



Turkey-EU Refugees Deal: Reviving Turkey's European Union Hopes?

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Turkey's asylum law came under heavy pressure for change after the Syrian crisis turned into a full humanitarian crisis. Turkey's original position on asylum is based on its signature on the 1951 Refugee Convention, which was designed mostly to address post World War II refugee crisis from Europe.¹ Though the 1967 Protocol expanded its scope from Europe to all countries affected by similar crisis, but Turkey is among the few countries, which still maintain geographical limitation on their asylum policy. Because of its strict policy of geographical limitations on accepting only European asylum seekers, refugees from Iran, Iraq and Tunisia were forcefully returned to their countries in the 1990s. Those who were allowed to stay in Turkey remained "illegal" until the United Nations High Commissioner for Refugees (UNHCR) found a resettlement country for them. After registration by police and UNHCR, they were issued short term residence permits (Ikamet Belgesi), allowing them to remain in Turkey for an initial three months, renewable for a few more extensions.² This legal provision with some modification has been in effect in the recent Syrian crisis without actually changing the original geographical limit. Prior to introducing Syria specific clause, Turkey adopted an EU-inspired new Law on Foreigners and International Protection (LFIP), which later on became the basis for further legal frameworks to facilitate refugees through a new agency, Directorate General of Migration Management (DGMM) responsible for migration and asylum. As Turkish law does not allow non-European refugees, DGMM could not accept Syrian refugees; hence Temporary Protection Regulation (TPR) was passed and put in force in October 2014 to regulate refugees from Syria.³ Article 1 of TPR says:

The citizens of the Syrian Arab Republic, stateless persons and refugees who have arrived at or crossed our borders coming from Syrian Arab Republic as part of a mass influx or individually for temporary protection purposes due to the events that have taken place in Syrian Arab Republic since 28 April 2011 shall be covered under temporary protection, even if they have filed an application for international protection. Individual applications for international protection shall not be processed during the implementation of temporary protection.

The EU-Turkey cooperation on migration intensified after hundreds of refugees started landing on European territories directly from Greece and other coastal cities. It is no secret that Turkey has already reached its limit to accommodate refugees from Syria and local politics has started polarising over the crisis as Turkey's financial burdens started affecting it. Opposition groups have accused the ruling AK party of mishandling the crisis by taking the side of rebels and supporting the regime change agenda of Gulf monarchies. Since its start in 2012, the Syrian crisis has become more complicated with no solution in sight. When the Assad regime laid a military siege of Jisr al-Shughour in the north-western part of Syria in July 2011, the first major refugee outflow started from Syria to Turkey. By the end of 2011, Turkey had established six refugee camps and had categorized Syrian refugees as "guests", not refugees. And here started the official problem as to how to accommodate the upcoming large number of refugees under an old law to allow non-European asylum seekers. By July 2012, after the Assad regime started a military offensive in Aleppo, 50 kilometres from Turkish border, 200,000 Syrians crossed the Turkish border. With one million Syrian refugees by the end of 2012, the UN High Commissioner for Refugees, Antonio Guterres called the crisis the most serious after the Rwanda genocide in mid 1990s. After the announcement of Islamic Caliphate by the Islamic State of Iraq and Syria, the refugee crisis dramatically rose to become a global crisis and many of them drowned in the Mediterranean Sea while fleeing from bombing of either the Assad regime or the Islamic State. According to the International Organization for Migration (IOM), more than 1,011,700 migrants entered Europe by sea, risking their lives. ⁴

Today, there are more than 3 million refugees in Turkey, of them 90 percent are outside of refugee camps. An EU report says that half of the Syrian refugees are children whose majority is not attending schools.⁵ The influx of refugees has put extra financial stress Turkey, amounting its total spending on refugees to \$8 billion annual or \$500 million per month. Turkey's main

opposition party finds this burden “levels beyond Turkey’s capacity.”⁶ There is a growing consensus within Turkish political parties to find a partner, who shares this burden or Turkey will be forced to restrict further refugee inflow. The ruling AK party is particularly under heavy pressure to find alternative financial sources in order to avoid cuts in domestic spending. From their perspective, there are two major factors increasing the burden of Syrian refugees on Turkey, which became a liability unless it shares the burden with or without a formal deal with Europe:

