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CHANGING PARAMETERS OF  
MIGRATION COOPERATION:  
**BEYOND THE EU-TURKEY  
DEAL?**

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## EXECUTIVE SUMMARY

The debate on EU-Turkey cooperation in the field of migration has so far largely focused on the so-called “EU-Turkey deal.” This paper takes the debate one step further by reflecting on the overlooked financial and institutional component of the deal, namely the institutionalized support Turkey has been receiving from the EU to bolster refugee integration in Turkey. It argues that the discussion on migration cooperation between Turkey and the EU should move toward issues concerning *rights-based good governance* aiming at *cohesion* and employing effective *inter-institutional cooperation* in the design and implementation of policies toward the refugees who already reside in Turkey and in EU member countries. We believe that this is significant primarily for two reasons. One is that the overwhelming focus on the EU-Turkey migration deal has played a toxic role in the overall EU-Turkey relationship, with the deal itself being subject to political bargaining and joint accusations breeding substantive mistrust on both sides. Secondly, the existing research suggests that a vast majority of refugees in Turkey do not bear the intention to leave the country, which already hosts over four million refugees. This means that Turkey is facing similar long-term governance-related challenges to other EU member states such as Germany, which also hosts a considerable number of refugees. An EU-Turkey cooperation designed on such premises would not only strengthen the integration of refugees in Turkey but also entail the prospect of making a fundamental pillar of EU-Turkey cooperation less transactional and, thus, the relationship less toxic.



## INTRODUCTION

In the summer of 2015, close to one million Syrian refugees transited through Turkey and risked their lives crossing the Aegean Sea in hopes of seeking protection in Europe. The debate over the arrival of refugees in Europe was leading to a political crisis in the EU as no agreement could be reached on how/where to distribute inflows of refugees within European territory to ease the burden on border countries. Therefore, efforts turned to addressing the issue with countries of transit and origin, most notably Turkey, as the country was facing a huge refugee influx.

In the fall of 2015, the EU and Turkey entered into high-level policy dialogues to address this common migration challenge. This was also seen as an opportunity to re-energize Turkey's stagnating EU accession process. In October 2015, the European Commission presented the EU-Turkey Joint Action Plan, activated during the November 29, 2015 EU-Turkey Summit. Then, during the March 18, 2016 Summit, the EU-Turkey Statement, or better known as the "EU-Turkey deal," was signed, which detailed cooperation in supporting Turkey in hosting this vast refugee population, curbing irregular migration flows to Europe, promoting legal channels for protection and resettlement in Europe, accelerating visa liberalization for Turkey, and re-energizing Turkey's EU accession process. With respect to migration management alone, the EU-Turkey deal included both a concrete return and resettlement scheme to manage irregular migration from Turkey and substantial funding (3 billion EUR for 2016-17 and another 3 billion EUR for 2018-19) to support Turkey in hosting refugees.

The EU-Turkey deal has received widespread attention both in the media and academic studies, although the focus has tended to be on either the deal overall and its implications vis-à-vis EU-Turkey relations and the EU's migration externalization policies, or on the returns component of the deal and its impact on the rights of asylum seekers and refugees. This paper

takes the debate one step further by reflecting on the overlooked financial and institutional component of the deal, namely the institutionalized support Turkey has been receiving from the EU to support refugee integration in Turkey. It argues that the discussion on migration cooperation between Turkey and the EU should move toward issues concerning *rights-based good governance* aiming at *cohesion* and employing effective *inter-institutional cooperation* in the design and implementation of policies toward the refugees who already reside in Turkey and in EU member countries. We believe that this is significant primarily for two reasons. One is that the overwhelming focus on the EU-Turkey migration deal has played a toxic role in the overall EU-Turkey relationship, with the deal itself being subject to political bargaining and joint accusations breeding substantive mistrust on both sides. Secondly, the existing research suggests that the vast majority of refugees in Turkey do not bear the intention to leave the country, which already hosts over four million refugees, meaning that Turkey is facing similar long-term governance-related challenges to other EU member states such as Germany, which also hosts a considerable number of refugees. While Turkey's recent incursion into Northern Syria may be perceived as an opportunity for the return and resettlement of refugees in Syria, this, too—assuming that it motivates any returns—would not produce an effective solution given the sheer scale of the Syrian refugees who are residing in Turkey.

To this end, the paper opens first with an overview of how Turkey has responded to the Syrian refugee crisis. This is followed by a discussion of the different components of EU-Turkey cooperation on migration over recent decades and the impact of the refugee crisis after 2015, including the EU-Turkey deal, detailing in particular its financial and institutional components. It then explores the next possible and necessary steps in migration cooperation between the EU and Turkey.

## THE SYRIAN REFUGEE CRISIS AND TURKEY'S RESPONSE

The Turkish government has been highly proactive in providing services and support to refugees since the start of refugees' arrival from Syria in 2011, wherein different state actors, ministerial or at the provincial and local levels, have been involved in the refugee response to different degrees. In the initial years of the conflict, the number of refugee arrivals was more manageable, with only 225,000 Syrian refugees registered with Turkish authorities by 2013. Accordingly, Turkey's initial actions focused mainly on emergency response, characterized by setting up fully serviced camps for arriving refugees, namely Temporary Accommodation Centers (TACs), in provinces bordering Syria and offering free medical care and education possibilities for all, the latter being provided in Temporary Education Centers (TECs).

