

## *EU-Turkey Relations and the Syrian Conundrum: An Appraisal*

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Recent [statements by Turkish President Erdoğan](#) on 'opening the gates' of Turkey for Syrians to move to Europe are characteristic of three tendencies that ran in parallel in this issue: Turkey's policy choices on Syria, domestic tensions, and the turbulent relationship between the European Union (EU) and Turkey. Here we concentrate on the latter, aware that continued uncertainty as to the future of Syria and a highly complicated domestic political and economic situation in Turkey are intertwined with the thorny question of hosting and accommodating more than four million Syrians throughout the country.

At the present time, Turkey, Jordan and Lebanon are hosting more than five million refugees, primarily from Syria. Turkey is by far the country that has undertaken the heaviest task: according to the United Nations High Commission for Refugees (UNHCR), [approximately 3.7 million Syrian refugees](#) currently reside in Turkey. But how does Turkey's current policy vis a vis its large Syrian population relate to its EU vocation, including but not limited to the EU-Turkey Deal of 2016?

Turkey's EU vocation appeared solid after 2005: having obtained a candidate country status in 1999, it began accession negotiations in 2005. Legislative alignment with the EU *acquis* is a major precondition for accession, and the National Action Plan (NAP) for Asylum and Migration, endorsed by then Prime Minister Erdoğan in 2005, pointed to Turkey's willingness to proceed with alignment. In 2006 an Implementation Directive further specified the legal status of refugees and asylum-seekers, yet a two-tier asylum and migration system remained: the first, referring to Europeans, was resulting from Turkey's approximation to the West during the Cold War. The second, referring to non-Europeans, was a nascent development related to [Turkey's eastern neighbourhood during the 1980s and early 1990s](#), such as the influx of Iraqi Kurds after 1988 as well as the first Gulf war of 1990.

The EU accession process had offered fresh impetus for reform in Turkey's legislation on migration and asylum. By the time the Syrian civil war erupted, however, the two-track system remained in place and those already in the country had limited access to vital services and legal protection. What is more, relations with the European Union had become unstable and unpredictable, as the Cyprus imbroglio slowed down the accession prospects of Turkey and scepticism by large member states, such as France and Germany, slowed down Turkey's EU law alignment. By 2011, Turkey's politics in dealing with the Syrian crisis pointed to generosity and solidarity; its capacity to deliver sustainable protection was limited and its relations with key EU member states under strain.

*Legislative alignment and the EU-Turkey Deal*

In 2013, the adoption of the Law on Foreigners and International protection (LFIP) was a major step forward, constituting the [first ever integrated national law concerning asylum](#) in the country. Along with the creation of an integrated new body to deal with the issue of migrants and refugees, the General Directorate for Migration Management (GDMM), it constituted a major innovation in Turkey's approach. The EU [hailed Turkey's legislative efforts](#) in the context of the Visa Liberalization Roadmap. Finally in 2014 a Temporary Protection Regulation was issued, which included [the granting of rights to healthcare and education to those under protection status](#) and in line with the provisions of the Geneva Convention. A number of changes were introduced to ease the presence of Syrian nationals in Turkey. Aside from the temporary protection status, Syrian nationals would from that point on be issued with biometric ID cards, in line with EU laws and regulations. Furthermore, access to the labour market would now be made possible, as would access to psychological services and counselling.

All of the above demonstrate the cooperation between Turkey and international organizations, including the European Union, at a particularly sensitive time. Nevertheless, important limitations to Turkey's full alignment with international practice persisted. First, the 2013 Law [did not grant equal protection to all groups](#) entering the country, relying instead mostly on a 2001 EU Directive on temporary protection. Second, Syrians would need to apply and receive work permits under [a cumbersome and heavily bureaucratic process](#), which drove most in the underground economy. As a consequence, the new legislative framework did not offer a path towards sustainable livelihood for the millions that had entered the country. Finally, the geographic limitation was not lifted. [The reasons behind this decision](#) emanate primarily from Turkey's fears about the consequences of lifting the limitation without entering the EU.

In late 2013, EU-Turkey relations started improving. In October, a new chapter was opened for negotiations, as a result of a change in government in France and the election of Francois Hollande replacing the 'Turkey-sceptic' Nicolas Sarkozy. In December of that year, the two sides signed a Readmission Agreement, according to which Turkey would readmit third country nationals that had illegally entered the European Union through Turkey in exchange for assistance in beefing up border security and, more importantly, setting out a roadmap that would eventually lead to visa-free travel for Turkish citizens visiting EU member states. In November 2015 an [EU-Turkey Joint Action Plan \(JAP\)](#) was adopted by the two sides, followed by the [EU-Turkey Statement](#) in March 2016. These provided the backbone to long-lasting cooperation over the migration issue between and remain, until today, the key instruments through which the two sides have sought to manage this policy issue.

Crucially, the JAP linked cooperation on migration with Turkey's EU aspirations, by promising to open new *acquis* chapters for negotiation. Aside from reinvigorating EU-Turkey accession talks, the JAP called for more cooperation between the two sides, including the deployment

of FRONTEX personnel to Turkey and extra financial assistance to Turkey. Three billion Euros were thus earmarked for Turkey under the Facility for Refugees in Turkey scheme; crucially, the money would be disbursed through project implementation through NGOs and international organizations. EU financial assistance was also foreseen to assist the country in enhancing its capacity to meet the benchmarks identified by the EU regarding negotiating with Turkey for visa-free travel of its citizens. A new anti-terror law, alongside appropriate regulation concerning personal data, has long been the major obstacle to the successful conclusion of negotiations; the JAP offered new impetus to the process. Moreover, the JAP reinforced Turkey's EU aspirations by stressing [the 'negotiating candidate country' status of Turkey](#), thus linking the issue of cooperation on migration with Ankara's aspirations towards full membership. Indeed, chapter 17 on Economic and Monetary Policy was opened in December 2015 and more were promised in the future. Meanwhile, Turkey was shaken by successive terrorist attacks on its soil, which underscored its close geographic proximity to the Syrian civil war (the two states share a 900km long border) as well as its resulting vulnerability. To illustrate, a dreadful attack in Ankara took place only days prior to the EU-Turkey Statement, forcing the government to beef up security and border screenings.

