged as substitutes. Hollifield describes this emergence of soft law practices as ‘bottom-up’ efforts that give states the flexibility to cooperate at a certain degree with the freedom to adjust to immediate interests (Hollifield, 2011, p.13). Furthermore, this flexibility often grants the more powerful state with greater control over the core concerns of the agreement, typically related to border controls and return mechanisms. These dynamics are common on North-South relations, where the terms of cooperation imply concessions from the southern (transit state) country. Some of the existing examples of these types of agreements include arrangements between Spain and Morocco, or France and Senegal.

The principle of responsibility sharing in international migration governance has been central to debates about fairness in asylum practices, especially where certain states disproportionately bear the burden of hosting refugees. Legal frameworks are intended to uphold human rights, including refugee protection, while also regulating international cooperation. Among the main mechanisms practiced for refugee responsibility sharing are physical relocation, financial contributions, and regional cooperation. This chapter focuses on the three widely used mechanisms in

joint migration management for physical distribution: resettlement, Safe Third Country (STC) agreements, and First Country of Asylum (FCA) policies. Although designed to facilitate protection, these mechanisms raise concerns around state discretion, human rights compliance, and power asymmetries. It must be highlighted that these mechanisms are often included in the soft law instruments (such as bilateral agreements and declarations) often used for common regional migration efforts. Analyzing them will provide the legal and normative foundation for the case studies in later chapters. Importantly, while STC and FCA mechanisms are widely used, they are often criticized for creating tensions with the non-refoulement obligation³, a point further explored in this chapter.

The Global Compact on Refugees, adopted in 2018, is the most recent multilateral effort to strengthen international cooperation. Unlike the 1951 Convention, which sets binding obligations, the GCR is a non-binding framework built around four objectives: easing pressure on host countries, enhancing refugee self-reliance, expanding third-country solutions, and supporting conditions for voluntary return. The GCR promotes initiatives like the Global Refugee Forum and Support Platforms to encourage financial, technical, and political support, and calls for regional approaches to address protracted displacement (UNHCR, 2018). In contrast, the Global Compact for Migration (GCM), also adopted in 2018, addresses broader human mobility. While it lacks legal force, it reinforces global partnerships and calls for better border and migration management. Although it does not directly regulate refugee protection, objectives like Objective 11 and Objective 23

³ The foundational source for international refugee protection remains the 1951 Refugee Convention and its 1967 Protocol, particularly Article 1, which defines who qualifies as a refugee, and Article 33, which establishes the principle of non-refoulement. As emphasized by the UNHCR, this principle prohibits returning individuals to territories where they face threats to life or freedom.

acknowledge the burden on transit countries and the importance of responsibility sharing (GCM, 2018). Within the GCR, resettlement is the only mechanism explicitly promoted as a durable solution. The FCA policy is mentioned indirectly through recognition of states hosting large refugee populations. While the STC mechanism is not endorsed, bilateral and regional agreements have promoted this mechanism as a regular practice. These distinctions will be key to assessing how states interpret and apply regularized burden sharing mechanisms in the EU–Türkiye and US–Mexico migration agreements.

5.2 Resettlement

Resettlement refers to the selection and transfer of refugees from a state in which they have seek protection to a third state that has been committed to accept them as refugees and eventually grant them not only residence permits but the option for naturalization (UNHCR - The UN Refugee Agency, n.d.).

Despite its value as an effective redistribution channel and responsibility sharing mechanism, resettlement is often constrained by specific criteria and inherent limitations applied by each hosting state, for instance it can be reserved for speakers of a specific language, professionals in a specific area, or individuals with specific profiles.⁴ Ultimately these criteria act as barriers to a broader application of

⁴ According to UNHCR Resettlement Handbook, applications are approved based on specific submission categories that vary by receiving countries or involved organizations. These categories include A) Vulnerable Groups encompassing refugees with medical needs, survivors of violence, unaccompanied minors, elderly individuals, or those with specific protection needs. B) Family Reunification involves refugees seeking reunification with relatives settled in the host country. C) Priority Nationalities or Regions where certain countries prioritize resettlement from crisis-affected regions. D) Emergency Cases for individuals facing immediate safety threats necessitating urgent resettlement. E) Diverse Needs may consider individuals with skills aligning with the host country's workforce or those contributing significantly to the community. Categories fluctuate based on differing resettlement policies and consider humanitarian needs, vulnerability, and the host country's capacity for integration.

resettlement efforts. In the latest data, out of the 2 million refugees in need of resettlement in 2022, only 3% were resettled worldwide, from which a starkly low 1.1% were granted resettlement in a European country (IRC, 2022). One positive case of physical relocation of refugees through resettlement was the Kosovo Evacuation Plan of 1999, which after a disorderly first attempt, with support from UNHCR and other organizations, around 20,000 refugees were successfully evacuated from Macedonia and relocated them in Türkiye, Albania, Greece and 13 more countries in a matter of weeks (Newland, 2011, p.20). As described by Newland, the Kosovo Evacuation Plan, is a notable example of countries' ability to use these tools on a cooperative approach, which is a good indicator on their capacity to establish broader cooperation frameworks in the future. Building upon the success of cooperative approaches, resettlement is regarded as an efficient durable solution that also relieves the burden on host communities, the only concern is the low application rate among states, hindering its broader consideration as a useful relief tool.

5.3 EU Asylum Procedures Directive (APD) and Dublin II Regulation

The EU Common European Asylum System (CEAS) was established as a unified framework within the union, and its main aim is to harmonize asylum processes across all member states with a set of agreed rules for international protection. The two main components of this system are the Asylum Procedures Directive (APD) and the Dublin III Regulation, which have provided the criteria to determine how the responsibility for processing asylum applications within the EU is to be distributed among members. The STC and FCA were built over the structures of the CEAS, and they have been clearly defined in articles 38 and 35 of the APD, respectively. The

STC agreements are made by defining a safe third country that will have the responsibility to process the asylum claims made by applicants that have previously transited through that country but have submitted their asylum request to a different country of destination. This means that asylum seekers will be transferred to the defined STC's territory to prevent them from engaging in what is referred to as 'forum shopping' or 'asylum shopping', where individuals are accused of choosing their countries of destination based on other factors rather than ensuring their immediate safety as refugees.

On the APD, the Dublin III Regulation within the EU outlines the criteria and practice to determine which MS is responsible for processing an asylum claim, aiming to prevent such 'asylum shopping' practices across the EU. According to the Dublin III, member states have the option to refuse to process asylum claims made by applicants who have entered their country irregularly from a non-EU country that has been previously designated as a STC. Full description is mentioned in Article 38, that explains that a STC can only be considered as such when all of the following conditions apply: a) it has ratified and observes the provisions of the Geneva Convention without any geographical limitation, applying refugee status and protection against refoulment; b) it has in place an asylum procedure prescribed by law guaranteeing a fair assessment process; c) it has ratified the EU Convention for the Protection of Human Rights and Fundamental Freedoms; d) it has actual, effective access to protection mechanisms for asylum seekers, and lastly e) the state recognizes the asylum seekers right to challenge the decision to transfer them to the STC if the determined country is not safe in their specific case (European Union, 2013, Article 38).

Although STC agreements have these legal provisions, the STC policy has been regarded as problematic by humanitarian organizations and experts who believe that these types of agreements limit the applicants' right to asylum and security. One of the main critiques is that the Union does not have a single harmonized list of safe countries, and therefore each MS is able to define their own list of states to apply the designation or apply it partially with certain flexibility. More specifically, the STC regulation has left a considerable space for each country's interpretation of the conditions and applicability of such agreements. For example, as analyzed by the European Union Agency for Asylum (EUAA) in their report on STC Applications (2022), countries such as France, Iceland, Italy, and Poland have not yet included the STC definitions on their own national laws, reason why they are still not applying it. Other MS apply this concept on a 'case-by-case' basis while others have included it on their regulation but have not published an official list of approved safe third countries. A fourth group of MS have recently published a STC list, these are Estonia, Germany, Hungary, Ireland, and Greece. However, Greece applies the STC reversely, which means that it assigns countries for processing the claim according to specific profiles. Within the EU acquis non-EU states can be accepted as safe third countries under 'specific conditions,' therefore, when applicants are nationals of Afghanistan, Bangladesh, Pakistan, Somalia, and Syria, the assigned STC is Türkiye (EUAA, 2022). The main issue with the European asylum procedures but the STC provision, is that it has been widely incoherent among members.

As Costello (2015) mentions, the main problem is that its fragmentation and inconsistent implementation undermines the legal predictability and protection of asylum seekers (p. 147).

A second example of the STC mechanism other than EU, in the current practice is the agreement established between the US and Canada in 2005. This agreement applies to refugee claimants that cross the land border between these countries; therefore, Canada recognized the US as a STC with the purpose of “sharing the responsibility for refugee claims.” In March of 2023, the STC agreement between Washington and Montreal finalized amendments, in these adjustments the number of asylum seekers entering Canada through unofficial entry points was limited. After the extension to the application, any asylum seeker entering the Canadian territory through an irregular point has lost the right to apply to asylum (with some specific exceptions).⁵In both the Washington-Montreal and EU Dublin Regulation cases, the STC agreements have proven to extend the criteria beyond the asylum matters. Similarly, to the EU regulation, in the US-Canada agreement, irregular crossings have become a significant factor to determine the asylum right but also the responsibility to grant such protection among States.

5.4 First country of asylum

The definition of the FCA has also been briefly included in the article 35 in the APD, allowing the MS to reject asylum applications if the applicant received status or had ‘sufficient protection’ in a previously transited This article mentions that a MS should consider if an applicant has been recognized in another country as a refugee or is enjoying ‘sufficient’ protection in that other country when processing asylum claims. This concept aims to prevent the same issue that the STC presents and avoid

⁵ According to the STC Protocol of the EUAPD, if the applicant entered the country and has a family member regularly residing in Canada, is an unaccompanied minor, document holder or public interest exception then the application can be accepted and proceed with the usual protocol.

asylum seekers to displace from one country to another to reach a specific country of destination for reasons other than protection. In the European Asylum System, the FCA dictates that the asylum seeker should seek protection in the first country of arrival after fleeing their home country. Although it is like the STC, both instruments can't be used interchangeably, as the STC has been previously categorized as safe, and it allows authorities to return asylum seekers to these countries even when they did not apply to asylum in that territory in the first place.

One recent example of the FCA involves the United States and Mexico, under the Migrant Protection Protocols (MPP) that included a "Remain in Mexico" policy. In 2018, individuals seeking asylum in the US were forced to remain in Mexico to wait for their asylum hearings. Although this example will be further analyzed in coming chapters, it is worth mentioning that these types of policies often face scrutiny over their objectives and lack of protection for the applicants, as there is a heightened risk of refoulment. According to UNHCR (2020), the criteria of what constitutes 'sufficient protection' are vague and uncertain and often affect the overall protection of asylum seekers. Critics argue that this practice contributes to the externalization of asylum responsibilities and expose individuals to refoulment or substandard living conditions (Moreno-Lax, 2017). Commonly, FCA or STC agreements or other readmission instruments in this line are drawn up for the purpose of combating undocumented immigrant smuggling and establishing orderly migration paths. However, in practice, the short-term effects have resulted in the responsibility being transferred to the safe third country or the first country of asylum and, contrary to expectations, have prevented distribution among states.

CHAPTER 6

THE EU-TÜRKİYE AGREEMENT

On March 15, 2011, the Syrian civil war broke out and sparked a protracted humanitarian catastrophe that has led to the displacement of approximately 14 million, and more than 600,000 deaths (Council on Foreign Relations, n.d.). During the same years, as explained by the ICMPD, product of other regional conflicts in the Middle East, the usual migratory route from the central Mediterranean crossing (Libya to Italy) shifted to the eastern, through Türkiye and Greece. The main migratory population, approximately 70%, was composed of Syrians and Afghans (ICMPD, 2015). According to the Eurostat (2016) in a matter of a year, asylum requests in EU increased in more than 120%, reaching an outstanding number of 1,255,640 applications by the end of 2015. The EU system was not prepared to manage the number of applications, therefore pending applications by December of the same year were extremely high, with almost a million cases still under consideration for international protection. At the beginning of the crisis in 2011, the reaction of the European community seemed lethargic and indecisive, so it did not address the problem from its early stage until 4 years later, when the migration flow had already become a critical situation for the bordering states. While countries at entry points such as Italy and Greece dealt with the migratory controls, other countries chose to close their doors, defying the interests of the European project in favor of their own interest. Slowly, the flow of displacement turned towards Central Europe, taking into consideration that the applicants had more incentive to seek permanent solutions in Central European countries rather than the already saturated and overstretched bordering states. This growing imbalance strained the political

cohesion of the EU and exposed the limitations of a shared migration framework, forcing Brussels to seek for external solutions. In this context, Türkiye, already hosting 2.5 million refugees by late 2015, emerged as a crucial actor and partner. On 29 November of 2015, EU and Türkiye activated the first Joint Action Plan (JAP) to curb irregular migration and manage refugee flows.