However, after 2013 the numbers began to escalate drastically, reaching 1.5 million in 2014, 2.5 million in 2015, and close to 3.7 million today.<sup>1</sup> The TACs were not able to accommodate such vast numbers of refugees, who started self-settling in the major metropolitan centers of Turkey (i.e., Istanbul, Ankara, Izmir, Bursa) instead of in border provinces. Today, less than two percent of the refugee population in Turkey is accommodated in TACs. With the escalation in numbers, the phenomenon of urban self-settlement, and the growing recognition of the protracted nature of the conflict in Syria, policy makers began to focus on the question of how to integrate this massive population into the host society. As a result of these growing challenges, the policies on refugees have gradually shifted from emergency management to a long-term integration approach.

1 [http://www.goc.gov.tr/icerik6/gecici-koruma\\_363\\_378\\_4713\\_icerik](http://www.goc.gov.tr/icerik6/gecici-koruma_363_378_4713_icerik). In addition, Turkey also hosts over 360,000 registered refugees and asylum seekers from Iraq, Afghanistan, Iran, Somalia, and other countries (<https://www.unhcr.org/tr/unhcr-turkiye-istatistikleri>).

Today, all Syrian nationals in Turkey, and Palestinian refugees who previously resided in Syria, are recognized under the status of temporary protection, defined under the Law on Foreigners and International Protection (Law No. 6458). On October 22, 2014, the Council of Ministers issued the Temporary Protection Regulation (2014/6883), which set an important benchmark in the efforts of the government of Turkey to clarify and reinforce the overall legal and administrative mechanisms surrounding assistance to refugees from Syria. It touches on various topics such as non-refoulement, registration, and access to basic services including health and education. It also refers to access to the labor market, social assistance, interpretation and similar services, assistance provided by NGOs and international organizations, security, and the role of various Turkish authorities.

The Turkish government has made tremendous efforts toward hosting what is today the world's largest refugee population in a single country and, in recent years, has also taken important steps in supporting their longer-term integration into Turkish society. Nonetheless, refugees' needs remain grave, especially given the scale of the matter.<sup>2</sup> While refugees, especially those settled for some years in Turkey, have improved their economic conditions since their arrival, a significant percentage still remains poor.<sup>3</sup> Despite legal changes granting Syrians under temporary protection access to work permits, in practice work permits remain inaccessible for the vast majority of

2 For a detailed overview of the multi-sector needs discussed in this paragraph, see: K. Biehl et al., *Technical Assistance to the EU Facility for Refugees in Turkey*, European Commission, Final Report 31 October 2018, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated\\_needs\\_assessment.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_needs_assessment.pdf).

3 As an example testifying to this situation, the EU-funded Emergency Social Safety Net program targeting the most vulnerable refugees in Turkey has assisted around 1.7 million people since 2016. See: [https://ec.europa.eu/commission/presscorner/detail/en/QANDA\\_19\\_6212](https://ec.europa.eu/commission/presscorner/detail/en/QANDA_19_6212).

refugees, and many remain employed informally in sectors like agriculture and textile, which are prone to poor working conditions and wages. Although the state has made significant progress in introducing refugee children into the regular public school system in Turkey, around 40 percent of the school-age population remains out of school. Access to primary healthcare services for refugees has also improved significantly through the establishment of Migrant Health Centers across the country, yet their scale and outreach are still not sufficient to meet the growing demand. There also remain substantial shortages in meeting refugees' access to secondary and tertiary schools, as well as mental health services. While Turkey has had to shoulder many of these burdens alone, since the beginning of the crisis the international community, and in particular the EU and its member states, have also played an important role in supporting Turkey's efforts to meet such needs.<sup>4</sup>

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<sup>4</sup> For an overview on the different actors involved in Turkey's refugee response, see F. Memisoglu and A. Ilgit, "Syrian refugees in Turkey: multifaceted challenges, diverse players and ambiguous policies," *Mediterranean Politics* 22, no. 3 (2017): 317-33.

## EU-TURKEY COOPERATION ON MIGRATION AND THE IMPACT OF THE REFUGEE CRISIS

After Turkey became a candidate for EU accession in 1999, along with other policy matters, the accession process instilled a period of growing cooperation between Turkey and the EU on migration issues. Turkey has received significant financial and technical assistance on migration-related programs and projects, focused primarily on improving and strengthening Turkey's migration and border management capacities, including support for the preparation of Turkey's highly comprehensive Law on Foreigners and International Protection (Law No. 6458, passed in April 2013), the establishment of Turkey's first civilian institution on the subject (the Directorate General on Migration Management), building reception and removal centers for asylum seekers and irregular migrants, strengthening border control mechanisms, combating human smuggling and trafficking, and training relevant staff on migration and asylum-linked topics.

