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# Turkey's Refugee Regime Stretched to the Limit? The Case of Iraqi and Syrian Refugee Flows

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## Abstract

*Turkey has long been a land of asylum due to its geographical location as well as shared social, cultural and historical ties with the Balkans, the Caucasus, Europe, and the Middle East. Since the 1980s, the influx of refugees and irregular and transit migrations to Turkey, particularly from the Middle East but also from Africa and Asia, have intensified. In 1988 and 1991 Turkey was confronted with the Iraqi Kurdish refugee flows, and since the onset and intensification of violence in Syria from 2011 onwards, Turkey is trying to cope with a growing number of refugees with its temporary protection regime. The solution Turkey opted for in both crises is the same: creation of no-fly zones and safe havens for refugees outside of Turkish territory and inside the refugees' country of origin, which has been implemented in the Iraqi case but has yet to find international support in the Syrian case. These two cases are significant, as they reflect the complex shifting nature of the refugee crises and relief efforts in the post-Cold War era, and present important challenges for Turkish policymakers of foreign and refugee policies, particularly in formulating a new refugee and asylum policy that is in line with Turkey's new foreign policy vision and its emerging regional*

*and global agency. These two crises also reveal the need for a substantial change and update in the Turkish refugee regime that is long overdue.*

## Key Words

Turkish refugee and asylum regime, Iraqi Kurdish refugees, Syrian refugees, safe haven, no-fly zone, Turkish foreign policy.

## Introduction

Turkey has long been a land of asylum, particularly for refugee flows from the Balkans, since its inception in 1923. Since the 1980s the influx of refugees and irregular and transit migrations to Turkey, particularly from the Middle East but also from Africa and Asia, have intensified. In 1988 and 1991 Turkey had to deal with the Iraqi Kurdish refugee flows. The 1991 refugee flow, when more than one and a half million Iraqi Kurds were amassed by the mountains bordering Turkey, Iraq, and Iran, was the

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biggest refugee crisis in recent memory,<sup>1</sup> and Turkey opened its border to around half a million Iraqi Kurds. Today, due to the onset and intensification of violence in Syria since early 2011, Turkey is trying to cope with another refugee influx from Syria. The number of Syrian refugees has currently reached half a million<sup>2</sup> and is expected to grow given the escalation of violence in Syria, which will further strain Turkey's already overburdened refugee and asylum regime. These two cases – influx of Iraqi Kurds and Syrian refugees- are significant, as they reflect the complex shifting nature of the refugee crises and relief efforts in the post-Cold War era, and present important challenges for Turkish policymakers, particularly in formulating a new refugee and asylum policy that is in line with Turkey's new foreign policy vision, as well as its emerging regional and global agency. Even if there are significant differences in terms of Turkey's and other international actors' stances towards the two crises, the solution Turkey suggested for both crises is the same: creation of no-fly zones and safe havens for refugees outside of Turkish territory and inside the refugees' country of origin. However, Turkey at the crossroads of the Mediterranean, the Black Sea and its hinterland, the Balkans, the Caucasus, the Middle East and North Africa, is situated in a historically and culturally

charged strategic space, and has been and will be home to refugee flows in the region. Turkey, taking account of shifts in the international refugee regime, and the high propensity of regional crises to produce new refugee flows that target its territory, must cast aside its reactive and strained refugee and asylum policy, and proactively develop a new refugee regime in accordance with its new regional policy, global agency and humanitarian diplomacy.

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This paper evaluates Turkey's response to these two refugee crises and the impact of these flows on the Turkish refugee regime. The paper is divided into five sections. The first section puts forward the main outlines of the Turkish refugee and asylum regime by highlighting its continuities and changes. The second section provides a description of the influx of the Iraqi Kurds into Turkey in 1988 and 1991, and briefly discusses the evolution of the international refugee regime in the post-Cold War era as well as the changes in

the Turkish refugee regime following the Iraqi Kurdish refugee influxes. The third section covers the evolution of the Syrian crisis, and the influx of Syrian refugees to Turkey since 2011 up to the present day, and in three subsections evaluates the experiences of refugees staying in and out of camps, and the combatants of the Free Syrian Army (FSA). The fourth section discusses, compares and evaluates Turkey's and, to a limited extent, other international actors' response to the two crises. The concluding section gives a concise analysis of the impact of and challenges posed by the major refugee influxes on the Turkish asylum regime, which underscores the need for a long overdue substantial change and update of the Turkish refugee regime.

## Turkey's Two-Tiered Asylum Regime

Up to the present day, Turkey has preferred to deal with refugee influxes with pieces of legislation, rather than a single fully-fledged law. Two important legal documents have determined the

basic outlines of the Turkish asylum regime. The first one is the 1934 Law on Settlement (*İskân Kanunu*), regulating rules for entry, settlement and application for refugee status.<sup>3</sup> This law is indicative of the important role that migration and asylum played in the Turkish nation-building process following the disintegration of the Ottoman Empire. The Law does not allow the settlement of those that do not belong to 'Turkish descent and culture' (*Türk soyu ve kültürü*) and authorises the Council of Ministers to decide who qualifies for settlement and Turkish citizenship. Within the framework of this law, people from Turkish speaking communities in

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the Balkans as well as the Muslim communities, such as Albanians, Bosnians, Circassians, Pomaks, and Tatars were allowed to settle in Turkey, in the belief and expectation that they could easily assimilate into Turkish identity.<sup>4</sup> The new law on settlement (The Law No. 5543) passed in 2006 did not transform the traditional admission policy. According to Article 4 of this new law, those who do not belong to Turkish

descent and culture are not eligible for settlement.<sup>5</sup> Based on this law, from 1923 to 1997, more than 1.6 million people immigrated to Turkey, mostly from the Balkan countries.<sup>6</sup>

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The second key legal document that has shaped Turkey's asylum regime is the 1951 Geneva Convention Relating to the Status of Refugees. Turkey was among the original drafters and signatories of the Convention. Turkey is also a party to the 1967 Protocol, which replaced the geographical and time limitations from the Convention with a geographical limitation alone.<sup>7</sup> Therefore, Turkey has a two-tiered asylum policy, which makes a distinction between the Convention and non-Convention refugees. This means that Turkey does not grant refugee status to asylum-seekers coming from outside Europe, who are therefore subject to the general Turkish law on foreigners. These legal instruments, drafted and

adopted during the Cold War years, were in compliance with Turkey's role as a NATO member neighbouring the Soviet Bloc countries, and based on these Turkey accepted asylum-seekers fleeing persecution under the communist regimes (around 13,500 between 1970 to 1989). However, the majority of the Convention refugees were resettled in third countries in line with the 1934 Law on Settlement,<sup>8</sup> while the members of the Turkish minority fleeing political and religious persecution in communist Bulgaria were granted the right to settle in Turkey or acquire citizenship. Therefore, despite the significant changes in Turkey's refugee policy after it signed the 1951 Convention, one thing remained constant throughout the Cold War years and afterwards: non-acceptance of those who do not belong to Turkish descent and culture.<sup>9</sup>

The second tier of Turkey's asylum policy, which deals with non-Convention refugees, was developed as a response to growing refugee influxes due to wars, ethnic strife and political instability in the Middle East, Africa and South-East Asia since the early 1980s. Following the Iranian Revolution in 1979, around 1.5 million Iranians have arrived in Turkey. The Iran-Iraq War, which lasted eight years, led to further flows. However, the largest refugee flows resulted from the 1988 and 1991 mass influxes of Kurdish

refugees that paved the way for changes in Turkish refugee and asylum regime.

