

Humanitarian Diplomacy for Syrian Refugees and Turkey-EU Relations*

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Abstract

Turkey has been exposed to growing mass refugee influx, because of its location in proximity to crisis regions in the Middle East such as Syria and Iraq. The European Union (EU) has been disturbed from this issue because the refugees who crossed the border of Turkey are based on the boundary of Fortress Europe, and thus they are on their way to Europe. Turkey and EU have approached differently and produced different policies to this refugee challenge. This study analyses the policy implications of the post- 2011 Syrian refugee crisis. The effects of the ongoing refugee crisis on the policies of the two parties and on the Turkish-EU relations are analyzed in light of the insights from humanitarian diplomacy.

Keywords: *Humanitarian Diplomacy, Refugee Crisis, Syria, Turkey, European Union (EU)*

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Suriyeli Mülteciler için İnsani Diplomasi ve Türkiye-AB İlişkileri*

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Öz

Türkiye, Suriye ve Irak gibi Ortadoğu'daki sorun yaşanan bölgelere yakınlığı nedeniyle artan kitlesel mülteci akınına maruz kalmıştır. Avrupa Birliği(AB) bu konudan rahatsızlık duymaktadır, çünkü Türkiye sınırını aşan mülteciler Korunaklı Kale Avrupası'nın sınırlarına dayanmaktadır ve böylece Avrupa'ya gitmektedirler. AB ve Türkiye, bu mülteci sorununa farklı yaklaşmakta ve farklı politikalar üretmektedir. Bu çalışma, 2011 sonrası Suriyeli mülteci krizinin politika uygulamalarını analiz etmektedir. Devam eden mülteci krizinin iki tarafın politikalarına ve Türkiye-AB ilişkileri üzerine etkileri insani diplomasi anlayışı ışığında analiz edilmiştir.

Anahtar Kelimeler: *İnsani Diplomasi, Mülteci Krizi, Suriye, Türkiye, Avrupa Birliği (AB).*

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INTRODUCTION

This study will analyze the Syrian refugee influx to Turkey after 2011 and the approaches of the EU and Turkey about humanitarian aid to Syrian refugees. It will also compare the EU and Turkey policies about the influx of Syrian immigration. This study aims to find out an answer to an extent and degree of European and Turkish policy convergence and/or divergence. Within this framework, the first terms to be defined are refugee and the EU and Turkey's refugee status.

“Refugee is a person who meets the criteria of the United Nations High Commissioner for Refugees (UNHCR) Statute and qualifies for the protection of the United Nations (UN) provided by the High Commissioner, regardless of whether or not s/he is in a country that is a party to the Convention relating to the Status of Refugees, 1951 or the 1967 Protocol relating to the Status of Refugees, or whether or not s/he has been recognized by the host country as a refugee under either of these instruments” (IOM, 2004:52). However, the description of these concepts has varied according to the countries.

Turkey is signatory of the 1951 Convention Relating to the Status of Refugees (CRSR) and she had made geographical limitation. Turkey's domestic legislation is the 1994 Asylum Regulation. According to the 1994 Asylum Regulation, the status of refugee has only given the people who escaped due to the events occurring in Europe and took refuge in Turkey (İçduygu, 2015:4). In the EU, any non-EU country national or stateless person who is located outside of his/her country of origin and who is unwilling or unable to return to it owing to a fear of being persecuted can apply for refugee status.

In 2010, the Arab Spring which has affected all the Middle Eastern countries started and it still continues to spread in the region. As Syria has not been governed with fully democratically, Syrian people have begun to want democracy like the citizens of other countries living in the Middle East. From the beginning of the Syrian civil war, 6.3 million people internally displaced and 13.5 million people (4.9

million of whom live in besieged areas which are really hard to reach in need of humanitarian assistance (European Commission, 2017:1). Over 3.8 million refugees have fled to Lebanon (1.5 million), Jordan (2.8 million), Turkey (over 3.3 million), Iraq (239.000), Egypt and North Africa (UNHCR, 2017). They did all in their power to help Syrian refugees. According to International Crisis Group, Turkey has been flexible and taken important steps to help Syrians to regain a sense of self-reliance and integrate in their new environment (International Crisis, 2013:6). However, some complaints have been made about the Turkish government in the first years of the crisis. According to International Crisis Group, the main factor complicating outside contributions has been Turkey's hesitancy to register international organizations and NGOs and the degree to which it is ready to allow them to work directly on humanitarian issues (International Crisis, 2013:15).

At first, Turkish government named the Syrian refugees as a "guest" because Turkey does not give refugee status except for Europeans. According to Şenay Özden's interview a worker for one of the local authorities in Ishaliye; The Syrian refugees have disturbed from the guest status. The guest status means that Syrians do not have rights in Turkey and that the State has the right to make the decision to deport them at any time (Özden, 2013:5). However, this problem solved with the Law on Foreigners and International Protection (no.6458) and temporary protection regime published after this law¹. Kemal Kirişci (2014:51) has appreciated the Turkish government for the open door policy, but he thinks that the legal basis of this policy is weak.

