

EU-TURKEY REFUGEE AGREEMENT: TOO BIG TO FAIL

LESLEY DUDDEN, KADIR USTUN





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ABSTRACT

The migrant crisis that has stemmed from the ongoing strife in the MENA region is one of the most devastating and consequential crises of modern times. Its impact has been felt across continents, in countries such as Turkey, Lebanon, and Jordan, along with European Union member states and the United States. In addition to unprecedented regional humanitarian challenges, the crisis shook Europe to its core by challenging its political institutions and humanitarian values. The rise of populism and Islamophobia in the West in general is closely associated with the migrant crisis that has pushed the capacity of countries to their limits.

Perhaps no relationship has been more affected by the refugee crisis than that between the European Union and Turkey. EU-Turkey relations have been strained and undermined by the migrant crisis to such a degree that it seems to have created a “make or break” moment in Turkey’s EU accession talks. This analysis outlines the process through which the EU-Turkey Joint Action Plan (JAP) on refugees came into being and examines the impact of the agreement, including its challenges and successes. It also seeks to understand how heightened tensions between the EU and Turkey will affect the longevity and effectiveness of the agreement.

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INTRODUCTION

The migrant crisis that has stemmed from the ongoing strife in the MENA region is one of the most devastating and consequential crises in modern times. Its impact has been felt across continents, in countries such as Turkey, Lebanon, and Jordan, along with European Union (EU) member states and the United States. In addition to unprecedented regional humanitarian challenges, the crisis shook Europe to its core by challenging its political institutions and humanitarian values. The rise of populism and Islamophobia in the West in general is closely associated with the migrant crisis that has pushed countries capacities to their limits.

Perhaps no relationship has been more affected by the refugee crisis than that between the EU and Turkey. EU-Turkey relations have been strained and undermined by the migrant crisis to such a degree that it seems to have created a “make or break” moment in Turkey’s EU accession talks. Yet, the survival of the agreement indicates that benefits derived from stabilization of the large refugee influxes and illegal crossings do exist. This analysis outlines the process through which the EU-Turkey Joint Action Plan (JAP) on refugees came into being and examines the impact of the agreement, including its challenges and successes. It also seeks to understand how heightened tensions between the EU and Turkey will impact the longevity and effectiveness of the agreement.

THE JOINT ACTION PLAN ON REFUGEES

An unprecedented number of refugees from countries such as Syria, Iraq, and Afghanistan have sought to migrate through Turkish territory toward a better life in EU member countries. The EU, unprepared for the dramatic flow of these refugees into its territory, brokered a deal with Turkey that has become a fulcrum in relations between the bloc and Ankara. The agreement tasks Turkey with halting the flow of refugees across the Mediterranean and Aegean seas into EU territory. In return, Turkey was to receive a jump-start to its long-stalled EU accession process as well as financial incentives to help with the burden of hosting refugee populations within its borders. The agreement has faced criticism from independent international actors, but has also largely succeeded in stemming the flow of refugees into Europe from Turkey.

For the last year and a half, the Turkish-European relationship has been framed by the negotiations, development, and implementation of the EU-Turkey refugee agreement. In many ways, the agreement has woven its way into the very framework of Turkey’s EU accession process. As of April, 2017, Turkey hosts over 3.2 million refugees¹ and Turkish government and civil society organizations have spent around 25 billion dollars for the wellbeing of the refugees.² Beyond the financial costs of meeting such monumental humanitarian challenges, Turkey’s relations with the EU have been challenged by the crisis. While Turkey has tried to pursue a humanitarian policy from the outset of the Syrian crisis, the EU has been the victim of increasing political pressures created by anti-

1. “Turkey: Refugee Crisis Echo Factsheet,” European Commission, April 2017, http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf, (Access date: 31 May 2017).

2. “Turkey Spent \$25B on 3.5 Million Refugees, Says Interior Minister,” *Daily Sabah*, 15 February 2017.

immigrant and anti-Islam sentiments. Consequently, the EU has adopted a security-oriented approach trying to prevent refugees and migrants from pouring into the continent. The refugee agreement with Turkey should therefore be understood within the context of European efforts to stem the tide of irregular migration to the continent. It was also meant to ease off some of Turkey's financial burden in hosting a large refugee population while attempting to reenergize the country's long-stalled EU membership bid.

As of April, 2017, Turkey hosts over 3.2 million refugees and Turkish government and civil society organizations have spent around 25 billion dollars for the wellbeing of the refugees.

Under the JAP, the EU's Facility for Refugees on Turkey (the funding mechanism for JAP negotiated funds) has contracted 46 projects worth over €1.5 billion, half of which has been disbursed as of 2017.³ These numbers underscore the vast nature and demands of providing relief to the 21st century's greatest migrant crisis. They have dictated the framework of the Turkish-European partnership, shaping bilateral policies even on issues not directly related to the refugee crisis. For this reason, it is important to examine the process of the JAP's negotiation and disbursements not only from a humanitarian perspective, but also through the lens of its broader impact on EU-Turkish relations since its inception. In doing so, we find that, despite increased tensions

3. "Facility for Refugees in Turkey: Steady Progress and New Projects for Education and Health Launched," European Commission, 31 March 2017, http://europa.eu/rapid/press-release_IP-17-795_en.htm, (Access date: 31 May 2017). See also Appendix I.

in the European-Turkish relationship, the JAP has been successful in dramatically slowing the influx of refugees through the eastern Mediterranean and Aegean Seas.

The refugee crisis facing Turkey, Europe, and the broader Mediterranean region was, by no means, a new phenomenon when the JAP was signed in late 2015. For Turkey, the first effects of the crisis were felt as early as March 2011, when refugees fleeing Syria began making their way to Turkey. The first refugee camps in Turkey were opened only two months later, and by May 2012, Turkey saw large increases in the number of Syrian and Iraqi refugees crossing into the country.⁴ As Turkey was beginning to seriously grapple with the burgeoning crisis, the United Nations (UN) released its first Regional Response Plan (RRP) for Syrian refugees.⁵ The plan recognized that Turkey, along with regional neighbors Jordan, Lebanon, and Iraq were on the cusp of increasing regional insecurity as a result of the deteriorating situation in Syria. The report sought to provide for the growing number of Syrian refugees, which at that time numbered around 710,000.⁶ The report also stated, "It is worth mentioning that several countries in Europe and North Africa have noted a significant increase in the number of Syrians entering and remaining in their territory."⁷ This acknowledged the reality that, for many of the migrants and refugees, Turkey was seen as a gateway in a longer journey into Europe, which began to see large waves of migrants flocking to its shores.

4. "3RP Regional Refugee & Resilience Plan 2017-2018: In Response to The Syria Crisis," UNHCR, 2017, <http://reporting.unhcr.org/sites/default/files/ga2017/Syria%203RP%20Regional%20Strategic%20Overview%202017-2018.pdf?v2>, (Access date: 31 May 2017).

5. "Second Revision: Syria Regional Response Plan," United Nations, September 2012, <http://www.unhcr.org/5062c7429.pdf>, (Access date: 31 May 2017).

6. Ibid.

7. Ibid, p. 9.

Europe's first attempt to deal with the growing number of refugees came in December of 2014 when the European Parliament adopted a resolution on the "Situation in the Mediterranean and the need for a holistic EU approach to migration."⁸ The resolution was revisited in April 2015, when the 28 EU member countries agreed on a ten-point plan to increase financial resources for addressing the crisis and to expand and reinforce operations in the Mediterranean to stem the flow of migrants.⁹ In the year 2015, it was estimated that between 750,000¹⁰ and 885,000¹¹ migrants irregularly entered Europe through Turkey. These numbers represented a 17-fold increase from 2014.¹² "Turkey has reached its total capacity for refugees... and it would put the EU face to face with more migrants," Turkey's EU Minister advised in September 2015.¹³ Brussels' first formal engagement with Turkey on stemming the tide of refugees came in May 2015, when the EU's High Representative for Foreign Affairs and Security Policy Federica Mogherini and Commissioner for Neighborhood Policy and Enlargement Negotiations Johannes Hahn met with Turkish Foreign Minister and EU Minister for a working dinner focused on Turkey's EU accession process. The dinner gave way to discussions on how to handle the refugee situa-

tion. By October 2015, the EU and Turkey had established the framework for the November 2015 JAP. This agreement followed a May 2015 "European Agenda on Migration," under which the EU initially provided Turkey with funds for sustaining its refugee efforts.¹⁴

The EU and Turkey formalized the JAP in November 2015. The final agreement promised Turkey €3 billion in exchange for Turkish support in curbing flows of migrants from Turkey to Greece. The promised €3 billion, which would be dispersed via a Facility for Refugees in Turkey, would assist Ankara in its pursuit of hosting displaced populations from countries such as Syria and Iraq. Along with this financial assistance, a series of other benefits were guaranteed to Turkey for its efforts.¹⁵ For Ankara, one of the most important of these included the establishment of visa-free travel to the EU for Turkish citizens and the opening of new chapters in Turkey's EU accession process. The agreement also called for biannual summits to address issues facing EU-Turkey relations. Turkey's benefit from the agreement was twofold. Not only did the Facility for Refugees in Turkey guarantee support for migrant and refugee populations as Turkey began to feel the financial strain from their numbers, it was also supposed to reenergize its long-stalled EU accession process.