## The 1988 and 1991 Iraqi Kurdish Refugee Flows to Turkey

At the final stage of the Iran-Iraq War in 1988, as the Iraqi Kurds took control of Halabja and Hurmalin, the Iraqi forces started the military campaign known as al-Anfal (the Spoils) and used chemical weapons against the Kurdish population, killing around 100,000 Kurds.<sup>10</sup> Following the end of the war, the operations of the Iraqi forces forced 70,000 Kurds to Turkish and Iranian borders. Turkey's first response was to close the border, concerned that opening the borders would allow entry of the PKK militants into its territory. However, due to the rapidly growing influx of refugees, it bowed to domestic and international pressure and agreed to temporarily accept Kurdish refugees on humanitarian grounds without granting them refugee status.<sup>11</sup>

As a result of the refugee flow that started on 28 August 1988, 51,542 people entered into Turkey from 16 different points on the Turkish-Iraqi border.<sup>12</sup> The influx of refugees was a major foreign policy challenge for Turkey, as it tried to follow a cautious policy amidst the

growing tension between Iraq and the U.S. and due to the escalation of conflict between the Turkish security forces and the PKK in the region. On the one hand, there was mounting pressure on the Iraqi regime, and Turkey's opening of its borders to refugees allowed the international media to broadcast the plight of the refugees and accounts of atrocities by the Iraqi regime. Moreover, the U.S. and Britain demanded a UN inquiry to determine whether chemical weapons<sup>13</sup> were used against the Kurds.<sup>14</sup> On the other hand Iraq demanded to use its right of hot pursuit based on the 1984 protocol.<sup>15</sup> Turkey responded by stating that the Iraqi Kurds were unarmed and that Turkey will not allow them to do anything against the Iraqi interests. Although Turkish officials declared that there were no signs of chemical weapons being used on the Kurds,<sup>16</sup> this did not stop the Iraqi regime from cancelling the hot pursuit protocol.<sup>17</sup> While this was a serious blow to Turkish-Iraqi relations, which had grown stronger since the 1980s, the Iraqi administration started to pursue a harsher policy towards its Turkmen minority. The crisis also allowed the PKK to find a stronger base in northern Iraq as Iraqi forces withdrew.<sup>18</sup>

Caught unprepared for such an influx, Turkey sought international support to share the economic burden

(US \$300 million) of the refugee relief efforts. However, Ankara did not seek to collaborate with the UNHCR, which defined the Iraqi Kurds in Turkey as refugees, a term that Turkey refused to use.<sup>19</sup> As the Iraqi regime declared an amnesty for the Kurds, around 13,193 Kurds in Turkey and Iran returned to Iraq,<sup>20</sup> while the Kurdistan Democratic Party (KDP) leader Barzani accused Turkey of forcing the refugees to return home.<sup>21</sup> Between 1988 and 1991, around 25,675 Kurdish refugees are known to have remained in Turkey.<sup>22</sup>

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Soon after the refugee influx from Iraq, Turkey faced another massive influx, this time from neighbouring Bulgaria, starting in May 1989. The presence and treatment of the sizable community of ethnic Turks in Bulgaria has been a constant theme in Turkish-Bulgarian relations,<sup>23</sup> and the Cold War rivalry paved the way for successive waves of (forced and voluntary) migration to

Turkey. The communist government had consistently cracked down on the Turkish minority, and the assimilation campaign reached its peak in 1984, paving the way for the 1989 Bulgarian-Turkish exodus from Bulgaria and the arrival of more than 300,000 people in Turkey. 154,937 of these refugees returned home and 212,688 of them remained in Turkey.<sup>24</sup> To facilitate the economic and social integration of the Bulgarian Turks, Turkey passed the Law No. 3583 in 1989,<sup>25</sup> built 23,495 houses for their settlement using state funding<sup>26</sup> and by March 1994 granted 245,000 of them Turkish citizenship.<sup>27</sup>

The problems encountered in refugee relief, and Turkey's refusal to grant the Iraqi Kurds refugee status, led the Parliamentary Assembly of the Council of Europe to issue its "Recommendation 1151 (1991) on the reception and settlement of refugees in Turkey". The Recommendation compares the treatment of the Bulgarian and Iraqi refugees by Turkey, and criticises Turkey for trying to discourage the Iraqi refugees from integrating into Turkish society by detaining them in camps, not allowing the refugee children to have access to educational services and not allowing international aid agencies to have access to refugee camps, while striving to integrate the Bulgarian-Turkish refugees into Turkish society. Therefore, it asks

Turkey to lift its geographical limitation and treat all the refugees from different origins equally and fairly.<sup>28</sup>

A much bigger influx of Iraqi Kurdish refugees to Turkey came in 1991. As a response to Iraq's invasion of Kuwait in 1990, the U.S.-led coalition started the aerial bombardment of Iraq in January 1991, followed by ground assault. Following the defeat of the Iraqi forces, the U.S. president Bush declared a ceasefire on 28 February 1991.<sup>29</sup> Soon after the ceasefire, the 'Kurdish rebellion' erupted in northern Iraq in March 1991, but was repressed by the Iraqi forces.<sup>30</sup> Even though President Bush called on the Iraqis to rebel against the Saddam regime in February 1991, the U.S. did nothing to stop the Iraqi forces from crushing the 'Kurdish rebellion' in the north and the Shiite rebellion in the south.<sup>31</sup> The Iraqi regime's operations to end the 'Kurdish rebellion' forced approximately three million Kurds out of their homes.<sup>32</sup> Around 500,000 Iraqi Kurds fleeing the violence were trapped in the Turkish-Iraqi mountain range close to the Turkish border. Turkey, having experienced the influx of Kurdish refugees in 1988, did not want to experience the same problems in refugee relief and face similar criticisms from the West. Turkey's concern that international help would be inadequate was coupled with the fear that the PKK

militants could infiltrate into Turkey alongside the Kurdish refugees, and Turkey would become a 'buffer zone' between the refugee producing countries and Europe. Therefore, Turkey closed its border and the Turkish security forces moved into the Iraqi side of the border to keep the Kurdish refugees out of Turkish territory.<sup>33</sup>

As the situation worsened, the UN Security Council passed Resolution 688 on 5 April 1991, which for the first time interpreted Article 39 of the UN Charter in the light of a humanitarian crisis, and authorised intervention in a state's domestic jurisdiction against the violation of human rights- rights of its own nationals- if it poses a threat to international peace.<sup>34</sup> The UN Resolution stated that the situation arising due to the refugee crisis 'threatens international peace and security in the region', and asked the Iraqi regime to end the repression of the Kurds and allow international organisations access to the refugees in need.<sup>35</sup> Following the adoption of Resolution 688, Turkey agreed to open its borders and temporarily settled the refugees in camps,<sup>36</sup> while Iraq, deeming it a violation of its sovereignty, strongly opposed Resolution 688 and the actions of the U.S., British and French forces to create safe zones for refugees.<sup>37</sup>



Following the adoption of the UN Resolution, the Turkish President Turgut Özal urged the UN peacekeeping forces to intervene and establish a safe zone in northern Iraq for the Kurdish refugees.<sup>38</sup> Initially both the U.S. and the UN Security Council refrained from this solution, and the Soviet Union and China considered it to be an intervention in Iraq's domestic affairs. Iraq's opposition to such a solution was another factor that made its implementation difficult.<sup>39</sup> However, Özal kept on pushing for this solution, and finally the U.S. decided to take the lead in creating safe zones and a no-fly zone at the Turkish border based on Resolution 688. Due to opposition from the Soviet Union, China, and India, a UN-led action was not possible, instead the U.S.-led Operation Provide Comfort coalition forces, composed of 20,000 troops from 11 different countries, were to create a safe haven in Zakhu and deter the Iraqi forces from attacking the refugees in the safe haven.<sup>40</sup> On 6 April 1991 Operation Provide Comfort joint task force, established for the refugee relief, was deployed at the NATO base in Incirlik, Turkey. On 7 April 1991 the task force airplanes started dropping aid packs at refugee camps at the Turkish border. By 8 April around 250,000 refugees entered Turkey from 14 different points. Turkey established 20 camps in Şırnak and Hakkari, and refugees on the

mountains were brought down to Silopi and Şemdinli.<sup>41</sup> Throughout this process serious problems were encountered in the distribution of aid, and some refugees were wounded, leading to international criticism. On 9 April the U.S.-led forces entered Southeast Anatolia. In the meantime, Iraqi forces blocked the roads to impede the flow of Kurdish refugees to Turkey<sup>42</sup> and the Iraqi president Saddam Hussein visited northern Iraq and invited the Kurds to return to their homes,<sup>43</sup> which, however, failed to persuade the Kurds.