In exchange for the established common objectives, Türkiye was to receive €3 billion financial support under the EU Facility for Refugees in Türkiye (FRiT), reinstated accession negotiation, and was promised visa liberalization for Turkish citizens (European Commission, 2016a). According to the European Commission, the implementation focus was also to engage operational cooperation among both parties, including in the efforts for the return of migrants from Greek islands to Türkiye to discourage irregular crossings through sea, and accelerate the 1:1 scheme, the resettlement scheme from Türkiye into EU States (2016b). According to the said resettlement scheme, for every Syrian returned from the Greek islands to Türkiye, the EU committed to receive another Syrian through the resettlement mechanism. As a follow-up to this first plan and consecutive discussions, on March 2016 the EU-Türkiye Statement was released, this statement defined the operational and transactional layers of the partnership and emphasized the commitments made for the disbursement of funds and improve humanitarian conditions for Syrians under temporary protection in Turkish territory (European Council, 2016). In retrospective, academic analysis have scrutinized the effectiveness of the JAP and questioned the plan's compatibility with international refugee law. Inceli-Ciger and Yigit, examined the implementation, noting that while Türkiye did receive financial support and protected its political incentives, the plan's objectives were not reached as agreed (2022). To comply with the visa liberalization and the 1:1 scheme was particularly

difficult, to date both commitments had not been achieved and remain as an unclear gap in the data provided (ASILE, 2022). As of September of 2020, only 26,166 Syrian had been resettled to 20 member states under the 1:1 scheme, a figure evidently short given Türkiye's hosting of approximately 3.7 million Syrian refugees. With regards to the visa liberalization, although Türkiye had met 66 out of 72 of the specified benchmarks settled since the accession negotiation, the unmet remaining criteria hindered the application of this commitment. Under such circumstances and minimum compliance from the more powerful part (the EU) in the agreement.

This chapter will aim to understand Türkiye's acceptance of the disproportionate responsibility, assuming that other than a function of humanitarian obligation, it was a calibrated act of migration diplomacy. By presenting itself as indispensable to the EU's migration management, Türkiye exercised leverage well beyond its relative structural power, redefining the negotiation in terms of reciprocity rather than solidarity, a recurring theme in transit state behavior under asymmetric interdependence.

6.1 Türkiye domestic win-set: Second level of analysis

This section will focus on dissecting the domestic political landscape in Türkiye previous and during the agreement's negotiation process to identify the internal constraints of the negotiators. During this period, Türkiye's domestic political context was marked by significant institutional transformation that led to political volatility. At the start of 2015, the Justice, and Development Party (AKP), led by President Recep Tayyip Erdoğan, was pressured by electoral uncertainty. When it comes to studying the local context to impact the second level of Putnam's

framework, we can identify that Türkiye's win-set was built on the executive power's post-coup consolidation, an intensified defacto capacity, and a focus on national prestige. As previously described, Türkiye falling into democratic backsliding, allows to explore how an executive with fewer formal-level II constraints negotiates abroad according to the two-level game framework. This chapter will analyze how the conditions of the regime shaped the international commitments, even when the negotiation win-set was not narrowed by multiple internal demands as considered in other game set with a democratic precondition. To begin with, during the first 5 years of the Syrian war (2015-2016), AKP's migration policy was characterized by the 'open door' policy where displaced persons were considered part of the Muslim community and framed as 'temporary guests' under the protection of the country, while Türkiye followed its 'moral duty' by being a host (Goularas and Sunata, as cited by Bozdağ, 2019).⁶ For example, in a speech at the AKP Group Meeting in February 2016, the then-Prime Minister Ahmet Davutoğlu emphasized Türkiye's exceptional role, stating, "we are showing a generosity of heart and hospitality that should be an example to the entire world".⁷ He positioned Türkiye as the only country willing to 'embrace' displaced populations and thanked Syrian refugees for placing their trust in the Turkish nation. These statements, charged with emotional appeal, clearly illustrate the government's active

⁶ Media analysis has shown that during this initial 5 years most discourse was language neutral towards migrants, often in alignment with 'the rise of Islamic ideals' as solutions for worldwide crisis (Bozdağ, 2024, p.129).

⁷"Ülke olarak tüm dünyaya örnek olması gereken bir gönlü genişlik, bir misafirperverlik gösteriyoruz. İnsanlarımız evlerinden, yurtlarından edilmiş bu kardeşlerimize kucak açıyor. Her birine buradan tekrar tekrar teşekkür ediyorum. Aslında bütün toplumların yapması gereken budur. Bütün dünyayı ilgilendiren böyle bir meselede uluslararası toplum konuyu birçok yönüyle görmezden gelmeye devam ediyor". Full quote on original Turkish, personal translation. Retrieved from: <https://akparti.org.tr/haberler/basbakan-ahmet-davutoglu-nun-29-subat-2016-tarihli-yeni-turkiye-yolunda-konusmasinin-tam-metni/>

effort to justify its international stance, while pushing to present Türkiye as both a responsible regional actor and a moral leader. Under Putnam's framework, it can be considered that this moral framing played a dual function, on the one hand it served to consolidate domestic legitimacy in a period of heightened political tensions. On the other, it helped by building upon the imaginary of Türkiye as a strong, sovereign, and compassionate nation upholding Islamic values, in line with the AKP's ideals. In addition, this posture allowed the AKP to navigate national divides by appealing to the religious and nationalist sentiment, expecting to mobilize public support for the government's chosen role in the migration crisis while minimizing critique from the conservative blocs.

Furthermore, when it comes to the chosen wording for Syrian refugees, as Kılıç suggests, to frame refugees as 'guests' could have been a deliberate decision, allowing the government to avoid referring to terms that could be linked to any international law implications, such as the concept of refugee or asylum seeker⁸ (Toğral Koca, 2016). This terminology enabled a flexible, politically expedient narrative centered on generosity rather than responsibility, which was incorporated as a strategy to shape public perception while at the same time expecting that those 'guests' were not permanently staying. Turkish government managed to appeal to public constituents by dominating the conversation around the topic and maintaining a perspective that was palatable to constituents. With regards to the opposition and other elites' veto power that could have impacted Türkiye's bargaining power at international negotiations, the AKP managed to strategically maneuver the

⁸ Türkiye, although a signatory state of the Convention of 1951, maintains the geographical limitation that the consecutive protocol of 1967 came to eradicate. Therefore, for Turkish law, a refugee is an individual who has emigrated from Europe before January 1951. This further reflects Turkish immigration policy and concerns regarding potential refugee flows from any of the bordering countries, but specially, the Middle East.

consolidation of power. In June 2015, the AKP had lost its parliamentary majority for the first time since 2002, initiating an immediate and difficult coalition negotiation process among main opposing parties that failed. As an effect snap elections were planned, although some opposing parties viewed this decision as a waste of time, it was clearly the correct decision for the AKP party. In the second election, the AKP regained the single-party majority, and opted for including the formation of a caretaker government that allowed the party to maintain a coherent foreign policy stance (Krumm, 2015). According to Cengiz, this configuration created a 'pure AKP government in disguise' allowing the ruling party to retain control over key agendas, such as the foreign affairs, EU affairs and migration-related positions without any opposition strong enough to challenge it (2025). During this autocratization process, the institutions that traditionally provide checks and balances, such as the judiciary and media, were weakened and suppressed, while the executive consolidated its power through a series of legal and institutional modifications (Freedom House, 2016). Freedom House downgraded Türkiye's status from "Partly Free" to "Not Free" during this period, citing restrictions on press freedom, political expression, and judicial independence. These trends were intensified after the July 2016 coup attempt, which provided justification to install a state of emergency and a wave of purges targeting alleged Gülenist networks and broader opposition voices (Çoskun & Ülgen, 2016). After the state of emergency commenced, more than 100,000 civil servants including military personnel, judges, academics, and journalists were dismissed or suspended, leading to institutional fracture and general sentiment of distrust among the political elites (Akçay and Denis, 2022). Beyond the institutional purges, the erosion of traditional veto players, such as the parliament, the judiciary, and civil society, created a domestic

environment in which the executive was faced with minimal internal resistance. As described by Esen and Gümüşçü (2017), the post-coup political configuration enabled the executive to consolidate power through the weakening of institutional checks and the absorption of state functions into a personalized and securitized governance structure. So, despite the temporary political instability, the AKP's ability to present a unified front in foreign policy negotiations ensured that Türkiye's win-set remained homogeneous both internally and externally. As Krumm identified, the government's control over key ministries, even within the caretaker setup, and the strategic appointment of independents sympathetic to the AKP's agenda, minimized internal dissent and streamlined decision-making processes. In other words, the absence of power balance at the local level meant there was no pressure to secure better concessions at level I or impose any hurdles to the negotiating process, which left the president to reflect not only poor democratic conditions vis a vis Brussels, but also a unified and uncontested stance according to his only interests.

Due to the presented reasons, in Putnam's framework assumptions, Türkiye cannot be considered a fully functioning democracy, particularly in the context of the period analyzed. The country has experienced significant executive centralization, erosion of checks and balances, and limitations on press freedom and civil society participation. As a result, the influence of domestic actors cannot be assumed to operate in the same way as in liberal democracies. Usually, in Putnam's framework, under a properly functioning democracy, pressure from domestic actors would constrain the win-set, thereby strengthening the negotiator's stance in the international realm. However, in this case, the opposite occurred: the absence of intense pressure or meaningful influence from powerless domestic actors also strengthened the lead negotiator's stance. While this does not contradict Putnam's

core assumptions, it represents a notable deviation and highlights a broader application of the theory, one that can account for hybrid or semi-authoritarian systems where domestic constraints are minimal or manipulated by the executive. The framing of migration policy served not only Türkiye's external agenda but also bolstered the AKP's domestic legitimacy and nationalist credentials. In public debates, cooperation with the EU was displayed solely on tangible gains, financial aid, or visa access, while any requirement for deeper legal alignment was rejected. Locally, the executive, unchecked by meaningful democratic oversight, could present the deal as a clear victory, even though it failed to secure lasting benefits. With Erdoğan's word as the final authority, no organized opposition could challenge this portrayal.

6.2 Türkiye's level I game: International bargaining

Following the intense political and institutional transformation in Türkiye during the migration crisis between 2015 and 2016, Ankara emerged as a critical transit state at the heart of an intricate geopolitical scheme. Within the framework of Putnam's Level 2 negotiations, at the domestic context, the authoritarian consolidation and nationalistic rhetoric pushed the government to capitalize on its role to strengthen its bargaining at the international level. In this sense, AKP leadership translated domestic imperatives into strategic demands at the international table. Despite structural power asymmetries, Turkish negotiators, supported by a consolidated executive, positioned the country as a humanitarian actor and an indispensable regional gatekeeper. This section will further explore how the country framed its demands and defined its limits while gaining side benefits in other areas of interest, successfully implementing migratory diplomacy.

In the summer of 2015 approximately 850,000 individuals attempted to migrate into Europe via Türkiye (IOM, 2016). To understand the starting point at the negotiation table, it is also relevant to investigate the Union's initial posture and interests at state. For the EU, it was clear that working with Türkiye was a necessity to curb migration and stop its role as a bridge for transit (Özalp, 2021). Ankara appeared as an indispensable actor, fulfilling its role as a host to the more than 2.5 million refugees living in Türkiye at that time.