Final approval for the appropriation of the €3 billion was the first major hurdle of the agreement. The member states of the EU signed off on the proposal only after Italy dropped its initial resistance to the plan. Italian objections

8. "European Parliament Resolution of 17 December 2014 on the Situation in the Mediterranean and the Need for a Holistic EU Approach to Migration (2014/2907(RSP)," European Parliament, 17 December 2014, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2014-0105+0+DOC+XML+V0//EN&language=EN>, (Access date: 31 May 2017).

9. "Joint Foreign and Home Affairs Council: Ten Point Action Plan on Migration," European Commission, 20 April 2015, http://europa.eu/rapid/press-release_IP-15-4813_en.htm, (Access date: 31 May 2017).

10. "Mediterranean Situation," UNHCR, <http://data.unhcr.org/mediterranean/regional.php>, (Access date: 31 May 2017).

11. "Eastern Mediterranean Route," Frontex, 2017, <http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route/>, (Access date: 26 March 2017).

12. Ibid.

13. Jamie Dettmer, "Tipping Points on the Road to Europe's Refugee Crisis," VOA News, 19 September 2015.

14. "Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and The Committee of The Regions: A European Agenda on Migration," European Commission, May 13, 2015, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf, (Access date: 31 May 2017).

15. "European Neighbourhood Policy And Enlargement Negotiations: The Facility for Refugees in Turkey," European Commission, https://ec.europa.eu/neighbourhood-enlargement/news_corner/migration_en, (Access date: 31 May 2017).

to the allocation of funding were seen as a bid by then Italian Prime Minister Renzi to secure leverage on budget negotiations between his country and the EU, rather than objections to the agreement itself.¹⁶ After intense internal negotiations, it was decided that the EU would provide €1 billion from its own budget. The remainder of the funds would come from the 28 EU governments based on their gross national income share. This brought Germany in as the top contributor at €427.5 million for 2016, the United Kingdom following with €327.6 million, France at €309.2 million, Italy at €224.9 million and Spain at €152.8 million, according to figures provided by the European Commission (EC).¹⁷ Contributions to the fund would be exempt from calculations on member state budget deficits. This is important, as EU members are required keep their budget shortfalls under check or risk disciplinary action, a reality that continues to impact members such as Italy and Greece as they battle financial instability. The final terms of the agreement on appropriation were finalized on February 3, 2016.¹⁸

COUNTRY	SHARE OF PROMISED FUNDS
Germany	€425.5 million
United Kingdom	€327.6 million
France	€309.2 million
Italy	€224.9 million
Spain	€152.8 million

Source: Reuters¹⁹

16. Francesca Piscioneri & Gabriel Baczyńska, “Italy Drops Objections to EU Migration Fund to Turkey,” Reuters, 2 February 2016.

17. Ibid.

18. Gabriela Baczyńska, “EU Agrees Funding for Turkey to Curb Migrant Flows after Italy Drops Objections,” Reuters, 3 February 2016.

19. Francesca Piscioneri & Gabriel Baczyńska, “Italy Drops Objections to EU Migration Fund to Turkey,” Reuters, 2 February 2016.

In March 2016, the European Commission and Turkey expanded the JAP to include a controversial resettlement scheme.²⁰ This new statement was enacted to “end the irregular migration from Turkey to the EU.” Under the agreement, any new irregular refugee arriving in Greece would be returned to Turkey. In return, for every non-Syrian refugee returned to Turkey, a Syrian refugee already in a Turkish camp would be resettled in Europe. Two legal possibilities exist for asylum applications to be declared inadmissible within this framework. First, if a refugee has already been recognized as a refugee in that country. Second, if a person has not already received protection in the third country but said third country can guarantee effective access to protection to the readmitted person.²¹ If a return decision is made based upon these guidelines, the person will be admitted into a refugee camp in Turkey. The agreement deftly cut out parameters for non-Syrian migrants and refugees arriving in Europe. Under the new framework, these migrants remain in Turkey indefinitely, without a clear path to gaining entry into the EU. In return for this arrangement, the EU agreed to accelerate both the disbursement of the promised €3 billion in funds as well as to “re-energize” Turkey’s EU accession process through opening Chapter 33 on financial and budgetary provisions.²²

IMPLEMENTATION

In the wake of the inking of the JAP, Turkey began to detain persons planning to cross the Aegean Sea from Ayvacık to Lesbos. A European Commission Implementation Report on the Refugee Agreement, released in February of 2016, con-

20. “EU-Turkey Statement: Questions and Answers,” European Commission, 19 March 2016, http://europa.eu/rapid/press-release_MEMO-16-963_en.htm, (Access date: 31 May 2017).

21. Ibid.

22. “Chapters of the Acquis” European Commission, https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis_en, (Access date: 31 May 2017).

TABLE 2. ILLEGAL MIGRATION ORGANIZERS APPREHENDED BY TURKEY

	2015	2016	2017
January	8	16	7
February	4	25	5
March	7	12	12
April	21	1	11
May	21	2	1
June	5	2	0
July	17	0	3
August	14	12	x
September	18	16	x
October	25	13	x
November	26	6	x
December	24	13	x

Source: Turkish Coast Guard Command²⁷

cluded that the overall numbers of irregular migrants crossing from Turkey to the EU had been trending downward since October 2015.²⁴ At the same time, the EU claimed to have seen few improvements in Turkey's ability to stem migration flows and control the vast mafia networks that have developed to smuggle people across borders and seas. Through its detention program, Turkey managed to arrest small time traffickers, but this had done little in stemming cross border flows, in the eyes of the European Commission.²⁵ For its part, Turkey announced new regulations allowing many of the nearly 2.5 million refugees within its borders to apply for work permits and re-enacted policies requiring Syrians entering Turkey to hold visas. In the final months of

2016, under this refugee work permit scheme, over 11 thousand Syrian refugees had gained legal access to the Turkish workforce. For instance, on January 8, 2016,²⁶ Turkey introduced visa obligations for Syrians travelling to Turkey through a third country in an attempt to reduce transitory migration toward the EU.²⁷ Turkey was hopeful that these policies would be an effective step in holding up its end of its bargain with Europe.

Tensions escalated between Turkey and Europe when Italy moved to block the proposed €3 billion of promised assistance to Turkey. While Turkey continued to work toward providing as much assistance as it could to its refugee population, EU President Donald Tusk increased pressure on Turkey to further shore up its migration strategy, stating "We have no more than two months to get things under control."²⁸ In contrast, Germany acknowledged that Turkey had

23. "Irregular Migration Statistics," Turkish Coast Guard Command, last updated 25 May 2017, http://www.sahilguvenlik.gov.tr/baskanliklar/harekat/faaliyet_istatistikleri/duzensiz_goc_istatistikleri.html, (Access date: 25 May 2017).

24. "EU-Turkey Joint Action Plan - Implementation Report," European Commission, 10 February 2016, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_annex_01_en.pdf, (Access date: 31 May 2017).

25. Ibid.

26. Ercan Gurses & Mert Ozkan, "Turkey plans to Introduce Work Permits for Syrian Refugees, Minister Says," Reuters, 11 January 2016.

27. Ayla Jean Yackley & Nick Tattersall, "Syrians Return to Damascus after Turkey Introduces New Air-Travel Visas," Reuters, 8 January 2016.

28. Barigazzi Jacopo, "Final Days of the EU's Refugee Strategy," *Politico European Edition*, 21 January 2016.

“taken first steps” toward realization of its part of the agreement and that the EU must also carry out its responsibilities under the agreement.²⁹ A stark departure for Europe from its strategy to rely on Turkey as a floodgate to the EU remained unlikely. However, continual infighting between EU members divided over asylum politics certainly stymied the speed with which Turkey could expect to reap benefits from the agreement. Furthermore, disagreements over the progress and results of the refugee deal led to a heightened climate of distrust between the EU and Turkey.