On 23 April 1991, the commander of the Operation, General Shalikashvili, signed an agreement with the Iraqi forces forbidding Iraqi troops or airplanes from entering north of the 36<sup>th</sup> parallel, and from 24 April onwards 460,000 refugees at the Turkish-Iraqi border were brought to the safe zone in Dohuk. Following the completion of refugee relief efforts, the seventh and last Kurdish refugee camp in Turkey, near the border town of Çukurca, was closed down in early June.<sup>44</sup> Meanwhile, the first camp in Iraq was established in Zakho and the second in Amadiye by the U.S.-led coalition forces.<sup>45</sup>

On 7 June, the UNHCR took over the control and monitoring of the camps in Iraq, and on 15 July the coalition forces left the safe zone to be redeployed in



Southeast Anatolia. Throughout the refugee crisis, the fighting between the Turkish security forces and the PKK continued; so did the Turkish army's operations against the PKK camps, which led to criticisms and even allegations that these operations harmed the Kurdish refugees and the relief efforts. The Turkish security forces rejected the allegations, arguing that the operations targeted the mountainous region at the Turkey-Iran-Iraq triangle, far from the refugee camps located at Zakho or Dohuk.<sup>46</sup> As the Operation Provide Comfort ended on 24 July 1991, the U.S. in collaboration with Turkey decided to establish Operation Poised Hammer, later on referred to as Operation Provide Comfort II, on 18 July 1991 to prevent the Iraqi regime's attack on the refugees. The Turkish Parliament extended the rapid reaction force's mandate in consecutive terms until March 1996.<sup>47</sup>

The 1991 crisis, as the first major refugee crisis in the post-Cold War era, reflected the paradigm shift in the international refugee regime. As the refugees lost their ideological value in the post-Cold War era,<sup>48</sup> states receiving the refugees became more concerned about their own rights, interests and particularly security, rather than refugee protection.<sup>49</sup> Keeping the refugees away from the industrialised countries that once took the lead in the creation of the

1951 refugee regime is an important aspect of the new refugee regime, undermining the efforts for refugee protection.<sup>50</sup> As the country of origin is defined as the main party to be blamed for displacement, this relieves other states of their responsibility, and justifies other containment, temporary protection and repatriation options.<sup>51</sup> Therefore, the regime's focus shifted from refugee protection to containment<sup>52</sup> and from durable to temporary solutions.<sup>53</sup> Despite the ambiguity of terms such as 'safe havens/zones' or 'humanitarian corridors/zones', the safe haven option is among the basic features of the new refugee regime.<sup>54</sup> This new regime was implemented in northern Iraq, Bosnia, Kosovo, Somalia, and Haiti.<sup>55</sup>

The 1991 Iraqi Kurdish refugee influx was indicative of a new understanding that the UNHCR's refugee relief efforts should not only be limited to the country receiving the refugees, but should also extend to the refugees' home country as the responsible party for producing the refugees.<sup>56</sup> The 1991 Kurdish refugee crisis, together with the Yugoslav crisis, set important models of humanitarian intervention and signify a new trend in the internationalisation of asylum.<sup>57</sup> Faced with the influx of Kurdish refugees, Turkey resorted to temporary protection, which could be defined as 'mass protection without

individual determination of eligibility' for refugee status<sup>58</sup> and referred to the Iraqi Kurds as 'temporary guests for humanitarian reasons'.<sup>59</sup> The Operation Provide Comfort for the relocation of the refugees was deemed successful at the time. However, it was not debated whether providing asylum close to the conflict zone is secure for the refugees. Neither was the impact of the refugee camps on the locality and local population well assessed or addressed. The Kurds were not given a choice of whether to stay in the safe zone or seek asylum. The resolution of the 1991 crisis did not stop the influx of Iraqi migrants and asylum seekers into Turkey and, due to the protraction of the Iraqi crisis,<sup>60</sup> Iraq became one of the source countries of immigrants and asylum seekers.

The 1988 and 1991 Iraqi refugee crises also had a significant impact on the Turkish asylum regime. Security concerns linked with these flows, and the escalation of fighting between the Turkish security forces and the PKK, led Turkey to issue the Asylum Regulation in 1994. The Regulation aimed to bring status determination under the Turkish government's control and set the rules for 'temporary asylum regime'. Prioritising national security concerns rather than refugee rights, it set very rigid rules in terms of asylum applications, such as obliging asylum seekers to apply to the

Turkish authorities no later than five days after their entry into Turkey, and sidelined the UNHCR, hampering the working relationship between the organisation and the Turkish authorities. However, due to fierce criticisms from the European institutions and human rights advocacy groups, Turkey decided to extend this five-day limit to ten days, and since 1997 the Turkish government started once again to closely collaborate with the UNHCR. The 1994 Regulation was amended in 1999 and then again in 2006 with the Implementation Directive.<sup>61</sup> According to data current as of 10 January 2011, out of 77,430 asylum applications made under the 1994 Asylum Regulation, 30,342 were made by Iraqi nationals and more than half of them, 15,647, were granted the refugee status.<sup>62</sup>

## The Syrian Crisis and the Mass Influx of Syrian Refugees to Turkey

The Syrian crisis dates back to January 2011, when public protests started in Syria on 26 January 2011 as part of the wider Arab revolutions and turned into a nationwide struggle against the Bashar al-Assad regime. In March 2011 the Syrian army was deployed to quell the peaceful demonstrations in different cities, killing many civilians.<sup>63</sup> Opposition to the

regime soon took the form of insurgency. The fighting is ongoing between Syrian security forces and insurgents unified under the FSA, as well as Islamist fighters including al-Qaeda-linked militants. Nearly two and a half years of civil war and growing unrest and violence in Syria has led to widespread destruction of the country and has affected millions of Syrians. According to the most recent UN estimates, the death toll in Syria has reached 100,000.<sup>64</sup> The UN World Food Program states that the escalation of violence in Syria has put access to food at risk and has led to an increase in food prices and food shortages.<sup>65</sup> UN figures for September 2013 show that 5 million people in Syria are internally displaced,<sup>66</sup> and, by late August 2013, the total number of registered Syrian refugees in Lebanon (726,340), Jordan (519,676), Turkey (463,885), Iraq (171,984) and Egypt (111,424) surpassed 2 million (2,007,598).<sup>67</sup> Around half of this Syrian refugee population are children.<sup>68</sup> Every day, around 5,000 Syrian refugees seek refuge in neighbouring countries, and the number is expected to rise due to growing violence in Syria, while the task of refugee relief becomes harder due to lack of funding; only 47% of the funds necessary for refugee relief have been provided.<sup>69</sup>

To bring an end to fighting in Syria through diplomatic means, the UN

appointed Kofi Annan as the UN and Arab League Envoy for Syria in early 2012. However, he resigned as his six-point plan for political negotiations failed.<sup>70</sup> The new envoy, Lakhdar Brahimi, is currently seeking a peaceful resolution of the crisis, but this does not seem imminent. Brahimi, in his meeting with the Russian Foreign Minister Lavrov on 29 December 2012, long before the number of Syrian refugees topped the two million mark, stated that the growing number of refugees risks transforming the Syrian crisis into a regional one, as any further increase in the number of refugees would be 'unbearable' for Lebanon and Jordan, urging all parties, particularly Russia, to work for a rapid yet viable political solution.<sup>71</sup> Today, the situation in Syria and therefore the refugee crisis has reached a point which the UN High Commissioner for Refugees António Guterres describes as "a disgraceful humanitarian calamity with suffering and displacement unparalleled in recent history",<sup>72</sup> affecting the whole region.

