

MULTILATERAL PERSPECTIVES ON THE REFUGEE ISSUE: DYNAMICS IN AND AROUND TURKEY

WORLD HUMANITARIAN SUMMIT SIDE EVENT



PHOTO CREDIT: Berk Özkan

INTRODUCTION

An initiative of UN Secretary-General Ban Ki-moon, the first ever World Humanitarian Summit, a global call to action to address the suffering of millions affected by the humanitarian crisis, took place in Istanbul on May 23 and 24, 2016. It brought together “173 United Nations Member States, 55 Heads of State and Governments, some 350 private sector representatives, and over 2,000 people from civil society and non-governmental organizations. In its 70 years, the United Nations has never come together at this scale, with this many different stakeholders, to discuss the pressing challenges that are resulting in so much suffering today.”¹

Along with the main meetings of official leaders, side events convened by leading stakeholders in the humanitarian arena offered a platform for debate and discussion within the context of the Summit.

Columbia Global Centers | Istanbul hosted one of the 132 official side events together with the Marmara Municipalities Union and Helsinki Citizens Assembly. This was the only panel of all the official side events that was hosted by organizations based in Turkey and which directly addressed recent developments in Turkey and the immediate region.

“Multilateral Perspectives on the Refugee Issue: Dynamics in and around Turkey” brought together distinguished speakers to share their perspectives on the humanitarian crisis effecting the region: *Alex Aleinikoff*, the former United Nations Deputy High Commissioner

for Refugees and Visiting Scholar at Columbia Law School; *Elif Selen Ay*, Head of UNHCR Istanbul; *Burcuhan Şener*, International Cooperation Expert at Marmara Municipalities Union; and *Emel Kurma*, Co-director of Helsinki Citizens’ Assembly.

The panel elaborated on the current humanitarian crisis and refugee flux in light of the recent Turkey-EU agreement and its current and future implications, assessing it from a global perspective while also linking this to up-to-date developments at the regional and national levels. The role of international agencies was captured through a discussion on the role of UNHCR in the region and in Turkey. Insights offered from the local level revealed the challenges faced both by the refugees themselves and municipalities in their relations with refugees living in urban areas. Finally, the panel shed light on civil society responses to the humanitarian crisis with an emphasis on the distinction between state security and human security approaches. The panel examined the unique role that civil society organizations play in addressing the needs of communities through programs that promote social, economic and cultural integration, inclusion and cohesion within a human security framework. Remarks made by the panelists pinpointed the strengths and inadequacies of the humanitarian framework, and suggested new concepts and outlooks to reframe it, taking into account the most significant gaps that need to be addressed.

¹ <http://us2.campaign-archive1.com/?u=83487eb1105d72ff2427e4b-d7&id=6b6196a6b4&e=1a42536fc8>

CRISIS OF WHAT? RETHINKING TERMINOLOGY

The panel's moderator, Sinan Gökçen of Helsinki Citizens' Assembly, set the stage by suggesting the need for a profound rethinking of the terminology used when referring to the "crisis." The "refugee crisis" as the way it is generally framed, is not actually a crisis of refugees, but of state policies and war. Refugees themselves are not the cause of the crisis, but rather the symptom and the outcome of the ongoing Syrian Crisis. Making refugees the subject of the crisis reveals how one approaches the whole issue and builds perceptions around it. Therefore, the words with which one depicts the crisis goes beyond the mere issue of naming; words also carry their own meaning. Thus, using the correct terminology could be decisive in illuminating the real cause of the crisis. A change in rhetoric and approach would pave the way for implementing effective and human-centered policies.



A change in perception and approach would also necessitate rethinking concepts around state security and humanitarian aid. The issue has been so far addressed by the international community mainly through these two aspects, both of which are problematic in many ways. The prioritization of state security to human security leads to the implementation of policies that strive to protect state borders instead of human wellbeing and dignity. Humanitarian aid, on the other hand, rests on the assumption that refugees can rely on short-term aid and responses. There is a need to acknowledge that the refugee issue is no longer a temporary matter and that most refugees probably will not return to their countries. This presents an urgent need to replace tentative humanitarian aid measures with sustainable, long-term policies.

