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A new momentum for EU-Turkey cooperation on migration

This policy brief considers how to move forward with the (financial element of the) EU-Turkey statement agreed in 2016, under which the first tranche of 3 billion euros will end mid-2021. In order not to reverse the progress achieved and to continue the work on improving the resilience of the 4.1 million refugees in Turkey, there is an urgent need for the European Union and Turkey to agree on a new financial framework. One that builds on the current, generally successful framework – the EU Facility for Refugees in Turkey (FRiT) – but which would divide the burden between Turkey and the EU more equally. Both blocs would, moreover, do well to look into the possibilities of extending the area of cooperation to Idlib. In that area, which is currently under Turkey’s military control, almost three million internally displaced persons (IDPs) currently lack adequate shelter and essentials, which could potentially lead to various displacement scenarios. Neither of those decisions will be easy and will require serious support from all EU member states, but the fact is Turkey remains essential in pursuing the EU’s core interest: preventing another refugee flow into Europe.

Introduction

Looking back on 2020, relations with Turkey have been one of the greatest challenges for the European Union.¹ While trying to work towards a positive agenda and exploring ways of bringing EU-Turkey relations forward, the EU’s High Representative Josep Borrell had to deal with a reality where the EU and Turkey often stood on opposite sides in terms of ideology and foreign policy (aims). Within only a few months, Libya had become the main battleground in the clash of strategic interests between Turkey

and France, there was a naval standoff in the Mediterranean Sea, and while European leaders were discussing sanctions Covid-19 prompted further democratic backsliding in Turkey. What makes the situation particularly complex is that most of these issues are somehow intertwined, and among the 27 European leaders there are many different views on how to work towards solving problems with this important neighbour and normalising the relationship.

However, there is at least one domain that forms an exception to the above and can be considered an overall success: the EU Facility for Refugees in Turkey (FRiT). As part of the 2016 EU-Turkey Statement, the European Union allocated 6 billion euros to supporting

¹ As also stated by EU’s HR/VP Josep Borrell: Borrell, J. 2020. *The way ahead after a difficult 2020 for EU-Turkey relations*, Brussels, EEAS.

the current 4.1 million refugees and their host communities in Turkey. The full operational envelope has now been committed, with the first tranche (3 billion euros) ending mid-2021,² providing a welcome momentum for both Turkey and the EU to outline a new financial framework in the months to come. What exactly are the options for successfully renewing this form of cooperation, and might it be worthwhile to consider having Turkey in the driver's seat when outlining a new skeleton?

The 2016 EU-Turkey statement: an effective way to cooperate on migration?

A quick recap: in 2015, more than a million irregular migrants applied for asylum in the 28 member states of the European Union, resulting in a political crisis that gripped the continent for almost a year.³ Under the leadership of Angela Merkel and Mark Rutte – the Dutch held the rotating EU presidency at the time – and the then-Turkish Prime Minister Ahmet Davutoğlu, the EU and Turkey committed themselves in 2016 to the so-called EU-Turkey Statement. For the purpose of ending irregular migration from Turkey to the EU and supporting Syrian refugees in Turkey, both blocs agreed, among other things, that:

1. All new irregular migrants crossing from Turkey to the Greek islands [...] would be returned to Turkey.⁴
2. For every Syrian returned to Turkey from the Greek islands, another Syrian would be resettled in the EU.

2 European Commission, *Communication from the Commission to the European Parliament and the Council: Fourth Annual Report on the Facility for Refugees in Turkey*, 2020. April, p. 5.

3 Based on asylum application data from Eurostat, Pew Research Center conducted an extensive analysis on the 2015 refugee crisis: Pew Research Center, *Number of Refugees to Europe Surges to Record 1.3 Million in 2015*, 2016. August.

4 *EU-Turkey Statement*, agreed on 18 March 2016, entered into force 18 March 2016.

3. The accession process would be re-energised [...].
4. The EU would [...] speed up the disbursement of the initially allocated 3 billion euros under the Facility for Refugees in Turkey. Once these resources were about to be used in full, the EU would mobilise additional funding for the Facility, up to an additional 3 billion euros by the end of 2018.