As one of the major recipients of the Syrian refugees, Turkey, for many years, from 1946- when Syria became independent- to October 1998, has pursued a 'controlled tension' policy with Syria.<sup>73</sup> Negative images on both sides constructed throughout the dissolution of the Ottoman Empire,

and the growth of Arab nationalism, the unification of the Republic of Hatay with Turkey in 1939, and the Cold War rivalry placing Turkey and Syria in opposite camps, did not bode well for good neighbourly relations between Turkey and Syria. Throughout the 1980s and the 1990s the dams that Turkey built on the Euphrates and the Tigris rivers for development projects, at a time when Syria's need for water was growing, was a significant source of tension between the two countries. This tension was exacerbated as Syria provided support to the PKK by allowing the presence of the PKK camps and their leader in its territory.<sup>74</sup> With the signing of the Adana Accord in 1998, Turkey adopted a policy of constructive engagement with Syria, and relations had improved considerably. In September 2009 Turkey and Syria mutually agreed to lift the visa requirements and to establish a high-level strategic cooperation council.<sup>75</sup> However, with the onset of the Arab revolutions, particularly from March 2011 onwards, relations started to deteriorate at the same pace as they had improved in the previous decade.

The killings and the arrests have forced many Syrians to seek refuge in Turkey since 29 April 2011. The majority of those arriving in Turkey are from the north, particularly from the provinces of Idlib and Aleppo.<sup>76</sup> Turkey, having

recently adopted an open borders policy, responded to these flows by allowing the refugees in and by immediately setting up refugee camps close to the Turkish-Syrian border around the city of Hatay.<sup>77</sup> Turkey initially referred to the refugees as 'guests'. However, the term 'guest' has no place in international refugee law, and as Aktar states, it "opens the door to all sorts of practices lacking in consistency and transparency".<sup>78</sup> Therefore, as both the number of refugees and criticisms continued to grow, the Migration and Asylum Bureau under the Ministry of Interior devised a 'temporary protection regime' and declared this policy shift in November 2011 at a UNHCR conference in Geneva. This regime entails unobstructed entry of Syrians into Turkey without any travel document or ID, no forcible return (non-refoulement), no individual status determination process,<sup>79</sup> and accommodation and provision of basic services in camps. This regime is in compliance with the minimum international and European standards. Moreover, when the law on asylum<sup>80</sup> is going to enter into force in April 2014,<sup>81</sup> this regime will be based on legal safeguards and not merely on political discretion.<sup>82</sup>

As the number of Syrian refugees in Turkey reached 24,000, Turkey appealed to the UN for assistance.<sup>83</sup> After Turkey adopted the temporary protection

regime, the UNHCR suspended the registering of Syrian refugees and processing of those who had already registered. Moreover, it is not conducting individual refugee status determination, which means that the Syrian refugees are allowed to stay temporarily but will not be permitted to settle in Turkey. Turkey followed the same policy *vis-à-vis* the Iraqi refugees between 2003 and 2006.<sup>84</sup>

As of September 2013, the number of Syrian refugees in Turkey has reached half a million, with 200,000 staying in camps and 300,000 staying outside.<sup>85</sup> At the time of writing, the Disaster and Emergency Management Presidency (AFAD) under the Prime Ministry and the Turkish Red Crescent had set up a total of 14 camps, one temporary admission centre, and three container cities in seven provinces.<sup>86</sup> There are also international organisations or agencies such as the IOM, the UNFPA, the UNHCR, the UNICEF, the WFP and the WHO working in refugee relief since 2011 as part of the Regional Response Plan.<sup>87</sup> However, the Turkish government does not allow international agencies to have access to the camps. Even though Article 16 of the 1994 Asylum Regulation states that international organisations may visit camps, depending on the permission granted by the Ministries of Interior and Foreign Affairs,<sup>88</sup> the UNHCR was able to access camps only after

February 2012, when it deployed a team of advisers to the Turkish authorities. Independent international humanitarian agents' access to camps and transparency are key in well-managed civilian refugee protection. A lack of transparency also makes it difficult to verify the allegations that some of the 'voluntary returns' to Syria are not indeed voluntary.<sup>89</sup> The growing number of refugees also shows that Turkey cannot unilaterally deal with the crisis and needs to closely collaborate with international organisations.

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As women and children comprise the majority of the refugee population, the provision of educational services has been a priority of the Turkish authorities.

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The Syrian refugee crisis has taken a new turn following the chemical weapons attack on civilians in the Ghouta region on 21 August 2013, which killed 1,429 people.<sup>90</sup> While the international community is currently debating whether the Syrian regime or the insurgents are behind the attack and if and how it should respond to the use of chemical weapons, it is highly likely that neighbouring countries will face a growing number of refugees. At the "Ministerial Meeting of Syria Bordering

Countries” organised by the UNHCR in Geneva on 4 September 2013, Turkish Minister of Foreign Affairs Ahmet Davutoğlu warned that the number of Syrian refugees had already reached a massive scale and would continue to grow if the international community failed to act against the regime’s use of chemical weapons. He also stated that, given the lack of international support for refugee relief, Turkey and other countries hosting Syrian refugees would seek to increase global awareness about the plight of Syrian refugees and would attend the High-Level Meeting on “Solidarity and Burden-Sharing with the Countries Hosting the Syrian Refugees”, to be held during the UNHCR’s 64<sup>th</sup> Executive Committee Meeting in Geneva from 30 September to 4 October 2013. This may mean that Turkey will seek to increase its collaboration with international refugee relief organisations in the near future.<sup>91</sup>

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A closer look at this point at the experiences and problems of the Syrian refugees in and out of camps in Turkey

would serve to better evaluate Turkey’s relief efforts. The challenges posed by the presence of the FSA members in Turkish territory for the protection of Syrian refugees are also discussed in a separate section.