While the problem of refugees and/or guests in Turkey continues, the problem has reached other dimensions in European countries. In

1 For the details, see: Ali Zafer Sağıroğlu, "Turkey's Migration law and policy: is it a new era?" Edited by Ibrahim Sirkeci and Barbara Pusch içinde *Turkish Migration Policy (41-53)*, *Transnational Press London*, 2016., http://www.goc.gov.tr/icerik6/yukk_327_328_329_icerik, http://www.goc.gov.tr/files/files/ge%C3%A7ici_koruma_y%C3%B6netmeliği.pdf.

2013 and 2014, some European countries like Germany respond to UNHCR's call for more resettlement of humanitarian admission for Syrian refugees. According to Refugee Studies Centre, although numerous European countries have initiated resettlement, humanitarian admission, or expanded family reunification programs for Syrians, the numbers allowed are low (Orchard and Miller, 2014:7).

There is a need for a comprehensive analyze is of the refugee crisis for both Turkey and EU. This research addresses this need for in-debt research beyond political debates. Many research centers have published reports about Syrian civil war and the Syrian refugees. Most of the work done in this regard deals with the issue unilaterally, and it mostly examines this issue in terms of politicians. However, a minority of them compare the EU and Turkey's approach to Syrian refugees. This study is organized to examining Turkish-EU relations on Syrian refugees with the help of a new concept "humanitarian diplomacy"². That is why; firstly theoretical framework about humanitarian diplomacy will be explained inclusively. Secondly, the emergence of the Syrian refugee problem and the applications of Turkey-EU in this regard will be explained by comparison. Thirdly, policy implication for EU and Turkey will be presented. Finally, conclusion and implications of these policies is prepared and their results are presented.

HUMANITARIAN DIPLOMACY AS THEORETICAL FRAMEWORK

Conflicts and crises are the processes that arise with the existence of man. For this reason, history of humanity has come to these days with many major crises and short-term crises. National borders sharpened

2 For the details, see: Larry Minear, Hazel Smith (2007), *Humanitarian Diplomacy Practitioners and Their Craft*, United Nations University Press, Tokyo; Ahmet Davutoğlu (2013), *Turkey's humanitarian diplomacy: objectives, challenges and prospects*, *Nationalities Papers* Vol.41, No.6, 865-870; Reşat Bayer, E. Fuat Keyman (2012), *Turkey: An Emerging Hub of Globalization and Internationalist Humanitarian Actor?*, *Globalizations* Vol.9, No.1, 73-90.

by the emergence of nation-states have begun to lose its' influence with the increase of globalization in the last century. As a result, the event that happened in a country affects first neighbor countries later all states in the geography and has come to the fore with spillover effect in over time. This situation has dominated in the Middle East region for about 7 years. The fire that started in one country eventually took hold of the entire region. In such an environment, the misery that the people have experienced has made the concept of "humanitarian aid" the priority agenda of states active in the international system. Humanitarian aid is a comprehensive concept that covers many areas such as shelter, sanitation, food and water. Especially Syrian civil war has been a turning point in the sense of rethinking and expanding the international humanitarian aid concept of international community. Thus, both international aid organizations and states have produced "humanitarian diplomacy" which is the popular concept of recent times together.

The Emergence of Humanitarian Diplomacy

Along with some debates about the definition of the concept of humanitarian diplomacy; there are some general assumptions that arise as a result of living human dramas. Humanitarian diplomacy benefits from the rules of International Law and humanitarian imperative (Whittall, 2009:38) in order to ensure the rapid security of people in emergency situations and to facilitate the distribution of aid. Humanitarian workers have some responsibilities about humanitarian diplomacy; however they don't see themselves as a diplomat. Humanitarian diplomacy like traditional diplomacy has some important tasks such as information gathering, negotiation and communication (Minear, 2007:8). Traditional diplomacy is carried out with the sovereign states in accordance with Vienna Conventions of 1949; but humanitarian diplomacy is arisen in the emergency situation. Diplomats who provide the implementation of the traditional diplomacy deal with states and the situations related to them. However, humanitarian workers

deal with the situations of non-state actors. The duties of humanitarian diplomacy has still complicated but some of them are approved such as ensuring protection of the human rights of a vulnerable population; promoting greater observance of international humanitarian law (Minear, 2007:21).

As pointed out in the Whittall's study (2009:42), humanitarian diplomacy is more than delivering data and gathering data. "*Humanitarian diplomacy is a struggle of a deeper kind in terms of formulating humanitarian politics, or politics of the welfare of people in crisis. You have some component here but the larger picture is not about the humanitarian crisis, it's a political crisis, it's a human rights crisis.*" The International Committee of the Red Cross (ICRC) is one of the humanitarian actors, which has developed its own description on humanitarian diplomacy. According to ICRC, humanitarian diplomacy enables states to have knowledge of issues and troubles that concerns people and to be shared with the international community (Minear, 2007:23). Humanitarian diplomacy associated with both hampering of risk and crisis management. Not only humanitarian organizations but also states and private sectors use the term of humanitarian diplomacy as a tool of negotiating, awareness and distribution of humanitarian aid in an emergency case (Regnier, 2011:1213). As you can see, humanitarian diplomacy has been used by different agencies but all of them use this term especially respect for International Law and in order to help the people.

