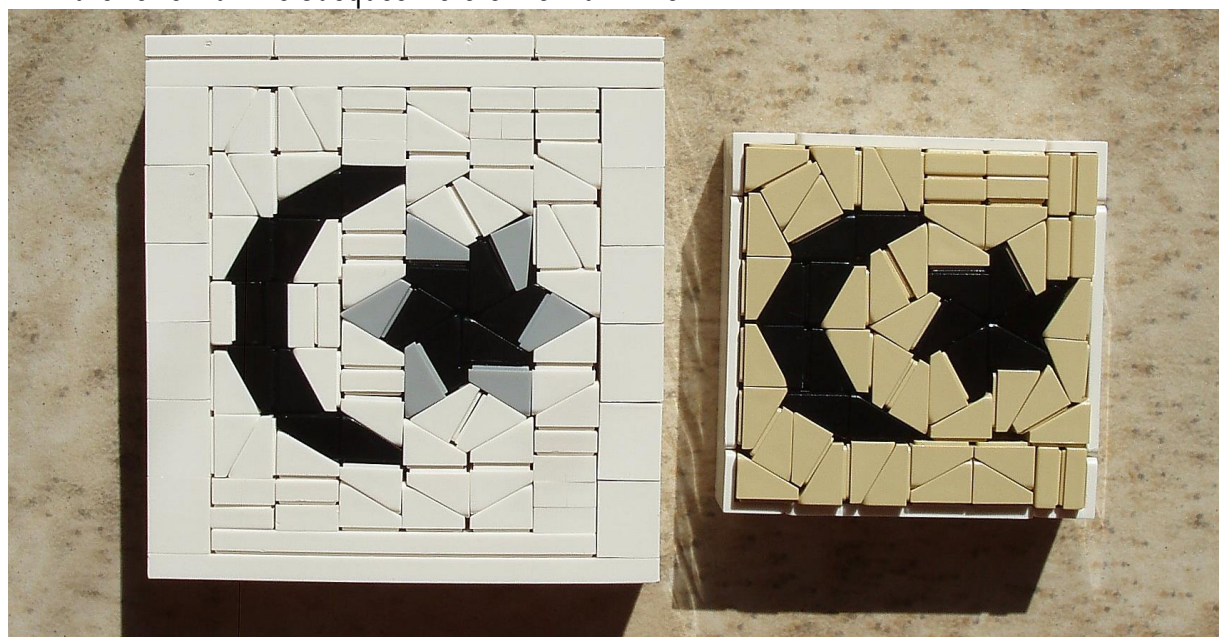


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Two years into the EU-Turkey ‘deal’: Impact and challenges of a turbulent partnership

Marie Walter-Franke

Affiliate fellow at the Jacques Delors Institut – Berlin



Two years have passed since the EU and Turkey sealed a ‘deal’ to halt large-scale migration to Europe. As numbers remained low, the public eye tended to turn to other theatres. New developments, however, call for a fresh look at the ‘EU-Turkey deal’, from controversies about the accession process to Ankara’s military involvement in Syria. This blog post takes stock of the costly failure of the refugees swapping mechanism and the success of the aid package, and analyses perspectives for progress concerning the EU-Turkey Statement’s unfulfilled promises: a reform of the Customs Union, visa liberalisation and large-scale resettlement. In total, the practical result looks quite traditional: EU cash in return for border control.

The second jubilee of the EU-Turkey deal is the occasion to look back [once again](#) on an eventful year of cooperation on refugee flows management. 2018 started with renewed tensions about Turkey’s accession prospects, followed by the launch of a Turkish military campaign against the US-backed Kurdish People’s Protection Units (YPG) in Northern Syria (operation ‘Olive Branch’). Answering [negative comments](#) on the European future of Turkey, EU Minister Ömer Çelik promptly [reminded the EU](#) that Turkey still holds the keys to the Eastern Mediterranean Route, and that Brussels needed to deliver on the 2016 agreement, stating that “technically there’s no reason for Turkey to maintain this deal”.