A lot has been said and published about the EU-Turkey Statement, but criticism prevails. While it seems to have achieved one of its main goals – bringing down the numbers of migrants crossing the Aegean Sea⁵ – the pace of returns to Turkey from the Greek islands has been far below expectations⁶ (point 1), and so far only 27,000 refugees, out of a 72,000 quota, have been resettled from Turkey to the EU (point 2).⁷ The third action point, 're-energising the accession process', showed above all that the EU was willing to put all its eggs in the Turkish basket in order to halt the refugee inflow. However, mainly due to backsliding on the rule of law and fundamental rights in Turkey, opening new accession chapters and visa-free travel for its citizens have been judged politically impossible for years.⁸ The Statement did not change anything about that perspective – leaving Turkey disillusioned.

EU financial assistance to refugees and host communities in Turkey (point 4) has also been subject to criticism, especially voiced by President Erdoğan. In the 2016 EU-Turkey Statement, the EU promised a total amount of

5 'In the three weeks preceding the application of the EU-Turkey Statement 26,878 persons arrived irregularly in the islands – in the three weeks subsequent to the Statement 5,874 irregular arrivals took place': *Implementing the EU-Turkey Agreement: Questions and Answers*, the European Commission, Brussels, 2018, https://ec.europa.eu/commission/presscorner/detail/it/MEMO_16_1494 (accessed November 2020).

6 Only 2,735 irregular migrants returned (figures: March 2020): European Commission, *EU-Turkey Statement: four years on*, 2020. March.

7 *Ibid.*

8 Council of the European Union, *Enlargement and stabilization and association process: Council Conclusions*, June 2018, p. 12.

6 billion euros under the Facility for Refugees in Turkey, and specified that it would ‘further speed up the disbursement of the initially allocated 3 billion euros’ (first tranche). Once these resources were used in full, the EU agreed it would ‘mobilise additional funding [...] to an additional 3 billion euros’ (second tranche). However, almost five years later, 2.6 billion euros from the first tranche has actually been disbursed.⁹ As for the second tranche, 1.2 billion euros has been disbursed, but with the caveat that projects can run until mid-2025. That is the reason Erdoğan accuses the European Union of slow cash disbursements and frequently asks for more financial support. His message: the European Union spent a total of 3.8 billion euros, which pales in comparison to the 40 billion dollars – almost ten times as much – that Turkey spent in the same time span.

There is a grain of truth in Erdoğan’s statements, but at the same time does it not do justice to the progress and impact made by the European Union. The promised 6 billion euros has been fully committed¹⁰ and because of this financial assistance, 1.7 million refugees receive support for basic daily needs through cash assistance (Emergency Social Safety Net, ESSN), enabling them to cover essential needs like rent, transport, bills, food and medicine.¹¹ It is the EU’s biggest humanitarian project ever, and keeps half of the refugee population in Turkey out of extreme poverty. The Conditional Cash Transfers for Education (CCTE) programme forms another flagship of how the EU uses the funds to provide meaningful support to refugees in Turkey.

With this programme, vulnerable refugee families with school children receive financial support in return for children’s regular attendance at school. To date, it allows 628,000 refugee children in Turkey to go to school, and build a better future – quite an achievement.¹²

President Erdoğan’s criticism is therefore not aimed at the functioning of the FRiT projects, nor on the impact it has on refugees and host communities. The condemnation is found in his believe that the burden is not being shared equally, and the feeling that Turkey is getting the short end of the stick. The financial support in itself can be considered an overall success. Yet, at the same time does it form an insufficient answer to the major burden the country has been bearing for the past five years. This year – 2021 – offers the momentum to divide that burden more equally between the European Union and Turkey, as the first tranche will officially end mid-2021. That means all first-tranche projects will also end (or have already ended), offering a natural moment for both blocs to design a new financial framework. The good news is that a continuation of EU financial assistance to Turkey – under the name post-FRiT II – already seems to be guaranteed. European leaders stated in the Council Conclusions of December 2020 that they are ‘prepared to continue providing financial assistance to Syrian refugees and host communities in Turkey’. However, with the exception of the promise to evaluate the Statement and provide an extra 485 million euros to guarantee the ESSN and CCTE programmes until end-2021, very little has been agreed upon.¹³

9 European Commission, *EU Facility for Refugees in Turkey: List of projects committed/decided, contracted, disbursed*, December 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/facility_table.pdf (accessed January 2021).

10 *The EU Facility for Refugees in Turkey*, European Commission, Brussels, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/frit_factsheet.pdf (accessed November 2020).

11 *The Emergency Social Safety Net (ESSN): Offering a lifeline to vulnerable refugees in Turkey*, European Commission, Brussels, 2020, https://ec.europa.eu/echo/essn_en (accessed November 2020).