Humanitarian Diplomacy in Practice

Humanitarian diplomacy actually has many common points with traditional diplomacy; but in order to make humanitarian diplomacy more understandable it is necessary to emphasize the differences from traditional diplomacy. As we mentioned earlier, traditional diplomacy is a diplomacy conducted in the political dimension and there are special officials, diplomats, to carry out this political process. However, humanitarian diplomacy does not have its own diplomats and it

emerges in an emergency. For example, the Red Cross and Red Crescent National Societies (IFRC) do not have humanitarian diplomats to implementing humanitarian diplomacy so it is implemented by persons of international organizations (Regnier, 2011:1217). Diplomats as an instrument of traditional diplomacy are trained at private schools and they take special educations; but humanitarian staffs do not have any chance to special and organized education. Humanitarian diplomacy develops spontaneously and the primary goal of humanitarian personnel is to save the life of many people as quickly as possible. At this point, there is also a difference between those who apply the humanitarian diplomacy. If it is a state that implements humanitarian diplomacy, the priority of it will usually be its own security and political interests. But if it is an international charity organization that implements humanitarian diplomacy, the priority of it will be to save the innocent people.

The practices that we call “humanitarian diplomacy” today are actually in the international system for a very long time. However, it is possible to see many different approaches in humanitarian diplomacy practices. One of which categorizes humanitarian diplomacy in three different ways: oxymoron (contradiction in terms), common-sense and necessary evil (Smith, 2007:38). According to the grouping of Hazel Smith (2007:41); firstly as an oxymoron, humanitarian actors and diplomats are two different actor and both of them have divided responsibilities. In proportion to these responsibilities, although humanitarian staffs give priority to human life, diplomats give priority to security of their own countries. Secondly, as a common-sense, humanitarian actors should conduct coordinated work with the host country and other teams on their works that conducting and the results of these workings should be clearly shared with all actors. Thirdly, as a necessary evil, humanitarian actors should be prepared for all situations because the area in which humanitarian diplomacy takes place is often the territory where conflicts are experienced. Thus, according to Andre Roberfroid, the neutrality and trustworthiness and

the same time good diplomatic skills of humanitarian staffs have the great importance for the successful humanitarian diplomacy.

Humanitarian actors normally do not have diplomatic knowledge, but they may accidentally use diplomatic methods like the role of intermediate to fulfill their duties many times. Humanitarian staff has an objective role in line of its duties; as a result of this, it arbitrates between the parties from time to time (Regnier, 2011:1221). Humanitarian diplomacy has a multi-functional and intercultural dimension because it does not belong to the use of a single institution. For this reason, humanitarian diplomacy is implemented through International Humanitarian Law (IHL) and human rights law (Regnier, 2011:1223). Humanitarian workers face with many troubles while trying to implement the humanitarian diplomacy. These difficulties arise not only from conflicting parties but also from intervention of the international community like Responsibility to Protection (R2P) to region.

Turkey's Approach to Humanitarian Diplomacy

Recently, the concept of humanitarian diplomacy gaining so much importance has a special place in the management of humanitarian crises. For this reason, Turkey's approach to humanitarian diplomacy has a special significance in order to understand the policies of Turkey against the humanity drama in Syria. In addition to this, the new foreign policy concept adopted by Turkey in recent years has greatly changed the position of her in the region and the international arena. Turkey has begun to involve more in the events especially experienced in the immediate vicinity by force of the multi-dimensional proactive foreign policy concept. According to Ahmet Davutoğlu (2013:866), one of the most important consequences of Turkey's new foreign policy understanding has been the active use of humanitarian diplomacy. Humanitarian diplomacy does not just mean humanitarian aid; it has a more comprehensive mission. However, the scope of humanitarian diplomacy for Turkey covers a very wide geographical area. According

to Davutoğlu, the humanitarian diplomacy of Turkey consists of three different stages. The first stage of this categorization associated with the citizens of the Turkish Republic. It encompasses the problems of its own citizens and their life conditions. As the Turkish Republic believed that it took its greatest power from its own people, improve the people's living conditions and make their life easier have been the state's priority. The second stage of this categorization related to an attitude of a country on people oriented in problematic areas. A crisis that is happening anywhere in the world concerns Turkey as a requirement of humanitarian aid oriented foreign policy. Turkey normally respects the national borders of countries and international law; but humanitarian diplomacy has a feature that beyond the borders. The third stage of this categorization connected with humanitarian attitude at the global level like UN system (Davutoğlu, 2013: 868).

Turkey firstly acts with the aim of becoming a regional power then a super power as a result of the military and economic developments that started in the years of 2000. For this reason, Turkey is the most active country in the crises experienced in the Middle East, Balkans and Caucasus through humanitarian diplomacy (Bayer & Keyman, 2012:84). Turkey primarily has tried to implement the process of providing mediation and peacebuilding, which are the means of humanitarian diplomacy, during the Syrian civil war. When the initiatives are ineffective, the subject of humanitarian aid became the priority of Turkey and the practices have developed in this framework.

