HUMANITARIAN ASSISTANCE POLICIES OF THE EUROPEAN UNION TOWARDS SYRIAN REFUGEES IN TURKEY

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ABSTRACT

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This research addresses to the significant gap between rhetoric and practice with regard to the implementation of rights-based humanitarianism in a response to Syrian refugee protection crisis. The research raises the question of why political actors place refugees in an asymmetrical relationship with duty-bearers. In this sense, it draws attention to the complicated three-cornered relationship among securitization policies, liberal economic agenda and needs-based humanitarianism within the borders of dominant governmental rationalities. In an attempt to offer a concrete discussion on the problematic characteristics of international humanitarian regime, the research examines the effectiveness of EU's humanitarian assistance policies for Syrian urban refugees in Turkey. The main reason why the research chooses the case is that EU's immigration and asylum policies well illustrate the biopolitical paradigm of modern politics. In this context, the research examines the impact of the EU-Turkey Statement on the possession of paradox of refugee rights in Turkey. It aims to analyze the role of EU funding in meeting the long-term needs of Syrian urban refugees in Turkey.

Keywords: EU's asylum policies, humanitarian assistance, Syrian refugees, the EU-Turkey Statement, biopolitics

ÖZ

AVRUPA BİRLİĞİ'NİN TÜRKİYE'DEKİ SURİYELİ MÜLTECİLERE YÖNELİK İNSANİ YARDIM POLİTİKALARI

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Suriyeli mültecilerin korunması krizine yönelik, hak temelli yaklaşımın uygulanması sürecinde retorik ile pratik arasında önemli boşlukların olduğu bu araştırmada belirtilmektedir. Siyasi aktörlerin, mültecileri neden yükümlülük sahipleri ile asimetrik bir ilişki içerisine yerleştirdikleri bu araştırmada sorgulanmaktadır. Hükümetsel rasyonalizmin sınırları içerisinde yer alan güvenlikleştirme politikaları, liberal ekonomi gündemi ve ihtiyaç temelli yardımseverlik arasında oluşan üç köşeli karmaşık ilişkiye bu araştırmada dikkat çekilmektedir. Uluslararası insani yardım rejiminin problemli özellikleri üzerine somut bir tartışma sunabilmek amacıyla, AB'nin Türkiye'deki Suriyeli kent mültecilerine yönelik insani yardım politikalarının etkisi bu araştırmada incelenmektedir. Araştırmanın bu konuya yönelmesindeki temel neden şudur: AB'nin göçmen ve sığınma politikalarının, modern politikanın biyopolitika paradigmasını en iyi şekilde tasvir etmesidir. Bu bağlamda, 2016'da yürürlüğe giren AB-Türkiye Anlaşmasının, Türkiye'de mülteci haklarına sahip olma paradoksu üzerindeki etkisi bu araştırmada analiz edilmektedir.

Bu araştırmada, AB fonlarının, Türkiye'deki Suriyeli kent mültecilerinin uzun süreli ihtiyaçlarının karşılanmasındaki rolü incelenmektedir.

Anahtar Kelimeler: AB'nin sığınma politikaları, insani yardım, Suriyeli mülteciler, AB-Türkiye Anlaşması, biyopolitika

To refugees who lost their lives on desperate sea journeys

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LIST OF ABBREVIATIONS

AFAD	Disaster and Emergency Management Presidency of Turkey
AfD	Alternative für Deutschland
AFJS	Area of Freedom, Security and Justice
AIDA	Asylum Information Database
ALNAP	Active Learning Network for Accountability and Performance in Humanitarian Action
ASAM	Association for Solidarity with Asylum Seekers and Migrants
CAPs	Cash Assistance Programs
CEAS	Common European Asylum System
CONCORD	Confederation for Relief and Development
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DFID	Department for International Development
DG	Directorate-General
DGMM	Directorate General of Migration Management
DHA	Department of Humanitarian Affairs
DRC	Danish Refugee Council
DTM	Displacement Tracking Matrix
EC	European Commission
ECHO	European Civil Protection and Humanitarian Operations
ECJ	European Court of Justice
EEC	European Economic Community
EIC	European Investigate Collaborations
ENP	European Neighbourhood Policy
EP	European Parliament
EPAU	Evolution and Policy Analysis Unit
ESSN	Emergency Social Safety Net
EU	European Union
ExCom	Executive Committee
FAO	Food and Agriculture Organisation
FRiT	EU-Facility for Refugees in Turkey

FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
HLP	High-Level Panel
HRW	Human Rights Watch
IBM	Integrated Border Management
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHRP	International Council on Human Rights Policy
IDPs	Internally Displaced Persons
IFRC	International Federation of Red Cross and Red Crescent Societies
IOM	International Organization for Migration
IOM	International Organization for Migration
INGO	International Non-Governmental Organisation
IOM	International Organisation for Migration
LFIP	Law on Foreigners and International Protection
LRRD	Linking Relief, Rehabilitation and Development
MEPs	Members of the European Parliament
MoFSP	Ministry of Family and Social Policies
MoNE	Ministry of National Education
MSF	Doctor without Borders
NBA	Needs-Based Approach
NGO	Non- Governmental Organisation
NRC	Norwegian Refugee Council
OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
PRS	Protracted Refugee Situations
RBA	Rights-Based Approach
SEENPM	South East European Network for Professionalization of Media
SOLID	Solidarity and Management of Migration Flows
SWAC	Sahel and West Africa Club Secretariat
TPR	Temporary Protection Regulation
TRC	Turkish Red Crescent
UDHR	Universal Declaration of Human Rights
UKIP	United Kingdom Independence Party

UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UN-Habitat	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRRA	United Nations Relief and Rehabilitation Agency
WFP	World Food Programme
WHO	World Health Organisation
WHS	World Humanitarian Summit

CHAPTER 1

INTRODUCTION

In the last few decades, there is wide-ranging attention to rights-based humanitarianism which aims to support long-term social and political engineering in a protracted crisis in order to empower rights of people in need of protection. In the reports of the organisations and agencies of the UN system and the EU system, the importance of rights-based humanitarianism is always emphasized in the context of offering a long-term solution which enables those people to rebuild their lives in a more dignified manner.[1] Nevertheless, the decisive steps have not effectively been taken in the practical realm of humanitarian work (Grabska and Mehta, 2008; Roberts, 2010; Stevens 2016; Trad and Kagan, 2006). In this sense, this research argues that the term 'rights-based humanitarianism' may be considered as oxymoron: a humanitarian approach needs to be implemented to locate refugees in a horizontal

[1] See: European Commission (2016) 'Lives in Dignity: from Aid-dependence to Self-reliance Forced Displacement and Development', Commission Staff Working Document, Brussels
European Commission (2014, January 1) 'Issues Paper- Development, Refugees and Internally Displaced Persons (IDPs)', Brussels
Muižnieks, N. (2016, June 22) ' Empowering Right-Holders: Inclusion, Refugee Protection, the Digital Age', Fundamental Rights Forum 2016, Vienna. CommDH/Speech(2016)3
Sansonetti, S. (2016) 'Female Refugees and Asylum-seekers: The Issue of Integration', Brussels, Policy Department C: Citizens' Rights and Constitutional Affairs, European Parliament
UN (2016, September 19) 'General Assembly Adopts Declaration for Refugees and Migrants, as United Nations, International Organization for Migration Sign Key Agreement', GA/11820
UNFPA (2014, November 24) 'The Human Rights Based Approach'. Retrieved September 17, 2017, from http://www.unfpa.org/human-rights-based-approach
UNHCR (2012) 'Migration and Human Rights: Improving Human Rights-based Governance of International Migration', Geneva, UNHCR
UNHCR (2011) 'Refugee Protection and Mixed Migration: The 10-Point Plan in Action', Luxembourg, Imprimerie Centrale
UNHCR (2005) 'Handouts on Refugee Protection'. Retrieved September 20, 2017, from http://www.unhcr.org/4371d8362.pdf

relationship with duty-bears while at the same time it needs to remain limited and ambiguous in the practical realm because nation states, the principal duty-bearers, are more inclined to reinforce the hierarchical relationship with refugees. This research aims to demonstrate how refugees are placed in an asymmetrical relationship with political actors who provide humanitarian aid to them.

Humanitarian considerations driven by nation states, who are predominant actors in the refugee regime, is more willing to create an environment where short-term and practical needs of refugees are provided instead of empowering their rights. To put it differently, humanitarian considerations are framed at the apex of the humanitarian triangle of securitization policies, liberal economic agendas and needs-based humanitarianism which are depicted at page 7. This triangular relationship is reinforced within the broader rhetoric of the international refugee regime (Oh, 2012: 81).[2] In respect of the institutional characteristics of the regime, it is commonly expressed that it remains ineffective in a response to social, psychological, economic and political needs of refugees (Aleinikoff, 2016; Gabiam, 2016; Parekh, 2017). Refugees are not treated as a whole person who has the capacity to realize their potential and offer a contribution to the world (Hepner, 2009: 121; Zarranz, 2017).

In this context, this research shifts its attention towards the problems on the structure of the 1951 Convention relating to the Status of Refugees (the 1951 Convention). As expressed by many scholars in refugee and forced migration studies, the 1951 Convention is limited and outdate, and has no a power for legal sanction to the signatory countries when they do comply with the requirements of the Convention

[2] After the end of World War II, the refugee regime was created. It comprises a set of norms primarily based on the 1951 Convention on the Status of Refugees which describes who is a refugee and outlines what rights refugees have and what responsibilities the signatory states have to protect them. The Office of the United Nations High Commissioner for Refugees (UNHCR) is responsible for monitoring the implementation of the 1951 Refugee Convention and its 1967 Protocol (Betts, 2010). The most essential ethos of this regime is the principle of non- refoulement, which is the obligation of contracting states not to expel or return a person to a country where s/he may be exposed to persecution due to her/his nationality, race, religion or political ideology (Betts, 2015).

(Alborzi 2006; Chitanda, 1997; Feller, 2001; Gorlick 2006; Millbank 2000; Straw 2001). In this regard, this research addresses to three main problematic aspects of the 1951 Convention which creates many potholes in the road to rights-based humanitarianism. First of all, it does not guarantee the right of refugees and internally displaced persons (IDPs) to receive humanitarian assistance until they arrive to a signatory country (Alborzi, 2006: 176). Secondly, it does not impose any mechanism for 'prevention of mass outflows, for burden sharing between states, for ensuring speedy assistance for those most in need or for maximizing the effectiveness of international resources' (Ibid.). Lastly, it does not take the capacity of refugee hosting country into consideration. Even though it recognizes that a massive influx of refugees may overstretch the capacity of host countries and calls on all signatory states to cooperate with each other, there is no any coercive enforcement mechanism for equitable sharing of responsibilities for refugee protection crisis (Lucke and Schneiderheinze, 2017).

Due to these problems mentioned above, the massive refugee flows from the countries in the Middle East, Asia and Africa has posed more overwhelming challenges since 1990s for the countries of developing world who have low and middle-income than North American and Western European governments which are unwilling to receive more asylum applications (Muggah, 2008: 39).[3] In this regard, many articles demonstrate how the suffering of refugees is constructed within the borders of dominant governmental rationalities which impede basic rights of refugees (Fassin 2012; Mavelli 2017; Mathew and Harley 2016; OECD SWAC 2009*;* Soguk 1999; Ticktin 2011).

In order to apparently demonstrate how the structure of the international refugee regime remains ineffective to ameliorate the living conditions of refugees, many

[3] UNHCR's Mid-Year Trends 2016 Report shows that low and middle-income countries host most of the forcible displaced persons around the world (UNHCR, 2017). Turkey has been the largest refugee hosting county worldwide since 2015. It is followed by Pakistan, Lebanon, Iran, Ethiopia, Jordan, Kenya, Uganda, Germany and Chad (Ibid., p. 9). Among the top 10 host countries, Turkey and Germany are the only member countries of the G20.

articles draw attention to the consequences of protracted refugee situation (Goetz 2003; Jacobsen 2005; Loescher and Milner 2005; Maclean 2012; Türk and Nicholson 2003). The term protracted refugee situation was defined by the UNHCR as: "One in which refugees find themselves in a longstanding and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years of exile" (UNHCR ExCom, 2004).

In this definition, UNHCR addresses to economic, social and psychological impacts of protracted refugee situation on rebuilding the lives of refugees in another country. Today there are many protracted refugee situations which force most refugees to take on a life of their own (Türk and Nicholson, 2003: 4). Thus, they are forced to rely on their own ingenuity to survive and go back to their normal lives because humanitarian efforts are not adequately complemented with rights-based humanitarianism and sustainable livelihood programmes (Golooba-Mutebi and Tollman, 2004). In this context, many scholars emphasize that humanitarian assistance should move beyond the emergency phase[4], where the focus is on life-saving protection and basic needs of refugees in a protracted refugee situation (Betts 2009; Dick 2003; Konyndyk 2005; Loescher and Milner 2003; UNHCR, 2006). In this sense, it is commonly argued that there is a need for transforming humanitarian programmes towards sustainable livelihoods phase in order to increase self-reliance and self-actualization of refugee communities (Conway 2004; FAO 2015; Jacobsen 2005; Jacobsen and Fratzke, 2016; Maclean, 2012).[5]

[4] Emergency phase is the first phase of humanitarian response which is followed by care and maintenance to meet basic needs of refugees (Maclean, 2012: 22).

[5] Sustainable livelihood phase is one of main phases of humanitarian response to refugee protection crisis. It contributes to capacity building for the empowerment of refugees to foster their economic and social resilience (Ibid., pp.12-13).

In offering a critique for humanitarian response to refugee protection crisis, much of the literature addresses to a set of constraints to promote sustainable livelihoods programmes for refugee populations. Refugee studies literature underlines that these constraints are resulted from the policy environments, legal environment in the country of asylum, lack of multi- year planning and funding cycles, lack of social capital, the ineffectiveness of training and lack of skills of refugees (Clements et al. 2016; Easton-Calabria 2016; Jacobsen and Fratzke 2016; Rohwerder 2016; Strandberg 2009; UNHCR, 2016). In terms of overcoming these constraints, many articles put forward importance of rights-based approach to refugee assistance which enables refugees to demand their fundamental basic rights such as the right to sustainable livelihood, the right to work, the right to basic services and the right to life and security (Banik 2009; Dufvenmark 2015; Slim 2001; Stevens 2016; Wisken 2012). In such an atmosphere where the rights of refugees are respected, protracted and fulfilled in social, political, legal and economic processes, refugees can genuinely be considered as rights-holders who are in a position to hold duty-bearers accountable for guaranteeing their rights and bring their voices into policy decisions (Benelli 2013; Brouwer et al.2005; Gready and Ensor 2005; Koskinen 2006; Momin 2017; Posner and Clancy 2001). This also plays an important role in increasing the political participation of refugee communities, while creating sustainable change in their daily lives (Jagannath et al., 2011).

In the light of these arguments, this research argues that it is important to create systemic changes in the current international refugee regime and humanitarian regime in order to overcome the borders of dominant governmental rationalities as expressed by many scholars of refugee and forced migration studies (Alborzi 2006; Garvey 2008; Gorlick 2006; Haddad 2008; Hathaway 1997; Joy 2002; Ragheboom 2017). In this sense, this research redraws attention to the rigidly interconnected relationship between the enforcement power of international refugee law and the effectiveness of policy environment in respect of enhancing self-reliance and self-actualization of refugees in host countries. Concerned with addressing this relationship, this research delves into the lopsided legal system in international

refugee regime which allows national governments to enforce their domestic refugee legislation and public relief benefits, by pursuing their own political and economic interests. Lack of uniform approach to refugee protection leaves many refugees in a longstanding state of limbo because their basic rights are subjected to the mercy of national governments (Willie and Mfubu 2016: 543). In such a political conjuncture, the humanitarian triangle of securitization policies, liberal economic agenda and needs-based humanitarianism creates a serious obstacle to achieve a systemic and sustainable change in both international refugee regime and humanitarian regime, as depicted in Figure 1 on the next page. [6]

[6] This figure is depicted by the researcher according to the arguments of Beracochea et al. (2011); Grabska and Mehta (2008); Gordon and Donini (2016); Hosseini (2015); Juma (2004); Philip and Rayhan (2004); Trad and Kagan (2006).

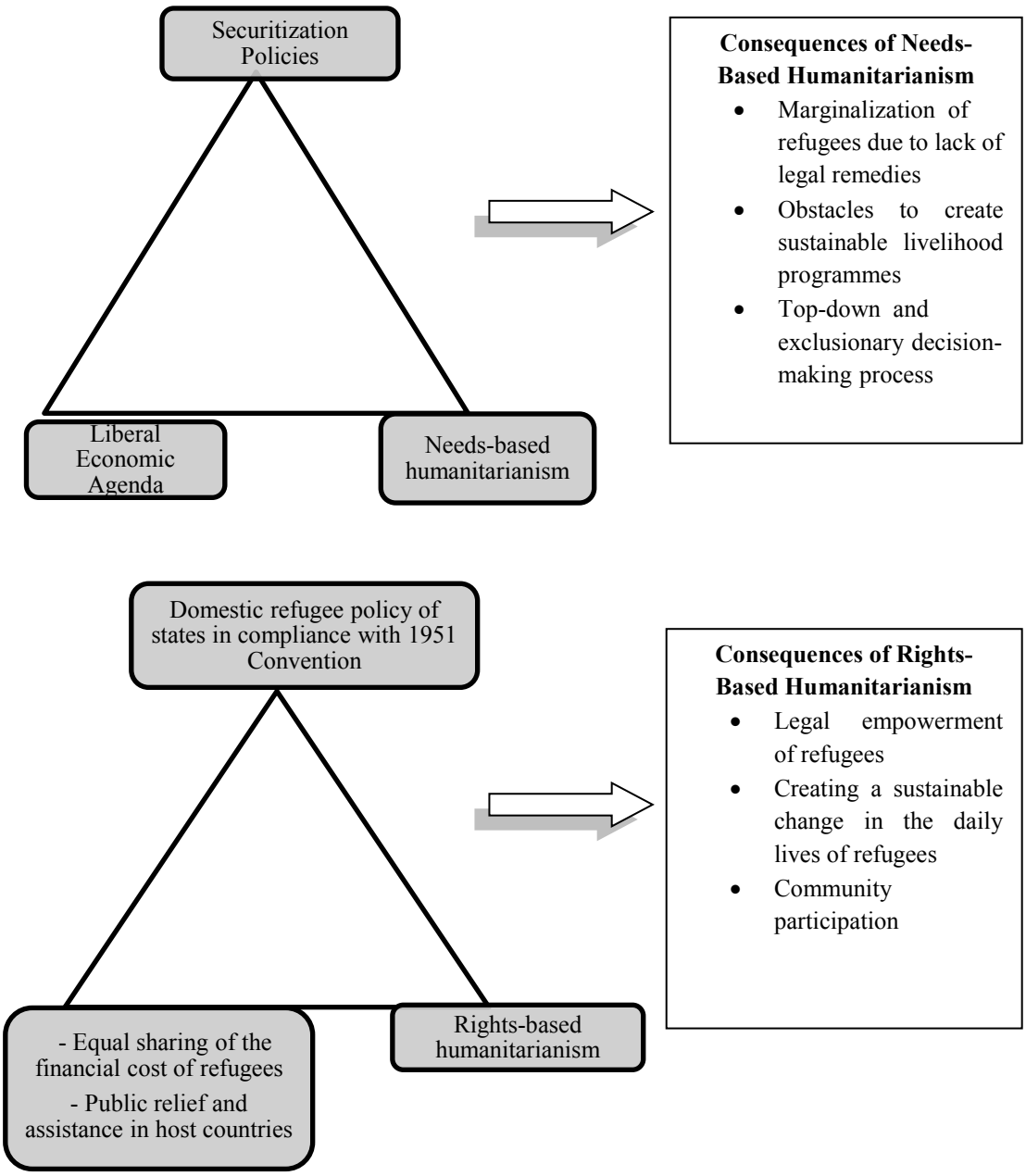

Figure 1: The triangle relationship in humanitarian realm

As can be seen in Figure 1, the nature of triangle relationship in humanitarian realm has a significant impact on protecting refugees from the continuous process of subalternization in social, economic and political domains. It also has the ripple effect on the dominant knowledge/ power axis which creates a hierarchical and vertical relationship between refugees and nation states in respect of reforming the

system or reinforcing the existing system. When states' political and security considerations are predominant over humanitarian considerations, refugees are mostly deprived of livelihood opportunities and education opportunities which enable them to empower their potentials. As depicted in the first triangle, refugees turn into invisible actors in top-down and exclusionary decision-making process which impede their legal empowerment. Over time, many refugees start to lose their social and economic resilience. Within the context of biopolitics which socially, economically and politically pushes refugees towards the periphery of society, the nature of triangle relationship, which is formed between securitization policies, liberal economic agenda, and needs-based humanitarianism, causes a serious challenge to create a counterpower against the reproduction of hegemony in the refugee regime with regards to increasing the resilience of refugees.

In the light of arguments mentioned above, this research aims to provide a prelude to the more concrete discussions on the sclerosis characteristics of international refugee regime and humanitarian regime which create unequal relationship between refugees and the signatory states in the practical realm of policy implementation.[7] In this context, this research sets out to examine the policies of main relevant political actors of the humanitarian system which is more inclined to keep under wraps the major systemic problems of the regime. It draws more attention to the irony of humanitarian system which preaches rights-based approach to refugee assistance, but in reality gets stuck in needs-based humanitarianism which damages human dignity in a prolonged crisis. In order to offer a more concrete case related with this

[7] In 19 th Century, international humanitarian regime was created in Europe when Henry Dunant established the Red Cross Movement and started the humanitarian work which was to create the Geneva Conventions. The Laws of War, which was later called 'International Humanitarian Law' defined the rules for the protection of civilians, prisoners of war and other non-combatants with the purpose of relieving the negative impacts of the brutal wars on those people. In the aftermath of World War II, it had a more global reach because most states worldwide signed the Geneva Conventions. The United Nations was established in 1945 to provide humanitarian relief through its operational agencies. Since then, it has morphed into a more rights-based framework (Hammerstad, 2015: 5-6). On the other side, the contemporary humanitarian regime receives vehement criticism due to its Western-biased structure in theory and practice in respect of voting rights, funding, and decision-making process (Chaulia, 2011; Hammerstad, 2015: 23; Hong, 2015: 5; Mawdsley, 2015: 210).

discussion, this research focuses on the impact of EU's humanitarian programmes and legal framework for refugee protection on Syrian urban refugees in Turkey. [8] In this regard, the focus of this research shifts to an exploration of the triangular relationship among securitization policies, liberal economic agendas and humanitarianism at the EU level. This research aims to examine to what extent EU's humanitarian assistance policies succeed at throwing off traditional humanitarian programmes in a response to Syrian refugee protection crisis. In order to scrutinize the consequences of EU's humanitarian programmes, this research draws attention to the importance of sustainable livelihood programmes and community protection in promoting human dignity of Syrian refugees in Turkey.

1.1 Theoretical Framework

This research draws upon biopolitical theoretical concepts of Foucault and Agamben in addition to Foucault's theorization about power, knowledge and subject formation in order to analyze the tensions between what is stated in the international legal framework for refugee protection and what is enforced in practical realm. This research argues that Syrian refugees are biopolitical subjects who cannot genuinely enjoy their fundamental human rights, hence most of them are driven to the margins of urban areas where explicitly reflect the biopolitical paradigm of modern politics. This research maintains that the international refugee protection regime has not been able to promote durable solutions for refugees, thus most refugees are forced to take on a life of their own, by adopting their own strategies to the dominant representations of government rationalities. In this context, many academic articles

[8] Turkey retains a geographical limitation to the 1951 Refugee Convention. It does not provide protection for non-European asylum seekers. Thus, Syrian people are not recognized as refugees in Turkey. In October 2011, Turkey formally extended 'temporary protection' to Syrian people (Kirişçi 2014: 1). In October 2014, temporary protection status was legally defined in the law on Foreigners and International Protection (DGMM, 2015a). Nevertheless, Syrian people are called 'Syrian refugees' in the scope of the research.

address to the concept of global political society[9] where refugees can produce their own strategies to reformulate the governmentality of care, by demonstrating how refugees have power to challenge the existing regime of power/knowledge (Bhimji 2016; Coleman and Rosenow 2017; Edkins and Pin-Fat 2005; Moulin and Nyers 2007). It is argued that subjects in global society can create alternative ways in order to intervene the policies of nation-states and international organisations (Moulin and Nyers, 2007: 370). In this sense, this research supports the argument on that refugees should not be considered as subjects who do not have any power to challenge the dominant representations of nation-states. On the other hand, this research argues that the opportunities of refugees are limited to reformulate the international refugee regime.

Today, many refugees are forced to work at informal economy which is precarious, volatile and discriminatory (Jacobsen, 2014: 105). They live in limbo between the danger they face in their countries and the safety and protection which they seek (Callaghan, 2005:25). Because of their growing sense of dissatisfaction in their daily lives, some refugees organize protests to demand their rights in different countries, yet they cannot become effective to initiate a wide range of changes to reformulate refugee policies. Thus, this research focuses on the challenges Syrian refugees face in their daily lives within the confines of dominant government rationalities which negatively impact their self-reliance and resilience (UNHCR, 2017). In accordance with this purpose, it attempts to develop a theoretical framework for identifying main reasons why international refugee regime and humanitarian programmes remain insufficient. Further, it offers a critique of the obligation of duty bearers, specifically the European Union, in the humanitarian realm through biopolitical theoretical concepts of Foucault and Agamben.

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[9] Moulin and Nyers conceptualizes global political society as "a way of thinking about global political life from the perspective of those who are usually denied the status of political beings" (2007:356). This notion is described as an ambiguous site where power relations are shaped by a wide range of actors; nevertheless refugees have opportunity to reformulate the 'governmentalities and protection' (Ibid.).

1.1.1. Foucault's Theorization about Power, Knowledge and Subject Formation

Foucault's theorization about power, knowledge and subject formation has a particular importance to analyze EU's humanitarian assistance policy and refugee policies which affect the living conditions of Syrian refugees in main host counties; Lebanon, Turkey and Jordan. In this context, it is important to examine the consenting parties within power-knowledge relations. Foucault describes power as 'an action which requires two consenting parties and where there is the possibility of a choice' (Foucault: 1982, as cited in Gadda, 2008: 10). On the one hand, the EU and its members are two consenting parties in order to provide intergovernmental cooperation on asylum and migration issues and fair responsibility sharing mechanism at the EU level. The EU and main host countries, on the other hand, are other two consenting parties to draw up a common road map to manage refugee protection crisis in the region. The relationship between these two consenting parties is based on their choices to accept or reject each other's policies. In this context, this research argues that EU's humanitarian programmes and refugee policies produce certain types of knowledge in order to sustain power relations and deepen its impact on both Syrian refugees and main host countries. As Mavelli argues, EU sets out to create docile subjects in favor of 'good/deserving/real refugees' who are easier to keep under control than 'bad/undeserving/bogus refugees', which are discussed in the following parts of this research (2017: 11). The EU attempts to have control over both knowledge and truth being formed through the structures, institutions and societies in the process of certain of discourses (Lebedeva and López, 2014: 22).

Related with the power-knowledge relations, Foucault claims that power is relational because it is continually both produced and reshaped according to the certain forms of social relationship (Edkins and Pin-Fat 2005: 4; Judge 2010: 6). To Foucault, a wide range of power relations create the social body of a society within a certain economy of discourses of truth' (Gometz, 2016: 10). Due to that 'impersonality and ubiquity'; 'relationality'; 'decentredness and multidirectionality'; 'strategic nature '; 'productive nature'; and 'coexistence with resistances' are interrelated concepts,

power occurs in a wide range of power relations, rather than in one center. Thus, power is dispersed through social body (Piotukh, 2015: 3). 'The acts of acknowledgment and recognition of authorities' represent knowledge (Aaltola, 2012: 68). This process creates the power-knowledge nexus, where humanitarians are sensitive to the power of states over them, yet they are insensitive to the power of people who need humanitarian assistance. Such a paternalism reflects the form of power in humanitarian realm (Barnett, 2011: 232-233). At this point, this research draws attention to how power-knowledge produces refugee subject. This research supports argument on that refugee populations are increasingly depoliticized and dehistorized in the context of the dissemination of biopolitical knowledge (Ilcan, 2013; Malkki, 1995). Thus, the refugeeness is shaped in political practice which places the suffering at the epicentre, by zooming to the individual level (Aaltola, 2012: 75).

In line with Nietzsche's thoughts, Foucault notes that 'all memorable knowledge is associated with forms of cruelty and suffering' (Ibid., p.68). In this process, 'the sufferer is produced as an ahistorical and universal humanitarian subject in the apolitical governance language of the international agencies administering them' (Malkki, 1996: 380, as cited in Aaltola, 2012: 75). In reality, the pain of sufferer is not recognized because of power politics which depoliticize them (Ibid.).This research criticizes Foucault's argument on 'all memorable knowledge is associated with forms of cruelty and suffering', by supporting Vaughan-William's argument on the twinned discourses of securitization and humanitarianism (2015: 13). By deploying his argument, this research argues 'EU's refugee policies are 'neither intrinsically good not bad' (Ibid.). In this context, this research argues that EU's humanitarian policies are shaped at the apex of humanitarian triangle of securitization policies, needs-based humanitarianism and liberal economic agenda.

1.1.2 The Concept of Biopolitics

Foucault's analysis of biopolitics is important to understand why EU Member States are reluctant to expand more asylum spaces for Syrians. Within the genealogies of power and governmentality, Foucault argues that states are only obsessed with their populations' wellbeing rather than wellbeing of refugees, asylum-seekers and immigrants (Baele, 2016). The fact that states pay excessive attention to wellbeing of a certain population causes the exclusion of the undesired groups (Agier, 2011: 180-181). In this context, 'supernumeraries',' human refuse' and 'pariahs', which are mentioned in Chapter 2, describe these groups, by showing the hierarchy of misfortune (Ibid., pp.212-213).

Foucault's concept of biopolitics forms a theoretical framework to figure out the Western European governments' political decisions on refugee assistance. The Foucauldian notion of biopower proposes that 'the ancient right to take life or let live is replaced by a power to foster life or disallow it to the point of death' (Foucault, 1978: 138, as cited in Rudolph, 2013: 10). The emergence of disciplinary techniques of power in the seventeenth and eighteenth centuries initiated this transformation (John-Richards, 2014: 17). In the process of administering populations, power is disseminated as an efficient instrument to 'normalize social acts and the conduct of populations' (Moore, 2012: 131). In the context of both the national and the international debate on refugees' enjoyment of their basic rights, this research argues that EU's humanitarian discourse has been based on the politics of no letting them die, nevertheless EU does not show equal importance to foster the lives of Syrian refugees in order to improve their physical, psychological and social wellbeing. Further, Syrian refugees struggle with enormous problems due to their incapability to enjoy their basic rights.

Giorgio Agamben extends and elaborates Foucault's analysis of biopolitics through the introduction of the notion of bare life. He emphasizes that humanitarian containment practices confine the lives of vulnerable people to bare and politically

less qualified life. In this regard, sovereign power supports the policies for 'the zoning of life' which reduce those people to 'its biological minimum' (Moore, 2012: 131). These people are identified as people not worth saving (Ibid.).