THE URGENCY OF A NEW HUMANITARIAN PERSPECTIVE

The panel's first speaker, Alex Aleinikoff, underlined the fact that the large refugee flow from Syria is not an exceptional case in the world history of refugee flows. Both throughout history and today, there are large movements of people taking place around the world. People fleeing from South Sudan, Nigeria, Afghanistan and many other places are leaving their countries for reasons very similar to those escaping from Syria.

While the world focuses on the emergencies created by large numbers of persons fleeing across borders, an equally grave situation arises from the fact that, after flight, most people remain refugees for far too long—sometimes decades. There are today more than two dozen "protracted refugee situations," which UNHCR defines as a population of 25,000 or more persons who have been in refugee status for more than five years. Indeed, the majority of refugees are in such protracted situations.



Given that the international refugee regime has been in place for 60 years, it is surprising that the international community has rarely been unable to develop comprehensive responses and policies to address protracted situations. The humanitarian regime has been mainly focused on providing aid and assistance to refugees for year after year, what is sometimes referred to as "care and maintenance." It is now recognized, however, that other actors beyond the humanitarian community are necessary to help resolve long-standing refugee situations. These would include development actors, the private sector, civil society and refugees themselves.

THE NECESSITY OF A GLOBAL AGREEMENT

According to Aleinikoff, the most significant limitation of the current system is its inability to include the wider international community in its structure. The recent discussions and the agreement between the EU and Turkey are revealing the limitations of humanitarian action. The refugee flow and the humanitarian issues stemming from it are not matters that can only be addressed by Turkey and the EU in a bilateral framework. The resolution of such matters should involve the global community as a whole. The EU and Turkey should definitely be part of the action plan but not the only ones trying to formulate a response. The World Humanitarian Summit and the UN Summit on Refugees and Migrants taking place in New York in September 2016 should pave the way for a fundamental rethinking of the methods of global responsibility sharing and humanitarian programming.

Failing to be overarching and holistic, the agreement between the EU and Turkey is prone to failure, believes Alex Aleinikoff. He contends that the Greek and the EU courts will stop the returns of people from Greece to Turkey because they are likely to conclude that Turkey does not meet the requirements of a "safe third country" according to European laws.

Apart from the legal complexity, there are other major obstacles to realize the agreement. It is very unlikely that many EU countries would agree on visa liberalization for Turkey, which constitutes one of the most important parts of the deal from the perspective of Turkey. Also, the planned €6 billion has yet to be delivered to Turkey.



The resettlement structure proposed by the deal, which calls for one person to be resettled to Europe for every refugee returned to Turkey, is also problematic. The intention of the agreement is to show refugees that they would not be able to stay in Europe and would be sent back to Turkey even if they succeed in crossing the Aegean and reaching Greece. This way, the refugee flow coming to Greece from Turkey would stop. Nevertheless, if the plan reaches its intention and the flow terminates, very few people would be returned to Turkey and thus resettled to Europe. Therefore, this “one in, one out” plan itself is not adequate to the kind of massive resettlement that needs to be realized. This demonstrates again the importance of developing a more comprehensive global response.

UNHCR PRIORITIES IN TURKEY

The second speaker, Elif Selen Ay, began by giving the latest figures regarding refugees living in Turkey. As of May 2016, the number of registered Syrian nationals under temporary protection has reached 2,748,367, with 264,169 persons residing in camps and 2,484,198 in urban areas. Additionally, Turkey hosts more than 300,000 refugees from Iraq and other countries. To date, the Turkish government has spent more than \$10 billion in response to the Syrian refugee emergency.

In order to provide services to these communities, UNHCR is conducting active programming in Turkey in collaboration with the Turkish state. Through its Regional Refugee and Resilience Plan (3RP), UNHCR supports Turkey in its protection and assistance responses. 3RP is co-led by UNHCR and UNDP, and aims to address both the short-term, and the medium and long-term needs of those in need. Under this program, it provides basic needs, protection, education and health services, and seeks active engagement with development partners as well as the private sector. UNHCR aims at providing protection under the legal framework and has been mainly targeting to enhance programs on education and livelihood and support specifically vulnerable groups, women and children. It manages identification and empowerment initiatives for the vulnerable groups, engages in inhibiting sexual and gender based violence and tries to strengthen

child protection. For these, UNHCR works closely with the government of Turkey through providing technical and material support. It gives trainings to government officials and relevant stakeholders, establishes and supports community centers for refugees, assists children and women for protection and empowerment both in camps and in urban areas, and facilitates resettlement procedures.