It is at least the fourth time that Turkey threatened to denounce the deal since it was struck in March 2016. Although relations with Ankara have been considerably complicated by the authoritarian turn the regime took after the failed coup of July 2016, these threats have not materialised so far. Is Turkey losing interest in upholding the agreement? Is its Syrian campaign a deal-breaker for the Europeans? To assess the solidity of EU-Turkey cooperation on refugee management and envisage the appropriate strategy for Brussels, this blog post investigates the implementation of the deal’s various elements and carves out challenges and opportunities.

1 Looking back: failures and successes

To end irregular crossings in the Aegean and find sustainable solutions for refugees, the EU and Turkey agreed on a broad cooperation based on a Joint Action Plan adopted in November 2015, supplemented by the notorious EU-Turkey ‘Statement’ of March 2016. Table 1 summarises the main commitments on both sides.

Table 1: The EU-Turkey ‘deal’ at a glance

EU offer	Turkish offer
<ul style="list-style-type: none"> • 1 for 1: Resettlement of a Syrian refugee for each Syrian returned to Turkey • Voluntary Humanitarian Admission Scheme • Assistance for Syrian refugees in Turkey (€3bn in 2016-17, another €3bn in 2018) • Technical and financial support for the prevention of irregular migration, human trafficking and smuggling • Visa liberalization by June 2016 (conditional) • Re-energization of EU accession talks • Upgrade of the Customs Union • Cooperation to create humanitarian safe zones in Syria 	<ul style="list-style-type: none"> • Readmission of all migrants having irregularly crossed to the EU after 20 March 2016 • Cooperation in the prevention of irregular migration and the fight against smuggling and organized crime • Access for persons under temporary protection to public services and labour market • Adaptation of refugee legislation in line with international law • Guarantee for migrant registration and issuance of documents

Source: Koenig and Walter, [2017](#), based on European Council, [2016](#)

1.1. The swapping mechanism: a costly delusion

The big innovation of the deal was the ‘1 for 1 swapping mechanism’: refugees reaching the Greek islands irregularly would be returned to Turkey. In exchange, the same number of Syrian refugees would be resettled to Europe. This swapping mechanism, often portrayed as centrepiece of the deal, was supposed to eliminate incentives for refugees to travel irregularly to Europe, channeling flows into an orderly resettlement programme.

In fact, the swapping mechanism was never fully put in place, on good grounds: immediate return to Turkey would have amounted to illegal *refoulement*, a grave breach of international and European refugee law. Greece was bound to grant access to asylum and remedies to the 400,000 persons who reached its shores since March 2016. Due to lengthy procedures, high protection needs and the situation in Turkey, returns remained limited. According to the Commission, [2,130 persons](#) were returned between 21 March 2016 and 31 January 2018, 1,532 of which fell under the Statement and 599 under a Greek-Turkish bilateral protocol. Rather than being contingent on returns, resettlements to Europe were implemented based on individual national pledges to an EU-led programme. This scheme foresaw a total of 25,000 resettlement places for the year 2017, but only [12,126 Syrian refugees](#) were resettled from Turkey to 16 EU countries as of January 2018.

Rather than transforming incentives, the swapping mechanism became a powerful deterrent by creating a protracted humanitarian crisis on the Greek islands. From March 2016, asylum-seekers potentially within the ambit of the deal were no longer allowed to travel to the mainland. The consequence was dramatic conditions in overcrowded and undersupplied EU “hotspots”.

As a recent [policy brief](#) from May Britt et al. documented, the deal also had a profound impact on Greece’s new asylum service that was [created in 2011](#) and was still developing when the crisis hit. To mention a few of the rights-restricting consequences, access to protection and the mainland was reduced to vulnerable applicants; nationalities with low recognition rates were fast-tracked, while persons likely to be recognised as refugees were kept in limbo. Appeals were discouraged through shorter deadlines (currently 5 days) and exclusion from return programmes run by the International Organisation for Migration (IOM). New admissibility procedures were introduced to proof eligibility for the swapping mechanism, but despite the formal recognition of Turkey as a [safe third country](#) by the Greek Supreme Administrative Court on 22 September 2017, no return took place on that ground. According to the brief, the 2,130 persons who returned either did so voluntarily or under coercion without having managed to place an asylum claim. While limited information is available on the Turkish side, evidence of detention and limited access to protection has been [documented](#).