Agamben sets linkage between 'homo sacer', one of the figures who were deprived of all political and citizenship rights in Ancient Roma, and the undesired groups in a society. Back to the Ancient Roma, Homo Sacer was forced to live consistently on the run because there was no any legal framework to protect Homo Sacer from violence. Homo Sacer was on the threshold between 'rights' and 'non-rights' (Clough-Marinaro, 2009: 268). This research claims that refugees still face problems on the enjoyment of their basic rights even though there have been significant improvements on refugee rights in the course of time. Refugees struggle with meeting their physical, psychological, emotional, spiritual and social needs because the articles of UDHR and the 1951 Refugee Convention are not completely enforced in practical realm.

As Agamben eloquently puts, the political and legal status of refugees is recognized as a temporary state in the legal framework. This creates an enormous challenge to the first article of the UDHR which states 'all human beings are born free and equal in dignity and rights' because of the mechanisms and calculations of state power (Schuilenburg, 2008: 87). John Richards argues that the law can be considered as 'institutional mechanism of biopolitical management' (2014: 21). On elaborating on this argument, Deleuze expresses, 'law administers illegalisms: some it allows, makes possible or invents as the privilege of the dominating classes, or even uses in the services of the dominating class; others again it forbids, isolates and takes as both its object and its means of domination' (cited in John Richards, 2014: 21). In this way, the use of repressive measures and immigration controls is justified in the legal framework. In order to prevent asylum seekers from gaining legal status, these measures are placed at the core of the security apparatus of the state (Ibid. p.22). Agamben argues that human rights remain under control of the mechanisms of power, by referring to Foucault's notion of biopolitics (Ibid. p.26). This situation

forces refugees to live on the threshold between bare life and their political status, or between their biological lives and their political lives (Clough-Marinaro, 2009: 268). If the difference between the human and a qualified life is roughly described, Agamben expresses that the human is called natural life (zoè), while a qualified life means the simple fact of living shared by all beings and bios (Schuilenburg 2008: 87). To Agamben, sovereign power determines what life is to be considered as politically qualified (Edkins and Pin-Fat, 2005: 7). People, who are not fully entitled to have fundamental human rights, or whose legal status is not exactly defined, have been driven to the 'black holes' of society, as the homo sacer experienced in Roman times. They are deprived of their access to collective goods and services (Schuilenburg, 2008: 88). As a consequence, they become biopolitical subjects who do not have cultural and social forms, by driven to 'non-places' such as accommodation centers and detention centers where biopolitical paradigm of modern politics can be seen (Diken, 2004). Agamben argues that the camps reduce refugees to their bare existence without offering them economic, social and cultural rights. He supports Arendt's argument on that refugee issues and human rights conflict with each other in the humanitarian domain (Agamben, 1998, as cited in Gometz, 2016: 8). He claims that the notion of refugee is conceptualized as a biopolitical subject which shows discontinuity between man and citizen, thus refugee protection crisis is an indication of that modern sovereignty is in crisis (Ibid.).

This understanding towards refugee crisis demonstrates why states, supranational and international organisations cannot effectively implement rights-based approach to refugee assistance. By deploying these arguments, this research aims to demonstrate that refugees are placed a profoundly asymmetrical relationship with main actors who provide humanitarian assistance. When they are not in equal position with duty-bearers, it becomes harder for refugees to gain their power to go back to normal life because they have less opportunity to empower their personal strength and increase their economic and social well-being. In such a paternalistic relationship in which duty-bearers become insensitive to the potential of refugees, humanitarian discourse is more inclined to practice the politics of no letting them die

rather than creating a policy environment which fosters the lives of refugees. This situation turns refugees into biopolitical subjects who are dependent on the instruments of neoliberal governmentality which limits the actions of refugees (Estévez, 2013).

Humanitarian discourse being constructed in power relations through the existing apparatuses to deal with refugee needs damages human dignity of refugees.[10] Within the binary oppositions between bare life and political being, they face many struggles to go beyond the minimal standards of subsistence such as shelter, food and healthcare. In this context, this research seeks to examine how EU's refugee policies and humanitarian aid policies have an impact on overcoming the binary opposition mentioned above. It aims to show how decision-makers can develop strategies to foster the lives of Syrian refugees, by underlining the importance of power-sharing in a horizontal relationship, a community-based approach, refugee participation in decision-making process and social justice.

In order to justify the arguments mentioned above, the overall structure of this research takes the form of five chapters.

In the light of the arguments about the international refugee regime and humanitarian regime, this research focuses on the Syrian refugee protection crisis as a specific case in order to discuss how refugees are problematized within the confines of dominant government nationalities which are reluctant to identify refugees as rights-holders in humanitarian realm.[11] In this context, this research examines the impact of EU's

[10] Foucault's notion of dispositif or apparatus represents the system of relationships framed upon discourses, institutions, law, administrative measures, policies and so on (Estévez, 2013).

[11] The international refugee regime is framed within the nation-state system where each state has its own domestic policy objectives. The regime does not guarantee the full realisation of the principles of rights-based protection. The limits of refugee protection intensify the extremely complex political, social and economic impacts of humanitarian crises on civilian people. This situation creates refugee protection crisis in which refugees have difficulties with meeting their own basic needs and enjoying their basic rights.

humanitarian aid policies and its legal framework for refugee protection on long-term needs of Syrian urban refugees in Turkey.[12] Main reason why this research draws attention to EU's policies is that EU has a huge impact on the protection crisis in respect of the nature of humanitarian assistance funded by the EU and the externalization of EU's policy on irregular migration which aims to outsource its responsibility for Syrian refugees to main refugee hosting countries; Lebanon, Turkey and Jordan.

Another reason of why this research delves into EU's policies is that the EU's treaties on migration and asylum issues are emanated from the 1951 Refugee Convention and its 1967 Protocol.[13] The limitations of the Convention can be apparently found in the practical dilemmas of EU's humanitarian policies.

In order to offer a more concrete case in a cause-effect relationship, this research focuses on the impact of EU's refugee policies on the challenges Syrian urban refugees face in Turkey. There are two main reasons why the case study targets the situation of Syrian urban refugees in Turkey. First, Turkey's capacity remains inadequate to offer sustainable livelihoods programs for more than 3,5 million Syrian refugees even though it has much more capacity to manage refugee protection crisis than other main host countries that accept Syrian refugees. Second, Turkey is one of the most generous humanitarian donors when the percentage of the country's national income transferred for humanitarian assistance is taken into consideration (WHS, 2016). For these reasons, Turkey may be considered a laboratory for refugee studies

[12] Unlike a camp, urban areas allow refugees to anonymously sustain their lives, gain money and build a future. On the other hand, refugees may suffer from exploitation, detention and can be forced to work at poor working conditions with low pay or non-payment and long-working hours in cities (UNHCR, 2017a). Approximately 92 % of Syrian refugees are dispersed into all the cities across Turkey, especially in the cities close to the Syrian border and Istanbul (Verme et al., 2016:40-42).

[13] See in more detail in the Article K.2 of the Maastricht Treaty; the Articles 6 and 63 of the Treaty of Amsterdam; the Article 63 of the Lisbon Treaty.

in order to show how rights-based approach to refugee assistance is important.[14] Despite of Turkey's economic capacity and its huge spending to cover basic needs of Syrian refugees, Turkey cannot cope with the challenges of refugee protection on its own. At this point, the role of the EU becomes more important with respect to sustainable livelihoods programmes and capacity development efforts for Syrian urban refugees in Turkey because Syrian crisis morphs into a protracted crisis. Thus, there is much more need for improving the capacity of refugees to meet their own basic needs and manage their problems.

In this context, this research argues that the real purpose of EU's humanitarian policies is not consisted with rights-based humanitarianism which empowers economic and social wellbeing of Syrian urban refugees. In reality, it began to support sustainable livelihood programmes in Turkey since 2015 because the cost of journey to Europe is depended on how satisfied and happy they are with opportunities offered in refugee hosting countries (Barbelet and Wake ,2017: 21). In this context, this research argues that these policies have a negative impact of refugee rights in Turkey, by increasing the gap between the legal obligation and actual protection for Syrian urban refugees. Huge influx of Syrian refugees strains capacity of Turkey to absorb them into public services and labor markets. Lack of the solidarity and responsibility-sharing for Syrian refugees across the EU is a serious challenge for Turkey to offer equal access to public services for refugees. Hence, Syrian refugees have difficulties in the enjoyment of their economic, social and cultural rights in Turkey.

Chapter 2 draws a landscape of humanitarian crisis and the international community's humanitarian response to humanitarian crises around the world since

[14] Rights-based approach to refugee assistance focuses on 'the integration of two kinds of rights: civil and political rights; and economic, social and cultural rights, as set out in international human rights conventions and covenants'(Napier-Moore and Gent, 2007: 1).

the end of the Cold War[15]. This chapter provides some insights into the reasons of failures in the effectiveness of humanitarian programmes for refugee protection and identifies the components of discourse on rights and duties. In this context, it makes distinction between needs-based approach and rights-based approach to refugee assistance in a protracted refugee situation.[16] It aims to create a theoretical basis for a deeper analysis of whether EU's humanitarian programmes shift from 'sentimental', 'paternalistic' and 'the discourse of philanthropy and charity' to 'the ideology of 'rights and duties', which is discussed in the following chapters[17]. With this purpose, this chapter analyses the relationship between rights denial, vulnerability and poverty to demonstrate why rights-based approach to refugee assistance has an important role for increasing self-reliance and self-sufficiency of refugees in a longstanding crisis, where emergency relief cannot mitigate the needs of refugees anymore. The last part of this chapter addresses to how humanitarian programmes can become more effective in order to empower the representation of refugees in social, economic and political domains.

Chapter 3 takes a closer look at EU's asylum and refugee policies to question whether its policies adopt rights-based humanitarianism in practical realm. It aims to analyze why EU Member States adopt the notion of 'NIMBYism' in the field of immigration and asylum.[18] In this context, the research aims to demonstrate the

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[15] In its contemporary definition, the rhetoric of international community encompasses all sovereign states, international organisations, non-governmental organisations, transnational corporations, non-state entities (such as transnational regions terrorist networks), international scholars and the press (Quenivet, 2002).Yet, this research refers to sovereign states, international organisations, non-governmental organisations and supranational organisations.

[16] Needs-based approach to refugee assistance enables refugees to meet their basic needs such as food, housing and clothing (UNHCR, 2016a). The service providers define the needs of refugees and how to cover their needs, thus the interests of donors become more predominant (Trad and Kagan, 2006: 15).

[17] For a detailed discussion on these concepts see: Slim, H. (2010) 'Not Philanthropy But Rights: The Proper Politicisation of Humanitarian Philosophy', *The International Journal of Human Rights*, vol. 6, no. 2, pp.1-22

[18] 'NIMBYism' means 'not in my backyard' (Gruber, 2017: 54).

practical dilemmas of EU's legal framework for refugee protection. It analyzes how EU's response to refugee protection crisis affects the quality of protection offered to Syrian refugees under the present refugee regime.

Chapter 4 moves on to the specific case of Syrian urban refugees' well-being in Turkey. It raises question mark over the Turkish government's efforts to rearrange the refugee protection system with regard to developing a resilience-based response to self-reliance of refugees. It underlines the importance of sustainable livelihood programs to empower economic resilience of Syrian urban refugees in Turkey. In this context, the research establishes the intricate relationship between legal employment and self-reliance strategies.

Chapter 5 analyzes more closely the effectiveness of EU's humanitarian policies for meeting the long-term needs of Syrian urban refugees in Turkey. It aims to examine the impact of EU's restrictive asylum policies and humanitarian polices on the protection gap between rhetoric and practice in Turkey. In this sense, the research offers a critical analysis of the EU-Turkey Statement. It draws attention to EU's cash assistance programmes (CAPs), EU funding for multi-service community centres and educational facilities in Turkey. Within this context, the research argues that EU's humanitarian programmes have an important impact on the equal enjoyment of economic, social and cultural rights as well as the equal use of public services by Syrian refugees in Turkey.

1.2. Research Design and Methodology

This research seeks to answer the question "How do EU's humanitarian policies for Syrian urban refugees impact their living conditions in Turkey in terms of the enjoyment of their fundamental human rights and their equal access to public services?" With the purpose of answering this main research question, the following

sub-questions pursue the main question: What role does rights-based humanitarian assistance play in increasing economic and social well-being of Syrian urban refugees? What is the importance of transformation from care and maintenance phase for life-saving assistance towards sustainable livelihood programs in a protracted refugee situation? How do the practical dilemmas of EU's refugee policies influence the nature of humanitarian assistance in Turkey?

This research uses interpretive research methodology in order to describe EU's refugee policies and humanitarian policies for Syrian refugees. In this sense, this research makes a literature review on humanitarian assistance approaches, the evolution of EU's legal framework on asylum and irregular migration, and EU's humanitarian aid policies for refugee protection. This research draws on a combination of primary and secondary sources of refugee protection, including legal sources (legislation and regulations on refugee rights), policy documents, academic works and the reports of national and international non-governmental organisations.

In this sense, this research looks into the articles of the Universal Declaration of Human Rights (UDHR), the 1951 Refugee Convention and its 1967 Protocol and International Covenant on Civil and Political Rights in order to examine the international legal framework for refugee protection and refugee rights. It takes a look at the Maastricht Treaty (TEU), the Treaty of Amsterdam, The Tampere Summit, the Lisbon Treaty and Common European Asylum System (CEAS) in order to make an evaluation on the legal framework for EU asylum policy and figure out the practical dilemmas of EU's asylum policies in a response to refugee protection crisis.

This research looks into the annual review reports of European Civil Protection and Humanitarian Operations (ECHO) to make an analysis on EU's humanitarian aid policies. Further, it analyzes the reports of European Commission in order to evaluate EU's funds for promoting the needs of Syrian refugees in main host countries. The reports of the UN Refugee Agency (UNHCR), the United Nations

Children Fund (UNICEF), the World Food Programme (WFP), the Organisation for Economic Co-operation and Development (OECD) and the International Labor Organisation (ILO) provide useful information on the living conditions of Syrian refugees in Turkey and other main host countries and donor contributions to refugee assistance. In order to examine Turkey's asylum legislation and policies as well as its humanitarian assistance, this research looks into the reports of the General Directorate of Migration Management (DGMM) and the Disaster and Emergency Management Presidency of Turkey (AFAD).

In addition to examine a significant number of reports related with the research topics, 7 open-ended and semi-structured interviews with NGO staff members were conducted within the scope of this research during Summer 2017. This research includes interviews with both Turkish NGOs and Western-based NGOs. Interviews with Association for Solidarity with Asylum Seekers and Migrants (ASAM), Association of Bridging Peoples, Association for Refugees, CARE International, Support to Life, Tepebaşı Social Assistance and Solidarity Foundation, and Welthungerhilfe make important contribution for this research to get information on their field survey results and their activities for promoting livelihoods and refugee protection in urban areas. Moreover, a number of (unofficial) interviews provide valuable information for this research.

CHAPTER 2

NEW CHALLENGES TO TRADIONAL HUMANITARIAN RESPONSES

2.1. Humanitarian Crises in the post-Cold War Era

After the end of the Cold War, the nature of humanitarian crises has started to change since ideological wars were replaced by internal conflicts for control of territory and natural resources (Carlotti, 2002: 6). The number of failed states has severely increased after the demise of political structures in the Cold War which suppressed many ethnic conflicts (MacCormack, 2007: 244).[19] In this process, the occurrence of complex emergencies around the world started to challenge traditional humanitarian responses, by leading the international community to question its humanitarian policies (Benelli, 2013: 6-7).[20] The reasons why there is a need for changing the nature of humanitarian assistance can be explained in three main aspects in a response to complex humanitarian problems. First, traditional humanitarian policies are more inclined to provide short-term and life-saving humanitarian assistance. Thus, these policies remain inadequate for promoting long-term sustainable programmes in order to help affected populations rebuild their lives (Ohanyan, 2008:

[19] Failed states are unable to protect their citizens from violence and destruction because of the collapse of state institutions and the rule of law. Thus, these states cannot maintain their security and development functions in order to meet the demands of their citizens (Grieco and Ndulo, 2010: ix).

[20] WHO defines that complex emergency is a humanitarian crisis arisen from a combination of political instability, conflict, social inequities and poverty. It causes the disruption of livelihoods, threats to life and large scale movements of people (WHO, 2002).

6-7). Second, a lack of coherence, coordination and cooperation negatively influences the effectiveness of humanitarian work. Hence, responsibility sharing mechanism for reallocating funds and granting asylum for protection seekers who flee war-torn countries cannot effectively function (Barichello, 2017; MacCormack, 2007: 259). Third, a lack of adequate financial resources slows down progress on long-term development. This creates severe obstacles to meet the medium and long-term needs of populations affected by complex emergencies in respect of empowering their personal strength and embodying their resilience which enables them to manage their own lives (DARA, 2011: 2).

In a response to these challenges in humanitarian realm, Resolution 46/182 was passed by the United Nations (UN) in 1992 to strengthen the coordination of humanitarian emergency assistance (Murphy, 1996: 327). The Secretary General recommended designation of a high-level official for promoting a smooth transition from relief to rehabilitation and reconstruction which would support long-term development in war-torn countries. Hence, the Department of Humanitarian Affairs (DHA) was established in 1992 in order to coordinate 'collective efforts of the international community, in particular the United Nations system, in providing humanitarian assistance'.[21] In the same year, European Community Humanitarian Office (ECHO) was established in order to coordinate and manage EU's humanitarian aid. ECHO's humanitarian aid programme aims to provide assistance in longer-lasting crises, take various initiatives for rehabilitation and reconstruction work and provide basic needs of the displaced population (Mowjee 1998: 252). Another collective effort to increase the effectiveness of humanitarian aid is the Sphere Project. This initiative was created to bring various humanitarian organisations together in 1997 in attempt to improve the long-term impact of humanitarian programmes (Agier and Bouchet-Saulnier, 2004: 306). In the 1990s,

[21] United Nations General Assembly (1991, December 19), A/RES/46/182, 78th Plenary Meeting

NGOs started to make a more cooperation with UN agencies and bilateral donors who provided financial support. They began to regularly organize meetings in order to discuss security, humanitarian policies and advocacy. These meetings contributed to increasing the level of coordination and cooperation between a wide range of humanitarian actors. As a result of the collaborative efforts of InterAction, the Sphere Working Group, the Steering Committee on Humanitarian Response, UN agencies, NGOs and governments, humanitarian networks were established to offer more collaborative responses to the humanitarian needs of affected populations. These networks started to establish slightly stronger relations with the various actors being involved in humanitarian aid (MacCormack, 2007: 254).[22] In this process, international humanitarian organisations started to become more visible in all aspects of humanitarianism. They began to become significant partners of governments in the war-torn countries (Haan, 2009: 44). In addition to these important developments for increasing the level of cooperation in humanitarian realm, international humanitarian policies began to shift towards the discourse on rights and duties, by supporting the inclusion of human rights and peace building activities in humanitarian realm. These policies started to draw more attention to humanitarian relief efforts being complemented with development assistance (Fox, 2001: 276). Over time, rights-based approach (RBA) to humanitarian assistance has been adapted by many humanitarian aid organisations and donor governments. The changing nature of humanitarian policies is called as 'new humanitarianism' (Chandler, 2001: 692-693).[23] Main argument of new humanitarianism is that the provision of basic

[22] In the first decade of the 2000s, there were important steps to establish global collaboration networks. A good example of humanitarian network was the creation of the Global Humanitarian Platform in 2006 to increase coordination and cooperation between humanitarian organisations. UN agencies, NGOs, the Red Cross and Red Crescent movement organize a meeting once a year to share information on their humanitarian works and initiatives as well as empower their partnership with each other (Charles, et al. 2010: 161-162).

[23] New humanitarianism refers to the transition of humanitarian work to rights-based humanitarianism which supports long-term social and political engineering instead of short-term emergency aid (Chandler, 2001).

needs is not an adequate response to a humanitarian crisis without empowering rights of people in need of protection (Darcy, 2004: 4; Fox, 2001: 278; Gordon and Donini 2016: 87). Another argument offered by new humanitarianism is on the importance of long-term and sustainable livelihood programmes in restoring the dignity and self-esteem of refugees in a prolonged humanitarian crisis. In the mid-1990s, livelihood programmes started to be recognized as one of the most important instruments for increasing economic development and self-sufficiency of refugees (Cavaglieri, 2005: 11). In this sense, much of the literature on refugee livelihoods addresses to the importance of these programmes in improving personal skills and abilities of refugees to the fullest extent in order to empower community rebuilding and capacity building (Conway, 2004: 4; Jacobsen and Fratzke, 2016; Milner 2015; Özerdem and Lee, 2016: 121; Schümer, 2008: 93). It is chock-full of case studies on the negative consequences of aid-driven models which remain insufficient and ineffective in a response to social and economic challenges refugees face in post-conflict settings (Ibid.).

Despite of the efforts of humanitarian actors to improve the effectiveness of humanitarian assistance, RBA cannot effectively be practiced in the realm of humanitarian sector. Indeed, according to Wilkinson, it does not have the same level of traction with the RBA in international development (cited in Benelli, 2013: 6).[24] Both rhetoric and discourse of RBA gained less influence in practical realm even though the collaborative efforts of various humanitarian organisations help humanitarian discourse take a further step in a more 'people-centered', 'empowering', 'dignified' and 'anti-charity' way (Benelli, 2013: 6). In this sense, there is a need for implementing humanitarian assistance according to long-term strategic and sustainable objectives, otherwise, traditional humanitarian terms driven by the concept of moral force and compassion are unable to provide medium and long-term needs of populations affected by natural or man-made disasters in the case of a

[24] The former Head of Department of the Policy and Research Division Cabinet at the Department for International Development (DFID) in the UK.

protracted humanitarian crisis (Nascimento 2015; Darcy and Hoffman 2003).[25] The growth of humanitarianism depended on the shared humanity that is expected to confront with the challenges of humanitarian crises and commit to take action together (Barnett, 2011: 228). However, humanitarian assistance policies driven by political and economic interests of states make the suffered people passive actors within the paternalist relations of the international political system, rather than creating a resilient community (Ibid., pp. 232-233). Furthermore, the changing nature of humanitarian crises has growingly deepened political, economic and social problems of affected populations, especially displaced population around the world. Since the end of the Cold War, the international community has become increasingly preoccupied with the phenomenon of failed and fragile states which create a political impasse which forces millions of people to leave their homes (Loescher and Milner, 2008: 26). The phenomenon of failed states causes chronic regional instability and insecurity because failed states lose their control over the means of violence and their ability to provide security and guarantee rights of their citizens. In this process, they cannot promote economic stability and growth or distribution of the primary social goods (Ehrenreich-Brooks, 2005: 1160-1161). It produces the majority of the world's internally displaced people (IDPs), asylum-seekers and refugees. Displaced populations have a direct impact on the host countries to which they have fled, by increasing pressure on state resources of host countries and heightening the risk of potentially insecurity and social tensions in host countries (Beswick and Jackson, 2011: 71; Landry, 2013: 10-11). In this sense, the nature of humanitarian aid, which is either short-term or long-term; needs-based or rights-based has a critical role for both

[25] Disasters are generally classified as either natural or man-made (Berren, et al. 1980; Hovens and Drozdek, 2002; McCaughey et al. 1994). The basic distinction is that natural disasters are resulted from forces of nature, while man-made disasters are caused by anything other than nature (Ibid.). Another distinction is that man-made disasters can be prevented or their consequences can be forestalled. (Moos, 1986: 290). Nevertheless, the occurrence of natural disasters are unavoidable, nevertheless their consequences can be mitigated with 'preparation and planning' (Oh et al. 2017: 267). Natural disasters include floods, earthquakes, volcanic eruptions, hurricanes, tornadoes etc., while man-made disasters include terrorist attacks, civil wars, industrial attacks, etc. (McDonald, 2003: 2).

host countries and the populations affected by man-made disasters in respect of increasing resilience and the coping mechanisms of those populations.

2.2. An Analysis of Key Humanitarian Crises around the World

This section draws up a landscape of humanitarian crises around the world since the 1990s in order to present a comprehensive overview of why humanitarian policies remain inadequate, unpredictable and fragmented. Hence, it addresses to humanitarian crises not only in Syria, but also in other war-torn countries where human needs still remain urgent. In this regard, it aims to provide the basis for an argument that the international community needs to make much more effort to create a solution mechanism in order to overcome the policy deadlock which repeats itself a vicious cycle, by showing the brutal consequences of humanitarian crises in the post- Cold War era. [26]

During the 1990s, international actors started to take an action in war-torn countries to a greater extent than ever before. The number of inventions made by multinational military forces in civil wars dramatically increased. During the last decade of the 20th century, the international community faced with massive humanitarian crises in Iraq, the Balkans, Rwanda, East Timur, West Africa and Somalia. The Gulf War in 1991 triggered the mass outflow of the Kurdish people from Northern Iraq to the Turkish and Iran borders. The dissolution of the Socialist Federal Republic of Yugoslavia initiated massive humanitarian crisis in the Balkans, in sequel, the largest refugee crisis occurred in Europe since the World War II in that period (UNHCR, 2000: 211-218). The Rwandan Genocide in 1994 resulted in the exodus of over 2 million people

[26] The meaning of 'international community' can be defined in three ways. The first is its traditional meaning. It expresses that only states create the international community. The second meaning of the international community includes all international subjects or legal persons, claiming that it is larger than only states. The third one assumes that the international community is formed not only by states, but also non-governmental organisations, intergovernmental organisations, regional organisations, multilateral financial institutions, and all actors of civil society (Focarelli, 2012:151). In this sense, this research refers to the third meaning of the international community because it is more inclusive, by concerning with not only legal persons, but also all actors of civil society.

from Rwanda to neighbouring countries; Zaire, existed between 1971 and 1997 in today's Congo, Tanzania, Burundi and Uganda. After the results of referendum in East Timur, 500,000 people were displaced due to violent actions of Indonesian security forces and anti-independence militia (Ibid., 243-246). In addition to these humanitarian crises, millions of people in West Africa suffered from violent wars in those years. The advent of intra-state conflicts caused incessant killings and violence in Liberia, Sierra Leone, Côte d'Ivoire and Guinea-Bissau. Civil wars in those countries caused millions of people to flee their homes (Annan, 2014: 1). Due to political violence in the early 1990s in Somalia, 900,000 Somalis fled to Kenya, Yemen, Ethiopia and Djibouti (Noji and Burkholder, 1999: 42). From 1983 to 2005, civil war between government and rebel forces in Sudan resulted in massive population displacements and countless deaths (ECHO, 2001: 16).

As can be seen in the above-mentioned humanitarian crises, no matter where they occur, the stories of human tragedies always start with an old political or ethnic conflicts which mostly resulted in civil war, poverty, hunger and disease, in sequel, the mass outflow of vulnerable people to other counties (Girard 2001, as cited in ECHO 2001: 6-7). In a case that a humanitarian crisis morphs into a protracted one or a new large scale crisis starts in other country or region, the previous crisis generally falls among those crises described as forgotten crises, just as occurred in Sudan and Yemen (Flint and Waal 2008; Scocchera 2015). Depending on the degree of political and strategic interests which donor states have in the specific country or in the region, the attention of Western decision makers to a humanitarian crisis is garnered or not. The volume of relief assistance and long-term development assistance is closely related with security policies, investment and political interests of major aid donors, specifically Western governments (Barnett 2009; DARA 2010; Hoffman and Weiss 2017: 168-169; Olsen, et al. 2003: 113). For instance, humanitarian crises in Darfur, Democratic Republic of the Congo, Cote d'Ivoire and Central America remain forgotten and forsaken even though human needs are still urgent in those countries (Ferris, 2014). Unlike these crises, complex emergency situation in Syria is more expeditiously in the spotlight of Western political interest because of a mass exodus of Syrians to EU

and the risk of destabilisation in the region. On the other side, the consequences of severe humanitarian crises around the world are already evident in large scale displacements which have been growingly increasing even if major aid donors continue to marginalize them. Dozens of case studies related with forgotten crises in Sudan, Central African Republic, Democratic Republic of Congo, Uganda, Burundi and Yemen draw attention to the living conditions of people who are forced to live in displacement for many years (Hampton 1998; Hoffman and Weiss 2017; Scocchera 2015; Simpson 2009). In this regard, it is important to shift the focus to forced displacement which becomes the unavoidable product of many complex emergencies.

The global population of forcibly displaced persons rose from 37,5 million in 1996 to 65, 6 million in 2016. From 2009 to 2014, the number of IDPs in the Middle East and North Africa increased more than doubled in the wake of Arab revolutions due to the lack of political resolutions (OCHA, 2015: 2). By 2015, 125 million people were in need of humanitarian assistance whereas 65,3 million people were forcibly displaced around the world (UN, 2015). To put it differently, one in every 113 people was a forcibly displaced person in 2015 as a consequence of man-made disasters classified as L3 emergencies (OCHA, 2016: 2-3).[27] Large groups of refugees and IDPs suffer from lack of access to food, water and shelter, lack of physical safety, lack of welfare facilities and many obstacles to the realization of their basic rights (Nkiwane, 1990: 83).

Related with the suffering of those people, Ban Ki-moon, former Secretary-General of the UN says:

> … the reality for hundreds of millions of people in conflicts, disasters or situations of chronic poverty and deprivation is that humanity

[27] In coordination with the Inter-Agency Standing Committee (IASC) principals, the UN Emergency Relief Coordinator (ERC) designated a Humanitarian System Wide Emergency, which is called Level 3 (L3) emergency in order to strengthen capacity of the humanitarian system in a response to the most severe humanitarian crises (UNHCR, 2017).

> remains a daily struggle for life and dignity, safety, food, shelter, education and health care, as well as advancement (OCHA, 2016:4).

As Ban Ki-moon states, millions of people are trapped in vulnerable situations, which they cannot meet their basic needs regardless of where a humanitarian crisis occurs. Lack of adequate humanitarian assistance and social supports debilitates their living conditions. It has negative impact on social, economic, cultural and psychological aspects of communities in war-torn countries, by breaking the intertwined relationship between human life and political life which is important for retaining their dignity in a spiral of poverty.