1. **Growing domestic criticism of Syrian policy:** From day one, Turkey has been accused of supporting and funding Syrian rebels; much of this support coming from the US to Turkey. Assuming that the Assad regime may collapse after it faces pressure from both domestic and external sides, Turkey and its allies would be in a better condition to change Syria from a liability to a strategic asset. It completely backfired, however as the Assad regime managed to sustain beyond expectations, indeed, with heavy financial and military support from Iran, Russia, Hezbollah and various Shia militias active in Iraq, Lebanon and Syria. It is difficult to ascertain whether mass exodus of Syrians was because of Assad regime and its allies’ bombing, or contesting militias, whose accountability cannot be fixed. Majority of the refugees are Sunnis coming from regions known to be the bastion of anti-Assad parties, such as northern Aleppo (35 percent), Idlib (21 percent), Latakia (9%), Hama (7%), Al-Hasakah (5.4%), Deir ez-Zor (4%) and other cities.⁷ Their long term stay in Turkey will bring not only demographic change, but also cultural changes particularly in provinces where refugees have surpassed the local population such as Kilis, where the refugees constitute nearly 59 percent of the province’s local population. In many of Turkey’s southern provinces, growing number of incidence of violence against refugees is growing.⁸
2. **Economic downturn:** In 2013-2014, Turkey started facing the brunt of refugee pressure on its budget and security situation.⁹ The main opposition party, the Republican People’s Party (CHP) accused the government of neglecting the schooling of 500,000 school-aged Syrian children, among whom only 175,000 were provided with education. A report issued by CHP stated that ‘because of the war, Turkey was not able to conduct exports amounting to \$6 billion from 2011 to 2014.’¹⁰ Turkey’s ruling party is worried about growing political discontent due to increasing financial pressure because of the refugee influx, particularly when there is no hope of their return in the near future.

Their long term stay in Turkey requires not only financial resources, but also political support from Turkey's politically polarised politics. The main opposition group heavily came down against the Turkey-EU deal calling it an effort to "turn Turkey into a buffer province,"¹¹ Kemal Kilicdaroglu of the CHP told the *Hurriyet* newspaper, lashing out at the government. The CHP announced to take the deal to the Council of Europe because 'it violates the European Convention on Human Rights'.¹²

Turkey-EU Refugee Deal

In this context, Turkey's recent refugee policies have seen a gradual change that includes a Syrian refugee specific Temporary Protection Regulation came in effect from October 2014. Upon Turkey's adopting TPR, the EU and Turkey agreed on Joint Action Plan activated on 29 November 2015 which laid the basis of a broader cooperation on the refugee crisis. On 18 March 2016, the two sides finally agreed to

- 1) All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey;
- 2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU;
- 3) Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU;
- 4) Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated;
- 5) The fulfilment of the visa liberalisation roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016. Turkey will take all the necessary steps to fulfil the remaining requirements;
- 6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilise additional funding for the Facility up to an additional €3 billion to the end of 2018;

- 7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.
- 8) The accession process will be re-energised, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace;
- 9) The EU and Turkey will work to improve humanitarian conditions inside Syria.¹³

As stated in number five and number eight, the two sides also agreed to accelerate visa liberalization for Turkish citizens and to reenergize Turkey’s accession process. The two objectives, seen as a major breakthrough for Turkey, are also the most problematic goals set in the deal. According to the deal, visa liberalization process was supposed to be completed by June 2016, which they have already missed. Although Turkey has fulfilled most of the 72 requirements specified in the VLD deal, Turkey is reluctant to revise its anti-terror law in accordance of the requirement number 65. This particular requirement has created another round of controversy as Turkey accuses European countries for being soft on pro-PKK Kurdish groups in Europe. Other requirements needing more work are requirement number 42, (implementation of the National Strategy and the Action Plan on the Fight against Corrupt), 47 (Provide effective judicial cooperation in criminal matters), 54 (Conclude and implement an Operational Cooperation Agreement with EUROPOL) and 55 (Adopt and implement legislation on the protection of personal data).¹⁴ Though the Visa Liberalisation Dialogue (VLD) was originally adopted on 16 December 2013, its implementation was completely dependent on Turkey’s fulfilling the criteria stated in the Roadmap towards a visa free regime with Turkey. Harsh reactions from Turkish leaders have exposed the fragility of the EU-Turkey refugee deal.