### *Life in the refugee camps*

The majority of the Syrian refugees in Turkey are staying in camps, and reports of international agencies confirm that the conditions in camps meet basic international standards. The Helsinki Citizens Assembly Refugee Advocacy and Support Program Report submitted on 23 March 2012, when 16,000 refugees were staying in the camps, stated that the refugee camps are well equipped.<sup>92</sup> Staff from Refugees International who visited the refugee camps and interviewed the refugees also stated that the camps, while “not ideal”, are “acceptable”.<sup>93</sup> The UN Secretary General Ban Ki Moon visited the Islahiye refugee camp in Turkey on 7 December 2012 and thanked Turkey for its efforts in refugee relief.<sup>94</sup> Following a visit to the refugee camps, Canada’s Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, also praised Turkey for its refugee relief efforts and social and educational services.<sup>95</sup>

However, the growing number of refugees started to stretch the capacities of these camps. As the refugee camps

reached its full capacity, Minister of Foreign Affairs Ahmet Davutoğlu stated that Turkey would not accept more than 100,000 refugees; a number deemed a 'psychological threshold'.<sup>96</sup> However, the number of refugees has far exceeded this threshold, compromising Turkey's capabilities to cater for the needs of refugees staying in camps, who have varied types of problems. First of all, Syrian refugees in Turkey criticise the Turkish asylum policy, demand to have a clear status in accordance with the international law and ask for the opening of the camps to the monitoring of the UN and other civil society organisations.<sup>97</sup> Furthermore, discontent due to food and water shortages and lack of space in the camps can sometimes lead to protests or clashes with the police. In July 2012 riots broke out in the Islahiye camp following the arrival of 1,500 Turkmen refugees, wounding some of the refugees and the Turkish officials. There are allegations that some of the refugees took down the Turkish flag at the camp's entrance and hung up the Syrian flag instead. The police detained 17 people for instigating the riot.<sup>98</sup> Another incident occurred when a group of Syrian refugees who wanted to stay at the container city in Harran with their relatives clashed with the security forces in the camp when they were not allowed. 20 Turkish security forces and 15 refugees were wounded.<sup>99</sup>

Even though the Syrians are not allowed to work, as their basic needs are catered for, there are reports that the refugees in the Islahiye camp work as seasonal workers in agriculture or in factories for 15 Turkish liras a day.<sup>100</sup> Despite precautions, mishaps occasionally occur, such as fires in the camps that have claimed some lives or wounded some refugees.<sup>101</sup>

As women and children comprise the majority of the refugee population,<sup>102</sup> the provision of educational services has been a priority of the Turkish authorities. Currently there are 45,000 Syrian students studying in Turkey.<sup>103</sup> Even though the Turkish Ministry of Education opened schools in the camps, some of the refugees want to send their children to unlicensed schools established by Syrian refugees themselves outside the camps, which rather than the Turkish curriculum follow the official Syrian one.<sup>104</sup> Regarding higher education, the Turkish Council of Higher Education issued a circular to grant the Syrian refugees the right to continue their studies for the 2012-13 academic year with 'special student' status in one of the seven universities at the provinces bordering Syria.<sup>105</sup> Regarding the refugees' access to health services, refugees can get treatment in Turkish hospitals or field hospitals in the region.<sup>106</sup>



### *Life outside the camps*

Among the Syrian refugees in Turkey, there are some who have arrived with valid passports and prefer to stay out of the camps in rented flats or with their relatives. However, there are many who are hiding from the Turkish authorities since they would either have to go to the refugee camps or return to Syria after their visa exemption ends. Even if they are under Turkey's temporary protection regime, without the refugee status, Syrians living outside the camps have no right to work, to go to school, to open a business or to access free healthcare. Refugees International criticises the lack of support mechanisms or services for those outside the camps and recommends that Turkey start the registration process for the refugees, to make the temporary protection directive for Syrian refugees public and clearly state how this scheme is going to be applied to those staying out of the camps.<sup>107</sup>

The majority of the urban refugees live in provinces close to the Turkish-Syrian border. Hatay province on the border with Syria is one of the main provinces hosting Syrian refugees both in and out of camps. Hatay has always been a source of tension between Turkey and Syria.<sup>108</sup> For many years, Hatay was the 'stolen territory' and was shown as part of Syria on the official Syrian

maps.<sup>109</sup> Only under the Bashar al-Assad rule did Syria cease this practice.<sup>110</sup> As improved relations between Turkey and Syria benefited Hatay, a sharp fall in cross-border trade along with the onset of the crisis was a significant blow to Hatay's economy. Moreover, the arrival of refugees disturbed the delicate ethno-religious balance in the city and led to the rise of, as Ruşen Çakır puts it, a "new Hatay problem".<sup>111</sup> As a journalist who closely followed the 1988 and 1991 refugee flows from Iraq and who is following the Syrian crisis, Çakır argues that the major difference between the two crises is the attitude of the people in the region affected by the flows. The Iraqi Kurdish refugees were warmly welcomed by the local people, as they had kinship and ethnic ties. While the Sunni Turks in Hatay, particularly in the villages, host their Syrian relatives, the Alawite community<sup>112</sup> in Antakya is suspicious of the Syrian refugees, as they tend to feel sympathy for the Syrian leader and the regime due to its modern, secular image. In September 2012 more than 1,000 demonstrators protested the Turkish government's Syria policy. The protestors alleged that the government allowed the al-Qaeda militants to pass through Antakya to fight in Syria and asked the government to close down the Apaydın camp sheltering defected Syrian army officers.<sup>113</sup> Şenay Özden,

a researcher from Koç University, also states that the Syrians are ethnically and religiously discriminated against in Antakya, and that many of them are forced to leave the city centre. Some in Antakya fear that with the arrival of refugees the Sunnis will soon substantially outnumber the Alawites and that the Syrian refugees, who in their opinion are in fact al-Qaeda militants, will purge the Alawites from the city.<sup>114</sup> Many Alawites in the region are also critical of Turkey's policy of giving refuge to defecting Syrian officials.<sup>115</sup> Some media reports also claim that the Turkish police are forcing the Syrian refugees in Antakya to either go to the camps or return to Syria.<sup>116</sup> However, there are still refugees who live in Hatay outside the camps and even work in carrot farms alongside the seasonal migrants from Southeast Anatolia.<sup>117</sup>

On 11 May 2013, twin car bomb explosions in Reyhanlı, a town in Hatay province hosting Syrian refugees, exacerbated the tensions between the local population and the refugees. After the deadliest terror attack in Turkey's history, killing 52 people and wounding more than a hundred, some Syrian refugees became the target of attacks by the local population, who believed that refugees had been involved in the bombings.<sup>118</sup> Even though five Syrian refugees were among those killed in

the explosions, the refugees attracted blame and threats. While some refugees who did not feel safe in the town were transferred to tent cities in other towns, others decided to go back to Syria. And yet some stayed.<sup>119</sup> Protests in Hatay were rekindled as the protests that erupted on 31 May 2013 in Istanbul as a reaction against the municipality's plans to demolish Gezi Park spread across Turkey. Such protests, particularly in some towns such as Samandağ, also expressed opposition to the government's Syria policy and the growing number of Syrian refugees in the region.<sup>120</sup>

Apart from border provinces, there are many urban Syrian refugees in Istanbul. It is possible for many to reach Istanbul just by paying 200 Turkish liras to smuggling networks operating on the Turkish-Syrian border. In Istanbul many Syrian refugees face big challenges. To survive in Istanbul, trying to make ends meet and struggling to cover high living expenses and rents for overcrowded apartments, some have no option but to turn to begging or prostitution. Those who cannot afford to stay in a hotel or rent a place or room stay in public parks.<sup>121</sup> Recently, the Turkish government tasked AFAD with the registration of 300,000 Syrian urban refugees in Turkey. Moreover, the government is working on a plan to allow urban refugees to access health services free of charge.<sup>122</sup>

There are also Syrians who have entered into Turkey clandestinely and seek to reach Europe through Greece. This route, however, does not promise a safe passage, as was proved in September 2012 when a boat carrying Syrians, Iraqis, and Palestinians heading towards Britain sank in the Aegean and approximately 60 people died.<sup>123</sup> Those who fail to set off on this dangerous journey and are apprehended by Turkish authorities are not forced to go to Syria, but are sent to the refugee camps.<sup>124</sup>

### *Combatants or refugees: The Free Syrian Army in Turkey*

At the beginning of the crisis, the Syrian security forces tried to prevent the arrival of refugees into Turkey<sup>125</sup> and, since the beginning of the flow of the refugees towards Turkey, the Syrian regime accuses Turkey of providing refuge and giving logistical support to the Syrian 'terrorists' in its territory.<sup>126</sup> In his speech in early January 2013, President Assad alleged that the 'terrorists' enter Syria from the Turkish border.<sup>127</sup> Referred to by the Syrian regime as terrorists, the FSA was established on 23 September 2011, and is composed of defected members of the Syrian army.<sup>128</sup> However, Turkey started hosting members of the FSA from July 2011 onwards.<sup>129</sup> Despite Syria's allegations, Turkey officially denied supplying weapons to FSA.<sup>130</sup>

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The Syrian-Turkish border plays a strategic role for the FSA's struggle with the Assad forces, where there are many towns and villages under its control, such as Idlib right across the city of Hatay in Turkey, hosting Syrian refugees.