In April 2017, the European Commission released its fifth report on the progress of implementation of the Refugee Agreement. The report “confirmed the trend of a steady delivery of results,” by the JAP during 2016.³⁰ It echoed previous implementation which also indicated a steady decline in the number of irregular migrants crossing from Turkey into Europe. According to the report, the EU allocated 73 percent of the promised €3 billion and distributed €750,000 to aid agencies or missions operating inside of Turkey.³¹ The report detailed that one of the areas where the agreement was still lacking was in implementation of the “one for one return” resettlement scheme agreed upon between the EU member countries and Turkey. As of May 12, 2017, 5,695 refugees had been resettled from Turkey to the EU;³² meanwhile

1,093 migrants of various nationalities (Pakistanis, Afghans, Algerians, Iraqis, Bangladeshis, Iranians, Sri Lankans, and Moroccans) were returned to Turkey from Greece.³³ The number of returns have been low, as the report outlines, but also below the number of migrants arriving into Greece from Turkey. Compared with previous reports, the European Commission says of process of returns, “Member States are advancing well with preparing further resettlement operations, including missions to Turkey to interview resettlement candidates.” The Fifth status report also outlines that Turkey is providing longer lists of referrals to EU member states to help with this process.³⁴

In February 2016, Turkey’s Directorate General of Migration Management levied charges that Greece had engaged in forcefully sending refugees back to Turkey, in violation of the readmission agreement terms of the March 2016 resettlement plan. Reports were put forward that Greek officials had returned more than 3,000 would-be migrants to Turkey between October 2015 and February 2016. In response, Turkish officials hinted at a possible rupture in the agreement. “There is a migration deal we signed, including a readmission deal with Greece. We are evaluating what we can do, including canceling the readmission deal,” Turkish Foreign Minister stated.³⁵

29. “EU Needs Turkey to Achieve Reduction in Migrant Numbers: German FM,” *Yeni Safak*, 20 January 2016.

30. “Fourth Report on the Progress Made in the Implementation of the EU-Turkey Statement,” European Commission, 12 August 2016, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20161208-4th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en_0.pdf. (Access date: 31 May 2017).

31. “Turkey: Refugee Crisis Echo Factsheet,” European Commission, April 2017, http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf.

32. “Relocation and Resettlement - State of Play,” European Commission, 16 May 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_update_of_the_factsheet_on_relocation_and_resettlement_en.pdf.

33. Huseyin Gazi Kayak, “Turkey takes more than 1,000 migrants under EU deal,” *Anadolu Agency*, 23 May 2017, <http://aa.com.tr/en/turkey/turkey-takes-more-than-1-000-migrants-under-eu-deal/824434>.

34. “Fifth Report on the Progress made in the implementation of the EU-Turkey Statement,” 2 March 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_fifth_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf.

35. “Ankara says Greece has ‘forcefully’ sent thousands of migrants back to Turkey,” *Hurriyet Daily News*, 3 February 2017, <http://www.hurriyetdailynews.com/ankara-says-greece-has-forcefully-sent-thousands-of-migrants-back-to-turkey.aspx?pageID=238&nid=109319&NewsCatID=359>.

TABLE 3. NUMBER OF IRREGULAR MIGRANTS FROM TURKEY TO GREECE

Number of Irregular Migrants	2015	2016	2017
January	688	5,506	756
February	753	8,747	719
March	1,820	8,530	1,501
April	2,490	1,717*	1,551
May	4,378	1,109	42
June	5,702	538	18
July	12,586	881	773
August	17,925	1,603	x
September	13,647	3,425	x
October	13,490	2,437	x
November	9,235	1,856	x
December	8,897	781	x
Total:	91,611	37,130	5,300

* Refugee agreement goes into effect

Source: Turkish Coast Guard Command³⁶

The EU's strategy to stem the tide of "irregular migrants" has since been run through Frontex, the EU mechanism for border control and coastal guard. Frontex has the capacity to deploy 1,500 officers to meet regional needs. As of 2017, 600 Frontex staff are deployed to Greece to assist in migrant processing. As part of this effort, Frontex vessels were deployed to the Greek islands to patrol to prevent smugglers³⁷ and assist in registering arriving migrants.³⁸ In its 2017 Risk Analysis report, Frontex indicated that it had successfully rescued a total of 90,000 migrants in the Aegean and Mediterranean Seas.³⁹ Turkey's efforts have been manned by the Turkish Coast Guard. The Turkish Coast Guard reported

that it had rescued 91,611 irregular migrants in 2015 and 37,130 in 2016. In the first five months of 2017, the total stood at 5,300 indicating the drastic reduction in numbers as a result of the JAP implementation.⁴⁰ While the agreement has been successful in stemming the tide of refugees that was very high especially in 2015 and in the first half of 2016, there remains the challenge of many refugees still trying to make the lethally risky journey⁴¹ across the Mediterranean to Greece.

Another important component of the JAP implementation has been the deployment of NATO vessels to assist in patrolling Aegean waters. In February 2016, NATO responded to a request from Germany, Greece, and Turkey to assist in efforts to address the situation in the

36. "Irregular Migration Statistics."

37. "Profiting from Misery-How Smugglers Bring People to Europe," Frontex, 18 February 2016, <http://frontex.europa.eu/feature-stories/profitting-from-misery-how-smugglers-bring-people-to-europe-tQrYUH>, (Access date: 31 May 2017).

38. "Eastern Mediterranean Route," Frontex, <http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route/>, (Access date: 31 May 2017).

39. Ibid.

40. Turkish Coast Guard Command, "Irregular Migration Statistics," last updated 25 May 2017, http://www.sahilguvenlik.gov.tr/baskanliklar/harekat/faaliyet_istatistikleri/duzensiz_goc_istatistikleri.html, (Access date: 31 May 2017).

41. Griff Witte, "On Lesbos, Endless Waves of Boats and Fears of a More Treacherous Voyage," *The Washington Post*, 19 September 2015.

Aegean Sea. The alliance, in coordination with Frontex, began to conduct “reconnaissance, monitoring, and surveillance of illegal crossings,” between Turkey and Greece.⁴² In October 2016, Ankara called for an end to the mission, saying that the agreement’s effectiveness in reducing irregular migrant crossings rendered continued patrols unnecessary. “This was a temporary mission, and the goal has been reached,” the Turkish Defense Minister asserted.⁴³ However, NATO, particularly Germany and Britain, continued to push the virtues of NATO presence in the Aegean Sea. NATO Secretary General Jens Stoltenberg put forward that the organization has continued to be integral to the effort to curb migrant flows, as its vessels were able to operate in both Greek and Turkish territorial waters. He also cited NATO’s ability to more effectively deal with smugglers than the respective countries’ coast guards as reason for continuing the mission.⁴⁴ As of early 2017, NATO continues to hold a presence in the Aegean Sea, despite continued Turkish assertions that the mission has outlived its utility.⁴⁵

In its fifth report on the implementation of the agreement in March 2017, the European Commission reported that the agreement produced “tangible results” with substantially reduced number of crossings (less than 50 per day since the Commission’s fourth report) and loss of life. The report also stated that the number of arrivals outpaced the number of returns from Greek islands to Turkey. Contracts for projects

totaling 1.5 billion euros had been signed but the disbursements had only reached 750 million euros.⁴⁶ The pace of resettlement and disbursement of funds for projects under the JAP appears less than ideal despite steady progress. Nevertheless, there seems to be enough success that there is less talk of canceling the agreement altogether.

EUROPEAN DISUNITY ON REFUGEE POLICY

In the months before the signing of the JAP, European leaders felt that it was important to have a plan to deal with refugee influxes in place before the spring of 2016. As the waters warmed in the Mediterranean and Aegean seas, migrants would again begin to flow in masse toward Europe. As EU leaders rushed to complete the refugee agreement, many European diplomats feared a sharp increase in numbers would weaken the EU’s position in negotiations. German Chancellor Merkel was also trying to close growing divisions between Germany and its critics in the EU and head off a push by the central European states, led by Poland, to close the Macedonian-Greek border.⁴⁷ Divisions within the Union over whether and how many refugees to accept became ever starker as the agreement came into effect.

In 2015, Germany accepted close to 1 million asylum seekers, and Merkel in return fielded criticism from members of the opposition and her own Christian Democratic Union (CDU) party.⁴⁸ Speculation had already begun that German Chancellor Angela Merkel’s refugee policies might cost her politically in Germany’s 2017 elec-

42. “Assistance for the Refugee and Migrant Crisis in the Aegean Sea,” NATO, Last updated 27 June 2016, http://www.nato.int/cps/en/natohq/topics_128746.htm, (Access date: 31 May 2017).

43. Robin Emmott and Sabine Siebold, “Turkey Calls for End to NATO’s Migrant Mission in Aegean,” Reuters, 27 October 2016.

44. Jens Stoltenberg, “Press conference by NATO Secretary General Jens Stoltenberg following the meeting of the North Atlantic Council at the level of NATO Defense Ministers”, 27 October 2016, Brussels-Belgium, http://www.nato.int/cps/en/natohq/opinions_136837.htm?selectedLocale=en, (Access date: 31 May 2017).

45. “NATO’s Aegean Patrols to Continue,” *Ekathimerini*, 16 February 2017.

46. “Fifth Report on the Progress Made in the Implementation of the EU-Turkey Statement,” European Commission, 2 March 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_fifth_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf, (Access date: 31 May 2017).

47. “Germany and Turkey at Odds on Migrants,” *Financial Times*, 17 February 2016.