2.3. Reasons for Failures in the Effectiveness of Humanitarian Policies

How international community responds to long-standing civil wars is testing especially the effectiveness and the capacity of humanitarian assistance (Ambrosi 2004; Cubie 2017; Narang, 2014). Thus, it is important to evaluate whether international community can tackle long-term needs of asylum seekers, refugees and IDPs in order to empower their capacities. In this sense, it is crucial to examine the objectives, capacity, and added values of all the actors involved in humanitarian response and the nature of the relationship between them because humanitarian assistance requires a wide range of actors being comprised of government, private sector, community, and multilateral humanitarian system (OCHA, 2014: 42). In recent years, the formal international humanitarian system has been larger than ever before in respect of both financial and human resources.[28] This system supports relief

[28] Formal international humanitarian system includes the providers of humanitarian assistance such as donor governments, foundations and individual givers to support and protect all persons affected by conflict or disaster. The implementers of humanitarian assistance are Red Cross/Crescent movement; national and regional civil society; and INGOs. These actors represent the mainly Western-funded humanitarian system (Mitchell 2015; Slim 2006). It sets out to include a notion of rights, duties, accountability, self-reliance and economic opportunities in humanitarian programmes (Slim, 2006: 19). On the other side, global remittances, the Muslim tradition of zakat and local humanitarian systems are informal systems which are outside the formal system (Mitchell, 2015). In the general sense, the international humanitarian system aims to support displaced persons in acute and long-standing crises, reduce vulnerability of those persons, promote livelihoods supports, encourage conflict resolution and

aid and recovery in a more cooperative way. Nevertheless, the international humanitarian system cannot genuinely meet the needs of those people. In this context, this research addresses to four main reasons for failures in the effectiveness of humanitarian assistance. The first reason is the lack of the operational capacity and the quickness to cover not only material needs, but also non-material needs in complex humanitarian crises. Despite of a significant increase in humanitarian funds over the last decade, the gap between needs and humanitarian funds has severely widened. Nowadays 125 million people are in need of humanitarian assistance in the world, yet only 88 million of these people were receiving support because of lack of donor funds to meet growing needs of people in need of international protection (McNally and Orbinski, 2017). According to OCHA, US$ 2 billion was transferred for humanitarian action in 2000. This amount reached to US$ 24,5 billion, which is more than twelvefold from 2000 to 2014 (HLP Report, 2015). Nevertheless, donor funding to the UN's humanitarian appeals cannot meet humanitarian needs of people hit by humanitarian crises. Indeed, donor funding left half of the UN humanitarian appeals unmet in 2015 (Ibid.). Because of an increased movement of refugees and a rise in conflicts, humanitarian needs in the world have started to extremely escalate. In a response to an unprecedented numbers of humanitarian crises in the world, the capacity of the international humanitarian system remains inadequate (McNally and Orbinski, 2017).

Second, international humanitarian system remains hamstrung due to the lack of willingness of powerful political actors in terms of turning the language of rights into a meaningful action in humanitarian realm. In this context, it is significant to describe how powerful political actors are and how their decisions influence the nature of humanitarian assistance. Thus, it is important to engage with the history of humanitarian action to better understand political actions of powerful actors. The formal humanitarian system has been shaped within the colonial legacy and then

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peace-building (Davey et al., 2013: 1). In this context, this research focuses on the response of humanitarian actors in the formal international humanitarian system to man-made disasters.

post-colonial power dynamics (Bennet, 2016: 14). The institutions of this system are constructed by the Western powers that have predominance over the international humanitarian order after World War I and World War II (Khakee 2017: 23). For instance, the League of Nations (1919-1920), League of Red Cross Societies (1919) and Save the Children Fund (1919) largely included the Western institutions which aimed to provide charity to the war-torn countries of Europe in the aftermath of World War I. This humanitarian system more broadly widened with the establishment of the United Nations, the Relief and Rehabilitation Administration (UNRRA), and specialized UN agencies after World War II (Ibid., p.17). During the Cold-War era, the formal humanitarian system was driven by the impact of decolonization and political atmosphere of the Cold War (Davey et al., 2013: 11). Western inspired humanitarian system kept humanitarian action under the predominance of Western-based institutions. Hence, this research refers to national governments of core countries in Europe and North America as powerful political actors.[29] In compliance with the scope of this research, it specifically addresses to the governments of Western Europe. Looking back at the argument on the lack of willingness of powerful political actors, this research argues that these actors aim to drive humanitarian policies according to their securitization policies and liberal economic agendas. Thus, their political decisions negatively influence the effectiveness of humanitarian assistance because they put their own interests ahead of the needs of affected populations by complex emergencies (Gordon and Donini, 2016). Rights based approach to humanitarian assistance cloaks in the shadow of their own political agendas which eschew the enforcement and implementation of the

[29] Immanuel Wallerstein identified three main categories of countries: core, semi-periphery and periphery. Core countries refer to the most industrialized countries in Europe and North America which exploit resources and raw materials of other countries. Their economic development is depended on the exploitation of the periphery countries in the Global South, mainly in Africa, Latin America, Asia and the Middle East (Dickinson 2016: 17). The unequal North-South relations have an important impact on not only world economic system, but also international humanitarian system. Humanitarianism is seen as a part of globalised power structures dominated by core countries in the global North to drive humanitarian policies according to their political agenda (Collins and Stoddard 2017; Gordon and Donini 2016 ; Khakee 2017).

language of rights in their national laws on the rights of refugees (Grabska and Mehta, 2008).

The third reason why humanitarian system remains ineffective is that people in need of humanitarian assistance are not genuinely included in decision-making process. According to the report of ALNAP on the State of the Humanitarian System, there is no sufficient evidence of affected people's input being involved in project preparation and implementation phases even though more feedback mechanism has been developed in the last years (2015). This situation creates a dilemma with the nature of the feedback mechanism which aims to enable programme beneficiaries to enjoy the right to have a voice and to be heard (Angle 2015; Jump 2013; Twersky, et al. 2013).

In such a situation, their power of holding duty bearers to account for their commitments is significantly weakened. In order to solve this problem, the enforcement of community-based protection has the key role in humanitarian realm. This approach which places forcibly displaced persons at the centre of humanitarian programmes permits them to be involved in operational decision-making process, in this way, international actors and those people become in more cooperation with each other to implement humanitarian policies in a more effective manner. Community-based programmes strengthen the positive powers of refugees, by offering education opportunities, improving vocational skills and language skills, informing them of their basic rights (Berger 2006: 450). These programmes aim to enable them to live their lives in dignity, encourage refugees to take part in decision-making process, increase their capabilities, and restore their sense of self-worth (Dick, 2003: 22).

In this regard, community-based programmes see refugees as equal partners rather than being identified as 'dependent beneficiaries'. Thus, this approach has a critical role in evolving refugees into resilient actors that have autonomy over their choices and decision-making power together with their sense of self-worth and self-

confidence (Jolliffe, 2015: 2-3). Nevertheless, there are no further steps to change the structure of humanitarian assistance in the response and recovery phases in spite of positive changes towards the resilience concept (ALNAP, 2015: 12-13).

In this context, what a young refugee at Mae La Camp in Thailand says apparently shows the impact of the lack of community-based protection and RBA to humanitarian assistance on the lives of these people. He says: 'Currently, we are like a football being kicked around. All we can do is sit still and see where we are kicked next. Refugee life is just like that.' (Jolliffe, 2015: 11). Dozens of case studies done in different regions across the world also show that there is little space where refugees have a power on the decision-making process which influences their future (Bulcha 1988; Culbertson, et al. 2016; Hyndman and Giles 2017; Jolliffe 2015; Lindsay 2017; Marlowe 2011). That refugee representatives often lack a voice in the coordination structures led by the UN or national governments makes refugees more invisible in numerous institutional domains such as employment, education, healthcare and public services (Culbertson, et al. 2016). As a consequence of the ignorance of refugee voices, international humanitarian system is stuck in a longer term deadlock.

The last reason of the ineffectiveness of humanitarian policies is incapability of the international community to manage the complexity of multiple tasks and new needs in a long-standing crisis (ALNAP, 2015: 31-33). The escalation of violence in Syria, in sequel, a massive exodus of Syrian people towards its neigbouring countries; Turkey, Lebanon, Jordan and Iraq is a crucial test to make evaluation on whether international community effectively reacts to massive humanitarian crises or not. In addition to humanitarian crisis in Syria, the populations in unstable areas such as South Sudan, Democratic Republic of the Congo, Somalia, Yemen, Nigeria, Myanmar and the Central African Republic still need to receive humanitarian assistance, as do Syrian people since they are confronted with new outbreaks of persecution (NRC, 2017). This chronic situation leads to further massive human exodus and massive needs in unstable regions. Unlike natural disasters, complex

humanitarian emergencies require a longer process of recovery due to the new outbreaks of conflicts, human suffering, poverty, displacements and weak governance in a vicious cycle of violence. New needs of forcibly displaced people increase faster than the ongoing needs of these people are reduced, therefore, when these people return to their normal lives and routines is not foreseeable (ALNAP 2015: 31-33). In this regard, one of the biggest challenges for the international humanitarian system is to reach a sufficient level of capacity which will manage the complexity of multiple tasks and new needs, by providing both material and non-material aid and supporting community-based mechanism to meet the needs of refugees in a more efficient manner.

In this context, the following section emphasizes the importance of rights-based approach in order to overcome the failures in the effectiveness of humanitarian assistance, which is mentioned above.

2.4. A Rights-Based Approach (RBA) to Humanitarian Assistance

The second part of this section takes a closer look at the importance of RBA to humanitarian assistance in order to scrutinize the relationship between the effectiveness of humanitarian policies and the full enforcement of fundamental rights of refugees in host countries. In this context, much of the discussion is based on that the fulfillment of their basic rights often remains vague in practical realm even though the discourse on rights and duties has growingly been included in humanitarian programmes to protect and develop the dignity of refugees. This situation creates an environment where short-term and practical needs of refugees are met rather than a long-term environment where they can realize their rights (CARE 2009; Grabska and Mehta 2008; Roberts 2010; Stevens 2016; Trad and Kagan 2006). In order to reinforce this argument, this section draws attention to the negative consequences of needs-based approach (NBA) to humanitarian assistance in a prolonged crisis, by especially touching upon the importance of the transition from philanthropic model to a humanitarian aid model which gives importance to self-

reliance and legal empowerment of forcibly displaced populations. Then, it continues with the difficulties in the implementation of RBA in order to question why the language of rights and duties remains rhetoric in humanitarian realm without turning into a meaningful action.

2.4.1. Evolution of Rights

In order to better understand the importance of RBA to humanitarian assistance in protecting refugees, which is discussed in the following part in more detail, in this section the focus is firstly given to the historical development of human rights. In this sense, this research aims to examine historical legal arrangements for refugee protection in order to demonstrate how refugees have been described as a distinctive group and legal category in legal arrangements.

The language of rights and duties can be traced back to the Western Enlightenment in the 18th Century. The origins of humanitarianism which aims to protect basic rights of people go back to the end of the 18th Century (Barnett 2014). Both the American Declaration of Independence in 1776 and the French Declaration of Rights of Man and the Citizen in 1789 state that all men are born with rights, and that civil law is based on these inalienable rights. In this way, these declarations initiated the modern era of human rights. In both declarations, there was a strong emphasis on two concepts; ' natural law/rights' and 'the social contract'. Both concepts created a common foundation, recognizing that all human beings, whether citizens of any country or not, should be seen as rights-holders due to 'virtue of their common humanity and shared characteristics' (Gready and Ensor, 2005: 2). Both of them argued for the existence of inalienable rights, drawing upon the philosophies of Locke, Kant and Rousseau's idea of the general will. The language of these declarations reflects a specific model of ' man' and society. According to Cassese (1998: 106), 'man' is deserving of being recognized as 'man' only if he has civil and political human rights such as the right to life, the prohibition of torture and the right to property; he is free and equal; he has the ability to freely realize himself; and he is

not oppressed by a tyrannous government (as cited in O'Byrne 2013). To put it differently, men are subject to the law which is founded upon the general will, while political institutions are the mechanisms which aim to realize the freedom of 'man' and their common good. Hence, both these declarations have a great importance in the historical process of protecting the rights of individual citizens. Nevertheless, the language of human rights remained at the national level, rather than at the international level (O'Byrne, 2013).

The spirit of the American and French Revolutions led states to embrace the idea of the right of those who share a common cultural consciousness to self-determination within a defined territory. Hence, states started to have a control over immigration in order to keep those people who did not share a common culture and a national consciousness away from their territories because those people could damage the unity of nation state (Lambert, 2016: 135). States had begun to give more importance for the wellbeing of their own populations since national economic systems emerged. Immigration was seen as a means of receiving new inhabitants according to their contribution to national economics of the states (Ibid., p.136).

The principles of human rights and territorial sovereignty started to become contradictory in a transnational perspective even though it began to complement civil and political human rights within a national community. The tension between the universalism of human rights and the particularism of social order in a defined territory increased due to the emergence of nationalism in the late 18 ^{the} Century. The particularistic dimensions of the modern state system were reinforced with national ideas of common national consciousness and common descent (Lavenex, 2001). In this regard, the principle of territorial sovereignty referred to the right of states to exclude foreigners from their own territories. Nevertheless, the concept of refugees started to challenge this principle. When refugees seek protection of another country, this situation turns into a transnational phenomenon which is problematic with the principle of territorial sovereignty (Ibid.).

In a search for solving the conflict between the nation state system and the protection of refugees, a state authority's constraints over human rights protection were recognized in 1945. In this sense, the inclusion of human rights protections into the Charter of the United Nations was a significant step.[30] It was elaborated in the Universal Declaration of Human Rights in 1948 (Lambert, 2016: 140). The emergence of democracy as a political system, the rise of the socialist movement, the emergence of anti-colonial movements, and the horror of the First World War and the Second World War initiated these developments in order to protect rights to life, non-discrimination, asylum, education, work, health, and so forth. UDHR draws attention to the protection of specific groups such as ethnic groups, indigenous people, and refugees (ICHRP, 2002: 23).

In 1949, the Secretary General of the United Nation proposed a convention on the status of people who did not have international protection. In 1951 the United Nations Convention relating to the Status of Refugees was adapted to protect Europeans who were forced to leave their homes during the Second World War. In order to remove the limitations of the 1951 Refugee Convention, the 1967 Protocol embraced a more inclusive definition of refugee in order to deal with the specific aspects of the refugee situation in Africa (Gillick 2010: 197). In 1969, the Organisation of African Unity (OAU) extended the definition of refugee from "persons who flees a well-founded fear of persecution" to persons who experience external aggression, foreign domination, occupation, or events which extremely destroy public order (Nanda, 2007: 156). In 1984 The Cartagena Declaration similarly extended the definition of refugee to be used in Central America to cover "persons who fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive

[30] The Preamble to the Charter of the United Nations, declares that: "We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small... do hereby establish an international organization to be known as the United Nations." (UN Charter, 1945).

violation of human rights or other circumstances which have seriously disturbed public order." (Ibid.).

These developments in the legal framework reinforced a universal recognition of the obligations of States to protect refugees. Refugees are seen as people who are forced to break the social contract between the individual and the state, thus a breaking of this relationship holds other states accountable to provide protection (Shacknove 1985, cited in Gibney 2014). In the Vienna Declaration and Programme for Action of the 1993 UN World Conference on Human Rights reaffirmed the basic principles of human rights protection. It states that: "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner..."[31]

This principle was emphasized in several documents, such as the Convention on the Rights of Persons with Disabilities (CRPD) in 2006 and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) adapted by UNGA in 2008 (Langford, et al. 2013: 67). By removing the territorial and cultural boundaries of the human rights, it holds the state responsible on protecting all human rights. Further, individual human beings who have political, social, economic and cultural rights were placed at the center of international law as their subject (Bilgiç, 2013). These developments are important steps to set up a power balance between the claimants of rights and duty bearers in an equal position, by empowering all people, whether citizens or noncitizens, to claim their basic rights. On the other side, the historical reality has limped behind legal arrangements on especially protecting the basic rights of refugees. Refugees generally experience problems on realizing their fundamental human rights in another country they sought refuge when they cut off all their ties with their home countries (Arendt 1968, cited in Larking, 2014).

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[31] Vienna Declaration and Programme of Action, UN Doc A/CONF. 157/23; 32 (Jul. 12, 1993), para.5.

A claim for refugee status in another state is mostly guided by national interests of the country of asylum. In this context, this research supports the argument that the creation of an enforcement mechanism for the social contract is hard when a situation goes beyond state borders. There exist many difficulties in creating long-term environments where refugees have more power to realize their economic, social and cultural rights which enable them to achieve higher standards of living in the country of asylum due to a political system full of power imbalances which create a serious obstacle to guarantee fair rules and impose effective sanctions for human rights protection (Gready and Ensor 2005: 3-4). As a consequence, RBA's impact on the rights of refugees remains constricted to the borders of dominant government rationalities which are unwilling to build an unshakeable bridge between short-term relief actions and longer-term investment plans for developmental needs.

In the lights of these arguments, the next section aims to focus on the importance of RBA in more detail in order to demonstrate how it directly affects the nature and dynamics of humanitarian assistance which drives refugees into a legal limbo which causes a considerable risk to their social and economic well-being.

2.4.2. The Importance of a Rights-Based Approach to Humanitarian Assistance

The language of rights and duties create a legal basis to remove the hierarchical and vertical relationship between rights holders and duty bearers. It reinforces the horizontal relationship, which is described in the Figure 2 below, by enabling all human beings to claim their rights on an equal basis and have a voice in decision-making and implementation of humanitarian assistance policies.[32]

[32] This figure is created according to Jonathan Ensor and Paul Gready's arguments on the relationship between rights-holders and duty-bearers (2005).

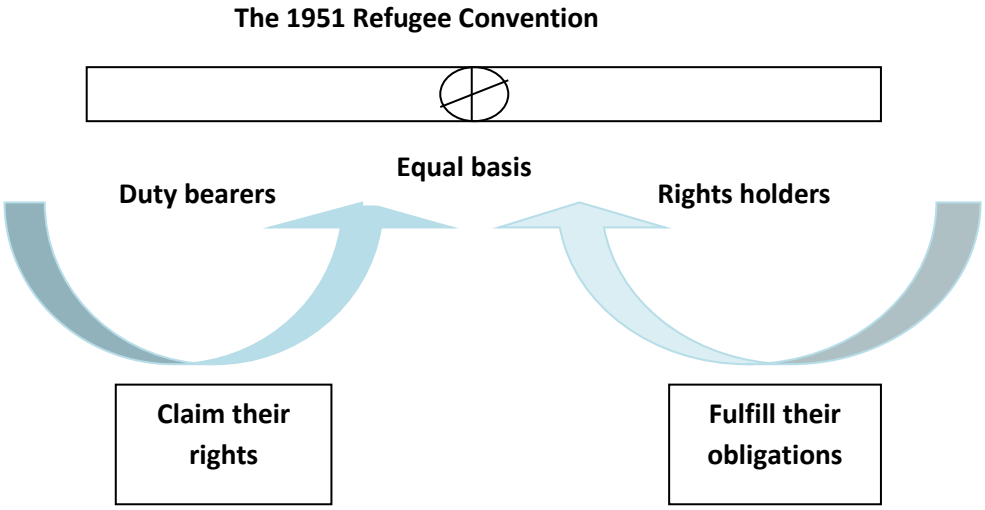

Figure 2: Horizontal relationship between duty-bearers and rights holder

When this horizontal relationship is not set in practice, political obligation of states is often replaced with their political will to realize basic rights of refugees or not to do. In the case that duty bearers are unwilling to grant refugees their basic rights such as the right to life and security, the right to receive humanitarian assistance, the right to an adequate standard of living, the right to education, and the right to work, it is important that refugees have a legal capacity in order to demand their rights. In the contrary case, their basic rights remain simply rhetoric without turning into an effective practical tool (Stevens, 2016: 270). The vertical and hierarchical relationship increases vulnerability and poverty of refugees in particularly a protracted crisis.[33] When people have a socially disadvantaged position or lack of political rights, their vulnerability heightens certain dangers and risks such as child marriage, exploitation of their labor power and unfair working conditions (Hosseini, 2015).[34] In this context,

[33] The Committee on Economic, Social and Cultural Rights (CESCR) defines poverty as a ' a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political social rights' (2001: 2).

[34] There are two different perspectives on the understanding of vulnerability. The first perspective is described as 'the risk-centric view'. This perspective defines vulnerability as 'variability in the living standard caused by consumption and income shocks' (Philip and Rayhan 2004: 11). The second perspective is called 'the rights-centric view'. This perspective argues that vulnerability is caused by

the concept of legal empowerment becomes an important traction because it offers equal opportunities for people who fight with poverty and social marginalization (Philip and Rayhan 2004: 11).[35] In this sense, it is significant to emphasize the importance of RBA in the transition from emergence phase of humanitarian response to sustainable livelihood programmes which help refugees increase their self-reliance and self-sufficiency.[36]

In a protracted humanitarian crisis, livelihood programmes contribute to surpassing the limited impact of emergency phase, by improving capacity building for the empowerment of refugees (Maclean, 2012:13). These programmes offer opportunities to strengthen their social, economic and cultural relationship with their host communities (UNHCR 2014). As a result of these circumstances, they have the ability to meet their basic needs by themselves and empower their capabilities to make a safe and sustainable life. In the face of decreasing humanitarian aid, they need to pursue economic activities to support both themselves and their families (Jacobsen, 2005:69).

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the lack of social and political rights (Ibid.). This research specifically focuses on the second perspective in order to demonstrate the impact of the protection of fundamental human rights on fighting with poverty and vulnerability.

[35] In the report of the United Nations Secretary General, legal empowerment is defined as 'the process of systemic change through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors' (UNGA, 2009).

[36] There are three main phases of humanitarian responses to refugee crisis that are conceptualized by Karen Jacobsen (2005: 69-70). The first stage is the emergency phase which aims to meet the physical needs of refugees. Then, it is followed by care and maintenance phase which maintains to meet their emergent and basic needs. In this phase, it is assumed that the presence of refugees will be a temporary phenomenon. When a humanitarian crisis morphs into a protracted crisis, care and maintenance phase starts to shift towards livelihood programmes which are a harbinger for the decrease of humanitarian relief. In the last phase, humanitarian aid is cut off when the affected populations reach to a sufficient standard of living (Ibid. p.91).

In this context, this research aims to show a close relationship between RBA to humanitarian assistance and successful achievement of sustainable livelihood programmes. When host governments do not have a rights-based position which sets a horizontal relationship with refugees, they become one of the most disadvantageous and under-represented groups who face many obstacles such as poverty, discrimination based on their ethnic identity and religion and social exclusion in addition to serious barriers in accessing important public services. In such a situation, they are forced to struggle against not only a limited access to their physical needs, but also few employment opportunities due to the unwilling of states to grant them their basic rights.

When needs-based approach (NBA) to humanitarian assistance is not accomplished with RBA in a protracted crisis, refugees have very limited opportunities to acquire a sense of self-esteem and a sense of self worth which help them gain a greater control over their lives. As Banik argues, legal empowerment is the most important vehicle to transfer power towards refugees who have less power in socio-economic and political domains (2009). In the case that refugees are placed in an equal position with duty bearers, they acquire the means of resistance to overcome the negative impacts of a worsening condition (Philip and Rayhan, 2004:5). In order to strengthen the argument on the importance of RBA in humanitarian aid programmes in respect of increasing social and economic wellbeing of refugees, the next section examines the impact of NBA to humanitarian assistance in a long-lasting crisis.

2.5. Needs-based Approach (NBA) to Humanitarian Assistance

Needs-based approach to humanitarian assistance focuses on the satisfaction of physical needs such as shelter, food, water and sanitation in a humanitarian crisis. Unlike RBA which considers rights as the basis of empowering refugees to maintain their lives in a more dignified manner, NBA objectifies the needs of displaced persons rather than their rights (Grabska and Mehta 2008a: 11-12). This

philanthropic model of humanitarian response often results in the adaptation of surveillance system which aims to keep refugees in camps or in settlement because it does not put a high priority on the responsibilities of duty-bearers for granting refugees and asylum seekers their basic rights (Ibid., p.13). This model also makes them more dependent on humanitarian relief because it does not put sustainable and long-term livelihood programmes at the top of the humanitarian agenda (Juma 2004: 237; Omata 2017: 149). As a result, an emergency phase which provides the basic needs to forcibly displaced populations is not effectively transformed to the practice of development which enables these populations to claim their rights stated in the 1951 Refugee Convention (Meenai, 2008).

In this context, this research argues that refugees struggle with a continuous process of subalternization in the economic, political and social domains because NBA does not make some effort to empower civil and political rights of refugees. Hence, this approach intensifies both structural disparities and inequalities between refugees and local community because it focuses on the needs of majority, thus those who cannot enjoy their rights are ignored (Beracochea, et al. 2011:93). It also does not have any commitment to create capacity building programmes for refugees due to the lack of long-term goal to achieve progressive impact on their lives, hence refugees cannot have a significant enunciatory power to be heard and acknowledged (Harindranath 2007: 3).

In the process of subalternization, refugees mostly get stuck in the dominant knowledge/power axis being built upon the interests of powerful actors in hegemonic discourse (Spivak, 1988). In this context, it is important to make a relationship between the notions of 'supernumeraries' (Mike Davis), 'human waste' (Zygmunt Bauman), 'bare life' (Walter Benjamin, Giorgio Agamben) or 'pariahs' (Eleni Varikas, Loic Wacquant) and subalternization of refugees in order to demonstrate the consequences of subalternization in a more concrete manner (Agier, 2011: 18). Even though these notions are used in different contexts to explain different cases, they are a crucial entryway to figure out what subalternization of refugees mean and how

needs-based approach to humanitarian assistance triggers subalternization in a long-lasting crisis. In order to understand the relationship of these notions with the subalternization, it is significant to shortly describe them.

First of all, Mike Davis describes more than one billion people in slums as 'supernumerary element' that is a 'part of no-part' of society in his book, Planet of Slums (cited in Zizek 2013: 63). Bauman introduces the concept of 'human waste' to analyze human exclusion and inclusion through the notions of waste and waste disposal like rubbish. As modern world produces material wastes like rubbish, it also produces wasted humans who are the superfluous and are not allowed to stay in modern society. One of these groups identified by Bauman as human waste are refugees being considered as 'outsiders' and 'excess population' since they turn the tide against the flow of waste disposal (Beacroft, 2004: 3-5). Pariah is a term used by Western travelers, missionaries or imperial officials to describe the miserableness of the outcasts in India from the 16th Century to the 18 ^{the} Century. In the 19 th Century, it was also used for India's caste system, referring to social hierarchy (Varikas, 2010). Loic Wacquant describes ghetto as a space in which pariahs are put under control, whereas he sets similarity between ghetto and refugee camps (Mamadou, 2012: 41).

All of these notions share a common argument despite of their target groups are different from each other. They voice the situation of people who are deprived of their fundamental human rights. In this sense, refugees are described as 'supernumerary element of society', 'human waste', or 'pariahs' since they have limited opportunities to voice their demands or concerns due to the lack of legal capabilities. These notions are the consequences of that paper rights do not turn into actual rights for vulnerable people. As Hannah Arendt argues, the state control mechanism makes not only 'the desert' larger, but also 'common world' retreating since 'the sea leaves its shores' whereas 'the very water' disappears (Agier, 2011: 18). As she puts, different notions for the undesired people clearly show how the hierarchy of misfortune emerges within the context of biopolitics which refugees are socially, economically and politically downgraded to the periphery of society.

As can clearly be seen in above-mentioned notions to describe undesired groups, the consequences of humanitarian programmes which move away from RBAs produce new obstacles to legal empowerment of refugees. In order to overcome these obstacles, it is significant to implement RBAs in humanitarian realm, by promoting the equal dignity and helping refugees have an equal access to resources and opportunities (Wisken 2012: 295). In this sense, RBA makes a positive impact on the parallelism between relief aid and development works which strengthen one another. Relief aid starts to create an economic and social basis for development activities and livelihood projects. In the following process, 'the relief-development continuum' comes up on the stage, by offering complementary instruments for the relief and development aid which contribute refugees to maintain their skills and increase their knowledge (as cited in Koskinen 2006: 14). In this way, relief aid goes beyond being simply a painkiller since it pushes humanitarian assistance forward, empowering the resilience of refugees (Koskinen 2006: 7-8). Within this context, emergency aid and recovery phase are intertwined, putting the issue of sustainability into a priority, particularly in a protracted refugee situation. In this regard, RBA functions like a bridge which connects humanitarian efforts with the development aid and sustainable livelihood projects.

As a consequence, it is so critical that NBA shifts towards RBA in humanitarian realm in a prolonged crisis to fulfill refugee rights such as the right to life, liberty and the pursuit of happiness (Pietropaolo 2013: 13). When humanitarian policies are not human-rights oriented and do not have a solidarity and comprehensive character, humanitarian system cannot shift from only 'moral concept' towards a 'constitutional principle of the international legal order' (Ibid., p.44). In this regard, needs-based approach cannot enable the weaker to right wrongs done by the stronger because this approach does not empower the representation of refugees in social, economic and political domains, hence they face to oppression of the stronger (Khor, 2012:41).

2.6. Difficulties in the Implementation of a Rights-Based Approach

After the Great Lake Crisis in 1997, a group of humanitarian organisations came together in order to empower autonomy and rights of the affected populations in humanitarian crises, by recognizing set of common principles and universal minimum standards for humanitarian response (Agier and Bouchet-Saulnier, 2004: 306). In parallel with this purpose, they designated the Sphere Project to enable refugees to realize their rights to a sufficient level of humanitarian assistance while setting minimum standards for how humanitarian organisations should meet basic needs such as shelter, food, and sanitation (Ibid., pp.306-307). This voluntary initiative is called 'people-centred', 'quality-driven', and 'rights-based' (Council for International Development in New Zeeland, 2011).

Humanitarian Charter and Minimum Standards in Humanitarian Response, stated in the Sphere Project, contributes to the legal framework for people affected by natural disasters and man-made disasters, by emphasizing the importance of 'the right to live with dignity', ' the right to receive humanitarian assistance', and 'the right to protection and security' (Benelli, 2013). These attempts led international community to take a further step to implement RBA in the field of humanitarian assistance. Nevertheless, 'the mainstreaming of human rights did not fully articulate rights-based approach to humanitarian aid', as stated by former UN Secretary-General Kofi Annan (Benelli, 2013: 7). The international community takes a step back in humanitarian space due to their unwillingness to replace charity-based policies with law (Shapcott, 2010: 148). Hence, humanitarian programmes are largely implemented according to NBA to humanitarian assistance. This situation creates a danger which the language of rights and duties remains rhetoric instead of transforming the dynamics of the relationship between duty bearers and rights holders (Grabska and Mehta 2008a; Harees 2012; Ljungman 2004; Roberts 2010; Stevens 2016). In such a situation, the exercise and enjoyment of all economic, social and cultural rights of refugees remain indispensably depended on political and economic interests of the states due to the structure of current international humanitarian system. In this context, it is important

to shift the focus of this section to the reasons why there are many obstacles to implement RBAs in the field of humanitarian assistance.

Firstly, the responsibility to protect refugees at the international level remains problematic due to the ambiguousness in the meaning of 'protection' of refugees. There is no clarity of whether states have any obligation under international law to grant refugee status or asylum to people fleeing persecution. The 1951 Refugee Convention Relating to the Status of Refugees codifies some parts of customary international law in terms of the basic rights of refugees under articles from 14 to 30. However, they are identified as a part of custom. In comparison with the legal sanction of civilized law, the enforcement of rights remain at the level of rhetoric level (Khan, 2016: 54-56). The international community hasn't agreed on a universal instrument of asylum and measures to relieve the burden on some states which cannot manage refugee crisis since the 1967 Declaration on Territorial Asylum (Ibid.). These problems are resulted from the lack of clarification on who is responsible for granting basic rights to refugees, so the concept of 'burden sharing' between states remain uncertain (Trad and Kagan, 2006: 3; Scarnecchia, et al., 2017).