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Hosting both the refugees and the FSA is an important challenge for Turkey. Naftalin and Harpviken<sup>131</sup> argue that the 1994 Regulation, which requires the separation of combatants and non-combatants, has not been put into use in the Syrian case. The Syrian-Turkish border plays a strategic role for the FSA's struggle with the Assad forces, where there are many towns and villages under its control, such as Idlib right across the city of Hatay in Turkey, hosting Syrian refugees. Moreover, they claim that the presence of a camp for 2,000 or more defected Syrian soldiers at Apaydın in Turkey, only 15 km away from the refugee camps, is against the Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum. Even though the refugee camps should be at least 50 km away from the border, most of the camps in Turkey are very close to the border.

Certain incidents have shown how the proximity of camps close to the border

could pose problems. A refugee group trying to enter Turkey was caught in between the ongoing fighting between the Syrian insurgents and government forces close to the Turkish border, which killed two refugees and wounded many. The bullets also hit a refugee camp in Turkey, which wounded two Syrian refugees and two Turkish officials working in the camp.<sup>132</sup> Another case has shown that civilians in border towns are not safe either. On 3 October 2012, a Syrian shell killed five civilians in the town of Akçakale. Turkey responded first by firing mortars, then Turkish Parliament passed a provision allowing the government to take military action outside Turkey's borders for a one-year term when necessary.<sup>133</sup> However, this move did not stop stray bullets from Syria wounding or killing Turkish citizens in border towns in different incidents.

Furthermore, Naftalin and Harpviken<sup>134</sup> claim that the presence of the opposition forces at the Turkish-Syrian border and within Turkey, the allegations that fighters are moving back and forth alongside the border, and that refugees joining the FSA in the camps in Turkey, compromise and put the refugee relief efforts at risk, while blurring the distinction between the refugees and rebels. Defected officers also keep on joining the FSA in Turkey.<sup>135</sup> There are further allegations that Turkey together

with Qatar, Saudi Arabia and the CIA established a base in Adana to coordinate the Syrian rebels.<sup>136</sup> Even though none of the countries above accepted the presence of such a camp, these allegations serve to further escalate the tension between Turkey and Syria.

Turkey's latest cause of concern on Turkish-Syrian border is the growing number of smugglers, who, in various instances from June 2013 onwards, have tried to cross into Turkey. On 30 July, 2,000 smugglers of fuel and other goods attacked the Turkish military with stones and attempted to enter Turkey; another indication of how booming illegal trade can pose security risks for Turkey and refugees and how porous the Turkish-Syrian border has become.<sup>137</sup>

## A Comparison of Turkey's Responses to the Iraqi and Syrian Refugee Flows

The influx of the Iraqi Kurds and the Syrian refugees posed intricate challenges for the Turkish policymakers, the most important being striking a balance between security concerns and allowing the refugees to seek refuge in Turkish territory. The security concerns mainly stem from the Turkish security forces' ongoing struggle with the PKK within the region, and the preoccupation that

the crisis would weaken Turkey's hand against the PKK. Another important challenge is to limit the damage that the refugee crisis would create in bilateral relations with the refugee producing country. The third challenge has been, when supporting and joining the humanitarian relief efforts of the international community, to avoid any moves that would hamper territorial integrity of Iraq and Syria, and to avoid the creation of another *de facto* Kurdish state or Kurdish-controlled areas within these states bordering the predominantly Kurdish provinces in Turkey. Despite the similarity of the challenges and concerns, there are also significant differences depending on the circumstances in which the two crises erupted and evolved, as well as the responses of Turkey and other actors involved.

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In terms of the Iraqi refugee crisis, as Kirişçi argues, in the beginning Operation Provide Comfort relieved Turkey, not

only because it was difficult for Turkey to provide refugee relief all alone, but also because the influx of refugees threatened to undermine Turkey's security. Even if Turkey had reluctantly agreed to host refugees temporarily, it could not avoid international criticisms regarding its relief efforts. Turkey was also concerned about the implications of the crisis on the Kurdish issue, which it considered a domestic problem at the time.<sup>138</sup> However, while the Operation solved an urgent problem, it paved the way for the rise of another problem that would threaten Turkey in the long run. Due to the creation of a safe haven north of the 36<sup>th</sup> parallel, the Iraqi administration lost control over a segment of its territory, which threatened Iraq's territorial integrity, negatively affected Turkish-Iraqi relations, made it possible for the PKK to find support and a strong base in its fight against the Turkish security forces, and paved the way for the rise of a *de facto* Kurdish state.<sup>139</sup> Concerned about the establishment of a Kurdish state in northern Iraq, the Turkish government decided to improve its relations with the Iraqi administration.<sup>140</sup> Furthermore, Turkey showed the utmost care not to contribute to the mounting pressure on the Iraqi regime, nor to allow the crisis to affect its relationship with Iraq. Therefore, Turkey did not call for international action against the Iraqi

regime. The crisis also forced Turkey to establish direct relations with the Kurdish actors, such as the KDP and the Patriotic Union of Kurdistan (PUK), and become more involved in regional politics.

The Syrian crisis posits a much more complex case for the Turkish policymakers of foreign and refugee policies. It is possible to categorise Turkey's policy towards Syria in five stages. As the Arab revolutions started, Turkey attempted to persuade Assad to take necessary steps for reform through Turkish Minister of Foreign Affairs Davutoğlu's visits to Syria. However, when this approach failed, Turkey decided to cut its diplomatic ties with Syria in September 2011. When this move also failed, Turkey started to support regional and international initiatives, such as the Arab League and the UN envoy Annan's plans to achieve a political solution to the crisis. Yet, as international efforts proved inadequate or ineffective, Turkey grew more critical of the international actors. Shortly before the American Secretary of State John Kerry's visit to Turkey in February 2013, Turkish Prime Minister Recep Tayyip Erdoğan criticised the U.S. for not taking concrete steps to resolve the crisis, and the UN Security Council, the Organisation for Islamic Cooperation, the Arab League and Iran for not taking a firm stand.<sup>141</sup>

While pushing for an international solution, as a fourth step Turkey has started supporting the Syrian opposition. Due to the failure of the Syrian National Council (SNC)<sup>142</sup> to unite the fragmented Syrian opposition, Turkey, alongside other countries within the region, recognised the united Syrian opposition group in Doha in November 2012.<sup>143</sup> Since the onset of the crisis, Istanbul is one of the main centres of Syria's opposition. However, Turkey's support for the Syrian opposition and the hosting of the FSA has been a source of growing tension between Turkey and Syria. In June 2012 a Syrian air defence artillery battery shot down a Turkish military aircraft, killing two Turkish pilots, claiming that it was flying over its territory. Turkey stated that the aircraft entered into the Syrian airspace accidentally and only 'momentarily', and that in fact it was shot at when flying in international airspace. Defining it a hostile act, Turkey threatened to retaliate and redefined its rule of engagement with Syria.<sup>144</sup> Furthermore, Turkey, concerned that Syria, under pressure from growing FSA insurgency, would use chemical weapons, requested the deployment of surface-to-air missiles at its border with Syria to strengthen Turkey's defence capabilities. NATO approved Turkey's request on 4 December 2012 and began deployment of German, Dutch and