Low numbers of irregular crossings in the Aegean Sea thus do not result from the celebrated 1 for 1 swapping mechanism per se, but from its collateral damage in Greece, in combination with the closing of borders along the Balkan route that started before March 2016. Other areas of co-operation covered by the deal also had an impact on the volume of crossings, in particular the progressive opening of the Turkish labour market to refugees that, despite frictions with the local workforce and difficulties linked to [regulatory hurdles](#) and skills gaps, is improving the sustainability of their livelihoods. In addition, the intensified surveillance of the Aegean Sea through joint naval and aerial operations have made early detection of boat departure much more likely. Under the deal, the EU is currently financing a [€20 million IOM programme](#) to increase the operational capabilities of the Turkish Coast Guard, as well as smaller border management programmes, hoping to sustain Turkey’s border control efforts.

1.2. The deal’s true centrepiece: the €3bn EU Facility for Refugees

Two years into the deal, its most important building block clearly was the EU’s material contribution to Turkish efforts to accommodate and care for [3.7 million refugees](#). The EU [Facility for Refugees in Turkey \(FRIT\)](#) was established to manage €3bn of humanitarian and non-humanitarian aid financed by the EU budget (1/3) and member states (2/3). Both in terms of reaching the goals set by the deal and of the working relationship between the EU and Turkey, the Facility is a success story, though not a smooth one. Ankara regularly criticised the EU for being too slow in delivering on its aid promises. Recent examples include the [threats](#) of EU Minister Çelik to end the deal last January, which echoed President Erdoğan’s [reproach](#) voiced in December 2017 that

“EU governments [were] not honest”. That frustration was understandable during the lengthy contracting phase but in the past year, things progressed quickly. By the end of 2017, the full €3bn were allocated to [72 projects](#), of which almost two thirds were disbursed ([€1.85bn](#) as of 12 January 2018).

Half the budget of the FRIT is dedicated to emergency relief. Almost €1bn was allocated to the Emergency Social Safety Net (ESSN), celebrated by the [Commission](#) as the “largest single humanitarian project in the history of the EU”. Implemented by the World Food Programme in cooperation with Turkish authorities, it follows an innovative cash-aid model. By January 2018, it provided over [1.1 million “vulnerable refugees”](#) with debit cards on which [120 Turkish Liras](#) (€26) per household member are wired on a monthly basis. At full capacity, it should benefit 1,3 million persons. Using the same system, the €84m Conditional Cash Transfer for Education (CCTE), launched in March 2017, finances the schooling of [72,000 children](#). The aim is to support 230,000 children by March 2018. In addition, various NGOs and UN organisations are implementing smaller humanitarian aid projects.

Non-humanitarian assistance makes up the second half the FRIT. The targets are non-emergency needs of refugees and host communities, with a focus on furthering employment and enhancing health care and education capacities. These are long-term projects that, for some, run until 2021, it is thus not surprising that only [half of the funds](#) had been disbursed as of 12 January 2018. Most are contracted to NGOs and UN organisations, although 4 projects were set up directly with Turkish authorities for a total of €675 million, of which €402m have already been disbursed.

Ankara is unhappy with the EU’s policy to channel aid through NGOs and the UN and would prefer to manage the money itself. Unsurprisingly, such arguments are not met with enthusiasm on the EU side. Nevertheless, the EU may adapt the design of the FRIT to optimise its impact, as the focus of the Facility moves from emergency relief to long-term integration measures. As Solon Ardittis [stresses](#), reliance on Turkish institutions are key to the success of the aid schemes.

The second controversial topic is the volume of aid. The EU views its contribution as a considerable investment in helping refugees. And it is: the FRIT’s budget equates [one fifth](#) of the EU’s development budget for the whole of Africa for 2014-2020. The significant size of this programme and the speed of its adoption had a bitter aftertaste for the aid community working in less strategic crisis areas. Still, Turkey regularly argues that it is a small help compared to what was spent from its national budget. Estimates vary between [€20](#) and [€30 billion spent since the start of the Syrian war](#). This type of criticism by Turkish authorities surely has encouraged the swift disbursement of EU funding under the Facility.