A state may enact a refugee law according to their interests, and shift its international responsibility for refugee protection from itself to the other political actors (Ibid., pp.16-17). A state may be committed to only guarantee the physical safety of refugees, rather than protection of their legal status (Agier and Bouchet-Saulnier, 2004: 307-308). As a result, states can easily circumvent their obligations assumed in the international law, depending on their political and economic interests and security issues (Foster 2007; Heintze and Lülf 2017; Khan 2016; Li 2017). By outsourcing their border and migration control mechanism, there is a tendency to shift their responsibilities for refugee protection to other states, just as European states attempt to do in a response to Syrian refugee protection crisis (Heintze and Lülf 2017: 218; HRW 2015; McConnachie 2017; Nakache and Losier 2017). This situation impedes the strong relationship between protection and asylum which enables refugees to enjoy their basic rights. Most refugees consider refugee status as

a way to have an opportunity to live in a more dignified manner, reunite with their families, offer a better future to their children and attempt to flourish as a human being according to interviews conducted with migrants and refugees in 2015 and 2016 (Stevens, 2017).[37] Nevertheless, refugee policies are shaped by the interests and priorities of governments, by neglecting what refugees desire or need (Grabska and Mehta 2008: 244). This makes the exercise of the right to adequate standard of living, the right to protection and security, the right to receive humanitarian assistance and the right to live with dignity more difficult (Jacobsen: 2005, as cited in Maclean, 2012: 15).

Secondly, this research argues that the implementation and achievement of RBAs are difficult in international humanitarian system where participatory approaches to decision-making and policy implementation cannot become predominated over top-down approaches due to a particular set of political and economic interests of nation-states. It is not surprising that this situation increases the powerlessness of disadvantageous groups because of a lack of collaborative efforts for the inclusion of these groups into policy making process (McCarten and Vyasulu, 2006: 153). This situation has a devastating impact on emancipatory and empowering notions of participation. In the absence of participatory policy making, the basic human rights of disadvantageous groups remain more theoretical than empowering (VeneKlasen, et al. 2004).

Lastly, the vicious cycle between failures in policy making process and policy implementation process makes the integration of rights-based approach into humanitarian policies harder. Humanitarian system is stuck in the swap due to this vicious cycle since the 1990s; hence it cannot be in a shift towards sustainable livelihood projects and RBA to humanitarian assistance. Failures in predicting long-

[37] Interviews were conducted with nearly 250 people who stayed in Europe in 2015 and 2016 within the scope of an international research project, called 'Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences'. This research was comprised of researchers at University of Warwick, University of Malta and the Hellenic Foundation for European and Foreign Policy (Stevens, 2017).

term effects of policies, preparing sustainable policy strategies for humanitarian assistance and strengthening livelihood projects in policy-making process bring about more failures in policy implementation process, as shown at the figure below (Schümer, 2008: 3-10).

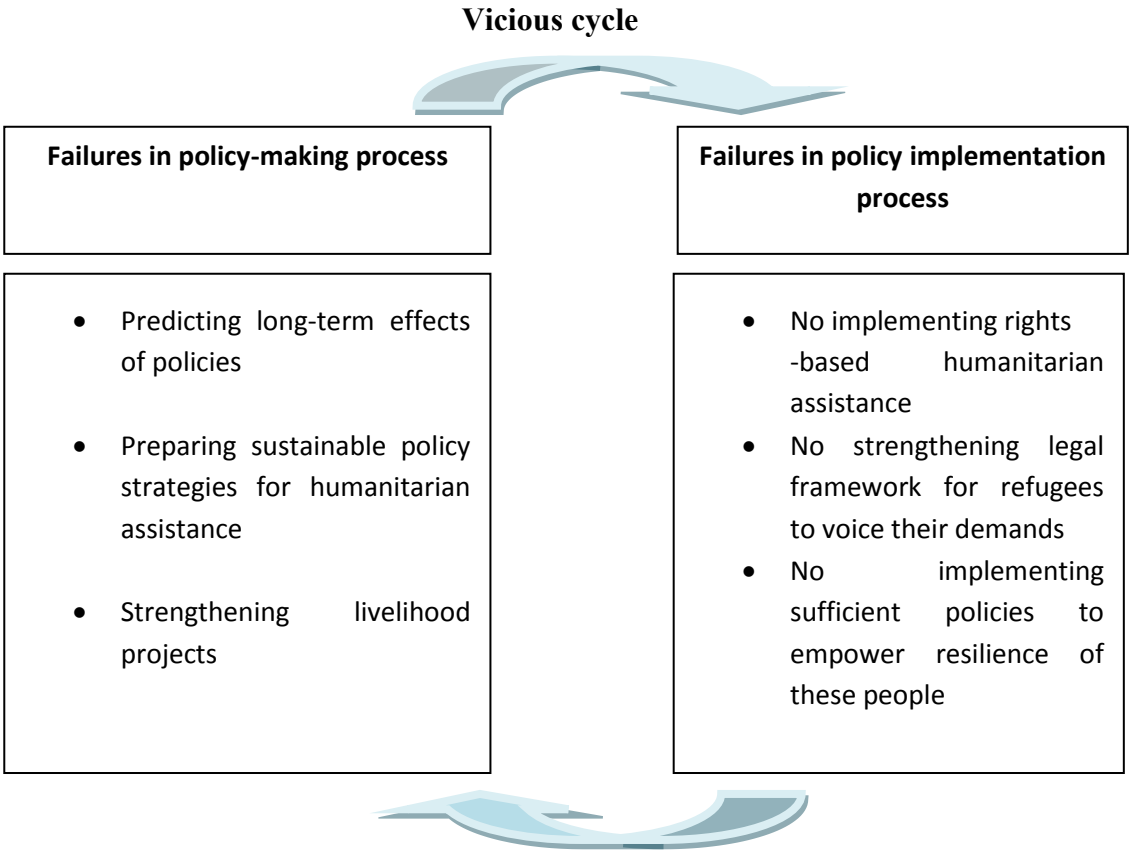

Figure 3: The vicious cycle between failures in policy-making and policy-evaluation process and failures in policy

2.7. Conclusion

The political, economic and social implications of humanitarian crises have completely changed millions of people's lives. These crises leave millions of people around the world as refugees and IDPs, not just for years, but for decades or even for generations. They find themselves in desperate and dangerous situations. Many of

them are exposed to community violence, harassment, post-traumatic stress disorder, abject poverty and exploitation by traffickers in their country of origin. They also face many difficulties such as their access to education and public services, lack of social integration, unemployment, and misemployment in the country they flee to.

In the aftermath of man-made disasters in the post-Cold War era, the nature of humanitarian assistance plays the key role in increasing economic and social resilience of refugees and IDPs to flourish as human beings and rebuild their lives again. In this sense, it is important to scrutinize the transition of humanitarian aid programmes from aid-driven model to rights-based and self-reliance model in a protracted crisis. A philanthropic model of humanitarian assistance aims to provide basic needs of forcibly displaced persons without empowering legal capabilities of these people and including them in decision-making process. It does not offer a long-term solution which enables them to stand on their own feet once again and to manage their own problems.

In this context, the needs-based focus of traditional humanitarianism impedes reinforcing the horizontal relationship between refugees and the responsible actors in a case that it is not complemented with RBA in a long-lasting crisis. Despite of the problems arising from traditional humanitarianism, major aid donors, specifically Western governments, are unwilling to turn rights-based humanitarianism into a meaningful action in practical realm in order to fulfill the rights of refugees to receive humanitarian assistance, to an adequate standard of living, access to work and other livelihood opportunities and to the pursuit of happiness. Instead, humanitarianism is framed at the apex of the humanitarian triangle of securitization policies, liberal economic agendas and needs-based humanitarianism. Even though the importance of rights-based humanitarianism and sustainable livelihood programmes is expressed in the reports of the organisations and agencies of the UN system and the EU system, strong steps are not taken by major aid donors within

paternalistic relations of the international system.[38] Within the scope of the so-called new humanitarianism of the late 20 th Century, refugees continue to experience a continuous process of subalternization which restricts opportunities of realizing their self-reliance and their self-actualization.

After offering a general overview of the challenges created by the changing landscape of humanitarian crises around the world in order to examine the consequences of the so-called new humanitarianism, the next section aims to provide a prelude to the more concrete discussions on the effectiveness of humanitarian response to refugee protection crisis. In this sense, it aims to evaluate the impact of EU's humanitarian aid policies and its legal framework for refugee protection on Syrian urban refugees in Turkey. In parallel with this purpose, the focus of this research shifts to an exploration of the triangular relationship among securitization policies, liberal economic agendas and humanitarianism at the EU level.

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[38] See: De Vriese, M. (2006) 'Refugee Livelihoods: A Review of the Evidence, UNHCR Policy and Evaluation Unit, EPAU/2006/4, Geneva, UNHCR
Dryden-Peterson, S. (November 2011) 'Refugee Education: A Global Review', United Nations High Commissioner for Refugees Policy Development and Evaluation Service (PDES), Geneva, UNHCR
Dufvenmark, F. (2015) 'Rights-based approach to programming', Geneva, IOM
European Commission (2016) 'Lives in Dignity: from Aid-dependence to Self-reliance Forced Displacement and Development', Commission Staff Working Document, Brussels
ILO (March 2017) 'The ILO Response to the Syrian Refugee Crisis', Geneva, ILO
UNHCR (2011) 'Promoting Livelihoods and Self-reliance Operational Guidance on Refugee Protection and Solutions in Urban Areas', Geneva, UNHCR
WFP (2009) 'Strategic Evaluation of the Effectiveness of WFP Livelihood Recovery in Interventions, Rome, WFP

CHAPTER 3

A DEEPER LOOK AT HUMANITARIAN DILEMMA OF THE EU

In face of ever growing refugee protection crisis since 2015, EU member states have been more inclined to shape their refugee policies at the apex of securitization policies, liberal economic agenda and needs-based humanitarianism. In the time of crisis, EU member states take more decisive steps for border security mechanism and the externalization of EU's policy on irregular migration than sharing responsibility with Syria's neighbouring countries, notably Turkey, Lebanon and Jordan. They aim at shifting their responsibilities for irregular migrants towards non-EU countries in North Africa and in the Middle East (HRW 2015; Nagy 2017; Vaughan-William, 2015: 3).

Within this period, border security mechanism has morphed into an important political tool for the member states to control the mobility and circulation of the people who try to cross into Europe illegally (Lemberg-Pedersen, 2016: 38). EU member states more effectively manage to take a collective action on border control issues than refugee protection efforts. They share a common perception that the EU's internal security is a public good which calls for a strong cooperation amongst the member states (Monar 2016; Thielemann and Armstrong 2015). Nevertheless, as many scholars argue, they drift apart from each other with respect to the requirements of the principle of solidarity and fair sharing responsibility (Bordignon and Moriconi 2017; Sucháček and Pytliková 2017: 215-217; Weber 2016). The more refugee protection crisis has deepened, the more political fragmentation has continued to increase in Europe (Maldini and Takahashi 2017: 64; Hayward and Wurzel 2012). The growing tension between the notion of sovereignty and solidarity

leaves refugee policies in the hands of national governments in Europe. At the same time, it weakens the effectiveness of the EU's response mechanisms to refugee protection crisis.

The security-oriented nature of asylum policies in Europe has a serious ripple effect on the provision of protection and asylum to Syrian refugees who leave their homes and seek asylum elsewhere. In a more holistic perspective, this research argues that both the restrictive rationale of the EU's asylum policies and the crisis of solidarity at the EU level have negatively affected the situation of Syrian urban refugees in particularly Turkey, Lebanon and Jordan. The restrictive measures of the EU asylum and immigration policies put a great strain on the institutional and infrastructural capacity of Syria's neighbouring countries. Because of the limited implementation capacity in those countries, Syrian refugees cannot receive effective refugee protection, as discussed in more detail in Chapter 5.

Due to the biopolitical bordering regimes of the EU Member States, Syrian refugees are stranded in a catastrophic situation on especially Greek islands and along the Western Balkans route. To put it more clearly, the majority of Member States has conceptualized asylum-seekers as a threat to internal security, social cohesion and social security within their national borders (Arnold and Haverkamp, 2016). Thus, they remain unwilling to shift from restrictive and control-oriented asylum policies towards refugee-friendly policies which more effectively fill protection gaps during the implementation process of humanitarian policies. In this sense, this research claims that the so-called safe third countries outside the EU has turned into the subcontractors of Member States in the fields of irregular migration and asylum in the return for obtaining some concessions such as preferential trade agreements with the EU, billions of dollars in grants or visa facilitation.[39] Within this context, EU

[39] Council Directive 2005/85/EC state that EU member states can send asylum-seekers to a safe third country described as a suitable place where asylum-seekers can find protection. The Directive enables member states to designate a country as a safe country. This concept has been implemented through the readmission agreements between the EU and third countries.

asylum policies create a bubble which seems great on the surface, nevertheless maintains an illusion in the so-called safe countries like Turkey.[40] This research continues to claim that tackling refugee protection crisis requires more than financial aid for Syrian refugees in main host countries on the basis of rights-based approach to humanitarian assistance. The adaptation of restrictive practices at the EU level and the predominance of national interests over refugee protection regime endanger the effectiveness and the sustainability of humanitarian programmes which enable Syrian refugees to have the full enjoyment of their basic rights. The unwillingness of the EU member states to share the responsibility for refugee protection creates a serious obstacle to reach out to all refugees in main host countries due to the overwhelming numbers.

In order to reiterate the above-mentioned argument, which is discussed in more detail in Chapter 4 and Chapter 5, this section aims to create a meaningful basis for how anti-immigration and anti-EU discourse has been emboldened in many EU countries since the Eurozone crisis. In parallel with the reinforcement of these discourses, it draws attention to how the crisis of solidarity in Europe has deepened the crisis of refugee policy. Then, it delves into the growing tension between what is stated in the EU law on refugee protection and how is implemented in practical realm at EU level.

3.1. The EU's Existential Problems

Since 2009 the EU has faced with two existential problems which have deepened the solidarity crisis amongst the member states. These are the financial crisis of the Eurozone and refugee protection crisis (Goldner-Lang, 2018). The Eurozone crisis, which was triggered off by the global financial crisis of 2008, creates a serious challenge to the effectiveness and sustainability of collective action at EU level. In the time of crisis, the core countries of the EU (Germany, France and the UK)

[40] In 70 cases of Syrian refugees, the Appeals Committee determined that Turkey was not a safe country by 12 June 2016 (Terlouw, 2017: 257).

accused the periphery countries of the EU (Greece, Spain, Portugal and Ireland) of misusing the European idea of solidarity. On the other side, the latter blamed the core countries for lacking solidarity (Steinvorth, 2017: 12).

As a consequence of the Eurozone crisis and subsequently neoliberal austerity measures, social inequalities, unemployment and poverty have severely increased in the periphery countries severely hit by the crisis *(*Stjernø, 2015: 14). The austerity measures have weakened public services and social welfare programs in those countries. Thus, the tension between the nation-based welfare social programs and the Economic and Monetary Union's austerity measures sharply increased (Andor, 217: 146; Ferrera, 2014: 222). At the same time, trust in the EU institutions like the European Parliament and the European Commission started to significantly decline in the periphery countries due to the harshness of the EU's anti-crisis measures (Armingeon and Ceka 2014; Dotti Sani and Magistro 2016; Roth, et al. 2011: 6). The feeling of unresponsiveness of European institutions' to the consequences of the crisis have fuelled the rise of right wing populism across Europe (Dotti Sani and Magistro, 2016; Herkman, 2017).

In this process, the polarization of parliaments started to increase, by sweeping away two-party systems in Europe. This situation created a serious obstacle to resolve political and economic crises in Europe when a decisive political action is necessary (Funke, et al. 2015: 1). The requests of EU Member States for decentralization began to increase, by leaving them torn between the opposite decisions for more solidarity and more sovereignty (Maldini and Takahashi, 2017: 64; Hayward and Wurzel, 2012). The growing tension between the notion of sovereignty and solidarity causes 'the danger of institutional and policy collisions'. At a time of crises, when solidarity of EU Member States gains more importance, it is noticed that European identity becomes weak to manage the crisis (Hayward, 2012).

In the context of the EU's current political climate, radical right parties demonstrated more electoral success in local, national and European electoral contexts. For

instance, Merkel's coalition government started to lose the votes in regional elections whereas the right wing Alternative für Deutschland (AfD), which was founded in 2013, started to increase its power. In 2014 AfD won seven seats in the European Parliament. The first time in thirty years a new party gained an important success in Germany (Polakow-Suransky, 2017). In France, the right- wing National Front Party received 27, 7 % of the votes, taking advantage of the unsuccessful attempts of the mainstream parties to solve the problems on immigration, unemployment and the flagging economic situation in regional elections in 2015 (McPartland, 2015). The United Kingdom Independence Party (UKIP), which is anti-immigrant and anti-EU, increased the percentage of their votes in the UK general elections in 2015 (Theodore, et al. 2017: 82). The first time an outsider party won national elections in the UK in a hundred years (Ibid. p.88). The far-right Sweden Democrats received 12, 9 % of votes during the 2014's general election, by doubling its 2010 results (Sennemark-Aldman, 2015: 3). Similarly, the far-right Freedom Party of Austria (FPO), Golden Dawn in Greece and Jobbik in Hungary have gained more parliamentary representation in the recent years (Bischoff, et al., 2014). These parties share a common discourse which criminalizes migrants and refugees in Europe (Theodore, et al., 2017: 83).

In the European Parliament's elections in May 2014, the support for Eurosceptic political parties increased. Those parties won 212 seats out of 751 seats and were elected in 23 out of 28 member states (Winand 2015: 10). The European Elections of 2014 clearly show the growing dissatisfaction with mainstream political parties in Europe. The new political landscape has a significant impact on both the internal and external policies of the EU. Radical right-wing populist parties support a solid nation state being built upon nationalist and conservative values. Those parties stand against the transfer of sovereignty to a supranational institution which is considered as a threat to national unity (Angel and Angel, 2015: 16-17; Otova and Puurunen, 2018). On the other side, they serve to reinforce national sentiments, by otherising minorities such as immigrants and other ethnic and religious groups. In this sense, the financial crisis of 2008 created a strong impulse for the right-wing parties, by

strengthening the discourse which constructs immigrants as a threat and a security problem in Europe (Evangelista, 2018).

In 2015, when more than one million Syrian refugees crossed into Europe, the EU member states began to encounter with another existential problem which challenged the resilience of solidarity amongst the EU Member States (Chryssogelos, 2016: 3; Dungaciu, 2017: 3; Yanacopulos 2017: 75). The refugee protection crisis galvanized right-wing political parties more rapidly than the Eurozone crisis. The anti-immigrant discourse reinforced restrictive asylum policies in many EU countries. Similar to the Eurozone crisis, the refugee protection crisis raises question mark over whether Member States will hand over more power to the EU in order to promote collective action which is designed to overcome common problems (Traub 2016). Within this context, many scholars underline that Member States are more willing to follow their own roads, by renationalizing their asylum policies and adopting restrictive asylum policies instead of being in compliance with the political decisions of the EU (Bauböck 2018: 154; Gruber 2017; Yanacopulos 2017; Zaun 2017: 258). To put it differently, they adopt the notion of NIMBYism which means 'not in my backyard' because they are unwilling to pay the price of collective action on refugee protection (Gruber, 2017: 54).

This situation seriously increases the conflict between the interests of nation-states and the interests of the EU because of the dominance of the state-centric policy making (Georgina-Ivan, 2017: 348). The far-right parties aim at setting social and political agenda in their countries on the basis of nationalistic, anti-immigration and anti-EU discourse (Theodore, et al. 2017: 83). This also forced the liberal parties to rearrange their political agenda on immigration and asylum due to the electoral worries (Vilches 2016: 22; Zaun, 2017). For instance, the Austrian government's asylum policies shifted from a welcoming approach in cooperation with the German Chancellor Angela Merkel towards very restrictive asylum policies due to a growing pressure of radical right parties (Gruber 2017: 50). Indeed, the Austrian government amended the asylum law in order to legally justify refugee limits in April 2016

(Gopalakrishnan 2016). Similarly, Germany's refugee policy started to shift towards a more restrictive approach in September 2015, by reintroducing border controls and deporting failed asylum seekers from Germany to their country of origin and the so-called safe third countries. In October 2015 and March 2016, the so-called Asylum Packages I and II were passed by the German Congress. These packages enable authorities more easily deport refugees and prohibit refugees from moving freely within Germany (Neumeier, 2017: 88).

As can clearly be seen, the crisis of refugee policy has been markedly deepened by the crisis of solidarity in Europe. Even though the EU represents the alliance of nation states which transfer some of their sovereignty to EU, the centralisation of political power weakens at EU level in times of crisis (Zaun, 2017: 61). As expressed by many scholars in refugee and forced migration studies, European national governments place a higher priority on economic and security concerns than refugee protection efforts in their political agendas (Gábor and Messing, 2016: 27; Kerrigan 2017: 647; Pirouet 2001: 126; Thielemann and El-Enany 2010). European governments have been more concerned to preserve their sovereign rights and maintain the safety of their citizens and promote economic and social stability in their countries (Bauböck 2018: 142-143; Jünemann 2017: 168). Due to lack of solidarity among Member States, the feasibility of realising refugee rights continues to lose political ground in Europe (Boswell, 2016).

In order to rectify these arguments, the next part firstly aims to analyze the EU's legal framework which prioritizes the securitization of asylum-seekers and refugees in the EU. In the sequel, it objects to demonstrate the growing tension between refugee protection and the securitization of immigration and asylum policies at the EU level.

3.2. EU Legal Framework on Asylum and Irregular Migration

Both the Schengen Convention and the Dublin Convention are the first fruits of the cooperation in the field of common asylum and refugee policy.[41] One of the most significant objectives of the cooperation is to develop internal security discourse in Europe (Huysmans, 2006: 68; Thielemann and Armstrong 2015). After the end of the Cold War, the European governments mainly gave priority to protect their way of living. They considered the financial crisis, immigration, energy insecurity and climate change as a serious threat to their standards of living (Angelescu 2011: 71-72). Migration and asylum issues were increasingly linked with terrorism, border control and international crimes. In such a political atmosphere, the Conventions had restrictive and control-oriented nature (Lavenex 2001; Raadschelders and Vigoda-Gadot, 2015: 267; Trauner and Ripoll Servent, 2015).

The main objectives of the Schengen Convention, came into force in 1995, are to abolish the internal borders between the signatory states and to increase the control of external borders. On the one hand, the Schengen Convention contributes to providing economic growth and strengthening internal security within the Schengen area. On the other hand, the Schengen system created the requirements of compensatory measures in the area of asylum (Bösche, 2006: 40). In such a system, asylum seekers could freely move from one country to another after they reached to the Schengen area. Furthermore, the restrictive nature of domestic asylum policy in one country might cause asylum burdens in another country that adopted more liberal asylum policies. In order to manage these potential problems, the Dublin Convention entered into force in 1997 with the purpose of determining the Member State responsible for asylum applications and thwarting secondary movements within the Schengen area (Komárek, 2017).

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[41] Dublin Convention was replaced by the Dublin II Regulation in 2003 and Dublin III Regulation in 2013 (Jacobs, et.al. 2015:11). The Commission initiated a first step of a recast Dublin Regulation, namely Dublin IV on 4 May 2016 because of the pressure of protection refugee crisis in 2015 (Hruschka, 2016).

The Dublin system was considered an important component of the efforts to strengthen the external borders of the EU against asylum-seekers and improving internal security within the Schengen area (Bossong and Rhinard 2015; Huysmans 2006: 68). As Geddes argues, the Dublin Convention and the recognition of 'safe third countries' created leeway for Member States to follow restrictive immigration policies and shift their responsibilities for border control to buffer zone countries located in Europe's southern and eastern regions (2003). In this way, the EU member states have more flexibility to decide to whom affords protection and the benefits of refugee status (Gammeltoft- Hansen, 2011: 146). Within the Dublin System, border security is described as more visible public good in comparison to refugee protection efforts. The benefits of the border security efforts being made by one state spreads to other Member States. The increasing benefits gained by the prevention of irregular migration strengthen the cooperation on internal security between EU Member States (Bossong and Rhinard 2015). Thus, Member States focus primarily on stability and security benefits acquired by the refugee protection efforts instead of the empowerment of refugee communities to enjoy their human rights. In this sense, the effectiveness of Dublin system is associated with the capacity of the EU to prevent irregular migration in Europe.

3.2.1. The First Phase of the Establishment of CEAS (1999-2005)

With the entry into force of the Amsterdam Treaty in 1999, a process for harmonizing immigration and asylum policies started at the supranational level in order to describe minimum standards related to the reception and qualification of asylum seekers. It shifted asylum and migration issues from the third pillar to the first pillar of the EU, namely the Community pillar under Title IV. In this way, it increased the role of the European Parliament and the European Commission through the expansion of the co-decision procedures (Levy, 1999: 37). Unlike the Maastricht era which gave importance to the creation of non-binding instruments, the Treaty of Amsterdam aimed to develop the Area of Freedom, Security and Justice (AFSJ) as a binding Community legislation related to common asylum and migration policy

(UNHCR 2000a: 98). Nevertheless, it was a partial step because the United Kingdom, Ireland and Denmark did not take part in the adaptation of measures in the field of asylum, immigration and external borders under Title IV (Noll, 2000: 145). Member States agreed to have an important degree of flexibility in the EU's legal framework on asylum and irregular migration because a majority of Member States considers asylum seekers both economic and societal burden (Trauner and Servent, 2015: 37). This situation creates a potential risk of political and legal fragmentation at EU level, and therefore, a serious challenge to effectively enforce regulations during the implementation stage (Lomba, 2004: 41).

In such a political atmosphere, a Common European Asylum System (CEAS) was established in 1999 at the meeting of the Tampere Council (ECRE 2001: 3). It aimed to reiterate the concept of responsibility sharing between EU Member States 'on the basis of solidarity'. It also intended to go beyond minimum levels of harmonisation in the area of common asylum and migration policy (Ibid, p.8). Nevertheless, there is much more emphasis on the externalization of migration control which was connected with the internal cooperation at the EU level (Lahav 2009: 216; Zapata-Barrero, 2013: 2).

The official conclusions of the Tampere Council underscored the importance of thwarting irregular migration and the development of a European Neighbourhood Policy (ENP). It adopted an approach whereby third countries became a part of migration management policies via the border control efforts and the re-admission of irregular migrants (Zapata-Barrero, 2013: 25). In this sense, one of the most important objectives of the CEAS is to extend asylum and migration policy outside the EU. CEAS is a strategic instrument to shift the protection burden from the EU Member States. Since the Tampere Council, the EU has given more priority to its economic and political agreements with non-EU countries in regards of asylum and migration issues. EU Readmission Agreements become an integral component of foreign policy agreements between the EU and non-EU countries (Gammeltoft-Hansen, 2011: 129). In this regard, both sticks such as the withdrawal of development

assistance and carrots such as trade agreements and privileged labor quotas are offered to the countries of origin and transit according to their efforts to prevent irregular migration (Hathaway and Gammeltoft- Hansen, 2015: 251). Member States wanted to make sure that individuals who sought refuge should stay close to their country of origin or region of origin. If they managed to enter the Schengen zone, a member state that could not succeed in monitoring the EU's external borders would be responsible for asylum procedure (Gil-Bazo, 2006).

Unlike the restrictive stance of the European Council and the EU member states on migration and asylum, the European Parliament (EP) supported a stronger integration as regard to asylum policies at EU level, by offering more refugee friendly proposals. The EP stood against restrictive asylum policies which prioritized the safe country principle and the restrictions imposed on asylum-seekers. In this regard, it criticized the security discourse supported by Member States. Like the EP, the Commission emphasized a right based approach to refugee protection and harmonisation of asylum policies at EU level. Nevertheless, both the EP and the Commission failed to change the control-oriented stance of the Council and prevent the high degree of flexibility offered to the member states (Trauner and Servent, 2005: 41). The exclusion of the European Court of Justice (ECJ) and the EP strengthened the rationale which aimed to restrict the right to seek asylum and freedom of movement of migrants and refugees in Europe (Ripoll Servent 2015). The nature of intergovernmental framework at EU level circumscribed parliamentary and thus democratic control in the area of asylum and immigration (Lomba, 2004: 31-32).

3.2.2. The Second Phase of the Establishment of CEAS (2005-2012)

In the second phase, Member States maintained to support restrictive asylum policies and stand against strong harmonisation of asylum policies. They held the negative view of asylum-seekers, defending the idea of that asylum-seekers should stay outside the Schengen area (Trauner and Servent 2005: 41). Unlike the first phase of the establishment of CEAS, the EP shifted its position towards the Council's position

in respect of the detention of asylum-seekers and the possibility to decrease or withdraw reception conditions, by moving away from liberal asylum policies. In this way, the EP started to hold a security-oriented position after the 2009 elections which created a conservative-dominated chamber inside the EP (Ibid., pp. 42-47). In this process, the restrictive rationale of both EU institutions and Member states created a serious obstacle to change the core of the system.

A wide range of policy areas on asylum, immigration, and judicial cooperation had been shaped on the basis of border control policies (Takle, 2012: 282). The Hague Programme, adopted by the European Council for the period 2005-2009, underscored the importance of developing the cooperation with third countries and an integrated border management (the IBM) system with the establishment of the external border agency, FRONTEX.[42] It placed much more emphasis on that migration issues should be connected with the EU's security issues such as the fight against human trafficking and international terrorism, and the EU's integrated management system for external borders (Petrillo 2013: 114-115). The programme gave more priority to protect the security of the EU and its member states in the post 9/11 era, thus the political agenda of the EU was shaped on the basis of security cooperation between Member States (Gavelstad, 2013: 12).

In 2010, European Commission's Stockholm Programme, which covered the period 2010-2014, further elaborated the EU's security concerns, especially the issue of irregular migration, by underlining border controls and cooperation among military, police and secret service (Kaunert Léonard 2010; Squire 2011: 1). As can clearly be

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[42] The operational framework of IBM is developed by these dimensions: border control, detection of cross-border crimes, the four-tier access control, inter-agency cooperation in border management and the coherence of the activities of the member states at the national and transnational level (Carrera, 2007: 3).

The European Agency for the Management of Operational Cooperation at the External Borders of the member states of the EU (FRONTEX) was established in 2004 to help EU Member States to control their external borders (Jorry, 2007: 12).

seen, both the Lisbon Treaty and Stockholm Programme contributed to the development of the European border control regime.

In overall terms, refugee protection efforts have stuck between state sovereignty and states' international legal obligations towards refugees. EU Member States have attempted to develop a political tool to relieve their obligations. In this sense, a process for harmonizing immigration and asylum policies may be seen as an important mechanism to facilitate the restrictive asylum system and shift the provision of protection to third countries. European asylum system continues to function in territorial terms because the policy core of asylum policies prioritizes territorial principles. The safe third country concept has turned into a political tool for the non-entrée regime of the EU in order to prevent new asylum claims (Hathaway, 1997). As Gammeltoft- Hansen argues, the externalization of the EU migration and asylum policies causes 'the protection lite', in which more developed countries misuse the territorial principles of the current refugee regime to shift their legal obligations for non-refoulement to less developed countries or even the countries with a lower human development and a higher levels of human rights violations (Gammeltoft- Hansen 2007: 8). This situation decreases the quality of protection offered to refugees under the present refugee regime. EU Member States pay lower political cost for refugee protection through this mechanism, by moving their asylum responsibilities outside Europe.