Readmission agreements<sup>5</sup> have also been central to EU-Turkey migration cooperation. Since the early 2000s, Turkey has signed several readmission agreements both with the EU and some source countries of irregular migration in the Middle East and Central Asia. The signing of the readmission agreement with the EU was particularly thorny due to the fact that Turkey demanded visa liberalization in return but was faced with a reluctant Union fearing public repercussions amid growing Islamophobia, populism, and Turkey-skepticism across the European publics. The decade-long

readmission/visa controversy was finally resolved on December 16, 2013 when the two sides signed the Readmission Agreement and the Protocol on the Initiation of the Visa Liberalization Dialogue. The package stipulated that Turkey would start taking back irregular migrants who had entered the EU through Turkey three years after the readmission agreement entered into force, whereas the EU would vote (through a qualified majority) to abolish visas for Turkish citizens once Turkey completed the EU's visa liberalization roadmap and started to implement the readmission agreement. The roadmap that Turkey needed to follow for visa-free travel entailed key reforms to strengthen border management, establish an asylum system in line with international standards, and improve Turkey's human rights record.

After the great summer of migration across the Aegean Sea in 2015, EU-Turkey relations reached a new level, focusing on increased cooperation to overcome the common challenges faced by the growing Syrian refugee population in Turkey and irregular migration movements into Europe. As a strong incentive for Turkey, these discussions also included accelerating the visa liberalization roadmap and revitalizing Turkey's EU accession process, which had stagnated in previous years. Moreover, the EU offered to provide Turkey with substantial new funding to meet the needs of refugees.

To this end, on November 15, 2015, the European Commission (EC) reached an agreement with the Turkish government on a *EU-Turkey Joint Action Plan (JAP)* identifying various actions to be carried out simultaneously by the EU and Turkey to address the migration crisis through supporting

<sup>5</sup> Readmission agreements enable the return of irregular migrants to their own country of citizenship and to countries through which they have transited. The EU-Turkey Readmission agreement was signed on December 16, 2013.



Syrians under temporary protection in Turkey and their hosting communities and strengthening cooperation to prevent irregular migration.<sup>6</sup> The JAP was activated on November 29, 2015 during a meeting held between the EU heads of state or government and Turkey, where an agreement was also reached on a payment of 3 billion EUR to Turkey for meeting the needs of refugees and their hosting populations. On March 18, 2016, a third meeting was held between the members of the European Council and Turkey, dedicated again to both deepening EU-Turkey relations and addressing the migration crisis. As an outcome, all parties agreed on the “EU-Turkey Statement,” referred to more commonly today as the “EU-Turkey deal,” where they reconfirmed their commitment to the implementation of the JAP and agreed on further measures aimed at deepening Turkey-EU relations, curbing irregular migration flows, and providing safe and legal routes to the EU for those in need. The Statement also included further concrete action points and timelines, most notably the following:

- Of all irregular migrants crossing from Turkey to the Greek islands after 20 March 2016, those who do not apply for asylum and those whose claim for asylum is declared inadmissible in line with EU and international law will be returned to Turkey (action point 1);

6 The EU commitments include mobilizing substantial funding to support Turkey in hosting refugees; continuing to provide immediate humanitarian assistance; carrying out a needs assessment in collaboration with Turkish authorities as a basis for programming under new funds; supporting EU and member state resettlement schemes and programs; supporting capacities of Turkey to prevent migrant smuggling; continuing to address root causes of irregular migration (through development assistance); better information sharing with both prospective irregular migrants (on risks of journey) and Turkish authorities (on smuggling networks). Turkey’s commitments include continuing to protect and support Syrians in the country; ensuring registration; improving their access to basic services, especially education, health, and employment; strengthening interception capacities of the Turkish Coast Guard; stepping up cooperation with Bulgarian and Greek authorities to prevent irregular crossings and implementing readmission agreements; pursuing progressive alignment of visa policies with the EU.

- For every Syrian being returned to Turkey, another Syrian will be resettled to the EU from Turkey directly (action point 2);
- The fulfillment of the visa liberalization 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 fulfill the remaining requirements (action point 5);
- The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees (hereafter referred to as the “Facility”) in Turkey. Once these resources are about to be used in full, the EU will mobilize additional funding for the Facility up to an additional €3 billion to the end of 2018 (action point 6).

Progress on these different components of the agreement between Turkey and the EU has varied significantly. On the one hand, the Statement had an immediate and rather drastic impact in terms of reducing the volume of irregular migration flows across the Aegean, as well as the loss of migrant lives at sea.<sup>7</sup> Progress vis-a-vis returns and resettlements have been steady, though not exactly meeting the 1:1 criteria foreseen in the EU-Turkey deal as the number of returns from the Greek islands has remained low compared to the number of reset-

7 Overall in 2015, there were close to one million arrivals in Europe travelling through the Eastern Mediterranean route. This figure dropped down to around 182,000 in 2016 and 42,000 in 2017. In 2018, the numbers increased slightly to 51,000. The number of fatalities and missing persons recorded in the Aegean Sea dropped from 434 in 2016 to 62 in 2017 and 174 in 2018 (see the first, second, and third annual reports on the Facility).

tlements.<sup>8</sup> On the other hand, the number of resettlements taking place has remained low compared to the commitment made in the Statement on resettling up to 54,000 persons from Turkey.<sup>9</sup> On the matter of visa liberalization, progress has been stalled because of five (out of seventy-two) requirements listed in the roadmap that Turkey has been unable to fulfill. Out of this five, those that necessitated amendments to the Anti-Terror Law proved particularly contentious in an era of rising nationalism in Turkey. The funding component was initially hampered by some delays in payments and political negotiations over how they would be utilized.<sup>10</sup> Eventually, the first 3 billion EUR was contracted through 72 projects. Furthermore, in March 2018, the European Commission agreed on the mobilization of the additional 3 billion EUR for the Facility.<sup>11</sup>