American Patriot batteries in January 2013, the last six batteries becoming operational by 15 February 2013.<sup>145</sup> Another important incident to note is the car bombing at the Cilvegözü border gate in Hatay province on 11 February 2013 that killed 14 people. The leader of the SNC, George Sabra, stated that he and some members of the SNC executive bureau, who were travelling from Syria to Turkey to meet the commanders of the FSA, were the real targets of the attack.<sup>146</sup> The tension between Turkey and Syria further escalated following the 11 May explosions in Reyhanlı, with Turkey accusing the Syrian regime of being behind the deadly attack.<sup>147</sup>

Seeing that all previous moves had failed, Turkey finally urged the UN Security Council in mid-2012 to authorise the creation of a buffer zone or a no-fly zone on the Syrian side of the Turkish-Syrian border, similar to the one enforced between 1991-2003 in northern Iraq, and if necessary for military action against the Assad regime.<sup>148</sup> Turkey does not see any viable solution as long as Assad is in power, as expressed by Prime Minister Erdoğan on several occasions<sup>149</sup> and, as Minister of Foreign Affairs Davutoğlu states, foresees the possibility of creating a democratic Syria only when he is gone.<sup>150</sup> This is a considerably different policy stance, since Turkey followed a very cautious policy to not

further alienate the Iraqi regime, while it openly condemns the Syrian regime today and calls for international action against it. In contrast, the U.S. and the international community, which played a key role in the resolution of the Iraqi refugee crisis, despite being critical of the Syrian regime, have so far refrained from the humanitarian intervention option.

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**Syrian refugees staying in camps close to the Syrian border, whose number might dramatically grow prior to any international action in Syria, may also become the target of missile strikes or chemical weapons attacks.**

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The UN Security Council could not endorse action on Syria as Russia and China vetoed sanctions against Syria on three occasions.<sup>151</sup> The “Friends of Syria” group met at a summit in Rome in late February 2013 and ‘pledged more political and material support for the civilian Syrian opposition’. On 27 May 2013, under British and French pressure, EU foreign ministers agreed to end the embargo on supply of arms to the Syrian opposition by 1 July, but did not allow any member state to take action until 1 August.<sup>152</sup> Despite these moves, neither the U.S. nor the EU took any concrete action. While the chemical attack against



the Syrian civilian population in late August has caused international uproar, a UN action is highly unlikely, as Russia refutes allegations that it was carried out by the regime and signals it would again work with China to block any UN Security Council resolution authorizing military action.<sup>153</sup> On 26 August, a UN investigation team, with the permission of the Syrian regime, visited the sites of the attacks with a mandate to determine whether chemical weapons were used, though not who used them, and returned to Hague to prepare their report, which will be ready in a few weeks' time.<sup>154</sup> Convinced that the Assad regime used chemical weapons against its own people, the Obama administration is seeking to build a coalition for an action 'limited in duration and scope' to 'deter' the use of chemical weapons and to 'degrade' the Syrian regime's military capabilities.<sup>155</sup> The U.S. Senate Foreign Relations Committee approved the Obama administration's plan to use military force in Syria. The Senate and the House of Representatives will also vote on the Committee's resolution, which set a 60-day limit and possible 30-day extension for air strikes on Syria, but did not permit the use of ground troops.<sup>156</sup> The British Parliament did not authorize British participation in military action against Syria, while France has declared its support.<sup>157</sup> Turkey, which accused the

Syrian regime of the chemical attack on civilians based on Turkish intelligence reports and expert opinions, initially declared its support for the military action.<sup>158</sup> However, frustrated by the international community's inaction so far, Prime Minister Erdoğan stated that a limited military action that would stop short of toppling the Assad regime would not satisfy Turkey, arguing for the need for a Kosovo-type intervention.<sup>159</sup>

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Despite the difficulties it had encountered in refugee assistance, Turkey could muster international support, and the U.S. support particularly was instrumental in the creation of a safe haven in Iraqi territory.

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Turkey's concerns over and criticism of limited action in Syria is understandable. Participation in a limited US-led operation that would fall short of ousting the regime and might end up strengthening it carries considerable risks for Turkey, as it would turn Turkey into a target of the Syrian regime and its allies. The Syrian regime has openly declared that it will retaliate against Israel, Turkey and Jordan if they take part in the operation.<sup>160</sup> Syrian refugees staying in camps close to the Syrian border, whose number might dramatically grow prior

to any international action in Syria, may also become the target of missile strikes or chemical weapons attacks. Furthermore, the Syrian regime may seek to undermine Turkey's settlement process with the PKK and try to block the resolution of the Kurdish issue, while supporting Reyhanlı-type terrorist attacks against Turkish civilians or supporting efforts to trigger sectarian conflicts in Turkey.<sup>161</sup>

As was the case with the Iraqi crisis, Turkey's major concern in the Syrian case is the preservation of Syria's territorial integrity, since the territorial disintegration of Iraq or Syria would set a precedent that would have direct consequences for Turkey. Another important priority for Turkey is, similar to the Iraqi case, to prevent the PKK benefiting from the power vacuum and establishing a stronghold in Syria.<sup>162</sup> The regime's move to pull its forces out of Kurdish towns in Syria, where the Democratic Union Party (PYD), with linkages to the PKK, took control, gravely disturbed Turkey.<sup>163</sup> Turkey has accused President Assad of providing weapons to the PKK, which has stepped up its attacks against the Turkish security forces between 2011 and 2012. Furthermore, the Syrian conflict allowed the PKK to develop a regional strategy spanning the Kurds of Syria, Iraq and, to a lesser extent, Iran.<sup>164</sup> Therefore, Turkey decided to take new steps to resolve the

Kurdish issue and 'decouple' it from the Syrian crisis.<sup>165</sup> Against the prospect of an autonomous Kurdish region in Syria, Prime Minister Erdoğan stated the importance of maintaining the territorial integrity of Syria and added that Turkey would not allow the creation of an autonomous Kurdish region in northern Syria similar to that of northern Iraq.<sup>166</sup> Turkey, concerned that such a prospect would undermine the ceasefire and the settlement process with the PKK and apprehensive of the fierce fighting between the PYD and al-Nusra Front in the Kurdish region of Syria, has revised its stance and invited Salih Muslim, the PYD leader, to Turkey for official meetings in order to convince the organisation to join the Syrian opposition and cut its ties with the Syrian regime.<sup>167</sup>

The power struggle between the al-Nusra Front and PYD directly concern Turkey, since it directly affects the Kurdish population in not only Syria but also the whole Middle East. The fighting as well as the deterioration of the socio-economic situation has recently pushed many Syrian Kurds into northern Iraq. In just one week, around 40,000 Syrian Kurds crossed the border into northern Iraq, bringing the total number of Syrian refugees in Iraq to almost 200,000. Upon the arrival of the Kurdish refugees, Kurdish Iraqi leader Masoud Barzani

threatened to send security forces to Syria to defend the Kurds. Moreover, the northern Iraqi administration is planning a Kurdish conference in late September, which will bring Kurds from Turkey, Iran, Iraq, and Syria together in Arbil to draft a strategy for Kurdish unity in the region.<sup>168</sup> Watchful of the developments in northern Iraq and Syria, Prime Minister Erdoğan stated that Turkey would reconsider its relations with the Kurdish administration in northern Iraq if this initiative leads to divisions within Turkey.<sup>169</sup>

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As Turkey's EU bid for membership turns Turkey into a hub for irregular migrants, the 'politicisation', 'securitisation' and 'economisation' of international migration and asylum in Europe also push asylum seekers to safe third countries and countries of transit such as Turkey.