While the EU faced with internal veto players and institutional disunity that constrained its win-set, Türkiye's centralized executive allowed for rapid decision-making and coherent negotiation demands. In the midst of the union's crisis, Türkiye presented itself not as a victim of the regional situation but rather as a capable actor willing to act on Europe's behalf acting as a gatekeeper between the EU and Middle East, for a price. This position is clearly reflected on the Joint Statement of 29 November 2015. Since the initial stages of the agreement, Türkiye committed to implement the established action plan to stem irregular migration flows. In exchange for the border control, the EU granted three major concessions: allocation of the €3 billion under the Facility for Refugees in Türkiye, the re-energizing of EU accession talks, and the acceleration of visa liberalization for Turkish citizens (European Council, 2015). These terms were reiterated and communicated in the Joint-High Level Political Dialogue on 25 January 2016, where Turkish authorities emphasized that "the full and swift implementation of the EU-Turkey Action Plan" was contingent on "a concrete and visible implementation of the EU commitments, including the disbursement of €3 billion" (Ministry of Foreign Affairs, 2016). Türkiye used this moment not only to advance policy goals but also to signal its transformation from a recipient of EU policy to a strategic partner shaping

it. Through its initiative-taking communication and framing of the agreement, Türkiye made clear that migration containment would not be a gesture of alignment, but a transactional service that justified geopolitical and material returns. Türkiye's practice of migratory diplomacy became evident, as Ankara leveraged its containment in cross-border mobility to obtain additional foreign policy concessions, while using its role as a bargaining chip. One of the main demands was the condition for accelerating visa liberalization, for Türkiye this request added to the agreed financial support, were also valuable tools to revitalize the long-strained relationship with the EU (Özalp, 2021, p.7).

Multiple Turkish media outlets reported on the 'benefits or gains of the migration deal since the negotiation was announced. TRT, for example, included the deal in its activity report 2016 and described it as one of the most important topics of the year, in the following statement: "Türkiye has agreed to take back irregular migrants crossing into Greece and to apply stricter measures for Syrian refugees, in return the EU committed to providing Türkiye with 3 billion EUR in financial aid, introducing visa liberalization for Turkish citizens, and accelerating the accession process with the EU" (TRT, 2016). Although the executive faced no domestic opposition, Turkish media emphasized the deal's benefits to legitimize the agreement as a balanced and fair exchange. President Erdogan had publicly warned that without "visa liberalization, we will not carry out the readmission agreement" (as cited by Agence France Presse in Istanbul, 2016). In fact, Ankara's own perspective in the agreement and intention were made clear on multiple occasions even prior to the release of the JAP, during the G20 Summit in Antalya in November 2015, president Erdogan threatened the European Commission and President Juncker that Türkiye could send refugees to Europe anytime, "We can open the doors to Greece and

Bulgaria anytime and put the refugees on buses”(as cited by Agence France-Presse in Ankara, 2016). This event also marked the agenda topics for world leaders, as the G20 in Antalya in that year was the first-time migration and refugee movements were addressed in such conferences to highlight the global significance of these issues.

At the same time, Türkiye as the host of the summit, was a reminder of its active participation on the subject and it underscored its commitment to international cooperation on migration management. President Erdogan also used the G20 stage to argue that Türkiye should be compensated not only for its future role under the migration agreement, but also for what it had already done in the past by highlighting its overall expenditure for refugees along with its efforts: “we are currently hosting over 3 million Syrians in our country, and our expenditure has now reached \$30 billion. No other country in the world has hosted refugees in this manner” (as cited by Cantek & Soykan, 2019). By quantifying the financial cost of its commitment with ‘Syrians,’ Ankara made sure that Türkiye’s role would impact its bargaining power in follow-up exchanges with the EU. In terms of Putnam’s two-level framework this stance effectively legitimized the external negotiation and its demands, as the lead negotiator had the autonomy to ratify deals like the migration deal without hurdles at the local level. It was sufficient to present the deal as a profitable opportunity for the Turkish public, while on the other hand there was not counterpart to evaluate the effectiveness or consequences of the terms for the transit state.

Furthermore, one of the defining characteristics of this negotiation period was Türkiye’s negotiators’ coherence with its executive apparatus. By this period, the AKP, led by President Erdogan, had effectively consolidated power, which had

diminished the role of traditional veto players at the interior (Esen & Gümüüşçü, 2017). For this reason, the foreign policy of this period was minimally faced with domestic oppositions or legislative oversight.

When dealing with the EU's counterpart, the Union was clearly suffering an institutional fragmentation in which the 28 member states could barely agree on the minimum terms. In comparison, Türkiye's executive acted with remarkable speed and unity. Therefore, as predicted by Putnam, a more centralized domestic configuration often results in a smaller win-set with greater coherence at the international negotiation table. On this sense, Turkish officials had a clear list of criteria that were explicitly linked with the readmission agreement to progress on visa-free travel, and even the financial assistance. In this sense, this narrative was consistently emphasized by officials, even the Turkish Ministry of Foreign Affairs (Cantek & Soykan, 2019) portrayed the country's efforts in hosting Syrians as a moral commitment that deserved reciprocal support. In the MFA's statement on the implementation of the deal on March 18, 2016, an official statement on the contents of the agreement was released. This release most importantly reported on the 1:1 scheme, and the collaborative approach to highlight an agreed equal and beneficial collaboration with the EU: "This exercise constitutes the most stunning example of burden and responsibility sharing that Türkiye has been advocating since the eruption of the Syrian crisis in 2011." (MFA, 2016). In this same communication, the MFA also explained why and how irregular migrants would be sent back to Türkiye from the Greek islands, responding back to criticisms about violating the *non-refoulement* and Türkiye not qualifying as a safe country to receive these migrants (2016). The MFA also included how Türkiye had made the 'necessary legal' amendments to grant temporary protection status to Syrians, but never directly addressing why they

are not considered as refugees as stated in the Convention. The Foreign Affairs representatives tried to reassure international actors that Türkiye was compliant with EU international protection requirements and so was able to uphold humanitarian obligations while managing the challenges of irregular migration. From Putnam's perspective, the government's domestic changes and legal frameworks, had enabled it to present a credible commitment at the international negotiation table, by demonstrating its capacity to facilitate an agreement with the EU. Despite not granting refugee status to Syrians under the 1951 Convention due to its geographical limitation, Türkiye adapted its legal status, which in certain way, enabled certain degree of protection (İçduygu & Aksel, 2014). The flexibility reached in the 2016 Statement allowed both parties to pursue their goals pragmatically. The agreement functioned as a transactional solution that satisfied the EU's urgency while allowing Türkiye to frame it as cooperation without making any real changes to the institutional structure for the benefit of refugees.

Another critical aspect that shaped Ankara's negotiation behavior was the securitization of migration, however in Türkiye migration securitization is mostly understood in terms of border management and irregular migration rather than governmental stance against refugees. Unlike in many EU member states, where securitization often targets the identity of migrants, Türkiye's discourse emphasized operational threats, linking irregular migration to terrorism and other instability in the region. Geopolitically situated between zones of high instability, Türkiye shares borders with Iran, Iraq, and Syria, approximately 911 kms, and is surrounded by over 6000 kilometers of coastline on the Mediterranean, Aegean and Black Seas. This complex geography, coupled with the persistent threat of cross-border insurgency, irregular migration, and smuggling, has led Türkiye to prioritize border security as a

matter not only of national sovereignty but also of alliance responsibility, especially as a NATO member and EU candidate (Açar & Yalçinkaya, 2023). This positioning became even more pronounced following the Syrian civil war and the post-invasion destabilization of Iraq, both of which heightened Türkiye's vulnerability to infiltration by non-state armed actors operating from its immediate periphery. Since then, Ankara intensified its militarized response through the construction of physical border barriers, further institutionalizing a 'security-first' approach to migration through containment and control (Açar & Yalçinkaya, 2023).

The collapse of the peace process with the PKK in mid-2015 led to renewed conflict that impacted migration collaboration. In response, the Turkish government intensified nationalist rhetoric and fostered a highly securitized domestic climate. During the Kartepe Summit of 2018 titled "Migration Refugees and Humanity", the then Interior Minister Süleyman Soylu, referred to migratory control for national security in multiple occasions, stating that other than "encountering baby corpses washed ashore and preventing refugee influxes in Europe, migration controls would cut off the supply chain of terrorist organizations". In multiple public appearances he often described the link between migratory containment and terrorism as a 'symbiotic relationship,' where irregular migration should be prioritized for national security. This tendency to securitization influenced the domestic perception and preference on acceptable migratory policy outcomes at the local level, which was reflected as a convenient commitment at the international negotiation. Turkish negotiators were expecting to receive support and resources to implement strong border control efforts in the migration agreement that would, at the same time, benefit the country's own security concerns. This securitization discourse shaped the scope and urgency in Türkiye's demands, reinforcing the stance that the EU support

would account for both migration containment and a national risk mitigation. At the end, Ankara's win-set during the negotiation of the EU-Türkiye migration deal was defined by a set of minimum demands, which included the allocation of substantial financial support, the acceleration of visa liberalization and revitalization of EU accession talks. These demands were included transactionally, although real responsibility sharing was not reached, Ankara negotiated as a sovereign actor expecting tangible returns for its role in migratory containment. Rather than conform to European standards unconditionally, Türkiye leveraged its geographic and humanitarian role to obtain measurable gains that could reinforce domestic legitimacy and executive control.

These dynamics reveal how transit states like Türkiye accept disproportionate responsibilities not solely out of obligation, but as a strategic response to asymmetric interdependence. Within Putnam's framework, Türkiye's win-set was shaped by executive consolidation and securitized domestic discourse but bounded by expectations of tangible compensation. In the Turkish perspective, migratory diplomacy was used to yield measurable gains, either financial or diplomatic, to be regarded as a fair deal domestically at the expense of effective efforts for the protection of refugees. This migration agreement is therefore an example of transit-state bargaining power, in which structural restrictions are transformed into diplomatic assets for the lead negotiator's interests and regional containment is monetized in return for political or economic leverage. The next section will contrast this with institutional stagnation and fragmentation on the EU side, which limited the bloc's negotiation coherence and constricted its win-set, eventually determining the outcome after the migratory collaboration.

6.3 The European Union as a counterpart: Analysis at levels I and II

Among European nations, the ‘migration crisis’ of 2015 created an inevitable clash of ideologies at various levels. In the political arena, the rising popularity of right-wing parties and the securitization of migration replaced a humanitarian lens with a border deterrence logic. This internal fragmentation dramatically impacted the EU’s institutional coherence and negotiating capacity at the international table, by limiting its win-set. The European Union entered the negotiation process with Türkiye under profound internal strain. The EU’s role in the EU-Türkiye Deal was not shaped by supranational cohesion, but by a fragmented Union with opposing national interests and a reactive crisis posture. This section will apply Putnam’s first and second level of analysis to explore how the EU’s internal political landscape, constrained the Union’s ability to negotiate at the international table with Ankara.

Some of the domestic challenges include the ideological shifts produced by the rise of right-wing populism and securitization, in addition to a weakened supranational institutional structure and the operational dependency of the EU agencies on MS cooperation. These challenges produced a narrow win-set and weakened the EU’s negotiating credibility. The resulting approach to the EU–Türkiye agreement was largely driven by crisis containment rather than strategic foresight, which further hurt the humanitarian resolution of refugees and the efficiency of burden sharing practices. Throughout the history of the European community there have already been other episodes of mass migration. In fact, the global right to international protection arose due to the biggest crisis recorded: the displacement of more than 60 million people during and after World War II. Nevertheless, the EU's diligence in the face of the challenges of the 2015 crisis did

not reflect its expertise in migration management but rather the opposite, some authors would say that the EU became paralyzed in the face of the situation. While Türkiye's bargaining strategy was shaped by its own domestic political constraints and regional role, the EU's negotiating position emerged as a reaction, shaped by the deepening political crisis within the Union itself. The so called 'crises' of 2015 not only exposed long-standing fissures within the EU asylum system, but also threatened the integrity of fundamental integration pillars, such as the Schengen Agreement. Confronted with a sharp increase in arrivals, a lack of political harmonization, and growing unilateralism among member states, the EU turned to externalize migration governance by delegating migration control responsibilities to third countries, in this case, Türkiye.