3.3. Practical Dilemmas of the EU's Legal Framework on Immigration and Asylum

The EU's identity has been described as a human right promoter at the global level since the end of the Cold War. EU's member states acknowledged their strong commitment to the requirements of the international human rights regime and international refugee protection regime (Balducci, 2013: 195). The promotion and protection of human rights are placed in the centre of the European integration process. All Member States affirm their commitments to a set of common values

built upon civil, political and social rights (Fioramonti 2012: 18). From the Single European Act to the latest version of the Treaty on European Union, the EU's commitment to fundamental human rights is always expressed. Article 2 of the 2009 Lisbon Treaty (TEU) states:

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.[43]

As clearly stated in the Treaty, the EU aims to empower the human rights discourse on the basis of the inherent human dignity of all human beings. The founding principles such as the protection of fundamental rights and the rule of law are legally binding part of EU law (Szente, 2017: 468).

Related with asylum procedure and the rights of asylum-seekers, EU treaties address to a full and inclusive application of the 1951 Refugee Convention, its 1967 Protocol, and other human rights instruments. Article 18 of the EU Charter of Fundamental Rights states:

> The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community.[44]

In theoretical realm, the protection of human rights and human dignity is the main motto of EU's perspective towards refugee protection (Stevens, 2016). EU's legal obligations towards the 'other' are arisen from the fundamental principles of the EU,

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[43] Article 2 of the Consolidated Version of the Treaty on European Union (2016/C/202/1) published in the Official Journal of the European Union

[44] Article 18 of the EU Charter of Fundamental Rights (2000/C 364/01) published in the Official Journal of the European Communities

as stated by ex-Commissioner for Home Affairs Celilia Malmström (cited in Stevens 2016: 12). Nevertheless, it is noticed that the EU and its Member States do not show a solid commitment to ensure human rights in the time of refugee protection crisis (Grigonis 2016). This situation paves the way for the occurrence of practical dilemmas in the EU's legal framework on immigration and asylum. In the case of the EU's role in the protection of refugee rights, where discretionary national measures predominate, double standards negatively influence the effectiveness of the legal protection of asylum-seekers and refugees. The policy preferences of Member States give more priority to material gains such as security and economic gains than ideational motives (Balducci, 2013: 197).

In the case of human rights dimension of immigration and asylum, the EU's policies are caught between the discourses of securitization and humanitarianism. On the one hand, the extraterritorial projection of the EU aims to strengthen border security mechanism to control the mobility and circulation of populations, as mentioned before. On the other hand, it emphasizes the humanitarian discourse to protect and empower the lives of irregular migrants in the legal framework (Vaughan-Williams, 2015: 2-3). In practical realm, the EU's policies on border control re-territorialize the spaces of the so-called safe third countries in order to outsource refugee protection elsewhere (Lemberg-Pedersen, 38). EU Member States follow their own roads, by renationalizing their asylum policies and producing multiple buffer zones in a response to refugee protection crisis in 2015. Their restrictive attitudes towards asylum-seekers have deepened the growing tension between internal security and the protection of the human rights of asylum-seekers and refugees at the EU level. Even though the EU shared the vision of an 'integrated legal and social area' in which asylum seekers would have the same rights with EU citizens, the implementation process of policies reflect a different picture (Hurwitz, 2009: 31). This argument brings to the fore the Foucault's concept of biopolitics. As mentioned in Chapter 1, states attempt to control the lives of asylum-seekers within the biopolitical ecology created by their own political institutions (Franke, 2018: 124). For instance, Solidarity and Management of Migration Flows (SOLID) clearly show how the EU enforces

biopolitical control practices. Greece receives most of the SOLID funds to secure its border with Turkey, construct detention centres, and support the forced and voluntary return of irregular migrants (Coluccello and Kretsos, 2015: 102).

The biopolitical tactics of the EU Member States to facilitate the management of asylum seekers and refugees cause human rights violations. In this sense, the European Coast Guard Agency is one of the most important agents of biopolitical governance which criminalizes irregular migration and punishes irregular migrants with prolonged and arbitrary detention and the inhumane treatment in the detention centres (Andersson 2016).[45] On the one hand, the EU fortifies the external borders of the EU in compliance with the right of the states to control their borders. On the other hand, it overrides the human rights commitments of the states towards asylum-seekers.

Within this context, vivid examples of double human rights standards can be found in the EU's immigration and asylum policies. For instance, the politics of non-entrée in Europe can be shown as an example to perpetration of human rights violations. The principle of non-refoulement is one of the most fundamental human rights which entitle refugees and asylum-seekers to the right not to be deported a country where they are exposed to violence and persecution (Weissbrodt, 2008). Nevertheless, EU's push-backs of asylum boats are in breach of non-refoulement obligations of Member States even though the right to asylum is described as a core EU value stated in Article 18 of the EU Charter of Fundamental Rights (Basilien- Gainche, 2016: 330).

[45] European Coast Guard Agency, which replaced Frontex, was established through the adaptation of EU Directive 2016/ 1624. The key duties of the Agency are to coordinate and conduct return operations; contribute to the integrated border management; and organise rapid border interventions to help EU Member States (Vermeulen and De Bondt 2017: 113). The EU has mobilized more funds to the budget of the Agency over the years in order to fortify the external borders of the EU. Its budget rose to 281 million Euros in 2017 from 238 million Euros in 2016 (Lehne, 2018).

3.3.1. The Politics of Non-entrée in Europe

The politics of border and the securitization of immigration and asylum have provided ground for non- entrée regime, as argued by many scholars (Baban, et al. 2017; Gerard 2014; Hathaway and Gammeltoft- Hansen 2015; Samaddar 2017). The politics of non- entrée has become one of the most important political tools to prevent the entry of asylum-seekers even though the non-refoulement principle is codified in Article 33 of the Refugee Convention (Hathaway and Gammeltoft-Hansen 2015: 238).[46] Regimes of non- entrée, which include the readmission agreements, the externalization of asylum, visa controls and carrier sanctions, form a central part of the EU's immigration and asylum policies (Gerard, 2014: 67). This situation has created a growing tension between refugee protection and the securitization of immigration and asylum, as shown in the table below.

Table 1: The Conflict between Refugee Protection and the Securitization of Immigration and Asylum

Refugee Protection	The Securitization of Immigration
Requirement to cross an international border	'Regimes of non- entrée'
Durable solutions	Warehousing/Containment
Rights and entitlements	Diluted Rights and Entitlements
Non-penalization for illegal entry	Penalization-Detention
Non-refoulement	Deportation/ Refoulement

Source: Gerard, A. (2014) 'The Securitization of Migration and Refugee Women, New York, Routledge, p. 66

The securitization of immigration and asylum deters illegal migrants from crossing into Europe and therefore limits their access to welfare benefits and facilities (Bosworth and Guild 2008). The practice of non-entrée creates a serious obstacle for

[46] Article 33 (1) of the Refugee Convention states:
"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

refugees to reach their jurisdiction which provides them with access to fundamental basic rights and offers non-refoulement to them. This enables EU Member States to have a minimalist engagement with refugee protection because the politics of non-entrée provides a ground for them to sidestep the duty to implement the refugee law (Samaddar, 2017: 40).

The politics of non-entrée allows EU Member States to embed biopolitical racism in the legal framework on immigration and asylum. Biopolitical racism is a complementary dimension of biopolitical governmentality. It reinforces the distinction between 'good/deserving/real refugees' and 'bad/undeserving/bogus refugees' (Mavelli, 2017: 11). To put it more clearly, a form of socio-political discrimination turns into an important tool for the management of refugee populations at a regional scale (Rasmussen, 2011). Bad refugees represent those who take the journey alone to enjoy the right to asylum in Europe. Nevertheless, good refugees are those who wait in refugee camps to be helped by 'British/European/Western saviours'. This figure also represents defenseless and apolitical people such as an innocent child and defenseless women, as argued by Fiddian-Qasmiyeh (2016). Through this mechanism, the EU aims to protect the life of body politics within biopolitical bordering regimes (Vaughan-Williams 2016). In order to better understand the arguments mentioned above, it is important to give a recent example of biopolitical bordering regimes. In this sense, the next part addresses to the closure of the Western Balkan route in Europe in 2016.

3.3.2. A Recent Case of Biopolitical Bordering Regimes in Europe

From early summer 2015 to spring 2016, increasing numbers of Syrian refugees continued their journeys via the Western Balkan route to reach Europe. This unofficial corridor was formalised by the EU in order to enable Syrian refugees to safely cross the Balkans in 2015 (Beznec, et al., 2016: 4). The main reason behind the formalization of the Western Balkan route was the German government’s decision to accept all Syrian asylum applications irrespective of how they came to Germany.

Thus, the countries along the route facilitated the journey of Syrian refugees via special trains and buses (Theodore, et al. 2017: 76). When the German government's attitude towards refugees started to shift from pro-refugee policies called 'Willkommenskultur' to a more restrictive policies in fall 2015 and reinstated border controls, the West Balkan route was shut down in March 2016 (Neumeier, 2017: 3).

A majority of EU Member States built fences along their borders. For instance, Hungary constructed a fence at its borders with Serbia and Croatia until October 2015. Slovenia shut down the Balkan route and constructed a razor wire in order to regulate the flows of refugees. In December 2015, Austria began to build fence at its border with Slovenia (Deitelhoff and Daase, 2016: 66). As a consequence of the restrictive measures, the number of migrants and refugees who stranded along the Western Balkans route increased in March 2017 with an increase of 63 % in a year (DTM, 2017).

Table 2: Stranded Migrants and Asylum Seekers (March 2016-March 2017)

Stranded Migrants and Asylum Seekers			
Country	**2016**	**2017**	**% Change**
Greece	42,688	62,215	46 %
Macedonia	1,199	44	-96 %
Serbia	1,706	7,740	354 %
Croatia	231	553	139 %
Slovenia	408	276	-32 %
Hungary	-	512	
Bulgaria	865	3307	282 %
Total	47,097	74,647	63 %

Source: DTM (2017) 'Migration Flows to Europe-2017 Quarterly Overview-March'. Retrieved February 6, 2017, from http://migration.iom.int/docs/Q1_2017_statistical_Overview.pdf

As expressed in the reports of human rights groups, refugees were exposed to detention and violence at police checkpoints in the former Yugoslav Republic of Macedonia, Bulgaria, Hungary and Serbia (Greider, 2017). Indeed, unaccompanied

children and pregnant women suffered from the unlawful detention in Bulgaria (Amnesty International, 2017a: 97).

Living conditions of refugees in informal camps on the Western Balkan route are harsher than formal refugee camps because they are just supported by some NGOs with a little help. Unlike official camps, refugees cannot meet their basic needs and do not have access to education for their children (Agerholm 2016; Van Hagen 2016). Most of both official and unofficial camps are overcrowded, by leaving thousands of refugees stranded in Greece, Italy and Hungary (Kakissis 2018; Kerrigan 2016). The majority of asylum applications were rejected in the countries on the Western Balkans route (Weber, 2017: 6). On the other side, almost all EU Member States fortified border controls at their internal borders, by temporarily suspending the Schengen Agreement and building fences along their border to keep refugees out. Internal border controls became more predominant. Even though the EU provided financial support for the countries along this route through the 17-point plan of action in October 2015 to improve the living conditions of refugees, most of the financial support was used by these countries for border controls. EU Member States increased their security budgets on border management and detention centres rather than mobilizing funding for the needs of refugees and supporting asylum procedures. The human dignity of refugees is given less consideration than border controls (Amnesty International, 2014: 9).

These measures are in breach of the principle of non-refoulement and protection obligations stated in the Refugee Convention, Articles 18 and 19 of the EU Charter of Fundamental Rights, and Article 3 of the European Convention on Human Rights. Many refugees are deprived of their right to seek and enjoy asylum in Europe, consequently of human rights guarantees because of the 'Fortress Europe' policies (Amnesty International, 2016: 4).

The principle of non-refoulement is seen by some EU Member States as an open door for those who seek asylum in Europe. Through the externalization of migration,

they wanted to stop asylum-seekers from crossing into Europe. The outsourcing of migration control creates a serious obstacle for asylum-seekers to apply for asylum (Gammeltoft- Hansen, 2011: 139-140). In this way, the principle of non-refoulement is shifted towards the so-called safe countries. More importantly, they shift their obligations to grant refugees with their basic rights such as their access to welfare, legal aid and employment (Bialasiewicz, 2011: 11).

3.4. EU's Humanitarian Aid Policies

EU's border security mechanism and its externalization policies on irregular migration have a determinant role in shaping the characteristics of EU's humanitarian policies. In this sense, this research supports the argument on that both policy areas have been shaped by theoretical framework on the biopolitical management of populations as a practice of state power (Chouliaraki and Georgiou 2017; Davies, et al. 2017).

In a response to refugee protection crisis, EU Member States are in favor of providing financial assistance to Syria's neighbouring countries in order to improve living conditions of refugees. Financial assistance is considered as one of the most important political tools to prevent Syrian refugees from crossing into Europe. EU Member States expected that Syrian refugees would prefer to remain in the neighbouring countries when they had the ability to meet their basic needs and enjoy their most basic rights. Nevertheless, it is seen that the assumption is mostly failed because the possibility of arriving to Europe is still appealing for the refugees due to the lack of durable solutions in the neighbouring countries (Noll, 2018: 202-203).

EU's restrictive asylum policies put great pressure on the institutional capacity of Syria's neighbouring countries, by decreasing the effectiveness of humanitarian aid provided by the EU, the UN agencies, NGOs, and national governments in these

countries.[47] On the other side, some EU Member States do not provide illegal immigrants' basic needs such as food and shelter to force them to leave their territories, as occurs in Calais in northern France (Davies, et al. 2017: 1280). Bulgaria did not provide food and water to Syrian refugees in order to punish them because they crossed the border illegally (PRO ASYL, 2015: 13). Hungarian government passed legislation, named 'the Stop Soros bill', in order to criminalize the act of helping illegal immigrants. According to the Stop Soros Bill, people who give illegal immigrants food, informational pamphlets or legal advice will face criminal charged in Hungary (Hume, 2018).

In order to force Syrian refugees to leave their countries, some Member States also slow down the family unification process, as do the German and Swedish governments (Chase 2017; Muižnieks 2017: 8). Thousands of Syrian refugees start to leave Germany in order to reunite with their families in Turkey (Deutsche Welle, 2018).

As a consequence of these policies, EU's humanitarian policies are grounded in the hierarchical ordering of human lives. Syrian refugees are stuck in between 'biopolitical existence' and 'full political and social life' (Rozakou 2012: 563). The paradox of EU approach to refugee rights causes a form of minimalist biopolitics which creates a serious obstacle to the transition from dependence to self-reliance in both Europe and Syria's neighbouring countries.

In order to reiterate these arguments, which are discussed in more detail in Chapter 4 and Chapter 5, this section sets out to create a basis for the question of how EU's humanitarian policies are described in theoretical framework. In this sense, it aims to strengthen the argument on that humanitarian assistance is used by the EU as a tool to demonstrate itself as a humanitarian actor rather than security actor on the global

[47] The impact of EU's restrictive asylum policies and its reluctance to share responsibilities for resettlement of refugees on the effectiveness of humanitarian aid in Turkey is discussed in the fields of cash aid, education, and multi-community centres in Chapter 5.

level; nevertheless, humanitarian aid is like an escape route for EU Member States to hide its main purposes in reality (Versluys, 2008: 91).

As Foucault argues, “The real political task in a society such as ours is to criticize the working of institutions which appear to be both neutral and independent; to criticize them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight them" (Foucault: 1974, cited in Harrell-Bond, 2002: 53). In this context, it is crucial to analyze the structure of EU’s humanitarian aid policies in order to pave the way for discussions on the EU’s political dilemma on refugee policies in practical realm in the following chapters. In an attempt to discover the gap between policy and practice at EU level, it is important to firstly describe how EU’s humanitarian policies are enshrined in legal texts.

3.4.1. EU’s Humanitarian Structure

The European Commission began to include the humanitarian dimension in its political framework since the 1970s. The EEC continuously increased its budget on humanitarian aid (Morsut, 2012: 4). Different Directorate-Generals, particularly DG External Relations, Development and Agriculture, managed the resource allocation process in the delivery of humanitarian aid. In the post-Cold War era, the EU needed the creation of a specific institution because of the challenges of humanitarian crises. In the early 1990s, the EU faced serious humanitarian crises such as ‘the Kurdish refugee crisis, the flooding in Bangladesh, famine in Africa and civil war in Yugoslavia' (Elsuwege and Orbie, 2014: 24). It made a decision to reinforce its existing structure and its methods of humanitarian aid (European Communities 1992: 9). In accordance with this purpose, European Community Humanitarian Office was established in 1992 as the main body committed to the management of humanitarian assistance under the responsibility of the Commissioner for Development Cooperation and Humanitarian Affairs (UNHCR 1995: 13). The establishment of

ECHO was a significant threshold in the EU's humanitarian aid policy (Marin 1993: 7).

In 1996, humanitarian work of ECHO gained a legal basis when Member States reached an agreement on a Council Regulation concerning humanitarian aid. In this way, humanitarian action was a part of the EU Treaty. Humanitarian assistance was described as an EU competence shared between Member States and the European Commission (Versluys, 2008: 92-93).

The 1996 Council Regulation describes EU humanitarian assistance as apolitical and legally defines the humanitarian principles of humanity, neutrality, impartiality, and independence (Versluys, 2008: 99).[48] The EC states that the sole objective of ECHO is to save lives and ameliorate human suffering. It emphasizes ECHO's commitment to non-political humanitarian aid (ECHO, 2005). Moreover, the EC underlines that humanitarian aid should not be driven by political strategies; otherwise it will not be in compliance with humanitarian imperative because it undermines the principles of impartiality and independence (Samuels, 2006: 340).

The main objective of ECHO is to bring all resources for emergency aid together under the same structure. ECHO budget is comprised of EU Member States' financial support, the European Development Fund, the European Community budget, and the Emergency Aid Reserve for unforeseen events. The European Council and the European Parliament determines ECHO's annual budget (Versluys, 2008: 93-97). It provides aid under the following categories: 'basic emergency needs which cover food, water, shelter, health care, and sanitation'; 'education in

[48] The principle of humanity underlines that the objective of humanitarian action is to ameliorate human suffering and save lives. The principle of neutrality is based on that humanitarian action must not support any side. The principle of impartiality is based on that humanitarian action should be implemented on the basis of needs regardless of discriminating anybody according to their races, beliefs and religions. The principle of independence emphasizes the autonomy of humanitarian objectives from the political, economic, and military objectives (OCHA, 2012).

emergencies'; and 'disaster risk reduction' (ECHO, 2018). In order to reduce human suffering, ECHO makes cooperation with a wide range of non-governmental organisations and international agencies. Each year, ECHO determines its aid strategies to ameliorate and prevent the suffering of people affected by natural or man-made disasters in countries outside the European Union (Adinolfi, 2003: 2). In this sense, the EU has set the objectives to deliver impartial humanitarian aid for people affected by chronic crises; to provide aid to those people by the time that they return their homes; to provide rapid rehabilitation and reconstruction work to create conditions which prevent aid dependency through long-term development projects; to implement disaster prevention programmes in high-risk regions; and to monitor forgotten crises (European Commission, 2002: 4-6). It supports financial aid and coordinates projects implemented by its partners, mainly non-governmental organisations; nevertheless it does not operate in the field (Dany, 2014: 1).

As can be noticed from the ECHO's objectives, it has been responsible for providing not only emergency aid, but also recovery and reconstruction assistance. It aims to provide long-term assistance for the reconstruction of schools, hospitals, and roads in the countries outside the EU. ECHO becomes more visible in the EU's international policies (Elsuwege and Orbie, 2014: 26).

In 2004, ECHO was upgraded to the Directorate- General for Humanitarian Aid in order to implement more professional and independent humanitarian policy (Elsuwege and Orbie, 2014: 27). In 2009, the Treaty of Lisbon created a legal framework for EU's humanitarian aid and civil protection policies in 2009 (European Commission, 2013: 11). Humanitarian aid was recognized as the EU's separate external policy different from development cooperation with third countries (Elsuwege and Orbie, 2014: 45). In 2010, the Commission brought together civil protection and humanitarian aid under one roof in order to increase the effectiveness of humanitarian policies (European Commission, 2017: 2).

Over the years, the European Union has become one of the biggest donors of humanitarian assistance in the world, while strengthening the EU's soft power image as a global humanitarian actor (Röttsches, 2015: 1). In 2017, the European Commission became the third largest donor of humanitarian aid worldwide (Statista 2018). The Commission attempts to preserve the EU's image as a humanitarian actor rather than a security actor in refugee policies (Kaunert and Zwolski, 2013: 129). Nevertheless, ECHO has increasingly become more engaged in activities in the field of conflict resolution and development instead of humanitarian assistance. As former Commissioner Nielson and the VOICE network of humanitarian NGOs argue, the pressure of political actors who are engaged in foreign and security policies put implementation of humanitarian principles at risk (Elsuwege and Orbie, 2014: 26-28). In December 2016, ECHO received harsh criticism for the allocation of humanitarian aid according to security considerations instead of needs-based emergency at its annual Partners' Conference. It was criticized for the allocation of the disproportionate aid for Yemen and South Sudan (CONCORD, 2018: 8). Humanitarian aid has been extremely politicized since the early 2000s, as many scholars argue (Nascimento 2015; Pereira-Watts 2017; Slim 2013). In recent years, EU Member States have increasingly used humanitarian aid as a political tool in order to counter security threats, prevent terrorism, and control forced migration. They prioritize strengthening border control and military capacity, and making state security reforms over humanitarian considerations (Godfey, 2018: 2).

Unlike the EU's legal framework for humanitarian aid, this research argues that a different scenario is found in the realm of practice. As will be discussed in detail in Chapter 5, the EU instrumentalizes humanitarian assistance to not only achieve its foreign policy objectives, but also protect national interests of EU Member States (Dany, 2015: 421). It also transforms the realm of humanitarian aid into the security realm, by hindering the implementation of humanitarian principles (Musaró, 2018: 81). EU's humanitarian policies are shaped by the political preferences of the core member states. In such a political conjuncture, it is very hard to bridge the gap between policy and practice. This situation creates a serious challenge to improve the

concept of linking emergency aid, rehabilitation and development in a response to humanitarian crises.

In a humanitarian response to the needs of asylum-seekers and IDPs, European countries are more inclined to follow containment strategy to keep the problem of forced migration in the region where humanitarian crisis occurred. The policy of containment shifts the focus from humanitarian aid for sustainable livelihoods and social development towards short-term humanitarian relief (CONCORD, 2018: 11; Freedman, 2007:10). In the practical realm, the EU's strategies for poverty eradication and sustainable development in the states affected by humanitarian crises become less prominent.

In case of the situation of Syrian refugees in main host countries, the EU has begun to give much more emphasis on local capacity empowerment and sustainable livelihoods since 2015 (European Commission 2016). Due to geographical proximity, EU Member States feel the effects of Syrian refugee protection crisis more drastically than other protracted humanitarian crises across the world. Thus, the EU's objectives concentrate more on sustainable livelihood programs in the policy narrative in order to encourage Syrian refugees to stay within main host countries. The more the EU provides humanitarian aid to Syria's neighbouring countries in order to empower the protection regime, the less the asylum pressure will occur on the EU's borders (Tolya 2014: 5). In other words, the cost of journey to Europe is depended on how satisfied Syrian refugees are with opportunities offered in countries of the region; hence the EU initiated their efforts to increase the satisfaction of Syrian refugees in main host countries to encourage them to sustain their lives in these countries in 2015.

In this context, the next section aims to examine the EU's new approach in humanitarian programmes which aim to improve sustainable livelihoods in theoretical framework. Analysis of the new approach is important to discover the gap

between policy and practice in respect of improving the protection regime in main host countries. [49]

3.4.2. The EU's New Approach in Humanitarian Programmes

The EU's new approach is described in the Communication 'Lives in Dignity from Aid-Dependence to Self-Reliance' in a response to refugee protection crisis in 2016. In policy framework, the EU emphasizes that refugees should have opportunities to improve their self-reliance in host countries. The EU argues that it contributes to not only improving the quality of protection system, but also increasing benefit of host countries (European Commission, 2016d).

In this context, the Communication on 'Maximizing the Development Impact of Migration' in 2013 emphasized the contribution of refugees and forced migrants to national economies through their human capital and labour skills (European Commission, 2016d: 5). The EU expressed its commitment to provide partner countries with the protection of refugee rights and capacity-building projects (Ibid.). The Council called for a development cooperation approach to forced displacement in a more coordinated manner in its Conclusions on "Migration in EU Development Cooperation" (European Council, 2014).

In a response to humanitarian crisis, the EU has emphasized the need to link relief, rehabilitation and development (LRRD) since 1996 (Ramet 2012: 4). The EU Action Plan for Resilience (2013-2020) addresses the importance of capacity- building and capacity-development in crisis prone countries in order to improve their resilience (European Commission 2016e: 2). In this sense, the European Commission adopted a Comprehensive Approach to external conflicts and crisis in 2013 in order to support sustainable development. It underlined the importance of the shared-responsibility of

[49] In this section, this research aims to only describe the EU's new approach in order to create a basis for discussion of the EU's halting steps for sustainable livelihood sources for Syrian refugees in Turkey. Main reasons why the EU's new approach cannot be implemented in the practical realm are discussed in detail in Chapter 5.

EU Member States to include the approach in the implementation of action plans for protracted refugee populations (European Commission, 2016d: 6-7).

The EU's new development-oriented approach sets out to facilitate access of refugees to education, sustainable livelihoods and social protection in host countries in order to decrease their dependence on humanitarian aid in the long-term (European Commission, 2016d).

In order to underline the importance of sustainable development programs, it is significant to pay attention to what Christos Stylianides, EU Commissioner for Humanitarian Aid and Crisis Management said:

> Long lasting crises have become the new normal, yet they are often managed in old ways. Refugees and displaced people do not only need our emergency help but also long term perspectives and hope for the future. Humanitarian aid can save lives and provide basic essentials, but it's not a long term solution. We must take steps to end long-term dependence on emergency assistance… (European Commission, 2016).

As Stylianides emphasizes, a protracted refugee situation requires long-term and sustainable humanitarian programmes to encourage refugees' livelihoods, hence it is crucial to complement humanitarian efforts with long-term development in order to ameliorate the painful consequences of long-displacement. Otherwise, care and maintenance will not be enough to cover the long-term needs of refugees in a protracted crisis. [50] In this sense, Barbara Harrell-Bond, founding Director of the Research Studies Center (RSC) poses an important question on humanitarian policies: "Can humanitarian work with refugees be humane?" (2002: 51).

[50] The causes and consequences of protracted refugee situation are explained in more detail in Chapter 4.

In a response to this question, this research argues that humanitarian work can be more humane only if political actors bridge the gap between policy and practice, and they consider refugees as rights-holders in practical realm of humanitarian work. In this context, the EU is one of political actors who follow a different path in the practical realm even though it emphasizes rights-based humanitarianism and the effectiveness of development investment in policy framework. EU Member States' political interests predominate over humanitarian considerations.

3.5. Conclusion

In a response to Syrian refugee protection crisis, EU Member States prioritize border security mechanism and the externalization of EU's policy on irregular migration. They seek to shift their responsibilities for refugee protection towards Syria's neighbouring countries. In this process, border security mechanism turns into a significant political tool for the member states to regulate the mobility of illegal immigrants.

EU Member States more effectively take a collective action on the securitization of migration policies in order to protect the EU's internal security. Nevertheless, they cannot succeed in cooperating on responsibility sharing for large refugee movement. The more refugee protection crisis has deepened, the more political fragmentation has continued to increase in Europe. The growing tension between the notion of sovereignty and solidarity leaves refugee policies in the hands of national governments in Europe.

In the context of the EU's current political climate, radical right parties have significantly gained power in local, national and European electoral contexts. In recent years, the anti-immigrant discourse has become increasingly prevalent in Europe. Many EU countries prefer to follow their own roads, by renationalizing their asylum policies and adopting restrictive asylum policies instead of being in compliance with the political decisions of the EU.

Even though the EU is described itself as a human right promoter and humanitarian actor at the global level, it evolves into a security actor. The EU's policies in practical realm are mostly differentiated from the policy framework, as can be seen in the implementation of the EU's development-oriented approach to forced displacement in host countries.

EU Member States' restrictive asylum policies and border security practices create practical dilemmas in the EU's legal framework on humanitarian aid. Their reluctance to share responsibility for refugee protection causes 'the protection lite' in Syria's neighbouring countries, by decreasing the quality of protection offered to refugees under the present refugee regime. This situation creates a great pressure on both physical infrastructure and public-service related infrastructure of main host countries. Both refugees and local community face difficulties in access to public services. In this sense, the next section brings this issue into the discussion in case of the situation of Syrian refugees in Turkey.

CHAPTER 4

THE SPILL-OVER EFFECTS OF THE SYRIAN CRISIS IN TURKEY

In this chapter, the structure of this research moves from a general perspective on the international refugee protection regime and the EU asylum and immigration policies towards the specific case about the living conditions of Syrian urban refugees in Turkey. In an attempt to analyze the particular challenges faced by Syrian refugees in a protracted refugee situation, this research aims to examine the extent of sustainable livelihood opportunities available to Syrian refugees in Turkey.[51] The main reason behind the analysis is that sustainable livelihoods make a great contribution in developing the survival strategies of refugees and enhancing their self-reliance to restore their lives and stand on their own.[52] In this context, this research scrutinizes the Turkish government's policies towards Syrian refugees from 2011 up to today. It raises a question mark over the government's efforts to rearrange and redraft the refugee protection system to develop durable solutions for Syrian refugees.

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[51] UNHCR defines a protracted refugee situation as 'one in which 25,000 or more refugees from the same nationality have been in exile for five years or more in a given asylum country' (2014: 11).

[52] Self-reliance describes a process of decrease in humanitarian assistance for refugees. External assistance is initially offered to refugees with the purpose of establishing and developing structures to help empower them. In this process, an understanding of self-reliance aims to increase their social and economic wellbeing with the goal of reducing their dependency to external assistance and strengthening livelihoods (Gabiam 2014: 234). The adoption of self-reliance calls for a change in humanitarian programmes offered by humanitarian organisations and host governments. In this context, UNHCR addresses to the importance of humanitarian programmes which consider refugees as resilient actors who have a range of thoughts, abilities and coping mechanisms in order to create their own solutions and shape their future (2005: 13).

This research puts the focus on two main reasons why the Turkish government is forced to strategize and adapt its policies to develop a resilience-based response to the long-term needs of Syrian refugees.