12 UNICEF, *Conditional Cash Transfer for Education (CCTE) Programme for Syrians and Other Refugees*, 2020. October.

13 *Turkey: Extension of EU humanitarian programmes supporting 1.7 million refugees receives green light*, European Commission, 2020, https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1324.

EU's new Pact on Migration and Asylum

The overarching question is this: is a continuation of EU financial assistance to Turkey necessary? From the inception of the EU-Turkey Statement in 2016 the intention was to buy time in order to design a new European migration policy, rather than accepting it as a new *status quo*. That memorable moment presented itself in September 2020, when the European Commission presented its long-awaited *Pact on Migration and Asylum*. In the document it is stated that with this new set of policy proposals and suggestions the Pact aims to 'overcome the current stalemate and rise up to the task'.¹⁴ But what exactly does that mean for migration cooperation with Turkey? The document has yet to be approved by the European Parliament, but if we look at the various policy suggestions, 'cooperation with third countries' (based on mutually beneficial partnerships) remains a key aspect. With this, the EU continues to outsource the responsibility of hosting refugees and the hoped-for change does not seem to be on the cards – meaning that a continuation of EU financial assistance to Turkey remains essential.

A *first step* in working towards a new financial framework is accepting and acting upon the fact that the current EU-Turkey Statement has not worked as envisioned. Out of the four action points, as outlined above, only the financial assistance part can be considered to be an overall success. A new financial framework should therefore be decoupled from the current EU-Turkey Statement.

A *second step* is realising that we are dealing with an enduring phenomenon: many Syrian refugees have been living in Turkey for almost a decade now and have established

their lives in that country.¹⁵ Leaving Turkey would mean uprooting their families again. In that light, the 485 million euros forms a nice gesture, but what is really needed is multi-annual funding.

A *third step* is recognising that Turkey has done a remarkable job in hosting millions of refugees for the past five years. Ankara has long followed an 'open door policy', but the Syrian war continued and initially temporary shelter turned into long-term protection – including all associated costs. These costs run into tens of billions, and the whole situation (reception and financial support) poses a continuous burden that Turkey should not and cannot carry on its own.

That brings us to the *fourth step*, which is that the EU would do well to put Turkey in the driver's seat when drafting a new financial agreement skeleton. With the EU's new *Pact on Migration and Asylum*, the Commission chooses to continue to lean heavily on Turkey's shoulders when it comes to the reception of the 4.1 million refugees in the country. By making that decision, it should find ways to better take Turkey's needs into account, but also consider putting Turkey in the lead when setting the agenda.

Turkey setting the agenda of the talks on a new agreement?

Putting Turkey in the lead, does not mean that the European Union should blindly accept all Turkey's proposals, nor should it leave out any form of conditionality. It goes without saying that the EU should be vocal the moment migrants are used as political pawns, or when Turkey undermines fundamental European values. The EU can, moreover, still stand up for matters that in its view need to be changed or adjusted, such as the improvement of the legal status of Syrian refugees in Turkey (from temporary to permanent). However, when making the

14 European Commission, *Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund]*, 2020. September.

15 As outlined by Asli Aydintaşbaş in one of her most recent publications: *A new Gaza: Turkey's border policy in northern Syria, Istanbul, European Council on Foreign Relations (ECFR)*, p. 22.

choice to outsource (part of) your migration management to Turkey and continue to rely on the resilience of its society, a certain modesty as well as self-consciousness would be appropriate.

Following the above, what exactly is it that most helps Turkey when drafting a new financial framework? As well as 1) ensuring the needs of refugees and host communities, President Erdoğan repeatedly stated that 2) the country cannot handle an increase of the refugee population. At home, antipathy towards refugees is growing among the population – which reportedly resulted in a historic loss for Erdoğan’s Justice and Development Party (AKP) in 2019¹⁶ – and together with an ongoing currency crisis, Turkey’s limits have been already stretched too far. Taking this into account, two things are important:

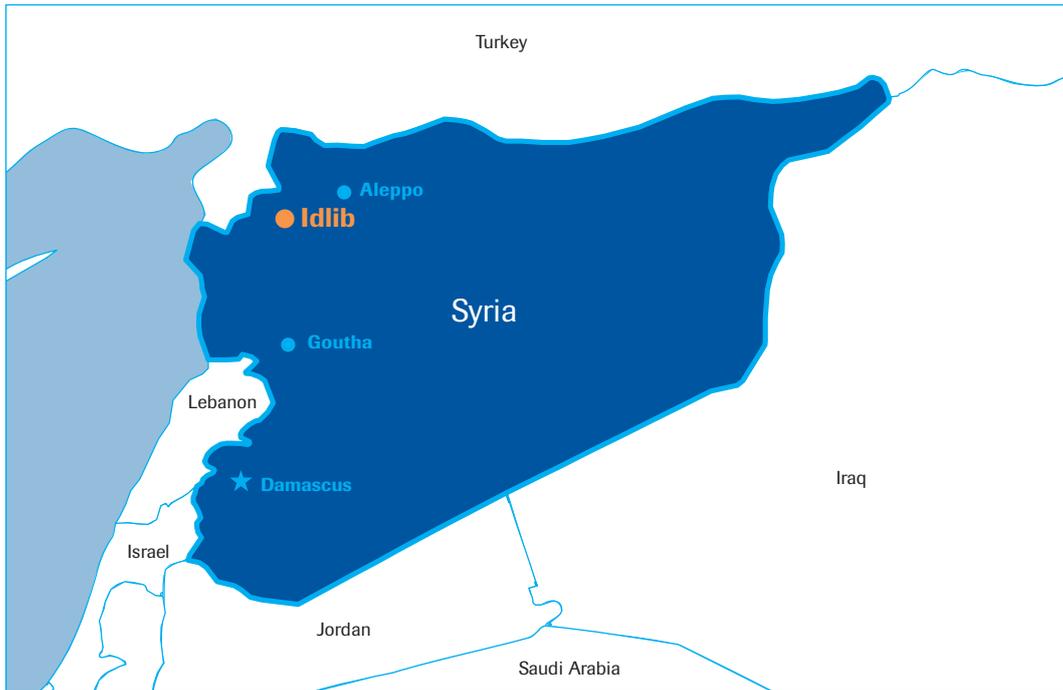
First, it is key to acknowledge that with regard to the objective of ‘ensuring the needs of refugees and host communities’, the Facility for Refugees in Turkey can overall be seen as a success story, despite criticism that not all funds arrive on time. With projects such as the ESSN and CCTE, the EU manages to contribute to improving the lives of the refugee population in Turkey. However, with the first tranche of funding coming to an end, a new multi-annual framework is needed to ensure that these improvements are not reversed. The EU needs to become serious in working towards a new financial package with Turkey, one that can build on the 2016 migration deal but also divide the financial burden between Turkey and the EU more equally and better reflect the burden Turkey is currently bearing.¹⁷ That EU member states and the European Commission are currently re-thinking this and discussing a potential financial follow up is, in that sense, not concrete enough. The same applies to the 485 million euros of

extra funding; it is commendable that ESSN and CCTE projects can be extended until the end of 2021, but a new funding framework is needed for Turkey and for the various NGOs and international organisations operating in the field.

Second, with regard to ‘ensuring that no more refugees flee into the country’, it might be worth looking into the possibility of extending a new financial framework to northern Syria. This should not be aimed at supporting a safe zone to which Syrian refugees in Turkey can return to – as often proposed by Turkey – but to avoid a (another) humanitarian crisis at its borders and possibly as a result, various displacement scenarios. Tel Abyad, Jarablus and Afrin would not qualify for this concept, mainly for Kurdish-related reasons and the risk of ‘demographic engineering’, but Idlib might. Even though the area is difficult legal terrain for European aid, as it is controlled by HTC¹⁸ and human rights are being violated, a third of the almost three million displaced Syrians in that area currently lack adequate shelter and essentials, such as cold water, heating fuel, blankets and clothing.¹⁹ Turkey maintains the military control in Idlib and would be greatly helped with financial assistance in this area to take care of the many IDPs. Yes, there are multiple ifs, ands and buts about it, especially with regard to Turkey’s long-term position in the region. Does it want to prevent another inflow of refugees from Idlib, creating a safe zone, keeping armed groups away from its borders or does it wish to have a say in the future of Syria or even the region? However, the reality at this point is that Turkey will not hand over power in Idlib to Assad any time soon, and the country remains essential in pursuing the EU’s core interest: preventing another refugee flow into Europe.²⁰

16 Kiniklioğlu, S. 2020. Syrian Refugees in Turkey: Changing Attitudes and Fortunes, Berlin, Stiftung Wissenschaft und Politik.
17 Guarascio, F. and T. Gumrukcu. 2020. ‘EU, Turkey in stand-off over funds to tackle new migrant crisis’, *Reuters*, 6 March, <https://www.reuters.com/article/us-syria-security-turkey-eu-idUSKBN20T1RH>.