First there must be an evaluation of the local context, at the secondary level of analysis where member states hold the pulls and levers at the Union as an institution. In the first months of 2015, Germany's decision to reactivate border controls in September initiated a domino effect that revealed deep levels of mistrust among member states. Austria, Hungary, Italy, Slovenia, Switzerland, and Denmark quickly followed. Hungary closed its borders and erected fences, while the Czech Republic was accused of violating human rights through systematic anti-immigrant practices. Meanwhile, Germany, shortly after, declared it would receive thousands of asylum seekers (Clemens et al., 2015). Although the EU attempted to maintain a unified position, the migration crisis put this cohesion under severe strain. In the absence of a clear common asylum policy that all members could support, states took divergent positions, placing national priorities over the ideals of European integration. This divide effectively created two sides: one advocating for international protection mechanisms, and another resisting increased responsibility

for refugees. Nonetheless, both sides converged on one midway point, the securitization of migration and the urgent need for a functional solution.

According to the Europeanist scholar Marco Scipioni, when it comes to migratory management, the decision not to harmonize in depth but rather, conform to the minimum standards has prevented overall progress in the topics of asylum, regularized migration, and human rights for the EU (2017, p.1358). According to the author, one of the clearest examples of this institutional fragmentation is the Dublin Regulation itself, which reinforces unequal responsibility among MS most of the time being bordering countries like Greece and Italy and exposes the EU's inability to implement unified asylum practices. This mechanism has hindered the development of a cohesive migration policy and reflects the broader fragmentation that constrained the EU's negotiating position during the 2015 crisis.

As Alexander Betts explains, the crisis is not necessarily a crisis of numbers, but of the European public's lack of confidence in their governments' management of migration (Betts, 2018). According to the Eurobarometer (2015, EB/EP 84.1) in 2015, immigration surged as a primary concern for EU citizens, rising by 33 percentage points to 47% making it the second most pressing issue after unemployment. Furthermore, 66% of respondents favored a more EU-level decision making on migration policy, indicating the existing public demand for coordinated EU action on migration. This urgency perception of the Europeans may have pressured policymakers into expedite solutions like external agreements rather than the excruciating process of trying to harmonize internal policies among MS. For the public, shifting responsibilities to non-EU countries was in fact a desirable measure. This preference clearly suggests that for the European public, migration should be addressed at root rather than through resettlement in Europe. According to

Vrânceanu et al., the crisis not only exposed internal policy weaknesses but also triggered significant public support for the externalization of migration controls. Another study on European public opinion on migratory cooperation, showed that voters, support policies that minimize national burden and financial aid to refugees hosted in third countries like Türkiye (2022, p.1147). This confidence gap, amplified by media sensationalism and policy inertia, transformed migration into a politically polarizing issue and further eroded the EU's collective action capacity (Guiraudon, 2017). Overall, these tendencies, collectively demonstrate that during the peak of the crisis the general opinion was characterized by concerns over immigration and a preference for managing migration through other non-EU countries, such as STC agreements or FCA. Domestic pressures like this one likely constrained the EU's internal policy options at level II, compelling negotiators to pursue agreements with transit countries.

As an additional layer to the internal member states clash, Heldt identifies a critical institutional shortcoming that helps explain the EU's limited capacity to respond to the 2015 migration crisis: the partial empowerment of supranational institutions (2018). According to this analysis, "insufficient resources are more likely to lead to ineffectiveness and hinder supranational organizations in performing their tasks" (Heldt, 2018, p.11). This reflects a core tension at the heart of EU governance and the misalignment between delegated authority and actual capacity. Despite efforts to centralize certain functions, key aspects of migration management, such as external border control, remain under the jurisdiction of individual members. For instance, there is no fully integrated EU coastguard; instead, each MS retains responsibility for securing its own maritime borders. This structural gap became highly consequential during the crisis. To address operational deficiencies, the

European Border and Coast Guard Agency (FRONTEX) and the European Asylum Support Office (EASO) were granted expanded mandates during the peak of the migrant arrivals. These agencies were tasked with coordinating cross-border responses, supporting overwhelmed frontline states, and facilitating solidarity mechanisms. However, these bodies were and still are fundamentally dependent on MS contributions, both in funding and in human and material resources. Without automatic authority to deploy assets, their operational capacity is hostage to Member States' willingness to cooperate. A clear example of this dependency is in the agencies' requests for additional staff and resources: during early crisis operations, they requested at least 780 coastguards and 375 experts. Yet only 447 guards and 200 experts were provided, mostly by Germany and France (Heldt, 2018, p.16). In the absence of EU-wide consensus, dominant member states like Germany and France functioned as de facto international negotiators, shaping outcomes that reflected their national interests rather than a unified EU position. This dynamic demonstrates how a small number of initiative-taking states compensated for broader inaction, highlighting the Union's reliance on the political will of its most powerful members to implement collective solutions. This division of responsibility, and the inconsistent commitment it generates mirrors Putnam's constraints at the secondary level, where domestic institutional configurations limit negotiators' capacity to commit to international agreements.

In this case, EU negotiators lacked the institutional cohesion necessary to offer credible enforcement or robust asylum harmonization, shrinking the EU's win-set and reducing its bargaining leverage. Moreover, the absence of a single, coherent EU voice due to intergovernmental veto power and divergent national agendas meant that external negotiations were frequently driven by the preferences of dominant MS

(notably Germany and France), rather than by a unified supranational mandate. This institutional asymmetry where supranational bodies are politically responsible but operationally powerless without national support, helps explain why the EU opted to externalize migration control through the EU-Türkiye agreement. It was a strategy to circumvent internal fragmentation and respond to external pressures despite limited domestic consensus.

The EU-Turkey Statement of 18 March 2016 stands as the clearest expression of this dynamic: in it, the Union committed to disbursing €3 billion under the Facility for Refugees in Turkey, with a further €3 billion pledged by 2018 to support Türkiye's hosting of Syrian refugees (European Council, 2016). This financial concession, alongside the promise of revitalizing EU accession talks and visa liberalization, reflected the Union's limited bargaining power, needing to externalize border management to Türkiye as internal burden-sharing mechanisms collapsed. In the Commission Report on the implementation of the EU-Türkiye Statement released in April 2016, the progress was reported as a success, mostly due to the 'sharp decrease' in the daily average crossings from 1740 to 94 (European Commission, 2016). Highlighting the agreement wins is a typical strategy for negotiators, as it helps them make the agreement 'acceptable' or 'ratifiable' under Putnam's perspective while minimizing costs, and in this case reducing the number of crossings was the main objective. It is important to note that, the report strategically downplayed the limited or absent progress on key EU concessions, such as the slow implementation of visa liberalization and the underwhelming outcomes of the 1:1 relocation scheme. In fact, other than reflecting the unity of the supranational institutions, this report emphasizes that the major burden of

implementation and operational efforts had to be assimilated by Turkey and Greece.⁹ This not only contributed to the discontent that MS were already expressing, showing political resistance and weakening the centralization of the negotiating strength. At the international negotiation table with Ankara, Brussels presented a position that, while framed as collective action, was deeply shaped by internal fragmentation that translated into veto power of member states and inability to coordinate further. At the Level I, the EU's narrow win-set was a product of rising nationalist sentiment from individual members, resistance of the States to contribute to the refugee redistribution system, and unilateral decision making from the MS on their migration policy and border controls. These domestic pressures severely limited the range of acceptable international agreements that the EU could conclude without risking internal political backlash. Thus, at Level II, international negotiators had to pursue a strategy that prioritized quick, tangible results over more ambitious or structurally transformative solutions. As Putnam suggests, negotiators with narrow domestic win-sets can paradoxically enjoy greater credibility internationally because their constraints are visible, however, in the case of the EU, this 'credibility' took the form of desperation rather than strength.

The concessions made such as a significant financial support, promises on accession negotiations, and visa liberalization talks, were not signs of bargaining leverage, but straightforward evidence of domestic political fragility that Türkiye was able to exploit. Despite efforts by supranational institutions to preserve an image

⁹ Greece and Turkey are the two governments in charge of implementing the agreement. It is their authorities who must do the legal and operational work and ensure that EU and international law is respected at all stages of the process. The Commission has been working closely with the Greek and Turkish authorities to ensure the necessary improvements in terms of practical and logistical arrangements and human resources to ensure the smooth implementation of returns and is assisting Greece with advice, expertise and support from the EU budget. (EU Commission, 2016)

of unity, the EU's stance was a product of a narrow and therefore restrictive win-set that was constrained by the political tensions across member states. As a result, the EU–Türkiye agreement must be understood not simply as a diplomatic achievement, but as a crisis management tool shaped by domestic political fragmentation, a narrow international bargaining space, and reactive rather than strategic planning. The case exemplifies how the interplay between Level II constraints and Level I bargain outcomes, central to Putnam's model, profoundly shaped the contours of the EU–Türkiye Statement.



CHAPTER 7.

THE US-MEX JOINT DECLARATION AND MIGRANT PROTECTION PROTOCOLS

The history of migration between Mexico and the United States has long been a cornerstone of their bilateral relationship. Since the early 20th century, labor demands in the US, particularly after World War I, have driven sustained migratory flows from Mexico. The Bracero Program (1942–1964), a bilateral labor agreement, exemplified the institutionalization of these flows, facilitating the legal migration of over 4.6 million Mexican workers to the US agricultural sector. Today, Mexican-origin individuals continue to constitute the largest share of the US foreign-born population, around 25.3% as of 2019, with an additional 25% from other Latin American countries (Budiman, 2019). However, according to the Pew Research Center, in recent years this tendency is no longer continuing, as net migration from Mexico has reversed, with more Mexicans returning to their country than arriving in the US (2019). Despite this demographic shift, the US–Mexico migration corridor remains one of the busiest globally, as the US has been the principal destination for migrants transiting through Mexico since the 1970s. In recent decades, however, the profile of those using Mexico as a transit country has diversified significantly. By 2018, US Customs and Border Protection (CBP) reported that nationals from Honduras, Guatemala, and El Salvador, the so-called Northern Triangle of Central America (NTCA), accounted for 98% of apprehensions at the southern US border, while Mexican nationals represented only a quarter of those intercepted data (Batalova & Ward, 2023). The surge in migration from the NTCA is driven by

intersecting political, economic, and security crises. Chronic violence, weak institutions, and endemic poverty have prompted the growth of transnational migrant caravans, collective movements intended to offer visibility and safety in route. According to the MPI, remittances now represent up to 18% of GDP in countries such as Honduras and El Salvador, underscoring the structural role of migration in regional economies. Most of this displacement is rooted in the systemic violence in the region, particularly the dominance of transnational gangs such as MS-13 and Barrio 18. And for this reason, one-third of Central American migrants cite insecurity as their main reason for fleeing (Cantor, 2014, p.37).

While migration from the NTCA has persisted for decades, including significant waves during the civil wars of the 1980s and natural disasters like Hurricane Mitch in 1998, the policy landscape shifted sharply under the Trump administration. From the outset of his presidency, Trump framed irregular migration as a national security threat, initiating a series of executive actions to curtail asylum rights, build physical barriers at the border, and restrict access to Temporary Protected Status (TPS) programs. This approach culminated in highly visible episodes such as the deployment of tear gas against migrants at the San Diego–Tijuana border in November 2018 (NBC, 2019). The so-called "migrant caravans" that approached the US border through 2018 to 2019, provided a political inflection point. On November 7, the first migrant caravan arrived in Mexico City and marched directly to the IOM's offices, demanding transportation to the northern border which was denied (Durand, 2019, p.1040). The caravan later continued towards the Tijuana border, where the government was taken by surprise and was not prepared to provide the assistance required to the improvised camps along the border controls. It became both a humanitarian emergency and a symbolic narrative device for the Trump

administration, which labeled it an "invasion" and threatened military intervention. In response, Washington engaged in high-stakes diplomacy with Mexico to establish new deterrent frameworks.

The Migrant Protection Protocols (MPP) were introduced in January 2019, which required non-Mexican asylum seekers arriving in the US Southern land border to be returned to Mexican territory to await the resolution of their immigration and asylum claims. This policy, also known as the 'Remain in Mexico' (Quédate en México), significantly undermined migrants' access to legal representation and due process while stranded in Mexico under limited protection and almost no access to services. This program was vastly criticized, although it was not a STC agreement per se because returned migrants were not obliged to seek protection in Mexico, it had enormous implications for the international protection of asylum seekers waiting for years long application processes outside the US. According to the US Department of Homeland Security (DHS) after the MPP was announced, over 55,000 migrants had been returned to Mexican territory (Schacher, 2022).