8 One year after the statement, there were 27,000 arrivals, 1,504 returns, and 9,400 relocations. The Commission and the EU member states also committed to providing significant support to the Greek authorities in the implementation of the EU-Turkey Statement and improving migration management and reception conditions in Greece. However, progress reports on the EU-Turkey statement suggest that the Greek islands continue to be under great pressure due to slow processing of asylum applications, as well as limited capacity of reception and pre-removal facilities and staff (for example, see: European Commission, *Seventh Report on the Progress made in the implementation of the EU-Turkey Statement*, COM(2017) 470 final, 6.9.2017).

9 In the three years since the activation of the Statement, just over 20,000 Syrian refugees have been resettled from Turkey to Europe (see: European Commission, *Third Annual Report on the Facility for Refugees in Turkey*, COM (2019) 174 final of 15.4.2019, 4). Overall, the willingness of EU member states to take in more refugees has been very unsatisfactory. See L. Batalla Adam, "The EU-Turkey Deal One Year On: A Delicate Balancing Act," *The International Spectator* 52, no. 4 (October 2, 2017): 44–58.

10 B. Kale et al., "Asylum Policy and the Future of Turkey-EU Relations: Between Cooperation and Conflict," *FEUTURE Online Paper* 18 (2018), <http://www.tepsa.eu/feuture-online-paper-no-18-asylum-policy-and-the-future-of-turkey-eu-relations-between-cooperation-and-conflict-basak-kale-with-contributions-from-angeliki-dimitriadi-elena-sanchez-montijan/,20>.

11 Commission Decision of 14.03.2018 on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution to the Facility for Refugees in Turkey.

Over recent years, numerous academic studies have been published about the EU-Turkey deal, most being of a critical nature. Numerous studies have questioned whether the EU-Turkey deal is really about burden sharing or rather burden shifting, representing simply a new version of the EU's ongoing "externalization" policies in the migration field for keeping unwanted arrivals at bay.<sup>12</sup> There have been many studies looking at the implications of the deal for re-shaping EU-Turkey relations, most pointing to the rising functionalism behind cooperation.<sup>13</sup> Linked to this, studies have also examined how this rising functionalism around Turkey's buffer zone position has given the Turkish government leverage for maintaining illiberal and undemocratic internal politics.<sup>14</sup> Last, but not least, the returns component of the deal has been scrutinized heavily, with many scholars questioning both its legal and ethical legitimacy from the view of international human rights and asylum law, especially in view of the question of whether Turkey can be considered a "safe third country"

12 L. Bialasiewicz and E. Maessen, "Scaling rights: the 'Turkey deal' and the divided geographies of European responsibility," *Patterns Of Prejudice* 52, no. 2/3 (2018): 210–230; G. Heck and S. Hess, "Tracing the Effects of the EU-Turkey Deal: The Momentum of the Multi-layered Turkish Border Regime," *Movements Journal* 3, no. 2 (2017): 35–56; S. Karadag, "Extraterritoriality of European borders to Turkey: an implementation perspective of counteractive strategies," *Comparative Migration Studies* 7, no. 12 (2019), <https://doi.org/10.1186/s40878-019-0113-y>.

13 B. Benvenuti, "The Migration Paradox and EU-Turkey Relations," *Instituti Affari Internazionali Working Papers* 17/05, 2017, <https://www.iai.it/en/publicazioni/migration-paradox-and-eu-turkey-relations>; Kale et al., "Asylum Policy and the Future"; B. Saatçioğlu, "The European Union's refugee crisis and rising functionalism in EU-Turkey relations," *Turkish Studies* (2019), DOI: 10.1080/14683849.2019.1586542.

14 L. Haferlach et al., "Lessons Learnt from the EU-Turkey Refugee Agreement in Guiding EU Migration Partnerships with Origin and Transit Countries," *Global Policy* 8, no. 4 (2017): 85–93; A. Okyay and J. Zaragoza-Cristiani, "The Leverage of the Gatekeeper: Power and Interdependence in the Migration Nexus between the EU and Turkey," *The International Spectator* 51, no. 4 (2016): 51–66; I. Kfir, "A Faustian pact: Has the EU-Turkey deal undermined the EU's own security?" *Comparative Strategy* 37, no. 3 (2018): 207–219.

of return.<sup>15</sup> Media reports on the EU-Turkey deal are similarly focused on the return component of the deal, though in relation to the bureaucratic hurdles on the Greek side mainly, highlighting the unsafe and inhumane conditions faced by asylum seekers who end up stranded indefinitely in the Greek island “hotspots” due to serious backlogs in processing asylum claims.<sup>16</sup> In the following section, this paper will propose a slightly different angle in looking at a still understudied aspect of the EU-Turkey deal, namely its financial and institutional components.<sup>17</sup>