The [EU-Turkey Statement](#) of March 2016 set out a 'one-in, one-out' formula: for every one irregular migrant returned to Turkey from Greece another Syrian in Turkey would be resettled in an EU member state, up to a maximum of 72.000 persons (European Council 2016). Aware of the potential outcry over a measure that threatened impersonal treatment in violation of fundamental human rights, the Statement underlined that the process would be governed fully by the relevant international humanitarian standards. This did little to assuage fears that the European Union became [complicit in a process that undermined human rights](#), both regarding Turkish nationals in the south-east of the country as well as the [rights of refugees](#). Equally significant was the 72.000 cap that the Statement placed on the potential irregular migrants that member states would be hosting. The number was very low, yet the Union claimed that 'voluntary contributions' by member states would suffice to deal with the issue. The question of reallocation soon split the Union, with countries from the Visegrad in particular refusing to show the solidarity they had expected earlier from Western Europe; countries like Italy and Greece becoming overwhelmed by large numbers, with important electoral implications. Brussels considered the deal the necessary price to pay and therefore went beyond the JAP in a) allocating another €3 billion of financial assistance to Turkey b) promising the opening of another acquis chapter (number 33 on financial and budgetary provisions) and c) accelerating the visa liberalization dialogue with a view to ensuring the lifting of the visa requirement for Turkish citizens by end June 2016, provided all benchmarks could be met.

The European Union has stressed the benefits incurred through the implementation of the deal. The second anniversary of the deal saw the Commission claim that arrivals on the Aegean Sea islands from Turkey [had dropped by 97% in two years](#); the Commission also underscored how its financial aid to Turkey had enabled hundreds of thousands of Syrian

kids to attend school in Turkey. Nevertheless, tensions with the EU have remained throughout the implementation period and domestic instability has fueled deterioration in relations with Europe. The [15 July 2016 coup attempt](#) against the Turkish government is the most important. The bombing of the Turkish Parliament, tanks on the Bosphorus bridge and the attempted assassination of President Erdoğan came as a surprise to most observers. Hundreds of civilians lost their life and thousands got injured. The government responded by clamping down on the putschists and then moved quickly to declare [a state of emergency](#) to 'cleanse' the state of conspirators and fellow-travelers of the alleged masterminds. In the process, hundreds of thousands of civil servants, and private sector employees, lost their jobs and associated rights. Second, acrimony increased further ahead of the controversial [2017 Turkish referendum](#) to transform the regime to a Presidential democracy. As domestic Turkish politics and the associated tensions between different segments threatened to spill over to EU member states with a large Turkish population, Germany and the Netherlands were accused by President Erdoğan of restricting freedom of speech by prohibiting or curtailing campaign events. Turkey's belligerent rhetoric, [characterizing Dutch and other officials as 'Nazis'](#), heightened already escalating tensions. Turkey's close cooperation with Russia, beginning in 2016, meant that the EU and Turkey were driven further apart on how to even deal with the Syrian crisis. To top it all, stringent anti-terror legislation, objected to by the EU, has meant that visa-free travel remains elusive for Turkey, further fuelling existing tensions.

Heightened political instability in Turkey has been combined with the non-resolution of the Syrian crisis and has led to increasing societal tensions. The erstwhile welcoming attitude of the Turkish people has turned to increasing disappointment and anger, as it is becoming increasingly clear that [most Syrians intend to stay in the country](#). When President Erdoğan raised the prospect of [granting citizenship to Syrians](#) in 2016, the opposition vociferously opposed such a plan and the backlash forced Erdoğan to backtrack. Although [about 90.000 Syrians had been granted citizenship](#) by August 2019, the government now claims that eventually all refugees will return home, a rather unlikely prospect. Humanitarian organizations in the field allege that the current status of Syrians in Turkey cannot continue as is for a long period of time, although it is equally clear that awarding full citizenship rights to all is not feasible. Meanwhile, [incidents of violence between Syrians and locals](#), have been on the increase, especially in the western urban centers where cultural misunderstandings and differences can be evident.

Turkey is today much more than a country of emigrants abroad: it is a transit country for migrants and refugees wishing to migrate from East to West; as well [as a destination country](#) resulting from its raised economic profile. The modernization of its laws and regulations on migrants, refugees and asylum-seekers is an attempt to reconcile the multiple identities that country has now acquired.

Although the EU-Turkey agreements have survived waves of instability and tension, major challenges remain. For the EU, immigration continues to top citizens' concerns in several member states, fueled by populist short-termism. Meanwhile, Turkey's approach has undergone important changes too. The sheer number of refugees now residing in the country has led to a consolidation of a schism between Syrians' and Turks' expectations as to the way forward. While the latter are openly questioning the desirability of Syrians remaining in the country, most of the former have sought to rebuild their livelihoods on Turkish soil. For years to come, Turkey will face a massive challenge regarding how to deal with its Syrian population. The Turkish President's recent statements, with which this piece began, should be understood in this volatile and complicated context.

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