Later that year, in June 2019, the second measure was announced. The Mexico-US Joint Declaration was released in 2019, following Trump's public threat to impose escalating tariffs on all Mexican exports unless migration was drastically curtailed. As a result, Mexico committed to the following: 1) Mexico is committed to deploying its National Guard to increase enforcement at its southern border and reduce migrant transit flows; 2) The US will be returning asylum seekers to Mexican border cities to await adjudication, with Mexico pledging access to basic services during this period; 3) A 45-day review period will be followed, after which both parties would assess compliance and outcomes; 4) The US reiterated support for Mexico's Comprehensive Development Plan in collaboration with the NTCA states,

while continuing to pressure Mexico to act as a buffer zone. It must be noted that, while both sides reiterated a symbolic commitment to addressing root causes of migration via the Comprehensive Development Plan, no binding financial contributions nor mechanisms were detailed or provided for this purpose.

Furthermore, the Trump administration issued a directive in July 2019, which stated that asylum seekers in the US had to comply with the following requirements: a) they must first request asylum in a STC through which they traveled but protection was denied, b) they must be victims of severe human trafficking, or c) they must travel through a country that is not part of the 1951 Convention of Refugees (DHS, 2019). This stance, severely blocked access to asylum for most displaced people from Central America, limiting protection from most migrants and asylum seekers that necessarily cross through Mexico. These developments reflect an increasingly asymmetrical interdependence in which Mexico, despite being a sovereign actor, had absorbed a growing share of US border enforcement responsibilities. The threat of tariffs and trade sanctions was used to extract migration concessions, raising concerns about the erosion of Mexico's autonomy in migration policymaking. This chapter will mirror the structure applied in the EU–Türkiye case. First, it will analyze Mexico's domestic landscape and institutional transformations that shaped its win-set at Level II. Second, it will explore Mexico's bargaining position at the international negotiation table (Level I), highlighting the strategic dilemmas involved in balancing national interests with US demands. Finally, it will turn to the United States as the more powerful counterpart, evaluating how the Trump administration instrumentalized coercive diplomacy to shape regional migration governance.

7.1 Mexico domestic context: Level II analysis

This section will examine how Mexico's internal political, institutional, and social dynamics shaped its win-set under Putnam's Level II framework. Special attention will be paid to the contradictions between Mexico's human rights commitments and the practical outcomes of its enforcement policies between 2018 and 2020. The analysis will show how in the secondary level (II), executive coherence, lack of resources among institutions and local governments, institutional overstretch, and emerging xenophobia limited Mexico's ability to resist Washington's demands, while paradoxically reinforcing its credibility as a partner in regional migration deterrence at the international level (level I).

Looking into the Mexican history, migration has long been a central axis of its identity and foreign policy. With over 30 million people of Mexican origin residing in the United States, including second- and third-generation migrants, Mexico has historically concentrated its diplomatic and legal efforts on the protection of its nationals abroad. This orientation is reflected in its leading role in the negotiation of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, one of the few states to do so while being both a sending and a transit country. Mexico's official image as a refuge for the displaced, rooted in symbolic episodes such as the reception of Spanish Civil War refugees under President Lazaro Cardenas (1934-1940) or political exiles from Latin America in the 1970s, has been increasingly challenged by operational realities, institutional limitations, and shifting domestic politics. Notably, the 1980 arrival of over 50,000 Guatemalan refugees catalyzed the formalization of Mexico's asylum infrastructure, leading to the creation of the Mexican Commission for Refugee Assistance (COMAR), the arrival of UNHCR to the country, and the

Mexican government leading participation in drafting the 1984 Cartagena Declaration, which purpose was to expand the refugee definition to adjust to the Latin American context. Subsequent legal frameworks, such as the 2011 Law on Refugees, Complementary Protection and Political Asylum, reflected Mexico's continued commitment to human rights norms, but often outpaced institutional implementation capacity.

Nevertheless, Mexico's evolving role as a transit country, particularly since the 2000s, has reshaped its internal migration governance and exposed tensions between its foreign policy discourse of solidarity and the securitized realities imposed by external pressure. This shift toward securitized transit management began under President Felipe Calderón (2006-2012), who pushed for a 'War on Drug Cartels' that among many things aligned with US interests on militarization of borders as migration from Central America became a perceived national security threat. President Enrique Peña Nieto's administration (2012-2018) deepened this trend with the launch of the "Southern Border Program" (Programa Frontera Sur), underpinned by regional narratives of "shared responsibility" but also marked by US funding for security, containment, and militarized enforcement. The program aimed to "establish measures to protect the rights of migrants" in cooperation with Guatemala.¹⁰ However, in practice, the program did not have much interest nor budget, and it was the National Institute of Migration (INM for Spanish acronym) with a broader mandate for national security that took over the program's resources and prioritized containment. For this reason, it was the Institute that ever since

¹⁰ For more information, refer to the Programa Frontera Sur directive in <https://www.gob.mx/segob/articulos/programa-frontera-sur-proteger-la-vida-de-las-personas-migrantes-y-fortalecer-el-desarrollo-regional>

initiated a systematic deportation policy that lasted until the next administration (Durand, 2019, p.11). The US government had a very evident influence on this program through its collaboration with the Merida Initiative¹¹, mostly by supplying resources to the INM, specifically military including weapons and police armament to ensure containment and deportation from the Southern Border.¹²

The first element to understand Mexico's internal power struggles that delimit its win-set under AMLO's administration is the federal government stance, especially in the transition of power from one party to another in the 2018 elections. During the midterm election campaigns, migration was one of the most relevant topics in the agenda, but also quite a polarizing issue. In the US, Trump had placed Mexico at the center of the migration debate, frequently using inflammatory rhetoric to frame the country as an enabler of irregular migration and called repeatedly for building a border wall that Mexico would be responsible for financing. During these months, Mexico's government opted for maintaining a low profile with regards to the migration statements. In April 2018, Trump threatened to send the military to the US-Mexico border to deal with the first caravan, where hundreds of migrants traveled North. The then president, the opposition and public opinion all aligned in the same stance: "Mexicans, can have differences among us, and even more on

¹¹ The Mérida Initiative, launched in 2008 under the Bush and Calderón administrations, marked the beginning of an ambitious bilateral security cooperation framework between Mexico and the United States. Initially focused on combating organized crime, drug trafficking, and strengthening rule of law institutions, the Initiative was structured around four pillars: 1) disrupting organized crime groups, 2) institutionalizing the rule of law, 3) building resilient communities, and 4) securing the shared border (US Embassy, 2009).

¹² "The US State Department has provided \$6.6 million of mobile Non-Intrusive Inspection Equipment (NIIE) and approximately \$3.5 million in mobile kiosks, operated by Mexico's National Migration Institute, that capture the biometric and biographic data of individuals living and transiting southern Mexico. The U.S. Department of Defense (DOD) has also provided training to troops patrolling the border, communications equipment, and support for the development of Mexico's air mobility and surveillance capabilities (Wilson & Valenzuela, 2014)

election times, but we will always be united in the defense of dignity and sovereignty” (Peña Nieto, 2018). The candidate Andres Manuel, better known as AMLO by the Mexican audiences, also had a clear stance since campaigning period. In May 2018 some of his promises as a candidate were that “Mexico would not do the United States dirty work on migration” (AMLO as cited by Romo, 2023), appealing to the country’s sovereignty and resistance to external influence. The rhetorical unity and nationalist framing served as a domestic constraint that any leader whether outgoing or incoming had to consider at the international level. In the initial period, AMLO’s stance was domestically credible as it resonated with the then prevailing public attitudes and reinforced sovereignty as a negotiating principle. Applying Putnam’s framework to the early phase of the López Obrador administration reveals a relatively broad domestic win-set for initial migration policymaking. AMLO’s political coalition, dominated by Morena, enjoyed significant legislative support following the 2018 elections, providing his government with notable autonomy to set its agenda freely. At the onset of his administration, AMLO introduced his progressive vision for migration management through the release of the New Migratory Policy of Mexico 2018-2024, where he framed a Mexican policy away from securitization and towards a rights-based approach (SEGOB, 2019). AMLO’s political posture marked a shift in Mexico’s approach to security and migration by distancing his administration from the US-backed Merida Initiative. The president even criticized the program’s effectiveness and previous policy, stating: “We don’t want cooperation in the use of force or walls, we want cooperation for development” (as cited by CNN, 2023). In accordance with AMLO’s recurrency to populism and focus on social protection, he constantly referred to addressing the root causes of migration and insecurity by combating

poverty, lack of opportunities and enhancing cooperation with NTCA governments for the wellbeing of the region. Under this same stance, when the second migrant caravan departed and displaced across Central America from Honduras including thousands of migrants, AMLO showed a stance coherent with his campaign ideology as he declared: “in Mexico from December 1st onwards, we will offer jobs to our Central American brothers and sisters...we will not face the migration challenge with deportation or enforce strength measures” (AMLO, 2019). The shift away from the Merida Initiative and towards a more development based migratory policy reflected a strategic repositioning of AMLO’s political stance, even a stronger resistance towards the American influence. The Morena president’s humanitarian stance since his electoral race had been built in part on distancing himself from previous administration’s reliance on the US, which were often perceived by the public as a compromise of Mexican sovereignty. As explained by Arriola Vega, AMLO’S early policies aimed to turn Mexico into a more active manager of the migratory flows entering the country under a humanitarian perspective, rather than only a transit territory (2019, p.12).

However, consolidating this shift in Mexico’s foreign migration policy proved difficult as migration flows and caravans began to occur more often. The sudden increase in migrants transiting through Mexico exposed tensions between the federal government’s policy objectives and the limited capacities of local governments, as well as a general lack of institutional preparedness. Many local administrations were quickly overwhelmed, primarily due to inadequate resources and infrastructural capacity to respond effectively. Governments in key border states, both along the southern and northern frontiers, soon expressed their inability to cope with the demands of incoming migrants, particularly in Chiapas, Tijuana, and

Chihuahua. For example, the then-mayor of Tijuana, Juan Manuel Gastélum, publicly declared a “humanitarian crisis” in response to the arrival of 5,000 migrants, which far exceeded the city’s sheltering capacity. He described migrants as “vagos” (tramps), claimed they were disturbing public order, and advocated for their expulsion from the country (as cited by El Pais, 2018). This case underscores a critical disjuncture between municipal and federal approaches to migration management, with local officials voicing frustration over insufficient federal support and coordination. In addition to such confrontational statements, other governors were simply unable to implement the federal government’s directives. In Veracruz, for instance, Governor Miguel Ángel Yunes Linares initially offered transportation to Mexico City for caravan migrants but later rescinded the offer. The reversal led to confusion and distress among the stranded population, as Yunes cited the complex coordination challenges between state and federal authorities as the reason for the failure (McDonnell, 2018).

From a Putnam’s perspective, these examples demonstrate how domestic constraints at the subnational level, such as institutional fragmentation, political disunity, and resource scarcity, narrowed the federal government’s win-set as the migration management became more challenging to implement. The federal administration’s ability to sustain a rights-based migration policy was limited by the need to maintain approval among powerful local actors, many of whom resisted or could not comply with federal imposed requirements. As Putnam suggests, negotiated international commitments are only viable if they can survive domestic ratification, and in this case, Mexico’s internal fragmentation significantly weakened the federal government’s leverage and coherence at the international negotiating table.

7.2 Mexico at the international table: Level I game

As a transit country between Central and North America, Mexico occupies a strategic, yet vulnerable, position in the geopolitics of migration. While AMLO's administration initially sought to establish a migration, policy rooted in human rights and development, its international behavior reveals a more complex reality. This chapter will apply Putnam's first level game theory to understand how Mexico's international negotiation posture was shaped by the interplay between the previously discussed domestic pressures and the external constraints, particularly during the surrounding months of the US-Mexico Joint Declaration in June 2019.