SYRIAN REFUGEES AND EU-TURKISH RELATIONS

In 2010, uprisings which begun in Arab World have turned into a civil war in Syria. In the April of 2011, the conditions in Syria became worse and firstly two hundred and fifty two Syrian citizens have entered the gate of Hatay Cilvegözü border. Within twenty four hours, Turkish government has set up a tent camp urgently in the province of Hatay (Disaster and Emergency Management Presidency [AFAD], 2014:4). According to data of Directorate General of Migration Man-

agement (DGMM) in May 2017, the number of Syrian refugees who migrated to our country from 2011 to date is nearly 3.020 million people.

Turkish Interior Minister Süleyman Soylu explains that the expenditure was made by Turkish Government, municipalities and civil society groups from 2011 to now has reached \$ 25 billion. However, European Commission estimates that Turkish Government has spent over \$11.4 billion to Syrian refugees from the beginning of the Syria crisis to January 2017 (European Commission, 2017:2). From the first day, “open door policy” has applied and as a humanitarian responsibility none of the Syrians was sent back (AFAD, 2014:5). According to the latest data, 248.660 refugees have guest in 22 shelters which were established in 10 cities (AFAD, 2017). However, these numbers that can only be taken under record. Turkey carries on their activities about Syrian refugees with the helping of Turkish Red Crescent and AFAD which connected to prime minister. 22 camps which were established in 10 provinces consisted of 16 tent cities and 5 container towns (AFAD, 2014:18). Until the April of 2012, Turkey has never received any aids from none of international or national non-governmental organizations or countries about Syrian refugees. However, with the conditions of Syria became worse, the number of refugees which fleeing from cruelty and came to Turkey started to increase, thus this situation is a certain burden on the economy of Turkey. This situation has contributed to many positive impacts on Turkish economy and labor market as well as negative effects. For example; the salaries of the qualified staff increased, new business areas emerged and finally Turkey’s foreign trade with the countries of the Middle East has increased thanks to Syrian businessmen (Sağiroğlu, 2016:6). Because of this reason, Turkish officials have been forced to announce that they are open to all kinds of support coming from the international organizations.

Considering the border between Syria and Turkey, where stay silent across the violence in Syria before everything is a crime of hu-

manity. In some places, when the border passes from one place that bisects the village so in fact many Turkish and Syrian people who live in the border city are relatives. Because of this, it is impossible for Turkey to keep its silence against Syrian civil war. When we left the human dimension of the event on one side, on the other hand it is a very big threat for Turkey to have been experienced such a civil war in her border. At the beginning of the situation, Turkey defended Syria in the international arena (Cebeci and Üstün, 2012:16). Prime Minister and Foreign Affairs Minister have made bilateral contacts many times to change of Assad's attitude against demonstrations. However, the violence of interventions has increased extremely in the August of 2011. After this point, Turkey gave up warning Assad's regime and Syria and she has begun to take place directly across Assad. In addition to this stance, Turkey gave permission to establishment of the Syrian National Council in its own soil (Phillips, 2012:138). As a result of the stance of Turkey towards the Assad regime, Turkey gave up seeing the Assad regime as legitimate authority. With this reason, Turkey has started to establish its policy above an absence of Assad in Syria after the middle of 2011 (Öztürk, 2012:48). However, when the Assad regime continues to remain in the management of Syria, Turkey is losing prestige because the failure of the policies of Turkey on the Syrian issue has clearly emerged. However, despite all negativity, Turkey's courage should be appreciated. Turkey continues to make considerable efforts to provide support through unique humanitarian aid to refugee influx from Syria compared to other countries (Avrupa Komisyonu, 2015:92). Although in a situation where UN and the North Atlantic Treaty Organization (NATO) as a great community remain silent and unresponsive, Turkey has kept the issue on the agenda alone.

The March of 2012, Turkey emphasized that the options of safe zone should be assessed. Nonetheless, Turkey's words were in the air due to the absence of needed support (Cebeci and Üstün, 2012:17). Many thinkers emphasized safe zone as an option but none of them

meant military intervention (Cebeci and Üstün, 2012:18). The number of people who escaped from Syria and took refuge in Turkey continues to increase exponentially day by day. These people who were named as “refugee” by press and local people actually are not legal refugees according to Turkish law. Turkey is a signatory of the 1951 Convention Relating to the Status of Refugees (CRSR) and she had made geographical limitation. Turkey’s domestic legislation is the 1994 Asylum Regulation. According to the 1994 Asylum Regulation, the status of refugee has only given the people who escaped due to events occurring in Europe and took refuge in Turkey (Kirişçi, 2014:14). Refugees who came from non-European zones are only allowed to stay in Turkey on temporary basis until the completion of the process of inserting in a third country. According to Turkish law, the people who came from non-European zones named as an asylum seekers (Kartal and Başçı, 2014:283). Because of this reason, the people who came from Syria named as a “guest” by Turkish government. The Syrians who are not accepted as a refugee do not apply to UNHCR for taking refuge in a third country. Above all, they do not have any rights which the refugees have. To eliminate this uncertainty, The Prime Minister’s Office published circular letter which is recognized the temporary protection status to Syrians in the April of 2012. According to this circular letter (Kural, 2013);

1. It will continue to be an “open door policy”
2. It will not apply to forcibly refoulement
3. The Syrian refugees will be recorded and their needs will be fulfilled by Turkish government (Özden, 2013:5).