However, on the EU side, some member states feel that they are spending too much. They agree with the Commission that the FRIT is a priority, but raised the issue of who will foot the bill for the second tranche of [€3bn](#) promised under the deal. In October 2017, France sent a confidential position paper to the European Commission, requesting this second tranche to be paid by the EU budget. [Germany, the Netherlands](#), Austria and the Nordic countries – net contributors to the EU budget and the [largest sponsors](#) of the FRIT – co-signed the document. The Commission responded that the margin in the current EU budget was insufficient and, [announcing](#) the commitment of another €3bn on 14 March 2018, asked member states to contribute €2bn once again. Negotiations are ongoing, and options range from the status quo to a reversed model with 2/3 funded from the EU budget and 1/3 by member states.

Looking towards the future, financial solidarity with Turkey in accommodating refugees will remain the centrepiece of the EU-Turkey deal. Aid flows with positive externalities for the local economy help maintain good relations with host communities, where attitudes towards refugees can be [volatile](#), and provide incentives for Turkey to continue performing the gate-keeper function

that Europeans depend on. Assuming that Turkey will require EU support beyond the deal's €6bn and that other gatekeepers like [Morocco](#) may demand similar support, the budget for migration-related aid payments will play a big role in the negotiation of the next multiannual financial framework (MFF) that just started. The migration budget is likely to increase, but it is not yet clear where the money should come from. Uncertainty is reinforced by the gap created by Brexit in the overall EU budget. There is a risk that resources will be concentrated on strategic partnerships such as the EU-Turkey deal, to the detriment of EU development and aid policies in less strategic but needy areas of the world.

2 The EU's more contested promises

As the Commission's [7th report](#) on the implementation of the EU-Turkey Statement from September 2017 makes clear, little progress has been made on further commitments made by the EU under the deal. The EU's capacity to deliver is intimately linked to diplomatic tensions and divergent member state preferences.

2.1. Upgraded Customs Union and visa liberalisation

In reaction to the clampdown on human rights activists and political opposition since the July 2016 coup, accession talks were frozen. Statements by then German Foreign Minister [Gabriel](#), French President [Macron](#) and Commission President [Juncker](#) in January 2018 confirmed that this remains the EU's position. The upgrade of the Customs Union and visa liberalisation, both promised under the deal, thus remain the EU's main bargaining chips vis-à-vis Turkey. However, member states disagree on the next steps concerning these dossiers.

The normalisation of relations with Turkey is a [major priority](#) of the Bulgarian Presidency of the Council, which focuses on making progress in broadening of the scope of the Customs Union (CU). A path-breaking agreement back in 1995, the CU has now been outpaced by the Free Trade Agreements (FTAs) concluded by the EU with other trading partners, which grants them non-reciprocal access to the Turkish markets covered in the CU. As it stands, the CU excludes public procurement, e-commerce and services and is limited in agriculture. A broadening of the CU bears considerable growth potential on both side. As [reported](#) by the European Neighbourhood Council, Turkey wants reciprocal access to the markets of third countries that have FTAs with the EU, as well as more voice in the CU's governance and a dispute settlement mechanism. The Turkish side would in turn have to implement significant reforms in the sectors currently excluded to secure its competitiveness but also comply with EU competition and procurement law. The modernisation of the CU was last discussed at a high-level political dialogue meeting in July 2017, with no substantial progress: considering the political situation in Turkey, several member states are dragging their feet. Though there is no formal political conditionality, the EU tends to link the modernisation of the CU to democratisation. This explains why progress in the ongoing negotiations has been slow.

Meanwhile, Turkey is pushing the EU hard on visa liberalisation, which would allow free travel to the EU for Turkish citizens. On [7 February 2018](#), the preparatory documents justifying the fulfilment of the 72 criteria were sent to Brussels, but reactions have been sceptical. The core condition set by several member states side is a revision of Turkish anti-terror legislation, a demand that Ankara is not taking well. Turkey has been trying to counteract EU conditionality using the EU-Turkey deal to pressure the EU on its promise. On 10 March 2017, Foreign Minister Mevlüt Çavuşoğlu [bluntly threatened](#) that "either it will all be cancelled, including the visa liberalization

and migrant deal, or it will all be implemented.” The ball is with the Commission that is to give its opinion on the Turkish submission, but the Council is divided on the issue.