For the case of Mexico, the rise of migrant caravans from 2018 to 2019 disconcerted not only local governments facing the sudden arrival of the caravans, but also the overall institutional coordination. This situation, added to the scarcity of resources and public discontent at the local level, reduced the flexibility of the federal government's win-set at the international negotiation table. Meanwhile, the Trump administration was strategically leveraging the asymmetrical interdependence between the 2 countries, particularly the economic dependence of Mexico in the US market. Through the threat of escalating tariffs and rhetoric portraying Mexico as complicit in irregular migration, the US reframed migration control as a condition for economic stability. The June 2019 agreement marked a dramatic shift in Mexico's external posture, mostly due to the deployment of the National Guard and the acceptance of the MPP that effectively externalized American border enforcement into Mexican territory. This chapter explores how Mexico's initial resistance was weakened under the weight of diplomatic and economic threats, leading to significant policy concessions that contrast with the administration's original migratory vision marked in AMLO's migratory policy. While these concessions

helped preserve broader economic and diplomatic interests, such as progress on the USMCA and bilateral development agendas, they also entrenched a logic of migration diplomacy where enforcement responsibilities were unevenly distributed. This analysis underscores how Mexico's international decisions were not simply reactive, but rather strategic compromises forged within a constrained domestic and international context.

The structural, historical asymmetry characterizing the US-MEX relationship is crucial to understand how the Trump administration leveraged economic tools to influence Mexico's stance on migration. These threats were linked to the broader context of the US-Mexico-Canada Free Trade Agreement (USMCA), which ratification negotiation was occurring simultaneously with the migration agreement, as stated by President Trump on his social media, Twitter:

the United States will impose a 5% Tariff on all goods coming into our Country from Mexico, until such time as illegal migrants coming through Mexico, and into our Country, STOP. The Tariff will gradually increase until the Illegal Immigration problem is remedied. (Trump, 2019).

This overwhelming reliance on the US market meant that even the threat of tariffs, let alone potential delays or disruptions to the USMCA ratification, posed serious risks to Mexico's economic stability and political credibility. According to the US Congress, approximately 80% of Mexico's exports are directed toward North America as of 2020. Not only does free trade agreements such as the USMCA facilitate liberalization reforms, but also are opportunities to bring foreign investment, and create spaces for growth. Within Putnam's framework, this reflects a scenario in which Mexico's Level I negotiators operated under significant constraints, with limited room to maneuver due to the high economic costs that any confrontation would entail.

In this sense, the threat of economic sanctions led to a policy shift from rights-based discourse to enforcement and deterrence, including the deployment of the National Guard elements for migration enforcement. Effectively, during AMLO's administration and until July of 2019, the total number of migrants in transit through the territory had surpassed 460,000 and had displaced through a total of 4 different migrant caravans (SEGOB, 2023). The US reaction on this situation quickly worsened, with public statements from President Trump such as this publication on twitter:

Mexico is doing very little, if not NOTHING, at stopping people from flowing into Mexico through their Southern Border, and then into the U.S. They laugh at our dumb immigration laws. They must stop the big drug and people flows, or I will stop their cash now, NAFTA. NEED WALL! (Trump, 2019)

Despite the structural asymmetry, Mexican negotiators sought to frame the June 2019 agreement as a sovereign decision rather than an imposition. Foreign Secretary Marcelo Ebrard, for instance, emphasized that Mexico had preserved diplomatic space, signaling an attempt to turn compliance into perceived strategic agency. In a press conference after the agreement was ratified, Ebrard emphasized that Mexico had avoided the imposition of tariffs and stressed that the agreement 'did not include the Safe Third Country' provision that the US had initially pushed for. The Secretary stated: "I think it is a fair balance because they had more drastic measures and proposals at the start and we reached a midpoint," (as cited by LA Times, 2019). With the statements on this regard, Mexico's Foreign Relations aimed to frame the reached deal as an achievement for the government, gaining public ratification to ratify the diplomatic decisions made. This framing aligns with the strategic agency aspect of Putnam's theory, where domestic actors seek to portray international agreements in the most favorable light to their constituents.

With all the implementation of measures to militarize the borders, the expansion of migrant containment, and the acceptance of asylum seekers returned under the Remain in Mexico policy, Mexico became a de facto STC, even without the formal legal framework on institutional safeguard for those returned (Velazquez, 2020, p.17). This designation of Mexico as a STC absent from legal guarantees or reciprocal burden-sharing mechanisms illustrates what Betts (2011) describes as strategic containment. In this sense, destination states like the US, externalize responsibilities into weaker transit countries. For Mexico, implementation through the MPP and the Joint Declaration, strongly externalized US border control by shifting the burden of asylum processing and migrant containment onto Mexican territory. This arrangement resulted in a profound instrumentalization of asylum law, stripping it of its foundational guarantee: the principle of non-refoulement (2020). By the end of that year, at least 636 cases of violence, including kidnapping, rape, and assault, had been documented against asylum seekers returned to Mexican cities such as Tijuana, Ciudad Juárez, and Nuevo Laredo under the MPP (HRF, 2019). Overall, the June 2019 Joint Declaration and the implementation of the Migrant Protection Protocols (MPP) marked a decisive moment in which Mexico's domestic win-set narrowed dramatically, despite its formal sovereignty and 'open doors' policy façade that AMLO was initially pushing for. The domestic consensus around a rights-based policy was fragile, as it lacked deep institutionalization at the beginning of the new administration and was vulnerable to external shocks. The external pressure that the US imposed cornered Mexico into assuming disproportionate responsibilities in the regional migration management. The previous arguments have demonstrated that Mexico's position at the international negotiation table was not simply reactive, but a result of the adaptation under unmovable external constraints from a much powerful

counterpart. Added to the rising migrant flows and domestic institutional lacking, negotiating withing a structurally asymmetric relationship made Mexico accept the externalization of the US border and take over control mechanisms as a conditional trade-off to preserve economic and domestic stability. In line with the thesis broader argument, Mexico exemplifies a transit state that negotiated, reframed, and accepted disproportionate burdens due to limited alternatives within unequal configurations. Moreover, the two-level framework helped illuminate how the combination of domestic fragility and external coercion redefined the boundaries of what was acceptable and possible, politically, and economically, for the Mexican negotiators.

7.3 The US as a counterpart: Analysis of levels I and II

The United States is a country that was built by immigrants over the course of 400 years, a feature often referred to as part of its “historical exceptionalism.” However, in the most recent decades migration has become a recurring topic of political and societal debate in the US, which remains the country with the largest migrant diasporas in the world. The turning point in Washington's discourse on immigration control first occurred after the terrorist attacks of September 11, 2001. In 2002, under the administration of President George W. Bush, Congress passed the Homeland Security Act, granting the newly created Department of Homeland Security (DHS) authority over immigration. This marked a structural shift toward the securitization of migration, leading to heightened border controls and stronger efforts to deter unauthorized immigration. The institutional restructuring of migration governance, such as the merging of the Immigration and Naturalization Service into DHS, resulted in a fragmented but security-driven federal system, which would later underpin the externalization strategies toward Mexico. It's worth mentioning that as

of the 2017 census, according to the MPI, right before the migrant caravans started, the foreign-born population in the country made up 13.7%, or approximately 44.5 million immigrants, at an all-time high (Betalova, 2019). Furthermore, is relevant to mention that contrary to dominant media narratives, most immigrants reside in the country legally, while about a quarter remain undocumented (Betalova, 2019).

In 2018, the US government introduced the "zero tolerance policy," a suite of harsh deterrence measures. Attorney General Jeff Sessions emphasized that the aim was to signal zero tolerance toward irregular crossings (Ramos, 2018). This limited the flexibility of the US position in international negotiations by addressing the concerns of domestic hardliners, as described by Putnam's game theory. It reduced flexibility at the international level while enhancing negotiating credibility through clear determination. Family separations and criminal prosecutions became prominent tools, with children classified as "unaccompanied minors" and held in ill-equipped facilities. Following public backlash, family separation was suspended, but the new "family detention plan" has remained only partially implemented. On the other hand, Immigration and Customs Enforcement (ICE) had held over 52,000 immigrants in detention, 98% apprehended at the southeastern border (Kassie, 2024). Deportation numbers under the previous administration (Obama) reached 5 million, compared to 12 million under President Bush and 10 million under Clinton. Scholars have described Obama's approach as the culmination of a "formidable immigration machine" aimed at targeting criminal and recently arrived unauthorized immigrants (Thomson, 2022). While characterized as humane enforcement, Obama's policies established a punitive framework that enabled Trump to politicize and radicalize discussions on migration governance.

Moreover, even Trump's campaigning always relied heavily on anti-immigrant rhetoric. Political scientist Marc Hooghe explains that populist leaders mobilize protest votes through elite-blaming discourses, often channeling frustration toward ethnic minorities (Hooghe & Dassonville, 2018). This strategy leveraged identity-based resentment to secure electoral gains, rendering migration a politically weaponized topic. The result was an entrenched domestic climate of division that is visible even now, and it has had direct consequences on the limits and direction of international negotiation. Migration emerged as a key domestic constraint shaping the US Level I game. Republican hardliners, anti-immigrant lobbies, and Trump supporting groups amplified securitization narratives, pressuring the administration to harden its international posture.

As Putnam (1988) explains, negotiators are constrained by domestic actors whose preferences shape what is politically acceptable at the international level. In Washington's case, populist and nativist pressures drastically reduced the acceptable win-set, turning even moderate cooperative solutions into politically risky propositions. In 2018, President Trump expanded enforcement mechanisms and vilified migrants as security threats. For example, in 2012, Obama's DACA program provided limited relief for young undocumented migrants but was criticized by Republicans as unconstitutional. Trump's administration and party attempted to dismantle DACA and then proposed Dream Act instead, preferring enforcement-based solutions (Bolter et.al, 2022, p.151). Many of Trump's proposals faced limitations due to checks and balances. However, executive orders like the Muslim travel ban and TPS restrictions showcased the presidential authority in influencing migration policies.

The 2018 caravan crisis further highlighted Washington's preference for externalization. His government vowed to build a border wall and deport undocumented immigrants as a campaign promise, reinforcing a punitive stance that portrayed Mexico as both source and buffer. President Donald Trump addressed the caravan situation through law enforcement measures, deploying over 2,000 National Guardsmen, nearly 6,000 active-duty military troops, and additional Border Patrol agents to secure the border with concertina wire and prevent unauthorized entry by caravan members (Gomez, 2018). The caravans were not framed as a humanitarian emergency but as a threat to national security, repeatedly referred to as an 'invasion,' and used as a justification to militarize the border (Reilly, 2018). The New Humanitarian (2020) highlights how this framing translated into policy, with indiscriminated deportation regardless of the security or protection possibility back in the asylum seekers' countries of origin. For the US, the response to the caravans was a test of border credibility, wanting to send a message both warning towards migrants that crossing will be more grueling, and towards AMLO to sign the Remain in Mexico plan (Ramos, 2018). Thus, Washington used the crisis narrative of the caravans to shrink its domestic win-set under Putnam's framework, presenting few alternatives at the international level and creating strong incentives for Mexico to concede under pressure. This framing positioned Mexico not just as a neighbor, but as a gatekeeper, expected to absorb enforcement responsibilities in exchange for avoiding tariffs or political retaliation (Villarreal, 2020).

The US asylum system had also experienced significant institutional degradation due to budgetary constraints, administrative policy shifts and escalating backlogs. One week into his term, Trump signed an executive order suspending the refugee admissions program for 120 days, banning Syrian refugees, and lowering

annual admission ceilings drastically (American Immigration Council, 2020). In 2017, the U.S. withdrew from negotiations for the Global Compact for Migration, where Mexico had been an active participant. This withdrawal marked a rejection of multilateralism in favor of bilateral deals shaped by asymmetrical power dynamics. Furthermore, the Migration Policy Institutes reports that from 2019-2022 the backlog of asylum applications was over 1.3 million pending cases, from which approximately 750,000 are of immigrant courts (2022). This accumulation is attributed to factors such as insufficient staffing and funding, leading to protracted processing times and diminished capacity to adjudicate claims effectively. Critics have also mention that instead of prioritizing asylum hearing and preparation institutions, military and border patrol has always been prioritized at the border. Collectively these factors led to an overburdened and under-resourced asylum system, undermining its ability to provide timely and fair process for individuals seeking refuge in the US. This situation further explains why the expectations of migration management were shifted to Mexico, by weakening its own institutional capacity the US as a negotiator reduced is international win-set even more.