The first reason is that the Syrian crisis has evolved into a protracted crisis since 2011. It seems that Syria's humanitarian crisis will have persisted over long periods of time due to lack of international cooperation on conflict resolution (Sorenson, 2016). Even if the crisis came to an end soon, most Syrian refugees would not go back to Syria because of potential social tensions, sluggish economy, and extensive damage on Syria's physical infrastructure (Kadi 2018). In Syria, the conflict has destroyed public service-related infrastructure such as hospitals, schools and roads in many cities and towns. It has also caused extensive damage in the transport infrastructure and electricity infrastructure which negatively impact economic and social development (World Bank Group, 2017: 30-34). According to the World Bank Group's survey conducted in the 10 cities, there occurs some form of damage in health facilities like medical centres and hospitals. 16 % of health facilities were fully demolished and 42 % of those facilities were partially damaged (2017: 38).[53] Education facilities have turned into military bases or they have been severely damaged during the conflict. 43 % of education facilities do not function in Syria, thus access to education for many Syrian children and young people is very restricted (Ibid., p. 44).

According to the Syrian Network for Human Rights, three million homes were partially or completely destroyed during the conflict. Millions of Syrian people lost their homes in Syria. Homes turn into heaps of rubble (Middle East Monitor, 2018). Many Syrian refugees are unwilling to go back to Syria because there are no homes to return to (Mardini, 2018). On the other side, Syrian refugees face the risk of losing

[53] The World Bank's survey was conducted in Aleppo, Dayr az-Zawr, Raqqa, Dar'a, Idlib, Douma, Kobane, Tadmur (Palymra), Homs and Hama.

their properties due to a new law issued by the Syrian government in April 2018.[54] Many Syrian refugees who stand against the Assad regime are afraid to go back to Syria due to risk of arrest, torture and other ill-treatment. 70 % Syrian refugees do not have documents to prove their ownership. This means that the Syrian government will confiscate their properties (Akram-Boshar, 2018). The Assad Regime's unlawful policies make the return of Syrian refugees less likely.

Under these circumstances, the rebuilding of Syria will take decades because Syria's physical infrastructure and public service-related infrastructure have been severely devastated by aerial bombing and street fighting (Tharoor, 2016). According to the report of the United National Relief and Works Agency, it would take at least 30 years to return the Syrian economy to its economic level in 2010 even if the Syrian civil war ended now (Baker 2014). As a consequence, there will be no rapid return of Syrian refugees because of political and economic instability in Syria. Many Syrian refugees will have continued to live in Turkey for many years.

In this context, the long-term presence of Syrian refugees requires not only durable and comprehensive solutions for refugee protection, but also financial and political commitment to support long-term needs of Syrian refugees in Turkey. In this regard, the Turkish government has taken some steps to improve social policy and practices in order to provide employment and education opportunities for Syrian refugees. It has put more focus on the importance of long-term integration policies in well-being of Syrian refugees since especially 2015 (İçduygu, et al., 2017: 461). Nevertheless, Turkey hasn't still developed long-term policies for social integration of Syrian refugees.

The second reason why the Turkish government needs to make policy adjustments is that the number of Syrian refugees in urban areas has incredibly increased. A rapid

[54] The Absentees Law, issued by the Syrian government in early April, allows the government to confiscate properties of Syrian refugees if they do not prove their properties until May 10, 2018 (Reliefweb, 2018).

growth of urban population puts enormous pressure on both physical infrastructure and public service-related infrastructure in especially southeastern provinces of Turkey. Both refugees and local community struggle with crowding in schools, hospitals and public transport services, and increase in housing rents in poor areas of the cities (Carter 2016; JIEW 2015: 15; UNHCR, 2013). The public sector cannot keep up with the growing number of Syrian refugees in Turkey.

This situation forced the government to change its policies based on the assumption that the presence of Syrian refugees would be a temporary phenomenon. The government recognizes that there is a need for adjusting its current policies towards Syrian refugees because these policies are not implemented in a permanent and developmental manner (Charles and Genugten, 2017: 1-2). This requires a sustainable and resilient infrastructure which improves the protection environment for refugees and alleviates strain on the Turkish institutions. Nevertheless, it was very hard for Turkey to create a resilient infrastructure and enhance school and hospital capacity in a short time to adapt to the new situation due to the lack of resources and a shortage of financial funds (International Crisis Group, 2017). This situation causes a huge gap between the legal entitlements of Syrian refugees and their actual protection in practical realm.

In this context, there is more need for the availability of sustainable international funding to strengthen institutional and infrastructure capacity to improve the living conditions and well-being of Syrian refugees (International Crisis Group, 2017; Mabiso, et al., 2014: 20). A protracted refugee situation requires transition from humanitarian relief towards long-term development and investment in order to empower the resilience of refugees.

The next section aims to examine the particular characteristics of protracted refugee situations (PRS) in a general sense. PRS is like a warning system for host governments to shift their policies towards longer-term integration policies for refugees. The long-term presence of refugees force both host governments and the

international community to follow a more sustainable path in the preparation and implementation of all policies, which have impact on refugee protection. In this sense, the extent to which political actors adjust their priorities and policy agendas has a very significant impact on the effectiveness of humanitarian policies.

4.1. Protracted Refugee Situations

Since its genesis in 2011, the Syrian refugee situation has considerably evolved into a complex and protracted crisis. The political actions or inactions of the Syrian government, main host countries in the region, the international community and the EU as a supranational organisation contribute to deepen complex political, economic and social problems in the lives of Syrian refugees. Over the past seven years, Syrian refugees experience deeper economic and social problems because of severe consequences of the long-lasting exile for their physical, mental and economic well-being (Albarazi 2016). In a protracted refugee situation, they are forced to spend all the savings. When their savings run out, they remain vulnerable to child labor, early marriage, and the precariousness of the work in informal labor sector (Culbertson 2015; Olsen 2016). Many refugees are unable to work in the formal sector because of the lack of legal rights to work (Hamill, 2017). Hence, they need access to sustainable livelihood opportunities to alleviate their problems with a means of economic self-sufficiency. Nevertheless, they face serious challenges because of restrictive asylum policies of host countries, the lack of financial aid, and the reluctance of international actors to empower legal rights of refugees in practical realm (Fiddian-Qasmiyeh, 2017).

In this context, an understanding of the causes of PRS is helpful in creating more permanent solutions for refugees (Loescher, et al., 2008: 17). Loescher and Milner draw attention to two important reasons of PRS: chronic regional instability and insecurity; and political action or inaction of the country of origin, the country of asylum, and the international community (2011: 3).

4.1.1. Causes of a Protracted Refugee Situation

The nature and dimensions of PRS have been affected by the conditions in the country of origin of refugees and refugee-hosting countries in addition to international and regional actors' policies on refugee protection, hence there exist different refugee situations worldwide (Loescher and Milner 2008: 23-24). In this context, this research underlines two main causes of PRS. These causes are chronic regional instability and insecurity; and the political action or inaction of the country of origin, the country of asylum and the international and regional actors (Loescher and Milner, 2011: 3).

Firstly, chronic regional instability and insecurity cause fragile situations and political impasses, as mentioned in Chapter 2. Political turmoil in a country may persist for many years, or even decades. Millions of people are trapped in a protracted refugee situation without durable solutions which end displacement. This situation is often associated with the phenomenon of failed and fragile states since the end of the Cold War (Loescher and Milner, 2008: 26). In this sense, the international community's attention to comprehensive solution mechanisms in the countries of origin has a very critical importance in protecting people who leave their countries due to human rights violations, violence and persecution.

The reluctance of international community to support refugee-hosting countries makes the living conditions of refugees more difficult and more uncertain. As mentioned in Chapter 3, the prolonged nature of refugee situation nurtures the perception of refugees as a burden. For instance, Somalia refugees have lived for decades in East Africa due to the failure of the international community to create a solution mechanism in Somalia in 1990s (Juma 2004: 244). The unpredictability of funding and funding shortages to support refugees in host countries result in more enormous problems because sustainable humanitarian programmes cannot be effectively implemented in such a political conjuncture (Westall, 2015).

Secondly, the political action or inaction of the actors is another important cause of protracted refugee situations. As UNHCR argues, the responses of international and regional actors to refugee protection crisis have a crucial impact on camp confinement policies, restrictions on refugee movement, asylum policies, livelihood possibilities and the sustainability of financial funds (2006). The reluctance of actors to solve the problems in a more dignified manner brings more difficulties to both refugees and refugee-hosting countries. In this sense, UNHCR expresses that 'the prolongation of refugees' dependence on external assistance also squanders precious resources of host countries, donors and refugees... Limited funds and waning donor commitment lead to stop-gap solutions...Spending on care and maintenance... is a recurring expense, and not an investment in the future' (as cited in Loescher and Milner, 2008: 31).

Lack of funding support for capacity-building projects in host countries creates a serious obstacle to ensure a more secure future for refugees. When emergency relief is not complemented with capacity development programs, it causes the emergency of a lost generation in a protracted crisis. In this regard, capacity development of education institutions for refugee children has a critical importance in protecting their future (Khallaf , 2017: 366). Education is the key tool to enable refugee children to increase their potential for moving from dependence to independence. It creates a positive change in the lives of refugee children and young refugees, by supporting their childhood development, developing their confidence, and preparing them for the future (Meda, 2017: 48).

4.1.2. Consequences of a Protracted Refugee Situation

This research focuses on two important consequences of a prolonged refugee situation; the movement of refugees from camps to urban areas and decrease in quality of life of refugees over time (Milner, 2014: 155).

In search of a better life, most refugees move to urban areas in a protracted refugee situation. Cities allow refugees to live anonymously, and have more survival strategies. Nevertheless, they also experience serious problems in urban areas (UNHCR 2018). In many states, governments restrict access of refugees to formal employment sector, thus they have to work in the informal sector. They are generally under-paid and economically exploited under illegal conditions. They encounter with more protection risks, and receive less humanitarian aid (Buscher 2009: 94). They may also face problems related to harassment and discrimination; overcrowded shelters; competition with urban poor of host country for social services and employment opportunities; vulnerability to sexual harassment; and food insecurity (Culbertson, et al. 2016:13).

In such a situation, the quality of life for refugees starts to decrease over time in case that humanitarian assistance is not complemented with capacity-development plan (Kopinak 2013; Milner 2014). Restrictions on the fundamental rights of refugees more severely increase socioeconomic vulnerability, especially among refugee women and children, and disabled refugees (Milner 2014: 155).

4.1.2.1. Urban Refugees: The movement of Refugees from Camps to Urban Areas

Over 60 % of 22,5 million refugees live in urban areas rather than in camps. In other words, six out of ten refugees live in urban settings. The number of urban refugees continues to increase dramatically in the world (UNESCO, 2018: 10). There are many push factors which lead refugees to move towards urban areas. These factors are higher employment opportunities in particularly informal labor market, higher income, better life conditions, better opportunities for self-reliance, and greater access to public services (Hammad 2017: 124). Nevertheless, many refugees struggle with extreme poverty. They live in urban slums where they have difficulties in accessing public services and social services. They are frequently blocked from employment opportunities in the formal labor market. They are often in competition

with the urban poor in host countries for limited livelihood opportunities (Morand, et al. 2012: 7).

In a response to the changing landscape of refuge, UNHCR made serious changes on its policies to more effectively meet basic needs of urban refugees and offer more durable solutions. It began to give up prioritizing the settlement of refugees to camps in its policy recommendations (Morand, et al. 2012). The more conventional image of a refugee who lives in a tent no longer represents the general picture in the 21st century. Today most refugees live in urban settings. Urban refugees are in more disadvantageous position than local urban poor at the stalemate of the dichotomies of legal and illegal as well as of inclusion and exclusion on the outskirts of the cities. In urban areas, the visibility or invisibility of refugees are reliant on an intricate set of power relations because 'invisibility is a relationship between those who have the power to see and those who lack the power to demand to be seen', as argued by Polzer and Hammond (cited in Landau, 2014: 141). In hierarchical power relations, the needs of urban refugees become invisible. In order to make refugees more invisible, some governments follow policies which reinforces the encampment of refugees (McConnachie 2014: 11). In policy analysis, they are often described as passive actors. Nevertheless, it is very hard to implement such a restrictive policy in a protracted refugee situation. On the one hand, poor living conditions in camps force refugees to move towards urban areas in order to increase their survival strategies. Refugee camps are called 'the slums of the slums' because they are the most crowded, depressed and poor communities (UN-Habitat, 2003: 27). On the other hand, urban refugees are placed in the nexus between the urban poor and foreign-born migrants (Avery, 2013:3-4).

As Jacobsen argues, urban refugees become a part of these two groups in a protracted crisis. They face many barriers to accessing the livelihood resources essential for their survival (cited in Avery, 2013: 45). The uncertainty of livelihoods forces refugees to seek for dangerous and undesirable livelihoods such as child labour and sex work. They face greater risk of physical violence, and sexual harassment

(Schofield, et al. 2013). In the broader context of the urban poor, they suffer from discrimination and segregation in the fields of education, employment, welfare services, and accommodation.

4.1.2.2. Decrease in the Quality of Life of Refugees

The second consequence of a protracted refugee situation is that quality of life among urban refugees has declined over time when they cannot enjoy and exercise their fundamental rights and freedoms in host countries. Quality of life is dependent on the multidimensional factors which incorporate physical and mental health, the level of independence, education, employment, accommodation, and social relationships (Mumtaz, et al. 2017: 263).

In a protracted refugee situation, a generation grows up in refugee camps or in urban settings. Many refugees suffer anxiety, depression and post-traumatic stress disorder as a consequence of their exposure to traumatic life events, and the difficulties they experience in a long-term displacement (Gitau, 2017: 11-12; Mann and Fazil 2006: 58). During their journey from the country of origin, they may experience traumatic events, and loss of family. Even though many refugees experience trauma in their home country, their experiences in host countries have greater impact on their psychological well-being. Most of them start feeling guilty and anxiety about what is left behind after they reach the host country (Mann and Fazil, 2006: 60). They also experience problems on poverty, food insecurity, unemployment, lack of social support, discrimination and language obstacles in host countries. They have to work for less money in precarious and hazardous working conditions (Betts, et al. 2016: 57 World Food Programme, 2016).

When refugees cannot enjoy the right to work and access to labor markers, it is very hard for them to restore their lives, and to become productive in their lives (Milner and Loescher, 2011). Unemployment and poverty are the two most important factors which negatively impact the physical and mental health, decreasing the feelings of

happiness and life satisfaction. When the duration of unemployment lasts for a long period, quality of life starts to decrease (Acutt, et al. 2003: 440). In this sense, it is crucial that livelihood sources should be a complementary element of traditional durable solutions of repatriation, local integration and resettlement in order to improve the quality of life of refugees in a protracted crisis.

4.2. Response of the Turkish Government to Refugee Protection Crisis

Due to the increasingly protracted nature of the Syrian crisis, the Turkish government has to adapt Turkey's asylum system to rapid changes in circumstances and flows of Syrian refugees. The government's political decisions have a very critical importance in empowering legal rights of Syrian refugees and improving their self-sufficiency in the long-term.

Over the past seven years, the Turkish government has made some important changes in the legal and political framework for the protection of Syrian refugees (Hoffman and Samuk 2016: 6). In order to examine the impact of changes in government policy on the living conditions of Syrian refugees, this research focuses on three main periods. These periods are 2011-2012, 2013-2015, and 2015-onwards.

In the first period from April 2011 to the end of 2012, the Turkish government managed to meet basic needs of Syrian refugees in camps. By the end of 2012, almost 190,000 Syrian refugees obtained assistance in 14 camps in south-eastern provinces of Turkey. The government ensured full health coverage to Syrian refugees in camps (UNHCR, 2012: 2). Financial and institutional capacity of the government was adequate to deliver protection and assistance to refugees (Ferris, et al. 2013: 2). Indeed, the government did not seek for international aid for the protection of Syrian refugees. Ahmet Davutoğlu, who was former Minister of Foreign Affairs, stated that Turkey had enough power to host Syrian refugees in camps (cited in İçduygu, et al., 2017: 459). The Turkish government wanted to prove

that it was able to effectively manage to cover their basic needs on its own as a matter of national pride (Ahmadoun, 2014: 2; Sullivan, 2013).

In the initial stages of the crisis, the government assumed that the presence of Syrian refugees would be temporary. They would go back to Syria within a few months (Kirişçi 2014: 18). This is why Syrian refugees were called 'guests' by the Turkish government. As a sign of hospitality, refugee centres were called 'temporary accommodation centres' instead of refugee camps (Macit and Atılgan-Yağan, 2018: 154). In this period, the government's political strategy was based on short-term plans with the purpose of providing refugees the basic subsistence needs. It did not feel that a longer term plan was essential for their protection (Kale, 2017: 8).

From the outset of the conflict in 2011 to 2016, Turkey followed an open door policy; nevertheless, the Turkish government's refugee policies were challenged by the exponential growth of the number of Syrian urban refugees in Turkey. As November of 2013, the number of Syrian refugees who fled to Turkey reached to 200,034 (AFAD Survey 2013). The capacities of refugee camps remained insufficient even though 21 refugee camps were established by AFAD in the south and southeastern Turkey (UNHCR, 2013a: 1).[55]

In 2013 the alarm bells started ringing for Turkey. The government started to struggle with urban crisis because the number of non-camp refugee population reached almost three times the size of the camp population (Çorabatır and Hassa, 2013: 6). It had to take a more proactive stance in pointing out the consequences of PRS on the lives of Syrian urban refugees in Turkey. Thus, the government had to change its policy priority based on the creation and maintenance of refugee camps. The government's political discourse was based on 'the traditional conceptualization of refugees as temporary guests'. 'The guest rhetoric' caused the ambiguity of

[55] There were refugee camps in Gaziantep, Şanlıurfa, Kilis, Hatay, Mardin, Kahramanmaraş, Adıyaman, Adana, Osmaniye and Malatya as of August 2013 (AFAD, 2013: 17).

refugee status and the uncertainty about their future (Kale, 2017: 9). Nevertheless, these chancing conditions required for longer-term capacity building to fully meet integration needs of refugees. In this regard, Turkey renewed its legal framework for refugee protection as a part of the ongoing EU accession process. Yet, it was not enough to overcome the challenges created by the temporariness of refugee status in Turkey.

In the third phase of crisis (2015-), EU's refugee policies began to have more impact on the situation of Syrian refugees. Since especially 2015, the EU has played a very active role in shaping the political agenda on asylum and refugee protection in both Europe and Syria's neighbouring countries. When huge numbers of Syrian refugees reached Europe to seek asylum, the EU prioritized its security concerns over humanitarian concerns, as expressed in Chapter 3. It focused on developing strategies to shift its responsibility towards main host countries, particularly Turkey. The EU-Turkey Statement, which came into force in 2016, shows how the politics of refugee protection in Europe is problematic, as discussed in more detail in Chapter 5.[56]

After the failed coup d'état on 15th July 2016, Turkey-EU relationship is much more tense than the past. The EU raised concerns on matters related to independence of judiciary, human rights, and freedom of expression in Turkey. Six days after the failed coup attempt, Turkey declared a state of emergency, which was called OHAL in Turkish. Under an almost two-year-old state of emergency, the Turkish government has the power to bypass the judicial system and curtail civil and political rights (SEENPM, 2016). Legislative changes under OHAL allow the Turkish authorities to deport asylum-seekers and refugees without a court decision. Turkish law is no longer in compliance with the principle of non-refoulement (Alpes, et al., 2017: 3). In a response to the current political situation in Turkey, the EU criticized the state of emergency measures because these measures were in breach of

[56] This research examines the EU-Turkey Deal's impact on well-being of Syrian refugees through Foucault's theoretical concepts in Chapter 5.

international human rights obligations (HRW, 2018). In the latest progress report, the European Commission directed harsh criticisms at the Turkish government's policies which cracked down fundamental human rights (Barber, 2018).

In this process, Turkey closed hundreds of NGOs through Decree Law no. KHK /667 and 668. Some of these NGOs were refugee-related organisations (Aygenç and Orpen, 2018). It is claimed that the government wanted to keep NGOs under threat to be shut down in order to eliminate dissident voices. Some NGO representatives argue that they are forced not to talk about the living conditions of refugees in Turkey because the government wants to monopolize information. Under these circumstances, they are forced to remain invisible and silenced as the government attempts to prevent them to release any information without their approval (Alet, 2017: 23-24).

Due to the government's increasing authoritarianism in the aftermath of the failed coup d'état, the bureaucratic hoops started to more negatively impact the operations of international NGOs in Turkey. For instance, some relief agencies such as Save Children and Mercy Corps moved their relief operations to Iraq and Jordan. Foreign NGO staffs face the risk of detention and deportation because they are accused of not having work permit. This situation makes particularly Syrian staff more worried (Mellen and Lynch, 2017).

Nikki Haley, the U.S. Ambassador to the U.N., expressed that 14 International Medical Corps staffs were detained after their documentations were checked in the police headquarters in Turkey. At the same time, 19 Syrian staffs were sent to deportation centers on April 2017. On the other side, NGO representatives argue that foreign NGO staff members' work permits are not renewed by the Turkish authorities when their permits are expired. They claim that some foreign staff members are exposed to detention or deportation even though they have work permits in some cases. After the expulsion of Mercy Corps, one of the biggest humanitarian organisations in the world, United Nations officials raise concerns

about the government's stance towards Western non-governmental organisations (Haid, 2017; Mellen and Lynch, 2017).

Since especially 2015, Turkey's aggressive measures negatively influence the operations of humanitarian actors in northern Syria and Turkey. It is getting more difficult for Turkish NGOs to fill the gap left behind due to lack of institutional and financial capacity (Haid, 2017). During the interview, an NGO representative, who worked at one of NGOs being closed through KHK/667, said that it would carry out projects related to public health and Turkish language learning with the support of UN agencies. Indeed, Syrian refugees were enrolled in language courses. After the NGO was closed down, refugees were left in limbo. They did not know how they would gain access to language courses once more (Interview, NGO Representative 8, 2017).

Due to the political atmosphere in Turkey, the EU has to re-position itself. In November 2016, members of the European Parliament (MEPs) adopted a resolution in order to suspend the negotiations with the Turkish government because of human rights violations. In July 2017, MEPs called for suspension of negotiations once more. They wanted to send out clear messages to the Turkish government even though these resolutions are not legally binding (European Parliament, 2017). Furthermore, the EU informally suspended both visa-free European travels for the Turkish citizens and a resumption of talks about Turkey's EU accession process (Weber, 2017: 10). There is also a risk of long-term project suspension funded by the EU in Turkey (Amnesty International, 2016). In reaction to the EU's response, the Turkish government regularly threatens to cancel the EU-Turkey Deal (Weber, 2017: 10).

On the other side, EU Member States are aware of that Turkey is one of the most important strategic partners to protect short-term and long-term strategic interests of the EU as regards to irregular migration, terrorism, and security (Lagendijk, 2016). Despite of Turkey's declining democracy, the EU maintains to develop political

cooperation with Turkey. Johannes Hahn, European Commissioner for European Neighbourhood Policy, says that the EU is committed to provide assistance to Syrian refugees in Turkey (Government Europa, 2018). Nevertheless, ambiguous policies of both the EU and the Turkish government have made the lives of Syrian refugees more unpredictable and more complicated since 2015. This decreases the effectiveness of protection which could have been provided by the Turkish government and the EU to Syrian refugees.

4.2.1. The Legal Status of Syrian Refugees in Turkey

Turkey is a signatory to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; nevertheless it maintains a geographical limitation to the 1951 Refugee Convention, restricting its application to European refugees (UNHCR, 2014a). This means that Syrian people are not granted refugee status in Turkey. The Turkish government identified Syrian people who fled to Turkey as 'guests' in the initial stages of the crisis. In October 2011, it declared an open door policy towards Syrian refugees and formally extended 'temporary protection' to them (Kirişçi, 2014: 1). In 2012 Syrian refugees were considered to be under temporary protection even though this status was not stated in the legal framework. At the same year, the process of preparing the Law on Foreigners and International Protection (LFIP) continued to legally define the status of Syrian refugees (Kale, 2017: 9).

In October 2014, Temporary Protection Regulation (TPR) was published within the scope of 91 of Law No. 6458 on the LFIP (DGMM, 2015a). As a part of Turkey's National Action Plan for the Adaptation of the EU acquis in the field of asylum and migration, temporary protection status was legally defined in the law (Erçetin, 2017: 255).[57] TPR specified the conditions for temporary protection and registration of the

[57] In a response to the crisis in Bosnia and Kosovo in the 1990s, the EU member states developed temporary protection status in 2001. In those years, Turkey also granted temporary status to Kosovo and Bosnia's refugees (Kale, 2017: 9).

refugees. It established a coordination mechanism between various public institutions in order to provide basic needs of Syrian refugees (Ferris and Kirişçi, 2016). It provides urban refugees access to healthcare and education services. It ensures non-refoulement and protection against forcible returns (Yavcan and El-Ghali, 2017: 15).

At the same year, Directorate General for Migration Management (DGMM) became operational under the Ministry of Interior by the Law of No. 6458 on Foreigners and International Protection. It is responsible for implementing policies on migration, providing institutional coordination and collaboration between agencies, organisations and institutions (DGMM 2015). It is the main responsible institution for registration of the refugees under the temporary protection regime (Ferris and Kirişçi, 2016).

Even though TPR creates a legal path for Syrian refugees, it falls behind the level of protection. TPR cannot keep up with the standards due to Turkey's restricted implementation capacity. The delay in registration of Syrian refugees and the language barrier causes serious problems on refugees' access to public services (Macreat, et al. 2017: 77).

TPR also creates uncertainty and insecurity in the daily lives of Syrian refugees. Under the Article 25 of TPR, Syrian refugees grant the right to stay in Turkey.[58] Nevertheless, Article 11 of TRP states: "The Ministry may propose Council of Ministers to terminate the temporary protection. Temporary protection shall be terminated by a Council of Ministers decision."

The future of Syrian refugees under temporary protection is dependent on the political decisions of Council of Ministers instead of Turkey's legal obligations under international refugee law. Turkey did not guarantee the possibility of a

[58] Article 25 of Temporary Protection Regulation, http://www.goc.gov.tr/files/_dokuman28.pdf

permanent stay in the country. Thus, Syrian refugees are surrounded by ambiguity and uncertainty. The language of political discourse conceptualizes Syrian refugees as victims rather than those with legal rights (Ilgıt and Memişoğlu 2017: 86-87). In Turkey, the Syrian refugee issue has been politicized and instrumentalized by the Turkish politicians for political purposes instead of developing a long term strategy to empower the rights of Syrian refugees.

As a result, Temporary Protection Regulation turns into a political tool of the Turkish government in the sense that it makes biopolitical interventions in the lives of Syrian refugees. The categorization of populations is the main instrument of biopolitics in order to manage the lives of refugees under the subordinating control mechanism (Civelek, 2017: 26-28). This categorization is based on the political decisions of the governments. They make decision on what categories they will use. In this sense, the Turkish government evaluates asylum applications according to the country refugees come from. If refugees come from Europe, they deserve the refugee status. If they do not come from Europe or they do not have the Turkish ancestry, they are not granted refugee status in Turkey. In case of Syrian refugees in Turkey, another categorization between Syrian refugees and non-Syrian refugees was introduced through the guest status and temporary protection status (Spilda, 2017: 50-51).

In a Foucauldian manner, political actors hold control over natural human life and the human capabilities when a human life turns into the object of the political power in a protracted refugee situation (Civelek, 2016). In this sense, temporary protection status limits Syrian refugees' access to social services in comparison to the services offered as a part of the Convention. It does not offer permanent solutions to improve the living conditions of refugees.

4.3. Self reliance versus Livelihoods Challenges

There is an intertwined relationship between self-reliance and livelihoods challenges in respect of empowering the resilience of refugees. The pursuit of livelihoods is an important factor for protracted refugee populations to increase their survival strategies in urban areas, and build a better future for themselves and their children (Gabiam, 2017: 70-71). Livelihood sources improve the capabilities of refugees, and expand their freedoms. As Amartya Sen argues, the major factors which restrict freedom of human-beings are poor economic conditions, poverty, social deprivation, lack of access to public facilities, and intolerance (cited in Clifton, 2013). In order to break down the obstacles which restrict human freedom, it is important to develop a comprehensive and inclusive strategy to provide instrumental freedoms. These freedoms are identified as 'political freedoms', 'economic facilities', 'social opportunities', 'transparency guarantees', and 'protective security' which are interconnected with each other (Sen 1999, cited in Paupp, 2014: 490). In this context, sustainable livelihood programmes have a critical role in increasing economic and social opportunities for refugees. These programmes help fulfill the gap between short-term humanitarian relief and long-term development. They not only provide employment facilitation, but also empower refugees to take a greater control over their lives (Women's Refugee Commission, 2011).

The effective recognition of the right to work and access to labor markets create a strong legal framework for the refugees' access to livelihoods. It breaks down the barriers to greater economic opportunities for refugees. It enables them to preserve their skills and assets to support both their families and their own communities. Right to work facilitates their transition from passive beneficiaries of humanitarian relief towards active agents who have capacity to reach self-sufficiency (Bidinger, 2015: 240-241). When legal restrictions exclude refugees from formal employment and force them to work in informal sectors, they are mostly caught between a bare life and political qualified life (Omata, 2017: 33). They have difficulties in going beyond the biopolitical reality of bare life in order to escape from dependency and achieve

self-sustaining growth. Thus, refugees' access to formal employment is certainly an important legal step in improving refugees' capabilities to have instrumental freedoms and pursue self-reliance.

The understanding of self-reliance is shaped around the idea of 'helping people to help themselves', hence it sets out to build and empower livelihood sources of refugees (Betts, 2016). Nevertheless, self-reliance is a hard process which may persist for many years; hence it requires a multi-year commitment from donors, host countries and private sector (Ibid.). In a case that political actors make much more effort to advocate for refugee rights and support sustainable livelihood programmes, refugees begin to become economically self-sufficient (UNHCR, 2011a: 15). In order to reinforce the relationship between self-reliance and sustainable livelihood programmes, there is a need for successful comprehensive plans of action which offer durable solutions, encourage inter-state burdensharing and increase the engagement of international and regional actors to support capacity development in host countries (Betts, 2004).

In a prolonged refugee situation, the concept of self-reliance gains more importance for refugees because care and maintenance is not enough to meet their all needs anymore. According to UNHCR's data at the end of 2014, it was estimated that 10, 8 million refugees, who were 60 % of all refugees worldwide, could not return their homes, and were under the supervision of UNHCR (Ibid. p.20). Over two-thirds of the world refugees were stuck in protracted refugee situations. In some countries, refugee children are born and grow up in exile and face enormous challenges to improve their self-worth. Many refugee children are deprived from education opportunities because they have to work in order to gain additional income for their families (Malli, 2017). Huge numbers of refugees struggle to maintain their lives in camps or urban areas on the margins of the cities for many years (Loescher, et.al. 2008: 3). Under such conditions, they need more livelihood strategies to build their lives again in refugee-hosting countries.

In the case of Syrian refugees in Turkey, self-reliance strategies have very great importance in order to empower the capabilities of Syrian refugees and help them live in a more dignified manner. In this sense, this research argues that the core strategy of the Turkish government should give much more emphasis to refugee self-reliance, increasing employment opportunities, providing employment support and financial incentives for employers to hire refugees. It is also important that the government should support small and medium-sized enterprises established by Syrian refugees in Turkey in order to enable them to become contributing members of Turkish society (Karasapan 2017). In this sense, the next section aims to examine the extent to which the government provides livelihood sources for Syrian refugees.