UNHCR is also aware of the existing gaps that need to be addressed. There are thousands of children who are out of school for a number of reasons, such as language barriers, xenophobic treatment, child labor and war trauma. Lack of economic means is another key factor for this. UNHCR, and all other stakeholders should support children and their families to build strong initiatives and channels to support access to education.

Another important issue to be addressed is the risks and danger refugee women are facing every single day. Empowerment of women, mainly through supporting economic self-sufficiency, would have a great impact in combatting vulnerabilities and hopefully strengthening the role of women in the community.



In addition, there are significant challenges preventing refugees from participating in labor market. Although the Government of Turkey has introduced necessary legal framework which allows Syrian refugees to apply for work permits, there are still challenges both in terms of obtaining work permits and more importantly in actually finding employment. Participating in the labor force would not only contribute to local capacity but also would enable economic empowerment for refugees, which is vital for self-reliance.

Last but not least, UNHCR is well aware that much needs to be done to support harmonization between refugees and host communities. This is especially crucial in cases of protracted situations where refugees cannot or do not prefer to return back to their countries and the host country becomes their home country. Programs to prevent friction and enhance social cohesion need to be developed to bridge the gaps between different communities.

RECOGNITION OF THE GROWING ROLE OF LOCAL GOVERNMENTS IN INTEGRATION

Burcuhan Şener, the third speaker of the panel, covered the issue of local governance in Turkey in regards to Syrian refugees, giving a comprehensive picture of the situation for refugees and municipalities in urban settings. Local governments in the Marmara region have made great efforts

in trying to address many of the priority needs of Syrians including translation, advocacy, language and vocational courses, guidance, psychosocial support and social aid. The municipalities, however, are also aware that there are major gaps and needs of both the refugees and host communities that could be addressed more effectively. In order to identify the most substantial gaps and needs, the Marmara Municipalities Union conducted field research that examined municipalities in the Marmara Region with a specific focus on Istanbul. The research revealed the main challenges refugees face in urban settings and those encountered by municipalities while trying to provide services to its residents.

The findings demonstrate that language is the main challenge for refugees and municipalities. Municipalities often have difficulty in communicating and providing direct services to those who are not able to speak Turkish. For refugees, language is a major obstacle negatively affecting many matters. The language barrier limits the daily communication of refugees with members of the host community, impeding harmonious relations between communities. It also limits their access to legal services, procedures and various documentation due to lack of multi-lingual services. The language issue is also challenging in regards to education. There are currently two different schools that Syrian youth attend: ones with a Syrian curriculum offered in the Arabic language and the standard Turkish schools with the national curriculum offered in the Turkish language. While the availability of education in two different languages creates alternatives, it also leads to a dual approach and further complexity.

Another challenge faced by municipalities relates to legal constraints and uncertainties about the status of refugees. According to the Article 13 of the Municipal Law (No. 5393), “everyone is a fellow-citizen of the county in which he/she lives. The fellow-citizens shall be entitled to participate in the decisions and services of the municipality, to acquire knowledge about the municipal activities and to benefit from the aids of the municipal administration.” The Article herein does not explicitly refer to a citizenship status. Yet, lack of an explicit reference creates also a loophole and uncertainty for municipalities to serve Syrians. Moreover, municipalities are authorized to serve only the Syrians who are legally registered and under temporary protection status. These two parameters create ambiguity in providing services, as municipalities have difficulty in reaching out to and supporting those who are not under legal status in Turkey.

Health is another major challenge that needs to be improved through providing wider access to medication and services. According to the research, there is an increasing concern of the host communities about the lack of capacity of medical centers due to overcrowding. The local service providers need to increase their capacity to be able to address the needs of everyone without leading to a feeling of exclusion by any community. Municipalities can play a major role in reaching out to everyone residing in the district.

