

**TURKEY AS A GATEKEEPER TO EUROPE?
THE JOINT-ACTION AGREEMENT TWO MONTH DOWN THE LINE
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Lisa Haferlach, Dahrendorf Research Associate and Dilek Kurban, Co-chair of the Working Group
'Europe and Turkey'

With Turkey currently regarded as the key to solving – or at least abating and restricting the refugee crisis outside the borders of the EU – former cracks in EU-Turkey relations have been swiftly smoothed over. Turkey knows of its current indispensability and arguably Europe needs Turkey more than vice versa. The balance of power has shifted significantly in favour of Turkey. But this new transactional nature in the relationship has led to a muting of other crucial debates such as human rights abuses, particularly in the Kurdish region, attacks on freedom of speech and developments towards an increasingly authoritarian leadership. Against the backdrop of the war in Syria, the refugee crisis and the state of the Kurds in the region, the panel will discuss the role that these developments assume in the context of European refugee politics, EU-Turkey relations and their respective foreign policy agendas in the Middle East and specifically Syria, as well as their impact on the future of the EU. Building on our expert workshop in March 2016 we will discuss what the options for partnership and cooperation in light of recent developments may open up for Turkey and the EU. Or whether, alternatively, the EU will be paying a high price for Turkey to guard the gate into Europe.

There are currently more than 3.5 million refugees in Turkey of which 2.5 million are registered. Merely 10% of the refugees who are presently in Turkey are accommodated in camps what refugees prefer to avoid due to their prison-like set-up. The fact that hostility of host communities vis-à-vis refugees is on the rise, Turkey's South-East is suffering the worst violence in two decades, and acts of terrorism are increasing in the major cities, begs the question whether Turkey is a safe country for Syrian refugees, let alone a safe country of origin. With the feeling of insecurity and terror spreading among the population, it is likely that the situation will only get worse, which will lead to further popular demands for tightened security. Hence, the EU's concessions and its avoidance of criticism are putting the social peace in Turkey at serious risk.

Turkey's temporary protection and the Law on Foreigners leave refugees in Turkey in a state of limbo, thus subjecting refugees to "legal violence". Turkey's refugee policy is not functioning well and is in breach of the Geneva Convention. It places Syrian refugees permanently under temporary protection instead of granting refugee status. The 'temporary protection' status leaves Syrian refugees, contrary to the Geneva Convention, unable to apply for asylum in Turkey and affords refugees fewer social rights than Turkish nationals. The directive of not processing individual applications for international protection during 'temporary protection' specifically prohibits Syrian refugees from applying to UNHCR and to subsidiary protection or conditional refugee status. This in turn raises the question whether the 'temporary protection status' was devised by the international community specifically to contain Syrian refugees. Reports further point out that many obstacles prevent refugees from accessing the labour market, education and health services in Turkey. While refugees have access to these in theory, work permits are hard to come by; hospitals do not provide translation services; and more than 400,000 Syrian children are prevented from attending school and, due to financial hardship, are under threat of being caught up in a system of child labour.

But the EU should also be wary of its concession towards Turkey in light of the human rights situation in the Kurdish region, the state of freedom of expression and academic freedom in the country. The EU should not forget its political responsibility and obligation to monitor the human rights situation as part of the accession process. The conflict in the South-East of Turkey has led to cities under curfew and clashes between the population and the security forces in systematic attacks of Kurdish cities. Human Rights Watch has also reported maltreatment of refugees and has recently claimed that Turkish border guards have in the past two months killed five refugees. European politicians should also speak up when criminal charges are filed against academics and when freedom of speech is curtailed. The short-sightedness on the part of European leaders to remain complacent in the face of gross human rights violations in the Kurdish regions flies in the face of pro-democracy forces in Turkey and will continue to put Turkey's civil order at risk.

POLICY RECOMMENDATIONS

- The EU should seek to change Turkey's refugee policy in order to bring it into **compliance with the Geneva Conventions** (including the removal of the geographical reservation). The EU should not make a deal with a country which is effectively not a party to the Geneva Conventions and does not grant refugee status. Also, the artificial distinctions made between Syrian refugees and refugees from other conflict zones such as Iraq and Afghanistan does not comply with international legal standards. The EU should not make such distinctions itself and should not encourage/reward Turkey to do so.
- The EU should assume continued political responsibility and legal obligation to **monitor the human rights situation in Turkey** as part of the accession process.
- To counteract the human rights violations in Turkey, the **opening of chapters 23 & 24 should be supported** in order for EU leverage to get back on track. The attention that is currently aimed at Turkey is unparalleled. Serious accession negotiations addressing core issues in Turkey such as central administration and the restructuring of the Ministry of Justice are necessary, as well as pushing for decentralization to empower the municipalities in the refugee question. The EU furthermore needs to reverse the roles and push for Turkey's accession. Without serious conviction in regard to a viable partnership, the EU will not be able to influence Turkey's policies. With the opportunity of a solution in the Cyprus conflict, the EU should not stand back, but support the opportunity at hand.
- The EU should demand **accountability and transparency of the funds** made available and needs to attach conditionality thereto. While the EU must supply funding, it should not take the form of general financial support for Turkey, but rather be targeted specifically for refugees stranded in Turkey.
- The increasing hostility of host communities in Turkey towards refugees should be taken into consideration in the discussion and **civil society needs to receive more funding** to counteract this development. The current exclusionary policy on the part of the government towards civil society restrains the latter's ability to act.
- The deal should include an **explicit figure stating the number of refugees that will be settled under the refugee deal in Europe**. Measures that contain the refugees within the region without a serious commitment to resettle more than a token number in Europe will destabilize the host states, causing the conflict to expand outwards, inevitably affecting security far beyond the region.
- It is of utmost importance to conduct a sincere and open dialogue to push Turkey in the direction of a **peaceful settlement in the Kurdish question**, including the Kurds in Syria, Iraq and Iran.
- Irrespective of the future of this particular deal, the **EU should make an earnest and sincere effort to hold the Turkish government to the European human rights and democracy standards** as specified under the Copenhagen political criteria. European leaders, first and foremost the German government, should be consistent and coherent in their continuing support for political reforms in Turkey as part of the EU accession process.

The Panel at the 2016 Dahrendorf Symposium will look closer at these and other questions of Europe-Turkey relations.

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CHAIR & MODERATOR

Dilek Kurban, Marie Curie Fellow, Hertie School, Berlin; Co-chair of the Dahrendorf Working Group 'Europe and Turkey'

PANELISTS

Çağlar Keyder, Professor, Bogaziçi University, Istanbul

Elisabeth Kotthaus, Deputy Head of the Political Section, European Commission Representation in Germany, Berlin

Günter Seufert, Senior Fellow, Research Division EU/Europe, German Institute for International and Security Affairs (SWP), Berlin

Emma Sinclair-Webb, Senior Researcher for Turkey, Human Rights Watch, Istanbul