4.3.1. Legal Access to Work for Syrian Refugees in Turkey

Due to the long-term presence of Syrian refugees, the Turkish government's policy directions have gradually started to move in social integration policies since the LFIP legislation was passed in 2013. Political leaders started to debate about long-term integration policies for refugees because of the requirements for harmonization of relevant laws and regulations to the EU acquis (İçduygu and Şimşek, 2016: 61). Nevertheless, the Turkish government hasn't still developed official policy relating to the integration of Syrian refugees in order to implement more sustainable and long-term policies and practices (İçduygu, 2016).

Within the context of policies related to inclusion of Syrian refugees in the Turkish labor market in 2016, The Turkish government granted Syrian refugees the right to apply for a work permit.

Under the Regulation on Work Permits of Foreigners under Temporary Protection, Syrian refugees can apply to Ministry of Labor and Social Security for work permit six months after being registered under temporary protection (Turkish Labor Law, 2016). The Regulation also allows Syrian medical staff to work in Migrant Health Centres and health facilities of refugee camps (İçduygu, 2016: 7). Syrian refugees

can work for seasonal jobs in agriculture and stockbreeding without applying for work permit (Turkish Labor Law, 2016).

The Regulation also introduces an employment quota system. At the workplace for which work permit is requested the number of Syrian refugees under temporary protection cannot be more than 10 % of the Turkish employees. According to the Regulation, the work permits are only valid in the provinces they are registered. They are paid at least the minimum wage (Turkish Labor Law, 2016).

Even though the Turkish government allows Syrian refugees to have access to formal labor market through work permit, Syrian refugees continue to face significant challenges in receiving work permit and finding a job in formal labor market. The next section aims to examine why the Regulation on Work Permits of Foreigners under Temporary Protection remains weak to protect Syrian refugees from exploitative conditions of the informal sector.

4.3.2. Restrictions on the Formal Employment of Syrian Refugees in Turkey

Despite of the legal framework which grants Syrian refugees the right to work, there are significant gaps in their access to formal labor market. Firstly, Syrian refugees face difficulties in getting information on their rights in Turkey. When the Regulation came into force on January 2016, Syrian refugees had little or no information on the application process for obtaining work-permit. The number of community centres, which gave information on legal regulations and public services, remained very restricted.[59] At that time, there were only 20 community centres in 16 cities (Aida, 2017). It was hard for the centres to provide information on the relevant regulation for almost 1,4 million working-age Syrian refugees (OECD, 2016a: 26).

[59] Detail information on the role of community-centres in the lives of Syrian refugees is provided in Chapter 5.

Syrian refugees also face language barriers in Turkey due to a lack of interpreters in public institutions. Hence, many refugees cannot exactly understand legal procedures and instructions. They are unaware of their rights in Turkey (Reliefweb, 2017a).

Secondly, there are problems related to the implementation of the Regulation. Many Syrian refugees face a serious problem on delays in registering for temporary protection and receiving work permit in Turkey (Macreat et al., 2017: 76). As of October 2017, Syrian refugees had to wait for obtaining an identity card at least six months in Istanbul. Unless they receive their identity cards, they cannot apply for a work permit. Even if they are registered under temporary protection, they have to wait six months again to initiate the procedure for the issue of work permits (Leghtas and Hollingsworth, 2017: 12). In other words, many Syrian refugees have to wait more than one year to only apply for a work permit. This situation forces them to work in the informal labor sector.

Another problem about the implementation of the Regulation is that the employer applies for work permit in order to initiate the procedure. This makes the refugee more dependent on the employer (Yavcan, 2017). Refugees become more vulnerable to exploitation because the employer may deceive them in the process of applying for a work permit. There is a potential risk of that the employer may deceive refugees as regards to the nature of their application, the legality of work contract or legal documentation.

Thirdly, there is a lack of incentives for Turkish employers to legally employ Syrian refugees. According to the Regulation, the employers have to prove that there are no qualified Turkish citizens who can work at the same job. Furthermore, the employer cannot hire more Syrian refugees if their numbers exceed 10 % of the Turkish employees at the workplace. They have to pay refugees legal minimum wage (Yavcan, 2017).

Under these circumstances, Turkish employers are more inclined to hire Syrian refugees informally because they do not want to pay for their social security premiums and work permit fees (Kadkoy, 2017). Medium and large-sized companies search for qualified workers in Turkey, whereas small companies seek for lower cost informal labor (Kızıl, 2016: 169). This situation forces Syrian refugees to search for a job in informal labor sector because they lack Turkish language skills and occupational skills (Kızıl, 2016: 169).

Table 3: Work Permits issued to Syrian refugees (2011-2017)

	2011	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**
Male	96	194	724	2,384	3,739	12,145	19,326
Female	22	26	70	157	280	1,145	1,644
Total	118	220	794	2,541	4,019	13,290	20,970

Source: Aida (2017) 'Access to the Labor Market'. Retrieved from May 18, 2018, from http://www.asylumineurope.org/reports/country/turkey/access-labour-market-0

As shown in the table above, the number of Syrian refugees who obtain work permit increased after especially the adaptation of the Regulation in 2016. Despite of the legal framework, only 1,3 % of Syrian refugees have obtained work permit. Due to the problems mentioned above, there is a substantial gap in respect of access of Syrian refugees to formal employment in Turkey.

Because of the lack of work permits, Syrian refugees are forced to work in informal labor sector with low wages. Unregistered employment is common in agriculture, construction, textile, retailing and transportation (OECD, 2016a: 18). They work under harsh conditions without having the right to receive the minimum wage and social security contributions (Korkmaz, 2016).

4.3.3. Working Conditions of Syrian Urban Refugees

In 2018, 94 % of the Syrian population lives in urban areas in Turkey (European Commission, 2018). Syrian refugees are dispersed into most cities in Turkey. Half of them live in cities in close to the Turkey's border with Syria, while the other half is dispersed into other cities, especially Istanbul (Erdoğan, 2017: 10).

Many Syrian refugees prefer to live in urban settings in order to reach livelihood opportunities to get better income for their families. However, a large number of Syrian refugees in Turkey live in a hand to mouth existence, and they try to gain money through their daily labour (Barbelet and Wake, 2017: 3-4). They have to pursue short-tem strategies to earn some cash. Despite of the fact that they have the right to work and access to labor market in Turkey, many Syrian refugees are forced to work illegally in low-paid jobs (Leghtas and Hollingsworth, 2017: 6).

The availability of work permits hasn't brought about significant changes in the lives of Syrian refugees. They are generally employed in the informal sector. Tens of thousands of Syrian refugees work in the construction sector, the textiles and clothing sector, garment industry and agriculture (Business and Human Rights, Resource Centre, 2017; Eliaçık, 2018).

Turkey's textile and garment industry is based on lower-cost subcontracting and flexible contracts. This sector is characterized by a high degree of informal employment (Dedeoğlu, 2014: 108-109). Syrian refugees are considered cheap labor in Turkey's industrial production. They earn less than their Turkish co-workers. For instance, Syrian male workers earn US$ 95 less than Turkish male workers. Syrian refugee women gain US$ 140 less than Turkish male workers. According to the report of the United Metalworkers' Union in Turkey, 99, 6 % of Syrian male workers and 100 % of Syrian female workers work illegally in the garment industry (Cengiz, 2017: 125).

Many Syrian refugees experience problems on late payment or non-payment. They do not have job security and health insurance. As health and safety precautions are weakly enforced in the informal sector, Syrian refugees work in hazardous working conditions. According to the report of the Workers' Health and Work Safety Assembly of Turkey, 112 Syrian refugees lost their lives at the workplace due to occupational accidents. The number of Syrian refugee workers who have been injured in an accident at work is unknown (Eliaçık, 2018).

Under the conditions of exploitation of their labor force, many Syrian refugees have great difficulty in meeting their basic survival needs. In order to increase their household income, they force their children to work in the informal sector, particularly in seasonal agricultural work and in the textile and garment industry. Under dangerous working conditions, they have to work more than 8 hours a day in order to earn a little money (Pitel 2017; Yalçın 2016).

According to Support to Life's field survey, 15 % of Syrian families have at least one child who works in the informal sector in Şanlıurfa. The rate reaches over 24 % in Hatay. Almost 75 % of Syrian children in these two cities work at least six days a week. In Istanbul, at least one child in almost every three Syrian families works in these sectors (Yalçın, 2016: 93-94). Half of them work in seasonal agricultural work. Even though child labor is banned under Turkish law, the Turkish authorities do not take strict precautions to prevent child labour in the agricultural sector (Sentek and Bettoni, 2017).

From 2011 to 2016, the Turkish government did not take any precaution against the exploitation of Syrian refugees who were illegally working in hazardous conditions. The mentioned sectors have already absorbed the majority of Syrian workers, even child workers in the last six years. It is very hard to smooth informal sector businesses into the formal sector in Turkey because Turkey's informal sector size is nearly 25-30 % of its official GDP (Ateşağaoğlu, et al. 2017: 2). Thus, Turkish employers maintain to take advantage of Syrian refugees' weak position without

offering equal wages and health insurance. As Cengiz claims, Syrian refugees make important contributions to Turkish capitalism through their human capital and their initiatives to establish new firms in Turkey (2017: 125).

In this context, this research argues that Turkey's legal and political framework leaves Syrian refugees within the visibility/invisibility interplay. State-based practices for the management of population reinforce the invisibility of refugees in economic and social structures. Temporary protection fails to provide an effective protection to Syrian refugees in Turkey. Many refugees find themselves in a long-standing state of limbo, without knowing what will happen to them in the future. On the other side, the Turkish government turns a blind eye to the invisibility of Syrian refugees in labor market because the expansion of the informal sector makes a significant contribution to Turkish capitalism. In the absence of child protection, Syrian refugee children are exposed to physically and psychologically stressful working conditions that are in breach of their fundamental human rights.

4.4. Conclusion

The long-term presence of Syrian refugees requires a comprehensive solution mechanism in order to facilitate the social and economic integration of Syrian refugees in Turkey. Since especially 2014, the Turkish government has started to take some steps to formulate integration policies of Syrian refugees in policy framework. It rearranges its refugee protection system to enable Syrian refugees to have access to labor market and livelihood sources. Nevertheless, 'Temporary Protection Regulation' cannot provide effective protection with regard to fundamental human rights. Instead, the regulation strongly reinforces the volatility of legal status in Turkey.

The future of Syrian refugees under temporary protection is directly in the hands of the government. Turkey does not even guarantee the possibility of a permanent stay in the country. Syrian refugees are surrounded by ambiguity and uncertainty in the

absence of well-defined long-term political strategies. They become more exposed to the government's biopolitical interventions. The volatility of legal rights allows the government to monitor and regulate their lives through techniques of state power.

Due to the fact that there is a great gap between the legal framework and actual implementation, many Syrian refugees are caught in a disadvantageous situation at the stalemate of dichotomies of legal an illegal; visible an invisible; inclusion and exclusion in Turkey. They face massive exploitation at the workplace even though Syrian refugees have a right to access to formal employment in Turkey.

The gap between policy and practice on Syrian refugees' rights in Turkey has seriously deepened as a result of both temporary protection regime and shortage of financial resources for long term investment projects. In this sense, it is very critical to question the effectiveness of EU's humanitarian policies with regard to enhancing protection mechanisms in host countries. The following chapter aims to discuss the role of EU's policies in the possession of paradox of Syrian refugees in Turkey.

CHAPTER 5

THE PITFALLS OF THE EU'S HUMANITARIAN POLICIES

There is an interwoven relationship between the realization of human rights and fundamental freedoms and the responsibilities of duty-bearers to realize these rights. In classical human rights theory, rights and duties are rigidly related with each other in the sense that any right requires a co-related duty of a second party (Sengupta, 2009: 87). When there is no effective mechanism which enforces the legal obligations of duty-bearers, refugees are caught by 'the possession of paradox of rights' (Haddad, 2008: 86).[60] To put it more clearly, refugees have difficulties in enjoying their rights due to lack of coercive enforcement mechanisms even though they are entitled to fundamental human rights which are enshrined in 1951 Convention and its 1967 protocol.

Within the borders of dominant governmental rationalities, the basic conception of fundamental human rights most likely remains weak in the equal enjoyment and exercise of the rights to empower the legal representation of refugees in host countries (Adelman and Barkan, 2011: 65) As discussed in Chapter 1 and Chapter 2, nation states are more inclined to categorize refugees as non-rights bearers or those who have a modicum of rights rather than equal citizens. The ignorance of the rights set forth in the 1951 Convention makes refugees more dependent on humanitarian assistance and threatens their social, economic and political rights (Haddad, 2008: 88; O'Neillİ, 2008: 30).

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[60] Jack Donnelly describes the possession paradox as 'having' and 'not having' a right to enjoy it at the same time (Vincent, 2005: 30).

The possession of paradox of rights is well illustrated in the EU-Turkey Statement (EU-Turkey Deal), which came into force on March 20, 2016. A critical analysis of the EU-Turkey Deal is very crucial to show the huge gap between the rights of Syrian refugees and actual implementation of their rights. In this context, this section aims to show to raise a question mark on how the capabilities of Syrian refugees are influenced in case that they have basic rights in the legal framework, but not cannot genuinely enforce it in all aspects of their lives.

5.1. The EU-Turkey Statement

With the purpose of analyzing how the EU-Turkey Deal reinforces the possession of paradox of rights, this research sets up the linkage between EU's refugee policies and Foucault's theorization about power, knowledge and subject formation. As expressed in Chapter 1 and Chapter 4, the EU aims to produce certain types of knowledge in order to exercise significant control over asylum and immigration policies through the bilateral agreements with countries of origin and transit of migrants. In the fields of border controls, readmission and the reception of asylum-seekers, the EU cooperates with third countries under 'the more-for-more principle'. In this sense, the EU establishes a dependent relationship between its readmission demands and other areas of cooperation with third states (Carrera, et al., 2016). According to their successful efforts to enforce strict border controls and prevent irregular migration, third states can gain policy concessions from the EU in the areas of greater concern to them.

In this context, the EU-Turkey Deal is one of the most important political instruments which enable EU Member States, particularly the EU's core countries to construct knowledge as an exercise of their power. According to Foucault, power has been formed, motivated, transformed and incorporated within the interactive dynamics between states (Yongnian, 2010: 298). Political actors develop tactics, strategies and techniques to shape the political behaviors of the other actors at the local, national and international levels (Wennerhed, 2016: 24). In this regard, the

power relationship is built among the EU, its member states and Turkey in the context of the externalization of the EU migration and asylum policies. In line with the Foucauldian interpretation of power, this research argues that the implementation of EU Readmission Agreements is a significant element of the EU's migration management strategies.

In order to better understand the power relationship, it is important to examine the policy objectives of the EU-Turkey Deal. The main objective of the Deal is to prevent irregular migrants from accessing asylum procedures in Europe. The Turkish government approved the entry into force of the provisions of the Deal in exchange for visa liberalization, the provision of financial assistance to refugees and the reactivation of Turkey's EU accession process (Adamson, 2017). The EU-Turkey Deal prioritizes protecting the internal security of the EU rather than offering legal guarantees to empower the rights of Syrian refugees and improving their sense of wellbeing. In a power/knowledge nexus, the EU treats Turkey as a buffer zone which protects the internal security of EU Member States. Turkey is seen as one the most important partners which facilitate the forceful resettlement of Syrian refugees from Greece to Turkey (Haferlach and Kurban, 2017: 85-86). The EU seeks to take a leading role in determining the strategy development in the area of immigration and asylum in both Europe and its neighbouring countries on the road of irregular migration.

In the implementation of the EU-Turkey Deal, the EU's main strategy is the classification of living forms to determinate the boundary between 'valuable' and 'not valuable' lives or 'lives worth living and 'lives worth not dying' (Guild, 2012: 8; Mavelli, 2017: 11). In the context of biopolitical governmentality, the value of a human life is determined according to a neoliberal understanding of human beings (Ongun, 2016: 112). A human life is evaluated on the basis of its material, biological and molecular dimensions. In this sense, it can be said that there is a strong relationship between the decision of political actors to welcome or reject refugees

and the capacity of refugees to develop the well-being of host populations (Mavelli, 2017: 12).[61]

In order to strengthen the boundary between 'lives worth living' and 'lives worth not dying', the EU enforces the politics of non-entrée regime, which is one of the core principles underlying the EU-Turkey Deal. It facilitates the implementation of the legal framework on the basis of the Foucauldian concept of biopolitical racism. As expressed in Chapter 3, the EU's non-entrée practices reinforce the distinction between 'good/ deserving/ real refugees' and 'bad/undeserving/bogus refugees' (Baerwaldt, 2018; Mavelli, 2017; Szcepanik, 2016). In this process, a human life has become the object of biopolitical interventions which attempt to regulate the life of human beings in a paternalistic relationship (Kristensen, 2013; Mavelli, 2017: 11; Rentea, 2017: 6). As Fassin argues, the techniques for regulating populations are used by the nation-state, establishing refugee camps, opening humanitarian corridors, reconciling humanitarian aid to illegal migrants who are restrained from applying for asylum procedure or violating the laws (2012).

In the light of the arguments mentioned above, it can be said that the 'one-for-one scheme' of the EU-Turkey Deal has been implemented in asymmetrical power relations which place refugees in a disadvantageous situation. According to the resettlement scheme, the EU commits to resettle a Syrian refugee from Turkey to the EU for every Syrian being readmitted to Turkey from Greek islands (European Commission, 2016). In the period between April 2016 and April 2018, over 12,476 Syrian refugees were resettled from Turkey to the EU (European Commission, 2018a). Even though the EU pledged to resettle Syrian refugees up to a limit of 72,000, the pace of the EU resettlement programme remains very low. A cap of 72,000 places fell behind the resettlement of 108,000 refugees per year, which was suggested by some international NGOs (International Rescue Committee, 2016;

[61] See the case of Germany: Some scholars argue that Syrian refugees are considered by Angela Merkel's government to make a significant contribution to Germany's economic growth by filling in labor market gaps and bringing in new skills (Ginsburg, 2017; Matsangou, 2015; Mavelli, 2017: 3).

Rankin, 2016). Moreover, EU-Turkey Deal does not have a clear commitment on how many Syrian refugees will be resettled to the EU in the forthcoming years (Heck and Hess, 2017: 45-46).

As a consequence, the deal has transformed the lives of illegal migrants, asylum-seekers and refugees into political currency. The fundamental human rights of those people are exchanged for short-term political gains within the logic of realpolitik (Bhabha and Digidiki 2016; Pace 2018). In such a political atmosphere, Syrian refugees become biopolitical subjects who cannot genuinely enjoy their fundamental human rights, as discussed in Chapter 4. They have increasingly been depoliticized in the context of dissemination of biopolitical knowledge (Ilcan, 2013; Malkki, 1995).

EU's biopolitical security practices have also a significant impact on the nature of humanitarian assistance, and subsequently the capabilities of Syrian refugees to rebuild their lives from scratch in Turkey's urban areas. The EU seems to adopt rights-based approach which offers legal guarantees to empower refugees as resilient actors in the theoretical domain (European Council, 2018). Nevertheless, this research claims that EU's humanitarian policies are more inclined to treat refugees as objects of humanitarian assistance in practical domain. In order to examine the disparities between theoretical and practical domain, the next section draws attention to the impact of the EU-Turkey Deal on the effectiveness of humanitarian assistance in Turkey.

5.2. The Impact of the EU-Turkey Deal on Rights-based Humanitarianism

The conjoining of border security with humanitarian concerns negatively influences rights-based humanitarianism which aims to empower the right of refugees (Little and Vaughan-Williams, 2017). EU's biopolitical border security and its efforts to externalize refugee protection to third states outside the EU result in a severe violation of basic human rights of refugees (Grigonis, 2016; Samaddar, 2017).

EU's readmission agreement with Turkey jeopardizes the right of refugees to seek and enjoy asylum in Europe and infringes the principle of non-refoulement (Gillade, 2011: 84). Moreover, both Syrian refugees and non-Syrian refugees who are readmitted to Turkey as a part of the EU-Turkey Deal do not have access to their legal rights in removal centres. According to the reports, they cannot communicate with the lawyers and UNHCR representatives in removal centres. Thus, they do not obtain any information on their rights and legal status (Kingsley and Abdulatif 2016; Ulusoy and Battjes 2017: 5-6). During the interview, an NGO representative expressed that non-Syrian refugees who were readmitted to Turkey faced the risk of deportation, especially after the entry into force of the EU-Turkey Deal. The number of non-Syrian refugees who were deported from Turkey began to increase. In this process, they could not have access to legal advice and international protection (Interview, 2017).

Just as both Syrian refugees and non-Syrian refugees experience unlawful detention and the risk of deportation in Turkey, so too they suffer from the strict detention regime in Greece. After the EU-Turkey Deal, reception facilities were transformed into deportation centres on the Greek islands. They are forced to stay on the islands despite of disastrous living conditions (Amnesty International, 2017: 6). The containment policy of the Greek government restricts the freedom of movement of refugees and leaves them trapped in the Greek territory (Reliefweb, 2018a). According to the reports of Save the Children and Doctors without Borders (MSF), an increasing number of Syrian refugees experience mental health problems in the Greek camps due to violence on the journey, lack of basic needs, and uncertainty about the future. A survey conducted by MSF and Epicentre on the Greek island of Samos in early 2017 revealed that illegal migrants who reached to Samos after the EU-Turkey Deal suffered from more violence than those who had arrived before the deal. The survey indicated that approximately 60 % of violence was committed by state authorities (MSF, 2017).

In addition to these factors which fuel mental illness, family separation is another important factor which damages psychological wellbeing of Syrian refugees. The EU-Turkey Deal creates serious obstacles to the right to family reunification even though articles 9 and 10 of the Convention on the Rights of the Child (CRC) and Articles 17, 23 and 24 of the International Covenant on Civil and Political Rights (ICCPR) advises the signatory states to support the protection of family life.[62]

After the deal, many Syrian refugees are trapped in Greece. They cannot move on to other European countries in order to reunite with their families due to the closure of the border between Greece and its neighbouring countries and their fear of being deported to Turkey (Freedman, 2017: 129). Tens of thousands of refugee children who stand in Europe are at high risk of mental illness problems because of family separation (Bulman, 2017). Syrian refugees are caught in limbo without knowing where they will maintain their lives and whether they can reunite with their families or not.

Within this context, the EU-Turkey Deal provides a notable case to show how Syrian refugees are not conceptualized as political subjects who have civil, political, economic, social and cultural rights set out in international human treaties. As expressed in Chapter 2, one of the core characteristics of rights-based humanitarianism is to empower the legal capacity of refugees on an equal basis with citizens in all domains of life (Meenai, 2008). Nevertheless, the EU-Turkey Deal violates fundamental human rights of refugees. As mentioned before, Syrian refugees are deprived of the right to seek asylum in Europe by means of the readmission agreement. This procedure is a breach of Article 3 of the 1951 Convention because of the discrimination on the basis of nationality.[63] As UNHCR emphasizes, the

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[62] See: Articles 9 and 10 of CRC, 1989, https://www.unicef.org/crc/files/Rights_overview.pdf
See: Articles 17, 23, 24 of the ICCPR, 1966,
https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf

[63] Article 3 of the 1951 Convention states: 'The contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin (1951).

asylum procedure should be assessed case by case by a judicial court (Bello, 2017: 56-58). However, the securitization of the EU's immigration and asylum policy conceptualizes those who have a right to seek asylum in accordance with the 1951 Convention as illegal migrants (Schuster, 2011).

The EU justifies the temporary protection regulation in Turkey, by declaring Turkey 'safe third country' despite of the insecurities Syrian refugees experience. Nevertheless, there are serious concerns on that Turkey is designated as a safe country because Syrian refugees encounter with the insecurities arisen from the temporary protection regulation, i.e. the volatility of their legal status in Turkey (Baban, et al. 2017; HRW, 2016). Indeed, the Greek Asylum Appeals Committees determined that Turkey did not fulfill the requirements of the safe third country in 390 out of 393 decisions, by impeding the implementation of the EU-Turkey Deal in practice (Gkliati, 2017).

Turkey's temporary protection policy cannot provide an effective protection to be afforded to Syrian refugees, as expressed in Chapter 4 (Baban, et al. 2017; Heck and Hess, 2017). Syrian refugees often face great challenges in terms of access to basic public services and social assistance, as expressed in many reports by human rights organisations (Amnesty International 2017; Human Rights Watch 2016; PRO ASYL 2016). This legal system places them under protracted structural violence based on 'securitization, victimization, marginalization, and minimal access to basic human rights' (Özgür-Baklacıoğlu, 2017). Most of them are dependent on humanitarian aid to meet their basic needs (Human Rights Watch, 2017). Furthermore, the temporary protection regime creates a serious obstacle for Syrian refugees in Turkey to apply for international protection. Both the UNHCR and Turkey agreed upon that Syrian refugees under temporary protection are not involved in refugee status determination (Yıldız and Uzgören, 2016: 199). Due to the unforeseen future of legal status in Turkey, some Syrian refugees take enormous risks to reach Europe in the hope of lodging a claim for refugee.

Despite of the serious problems Syrian refugees face in Turkey, the EU is determined to build its asylum and refugee policies upon the EU-Turkey Deal which aims to contain Syrian refugees within Turkey's temporary protection regime. In this sense, this research underlines that the EU's highest priority is not legal empowerment of Syrian refugees in both refugee policy formulation and their implementation. EU's migration and asylum policies are grounded on the dominant knowledge/ power axis which place refugees in a hierarchical and vertical relationship, as expressed in Chapter 2. In the hierarchical relationship, EU Member States' political obligations to protect Syrian refugees are replaced with their political will to realize the basic rights of refugees or not.

The EU's policy preferences give more priority to material gains such as security and economic gains than the protection of refugee rights and legal empowerment of refugees (Arnold and Haverkamp 2016; Balducci 2013; Stevens 2016). Even though EU Member States are signatories to the 1951 Convention, they leave Syrian refugees in unsecured living conditions, by deterring asylum claims and restricting arrivals to Europe. This situation creates a serious obstacle to the development of a long term political strategy in which Syrians are recognized as refugees. EU's restrictive asylum policies cause a continuous process of subalternization in a protracted crisis due to serious challenges to their legal empowerment (Beracochea, et al. 2011: 93).

5.3. EU's Humanitarian Aid for Syrian Refugees in Turkey

The nature of humanitarian programmes, which is either short-term or long-term; needs-based or rights-based; sustainable or unsustainable, plays a key role to contest hegemonic representation of refugees who are not supposed to have a significant enunciatory power (Harindranath, 2007: 3). In order to strengthen the resilience of refugees, it is important that humanitarian policies develop a more systematic approach to expand the basic capabilities of refugees (Landau, 2008: 112). Rights-based humanitarianism grounds for creating sustainable change in both a policy domain and a practical domain to address the needs of refugees in a greater depth

(Hollenbach, 2008: 2). Providing a stronger framework for advocacy on behalf of asylum-seekers and refugees requires creating a powerful basis which turns refugees into rights-holders who are aware of their rights and have the ability to demand their rights. Otherwise, refugees are forgotten and lost in a system with limited resources which do not provide education and employment opportunities for them (Culbertson and Constant, 2015).

In the case of Syrian refugees in Turkey, the nature of EU's humanitarian aid plays a critical role in increasing the quantity and quality of services and assistance to refugees in Turkey. Under the EU-Turkey Deal, the EU promised Turkey to provide 6 billion Euros to improve the living conditions of Syrian refugees under temporary protection. The first tranche of the Facility was made up of 1 billion Euros from the EU budget and 2 billion Euros from EU Member States for 2016 and 2017. By the end of 2018, the second 3 billion Euros tranche of the Facility will be mobilized (European Commission, 2018b).

In the distribution of financial aid, there occurred a conflict between Turkish officials and EU officials in respect of how these funds would be mobilized. Turkish officials supported the mobilization of funds for improving infrastructural capacity such as building schools and hospitals, whereas its EU counterparts were more inclined to provide cash aid and services in Turkey. Turkish authorities argued that humanitarian programmes based on cash aid and services would make the refugees more dependent on humanitarian relief (Interview, AFAD, 2017, cited in Kale, et al. 2018: 20).

In parallel with the EU's needs-based humanitarian policies, this research argues that EU's humanitarian aid is driven in the pursuit of internal security objectives and political goals of the EU Member States. The EU makes humanitarian aid for Syrian refugees in Turkey conditional on the strict enforcement of border control measures which prevent refugees from crossing to Europe. In this sense, the EU's carrot/stick instrument destroys rights-based humanitarianism because it morphs into a political tool for depoliticizing the refugee category (Baban, et al., 2017). Refugees are

considered a bargaining chip at the negotiations between Turkey and the EU rather than rights-holders (Berry, 2017).

In the present political conjuncture in which humanitarian aid is instrumentalized and politicized, the effectiveness and the sustainability of humanitarian aid significantly decreases in respect of developing institutional capacity building and fostering sustainable human development (Carrera, et al. 2016: 14-15; Curtis, 2001). The current EU's approach of 'throwing money at the problem' does not improve legal channels for Syrian refugees to empower their social and economic wellbeing (Carrera, et al., 2016). Financial aid alone is not enough to provide the prompt and effective protection of refugees. Protecting refugees requires the development of a durable legal and institutional framework at global level (Muižnieks, 2017).

Because of the ethical dilemma of the EU-Turkey Deal which violates the basic principles of refugee protection, some NGOs rejected EU funds. For instance, Doctor without Borders (MSF) is one of these organisations who refused all funding from the European Union and its member states, by protesting the Deal (MSF, 2016).[64] Maria Elisabeth Ingres, who is the head of MSF Greek operations, says: "We will not allow our assistance to be instrumentalized for a mass expulsion operation." (cited in Xu and Hay, 2016). Association of Bridging Peoples is another organisation that rejects the use of EU funds by claiming that the EU-Turkey Deal is an official human trafficking agreement.

In interview with NGO representatives, the researcher observes that the general tendency of NGOs in Turkey is to mobilize EU funds for their projects even though they criticize the ethical and moral basis of the Deal. One of the most important reasons why most NGOs cannot reject EU-funds is that they do not have any

[64] MSF was founded in 1971 by a group of French doctors who worked in Biafra War in early 1970s. It aims to provide emergency medical aid for people affected by natural and man-made disasters. Today, it is one of the largest organisations in the field of medical aid in the world (Park, 2010: 136; Leonard, 2006: 480). It has evolved into international humanitarian movement with offices in 21 countries and around 3000 field staff in more than 60 countries worldwide (MSF, 2018).

alternative financial source to maintain their projects and activities in Turkey. Hence, it is very difficult for many NGOs to show their reactions to the EU (Interview, NGO Representatives, 2017).

5.4. Rethinking the Needs of Refugees

In the context of analyzing the effectiveness of humanitarian assistance, it is important to examine what refugees need to achieve a set of physical, mental, social and economic well-being. Mapping out the needs of Syrian refugees in a multi-dimensional perspective creates the basis for analyzing EU's humanitarian aid with respect to the extent of the EU's contribution to the capabilities of refugees in all aspects of their lives.