To move things forward, Bulgarian Prime Minister Boyko Borissov arranged an EU-Turkey summit for [26 March 2018](#) in Varna, where Commission President Juncker, European Council President Tusk and Turkish President Erdoğan should discuss both issues and the accession process more generally. However, after Turkey conducted [naval manoeuvres](#) against gas explorations by Cyprus and rekindled territorial disputes with Greece, EU leaders decided that they would evaluate at the European Council on 22-23 March, whether this EU-Turkey summit can actually take place. Diplomatic tensions among partners thus remain high.

2.2. Towards a Voluntary Humanitarian Admission Scheme?

Another promise from the EU-Turkey deal that remained on ice so far is the activation of a Voluntary Humanitarian Admission Scheme (VHAS). A large-scale resettlement programme was supposed to replace the swapping mechanism as soon as numbers of irregular crossings would go down. As such, the VHAS is long overdue. According to the [Commission](#), this scheme is currently under negotiation and should be agreed as soon as possible. Since the VHAS would be voluntary, reaching an agreement may prove easier than for the compulsory relocation or resettlement mechanisms. Nevertheless, progress is hindered by the deep conflict between proponents and opponents of European burden-sharing. A source from the German home affairs ministry indicated that a small group member states had made clear that they were categorically opposed to the scheme at the Justice and Home Affairs Council of 25 January 2017.

At the moment, Poland, Hungary and the Czech Republic are facing proceedings in the European Court of Justice for failing to comply with their obligations under the 2015 relocation scheme. They may be the most vocal opponents of relocation and resettlement, but they are not alone. As mentioned above, member states have been slow to resettle from Turkey: Bulgaria, Cyprus, the Czech Republic, Denmark, Greece, Hungary, Ireland, Poland, Romania, Slovakia, Slovenia and Great Britain have not yet welcomed a single refugee under the EU-Turkey deal, while Germany and the Netherlands alone account for half the numbers. Others are increasing resettlements but focussing on other crisis areas, like France on the Sahel and Italy on Libya. Foot-dragging also impairs other EU schemes: as of December 2017, [nine member states](#) (Austria, Czech Republic, Denmark, Germany, Greece, Hungary, Latvia, Poland and Slovakia) had not yet pledged to the 2016 scheme to resettle 50,000 refugees from Africa. Meanwhile, the new right-wing Austrian government is very critical of the Commission proposal for a permanent resettlement scheme.

Considering the limited volume of resettlements from Turkey and the controversies raised by any Brussels-led initiatives in that field, the success of the VHAS – if adopted – will heavily depend on individual member states’ appreciation of the strategic necessity of relocating from Turkey, and the pressure that Ankara might exercise on EU governments. Numbers will likely remain far below needs. That said, the reluctance to display concrete solidarity through resettlement has been a handy argument for Turkey to push for progress on the CU and visa liberalisation.

3. Is there a red line for the EU?

Despite recurring diplomatic tensions, the partnership has remained strong at working level. However, three developments are fuelling public indignation at Erdoğan’s policies in Europe or might impact the EU-Turkey cooperation on refugees in other ways.

Firstly, the operation ‘Olive branch’ launched on 20 January 2018 has complicated EU-Turkey relations. The Northern Syrian region of Afrin was taken over by the Kurdish Democratic Union Party (PYD) [in 2012](#) with support from Washington and some EU countries. Turkey justifies the operation as self-defence to secure its southern borders and uproot the YPG, which it argues is a terrorist organisation. As civilians are fleeing to areas still controlled by the PYD, the situation has not spilled over to the wider region yet, but ‘Olive branch’ is destabilising one of the few regions of Syria that had regained a degree of security and hosted over 800,000 internally displaced persons (IDPs). Some are denouncing Turkish plans to upset the ethnic balance of the area by uprooting Kurds. If the operation endures, a new exodus out of Northern Syria is a risk that Europe must take seriously, especially since Turkey is no safe destination for Kurdish Syrians.