48. “Angela Merkel Faces Party Rebellion over Germany’s Stance on Refugees,” *The Guardian*, 20 January 2016.

tions. EU immigration policies also had a major impact on the political environment of multiple EU member countries. In France, Marine Le Pen, the candidate from the far-right National Front party gained considerable traction in the run-up to the May 2017 presidential elections. Le Pen campaigned on an anti-immigration and anti-EU platform that inspired a wide scale populist movement in the country.⁴⁹ In the United Kingdom, the pro-Brexit movement infused its campaign with anti-immigrant sentiment stemming from the refugee crisis that ultimately helped to push the country to vote to break from the European Union.⁵⁰ In many ways, the refugee issue threatened not only coherence vis-à-vis the refugee policy but also the EU unity itself.

In December 2016, the European Union moved to allow for the return of asylum seekers in EU member countries to their first port of entry, in compliance with the Dublin Regulation, which dictates that the nation responsible for processing asylum requests is the country where the seeker first entered the bloc.⁵¹ This system of processing had broken down at the height of the refugee influx. The policy was expected to be re-implemented in March 2017. European Commission First Vice-President Frans Timmermans asserted in December 2016, “This will provide further disincentives against irregular entry and secondary movements, and is an important step for the return to a normally functioning system” of migration in the European Union.⁵² The move was criticized by Greek Migration Minister who

insisted that Greece was still unable to adequately respond to the influx of refugees.⁵³

The issue of burden sharing on migration intakes was a subject of discussion at the December 15, 2016 European Council meeting, the final communique of the discussions urged, “Member States should further intensify their efforts to accelerate relocation” of migrants. This statement was buttressed by indications from Timmermans that the EU might step up procedures to sanction member states that remain unwilling to shoulder the burden of accepting refugees and migrants. “The [European] commission might start infraction procedures and we will certainly consider [sanctioning members]” Timmermans said on February 8, 2017.⁵⁴

EU immigration policies also had a major impact on the political environment of multiple EU member countries.

Lack of unity among the EU members over the broader refugee policy as well as the implementation and funding of the JAP constituted a major hurdle preventing effectiveness of the agreement. Moreover, the disputes of the various aspects of the agreement led to increased strains between the EU and Turkey. Germany under Merkel remained at the forefront of smoothing these relations to ensure effective implementation and prevent complete breakdown of the refugee agreement.

49. Ingrid Melander, “France’s Le Pen Launches Election Bid with Vow to Fight Globalization,” Reuters, 5 February 2017.

50. Abi Wilkinson, “The Brexit Vote Is Really About Just One Thing,” *New Republic*, 21 June 2016.

51. “Country Responsible for Asylum Application (Dublin),” Migration and Home Affairs, European Commission, https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en, (Access date: 31 May 2017).

52. Harriet Agerholm, “EU says member states can start deporting refugees and migrants back to Greece from March,” *Independent*, 8 December 2016, <http://www.independent.co.uk/news/world/europe/eu-refugees-migrants-greece-march-a7462921.html>.

53. “Germany to return refugees to Greece starting in March,” *Al Jazeera*, 12 January 2017, <http://www.aljazeera.com/news/2017/01/germany-return-refugees-greece-starting-march-170112123822339.html>

54. “EU Could Punish Members Who Don’t Accept Refugees,” *VOA News*, 8 February 2017, <http://www.voanews.com/a/eu-could-punish-members-that-do-not-accept-refugees/3714474.html>.

TABLE 4. REFUGEES/MIGRANTS RESETTLED UNDER 1:1 MECHANISM (APRIL 4, 2016-MAY 12 2017)	
Member State/Associated State	Number of Refugees Taken from Turkey
Austria	21
Belgium	306
Czech Republic	0
Denmark	0
Estonia	20
Finland	464
France	731
Germany	2,029
Ireland	0
Italy	208
Latvia	10
Lithuania	25
Luxembourg	98
Netherlands	1,306
Portugal	12
Spain	186
Sweden	278
United Kingdom	0
Iceland	0
Liechtenstein	0
Norway	0
Switzerland	0
Total	5,695
	Number of Irregular Migrants returned from Greece
Turkey	1,093

Source: European Commission and Anadolu Agency⁵⁵

55. "Relocation and Resettlement-State of Play," European Commission, 16 May 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_update_of_the_factsheet_on_relocation_and_resettlement_en.pdf, (Access date: 31 May 2017); Huseyin Gazi Kayak, "Turkey Takes More Than 1,000 Migrants Under EU Deal," Anadolu Agency, 23 May 2017.

TENSIONS IN EU-TURKEY RELATIONS

As spring 2016 brought warmer waters and increased attempted crossing numbers, many politicians in Europe believed, and even hoped, that the pact with Turkey would fail. Poland, Hungary, Slovakia, and the Czech Republic were all proponents of pursuing a “Plan B” to the Refugee Agreement with Turkey.⁵⁶ They were wary of Turkey using the agreement as leverage in negotiations with the EU on its accession terms. They argued for a viable and sustainable solution that did not rely on cooperation with Ankara.⁵⁷ “Relying simply on Turkey to deliver is not enough,” said one senior eastern European diplomat.⁵⁸

In early February 2016, it was leaked that Turkey had threatened to “open the gates to Europe” for refugees during the November negotiations of the JAP.⁵⁹ This was framed by Ankara as a defense of Turkey’s rights in the face of frustrations over Europe’s delayed response to the refugee crisis. Turkey’s President Recep Tayyip Erdogan reiterated this sentiment again on February 12, “Turkey will be patient up to a point over the crisis in Syria and could be forced to take action if necessary.” Turkey slammed the EU for its double standards in response to ongoing calls for Turkey to open its gates to the 30,000 people massing along its Syrian border during the Russian-backed assault on Aleppo.⁶⁰

European powers expressed frustration with Turkey’s handling of domestic security and with a provision put forward by Ankara to reinstate capital punishment in the wake of the July 15, 2016 coup attempt. Turkey and the EU also locked horns over Turkey’s terrorism laws, which the EU asserted were not in line with the policies of the bloc, and which Turkey argued are essential to ensuring its national security.⁶¹ Austria has been the strongest voice for cutting ties between Brussels and Ankara. Austrian Foreign Minister has gone so far as to threaten that Vienna will unilaterally move to veto Turkey’s accession negotiations in response to Turkey’s ongoing state of national emergency.⁶² EU Commission President Jean Claude Juncker suggested on December 9 that the EU could pursue a “different orbit” for countries on the bloc’s border as an alternative to full membership. “This will not be a tragedy, a crisis, this would be a chance; it would make things clearer,” Juncker said, indicating that Turkey might be a candidate for such a scenario.⁶³

At times the Turkey and the EU relationship seemed to be rushing to the brink of a total breakdown. Just days before the European Parliament was scheduled to vote on a non-binding resolution on the future of Turkey’s EU membership candidacy during their November 2016 meeting, a group of EU lawmakers canceled their trip to Turkey.⁶⁴ Ankara had declined to meet with a member of the group, which included Dutch socialist Kati Piri, a vocal critic of Turkey’s security measures in the aftermath of the July 15

56. Gabriela Baczyńska, “EU Leaders to Discuss Turkey, ‘Plan B’ at Migration Dinner,” Reuters, 18 February 2016.

57. Sarantis Michalopoulos, “Greece Asks for EU-Turkey Migration Deal ‘Plan B,’” Euractiv, 3 August 2016, <http://www.euractiv.com/section/global-europe/news/greece-asks-for-eu-turkey-migration-deal-plan-b/>, (Access date: 31 May 2017).

58. Ibid.

59. Burak Akinci and Stuart Williams, “Erdogan Threatens to Send Refugees to EU as NATO Steps in,” *Yahoo News*, 11 February 2016, https://www.yahoo.com/news/erdogan-threatens-send-refugees-outside-turkey-103343752.html?utm_source=Sailthru&utm_medium=email&utm_campaign=New%20Campaign&utm_term=%2AMideast%20Brief&ref=gs, (Access date: 31 May 2017).

60. “Erdogan: Time Could Come When Turkey Opens Its Border to Europe for Refugees,” *Daily Sabah*, 11 February 2016.

61. Tulay Karadeniz & Gabriela Baczyńska, “Turkey Digs in Heels over Terrorism Law, to EU’s Chagrin,” Reuters, 11 May 2016.

62. Justin Huggler, “EU Rift with Turkey Deepens as Austria Threatens to Veto Membership Talks,” *The Telegraph*, 8 August 2016.

63. Valentina Pop, “EU Chief Juncker Suggests Alternative to Bloc Membership,” *The Wall Street Journal*, 9 December 2016.

64. Nikolaj Nielsen, “MEPs Cancel Turkey Trip as Relations Sour,” *Euobserver*, 17 November 2016, <https://euobserver.com/enlargement/135939>, (Access date: 31 May 2017).

coup attempt.⁶⁵ The discord between Ankara and the delegation was indicative not only of the tensions in the relationship but also the difficulties in bridging differences to keep the relationship on track.