15 D. Bulley, “Shame on EU? Europe, RtoP, and the Politics of Refugee Protection,” *Ethics & International Affairs* 31, no. 1 (2017): 51–70; B. Frelick, I.M. Kysel, and J. Podkul, “The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants,” *Journal of Migration and Human Security* 4, no. 4 (2016): 190–220; R. Lehner, “The EU-Turkey-‘deal’: Legal Challenges and Pitfalls,” *International Migration* 57, no. 2 (2019): 176–185; K. Rygiel, F. Baban, and S. Ilcan, “The Syrian refugee crisis: The EU-Turkey ‘deal’ and temporary protection,” *Global Social Policy* 16, no. 3 (2016): 315–320; UNHCR, “Legal Considerations on the Return of Asylum Seekers and Refugees from Greece to Turkey as Part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the Safe Third Country and First Country of Asylum Concept,” *International Journal Of Refugee Law* 29, no. 3 (2017): 498–508.

16 For examples of news reports on the third year of the EU-Turkey deal, see: (International Press) Elena Becatoros, “3 years on, what’s become of the EU-Turkey migration deal?” Associated Press, March 20, 2019, <https://www.apnews.com/2eb94ba9ace14272bd99909be2325e2b>; (Turkish press) “EU fails to fulfill commitments as refugee deal marks 3rd year,” Daily Sabah, March 19, 2019, <https://www.dailysabah.com/eu-affairs/2019/03/19/eu-fails-to-fulfill-commitments-as-refugee-deal-marks-3rd-year>.

17 See Den Hertog, who examines the implications of the EU-Turkey deal’s financial component for reconfiguring the EU’s budgetary systems and funding landscape, and Smeets & Beach, who explores the role of different EU institutions in the process leading up to the deal. L. den Hertog, “EU Budgetary Responses to the Refugee Crisis: Reconfiguring the Funding Landscape,” *CEPS Policy Paper* No. 93, 2016, Brussels: Center for European Public Policy; S. Smeets and D. Beach, “When success is an orphan: informal institutional governance and the EU-Turkey deal,” *West European Politics*, 2019, DOI: 10.1080/01402382.2019.1608495.

## INSTITUTIONALIZING EU-TURKEY COOPERATION: THE FACILITY FOR REFUGEES IN TURKEY

As noted above, an important component of the cooperation agreement between Turkey and the EU around the migration crisis included the promise of substantial, new funding that would support Turkey's efforts in hosting refugees. Between 2013 and 2015, the European Commission had allocated 345 million EUR to Turkey through different EU funding instruments, with additional support being provided through EU member states' bilateral aid.<sup>18</sup> The scale of the promised new contributions, however, as well as the ongoing urgency of meeting refugees' basic needs, called for better coordination of efforts and swift delivery of funds. Therefore, when EU member states called for a significant increase in funding to Turkey, the Commission adopted a decision on November 24, 2015 to establish the "Facility for Refugees in Turkey" (hereafter "the Facility"),<sup>19</sup> as a coordination mechanism through which EU funding to Turkey for supporting refugees is to be channeled. This funding included 3 billion EUR for 2016-17 (the "first tranche") and, provided all commitments are met, an additional 3 billion EUR for 2018-19 (the "second tranche").<sup>20</sup> Accordingly, the Facility is in charge of managing and coordinating all actions financed by the EU in Turkey through

<sup>18</sup> European Commission, First Annual Report on the Facility for Refugees in Turkey COM(2017), 130 final of 2.3.2017.

<sup>19</sup> Initially titled the "Refugee Facility for Turkey" in Commission Decision C(2015) 9500 of 24 November 2015, the name was changed to the "Facility for Refugees in Turkey" through Commission Decision C(2016) 60/03 of 10.02.2016.

<sup>20</sup> These resources include contributions both from the EU budget and from member states integrated into the EU budget. Member state contributions amounted to two billion EUR for the 2016-17 period and one billion EUR for the 2018-19 period.

different external EU funding instruments<sup>21</sup> to support refugees and aims to maximize their efficiency, complementarity, and impact.

The Facility<sup>22</sup> is governed by the Steering Committee, which aims to provide both strategic guidance on setting priorities and selecting actions to be supported, as well as monitoring and assessing the implementation of actions and of commitments stated by all parties in the EU-Turkey JAP. The Steering Committee is composed of two representatives from the Commission and one representative from each member state, while Turkey takes part in an advisory capacity. In determining actions to be funded by the Facility, there is an emphasis on consultation and cooperation with Turkish authorities to ensure shared ownership and sustainability and that actions to be funded are needs-based.<sup>23</sup>

In its funding implementations,<sup>24</sup> the Facility distinguishes between humanitarian and non-humanitarian (development) assistance. Humanitarian

<sup>21</sup> These include: Humanitarian Aid Instrument, European Neighborhood Instrument, Development Cooperation Instrument, Instrument for Pre-Accession Assistance, and Instrument Contributing to Stability and Peace (See 3<sup>rd</sup> Year Progress Report, 5).

<sup>22</sup> See: European Commission Decision C(2015) 9500 final of 24.11.2015 on the coordination of the actions of the Union and of the Member States through a coordination mechanism – the Refugee Facility for Turkey; European Commission Decision C(2016) 855 final of 10.2.2016 on the Facility for Refugees in Turkey amending Commission Decision C(2015) 9500 of 24.11.2015.