Moreover, in regards to public health needs of refugees, the research shows that there is a reemergence of some child diseases that were previously eradicated in Turkey. The municipalities could support vaccination of all children as a preventive health care service. In addition, mental healthcare and psychosocial support for those who are seriously traumatized are very crucial needs that could be addressed by local authorities.

There are also major economic challenges experienced by refugees and municipalities. Although the right to work has been established for Syrians, still many refugees are being employed illegally, earning very low salaries with no social insurance. This not only leads to the exploitation of refugees and to the problem of child labor, but also builds on the negative reaction of the host community members who believe their chances of employment are endangered due to the relatively cheap labor of refugees.

Apart from all the barriers of language, legislation, health and economic issues, refugees today are mainly suffering from social integration and harmonization. There is a noticeable reaction from host communities and there are signals that refugees may face major difficulties in social acceptance. The host community feels that refugees are making life harder for them, especially in economic terms. These concerns add to the already existing social problems refugees encounter, such as polygamy, forced marriage, prostitution, exploitation and lack of protection and security.



With all these major problems and more, refugees living in the cities need to be supported and assisted more by local governments. It is the duty of the municipalities to reach out to its residents and enable better conditions. Nevertheless, providing effective services for refugee and host communities has been challenging for municipalities as well. For better service provision, a strong collaboration among the bodies of local and central governments, universities and non-governmental organizations is crucial. Joint efforts of multiple actors would allow filling the existing gaps more effectively. Policies made by the central government and its general approach towards Syrians have a great role in determining the services municipalities could provide. The general perception of the national government and its interpretation of the integration of Syrians in Turkey form the overall structure of the system and its practices. The lack of clarity in addressing Syrians - either as refugees or guests - leads to ambiguity in the approach of many institutions and stakeholders. The system, which needs to be determined first from the center, directly influences the strategies and implementations of local governments.

HUMAN SECURITY VS. HUMANITARIAN AID

The fourth speaker on the panel, Emel Kurma, emphasized that there has been a significant increase in the number of INGOs, NGOs, solidarity groups, local and grassroots initiatives that are trying to respond to the crisis. Many of these organizations offer humanitarian aid that is a charity-based and donation-led activity limited to addressing only the consequences of a crisis. Rather, what is mainly needed is to question the system and put forward changes to the humanitarian structure. With humanitarian aid, refugees are forced to be in a position where they are only recipients of aid. They are objectivized, passivized and unable to participate in the decision-making processes regarding issues directly related to them. It also falls short of addressing the anxieties and concerns of the host communities.

Human security, on the other hand, is an alternative way of thinking and acting based on the integrity, dignity, and safety of people both individually and collectively. It builds upon communality - the social fabric to be able to live together. This approach considers refugees as equal stakeholders who have the right to speak for themselves. Civic initiatives, however, fall short of fulfilling these ideas without supportive state policies. The realization of a human security approach relies on strong political will and policy-making.



It is the time for Turkey, European countries and others to adopt policies of human security. States should acknowledge that the crisis will not end soon and thus migrants will not return back to their countries, and in fact many will also prefer not to return. These people will need to be included and integrated into the countries in which they live. This could only be done through the cooperation of central and local governments with NGOs. However, the work of all the stakeholders should not only focus on refugees, but also the members of host communities to enhance harmonization.

Recently there has been an increase in xenophobia and racism in the Balkan countries as well as in Turkey. Many NGOs in the field are trying to pursue activities and initiatives to reduce negative perceptions towards refugees. This is another matter in which the state needs to take decisive action. Civil society efforts alone would not be adequate to enable harmony among various communities. Despite many differences in perspectives and action, states and civil society actors need to work hand in hand to overcome growing racism. This, however, seems to be quite difficult to achieve since even civil society organizations within themselves have major differences.