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As for Turkey's refugee relief efforts, Turkey was caught unprepared for the Iraqi Kurdish refugee flow, which took place shortly after the end of the Cold War, just as Turkey was realising that it could not proceed within Cold War parameters within a radically altered foreign policy environment. Nevertheless, despite

the difficulties it had encountered in refugee assistance, Turkey could muster international support, and the U.S. support particularly was instrumental in the creation of a safe haven in Iraqi territory. Turkey's relief efforts since the onset of the Syrian crisis show that Turkey has come a long way in terms of managing and coordinating relief efforts for a large number of refugees, which has brought praise from the international community. Besides the humanitarian concerns, political concerns also guide Turkey's stance towards the Syrian refugees. It is true that the Syrian case presents both a foreign policy and refugee policy challenge for Turkey. However, by opening its doors to the Syrian refugees, Turkey wants to consolidate its ties with the Middle Eastern societies, which also helps Turkey gain leverage in international politics.<sup>170</sup> Current Turkish foreign policy positions Turkey at 'the centre' of a new civilisation based on its history, culture, and internal strength stemming from its transformation<sup>171</sup> and as a global actor. Proactive diplomacy and 'zero problems with neighbours' are important principles of this new formulation. 'Zero problems' aims at 'reconnecting' Turkey with its neighbours and neighbouring regions through partnership and cooperation,<sup>172</sup> while 'zero visa' agreements seek to eliminate an impediment to the improvement of

good neighbourly relations.<sup>173</sup> Good neighbourly relations with Syria formed the backbone of the zero-problems policy, and lifting visa requirements was a natural consequence of this policy.

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Factors such as regional instability, global economic crisis, and shifting power balances across continents have a high propensity to uproot many people from their homes and countries.

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Even though for many critics the Syrian crisis and the deterioration of Turkish-Syrian relations meant a death knell for the zero-problems policy, Minister of Foreign Affairs Davutoğlu argues that the policy is still “alive and well”.<sup>174</sup> However, the emphasis gradually shifted to “value-based foreign policy”, giving prominence to democracy and popular legitimacy to enhance Turkey’s capacity to shape the course of events and future developments in the region.<sup>175</sup> Taking this policy one step further, Davutoğlu has recently introduced “humanitarian diplomacy” as a new dimension of the Turkish foreign policy.<sup>176</sup> Humanitarian diplomacy consists of three dimensions: improving the lives of Turkish citizens living abroad, active involvement in crisis regions, and cultivating and emphasising

humanitarian sensibilities within the UN system. This new policy framework means that Turkey will continue to liberalise its visa regime and open new diplomatic offices abroad, and will take a more active role in refugee relief in Myanmar, Somalia, the Gaza Strip, Afghanistan, and all around the world. This framework, according to Davutoğlu, also justifies Turkey’s relief efforts and expenses for the Syrian refugees,<sup>177</sup> which amount to US \$ 2 billion.<sup>178</sup> The new framework also means that Turkey must revisit its current refugee and asylum regime and adjust it to its humanitarian diplomacy.

## Conclusion: Is Turkey’s Refugee Policy Sustainable?

As the number and economic costs of the Syrian refugees keep growing, and hopes of finding a political solution to the crisis fade day-by-day, the sustainability of Turkey’s policy towards the Syrian refugees is increasingly coming under question. Turkey’s calls for the creation of a safe haven have so far failed to convince the international community to act, a fact which also strains Turkey’s relief efforts and resources. There are also concerns that the creation of a no-fly zone at the Turkish-Syrian border may not stop the refugee flows out of Syria and may even increase the flows towards

Jordan and Lebanon. Moreover, even if protraction of the crisis increases the number of refugees, deepens the human suffering and undermines the regional stability, there is not much hope for a rapid solution, since, as Beehner argues, "it is not the size of the refugee flows that prompt the outside world to take action, but rather self-interested geopolitics".<sup>179</sup>

While the growing number of Syrian refugees reveals the limitations of the Turkish temporary protection regime, and as international action is not forthcoming, Turkey's current Syrian refugee policy depends on two expectations: that the Assad regime will fall and then afterwards Syrian refugees will return home. Even if the first expectation becomes real, there is no guarantee that the second expectation will materialise. A new administration in post-Assad Syria would have to address the challenges and tensions that would threaten the transition period or destabilise the newly established regime, as has been the case in Tunisia and Egypt just after the Arab revolutions. When trying to cope with the growing number of Syrian refugees, repatriating them might prove to be a greater challenge for Turkey.<sup>180</sup>

It is not only the Syrian refugees that stretch Turkey's refugee regime to its limits. Besides being a land of asylum,

Turkey is also a destination and/or transit country for irregular migrants, among whom there are many *de facto* refugees and asylum-seekers. It is hard to know the exact number of asylum-seekers in Turkey, as many of them do not even apply for refugee status, since they lack the basic information about the procedure, and the status determination and resettlement in a third country may take years. The number of refugees registered by the UNCHR was around 29,000 on 31 August 2012, and additionally there are many more unregistered refugees. Asylum applications reach 10,000-15,000 per year.<sup>181</sup> The number of asylum applications has increased significantly in the last 15 months to around 30,000 people, the majority of whom are Iraqis, having applied for asylum. Moreover, when international sanctions on Iran are hard-hitting the Iranian economy and taking their toll on the Afghan refugees and migrants,<sup>182</sup> Iran has started to force Afghani refugees to leave Iran and go to Turkey, which increases the number of Afghani refugees in Turkey.<sup>183</sup> All these seriously strain Turkey's current registration and status determination system.

The asylum-seekers whose applications are rejected are supposed to be deported back to their country of origin.<sup>184</sup> However, there are many who remain clandestinely and stranded in Turkey,

while some seek to reach European cities through Turkey by resorting to their own ethnic human smuggling networks operating in Istanbul.<sup>185</sup> As Turkey's EU bid for membership turns Turkey into a hub for irregular migrants, the 'politicisation', 'securitisation' and 'economisation' of international migration and asylum in Europe also push asylum seekers to safe third countries and countries of transit such as Turkey.<sup>186</sup> The Turkish authorities are concerned that this might turn Turkey into a buffer zone<sup>187</sup> and a country of first asylum, and therefore insist on maintaining the geographical limitation.

Geopolitical, geoeconomic and geocultural factors also make Turkey a land of immigration and asylum. Factors such as regional instability, global economic crisis, and shifting power balances across continents have a high propensity to uproot many people from their homes and countries. George Bush's "New World Order" speech on 6 March 1991 came right after the expulsion of Iraqi forces from Kuwait and the declaration of the ceasefire on 28 February 1991,<sup>188</sup> and this new world order in the making produced many refugees, which has directly affected Turkey. The Arab revolutions, shaking the very foundations of autocratic regimes

across the Arab world and destabilising the political and social order in the Middle East have already produced and will continue to produce asylum seekers, refugees, and irregular migrants. Turkey, in the face of growing tension and unrest in the region, is and will be one of the transit and target countries of migrant and refugee flows. Therefore, Turkey has to be well prepared for further refugee flows in the region.

Even though Turkey pursues a multi-dimensional foreign policy, migration and asylum remains one of the least elaborated dimensions in the new Turkish foreign policy. While Turkey seeks to reposition itself in a region and world in transformation, it is high time for Turkish foreign policymakers to better integrate migration and asylum aspects into their foreign policy vision. Turkey has taken steps in that direction with its recent asylum legislation, which will serve to create fully-fledged refugee reception mechanisms and administrative infrastructure for the protection of asylum-seekers and refugees. It is to be hoped that this would form the basis of a human rights-oriented and sustainable refugee regime based on long-term planning that is in line with Turkey's new humanitarian foreign policy vision.

## Endnotes

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