The government did not give any date to finish this temporary protection status and it was left open ended. Nonetheless, Syrians don’t know what kind of rights they have due to the absence of this status framework exactly. Thanks to the Temporary Protection Regulations, which are accepted in the October of 2014 by Council of Ministers, this problem seems to be solved. In this regulation;

- The prohibition of refolement,
- The granting of ID card that can be used in applications of work permit and access to public school,
- The facilitation of getting a work permit, are regulated with law.

A circular letter which gives an opportunity to non-camp refugees about presenting health system was enacted by government (Kirişci, 2014:24). With the help of UNHCR, a system was developed and the vast majority of non-camp refugees were recorded (UNHCR, 2014). A system which was funded by AFAD to increase the coverage ratio of people needs was gotten off the ground by World Food Program (WFP) and Turkish Red Crescent. 143.060 people in the camps and 170.669 people outside the camps have benefitted from this program as of February 2017 (Türk Kızılayı, 2017:6). With the loading of 50 TL in the camps and 100 TL outside the camps per capita monthly to these cards, it has been tried to satisfy the needs of refugees. In addition to this, the unemployment of the non-camp refugees is one of the important problems. At the beginnings of crisis the refugees do not have the work permit legally, they are employed as uninsured with the very low wages (Kirişci, 2014:30). But later The Ministry of Labor and Social Security released “Regulation on work permits for foreigners with temporary protection” (6576) in 2016 January and thanks to this regulation Syrians removed from unrecorded economy and have become allowed to work legally (Bakanlar Kurulu, 2016). This situation leads to find jobs difficult for people who are the unskilled laborers. In the long term, if this problem did not solve, the rates of unemployment could be increased visibly. The Minister of Labor and Social Security says that they are working on about the work permission in the minimum wage band for Syrian refugees and the workings will be completed in soonest time in his speech at the General Assembly (posta.com.tr,2014). If the government takes steps earnestly, Turkey’s economic growth can be achieved. With the work permit, they are working about the identity which will describe the Syrian

refugees and it is different from the identity of Turkish (sgk.com.tr, 2014). In addition to this, emergency humanitarian needs are met appropriately to international law in zero point in 11 accepting help centers to help the victims of Syrian civil war (AFAD, 2014:5). Under these conditions, Turkey has to produce new policies for adaptation of the Syrian refugees and she should be made legislative arrangements (Kirişci, 2014:8). With the numbered 6548 Law on Foreigners and International Protection, Turkey has made arrangements about asylum and immigration in 11 April 2013. This law adopted at the General Assembly of TBMM at 4 April 2013 and entered in force with all the provisions on 11 April 2013 (GİGM, 2015). With this law, Migration and Asylum Office has turned as an institutionalized into General Directorate of Migration Management. These arrangements are evaluated as a positive step by EU (Avrupa Komisyonu.2016:30).

Turkish government has made more than their best to entertain a guest in the best way. Absolutely some shortcomings and mistakes have made but it is important that the resolution of important issues urgently. Turkey hosted the largest number of refugees worldwide at the moment and Turkey has been appreciated by international organizations for her works (UNHCR, 2017). The camps especially are seen over the standards of UN but the populations of non-camp refugees are moving towards becoming a problem for Turkey (İçduygu, 2015:7). Especially, hospitality gives place to unrest for local people. The workings which are implemented for the acceptance of Syrian refugees to other countries should be accelerated urgently. The problem which happened in Syria was not seen as can be solved in near time therefore serious works should be made for the integration of refugees to Turkey. However, Turkey absolutely has to take support from international organizations.

The Syria conflict has triggered the world's largest humanitarian crisis since World War II. Approximately 6.3 million people internally were displaced and 13.5 million people in need of humanitarian assistance (UNHCR, 2017). The EU and its member states have made

large amounts of donate to refugees. More than € 9.2 billion have been mobilized for relief and recovery assistance to Syrians (European Commission, 2017:1) who stayed in their country and escaped to neighboring countries. According to UNHCR, approximately 4.8 million refugees have fled to Lebanon, Jordan, Turkey, Iraq, Egypt and North Africa (UNHCR, 2017). The humanitarian situation has continued to deteriorate with violence and conflict from Government forces and Armed Opposition Groups (European Commission, 2017). Most of Syrians have to flee neighboring countries because of security concerns but the host countries cannot meet the requirements. The EU is a leading donor in the response to the Syria crisis with around €9.2 billion of total budget mobilized by the Commission and Member States collectively in humanitarian, development, economic and stabilization assistance. However, it is not enough for hosting countries. They need more active assistance such as re-settle and temporary protection. The burden of people above the hosting countries has reached a terrible level. That is to say, EU member states should take on more responsibility about the burden sharing. From the beginning of Syrian crises, lots of people made an asylum application to European countries. However, EU countries are very reluctant about the accepting of Syrian refugees to Europe (Refugee Council, 2017). UNHCR has wanted countries to open their borders to Syrian refugees but except for some countries, most of them don't want to accept Syrian refugees.