The canceled visit of the delegation came on the heels of another, higher profile, attempt to find common ground in the relationship. On November 15, 2016, German Foreign Minister Frank-Walter Steinmeier was dispatched by the Merkel government to discuss the future of the Refugee Agreement as well as to stabilize troubled ties between Berlin and Ankara.⁶⁶ Steinmeier's visit came following an official meeting of the 28 EU foreign ministers in Brussels to discuss the future of Turkey's candidacy. Steinmeier afterwards commented, "We cannot decide for the government in Ankara whether they will slam the door to the EU and turn away from the West. That is Ankara's responsibility."⁶⁷ In the end, members refrained from formally halting Turkey's candidate status. However, they also signaled that no new progress toward Turkey's accession would be undertaken in the immediate future.

At this juncture, there were two key decisions that would weigh heavily on Turkey's future with the EU. The first was whether Turkey would reinstate capital punishment and the second was the outcome of the April 16 constitutional referendum. In 2004, Turkey had banned capital punishment in order to comply with regulations put forward for EU membership. As a direct result of the July 15 coup attempt, there has been a surge of public support and a discussion on the reintroduction of the death penalty. Steinmeier dubbed the reinstatement of capital punishment

in Turkey a "red line" for the EU. Other EU leaders were less adamant that capital punishment was a deal breaker for Turkey's EU membership. UK Foreign Minister Boris Johnson said, "We [the EU] should not push Turkey into a corner, we should not overreact in a way that is against our collective interests."⁶⁸

Turkey responded to the EU's attitude toward the membership process in kind, "What are we to expect from the European Union that kept Turkey at its gates for 53 years? Let's not kid ourselves; we will cut our own umbilical cord," President Erdogan remarked.⁶⁹ Turkey hinted at the possibility of putting forward a referendum to decide on the future of its status as a candidate country.⁷⁰ Ankara has been frustrated as the EU drags its heels on granting visa-free travel to Turkish citizens as part of its efforts to increase its share of the refugee burden. The EU refrained from implementing visa-free travel citing various issues such as biometric passports and Turkey's terrorism laws.

Ankara was further frustrated with Germany, which was considering asylum applications of several Turkish military members stationed at NATO's air headquarters at Ramstein Air Base.⁷¹ Germany also hesitated on heeding Turkey's extradition request for a number of coup suspects and members of the PKK despite rising attacks in Germany. "In recent weeks, nine attacks were launched against the Turkish Democratic Union [branches in Germany]," according to the head of the Turkish Parliament's Human Rights Inquiry Committee.⁷² As re-

65. Cynthia Kroet, "Kati Piri: EU to Send Observers to Turkey," *Politico*, 27 August 2016.

66. Dorian Jones, "German FM Visits Turkey Amid Rising Tensions," VOA News, 15 November 2016.

67. Gabriela Baczynska, "EU Criticizes Turkey but Not Ready to Halt Membership Talks," Reuters, 14 November 2016.

68. Jon Stone, "Boris Johnson Urges EU to Go Soft on Turkey's Plan to Reintroduce the Death Penalty," *Independent*, 14 November 2016.

69. Valentina Pop, "EU Considers Freezing Membership Talks with Turkey," *The Wall Street Journal*, 8 November 2016.

70. "Brussels: Turkey Could Face Economic Sanctions," *Deutsche Welle*, 13 November 2016.

71. "Turkish Soldiers at NATO Base in Germany Seek Asylum: Report," *Hurriyet Daily News*, 17 November 2016.

72. "PKK Can Freely Recruit Militants in Germany, Intelligence Reports Show," *Daily Sabah*, 16 November 2016.

cently as February 2, 2017, the issue of extraditing alleged coup-plotters remained on the forefront of discussions on the future of the refugee agreement. “If Greece and Germany continue their negative attitude toward Turkey, then Turkey has no other option but to relax its hold on migrants,” a Turkish presidential adviser said in an interview.⁷³

A number of European lawmakers took a position against the Turkish presidential system referendum. Germany and Austria both prevented Turkish political parties from campaigning to diaspora communities on the issue.⁷⁴ Germany, in particular, was wary of coming out against Turkish domestic issues, a policy that harkens back to the fragility of the JAP. However, a number of issues between the two states, including charges filed by Turkey against a German satirist and Germany’s processing of asylum requests by a number of Turkish NATO officers,⁷⁵ greatly strained the German-Turkish relationship. Perhaps more than any other bilateral relationship, that between Ankara and Berlin is of special importance. Germany is home to some 3 million people of Turkish origin, nearly half of whom still hold Turkish citizenship and can therefore vote in Turkish elections and referendums.⁷⁶ When combined with Chancellor Merkel’s leadership on both the JAP and the broader EU project, the importance of Turkish-German relations cannot be overstated.

Approximately 4.6 million Turkish expatriates reside in Western Europe, the majority of whom are concentrated in Germany.⁷⁷ Of

those 4.6 million, an estimated 3.05 million (1.4 million in Germany alone) are eligible to vote in the referendum.⁷⁸ That equates to nearly 6.5 percent of the total voting population for the referendum. Given that polling found the race was a near deadlock⁷⁹ between the “yes” and “no” campaigns, it is easy to see why Turkish politicians were distressed by being blocked from holding campaign rallies in Germany⁸⁰ and the Netherlands.⁸¹ The political environment gave rise to a sharp escalation in harsh rhetoric between Turkey and its European partners, causing what may prove to be a lasting rift in relations.⁸² On March 21, 2017, Turkey indicated that its relations with the EU will come under sharp scrutiny following the referendum. “We cannot continue this way,” Turkey’s president said during an event in Ankara.⁸³ He again repeated this sentiment following Turkey’s April 16 referendum, saying his was also prepared to take the issue of Turkey’s EU accession to a referendum. “In Europe, things have become very serious in terms of Islamophobia. The EU is closing its doors on Turkey and Turkey is not closing its doors on anybody... Why should we wait any longer? We are talking about 54 years,” he stated.⁸⁴

78. “Turkish Expats in 57 Countries to Vote in Upcoming Referendum,” *Daily Sabah*, 6 February 2017.

79. “İşte Gezici’nin Son Referandum Anketi,” *BirGün*, 14 February 2017.

80. Suzan Franser, “Germany: We Reserve the Right to Bar Turkish Campaigners,” *CNS News*, 15 March 2017.

81. “Diplomatic Fight between Turkey and Netherlands Escalates,” *Huffington Post*, 12 March 2017, http://www.huffingtonpost.com/entry/turkey-netherlands-fight_us_58c55a31e4b0d1078ca74a6b, (Access date: 31 May 2017).

82. Andrea Shalal, Ercan Gurses and Tuvan Gumrukcu, “No More Turkish Rallies in Germany before Referendum: Organizers,” *Reuters*, 21 March 2017.

83. “Turkey to Sit and Talk with EU after Charger Referendum: Erdogan,” *Hurriyet Daily News*, 21 March 2017.

84. Samina Nakhoul, Nick Tattersall and Orhan Coskun, “Erdogan Says Turkey Could Reconsider Its Position on Europe,” *Reuters*, 25 April 2017.

73. Selcan Hacaoglu, “Turkey Refugee Deal with EU at Risk, Erdogan Adviser Warns,” *Bloomberg*, 2 February 2017.

74. “Turkey Summons German Ambassador over Rally Cancellations,” *Deutsche Welle*, 2 March 2017.

75. Peter Muller, “Turkish Officers Seek Asylum in Germany,” *Spiegel*, 2 February 2017.

76. “German Politicians Line up against ‘Anti-Democratic’ Turkish Referendum Campaign,” *Deutsche Welle*, 3 March 2017.

77. “Turkish Citizens Living Abroad,” Republic of Turkey Ministry of Foreign Affairs, <http://www.mfa.gov.tr/the-expatriate-turkish-citizens.en.mfa>, (Access date: 31 May 2017).

TOO BIG TO FAIL

Having already spent so much political capital on both negotiating the refugee agreement with Turkey and selling the agreement at home, it is likely that the EU under Merkel's leadership will continue to double down on the agreement. However, Merkel's long-time leadership on the migrant crisis is increasingly feeling the pressures of the upcoming elections in September 2017. The German opposition Social Democratic Party (SDP) put forward former president of the European Parliament Martin Schulz as a challenger to Merkel for the Chancellorship.

Disagreements over the progress and results of the refugee deal led to a heightened climate of distrust between the EU and Turkey.

The announcement of Schulz as the SDP's candidate and the immediate strength of his polling numbers put him neck and neck with Merkel for Germany's top job.⁸⁵ However, if Schulz succeeds in ousting the longtime Chancellor, it does not automatically mean a dramatic shift in Germany's refugee policy. Mr. Schulz has argued for improving the "intolerable situation for refugees,"⁸⁶ and has been critical of states unwilling to shoulder the burden of the refugee crisis.⁸⁷ Nevertheless, it remains to be seen whether he can lead the European bloc with the decisiveness of Merkel on this issue. Rising populist tide in the continent will continue to cause headaches for European politicians pushing for refugee friendly policies.

