

# A FRESH START ON MIGRATION? THE NEW PACT AND ITS IMPLICATIONS FOR EU-TURKEY COOPERATION

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*In 2015, as the Syrian Civil War carried on with its destruction of people's livelihoods, thousands of Syrians who had fled into neighboring Turkey began their treacherous journey to seek safe passage into the European Union (EU). With this sudden influx of refugees in the Southern Mediterranean, politicians and media outlets began calling this a "refugee crisis." In response, the EU and Turkey adopted the EU-Turkey Statement to curb migration flows by outsourcing migration management to Turkey in exchange for financial support and a renewed engagement to advance on pending political issues.*

Four years after the entry into force of the non-binding EU-Turkey Statement, or the EU-Turkey migration deal, there is certain skepticism about its success. Unresolved legal questions in its implementation still remain, the quotas set forth in the 1:1 mechanism have not been met and the Voluntary Humanitarian Admissions Scheme was never activated. On the other hand, the deterioration of democracy in Turkey has prevented progress on accession, visa liberalization, and the modernization of the Customs Union, as contemplated by the deal, leaving Ankara frustrated with unmet expectations.

For several years now, Turkey holds the highest number of refugees in the world – 4 million – with three-fourths being Syrian. This policy note aims to explain how the inception of the Statement has transformed the nature of the EU's relations with Turkey by turning it

into a transactional cooperation based on interests undermining the credibility of EU's enlargement policy. As the EU continues to need Turkey's cooperation in the field of migration, new ways to address their dysfunctional political relationship are needed to overcome the current stalemate in order to find a balance between interests and values. To that end, this policy note also discusses the opportunities and the risks created by the EU-initiated New Pact on Migration and Asylum and puts forward concrete policy recommendations to both Turkey and the EU.

## **What has not worked and why?**

With no end in sight to the Syrian Civil War and with the promise of safe refuge and opportunities, Syrian refugees began making their way onto European shores via a dangerous and deadly journey that opened the

world's eyes to their harrowing plight. The so-called "European refugee crisis" was brought into the public imagination as an image that went around the world of three-year-old, Alan Kurdi, who drowned off the Turkish shore as he and his father were trying to seek refuge in neighboring Greece.

The EU-Turkey Statement, a non-binding political commitment between European heads of state and Turkey, was a crisis-led response to the influx of refugees. This is the principle shortcoming of the Statement as it was a temporary solution to an enduring phenomenon to which the EU lacked political will to address in an all-encompassing way. The deal was never based on a principle of shared responsibility, due to the opposition of several Member States, mostly from Central and Eastern Europe<sup>1</sup>, to accept refugees.

The 1:1 mechanism, by which a Syrian is resettled in the EU for every Syrian being returned to Turkey from the Greek islands, has resulted in some 27,000 Syrians<sup>2</sup> having been resettled to EU Member States. This is a figure comparable to the number of Syrian refugees that nearly any given district in Istanbul hosts. This is why Ankara has repeatedly called on the EU Member States to activate the Voluntary Humanitarian Admissions Scheme to provide refugees with safe and legal alternatives to irregular migration within the EU, but it has yet to be enacted.<sup>3</sup>

The EU made a series of political openings to Turkey, including speeding the visa liberalization process for Turkish nationals as well as upgrading the Customs Union, providing that it would reduce irregular entry into the EU.

Having met its part of the deal, Ankara is now laying claim to the EU's side of the bargain. However, progress on the political front has not been possible, as relations between Turkey and the EU have markedly deteriorated in recent years. As Turkey's accession process has been frozen even before the deal was sealed, the EU's decision of linking the Statement to Turkey's accession, by including the possibility of opening new negotiation chapters, has contributed to the erosion of the process in the long run due to the lack of realistic progress. On the other hand, by not taking a bold stance on the continuing deterioration of democracy in Turkey while the deal was being negotiated, the EU sent the signal that human rights are no longer a part of the equation, undermining the EU's own values and turning its relationship with Turkey into one based on mutual interests.

### **What has worked: Ensuring refugees' self-reliance in Turkey**

Bearing the weight of hosting the world's largest refugee population is no small feat and requires re-thinking approaches and policies. Despite the fact that Turkey has adapted its national asylum system to grant temporary protection permits to Syrians, criticism has been often raised with regard to the geographical limitations Turkey retains to the 1951 Refugee Convention that allows only for the recognition of refugees from Europe.