EU-Turkey Joint Action Plan and Actions Taken by June 2016

Turkey	EU	Action taken, June 2016
All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be	For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN	462 irregular migrants including 31 Syrians, have been returned to Turkey from Greece A total of 511 Syrians have been resettled so far from Turkey to

returned to Turkey.	Vulnerability Criteria.	the EU (additional 408 since the First progress report)
Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Turkey.	On the EU side, resettlement under this mechanism will take place, in the first instance, by honouring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015, of which 18,000 places for resettlement remain.	
Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect.	Voluntary Humanitarian Admission Scheme will be activated. EU Member States will contribute on a voluntary basis to this scheme.	The average daily number of irregular crossings since 1 May is down to 47, in contrast to 1,740 crossings in the weeks before the implementation of the Statement.
	The fulfilment of the visa liberalisation roadmap will be accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met. The European Parliament and the Council can make a final decision.	The Commission continues to support Turkey in the work that still needs to be done to fulfil the remaining benchmarks and invites Turkey to take these measures as soon as possible to enable the EU to lift the visa requirements for Turkish citizens.
	The EU, in close cooperation with Turkey, will further speed	

	<p>up the disbursement of the initially allocated 3 billion Euros under the Facility for Refugees in Turkey and ensure funding of further projects for persons under temporary protection identified with swift input from Turkey before the end of March.</p>	
	<p>The EU will mobilise additional funding for the facility of an additional 3 billion euro up to the end of 2018.</p>	<p>So far, €150 million under the EU budget has been contracted; out of which around €105 million has been disbursed. In addition to the €1 billion provided by the EU budget, all EU Member States have now sent in their contribution certificates for the €2 billion pledged for 2016-2017.</p>

Adapted from: European Commission reports¹⁵

Though the deal has provided a comfort zone to both European countries and Turkey, it has not gone un-criticised by human rights groups and the United Nations. They have expressed serious concerns towards the deal as the deal is exceptionally designed in a way that undermines universal rights given to refugees by the 1953 Charter. Filippo Grandi, the UN High Commissioner for Refugees expressed concern that the arrangement involves ‘the blanket return of anyone from one country to another, without spelling out the refugee protection safeguards under international law.’ Vincent Cochetel, Regional Director for Europe at the office of the UN High Commissioner for Refugees (UNHCR) sees the deal as “the collective expulsion of foreigners,” which is prohibited under the European convention on human rights.¹⁶ But European Commission skirts the criticism citing the Geneva Convention and EU’s asylum procedure directive which, he says, allow countries to “refuse to consider refugee claims if there was a safe place to send them back to. As Greece had decided Turkey was “a safe country”, he said, the return policy was legal.” Human Rights Groups, such as Human Rights Watch and Amnesty counter the argument that Turkey is not safe for returning refugees.¹⁷

Despite having received criticism from domestic political opponent and international right groups, the deal has so far been effective on many fronts as the second progress report

issued by the EU on 18 June 2016 indicates. EU's second report says that the average daily number of irregular crossing has come down from 17740 to 47 since 1 May 2016. On financial assistance, the European Commission's Humanitarian Aid and Civil Protection department (ECHO), and Directorate General for Neighborhood Policy and Enlargement Negotiations have started process for EU's largest humanitarian implementation program. Reports suggest that the ECHO is preparing 505 million euros worth assistance program.¹⁸

Many in Turkey have started believing that the Syrian crisis is spilling over into Turkey and terrorists' attacks have shattered Turkey's long lull, broken by the end of long time ceasefire between Turkey and Kurdish militant groups. If attacks continued, they will weaken AKP's support base among the Turkish masses, who had voted for political stability. All political parties blame the AKP for the deteriorating security situation in Turkey and hold Turkey's failing Syria policy responsible for the situation. A multilateral mechanism to address the growing refugee crisis will help Turkey to avoid growing criticism as well as find a sustainable solution to the crisis.¹⁹

Number of Syrian Refugees in Turkey 2011-2016

Date of Registration	Number of Syrian Refugees in Turkish Camps
11/12/16	8000
12/08/10	559,32
12/09/27	102,041
12/12/11	151,795
13/02/11	206,475
13/06/11	384,858
13/12/31	560,129
14/04/13	713,437
14/11/30	1,060,279
14/12/31	1,552,839
15/07/09	1,805,255
15/12/10	2,291,900
16/02/29	2,688,686
16/04/11	2,749,140

Source: United Nations High Commission for Refugees, Inter-agency Information Sharing Portal
<http://data.unhcr.org/syrianrefugees/country.php?id=224#>