Against this backdrop, the June 2019 US-Mexico Joint Declaration, and the Migrant Protection Protocols (MPP) must be understood as part of a coercive but strategic bilateralism. The US leveraged economic threats, specifically tariffs, to compel Mexico into agreeing to house asylum seekers through the “Remain in Mexico” policy. As recent literature confirms, the MPP was less a cooperative agreement than an imposition, one that blurred the line between burden-sharing and burden-shifting (Velazquez, 2020). In Putnam’s terms, the American negotiators entered the Level I game with a reduced and polarized win-set but with substantial bargaining leverage due to power asymmetry. Domestically, the Trump

administration could point to the agreement as a political victory, satisfying hardline constituencies without legislative compromise. Internationally, the US capitalized on Mexico's economic vulnerabilities and desire to avoid a trade war. This reflects the core hypothesis of this thesis: the disproportionate responsibilities accepted by transit states are often the result of strategic asymmetries, in which dominant actors externalize responsibilities while preserving domestic political capital. In this context, the US approach to regional migration governance exemplifies a model of burden-shifting rather than burden-sharing. By narrowing the win-set and acknowledging the power asymmetry, the Trump administration constrained meaningful cooperation and instead imposed a rigid, securitized expectation on Mexico.

CHAPTER 8.

FROM AGREEMENT TO OUTCOME:

A COMPARISON OF TÜRKİYE’S AND MEXICO

After reviewing the negotiation dynamics of both migration deals at Levels I and II, this section will turn to a deeper analysis of the outcomes and impacts of the agreements and commitments reached in retrospect, primarily for the transit states, but also in the context of the asymmetric relationship and the refugees and migrants affected by the agreement’s commitments.

8.1 The EU-Türkiye deal 10 years later

Although every official statement made by authorities of both parties highlighted the humanitarian response and protection focus, the JAP also revealed a complex interplay of interests harshly criticized by academics, international organizations, and civil society. The original agreement was set with the excuse to coordinate and collaborate, with mechanisms such as the FRiT, to provide a certain degree of relief for the humanitarian response. However, some may argue that the plan’s main purpose was to limit mobility only (ASILE, 2022, p.54). Although it is hard to tell the level of success that the agreement has had, some of the ‘achievements’ can be listed to conduct an objective review. First, the average number of daily arrivals through the Aegean Sea was reduced by more than 90% in the first months of its application. From March to June 2016, 1,794 arrivals were counted, a figure that has since dropped to an average of 80 per day or less (European Commission, 2016). The effects of the agreement with respect to human trafficking routes are less clear, as the number of irregular entries is more difficult to record. An example of this is the

discrepancy between the numbers of arrivals recorded and the asylum applications made. According to UNHCR estimates, for every 890,000 asylum applications submitted, only 330,000 new arrivals were registered, revealing a significant invisibility gap of those entering through unregulated routes (UNHCR, 2016). Furthermore, even if one of the pillars was the 1:1 resettlement scheme, as of 2023 there had only been around 35,000 refugees resettled to EU member States (UNHCR, 2024).

Moreover, the strongest criticism was made for the agreement's violations of normative foundations of the EU's own asylum system. By designating Türkiye as a STC, European institutions effectively sidestepped core provisions of the CEAS and the Dublin Regulation. Yet, several court decisions and legal analyses, such as those by Greek administrative courts and scholars, have questioned whether Türkiye meets the legal requirements of a STC, particularly regarding access to effective asylum procedures, non-refoulement guarantees, and insufficient living conditions (Tsourdi, 2020). For example, as pointed out by Tsourdi (2020), the operationalization of the EU–Türkiye deal has led to a “procedural vacuum” where asylum seekers in Greece are returned to Türkiye without individual assessments that satisfy European legal standards, violating Article 3 of the ECHR. Greek courts have increasingly interpreted the deal in a politically driven manner, neglecting the strict requirements of EU law in determining Türkiye’s status as a ‘safe country.’ These irregularities point to the EU’s strategic relaxation of its domestic win-set, shifting legal and moral responsibility onto a third country that, in practice, may not ensure adequate protection for refugees. This outsourcing of asylum obligations illustrates the fragmentation and vulnerability of the EU’s internal consensus on migration, where political expediency overrides legal consistency and human rights commitments that

have always been core values of the EU. Thus, the JAP stands as a cautionary tool of how powerful actors in regional migration governance externalize obligations to less powerful partners under conditions that may not meet international protection standards. This also reaffirms one of the key dynamics of Putnam's framework: a broader win-set may increase international flexibility, but often at the cost of normative dilution and contested legitimacy.

While the JAP managed to achieve a measurable decline in irregular arrivals, and increased financial cooperation with Türkiye, the overall fulfillment of commitments cannot be evaluated as a success. Ultimately, the continued use of border externalization shifted the burden into Türkiye. This agreement imposed substantial economic and social strains on the country that are still visible 10 years later. Financially, Ankara has invested over \$100 billion over the past decade for housing, healthcare, and education of Syrian and other refugees. The expenditure comes as significant, especially when compared with the EU's pledged amount of €6 billion that was provided between 2016 and 2019 (Tahiroglu, 2022). When it comes to understanding the social impact, the increased demand for public protection for refugees had at times, led to tensions between refugee and host communities that have significantly escalated into social tensions.

A defining moment that reinforced Türkiye's bargaining strategy came later, in February 2020, when Turkish authorities temporarily opened the border with Greece at Edirne, encouraging thousands of migrants to cross into the EU. This move, justified by Ankara as a reaction to the EU's failure to uphold commitments under the 2016 Statement, served as a stark reminder of Türkiye's capacity to instrumentalize migration flows for diplomatic leverage. It also highlighted the extent to which the EU, despite being the structurally stronger actor, had become

dependent on Türkiye's cooperation to stabilize its external borders. Paradoxically, Türkiye's enhanced negotiating power would not have emerged without the refugee crisis. Historically situated in an asymmetrical relationship with the EU, Türkiye was able to invert this imbalance temporarily by positioning itself as an indispensable gatekeeper. Instruments such as the 1963 Association Agreement or the 1999 recognition of Türkiye's candidacy gained renewed relevance, not due to normative alignment, but as bargaining tools within a high-stakes context of migration diplomacy.

In this sense, if the agreement objectives were partially achieved, and Türkiye has had a significant cost as the major host of refugees, it's fair to ask, why has Ankara accepted to comply with the disproportionate responsibilities of the agreement? First, Türkiye's win-set during the negotiation of the EU–Türkiye migration deal was shaped by a set of clearly articulated and strategically framed demands. These demands were not grounded in normative convergence but in a transactional logic: Türkiye offered cooperation on migration containment in exchange for tangible returns to satisfy internal demands. This framing allowed Ankara to act credibly and decisively at the international table while convenient for the domestic political interests, such as the maintenance of its geographical limitation to the 1951 Refugee Convention. In Türkiye's case, a coherent and bounded win-set, enabled the executive to negotiate forcefully while the urgency in EU's internal crisis expanded Ankara's leverage.

Despite the EU's partial compliance, particularly its failure to deliver visa liberalization and its limited progress on accession and other commitments, Türkiye has continued to uphold its responsibilities over the last decade. This persistence reveals a deeper logic: hosting and controlling migration flows becomes a form of

political and diplomatic capital in and of itself. In this context, the EU–Türkiye deal, while ineffective in fulfilling its original clauses and offering virtually no protection to refugees, remains in place. Its endurance may be attributed to the symbolic and strategic value it holds for Türkiye, projecting international relevance and leverage, especially in the absence of domestic democratic checks that might otherwise challenge such external alignments. These dynamics strongly reinforce the central hypothesis of this research: transit states may accept disproportionate responsibilities in regional migration agreements not as passive recipients of external demands, but as strategic actors navigating power asymmetries to advance their broader national interests.

8.2 The aftermath of the MMP, and the US-Mexico Joint Declaration

Although the official sources, such as the DHS claimed that the MMP contributed to a decline in border crossings and described it as successful, independent analysis defers. The Migration Policy Institute found limited evidence to support the claim, and even more, rather than halting migration, this protocol forced thousands of asylum seekers into precarious conditions along the Mexican border, where they faced extreme risks of violence, homelessness, and legal uncertainty (2025). Moreover, according to the statistics compiled by HRF on the effects of the ‘Remain in Mexico’ policy there were 1544 cases of assault, rape, kidnapping or other violence reports among individuals returned, and 41% of those migrants surveyed reported similar experiences (HRF, 2022).

More concerning is that Mexico has become an increasingly perilous environment for migrants, who face a multitude of threats from organized crime and systemic violence on their route through the territory. The US Department of State's

Trafficking in Persons Report highlights that migrants and asylum-seekers in or transiting through Mexico are particularly vulnerable to sex trafficking and forced labor, perpetrated by both large and small organized criminal groups. Dangers are further concerning after recent discoveries of clandestine mass graves across the country, many from which migrants are suspected to be included among the victims (Ferri, 2023). Additionally, the Mexican government's efforts to manage migration have been criticized for inadequate protection of migrants. The lack of effective oversight and accountability exacerbates the vulnerability of migrants, leaving them exposed to a range of human rights violations.

It is evident that, despite the program's name, the MPP offered very limited protection and almost no access to legal defense or due process. Only 7.5% of the MPP returned migrants reported to have had legal representation, reason why the majority were forced to attend asylum procedure hearings in tent courts or videoconferences under very restrictive conditions (AIC, 2025). Same sources, report that fear-screening process were deeply flawed as well, many migrants were never asked if they feared returning to Mexico, and only a small percentage were given the option to have an interview to investigate asylum possibilities. Beyond legal shortcomings, the material and emotional toll on migrants was severe. Many lived in unsanitary, informal encampments like the one in Matamoros, which lacked basic services and left residents exposed to extortion and trafficking. MPP enrollees were not given U.S. support while in Mexico, and many missed court dates due to kidnapping, transportation barriers, or stolen documents, leading to automatic deportation orders. Of those pushed back by the MPP, 44% were unable to return to the US for their hearings. This mass exclusion from due process undermines claims that the policy was administratively effective or protection oriented. Instead, MPP

functioned as a tool of containment rather than protection, outsourcing American legal obligations without safeguarding migrants' rights or regional stability.

The asymmetry of power between the United States and Mexico has long shaped the dynamics of their bilateral relationship. In the context of migration governance, this asymmetry has become especially pronounced, as Mexico finds itself increasingly pressured to assume responsibilities traditionally associated with destination countries. Although historically a transit country, Mexico is now being structurally repositioned as both a containment buffer and an emerging host state for displaced populations. This transition has not been driven by domestic policy priorities but rather by the strategic imperatives of its northern neighbor.

The United States ranks first globally in military capability and is the top trading partner for Mexico, receiving over 80% of its exports. This economic dependency rendered Mexico especially vulnerable when President Trump threatened in mid-2019 to impose tariffs escalating from 5% to 25% on Mexican goods unless migration flows were significantly curbed. Faced with credible economic coercion, Mexico shifted its posture from a rights-based migration approach to one centered on enforcement and deterrence. This transition was formalized by the June 2019 Joint Declaration and the adoption of the Migrant Protection Protocols (MPP). While the United States agreed to speed asylum processing, Mexico took on most operational and humanitarian duties, including deploying its National Guard and hosting returning asylum claimants under MPP. Despite its institutional constraints and lack of a comprehensive refugee infrastructure, Mexico agreed to take on considerable financial commitments, including an initial expenditure of resources to deploy the National Guard. The Trump administration's rhetoric further solidified this dynamic. Migration was

consistently framed as a security threat, and transit countries like Mexico were publicly blamed for failing to contain flows.

From suggesting that Mexico should fund a border wall multiple times, to declaring that the caravans must be stopped “long before they reach the Southern Border” (Trump, 2018), the US adopted a narrative of external accountability while rejecting its own role in regional displacement. In fact, Washington’s administration managed to sign other STC agreements or as they called ‘asylum cooperative agreements’ with Guatemala, Honduras, and El Salvador. As the American Immigration Council (AIC) asserted, these agreements are incoherent, as these are the main countries of origin for all the displaced people fleeing violence in the first place (2019). The countries in the NTCA have no preparation and no capacity to respond to request for other asylum seekers, and even less prepared to provide or guarantee international protection against the gang violence in the region. The AIC director has mentioned that the border externalization “is another heavy-handed attempt by the Trump administration to gut America’s asylum system by preventing people at the border from qualifying for any humanitarian protection.” Furthermore, former Attorney General Jeff Sessions declared that gang or domestic violence were not grounds for asylum, effectively narrowing protection criteria and further justifying the outsourcing of migration control (U.S. DOJ, 2017).