So far, the civil society response in Turkey has been polarized. There are organizations that merely provide aid and relief services, under a framework of charity. Then there are others conducting advocacy for policy change. There has been significant tension between these two approaches. However, a better outcome would include both approaches. An organization must be able to provide aid and relief services while it calls for policy change. Many organizations, however, have problems in finding the right balance in pursuing advocacy. If an organization is too critical of the system, calling for it to be transparent and inclusive, its freedom of action may become limited. That organization may start facing difficulties in receiving official permits which are often necessary for widespread service provision and implementation of programs. In the current context of Turkey, certain NGOs have more access to resources and have more flexibility in carrying out refugee-related activities. The complex nature and multi-layered structure of the humanitarian system makes it difficult for stakeholders to function effectively. The challenges stakeholders face in the humanitarian system directly affect their success in reaching out to and supporting refugees.

DISCUSSION

Several points were raised during the discussion with participants in the audience:

- Child protection should be a priority issue. The rights and treatment of unaccompanied children are completely in the hands of the host governments.

Elif Selen Ay explained that the child protection law in Turkey encompasses children from all communities. For example, in Istanbul there are six different child institutions managed by the government, which UNHCR gives support to mainly by following cases and asylum applications. Unaccompanied Syrian children over 13 years old who are covered by the administrative regulation are sent to the Sarıçam Camp in Adana. UNHCR is in touch with the Ministry of Family and Social Policies to whom it relays any concerns regarding victims of gender-based violence, vulnerable children and unaccompanied minorities (who are more vulnerable). There are certain safeguards for their protection because Turkey is part of the Convention of the Rights of the Child, and there is a national law that states that children under 18, regardless of their nationality, should be protected and served in their best interests. UNHCR is closely following these children but is also aware that there are many unaccompanied children that are missing. The law is there but stronger implementation is needed.

Emel Kurma shared that it is crucial for NGOs to be able to enter the camps where these children stay. Turkey has a mixed track-record with childcare and a low capacity for child protection. Were the state to be more open about failures and shortcomings in the system, NGOs could help in filling the gaps.

- One participant thought that there are two contradictory ideas presented in the panel. On one hand, aid should be much more localized, whereby people with on-the-ground experience are able to direct aid given their knowledge of the local context. On the other hand, there is an immense need for more coordination especially at the global level.

However, coordination becomes harder when aid is more localized: how could these differences be reconciled?

Alex Aleinikoff clarified that the three things being asked for do not contradict each other. As was widely recognized in the WHS documents, often local organizations know the local context. There is a growing sense that systems should include local communities to help deal with the issues at the local level. Secondly, there is a widespread recognition that humanitarian assistance is not adequate. Money should not be spent only on more blankets and shelter but should be given as aid to the host communities to include refugees in education, for example. The humanitarian regime should spend its money and effort on development by expanding its reach to development agencies in order to forge long-term responses. The third level is the international level where global responsibility sharing is needed. The countries bordering Syria host 4.7 million refugees. The United States, Canada, Europe, Australia and many other countries should receive hundreds of thousands of refugees to share this responsibility. These are all different levels of engagement and not contradictory. The system has to be reformed taking into account all these measures at the same time.

- Another participant remarked on the question of the sincerity of the European Union in response to the refugee flow. There is a major clash between European values such as human rights, freedom and democracy; and prejudice towards foreigners. Immigrants coming from all over the world are not welcomed into Europe. Many feel that the latest events have shown that Europe cannot stand behind the values that it itself invented. Nevertheless, the situation goes beyond Europe or any other single country or region. There needs to be a solution agreed on by all countries which covers all refugees not only Syrians. Only a global consensus that is comprehensive and inclusive could enable a true solution.



CONCLUSION

Alex Aleinikoff recalled the description of the current refugee regime by Peter Sutherland, United Nations Special Representative of the Secretary-General for International Migration, as one based on “responsibility by proximity.” As Sutherland notes, this is not in accordance with the design of the Convention or the international system of refugee protection, that has international responsibility sharing at its core. This issue is not part of the agenda of this Summit but the global framework will be discussed in New York during the UN Summit on Refugees and Migrants in September 2016. States must come together and stand behind a formal agreement that presents a comprehensive response; one that supports host communities and guarantees the rights of refugees. Refugees need to access their rights in particular states where they reside. With the establishment of a framework for a global agreement, civil society groups could be involved in the process mainly by pressuring their governments to go along with international level participation.