With the Council Decision 2011/273/CFSP (EU, 9 June 2011), the Council imposes restrictive measures against Syria and persons responsible for the violent repression against the civilian population in Syria and those associated with them. On the escalation of violence, EU has reached political agreement on the addition of twenty Syrian individuals or entities to list of those targeted by an asset freeze and travel ban (EU, 19 August 2011). In addition to these developments, EU has started to make an embargo on the import of Syrian crude oil. European countries have believed that the only solution of this prob-

lem is a political. However, the conflicts have continued to deteriorate and EU has added 15 Syrian individuals and five entities to the list of those targeted by an asset freeze and travel ban pursuant to decision 2011/273/CFSP (Council of the European Union, 23 August 2011). When the UN Human Rights Council on Syria gathered, Catherine Ashton says she warmly welcome the outcome of the special session of the Human Rights Council on Syria. European Union has supported the UN's attempts.

The EU has warned Syrian regime and authorities at every turn to stop the violation and using gun above innocent people. As the violence has increased, the numbers of Syrians escaping into neighboring countries increases and thus numbers fleeing to Europe are also on the rise. Asylum applications filed by Syrians in Europe as a whole have significantly increased. From January to May 2012 alone, 5.370 asylum applications have been filed throughout EU Member States, Norway and Switzerland (*Fandrich, 2012*). There was a gradual increase in the number of asylum applications within the EU-27 and later the EU-28 through to 2012, after which the number of asylum seekers rose at a more rapid pace, with 431 thousand applications in 2013, 627 thousand in 2014 and around 1.3 million in both 2015 and 2016 (Eurostat Statistics Explained, 2017). However, there are no rules to comply with all EU members about Syrian refugees. As activating temporary protection status for Syrian nationals within the EU seems highly unlikely, the EU could choose a common response to harmonies the receiving conditions and the protection of Syrian nationals in EU member states. EU institutions could commit themselves to the following:

- Ensure that no Syrian nationals are brought back to Syria or pushed back at the EU border,
- Ensure that Syrian nationals have the possibility to apply for asylum when they enter an EU territory,
- Facilitate the application procedures to reduce delays,

- Ensure that Syrian applicants all receive a protection status (Fandrich, 2012).

Most European officials say that they want to stop the bloodshed, but without the use of force it does not seem possible. Some European countries talk about military intervention but Russia and China stand against them so they have to talk about political solution. In this context, the EU's members have prioritized three objectives vis-à-vis Syria:

- To convince Assad government to enter into serious negotiations with the opposition aimed at achieving a “peaceful and democratic transition”.
- To persuade or pressure the government to desist from violence against civilians
- To maintain the maximum possible regional and international support for these goals (Gowan, 2012).

The EU Council sanctions on Assad regime are very important but it is controversial whether it works or does not work. The EU members have send money to aid agencies and hosting countries (Turkey, Lebanon, Jordan and Iraq). To find a political solution, UN and Arab League gave a special mission to Kofi Annan. This process is fully supported by the EU and its member states. Kofi Annan prepared a peace and negotiation plan which known as Annan's six point plan for Syria. This plan includes these points (Akgün, 2012:8):

1. Commit to work with the Envoy in an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people,
2. Commit to stop the fighting and achieve urgently an effective United Nations supervised cessation of armed violence in all its forms by all parties to protect civilians and stabilize the country,
3. Ensure timely provision of humanitarian assistance to all areas affected by the fighting, and to this end, as immediate steps, to accept and implement a daily two hour humanitarian pause,

4. Intensify the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, and persons involved in peaceful political activities,
5. Ensure freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;
6. Respect freedom of association and the right to demonstrate peacefully as legally guaranteed.

The Syrian government announced the adoption of Annan's plan so UN has sent observers to Syria. However, the Syrian government did not comply with the plan and observers have reported human rights violations. Finally Kofi Annan has leaved his post. The EU is deeply concerned about the continued violence in Syria, because nobody can see the end of situation. Catherine Ashton underlines most of times that the violence in the country requires urgent and united action by United Nations Security Council (UNSC) and international community. When we looked at countries which detect the EU's policy direction such as United Kingdom, France and Germany, we can say that their policies about Syria are similar. Levels of protection vary across Europe. For example, Germany gives a subsidiary protection but Sweden gives a temporary residence permit for three years (Fandrich, 2012:3). Nonetheless, we cannot say that the EU develops an effective policy on Syria. Their reaction can only be called symbolic against Assad.