While this permit gives refugees access to education, employment, health, and social services, it does not facilitate their permanent residency or citizenship aggravating their cycle of precariousness. Turkey stands out from

its neighbors in that it proactively provides pathways towards formal employment. While this is true, only about 1,5% of the 2,2 million working-age refugee population<sup>4</sup> holds a work permit meaning that most work in the informal sector. This highlights the urgent need to invest in refugee's self-reliance.

To contribute to Turkey's efforts for self-reliance, the EU has allotted €6 billion worth of support in the EU Facility for Refugees (FRIT) in two-part payments of €3 billion. The FRIT aims at meeting the needs of refugees and local communities in Turkey and has become one of the most successful components of the migration deal.

Two of its most impactful programs – the Emergency Social Safety Net (ESSN) and the Conditional Cash Transfer for Education (CCTE) – have provided 1,7 million refugees with monthly cash transfers to help them cover food, shelter, and transport needs and supported families with children who have an 80% attendance rate at school with cash transfers every two months.

These programs<sup>5</sup> have been granted an additional €485 million in funding until the end of 2021.<sup>6</sup> In light of the extended vulnerability of refugees during and post-pandemic, Turkey needs to continue receiving this support from the EU. Otherwise, the progress made in improving refugees' resilience could be rapidly undone.

### **What is next for the deal and EU-Turkey relations?**

In February 2020, President Erdoğan encouraged free migration flows to the EU by opening Turkey's border with Greece prompting European Commission President Ursula von der Leyen to visit the Greek-Turkish border and proclaim Greece as being "Europe's shield."<sup>7</sup> Commissioner Johansson warned the Greek government of the need to uphold the right to asylum, but did not state that their actions were illegal and against international law. Greece's border closures and reactionary response to asylum seekers this past February, as well as the secret expulsion of more than 1,000 refugees in recent months<sup>8</sup>, exacerbates the narrative of needing to control migration by protecting "Fortress Europe."

Shortly after, President von der Leyen along with European Council President Charles Michel met with President Erdoğan in Brussels where they discussed the need to work on a revised implementation of the EU-Turkey Statement. Following High Representative of Foreign Affairs Josep Borrell's visit to Ankara to meet with Turkish Foreign Minister Mevlüt Çavuşoğlu, both parties were tasked with finding common ground for an updated version of the Statement.<sup>9</sup> Despite Turkey's successful strategy to put pressure on the EU to rework the deal, no progress has so far been made due to the impossibility of finding a new agreement on the components of the deal and the recent escalation of tensions between Turkey and Greece over the Eastern Mediterranean.

In the meantime, the European Commission has released its New Pact on Migration and Asylum with the aim of streamlining the asylum process years after struggling with establishing a comprehensive migration policy. The Pact aims to rebuild trust between Member States and have a balance between solidarity and responsibility. While the Pact seems to reframe the Dublin Convention, its principles remain intact as asylum continues to be sought in the first country of entry. Curbing irregular migration stays to be the norm and a renewed focus is being placed on making asylum procedures more efficient.

Under the new Pact, Member States can choose to show their solidarity by relocating refugees or by demonstrating financial responsibility<sup>10</sup>, not fully engaging in responsibility sharing, and providing logistical support at the external borders. Hence, the balance between solidarity and responsibility continues to be non-existent since only a few countries will continue to bear the pressure of accepting asylum seekers, testing the withdrawal of the EU.<sup>11</sup> On the other hand, the EU is further solidifying its status as “Fortress Europe” by deploying a European Border and Coast Guard standing corps to speed up administrative procedures at the external border. Last but not least, the Pact places a renewed emphasis on cooperation with third countries based on mutually beneficial partnerships to deter migrants and refugees from coming to Europe. This means that the EU will continue to outsource its migration responsibility to countries of origin, transit, and destination.

The need to revisit the EU-Turkey Statement is in the interest of both Turkey and the EU and refugees themselves, whose livelihoods are being impacted by COVID-19 potentially setting progress back to emergency-like conditions.<sup>12</sup> The Pact is unlikely to change the way in which migration cooperation has worked so far, placing even more importance on Turkey as a key partner in managing migratory flows. To prevent a worsening of relations and the repeat of the events of earlier this year, the EU should continue to provide financial support to Turkey for its hosting efforts and increase its resettlement commitments. The prospects of a major change in EU-Turkey relations on other fronts are slim, mainly because the relationship continues to rely on a weak and shaky foundation. Regretfully, a renegotiation of the Statement will depend on whether the two sides are able to find a balance between their interests and what is realistically achievable, using the lives of refugees as a bargain chip.