18 Hay’at Tahrir al-Sham (HTC) is by the United Nations Security Council designated as a terrorist group.
19 2020. ‘UN: Urgent aid needed for 3 million refugees in northern Syria’, *Al Jazeera*, 26 November 2020, <https://www.aljazeera.com/news/2020/11/26/un-urgent-aid-needed-for-3-million-refugees-in-northern-syria>.
20 A. Aydıntaşbaş, *op. cit.*, p. 26.



EU's internal struggles vis-à-vis Turkey

As well as the external difficulties, disagreements are expected to occur within the European Union. As mentioned above, the EU and Turkey over the past years have often stood on opposite sides in terms of ideology and foreign policy aims, leading to tensions back and forth. And among the 27 European leaders, there are different views on how to deal with this difficult neighbour. A new financial framework would, in that respect, not form an exception, and it is expected that countries like France and Cyprus – the more ‘hardliners’ – will most likely take a different stance than Germany, which tends to look for more diplomatic solutions in this relationship. However, with the recent agreement among the (then 28) European leaders to continue to provide financial assistance to Syrian refugees and host communities in Turkey, the first hurdle has already been cleared.²¹ What is left is agreeing on the exact amount and

implementation conditions. One of the opportunities to get all EU member states on the same page with regard to implementation would be, as mentioned above, to extend the financial framework to Idlib, but to limit funds to humanitarian aid. With this decision, the EU could (to a certain extent) stay away from legitimising Turkish occupation in Syria and focus solely on IDPs, who are in dire need of humanitarian assistance, and thus try to prevent a new round of displacement into Turkey. It would, moreover, be in line with Article 9 of the current EU-Turkey Statement:

‘The EU and its Member States will work with Turkey in any joint endeavour to improve humanitarian conditions inside Syria, in particular in certain areas near the Turkish border which would allow for the local population and refugees to live in areas which will be more safe.’²²

European leaders now need to consider whether an official extension of FRIT projects to the Idlib can be supported, and if the answer is yes, how this can be set up legally. To further consolidate independence, the EU

²¹ Council of the European Union, *European Council Meeting (10 and 11 December 2020): Conclusions*, December 2020.

²² *EU-Turkey Statement*, agreed on 18 March 2016, entered into force 18 March 2016, Article 9.

could push for a continuation of the manner in which the Facility funding mechanism is currently structured, that is, on a project basis. Every organisation²³ can propose projects to the steering committee, which then decides on the disbursement. That means funds are not simply transferred to the Turkish government but that every penny is linked to projects and spent on those projects alone.²⁴

Recommendations

As the first 3 billion euros tranche – under the Facility for Refugees in Turkey – is ending mid-2021, this policy brief examined how the European Union and Turkey could successfully renew this form of migration cooperation. It seems beyond question that both blocs will work towards a new financial framework (post-FRiT II), but despite the fact that the current framework can be considered ‘generally successful’, adjustments are needed. Based on the analysis provided in this study, several recommendations can be made:

- Enter into a dialogue in which Turkey will be in the lead in setting the agenda for a new financial framework.
- For the past five years, Turkey has carried a heavy burden with regard to the reception of 4.1 million refugees. In return, there should be some leniency, which could be offered by agreeing on a fairer distribution of the financial burden between the two blocs.
- The European Union and Turkey would do well to design a new framework that includes multi-annual funding. Many Syrian families have established their lives in Turkey, which makes their presence an enduring phenomenon.
- To avoid a humanitarian crisis in Idlib – and possibly, as a result, a new refugee inflow into Turkey – the European Union and Turkey could consider including Idlib in the new financial framework and examining whether this is legally permissible. To get all EU member states on board, aid could be limited to humanitarian aid.

23 Inter-governmental organisations (IGOs), non-governmental organisations (NGO)s, and governmental organisations.

24 So far, three identifiable organisations have received the lion’s share of the Facility disbursements under the first tranche: International Federation of the Red Cross Societies (IFRC), World Food Programme (WFP), Turkish Ministry of National Education (MoNE) and the World Bank.

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