Most of Syrians have not made application to asylum and so they have crossed the border illegal ways to reach the EU countries. Refugees have three different ways to Europe: land route to Greece or Bulgaria, air route to any EU member state and sea route across the Mediterranean to Greece, Cyprus, Malta or Italy (Fargues and Fandrich, 2012/2014:5). Because of these reasons, EU has started to work for enhance border security. The EU and its Member States have taken various measures to simultaneously maintain and secure European borders from Syrians. Member States have been implementing several forms of border control and asylum protection based on their

individual national security needs. European Commission prepared a mission to secure their borders with European Asylum Support Office (EASO) and Frontex (Fargues and Fandrich, 2012/2014:12). Although certain EU member states have been sharing the burden by granting Syrians asylum, most EU member states refrained from returning Syrians back to their country.

Kristalina Georgieva, European commissioner for international cooperation, humanitarian aid and crisis response, said that we don't see the end of Syria crisis and she added that we have to act now, proactively, before it is too late (Parasiliti, 2013). She has visited Syrian refugee camps in Turkey and she has appreciated Turkish government. While UNHCR continues to receive pledges from countries in order to meet this goal, only 15.244 places for temporary or permanent relocation of refugees from Syria have been pledged (Amnesty International, 2013:1). Nonetheless, the EU has pledged only 12.340 of 15.244. Among the places offered by EU countries, 10.000 places were offered by Germany. Eighteen member states, including the UK and Italy, have not made any resettlement or humanitarian admission pledged (Amnesty International, 2013:1). According to Director of Hacettepe University, Migration and Politics Research Center-(HUGO) M. Murat Erdoğan's assessment in the 6th year Syrians in Turkey, EU countries have only 11% of Syrian Refugees.

The EU member states want to protect their "Fortress Europe" from asylum seekers and irregular migrants because they think that this war will not end soon so many refugees have to settle permanently in Europe. In this point, the EU has undertaken a number of agreements with Turkey to keep Syrian refugees away from their borders. These regulations consist of Readmission Agreement and Visa Exemption. The EU has undertaken \$3 billion aid to Turkey and the citizens of the Republic of Turkey, who are exempted from visa to EU countries visiting on condition that Syrian refugees stay in Turkey (Achilli vd., 2017: 42). However, these agreements could not be executed due to the problems in implementation.

POLICY IMPLICATIONS

Policy Implications for Turkey

The number of people who escaped from Syria and took refuge in Turkey continues to increase exponentially in every day. These people who were named as “refugee” by press and local people actually are not legal refugees according to Turkish law. Because of the 1951 Convention, Turkey could not give a refugee status to Syrian people. According to Turkish law, the people who came from non-European zones named as an asylum seekers. Due to this reason, the people who came from Syria named as a “guest” by Turkish government as in the words of President Recep Tayyip Erdoğan in Kilis (tcbb.gov.tr, 2017). However, nobody knows when the civil war finish and it is still unknown when the people will return their homes therefore the implementation of guest is a disadvantage to Syrian refugees. For example, they do not have any rights which the refugees have. To eliminate this uncertainty, The Prime Minister’s Office published circular letter which recognized the temporary protection status to Syrians as a part of the Law on Foreigners and International Protection (no.6458) in the April of 2013.

The Syrian refugees have scattered to all provinces of Turkey and their number has increased in every day. Especially, the border provinces have under the burden of refugees. The local person who lives in the border provinces has been impressed from the presence of Syrian refugees. In these cities, the demography of cities has changed as the rate of birth has increased. No matter how Turkish people approach to Syrian people with tolerance; their cultures, languages and life styles have completely different from each other. These differences have led to difficulties about social integration. For example, the polygamy is widespread in Syria but it is not accepted as a legitimate in Turkey. However, this situation has started to increase in Turkey thus the rate of divorce has raised. In addition to polygamy, the rate of illegal workers has started to increase with the Syrian refugees and the rate of

unemployment has reached at 10.1 (ORSAM, 2015:19). The Syrian refugees have worked with low wages therefore Turkish workers think that they lose their jobs due to the Syrian refugees. Many of Syrians work in fields as seasonal workers to escape from the camps. Due to the lack of accommodation, uncontrolled urban development is on the rise.

The policies, which Turkey implemented, pushed Turkey to solitude in the region. The relations between Turkey and Syria came to a standstill. However, some Middle Eastern countries have supported Turkey. Turkey has done great things for humanity about Syrian refugees and international community has appreciated to Turkey. Especially, UN and EU have very pleased from the policies of Turkey because she has taken a very big risk. However, the EU has approached to Turkey with hesitatingly because the process of membership still continues and if they give a membership to Turkey, all of the Syrian refugees will come to Europe. The Syrian refugees added over the EU's population fears. The rises of xenophobia/islamophobia in recent elections in EU countries have exacerbated the situation of refugees in Europe, and further complicated EU-Turkish cooperation on refugees. EU and Turkey have made Readmission Agreement and Visa Exemption ³about Syrian refugees. According to this agreement, EU has undertaken \$3 billion aid to Turkey and the citizens of the Republic of Turkey, who are exempted from visa to EU countries visiting on condition that Syrian refugees stay in Turkey. However, the EU has approached to Turkey with hesitatingly especially on visa exemption and the membership. Thus, these agreements could not be executed due to problems of EU countries in implementation. Therefore, only

3 For the details of EU-Turkey Refugee Deal, see: http://www.ab.gov.tr/files/pub/turkiye_ab_vize_muafiyeti_sureci_ve_geri_kabul_anlasmasi_hakkinda_temel_sorular_ve_yanitlari.pdf, <http://www.gmfus.org/publications/deal-end-%E2%80%9Cthe%E2%80%9D-deal-why-refugee-agreement-threat-turkey-eu-relations>.

after EU respects Turkey and delivers its promises, it can expect full Turkish cooperation.