85. Helen Collis, "Germany's Schulz and Merkel Neck and Neck in Poll," *Politico*, 26 February 2017.

86. Hans Monath, "Schulz Keeps Options Open on Refugee Policy," *Euractiv*, 8 February 2017, <http://www.euractiv.com/section/elections/news/schulz-keeps-options-open-on-refugee-policy/>, (Access date: 31 May 2017).

87. Paul Carrel, "EU Parliament Chief Attacks 'Cynical' States over Refugee Crisis," *Reuters*, 29 August 2015.

Ankara continues to honor the Refugee Agreement though not without its criticism of European reluctance to deliver promised financial support and visa free travel for Turkish citizens. Ankara appears prepared to stand its ground on visa-free travel as laid out in the parameters of the JAP and underscored in later visitations to the agreement. If there is no progress on this end, the refugee agreement faces risk of Ankara stepping away from the agreement. In order to placate Turkey's frustrations on this issue, it would be wise for Brussels to ensure timely and unencumbered delivery of aid promised under the JAP. Since the implementation of the Facility for Refugees in Turkey, almost 75 percent of the total promised €3 billion for 2016-2017 has been allocated, but only 25 percent had been disbursed.⁸⁸

In December 2016, Turkey indicated that it is working with the European Commission to overcome some of the bureaucratic obstacles impeding timely release and allocation of EU funds to support refugees in Turkey. "They say, 'We have released 2.4 billion euros.' We say, 'We have only received a small part of the 3 billion euros.' In fact, both are true. They have their own producers; we have our own. Therefore, we need to find a formula," said the Deputy Minister.⁸⁹ The European Commission also put forward that it is working toward speeding up the disbursement of funds when it released its Implementation Report in March, 2017.⁹⁰ This move would certainly be welcomed by Ankara as it continues to host over three million refugees.

88. "Fifth Report on the Progress Made in the Implementation of the EU-Turkey Statement," 2 March 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_fifth_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf, (Access date: 31 May 2017).

89. Serkan Demirtas, "Turkey, EU Work to Speed up Flow of European Funds for Syrian Refugees," *Hurriyet Daily News*, 27 December 2016.

90. "Fifth Report on the Progress made in the implementation of the EU-Turkey Statement."

TABLE 5. PROJECTS FUNDED UNDER THE FACILITY FOR REFUGEES IN TURKEY

Projects Funded	Project Scope	Amount Committed (in €)	Amount Disbursed (in €)
Danish Refugee Council	Protection	8,000,000	0
CARE	Protection	4,650,000	0
World Vision	Protection	4,000,000	0
International Medical Corps	Health and Protection	8,000,000	0
Medecins du Monde	Health	3,000,000	0
World Health Organization	Health	10,000,000	0
Relief International	Health	4,000,000	3,200,000
UNICEF	Education	34,000,000	27,200,000
Mercy Corps	Protection	5,000,000	4,000,000
World Food Program	Basic Needs	348,000,000	278,400,000
Danish Refugee Council	Health	1,000,000	800,000
Diakonie	Protection and Winterization	4,000,000	3,200,000
International Medical Corps	Health	3,500,000	1,750,000
UNICEF	Child Protection, Winterization, and Basic Needs	8,000,000	6,400,000
Federation Handicap	Health and Protection	2,500,000	2,000,000
Concern Worldwide	Education and Protection	3,000,000	2,400,000
UNHCR	Protection	35,000,000	28,000,000
UNFPA	Protection and Health	9,000,000	7,200,000
International Organization for Migration	Winterization, Special and Basic Needs, Protection, Education	8,000,000	6,400,000
World Food Program	Security and Livelihoods	40,000,000	32,000,000

Diakonie	Protection, Food, Security and Livelihoods	5,500,000	4,400,000
GOAL	Health and Protection	1,500,000	1,200,000
Danish Refugee Council	Protection	4,500,000	3,600,000
World Vision	Protection	2,000,000	1,600,000
World Health Organization	Health and Training	2,000,000	1,600,000
International Medical Corps	Health, MHPSS, and Disabilities	3,000,000	1,500,000
CARE	Protection, Food Security, Information Management	4,600,000	368,000
International Federation of the Red Cross Societies	Protection, Education, Food Security, and Basic Needs	8,000,000	6,400,000
Relief International	Health, MHPSS, and Disabilities	2,000,000	1,000,000
Federation Handicap	Health, MHPSS, and Disabilities	3,000,000	2,400,000
Deutsche Welthungerhilfe	Protection, Food, Security and Livelihoods	2,600,000	2,080,000
Mercy Corps Scotland	Protection, Food Security, WASH, Shelter	3,000,000	2,400,000
International Organization for Migration	Protection and Information Management	1,900,000	1,520,000
Medecins du Monde	Health and MHPSS	3,000,000	2,400,000
Concern Worldwide	Food Security and Livelihoods	3,400,000	2,720,000
Turkish Institutions			
Various	Education, Health, Socio-economic Support	318,000,000	50,996,218
Turkish Directorate-General for Migration Management	Migration Management Accommodation, Transfers, Health	60,000,000	12,000,000
Turkish Ministry of National Education	Education	300,000,000	90,000,000
Turkish Ministry of Health	Health	300,000,000	120,000,000

Funding for European / International Institutions			
European Investment Bank, World Bank, International Finance Corporation, Kreditanstalt fur Wiederaufbau	Socio-Economic Support	100,000,000	0
European Investment Bank, European Bank of Reconstruction and Development	Municipal Infrastructure	200,000,000	0
Kreditanstalt fur Wiederaufbau	Education Infrastructure	50,000,000	15,000,000
World Bank	Education Infrastructure	150,000,000	53,000,000
Council of Europe Development Bank	Health Infrastructure	40,000,000	0
Various International Financial Institutions	Project Preparation Facility	25,000,000	0
International Organization for Migration	Migration Management	20,000,000	7,240,198
Totals:		€2,155,650,000	€789,686,410

Source: European Commission⁹¹

CONCLUSION

The takeaways from the process of the negotiation and implementation of the JAP are two-fold. First, the fact that neither Turkey nor the EU has backed away from the agreement, despite pronounced frustrations on both sides, signals that there is some benefit in the continuation of the agreement. Ankara also knows that, even as it is frustrated by stymied progress toward visa liberalization, walking away from the agreement would close the door entirely on its bargaining powers. For Europe, which is still struggling to handle the number of migrants already within its borders, the JAP continues to be its best option for stemming further refugee influxes from Turkey.

91. "Facility for Refugees in Turkey: Projects Committed/Decided, Contracted, Dispersed-Status on 10/4/2017," European Commission, 10 April 2017, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files>, (Access date: 25 May 2017).

Second, the refugee crisis is by no means over for either Turkey or Europe. The civil war in Syria continues to produce humanitarian challenges of historic proportions. Even if a peace agreement eventually be implemented, structural devastation and uncertain political future of the country taint the prospect of migrants returning. The same can be said for Iraq where, even as some progress has been made against ISIS, little headway has been made toward the construction of a new political reality for the country.

With these harsh realities in mind, it can be assumed that the JAP will continue to be tested. While the JAP has benefits for both Europe and Turkey, there is still potential for tensions in the EU-Turkey relationship to collapse the agreement altogether. The JAP has become the fulcrum of an EU-Turkey relationship at a crossroads. The JAP is fragile, especially in the face of domestic politics on both sides. In order

to overcome these challenges, efforts should be made to ensure the agreement is implemented to have full effect.