Many refugee communities are facing great challenges of public acceptance all around the world. Improving these conditions is not just the job of civil society. Governments have a responsibility to establish a welcoming environment for refugees.



SIDE EVENT: LEAVE NO ONE BEHIND

MULTILATERAL PERSPECTIVES ON THE REFUGEE ISSUE: DYNAMICS IN AND AROUND TURKEY

DATE AND TIME: May 23, 13:00 – 14:30

VENUE: Lutfi Kırdar Convention & Exhibition Centre (LKCC), Galata Hall

SPEAKERS:

PROFESSOR ALEX ALEINIKOFF, (Chair) Fellow at the Columbia Global Policy Initiative and Visiting Professor at Columbia Law School, former UN Deputy High Commissioner for Refugees

ELİF SELEN AY, Head of Istanbul Field Office, UN High Commissioner for Refugees

BURCUHAN ŞENER, International Cooperation Expert, Marmara Municipalities Union

EMEL KURMA, Co-Director, Helsinki Citizens' Assembly

SİNAN GÖKÇEN, (Moderator), Co-Director, Helsinki Citizens' Assembly

HOSTED BY:



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SPEAKER BIOGRAPHIES

ALEX ALEINIKOFF is a fellow at the Columbia Global Policy Initiative and a Visiting Professor at Columbia Law School. From 2010 to 2015, he served as UN Deputy High Commissioner for Refugees. He has been a professor of law at the University of Michigan Law School and Georgetown University Law Center (where he also served as Dean from 2005-2010). He has published widely on immigration and refugee law and policy, US constitutional law and transnational law. Prof Aleinikoff is also currently a senior fellow at the Migration Policy Institute (Wash., DC) and is a member of the American Academy of Arts and Sciences.

ELIF SELEN AY graduated from Ankara University Law faculty in 2000, and pursued her LLM degree in University of Essex in International Human Rights Law. She worked in the Ministry of Foreign Affairs for three years as a legal advisor in the Council of Europe Department. She has been working with the United Nations High Commissioner for Refugees for over ten years in different operations in Ankara, Cyprus and Istanbul. Throughout her assignments, she focused mainly on refugee status determination, access to international protection, urban refugees, and detention of asylum seekers and refugees. Currently she is working as the head of the UNHCR Field Office in Istanbul.

SINAN GÖKÇEN is a human rights activist and journalist with around 20 years of experience in Turkey, Europe, the Balkans and Central Asia. He is a founding member of the Helsinki Citizens' Assembly (hCa), one of the pioneering human rights organizations of Turkey. He earned an MA degree in Human Rights Law from Central European University as an Open Society Justice Initiative Fellow. Gökçen is among the initial founders of hCa Turkey, back when it was established in 1990. Since then, he has been involved with the conduct and coordination of several projects, including his key role in the ongoing program on human security.

EMEL KURMA received her BA in political sciences at Boğaziçi University in Istanbul. She later attended a graduate program on urban planning at the Middle East Technical University in Ankara, while she free-lanced in tour guiding, translation work, and film/documentary production. Having been engaged with civic initiatives and organizations in Turkey and abroad since the mid-1990s, she has contributed to programs and publications by local and international organizations, municipalities and universities on rights and freedoms, civil society and relevant issues. She works as the general coordinator of the Helsinki Citizens' Assembly, which she had joined as a volunteer about 20 years ago. She intends to complete graduate work on "sovereignty, governmentality, citizenship and civil society in Turkey," to be able to put what she has learned in the field on paper. She coordinates the hCa-led project for building a Citizens' Network for Human Security in the Balkans and Turkey.

BURCUHAN ŞENER is an International Cooperation and Migration Expert at Marmara Municipalities Union. She received her BA in Political Science and International Relations at Bogaziçi University, Turkey and MA in EU Studies with a specialization in Migration and Asylum Policy at Leiden University, Netherlands. She has been working with municipalities hosting refugees in their districts on their services and policies regarding migrants and refugees as well as municipal challenges in the face of the recent refugee crisis. She is the Coordinator of the Marmara Municipalities Union Migration Policy Workshop (MAGA).

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