Policy Implications for EU

The EU and its member states have made large amounts of donate to refugees. More than €9.2 billion have been mobilized for relief and recovery assistance to Syrians who stayed in their country and escaped to neighboring countries. The EU is a leading donor in the response to the Syria crisis. However, it is not enough for hosting countries so they need a more active assistance such as re-settlement and temporary protection. From the beginning of Syrian crisis, lots of people made an asylum application to European countries. However, EU countries are very reluctant about the accepting of Syrian refugees to Europe. UNHCR has wanted from countries to open their borders to Syrian refugees but except for some countries, most of them do not want to host Syrian refugees (Refugee Council, 2017).

The policy which was implemented about Syrian refugees has varied from one country to another country. European countries have believed that the only solution of this problem is a political. The EU has warned Syrian regime and authorities at every turn to stop the violation and using gun above innocent people. The EU member states have not a common stand against Syrian civil war. For example, some European countries talk about military intervention, but not all of them support this idea. When we looked at countries which detect the EU's policy direction such as United Kingdom, France and Germany, we can say that their policies about Syria are similar (Orchard and Miller, 2014:34). Levels of protection vary across the Europe. Germany gives a subsidiary protection but Sweden gives a temporary residence permit for three year. However, most of Syrians have not made application to asylum and so they have crossed the border by illegal ways to reach the EU countries. The border countries of the EU have mostly affected from the Syrian immigration influx so EU has started to work to enhance border security.

The EU response aims to support a political process that brings a sustainable solution to the crisis and prevent regional destabilization. The EU gives some modest assistance to Turkey via humanitarian organizations because of Turkish security concerns. However, to give just money is not enough. The host countries need more than money; they need humanitarian assistance and share the refugee burden.

Many human rights violations are experienced throughout European borders to ensure their borders protection. International community, particularly Middle Eastern countries, has found ineffective the policies which applied by EU. Although the EU is a comprehensive organization, its policies are unsuccessful and it has lost prestige.

CONCLUSION

There is a need for a comprehensive analysis of the refugee crisis for both Turkey and EU. This research addresses this need for in-debt research beyond political debates. The Syrian refugees are burden for both Turkey and the EU. Therefore, Turkey and EU should take emergency measures about the issues such as border security and burden-sharing about the refugees. Otherwise the problems in Syria could spill over to Turkey and the EU. When we looked at the European Union member countries, the situation seems very grave. On the contrary to Turkey, the number of Syrian refugees who lives in Europe is very low. The EU members wanted to protect the EU borders so they have increased the border control. Most of Syrians have crossed the border illegal ways to reach the EU countries (Orchard and Miller, 2014:26). However, the European countries do not want any Syrian refugees so they work to hamper the Syrian refugees. Many human rights violations are experienced throughout European borders to ensure their borders protection.

The EU made agreements with Turkey to keep Syrian refugees away from their borders. These regulations consist of Readmission Agreement and Visa Exemption. The EU has undertaken \$3 billion aid to Turkey and the citizens of the Republic of Turkey, who are ex-

empted from visa to EU countries visiting on condition that Syrian refugees stay in Turkey. The EU has very pleased from the policies of Turkey because she has taken a very big risk. However, the EU has approached to Turkey with hesitatingly especially on visa exemption and the membership. Roger Boyes said that the Turkish president has every reason to allow migrants into Europe after we snubbed him (Boyes, 2017). Foreign Minister Mevlüt Çavuşoğlu said that if the EU does not fulfill the promised conditions as soon as possible, the Turkish government may cancel the refugee deal with the EU unilaterally (Daily Sabah with Anadolu Agency, 2017). Minister for EU Affairs and Chief Negotiator Ömer Çelik added that “it has emerged that the EU has not kept its word. I am saying this personally: Turkey does not have any obligation to the other side concerning the implementation of this deal. Hence it can reassess it when it wants and in the way it wants. I think the time has come to review it.” According to Çelik, Turkey has no obligation at this stage to continue the agreement since the EU has failed to comply with it (Coşkun and Karadeniz, 2017). Thus, these agreements could not be executed due to problems of EU countries in implementation. Therefore, only after EU respects Turkey and delivers its promises, it can expect full Turkish cooperation. In line with the insight of the humanitarian diplomacy, ensuring the safety of Syrian refugees is Turkey’s as well as EU’s responsibility. Accordingly, the EU must also deliver its fair share by increasing its support for Syrian local communities, and refugee hosting countries like Turkey, while supporting a political settlement and increase close cooperation with international community.

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