The US with a narrowed win-set and strong domestic securitization pressures, imposed terms that served its political goals without meaningful compromise. Mexico, constrained by economic dependency and geopolitical pressure, was left to manage the operational consequences of a crisis it neither initiated nor could fully resolve. This has created long-term strain on Mexico’s institutions while failing to address the root causes of displacement or build regional resilience (Hale and Ma,

2023). In conclusion, the US-Mexico Declaration reflects a complex and multidimensional relationship in which the threat of economic impact holds greater risk that upholding any political interest or leverage by the transit state, even when that was Mexican government original intention. The asymmetrical interdependence between both countries constrained Mexico's ability to convert its position into a sustainable political leverage. In retrospect, if new migratory agreements are being negotiated in the region with Mexico or other Central American states, these transit states are likely to continue accepting disproportionate responsibilities as a result of the assessment made among the viable alternatives within unequal relationship with the US. This case also serves to explain how, transit countries behave strategically in their role of migration flow regulators to avoid potential risks, specially within a relationship more deeply asymmetrical than in the EU-Türkiye case.

CHAPTER 9

TRANSIT COUNTRIES COMPARATIVE ANALYSIS

The comparative analysis of the migration agreements presented above reveals key similarities and differences between Türkiye and Mexico as transit countries. At first glance, both share common features in their role as transit territories. These countries must manage a wide array of migratory categories, including refugees, economic migrants, and individuals in transit. Consequently, their migration policies must be equipped to address the complexity of mixed migration flows, while simultaneously providing protection mechanisms tailored to the specific needs of each group. This task is far from simple for local institutions, as it requires substantial investment in training, institutional capacity-building, and resource allocation.

A shared dynamic in both cases is that the harder it becomes to cross the border into the destination country, the more likely migrants are to remain in the transit territory. This trend has become increasingly common, particularly as returning to countries of origin is often not a viable option and onward movement is obstructed by increasingly stringent border controls. For refugees, remaining in the transit country can still pose significant risks, particularly when that country is geographically close to the conflict they fled. Yet many become immobilized, legally, geographically, and economically, rendering them unable to return or move forward. This pattern is visible in other transit states such as Morocco, where migrants, like Senegalese attempting to reach Europe, often find themselves "trapped at the crossroads" of containment (Withol, 2013, p.23). It is also notable that both Türkiye and Mexico were once major countries of origin for economic migration before becoming destination and transit states. This historical shift reflects broader

changes in regional development. Both countries are the third most populous in their respective regions, Türkiye after Russia and Germany in Europe, and Mexico after the United States and Brazil in the Americas. Large diaspora populations in Germany and the US, respectively, have historically contributed significantly to labor markets abroad and to remittance flows at home. However, since the mid-2000s, outward migration began to decline, in part due to economic growth in both countries. Areas within Türkiye and Mexico also began to rely more heavily on foreign labor, reversing historical trends.

Another striking parallel lies in the dual processes of securitization and economization that shape the governance of both countries' borders with the EU and the US. Previously, scholarship highlighted securitization as the dominant frame at the Türkiye–EU border, while economic concerns shaped the US–Mexico relationship. Yet as forced displacement became a pressing regional and global issue, both borders have seen an intensification of security-focused political discourse, aligning with national interests and domestic political agendas. As so-called entry points into wealthier regions, Türkiye and Mexico have frequently been used as "buffer zones" in externalized migration control strategies. In these contexts, destination countries have sought to limit their own domestic win-sets by externalizing responsibility to transit states through cooperation mechanisms such as readmission agreements, safe third country arrangements, and mobility partnerships. EU has established similar soft-law agreements with countries like Morocco and Tunisia. And in the other hand, the US has established STC agreements with other NTCA countries (specifically El Salvador). In these dynamics, the external dimension of migration policy reflects a Level I strategy to shift the burden away

from destination states constrained domestic arenas, while expanding the range of acceptable agreements abroad.

In the case of the US, a similar pattern has emerged. While Mexico has officially rejected a formal STC designation, it has nonetheless implemented migration control measures aligned with US interests under significant pressure becoming a de facto STC. Although Mexico has avoided formalizing such an agreement, its win-set has been narrowed by domestic economic dependence on the American market, leaving limited room for autonomous foreign policy maneuvers. Washington has continued to apply coercive strategies, such as tariff threats, to align Mexico's border enforcement with its objectives. Though those threats have temporarily subsided, the possibility of coercive renegotiation remains, underscoring Mexico's structural vulnerability.

In contrast, Türkiye appears to have played a more strategic game, that served the national government on its own interests by portraying the agreement as a victory and holding a grudge as a permanent threat against the EU. This reflects a successful use of Putnam's two-level logic: Türkiye's domestic constraints, were stable and coherent enough to support credible commitments, making its Level I negotiators appear dependable against their counterpart. In addition, it used the EU's urgent need for containment during the 2015–2016 refugee crisis to obtain concessions, such as promises for visa liberalization and renewed accession dialogue, which although not attained, were on that period of a time, portrayed as a political win for the national constituents.

It is therefore possible to conclude that both countries fulfilled the containment role demanded by their more powerful counterparts. However, the incentives and consequences of their cooperation were markedly different. Mexico

faced a zero-sum choice: refuse cooperation and risk economic collapse or accept and bear the costs of managing a protracted migration crisis. While either path imposes political and institutional costs, the option to cooperate under the US terms has appeared more viable for Mexico, even within a context of severe dependency. Türkiye, by contrast, converted its geographic burden into conditional power, using its position as a gatekeeper to extract both material and symbolic gains from the EU. The refugee crisis functioned as a critical juncture in EU–Türkiye relations, shifting the power asymmetry and enabling Türkiye to assert its preferences more forcefully. In sum, the comparison illustrates the versatility of transit states in navigating unequal negotiation environments and standing points within their asymmetrical relationships. Türkiye benefited from a coherent win-set under a centralized executive period without usual democratic conditions and was able to secure concrete concessions from the EU during the negotiation. In contrast, Mexico’s fragmented institutional landscape and economic dependency on the US resulted in a significantly weaker negotiating posture. Mexico’s primary achievement was avoiding the imposition of more severe punitive measures and mitigating political costs. Both transit states’ level I negotiations reflect a strategic calculus to minimize domestic political costs and extract diplomatic benefits through migration diplomacy, or at the very least, shield themselves from deeper pressures.

These cases also exemplify how each transit state’s bargaining power was shaped by the degree of perceived threat from migration that their counterpart was assessing. Türkiye capitalized on the EU’s perception of crisis and social instability, which granted it the role of the ‘gatekeeper’ for Europe. Mexico on the other hand, confronted a US administration that framed migration through the lens of national

security while, paradoxically, the US has historically capitalized from informal migrant labor and is more socially accustomed to migrants' presence in the country.



CHAPTER 10.

FINAL CONCLUSIONS

In the EU-Turkey agreement, while some demands were granted during the negotiation, most of the EU's commitments, such as visa liberalization and revitalization of accession talks, were never fulfilled. In the end, it was the Turkish regime that emerged stronger. It gained political space to negotiate its own terms and has since used the agreement as a leverage in its relationship within the EU.

Similarly, the US has historically dedicated vast sums to border enforcement and to strengthening Mexico's southern border control. The Inter-American Commission on Human Rights raised concerns about increased militarization, the externalization of borders, and the criminalization of migrant rights defenders. With the expansion of third-country agreements through STC mechanisms, individuals are now returned to states that do not qualify as "safe" under international standards. Furthermore, although the EU-Türkiye deal included limited references to strengthening Türkiye's asylum system and supporting refugee integration through EU-funded projects implemented by civil society and international organizations, these components were clearly not prioritized. The agreement failed to produce meaningful improvements in the lives of refugees in Türkiye. On the contrary, it contributed to growing public resentment amid ongoing economic crises, with increasing expressions of frustration taking the form of discrimination and hate crimes against refugee populations. In contrast, the US-Mexico deal focused almost exclusively on enforcement. Despite rhetorical commitments to provide jobs, protection, and healthcare for migrants, Mexico has not implemented coordinated federal programs to meet these obligations. Meanwhile, the US pledged investment in Central American development, but these

commitments were politically unstable, subject to budget cuts, and lacked institutional continuity. Furthermore, the US did not include a budget destined to support Mexico's efforts on the protection provision in contrast to the EU.

This research has demonstrated that destination countries tend to prioritize containment in migration agreements, primarily due to the securitization of migration. The criminalization of migrants and the association of irregular mobility with terrorism contribute to widespread societal fear and uncertainty. In countries of the Global North, particularly those geographically distanced from the root causes of displacement, this securitization narrative has increasingly become a political instrument of the rising far right. Beyond assessing the effectiveness of these agreements in achieving national security goals, their impact on the protection of displaced populations must also be examined. The migration deals promoted by the EU and the U.S. have been widely criticized by the international community for their inadequate humanitarian perspective and systematic violations of human rights. Resources earmarked for strengthening containment often come at the expense of durable solutions and refugee protection. Often, these type of soft law practices and agreements between Global North and South states reflect a containment logic rather than a protection framework, marked by border fortification efforts and externalization of asylum responsibilities.

While both agreements are politically framed as pragmatic solutions, they represent transactional arrangements that reinforce global inequalities and shift disproportionate responsibilities onto transit countries. In both cases, geography rendered Türkiye and Mexico indispensable to the migration control agendas of the EU and the US, respectively. Cooperation became inevitable as irregular migration emerged as both a security and political priority for destination countries. For the

EU, the lack of a coordinated asylum policy and intra-EU solidarity amplified the urgency to externalize its borders. In the US, the approach aligned with electoral cycles and securitized rhetoric. By applying Putnam's two-level game theory, this thesis has shown how the constraints and preferences of domestic actors shaped each country's win-set and international bargaining position on asymmetrical conditions. While the EU and the US held structural power advantages, Türkiye leveraged its geographic indispensability to secure concessions and protect the national regime's interest, while Mexico adopted a strategy of voluntary enforcement to maintain diplomatic stability and avoid economic retaliation, still securing a domestic benefit. The level I negotiations thus reflect not only power asymmetries, but also the strategic calculus of transit states seeking to minimize domestic political costs and extract sided benefits.

International migration continues to rise globally and will likely accelerate in coming decades. Countries of origin, transit, and destination must intensify cooperation to manage increasingly complex migratory patterns and address the protection needs of displaced populations. Global governance tools like the Global Compact on Migration and the Global Compact on Refugees represent important normative progress. However, for these compacts to transcend rhetoric and foster shared responsibility, more countries must move beyond securitization and adopt protection-centered approaches that prioritize long-term integration and durable solutions. Temporary Protection Status (TPS) agreements, while politically expedient, have proven ineffective in achieving fair burden-sharing. Instead, they facilitate the externalization of responsibilities to transit countries without ensuring minimum protection standards. Both the EU–Türkiye and US–Mexico agreements involve practices such as indiscriminate returns or programs like “Remain in

Mexico” that violate the principle of non-refoulement, endangering individuals' lives and compromising their legal right to individualized protection. At the end, migrants and refugees remain the most affected by the lack of genuine coordination and rights-based policymaking, enduring poor institutional conditions, systematic pushbacks, and limited access to durable solutions. The presence of large refugee populations in transit countries does not automatically translate into stronger integration frameworks. To foster integration, destination countries should assume greater responsibility as donors while encouraging institution-building and service provision in transit regions. This dual strategy could reduce secondary movements and offer better protection outcomes.

Both cases illustrate the limits of migration governance externalization and burden-shifting under conditions of initial power inequality. Migration agreements continue to reflect strategic interests rather than shared responsibilities, leaving transit states to bear disproportionate burdens ineffectively while protection principles are sidelined. This thesis calls for a reimagining of regional migration governance, where burden-sharing is not merely delegated but truly shared, and where the agency of transit states is recognized not only as reactive but as strategic, negotiated, and deeply shaped by domestic and international political dynamics.

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