In order to keep both the refugee agreement and broader EU-Turkey relations off the precipice, several steps need to be taken. Ankara and Brussels must continue to compartmentalize the refugee agreement away from other political issues. For Europe, abandoning the agreement would open up the continent to an influx of refugees that it cannot handle, as evidenced by the already abysmal conditions at Greek refugee camps.⁹² For Turkey, loss of the agreement would correspond to the loss of the promised €3 billion in aid and the ever-elusive prospect of visa-free travel to Europe for Turkish citizens. However, in order to reinforce its support for Turkey's refugee burden, the EU needs to make good on the disbursement of aid in a more effectual manner. As long as aid remains stalled

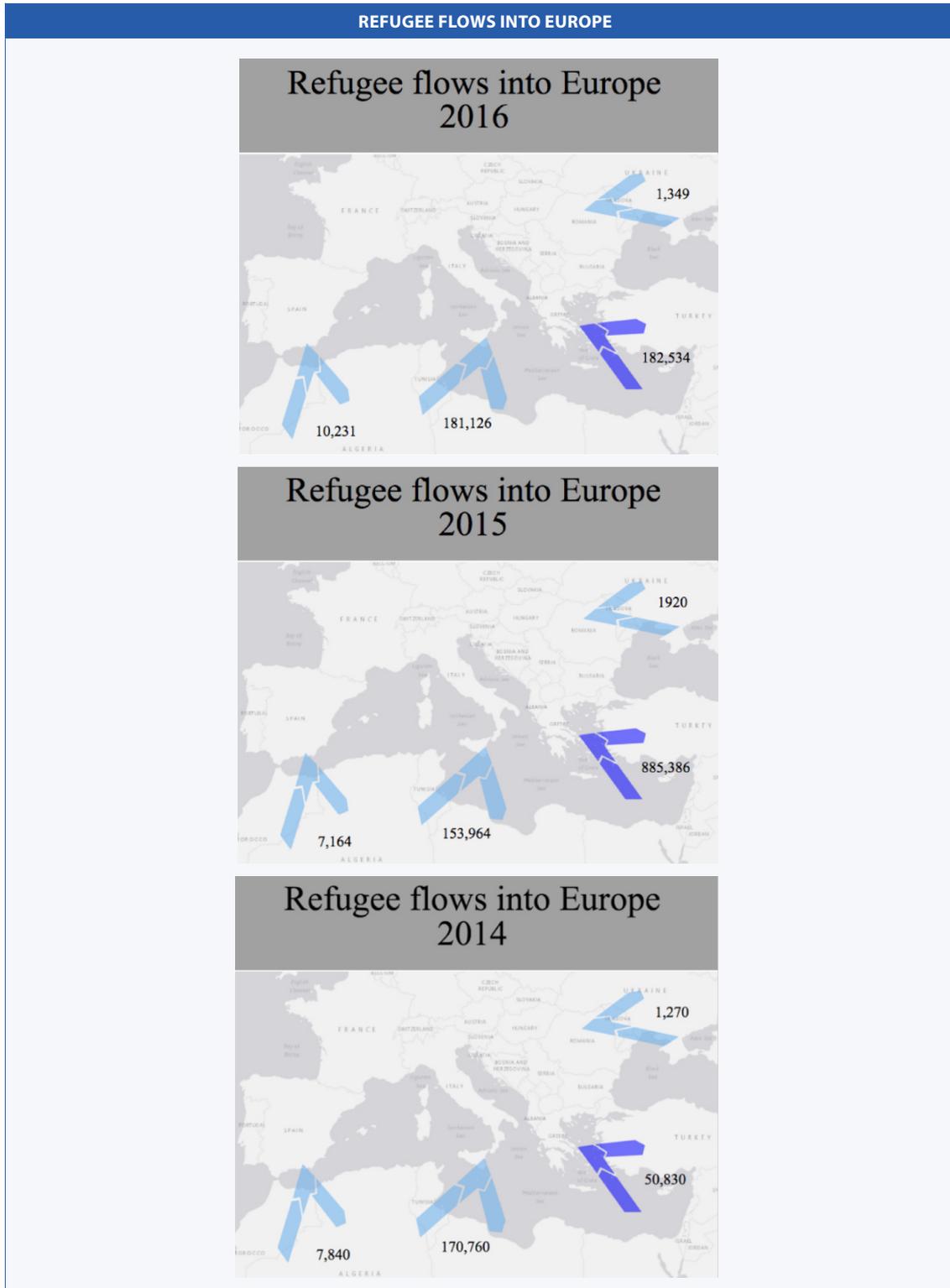
in bureaucratic processes it neither benefits the future of the agreement, nor more importantly, the future of refugees.

The EU-Turkey relations are a truly historic turning point as both domestic politics on both sides appear to push for a moment of truth. The refugee agreement has benefited Europe to a larger extent than it has Turkey because of drastic reduction in the arrival of refugees in Greece. In turn, Turkey has benefited to a lesser extent as the EU funds have been slow to arrive and the visa-free travel has yet to be granted. Despite high tensions, the agreement has survived and could help prevent complete breakdown of relations. As Turkish and European leaders prepare for high-level summits to discuss the future of EU-Turkey relations, at least partial success of the refugee agreement could help them pivot to a truly positive agenda. Surely, the summits should focus on a much broader agenda but the cooperation in facing the most difficult humanitarian crisis of our time in the form of the refugee agreement should help forge a positive agenda for the future.

92. Rachel Banning-Lover, "Greek Refugee Camps Remain Dangerous and Inadequate, Say Aid Workers," *The Guardian*, 10 February 2017.

APPENDICES

APPENDIX 1



Source: "Eastern Mediterranean Route," Frontex, <http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route/>, (Access date: 31 May 2017).

APPENDIX 2



European Commission - Fact Sheet

EU-Turkey joint action plan

Brussels, 15 October 2015

Challenges are common and responses need to be coordinated. Negotiating candidate country Turkey and the EU are determined to confront and surmount the existing challenges in a concerted manner.

Agreed ad referendum

Introduction

The international community faces an unprecedented crisis which requires solidarity, togetherness and efficiency. Challenges are common and responses need to be coordinated. Negotiating candidate country Turkey and the EU are determined to confront and surmount the existing challenges in a concerted manner. This joint action will render the message of Europe stronger and more visible. Human dignity is at the core of our common endeavour.

This Action Plan reflects the understanding between the European Union (EU) and the Republic of Turkey to step up their cooperation on support of Syrians under temporary protection and migration management in a coordinated effort to address the crisis created by the situation in Syria. It follows from the EU-Turkey working dinner on 17 May and the informal meeting of the EU Heads of State or Government on 23 September 2015 where EU leaders called for a reinforced dialogue with Turkey at all levels. The Action Plan identifies a series of collaborative actions to be implemented as a matter of urgency by the European Union (EU) and the Republic of Turkey with the objective to supplement Turkey's efforts in managing the situation of massive influx of persons in need of temporary protection.

The Action Plan, tries to address the current crisis situation in three ways: (a) by addressing the root causes leading to the massive influx of Syrians, (b) by supporting Syrians under temporary protection and their host communities in Turkey (Part I) and (c) by strengthening cooperation to prevent irregular migration flows to the EU (Part II). The EU and Turkey will address this crisis together in a spirit of burden sharing. The Plan builds on and is consistent with commitments taken by Turkey and the EU in other contexts notably the Visa Liberalisation Dialogue. In both parts it identifies the actions that are to be implemented simultaneously by Turkey and the EU.

The implementation of the Action Plan will be jointly steered and overseen by the European Commission and the High Representative / Vice President and the Turkish government through the establishment of the EU-Turkey high-level working group on migration.

Part I: Supporting the Syrians under temporary protection and their Turkish hosting communities

Turkey is making commendable efforts to provide massive humanitarian aid and support to an unprecedented and continuously increasing influx of people seeking refuge from Syria which has exceeded 2.2 million to date. Turkey has already spent more than € 7 billion of its own resources on addressing this crisis.

Under this part of the Action Plan, the two parties will undertake the following actions:

The EU side intends to:

1. Mobilise in a sustained manner, appropriate to the emerging needs, substantial and concrete new funds outside the IPA funds allocated or foreseen for Turkey to support Turkey in coping with the challenge represented by the presence of Syrians under temporary protection. The funds will be mobilised in the most flexible and rapid way possible, notably through the EU Trust Fund for the Syrian crisis. The identification of the priorities and the areas where they should be allocated will be decided jointly with the Turkish authorities. Priority will be given to actions providing immediate humanitarian assistance; provision of legal, administrative and psychological support; support for community centres; the enhancement of self-sufficiency and participation in economy and their social inclusion during their stay in Turkey; improved access to education at all levels; but also actions supporting host communities in areas such as infrastructures and services.

1. In addition to the funds that would be mobilised under paragraph 1, continue, by way of close

cooperation with the Turkish authorities, to provide immediate and principled humanitarian assistance via relevant humanitarian organisations in Turkey to address the most urgent humanitarian needs on the basis on their vulnerability in parallel and complementary to bilateral cooperation programmes aimed at addressing the needs created by the protracted refugee crisis.

2. To ensure an efficient use of the funding set forth under paragraphs 1 and 2, the EU institutions and Turkey will proceed with a comprehensive joint needs assessment as a basis for programming. The assessment would allow designing adequate actions to address the basic needs of the Syrians under temporary protection and the communities and provinces hosting them, in order to help cope with the inflow of people, notably in terms of infrastructures.
3. Continue providing assistance, over and beyond the 4.2 EUR billion already mobilised by the EU, to Syrian refugees hosted in Lebanon, Jordan and Iraq, as well as to Syrians displaced within Syria with the aim to contribute, *inter alia*, to the weakening of push factors forcing them to move towards Turkey.
4. Support existing Member State and EU resettlement schemes and programmes.