<sup>23</sup> The identification of priority areas for assistance is guided by comprehensive and independent needs assessment studies. Reports can be found at: [https://ec.europa.eu/neighbourhood-enlargement/news-corner/migration\\_en](https://ec.europa.eu/neighbourhood-enlargement/news-corner/migration_en) (under "Key Facility Documents").

<sup>24</sup> The full list of projects funded by the Facility can be seen at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/facility\\_table.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/facility_table.pdf).

tarian assistance aims to support the most vulnerable refugees, addressing protection issues and urgent basic needs (including gaps in service provisions for health and education), particularly for those who are most vulnerable. Non-humanitarian assistance aims at supporting longer-term goals, including strengthening refugees' access to public education and health services, as well as improving livelihood opportunities and basic infrastructure in provinces most impacted by refugee influxes. There is also a minor migration management component linked to accommodating returns and saving lives at sea.

In the first tranche, the humanitarian strand was allocated around 1.4 billion EUR for 45 humanitarian projects contracted with 19 partners. The European Commission's Civil Protection and Humanitarian Aid Operations Department (ECHO) is responsible for overseeing the contracts of all humanitarian projects. The largest program is the Emergency Social Safety Net, funded nearly 1 billion EUR, which is implemented by the United Nations World Food Program (WFP) in collaboration with the Turkish Red Crescent Society and is a social assistance program consisting of a debit card that delivers monthly, unrestricted, multi-purpose cash directly to vulnerable refugees. To date, over 1.5 million beneficiaries have benefited from the program.<sup>25</sup> The second is the Conditional Cash Transfer for Education program implemented by the United Nations International Children's Emergency Fund (UNICEF), funded 84 million EUR, which also entails monthly cash transfers and has reached the families of over 470,000 children attending school. As per ECHO regulations, all other projects are also implemented through international organizations (UN and NGOs) that in turn often work with national and local civil society organizations in Turkey.

Under development assistance, allocated around 1.6 billion EUR, 26 projects have been contracted under the first tranche through 20 partners. Projects funded by the Instrument for Pre-Accession (IPA) and Instrument contributing to Stability and Peace (IcSP), constituting 43 percent and 1 percent of the Facility budget, respectively, are overseen by the EU Delegation to Turkey. The European Commission's Directorate General for Neighborhood and Enlargement Negotiations manages projects financed by the EU Regional Trust Fund in Response to the Syrian Crisis, constituting 10 percent of the Facility budget. IPA projects are contracted to both Turkish ministries and international financial institutions (IFIs). This includes a 300 million EUR direct grant to the Ministry of Education on a project providing close to half a million Syrian children with access to education; a 300 million EUR direct grant to the Ministry of Health, entailing the establishment of 178 Migrant Health Centers across Turkey targeted at the primary healthcare needs of Syrians; and a 60 million EUR grant to the Directorate General for Migration Management for supporting the transportation and hosting costs of migrants returned from Greece. Different IFIs (including the World Bank, Kreditanstalt für Wiederaufbau, and Council of Europe Development Bank) have been allocated grants ranging between 50–250 million EUR for education and health infrastructure development projects. There are also multiple socio-economic support projects, some focused primarily on improving economic livelihood opportunities and capacities (i.e., through vocational education and training), which are implemented mainly by different IFIs and UN organizations (UNDP, ILO); others focused on a wider range of services (from training courses to information and referral services to cultural events, etc.) generally provided through community centers. Overall, for the first tranche the distribution of spending by these different priority

<sup>25</sup> European Commission, Third Annual Report on the Facility for Refugees in Turkey, COM(2019) 174 final of 15.4.2019.



areas was 52 percent on education, 28 percent on health, 15 percent on socio-economic support, and five percent on migration management.

As noted previously, in March 2018 the European Commission agreed on the mobilization of the additional 3 billion EUR for the Facility. The Updated Strategic Concept Note<sup>26</sup> approved during the Facility's Steering Committee meeting in June 2018, as well as the Facility's 3<sup>rd</sup> Year Report,<sup>27</sup> point to some of the changes envisioned for the second tranche. First, as a more subtle change, the Facility's target populations have been extended to include the sizeable population of non-Syrian refugees in Turkey who are eligible for subsidiary protection and consist of some 300,000 persons from Iraq, Iran, Afghanistan, Somalia, and the like.<sup>28</sup> Second, while areas of priority action (education, health, socio-economic support, protection) and modes of intervention remain more or less the same as in the first tranche, a notable addition is the allocation of funding for improving the provision of municipal services, including adequate water and sanitation conditions for refugees and host communities in provinces most impacted. Third, a change of discourse can be observed, which is evident in the strong emphasis made on the ideas of self-reliance and resilience and a progressive shift from humanitarian to development assistance that is centered on supporting refugees' employment and integration into the economy. Therefore, while funding is still to be allocated for meeting refugees' most basic needs, there is an emphasis on transitioning funding priorities and objectives from cash-transfer support to active

labor market participation. Fourth, while the emphasis on cooperation with the Turkish state in both deciding and implementing different courses of action has remained steady since the inception of the EU-Turkey deal, the second tranche places more emphasis on ensuring the sustainability of the supported projects and their incorporation into relevant government systems and programs beyond the lifespan of the Facility, given that this is the final allocation under the March 2016 deal.