When Turkey closed its border for a few weeks in the last months of 2015, it was the time when the Syrian refugees had started heading en masse to European coasts.²⁰ Hundreds of refugees died while crossing the dangerous Mediterranean waters through shabby boats without any safety measures. The images of Aylan Kurdi whose body was washed up to a Turkish beach had shaken the conscience of the world and Europe was left with no choice except to help Turkey in its refugee crisis. The reason why Turkey had to use the refugee crisis as an effective bargaining chip was because there is a strong sense of betrayal by its Western partners in responding to the Syrian crisis. Turkey's key demands from its Western partners were to create a safe zone at its Syrian border, to declare a no fly zone to which Turkey's Western partners could not do much. Moreover, their support to Kurdish group the Democratic Union Party and People's Protection Units PYD-YPG,²¹ which Turkey considers a branch of internationally recognized terrorist group PKK, has widened the gap between Turkey and the United States.²²

Turkey's Refugee Diplomacy

There are three main goals Turkey aims to achieve from a successful refugee deal. Turkey's adventurous Syria policy has brought many security and political vulnerabilities to Turkey. Its internal security has been challenged by series of terrorists attacks, often carried out by the Islamic State and Kurdish group PKK alternatively. By having regularized the refugees, Turkey can minimize the security risks potentially originating from them. The second goal is also to share the financial burden of the crisis. In recent months Turkey has seen growing discontent against its ruling party which is in need to justify the hosting of more than two million refugees. Third objective is to accelerate Turkey's EU accession process which was kept in suspension for a long time. If visa liberalization is granted, Turkey will join the club of other non-EU member European countries, Macedonia, Serbia, Bosnia and Herzegovina, Montenegro, and Albania whose citizens are eligible to travel to the Schengen area without a visa.²³

For many reasons, EU membership is one of the most important foreign policy goals for Turkey. Turkey is EU's 6th biggest trading partner with bilateral exchanges worth some € 120 billion. Three fourths of FDI to Turkey comes from the EU.²⁴ Since its becoming a candidate country for EU accession in 1999, Turkey has seen no major breakthrough.

As part of the refugee deal, both sides have agreed to accelerate the accession process by opening up Chapter 17 at the EU-Turkey summit in November 2015. Chapter 17 is about economic

and monetary policy, bolstering the independence of Turkey's Central Bank.²⁵ Since 2005, only one of the 35 Chapters²⁶ (Science & Research) has been successfully closed.²⁷ Cyprus has vetoed six chapters including energy, the judiciary, fundamental rights, justice, freedom and security.

Conclusion

With the readmission deal in effect, EU-Turkey relations have seen some confidence building. Through this deal, Turkey has revived its European Union hopes and this time, it has been favoured by Germany, a country traditionally opposed to Turkey's EU candidacy. Both Turkey and Europe are aware that their failure to address the refugee crisis may result into another wave of irregular refugees, which can cause serious threat to the security of EU countries.

At this stage, the progress made on the deal has shown:

- Turkey has convinced the European Union to expedite the release of financial support to which EU has agreed. As per the second progress report, all Member States have sent in their contribution certificates for the EUR 2 billion they pledged. But all the financial support is subject to 'smooth and timely cooperation' with the Turkish authorities.
- But the main Turkish demand for visa liberalization for its Turkish nationals has to qualify all of 72 requirements in which the European Commission report has asked Turkey to work more on requirement number 65 which requires Turkey to revise its terrorism law. Hence the core Turkish demand has yet to wait for a lengthy process and political bargaining over Turkey's counter terror law.
- The delay is going to get prolonged because of two main reasons, one, Turkey's reluctance to revise its sweeping anti-terrorism laws, and secondly, deep division of opinion within European countries which have resulted in many countries asking to leave the union.²⁸ With the announcement that anti -PKK operation is over, Turkey has one more opportunity to show some flexibility to revise its anti-terror law.
- But the main problem lies within the European leadership whose majority is not much convinced with the visa relaxation for Turkish nationals. There is a growing sense of being blackmailed by Turkey by its potential 'open the flood gates' strategy if the EU fails to fulfil visa liberalization process.²⁹ Also the flux of immigrants has already divided Europe's political parties for deciding whether they should remain with the EU or not.

- Whether the deal is going to remain depends on multiple factors which include the Syrian crisis, future of the Syrian refugees in Turkey and the Kurdish problem and most importantly, European Union's growing divide on the crisis.

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Disclaimer: Views expressed are of authors and do not reflect the views of the Council.*

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