#### Policy recommendations:

- **The EU needs to urgently consider the pervasive challenges in the New Pact on Migration and Asylum:** As stated earlier, the bureaucratic elements of the Pact do not leave room to address the root causes of migration and why so many people seek international protection. Until this is illustrated more clearly, and certain Member States grasp with what real solidarity and responsibility is, there will continue to be a gap in response, especially if migration continues to be viewed as a “quick fix.” The new Pact seems to limit

asylum even more while the securitization of the external borders demonstrates an image of total rejection to those escaping violence and persecution. In light of this, the EU will continue to face harsh criticism for its handling of migration matters and continue to rely on often unreliable third countries for managing migration.

- **The EU has a moral imperative with refugees that are in its internal borders:** The Pact needs to consider ways to manage migration in a humanistic and efficient manner to prevent seemingly unsolvable problems to the ones created following the handling of the 2015 migratory wave. The Moria disaster has once more highlighted the extremely deficient conditions that exist in the refugee camps, including overcrowding, inadequate access to psycho-social support and dismal sanitary conditions. The Greek hotspots are the proof of EU's failed migration policy, to which the EU-Turkey deal has also contributed, having been unable to make returns happen. Asylum requests need to be processed more quickly, efficiently, and fairly to alleviate the pressure on Greece.
- **The EU and Turkey should intensify their political dialogue at all levels and fields:** While the accession process re-

mains frozen, the EU and Turkey should find ways of addressing their concerns – from foreign and security policy to democratization issues– through official and unofficial channels of communication. If the positive political EU-Turkey agenda announced by the European Council is launched after the troubled waters in the Eastern Mediterranean calm down, it could unblock long-pending demands like the modernization of the Customs Union and facilitating people to people contacts. The EU should use this process as an opportunity to regain some of its leverage on Turkey by making its realization conditional upon alignment with the EU's values and policies.

- **The EU needs to continue to support Turkey in its hosting process and step up its responsibility-sharing:** The EU has outsourced migration to Turkey and has financed humanitarian programs to meet the needs of refugees. This support for refugees should continue, mainly because a post-pandemic reality is likely to be a worrisome humanitarian situation. Turkey needs to make efforts for refugees to be self-reliant considering that they are likely to remain in Turkey, even if the conflict in Syria ends.

## NOTES

1. Lyman, R. (2015, September 12). "Eastern Bloc's Resistance to Refugees Highlights Europe's Cultural and Political Divisions". *The New York Times*.
2. There was a 72,000-refugee quota established at the behest of Germany that has still not been met.
3. Atlantic Council in Turkey. (2019, May 15). "EU-Turkey relations and the migration conundrum: Where does the EU-Turkey Statement stand after three years?"
4. Demirguc-Kunt, A., Lokshin, M., and Ravallion, M. (2019, November 22). A New Policy to Better Integrate Refugees into Host-Country Labor Markets. Center for Global Development.
5. These programs are supported by the EU, Norway, the US, Turkish Red Crescent, Ministry of National Education, and Ministry of Family, Labor, and Social Services.
6. European Council. (2020, July 10). Turkey: Extension of EU humanitarian programmes supporting 1.7 million refugees receives green light.
7. Der Spiegel alleges that a Pakistani national, Muhammad Gulzar, was shot and killed by an assault rifle at the Greek-Turkish border as the situation escalated between refugees and Greek security forces.
8. Kingsley, P. & Shoumali, K. (2020, August 14). "Taking Hard Line, Greece Turns Back Migrants by Abandoning Them at Sea". *The New York Times*.
9. European External Action Service. (2020, July 6). "Turkey: Remarks by HR/VP Josep Borrell at the press conference following his meeting with the Minister of Foreign Affairs Mevlut Çavuşoğlu".
10. Countries that will be doing this are Hungary, Poland, and Czech Republic. They did not accept their fair share of refugees during the mass influx of refugees in 2015/16.
11. During the midst of the "refugee crisis," German Chancellor Merkel sidestepped the Dublin Convention and said that Germany would welcome all refugees, rallying Germans around the concept of "Wir Schaffen Das" or "We Can Do It." If a select number of countries relocate migrants with this Pact, they will be overwhelmed, understaffed, and underfinanced for dealing with a potential influx in asylum cases, like Germany faced.
12. Özkul, D. (2020). "COVID-19 Salgını Süreci ve Sonrası için Göçmen, Sığınmacı ve Mültecilere Yönelik Politika Önerileri", İstanPol, 014.



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