<sup>26</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated\\_facility\\_strategic\\_concept\\_note.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_facility_strategic_concept_note.pdf).

<sup>27</sup> European Commission, Third Annual Report on the Facility for Refugees in Turkey, COM(2019) 174 final of 15.4.2019.

<sup>28</sup> On this change, see also: COMMISSION DECISION of 14.3.2018 on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution to the Facility for Refugees in Turkey.

**MIGRATION COOPERATION BEYOND THE EU-TURKEY DEAL?**

The discussion above demonstrates that while prior to the refugee crisis most migration-related EU funding and technical support to Turkey was linked with migration management capacities, following the refugee crisis it has expanded into all fields including humanitarian assistance, education, health, livelihoods, social protection, and cohesion. As such, through the Facility, the EU has started to play a more significant role in supporting the long-term integration of refugees in Turkey. A key question that emerges from this is how the EU-Turkey cooperation on migration will be sustained and the direction that it can take when the life span of the Facility comes to an end.

One option for the EU would be to simply return to its preferred overseas migration policy support, which focuses entirely on migration/border management and not on integration. While this option may seem easy and practical to European policy-makers in the short term, it may have detrimental long-term effects on EU member states as well as on Turkey. Turkey, already undergoing an economic recession with mounting political and governance-related problems, is set to experience growing public unrest against Syrian refugees, which may in turn increase the pressure on them to migrate to Europe. The Turkish government's own policies might ease migration to Europe as demonstrated in numerous statements in the past where the president and ministers have referred to "opening the gate if need be" on various occasions. While Turkey's recent incursion into Northern Syria may be perceived as an opportunity for the return and resettlement of refugees in Syria, that, too, assuming that it motivates any returns, would not produce an effective solution given the sheer scale of the Syrian refugees who are residing in Turkey.

Hence, there is an urgent need to think of novel and sustainable ways of ensuring EU-Turkey cooperation on migration, which is based on a rights-based approach and the long-term integration of Syrian refugees. We believe that this cooperation would be most effective if it was built on the principle of rights-based good governance that targets cohesion in society and is delivered through effective inter-institutional cooperation between the central government, local governments/actors, and civil society organizations in the country. Concerning the central government and state institutions, it is of key importance for integration that the dominant political discourse of "Turkish hospitality" toward refugees is replaced with a rights-based discourse. The discourse on hospitality is ineffective at producing social cohesion mechanisms and building a lasting culture of "living together," thus running the risk of increasing resentment between the host and the refugee community as well as between the refugee community and the central administration. The change in discourse should be coupled with a change in practices, whereby national level legislation and regulations should serve to establish effective, inclusive, and rules-based governance mechanisms that aim at social cohesion. The significance of social cohesion as the ultimate goal should constitute the main frame of the policies designed, especially given the data available on the state of Syrian refugees in Turkey. It is reported that 98 percent of Syrian refugees in Turkey live in urban centers, with 30 percent of the overall refugee population under the age of 10. While the size of the school-aged population is high, this is not reflected in the enrollment levels, where only 62 percent of the school-aged refugee population is enrolled in formal schools. While societal cohesion in and through education is essential, measures to that end should also target



the labor and the health sectors where there is also substantial room for improvement.

In terms of how this will be achieved, it is apparent that national legislation alone will not be sufficient unless it is coupled with effective implementation through strong coordination between the central administration (state institutions and the government), local actors (municipalities, governorships, and district governorships), and civil society organizations. For this triad to function well, it has to be inclusive, impartial, and non-partisan, particularly in the way in which the central administration and local actors approach civil society organizations. Coordination between different local actors, in particular between municipalities and governorships, also holds key importance.

We argue that the next step in EU-Turkey cooperation on migration should build on the goal of attaining this model of good governance that is needed for social cohesion and integration. The EU can and should directly interact with Turkish local actors and civil society organizations in capacity-building and the development of effective coordination mechanisms. The EU and its member states could also work with Turkey in sharing their best practices in the area of cohesion and trust-building. EU institutions themselves could provide platforms for such interactions and learning for policies that will be adopted at the central level, as well as improve coordination between the different interlocutors. An EU-Turkey cooperation designed on such premises would not only strengthen the integration of refugees in Turkey but also entail the prospect of making a fundamental pillar of EU-Turkey cooperation less transactional and, thus, the relationship less toxic.