Despite its previous support for the Kurdish fight against the self-styled Islamic State, the EU has not openly criticised Turkey on ‘Olive branch’. In February 2018, the EU High Representative for Foreign Affairs and Security Policy Federica Mogherini did express her [deep concern](#) and urged Ankara to limit civilian casualties, but she also [recognised](#) the “legitimate Turkish security concerns”. Her tone sharpened after operations continued in spite of the UN cease-fire resolution from 24 February 2018: she [called](#) on all external parties, including Turkey, to “implement a genuine humanitarian pause for at least 30 consecutive days throughout Syria”. But Ankara does not consider itself bound by the cease-fire and rebuffed all criticism against its offensive. Regardless, Brussels is showing no sign of questioning its collaboration with Ankara on migration control and refugee policies. In that sense, ‘Olive branch’ appears not to be a red line for the EU.

Two other issues weigh into EU-Turkey cooperation. First, since its authoritarian turn, Turkey has started to ‘produce’ more refugees. [1,800 Turkish nationals](#) applied for asylum in Greece in 2017 alone, [600](#) in Germany and [700](#) in the Netherlands since the coup. Many more have left through [other channels](#). Though marginal compared to Turkey’s tremendous effort in hosting 3,7 million refugees, this development complicates relations with EU member states such as Germany and the Netherlands, who have welcomed Turkish refugees and voiced concern over political persecution of the opposition and human rights activists. Ankara has repeatedly used threats to denounce the EU-Turkey deal to pressure these countries to extradite Turkish asylum-seekers and refugees that it considers involved in the 2016 coup.

Secondly, the long-term accommodation of refugees in Turkey is not a given. No mass expulsions have been recorded since [April 2016](#). However, after the issue of naturalisation for Syrians met with opposition in the Turkish electorate, President Erdoğan repeatedly declared that refugees were expected to return to Syria as soon as the country stabilises. “We are not in a position to continue hosting 3.5 million refugees forever”, he [stated](#) on 8 February 2018. He also [argued](#) that ‘Olive Branch’ aimed at enabling the return of refugees. Such signals might trigger renewed large-scale movements out of Turkey in the future, if certain Syrian refugees feared to be extradited.

4. Conclusion

Looking back, the swapping mechanism, a much-trumpeted innovation of the EU-Turkey deal, proved much less crucial than the EU’s more traditional incentives: security cooperation and cash. Despite recurrent Turkish criticism on the volume and speed of aid disbursement, the EU’s investment in improving refugees’ situation in Turkey surely lowered incentives to migrate onwards. Since the Syrian conflict shows no sign of resolution, the EU will have to decide in how far the emergency measures that were agreed under the deal will become part of a long-term financial commitment to protracted refugeehood in Turkey. A related issue for the future of the EU migration budget under the next MFF will be the volume and distribution of funds under similar migration arrangements with other countries.

Looking to the immediate future for the deal's secondary instruments, Turkish demands for visa liberalisation will get nowhere as long as the anti-terror laws are not relaxed. Even then, without a return to the path of democratisation, progress on this dossier is likely to remain a thorny issue. Meanwhile, the establishment of a meaningful voluntary humanitarian resettlement scheme seems unlikely due to internal differences among member states. If negotiations can be shielded from politicization, the upgrade of the Customs Union is one element of the deal that is more likely to succeed. However, negotiations will take at least a couple of years due to the complexity of the issue. So far, foot-dragging on these three promises has been a handy tool for Turkey to cash-in on refugee support and prevent serious involvement into its internal affairs.

Two years after the EU-Turkey 'statement', the partnership is under considerable stress after renewed tensions with Greece and Cyprus, and crucially since the start of operation 'Olive Branch'. It will be essential for the EU to pursue a triple strategy: (i) ensure the continued support to refugees in Turkey and the region more broadly, while making sure that transit countries do not misuse refugees to capture EU aid; (ii), exert more diplomatic pressure concerning the repression of Kurds and the opposition in Turkey and (iii) engage in regional cooperation to dissuade Turkey from further igniting the Syrian conflict, channeling its involvement into the peace-building process.