Turkey intends to:

1. Continue and further enhance the effective implementation of the law on foreigners and international protection by adopting the necessary secondary legislation and raise awareness of its content among all parties concerned.
2. Continue to ensure that migrants are registered and provided with appropriate documents on a compulsory basis to enable to build a stronger migration management strategy and system.
3. Continue efforts to adopt and implement policies, legislation and programmes facilitating for Syrians under temporary protection to have access, for the duration of their stay in Turkey, to public services including education for pupils, to health services and participation in economy.
4. Ensure that vulnerable people continue to be identified and taken care of.

Part II: Strengthening cooperation to prevent irregular migration

Under this part of the Action Plan, measures will build on the visa liberalisation dialogue, the visa roadmap and the provisions of the EU-Turkey readmission agreement. To this end, the two parties intend to undertake the following actions:

The EU side intends to:

1. Better inform, in a mutually agreed manner, people seeking refuge in Turkey about the risks linked to irregular departures as well as the possibilities available to them to enter in an orderly manner into the European Union or in other countries, and the relevant procedures to be implemented.
2. Further support Turkey to strengthen its capacity to combat migrant smuggling, notably by reinforcing the Turkish Coast Guard patrolling and surveillance capacity as well as other relevant Turkish authorities.
3. Support cooperation between EU Member States and Turkey in organising joint return operations, including reintegration measures, towards countries of origin of irregular migrants.
4. Support within the framework of the implementation of the "Silk Routes' Partnership for migration" the development of dialogue and cooperation with the authorities of the countries concerned on preventing irregular migration, fighting against migrant smuggling and on improving the management of migration.
5. Enhance the EU capacity to exchange information with Turkey on combating smuggling networks by deploying a FRONTEX liaison officer to Turkey, by cooperating with the liaison officers already deployed by Turkey in the EU, and welcoming the appointment of a Turkish liaison officer to FRONTEX.
6. Increase the financial assistance offered to support Turkey in meeting the requirement of the Visa Liberalisation Dialogue and notably by enhancing the capacities and developing a well-functioning asylum, migration, visa and integrated border management system in line with the EU-Turkey visa dialogue.

Turkey intends to:

1. Further strengthen the interception capacity of the Turkish Coast Guard, notably by upgrading its surveillance equipment, increasing its patrolling activity and search and rescue capacity, including through stepping up cooperation with EU Member States.
1. Step up cooperation with Bulgarian and Greek authorities to prevent irregular migration across

the common land borders by effectively implementing the tri-partite agreement signed in May 2015 establishing a common centre in Capitan Andreevo.

2. Step up cooperation and accelerate procedures in order to smoothly readmit irregular migrants who are not in need of international protection and were intercepted coming from the Turkish territory in line with the established bilateral readmission provisions.
3. Ensure that the asylum procedures^[1] that have been initiated are completed, so that the status of refugee is granted without delay to those whose asylum requests are positively assessed.
4. In line with the Visa Roadmap requirements, pursue the progressive alignment of Turkish visa policy, legislation and administrative capacities notably vis-à-vis the countries representing an important source of illegal migration for Turkey and the EU.
5. Continue and further enhance the fight against and dismantling of criminal networks involved in the smuggling of migrants, notably by increasing operational cooperation between and among Turkish law enforcement authorities and their counterparts of the EU Member States and EU Agencies. This would include strengthening the necessary rules required to facilitate the sharing of information on persons.
6. Intensify the exchange of information and cooperation with the EU and its Member States. In particular, it will work closely with Member States' immigration liaison officers located in Turkey in view of intensifying the fight against migrants smuggling networks, and of accelerating the identification of fraudulent travel documents and real identities of migrants.
7. Further intensify cooperation with FRONTEX notably on exchange of information by implementing the working arrangement.
8. Deploy a liaison officer to Europol.

^[1]Turkey is a party to the 1951 Geneva Convention related to the Status of Refugees with geographical limitation

MEMO/15/5860

APPENDIX 3



PRESS RELEASE

144/16

18/03/2016

EU-Turkey statement, 18 March 2016

Today the Members of the European Council met with their Turkish counterpart. This was the third meeting since November 2015 dedicated to deepening Turkey-EU relations as well as addressing the migration crisis.

The Members of the European Council expressed their deepest condolences to the people of Turkey following the bomb attack in Ankara on Sunday. They strongly condemned this heinous act and reiterated their continued support to fight terrorism in all its forms.

Turkey and the European Union reconfirmed their commitment to the implementation of their joint action plan activated on 29 November 2015. Much progress has been achieved already, including Turkey's opening of its labour market to Syrians under temporary protection, the introduction of new visa requirements for Syrians and other nationalities, stepped up security efforts by the Turkish coast guard and police and enhanced information sharing. Moreover, the European Union has begun disbursing the 3 billion euro of the Facility for Refugees in Turkey for concrete projects and work has advanced on visa liberalisation and in the accession talks, including the opening of Chapter 17 last December. On 7 March 2016, Turkey furthermore agreed to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters. Turkey and the EU also agreed to continue stepping up measures against migrant smugglers and welcomed the establishment of the NATO activity on the Aegean Sea. At the same time Turkey and the EU recognise that further, swift and determined efforts are needed.

In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey today decided to end the irregular migration from Turkey to the EU. In order to achieve this goal, they agreed on the following additional action points:

1) All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. It will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order. Migrants arriving in the Greek islands will be duly registered and any application for asylum will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive, in cooperation with UNHCR. Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Turkey. Turkey and Greece, assisted by EU institutions and agencies, will take the necessary steps and agree any necessary bilateral arrangements, including the presence of Turkish officials on Greek islands and Greek officials in Turkey as from 20 March 2016, to ensure liaison and thereby facilitate the smooth functioning of these arrangements. The costs of the return operations of irregular migrants will be covered by the EU.

2) For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start. Priority will be given to migrants who have not previously entered or tried to enter the EU irregularly. On the EU side, resettlement under this mechanism will take place, in the first instance, by honouring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015, of which 18.000 places for resettlement remain. Any further need for resettlement will be carried out through a similar voluntary arrangement up to a limit of an additional 54.000 persons. The Members of the European Council welcome the Commission's intention to propose an amendment to the relocation decision of 22 September 2015 to allow for any resettlement commitment undertaken in the framework of this arrangement to be offset from non-allocated places under the decision. Should these arrangements not meet the objective of ending the irregular migration and the number of returns come close to the numbers provided for above, this mechanism will be reviewed. Should the number of returns exceed the numbers provided for above, this mechanism will be discontinued.

3) Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect.

4) Once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced,

a Voluntary Humanitarian Admission Scheme will be activated. EU Member States will contribute on a voluntary basis to this scheme.

5) The fulfilment of the visa liberalisation roadmap will be accelerated vis-à-vis all participating Member States with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met. To this end Turkey will take the necessary steps to fulfil the remaining requirements to allow the Commission to make, following the required assessment of compliance with the benchmarks, an appropriate proposal by the end of April on the basis of which the European Parliament and the Council can make a final decision.

6) The EU, in close cooperation with Turkey, will further speed up the disbursement of the initially allocated 3 billion euros under the Facility for Refugees in Turkey and ensure funding of further projects for persons under temporary protection identified with swift input from Turkey before the end of March. A first list of concrete projects for refugees, notably in the field of health, education, infrastructure, food and other living costs, that can be swiftly financed from the Facility, will be jointly identified within a week. Once these resources are about to be used to the full, and provided the above commitments are met, the EU will mobilise additional funding for the Facility of an additional 3 billion euro up to the end of 2018.

7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.

8) The EU and Turkey reconfirmed their commitment to re-energise the accession process as set out in their joint statement of 29 November 2015. They welcomed the opening of Chapter 17 on 14 December 2015 and decided, as a next step, to open Chapter 33 during the Netherlands presidency. They welcomed that the Commission will put forward a proposal to this effect in April. Preparatory work for the opening of other Chapters will continue at an accelerated pace without prejudice to Member States' positions in accordance with the existing rules.

9) 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.

All these elements will be taken forward in parallel and monitored jointly on a monthly basis.

The EU and Turkey decided to meet again as necessary in accordance with the joint statement of 29 November 2015.

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The migrant crisis that has stemmed from the ongoing strife in the MENA region is one of the most devastating and consequential crises of modern times. Its impact has been felt across continents, in countries such as Turkey, Lebanon and Jordan, along with European Union member states and the United States. In addition to unprecedented regional humanitarian challenges, the crisis shook Europe to its core by challenging its political institutions and humanitarian values. The rise of populism and Islamophobia in the West in general is closely associated with the migrant crisis that has pushed the capacity of countries to their limits.

Perhaps no relationship has been more affected by the refugee crisis than that between the European Union and Turkey. EU-Turkey relations have been strained and undermined by the migrant crisis to such a degree that it seems to have created a “make or break” moment in Turkey’s EU accession talks. This analysis outlines the process through which the EU-Turkey Joint Action Plan (JAP) on refugees came into being and examines the impact of the agreement, including its challenges and successes. It also seeks to understand how heightened tensions between the EU and Turkey will affect the longevity and effectiveness of the agreement.



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