## REFERENCES

- Batalla Adam, L. “The EU-Turkey Deal One Year On: A Delicate Balancing Act.” *The International Spectator* 52, no. 4 (October 2, 2017): 44–58.
- Benvenuti, B. “The Migration Paradox and EU-Turkey Relations.” *Instituti Affari Internazionali Working Papers* 17/05. 2017. <https://www.iai.it/en/pubblicazioni/migration-paradox-and-eu-turkey-relations>.
- Bialasiewicz, L., and E. Maessen. “Scaling rights: the ‘Turkey deal’ and the divided geographies of European responsibility.” *Patterns Of Prejudice* 52, no. 2/3 (2018): 210–230.
- Bulley, D. “Shame on EU? Europe, RtoP, and the Politics of Refugee Protection.” *Ethics & International Affairs* 31, no. 1 (2017): 51–70.
- COM (2017) 470 final REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL. Seventh Report on the Progress made in the implementation of the EU-Turkey Statement. Brussels, 6.9.2017.
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL First Annual Report on the Facility for Refugees in Turkey, Brussels, 2.3.2017 COM(2017) 130 final.
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Second Annual Report on the Facility for Refugees in Turkey, Brussels, 14.2.2018 COM(2019) 91 final.
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Third Annual Report on the Facility for Refugees in Turkey, Brussels, 15.4.2019 COM(2019) 174 final.
- den Hertog, L. “EU Budgetary Responses to the Refugee Crisis: Reconfiguring the Funding Landscape.” *CEPS Policy Paper* No. 93. Brussels: Center for European Public Policy, 2016.
- Elitok, S.P. “Three Years on: An Evaluation of the EU-Turkey Refugee Deal.” *MiReKoc Working Papers* 04/2019.
- European Commission Decision C(2015) 9500 final of 24.11.2015 on the coordination of the actions of the Union and of the Member States through a coordination mechanism – the Refugee Facility for Turkey.
- European Commission Decision C(2016) 855 final of 10.2.2016 on the Facility for Refugees in Turkey amending Commission Decision C(2015) 9500 of 24.11.2015.
- European Commission Decision of 14.03.2018 on the Facility for Refugees in Turkey amending Commission Decision C(2015)9500 as regards the contribution to the Facility for Refugees in Turkey.
- EU-Turkey Joint Action Plan 15 October 2015.
- EU-Turkey Needs Assessment. 2016. [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2016\\_needs\\_assessment\\_.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2016_needs_assessment_.pdf).
- EU-Turkey Needs Assessment. 2018. [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated\\_needs\\_assessment.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/updated_needs_assessment.pdf).
- EU-Turkey Statement, 18 March 2016. Press Release 144/16: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/pdf>.
- Facility for Refugees in Turkey: Updated Strategic Concept Note. <https://ec.europa.eu/>

- neighbourhood-enlargement/sites/near/files/updated\_facility\_strategic\_concept\_note.pdf.
- Frelick, B., I.M. Kysel, and J. Podkul. "The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants." *Journal of Migration and Human Security* 4, no. 4 (2016): 190–220.
- Haferlach, L., D. Kurban, H.K. Anheier, and R. Falkner. "Lessons Learnt from the EU-Turkey Refugee Agreement in Guiding EU Migration Partnerships with Origin and Transit Countries." *Global Policy* 8, no. 4 (2017): 85–93.
- Heck, G., and S. Hess. "Tracing the Effects of the EU-Turkey Deal: The Momentum of the Multi-layered Turkish Border Regime." *Movements Journal* 3, no. 2 (2017): 35–56.
- Kale, B., A. Dimitriadi, E. Sanchez-Montijano, and E. Sum. "Asylum Policy and the Future of Turkey-EU Relations: Between Cooperation and Conflict." *FEUTURE Online Paper* No. 18. 2018. <http://www.tepsa.eu/feuture-online-paper-no-18-asylum-policy-and-the-future-of-turkey-eu-relations-between-cooperation-and-conflict-basak-kale-with-contributions-from-angeliki-dimitriadi-elena-sanchez-montijan/>.
- Kfir, I. "A Faustian pact: Has the EU-Turkey deal undermined the EU's own security?" *Comparative Strategy* 37, no. 3 (2018): 207–219.
- Karadağ, S. "Extraterritoriality of European borders to Turkey: an implementation perspective of counteractive strategies." *Comparative Migration Studies* 7, no. 12 (2019). <https://doi.org/10.1186/s40878-019-0113-y>.
- Lehner, R. "The EU-Turkey 'deal': Legal Challenges and Pitfalls." *International Migration* 57, no. 2 (2019): 176–185.
- Memisoğlu, F., and A. Ilgit. "Syrian refugees in Turkey: multifaceted challenges, diverse players and ambiguous policies." *Mediterranean Politics* 22, no. 3 (2017): 317–33.
- Okyay, A., and J. Zaragoza-Cristiani. "The Leverage of the Gatekeeper: Power and Interdependence in the Migration Nexus between the EU and Turkey." *The International Spectator* 51, no. 4 (2016): 51–66.
- Rygiel, K., F. Baban, and S. Ilcan. "The Syrian refugee crisis: The EU-Turkey 'deal' and temporary protection." *Global Social Policy* 16, no. 3 (2016): 315–320.
- Saatçioğlu, B. "The European Union's refugee crisis and rising functionalism in EU-Turkey relations." *Turkish Studies* (2019). DOI: 10.1080/14683849.2019.1586542.
- Smeets, S., and D. Beach. "When success is an orphan: informal institutional governance and the EU-Turkey deal." *West European Politics* (2019). DOI: 10.1080/01402382.2019.1608495.
- UNHCR. "Legal Considerations on the Return of Asylum Seekers and Refugees from Greece to Turkey as Part of the EU-Turkey Cooperation in Tackling the Migration Crisis under the Safe Third Country and First Country of Asylum Concept." *International Journal Of Refugee Law* 29, no. 3 (2017): 498–508.



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