In the literature which sets a linkage between human well-being and quality of life, it is argued that the elements of human well-being are multi-dimensional. Studies on the development of a human well-being indicate that there is a need for more holistic perspective framework in which human well-being extends beyond the satisfaction of basic needs to the psychological and spiritual realm (Dalfovo, 2002; Ferrara, et al. 2015; Hämäläinen, 2014: 17; Kee, 2017; Tzafestas, 2010).

From the perspective of refugee lived experience, wellbeing is defined as the capacity of refugee communities to have enough economic, physical, social and spiritual resources which complete each other (Atem, 2017: 6).[65] In this context, there is a rigidly connected relationship between well-being of refugees and the living conditions in host countries (Bruijin, 2009). The nature of policy framework and implementation strategy on the protection and the empowerment of refugees have a very crucial impact on this interwoven relationship. When a state policy framework does not grant effective protection to refugees in practical realm, it

[65] The perspective of somebody with lived experience represents the voices of people. It aims to voice the experiences of people and their comments on their experiences in order to better understand their lives (Hardy and Mueser, 2017: 7; Manen, 2015).

increasingly reduces the capacity of refugees to cope with their problems. The deprivation or denial of rights has negative consequences for refugees because it may erode their skills, talents and potentials (Betts and Collier, 2017). In a protracted situation, they have become more dependent on humanitarian relief when refugees cannot improve their capabilities and fulfill their basic rights, particularly their right to education and their right to work and access to labor markets. As a consequence, aid dependency creates enormous difficulties for them in restoring some degree of autonomy. They have less adaptive capacity to overcome the difficulties arisen from their past experience of trauma in their home country and manage uncertainties in a new environment (Demirdjian, 2012: 19).

In order to express the feeling of displacement and uprootedness among refugees, Katharina Knox and Tony Kushner say:

> A refugee's situation has been described as similar to a person with Janus' two faces: one that looks back on past experiences- who sees the flight, the loss, the separation, and nostalgia and the other who sees the present and the future, in which one sees unfamiliar, the unpredictable, full of fears, real or unreal (1999: 411).

When refugees are forced to flee to other countries, they are caught in positions of transition from the predictable past in their countries before the outbreak of civil war towards an unfamiliar social environment and unpredictable future (Kibreab, 2004: 25). In the process of transition, their dreams and hopes are more likely shattered because they are not considered as equal citizens.

In order to set a strong bridge between their past and their future, the enforcement and the implementation of the language of rights in both national legal frameworks and humanitarian programmes have a significant role in helping refugees resume their life as resilient actors (Grabska and Mehta, 2008). Furthermore, it is critical to provide a better match between humanitarian programmes and the needs of refugees in order to help refugees get through the trauma they experience or witness. Within this context, this research addresses the importance of community-based protection

and rights-based approach to refugee assistance, as expressed in Chapter 2. These two approaches to refugee protection enable refugees to become resilient actors who speak out their rights, their expectations and their concerns. In a contrary case, humanitarian programmes remain outside the line with the long-term needs of refugees. They also create the risk of aid dependency. When political actors treat the concerns and problems of refugees with tokenism in humanitarian policies, refugees are placed in a hierarchical relationship with political actors. Refugees are seen as dependent beneficiaries rather than being identified as equal partners who have autonomy over their decisions (Jolliffe, 2015: 2-3).

In the light of the arguments mentioned above, this research argues that the content and operational aspects of humanitarian projects financed by the EU and the Turkish government parallels with Maslow's hierarch of needs theory which gives more priority to physical needs of refugees over their social, psychological and spiritual needs. As underlined in Chapter 2 and Chapter 4, it is important to transform care and maintenance phase which meets the emergent and basic needs of refugees towards sustainable livelihood programmes in order to improve the capacity of refugees to maintain the adequate standard of living. This understanding requires that the physical needs such as accommodation, food and cloth should be met by right, not by humanitarian relief. In a further step, it is required to go beyond the basic needs in order to enable refugees to participate in all aspects of daily life (Eide, 2016). In this sense, humanitarian projects based on Maslow's hierarch of needs theory create a serious obstacle to follow a holistic approach to refugee needs and rights if they are not complemented with capacity building projects.

Maslow's theory argues that needs are in a linear progression, thus the satisfaction of needs are defined as hierarchical levels, including respectively psychological, socio-psychological, and self-actualization.[66] Thus, it neglects the importance of socio-

[66] Self-actualization addresses to both "being" and "becoming". Being refers to the human existence itself, by recognizing that the human being should be considered as a whole and an autonomous being. In this sense, both Rogers and Moustakas claim that both "being" and "becoming" are shaped by the

psychological needs and spiritual needs which are inherent to human dignity until the physical needs are met (Niyongabo, 2017). The lack of a holistic approach to refugee needs weakens the wellbeing of refugees. In a protracted refugee situation, a lower attention of humanitarian programmes to these needs create malaise due to a loss of purpose in their lives, and 'the energy of which leads them into a problematic reentry into everyday life and purpose', as Niyongabo argues (2017). In this sense, this research argues that humanitarian programmes should give an equal importance to meet not only the basic needs of refugees, but also their socio-psychological needs at the same time, while accepting the interconnected and interdependent relationship between these needs, which complete each other.

Under these circumstances, refugees can gain power to go back to normal life in the process of transition. Subsequently, their positive growth starts to increase after experiencing war-related trauma if they are recognized as 'resilient survivors' rather than 'deficient victims'. If humanitarian programmes leave a hierarchy of needs aside, refugees can more easily overcome the negative consequences of the transition towards an unpredictable future (Donaghey, 2015). Otherwise, they have difficulties in empowering their personal strength, embodying resilience and rebuilding their lives (Calhoun and Tedeschi, 2016: 11).

In order to increase self-reliance and self-sufficiency of refugees, it is important to go beyond the scope of Maslow's hierarchy of needs. Nevertheless, humanitarian projects do not give an equal importance on their social needs such as the feeling of belonging and being affiliated with others; their esteem needs like self-confidence; and their self-actualization needs important for discovering and realizing their potential in higher levels. These projects generally consider the needs of refugees in the sequential layers (Wordsworth, 2017).

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development of the organism which realizes nature of the human being (as cited in Kvalsund, 2003: 121). Self-actualization gains more importance for immigrants and refugees because it is more difficult for most of them to achieve the highest level of self-actualization (Patrick, 2009: 57). Because of that they are mostly placed at lower hierarchy of social stratification, they face more difficulties to achieve self-actualization in a country which they seek refuge (Arthur, 2009: 104).

As Daniel Wordsworth, CEO of the American Refugee Committee, argues, the priorities of each refugee are different from each other. For instance, refugee children's priorities may not be the same with those of refugee adults (2017). According to a study done in Thailand by a research group from Curtin University, some refugee children describe their needs as 'identity', 'friends and family', 'having the opportunity to grow up', and 'live with no racism and no fear' or 'needs for family reunion' (Thorosen, et.al. 2015: 8-9). These children did not give priority to basic needs such as food and shelter; on the contrary, they emphasize family relationships and their potential to reach their hopes and dreams. Hence, it is significant that humanitarian programmes should treat refugees as a whole person, by listening their concerns and recognizing them as resilient actors. Nevertheless, it seems difficult to implement these programmes because of the restrictive nature of refugee policies, budget constraints, the lack of infrastructure and the nature of forgotten crises and failed governance (Ibid. p.17).

Based on this understanding of refugee needs and aspirations, the next section examines the effectiveness of the EU's humanitarian assistance for Syrian refugees in Turkey. In this context, this research puts focus on EU's cash assistance programmes, EU funding for multi-service community centres and education.

5.4.1. Cash Assistance Programmes

The Emergency Social Safety Net (ESSN) is a multipurpose cash assistance program funded by the European Commission's Humanitarian Office (ECHO). The EU allocated 1 billion Euros to the ESSN until January 2018 (Walter-Franke, 2018: 4). It was launched on 28 November 2016 in order to meet the basic needs of Syrian refugees in Turkey. It is implemented with the cooperation of the World Food Programme (WFP), the Turkish Ministry of Family and Social Policies (MoFSP) and the Turkish Red Crescent (TRC). AFAD provides coordination of the ESSN (WFP, 2016).

Registered Syrian refugee population can apply for ESSN support. The programme selects the refugees who are most in a vulnerable situation. It prioritizes especially elderly refugees, refugees with disabilities and women-headed refugee households. Refugees who are employed with a work permit or have their own registered assets in Turkey cannot apply for ESSN support (European Commission, 2016a).

As a part of the programme, eligible families are provided with an ESSN debit card which gives them 120 Turkish Lira per person every month. They can use this card in shops like a debit card. They can decide themselves how to spend the money according to their essential needs like rent, food or bills (WFP, 2017: 3). In this sense, EU and WFP officials argue that this system provides refugees with the dignity of choice (European Commission, 2016a). In the reports of humanitarian and refugee-related NGOs, it is also claimed that humanitarian aid through electronic cash models is more transparent, efficient and dignified (Mercy Corps, 2014; NRC, 2017a). Furthermore, the EU often emphasizes a significant impact of ESSN support on the lives of Syrian refugees in Turkey, by expressing that the programme allows vulnerable refugees to cover their basic needs, and thus brings some normalcy to their daily lives (ECHO, 2016; European Commission, 2017a; WFP-EU, 2016).

In the context of the arguments mentioned above, this research argues that there are some significant improvements in respect of providing cash assistance to refugees in a more dignified manner. Unlike electronic cash transfer programs, aid distribution in the traditional charity model frequently occurs in an unfair manner, as can be seen in Sri Lanka's tsunami disaster, Ethiopia and Eritrea's food insecurity crisis (Hirt, 2008: 320; Gamburd, 2014: 144). The types of cheating often take place in the queue while people are waiting in long lines to receive aid package. Humanitarian aid workers cannot be aware of the cheating, and distribute aid packages to whoever is in the queue (Gamburd, 2014). Moreover, humanitarian aid packages are not distributed according to the specific needs of people in need of humanitarian aid (Stein and Lord, 2011: 37).

In comparison to the distribution of humanitarian aid packages through traditional charity models, cash assistance programme gives more freedom of choice to refugees in respect of their needs and preferences (Bailey, 2017). Despite of its contribution to the needs of refugees, the limitations of cash assistance programme have a negative impact on improving the social and economic well-being of refugees in a protracted situation.

5.4.2. Limitations of Cash Assistance Programmes

Cash assistance programmes aim to enable the refugees to meet their basic needs, particularly their physical needs. In a protracted refugee situation, these programs do not offer a holistic perspective to meet social, educational and emotional needs of refugees. Thus, it is very crucial that they should not be considered as a panacea for creating sustainable solutions for refugees. These programmes need to be complemented with capacity-building projects in order to create sustainable livelihoods for refugees and strengthen the institutional capacity of host countries (Interview, NGO Representatives, 2017). Short-term relief mechanisms remain ineffective at improving capabilities and potentials of refugees in order to enhance their access to self-reliance (Jacobsen and Fratzke, 2016). In the long-term, cash assistance programmes increase the dependency of refugees to external assistance due to lack of investment in building and strengthening the productive capacities and human resources of refugees (Jallow and Malik, 2005: 8).

In related to cash assistance programmes, this research addresses to two major limitations of these programmes; the unsustainability of these programmes, and their limited capability to improve wellbeing of refugees.

5.4.2.1. The Unsustainability of Cash Assistance Programs (CAPs)

Cash assistance programmes are based on voluntary contributions of a diverse set of donors, thus this creates an uncertain future for the sustainability of these programmes. When funds start to fade out, a smaller number of refugees continue to receive cash aid (Verme, et al. 2016). In such a situation, the beneficiaries of humanitarian relief may not develop coping strategies to reach a certain degree of economic self-sufficiency if they are not able to effectively use the cash for social and productive investment (Bosworth, et al. 2016: 135).

In the case of Syrian refugees in Turkey, there are already serious concerns about the sustainability of cash assistance programme, namely the ESSN. It is argued that EU Member States are not content with making payment for additional funds from their own budgets and speeding up these payments to Turkey as a part of the EU-Turkey Deal (Şentek and Shaw, 2018). Some EU Member States claim that they have already spent a great deal of money on supporting living conditions of Syrian refugees in Turkey. They propose that funds should be transferred from pre-accession funds or the EU's budget. According to the leaked reports being shared with the European Investigate Collaborations (EIC) network, Germany, Austria, Sweden, Finland, Denmark and France signed a joint declaration in order to ask the Commission to transfer the second tranche of 3 billion Euros from the EU budget (Şentek and Shaw 2018). Nevertheless, the European Commission expressed that the EU budget alone could not cover the entire cost of humanitarian funds to be allocated to Turkey. It required EU Member States to allocate 2 billion Euros for the second tranche of 3 billion Euros (Walter-Franke, 2018: 4).

In addition to the unwillingness of EU Member States to mobilize additional funds for Syrian refugees in Turkey, the UK's decision to leave the EU in 2019 has raised doubts about the sustainability of EU funded projects (Paterson, 2018: 96). The UK is one of the most important donors to contribute to the EU budget. It was the third-largest net contributor to the budget after Germany and France in 2016 (Statista, 2016). The UK made a gross contribution of 13 billion Euros to the EU budget in

2017 (Keep, 2008: 5). In this sense, Brexit has a serious financial impact on EU funding for humanitarian aid. Even though the UK government expresses that it may continue making payments on some EU programmes after Brexit, the UK's approach to EU programmes is still uncertain. In relation to the post-Brexit era, there are three different scenarios related to the UK's aid budget; nationalist scenario, realist scenario, and cosmopolitan scenario, presented by the European Parliament's Committee on Development (Olivié and Pérez, 2017: 6).

Under the nationalist scenario, the British institutions might decrease the UK's aid budget. There would be no the UK-EU cooperation on humanitarian aid. Under realist scenario, the UK's commercial agreements would be a determinant factor to shape the UK's aid programmes related to infrastructure and economic sectors (Henökl, 2017: 10). Similar to the previous scenario, there would be no the UK-EU cooperation. Under cosmopolitan scenario, the UK would collaborate with the EU in respect of aid allocation (Olivié and Pérez, 2017: 6).

As can be seen, the UK's contribution to foreign aid will not be legally binding in these scenarios. Hence, there are great uncertainties on humanitarian aid funding after Brexit. The growing shortage of money in the EU budget may put at risk the sustainability of the ESSN support in Turkey.

5.4.2.2. Limited Capability of CAPs to Improve Well-being of Refugees

Cash assistance cannot be provided to all Syrian refugees who are in an overwhelmingly vulnerable situation in Turkey. Unregistered Syrian refugees cannot apply for ESSN support which is very crucial for them to meet their basic needs (Interview, NGO Representative 8, 2017). As of December 2017, it is estimated that 11 % of Syrian refugees, who are approximately 400,000 are unregistered in Turkey (International Crisis Group, 2018). This means that 400,000 Syrian refugees do not fit in the requirements of ESSN support regardless of their living conditions. There

are two main reasons why the number of unregistered Syrian refugees has been increasing since November 2017.

Firstly, some provinces in Turkey suspended the registration of Syrian refugees towards the end of 2017 and the beginning of 2018. DGMM aims to thwart the concentration of Syrian refugees in the cities they have already put great stress on public services. For instance, Hatay suspended registration as of November 2017. As of January 2018, Istanbul suspended registration in a response to the increasing numbers of Syrian refugees in the city (AIDA, 2018). Hence, the number of unregistered Syrian refugees increased in this period. It is also crucial to note that Syrian refugees who came to Turkey in 2017 have a lower socio-economic status (Interview, NGO Representative 8, 2017). Nevertheless, they cannot meet the fit and proper requirements of ESSN due to the delay in registrations.

Secondly, the movement of Syrian refugees has been more strictly restricted in order to prevent them crossing the Aegean Sea after the EU-Turkey Deal. They are forced to obtain permission when they want to travel outside the city they were registered. The Turkish security forces especially in the southern provinces started to take additional measures to control the movement of Syrian refugees who travel to the Western provinces of Turkey (AIDA, 2018a). Even though Syrian refugees are not required to reside in the satellite cities, and thus not subjected to the mobility restrictions of the satellite system, the Turkish authorities wanted to keep Syrian refugees in the cities they were registered (Baban, et al. 2017). On the other side, Syrian refugees who live in small cities move to Turkey's biggest cities like İstanbul and İzmir due to job opportunities. When they live in a city they are not registered, they have difficulties in having access to public services and applying for ESSN support (Interview, NGO Representative 8, 2017). As can clearly be seen, ESSN support cannot reach both unregistered refugees and those who live in the city they are not registered.

5.5. Multi-Service Community Centres

The satisfaction of both material needs and non-material needs has equal importance in the lives of refugees. The latter is linked to 'quality of life' aspects such as political and spiritual freedom, participation in decision-making processes, human rights, empowerment, a sense of purpose in life, access to a paid work, security, self-reliance, recognition, and cultural identity (Hirai 2017: 15; Mahapatra 2018: 8; Saiti 2017: 4; Turmusani 2016). The fulfillment of non-material needs have a significant role in fostering a 'healthy, humane and satisfying environment' for refugees, and empowering their human capabilities (Hirai, 2017: 15). Depending on the level of satisfaction of non-material needs, a horizontal relationship between state and community is established. In this process, the development of social justice and equality contributes to sustainable development by improving human welfare in the long-term and increasing participation of all human beings in the social, economic, and cultural aspects of life (Saiti 2017: 4; Wood-Wetzel 2007: 164). When refugees have the ability to meet both material and non-material needs, they have more capacity to function as resilient agents. Otherwise, they are relegated from subject to object and from resilient agent to beneficiaries of humanitarian relief (Wright, 2012).

In respect of redressing the balance between material and non-material needs of refugees, it is very critical that humanitarian programmes adopt rights-based approach to refugee assistance. This approach supports the idea that the rights to material and non-material assistance are inseparable and reinforce each other because both of them are essential for social and emotional wellbeing of refugees (Martone, 2003: 138). As MacBride argues, human beings cannot flourish by bread only. They need to achieve their non-material aspirations in order to restore their dignity and take advantage of human dignity as empowerment (2004: 15). In this sense, it is important that humanitarian programme consider the fulfillment of non-material needs as a part of the sustainable development instead of focusing on only material needs.

In the context of non-material and psychosocial aspects of human wellbeing, this research draws attention to the importance of multi-service community centres in all aspects of everyday lives of refugees. These centres create a living space where refugees, humanitarian actors, volunteers and local community can come together in order to share their skills, knowledge and experiences with each other. At these centres, refugees may participate in vocational training, skills-building activities, social activities, and receive legal counceling services and psychosocial services.[67]

These activities also contribute to facilitating social adaptation process of refugees. Trainings and courses are not just tools, which increase the skills and capabilities of the refugees and enable them to find a job. They also socially and psychologically empower refugees. As Julia Midy, a mentor at Haitian Multi-Service Center, says, "Training is a chain: We see things that happened in the classrooms and we talked about them in the trainings" (Auerbach et.al., 2009: 216). During the trainings, an atmosphere is intrinsically created on the basis of friendship and solidarity; hence refugees can more easily overcome their problems in cooperation with each other. Sometimes these centers may be only places where refugees interact with other refugees and local community when they go out their homes. It helps building a sense of solidarity among them, by creating a motivation factor to become stronger to rebuild their lives and continue with their normal lives.

In the researcher's talk with one of the volunteers who work for solidarity networks and neighbourhood associations on refugee issues, the volunteer expressed that the sense of solidarity helped refugee women overcome their problems, by cooperating with each other. The volunteer mentioned about 'Woman to Woman Refugee Kitchen' in Okmeydanı in İstanbul. Refugee women try to gain money, by making pickles and jams. The sense of friendship and cooperation increases a glimmer of

[67] See some community centres:
Rosa Stationen run by Refugees Welcome Stockholm in Sweden,
http://www.refugeeswelcomestockholm.se/about-us/
Trampoline House in Copenhagen, Denmark, https://www.trampolinehouse.dk/
Athens Solidarity Center in Greece, https://www.solidaritynow.org/en/kentro-allileggiis-athinas/
One Happy Family-Community Centre, in Lesbos, Greece, https://ohf-lesvos.org/en/projects/

hope in their lives even though they face enormous problems in their daily lives (Interview, 2017).

During the interviews with NGO representatives, it is commonly expressed that community centres contributes to enhancing the protection of refugees, strengthening the referral system, offering legal counceling and psycho-social support for them, developing their skills and capabilities, facilitating their access to public services, and providing social cohesion between host communities and refugees (2017). Most of the NGO representatives emphasized a significant common point; multi-service community centres help refugees solve not only their general problems, but also their specific problems like their family problems, school problems or registration problems (Interview, NGO Representatives, 2017). These centres enable humanitarian actors to more efficiently identify the needs of refugees according to their age, gender and diversity.

In order to better understand the importance of multi-service community centres in a general sense, this research revisits Agamben's concept of politically qualified life, which is expressed in Chapter 1. According to Agamben, a dignified empowered life is differentiated from bare in the sense of 'bios' such as the enjoyment of basic human rights, social reputation and identity (Assman, 2011: 37). While focusing on the distinction between 'bare life' and 'political qualified life', it is important to underline that each human being is a living body which has grown in the process of experiencing the world (Apostolidis 2016: 145; Hung 2015: 46). Human life is in a process of on-going and dynamic actions (Hung, 2015: 47).[68] As Martin argues, human life itself represents a resistance to the sovereign even though the sovereign maintains to draw the boundaries between 'the life worth living' and 'the life deserving abandonment' (2011: 243). Within this context, this research agrees with the argument on that refugees should not be considered as passive actors whose lives are always as a form of bare life in the dominant representations of nation-states. On

[68] It is argued that Agamben ignores the notions of 'life-as-process 'and 'life-as-lived' and 'everyday-experience' (Martin 2011: 8).

the other hand, this research claims that the opportunities of refugees are limited to challenge the asymmetrical relations of power, as expressed in Chapter 1.

On the basis of this framework, this research argues that multi-service community centres, which especially adopt rights-based approach to refugee assistance, create a living space for refugees to empower their resilience in every aspect of their lives. Just as life itself has evolved in a dynamic and ongoing political process, the nature of humanitarian assistance has evolved significantly. In the theoretical domain, humanitarian policies have transformed from philanthropic approach to a rights-based approach to refugees assistance. In this sense, community-based programmes have been an inseparable part of humanitarian policies in the transition process. These programmes set out to enable refugees to live their lives in dignity, and encourage them to take part in decision-making process (Dick, 2003: 22). Multi-service community centres are an integral part of community-based programmes.

In the current political conjuncture which refugees are placed in an asymmetrical relationship with political actors, nevertheless, multi-service community centres cannot reach great heights of performance unless their projects are sustained in the long run. In this regard, this research argues that multi-service community services cannot reach their potential in Turkey because they cannot perform at the highest levels.

5.6. Limitations of Multi-Service Community Centres in Turkey

When the number of Syrian urban refugees started to extremely increase in 2013, the Turkish authorities began to give more attention to the establishment of multi-service community centres. In the period 2013-2015, the role of the centres was especially to deliver cash aid and core relief item. By the end of 2015, there were 28 community centres in Turkey (UNHCR, 2016b: 80-81).

In 2015, the EU established multi-service centres in Istanbul and Antakya in cooperation with the International Organisation for Migration (IOM). One of the

multi-support centres is in Sultanbeyli, where Syrian refugees are highly populated in Istanbul. This centre organizes a wide range of activities such as cooking and cultural activities. Another centre is close to the Syrian border in Antakya. It supports refugees with legal service, vocational training, psycho-social support, and a school (European Commission, 2017b).

The Turkish Red Crescent also established community centres with support of EU funds in Ankara, Hatay, Istanbul, Kahramanmaraş, Kayseri, Kilis, Konya, Gaziantep, Mardin, Mersin, and Şanlıurfa. It manages 14 community centres in Turkey (Turkish Red Crescent, 2018). Association for Solidarity with Asylum Seekers and Migrants (ASAM), which is one of the largest NGOs in Turkey, opened multi-service community centres in Turkey's nine provinces, namely Çankırı, Çorum, Denizli, Eskişehir, Konya, Manisa, Mardin, Nevşehir and Samsun with support of EU funds (ASAM, 2017). It offers social and legal counselling, psychosocial supports, social activities and language courses.

Danish Refugee Council (DRC), which is a non-governmental organisation working in more than 30 countries, established four community centres in southeast Turkey. With the support of EU funds, it opened the fourth centre in Kahramanmaraş. These centres provide legal and information counselling, livelihood counceling, non-formal education and psychosocial activities for refugees (DRC, 2016; DRC, 2018). There are also other international and local NGOs that operate community centres in particularly Istanbul, Hatay, Gaziantep, Kilis, Şanlurfa, and Mardin.[69]

Even though the number of community centres has grown in Turkey, they remain limited to reach out to a large number of Syrian refugees. There are also concerns

[69] The limitation of the research is that total number of community centres in Turkey cannot be found. Even though there is accurate information on the number of community centres operated by Turkish Red Crescent, ASAM, UNHCR and some NGOs such as DRC and YUVA, there is lack of information on other community centres run by local and international NGOs in Turkey. Some field workers said that it was hard to know total number of centres because the number of centres was continuously chancing.

about the effectiveness of these centres. In the field survey of UNHCR, some NGO representatives argued that UNHCR could not conduct periodic monitoring visits to the centre to control the effectiveness of their activities. It could only check administrative and financial matters of the centres because UNHCR's institutional capacity could not keep up with the growing number of the centres in Turkey. They also expressed that there was more need for improving capacity building of the centres (UNHCR, 2016b: 81).

In addition to the survey results of UNHCR Evolution Service, this research argues that the sustainability of the projects seriously affect the effectiveness of the centres. The sustainability of funded projects requires long-term planning in order to empower capacity development of the centres (Joshi, 2017). Nevertheless, one of the greatest difficulties in main host countries is to sustainably meet the needs of a growing numbers of refugees (Al-Husban and Adams, 2016). In order to provide the consistency of projects, project length is one of the most important factors.

In the case of Syrian refugees in Turkey, the EU's position to support long-term projects has a critical role to improve the effectiveness of the centres. Since 2015, the EU has emphasized the development of local capacity building in host countries to offer more durable solutions for refugee protection in its official statements and policies (European Commission, 2016c; European Commission, 2016d). Nevertheless, EU funded projects are mostly short-term in terms of the duration of project implementation and the contracts with implementer organisations. This creates a serious obstacle to provide the consistency of projects and to empower infrastructural capacity of the organisations. During the interview, NGO representatives commonly expressed that the EU's contract with refugee-related NGOs in Turkey was not based on the long-term agreement. NGOs' projects are mostly funded by short-term funding of one year (Interview, NGO Representatives, 2017). This situation decreases the impact area of the project and its durability. It is important that each humanitarian project should be implemented to maintain the previous activities. For instance, the length of project implementation has a very significant impact on the effectiveness of

the projects related to psychosocial wellness of refugees, language courses, and vocational training at multi-support community centres. Because of the EU's short-term contracts, some projects are finished by the centres before they come to fruition at all (Interview, Welthungerhilfe, 2017).

While implementing humanitarian projects in a response to refugee protection crisis, the EU also ignores the operational capacity of these projects in some details such as infrastructural capacity of institutions and organisations, and staff-capacity building. For instance, the number of translators, field workers and staffs at public institutions and NGOs remains inadequate according to the number of Syrian refugees in need of humanitarian assistance After talking with NGO representatives, the researcher's observation is that an inadequate number of translators directly influences the effectiveness of projects with regards to access of refugees to public services and share their problems with the staff. Therefore, staff capacity should be analyzed before implementing a project in the field. In addition to the problems on inadequate number of staff, the importance of regular attendance of refugees is neglected in some projects. Some NGO representatives said that Syrian refugees might not regularly participate in activities at community centres because some projects did not offer transportation support. When a community centre is far away from home of refugees, it is hard for those who live on the breadline to afford to pay transportation cost in especially İstanbul. Moreover, the lack of child care at community centres is a serious problem for refugee women. They cannot leave their children on their own at home; hence the attendance rate of refugee women may remain lower (Interview, ASAM, 2017). Therefore, it is so critical to implement a project, by taking all the details into consideration in order to increase the effectiveness of the project.

As can apparently be seen, the number of Syrian refugees is so huge that humanitarian response is falling behind the actual needs of refugees in Turkey. The number of these centers remains limited to communicate with refugees on a one-to-one basis to better deal with their problems and offer more qualified services for them. For instance, Syrian refugees in Kırıkhan said that they could not receive

psychological counceling due to lack of these services or lack of information related to the services provided by community-centres (Dorman, 2014: 5-6). In this sense, this research emphasizes that the EU should expand asylum spaces in Europe besides supporting long-term investment to improve the capacities of public institutions and multi-service community centres.

5.7. Education as a tool of empowerment

Education is one of the most effective tools to prevent the marginalization of refugee children; enable them to reach their full potential; empower young refugees to rebuild their lives; fight against poverty and deprivation. It is seen as a tool of empowerment which improves the capabilities of refugees to demand and enjoy their rights. The empowerment of refugees aims to create capacities and opportunities to make them resilient agents in the fight for a better life (Krasteva, 2014: 14). In this sense, education has become a key element of rights-based humanitarianism by offering a variety of tools which enable people to both live their autonomous lives and make a valuable contribution to their society.

In order to improve the conditions of both political autonomy and personal autonomy, education is recognized as a fundamental human right in the article 26 of the Universal Declaration of Human Rights:

> Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages… Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms… (Universal Declaration, 1948)

Education has a significant role in the life of children and young people by improving their social and educational developments. It helps them to enhance self-esteem and self-confidence which are important for their psychological and emotional well-being (Gurney, 2000: 64). In this sense, it is one of the most significant policy areas that invest in human capabilities in a protracted conflict to create a long-term sustainable change in people's lives (Paulston, 2006: 237).

International standards and mechanisms on the protection of the right to education are equally applicable to refugee populations, which is enshrined in the 1951 Convention and in the 1989 Convention on the Rights of the Child (CRC). Article 22 of the 1951 Convention states that the signatory states should ensure the right to education for each child under the age of 18. Articles 28 and 29 of the 1989 Convention on the Rights of the Child (CRC) define that refugee children should have access to education throughout their displacement period (Meda, 2017: 47).

The international legal framework for the right to education adopts a rights-based approach to education in order to provide equal opportunities for education of refugee children. In this sense, it is emphasized that states have obligations to ensure 'the right to access to education', 'the right to quality education' and 'the right to respect within the learning environment' for each child (UNICEF, 2007: 4). A right based approach to education argues that all children should be considered key actors in their own development rather than passive beneficiaries of services in the education programmes (Krasteva, 2013: 14; UNICEF, 2007: 14)

5.8. Barriers to Education for Syrian Refugees in Turkey

Turkey is one of the signatory states of the CRC. The Law on the Protection of Children No 5395, which entered into force in 2005 in Turkey, obliges the Turkish state to enable refugees to have access to education (Crul, et al., 2017: 65). Until the Syrian refugee protection crisis, nevertheless, there was no a comprehensive set of laws which regulated foreigners' access to the primary education system in case that they did not have documentation in Turkey (Yavcan, 2017).

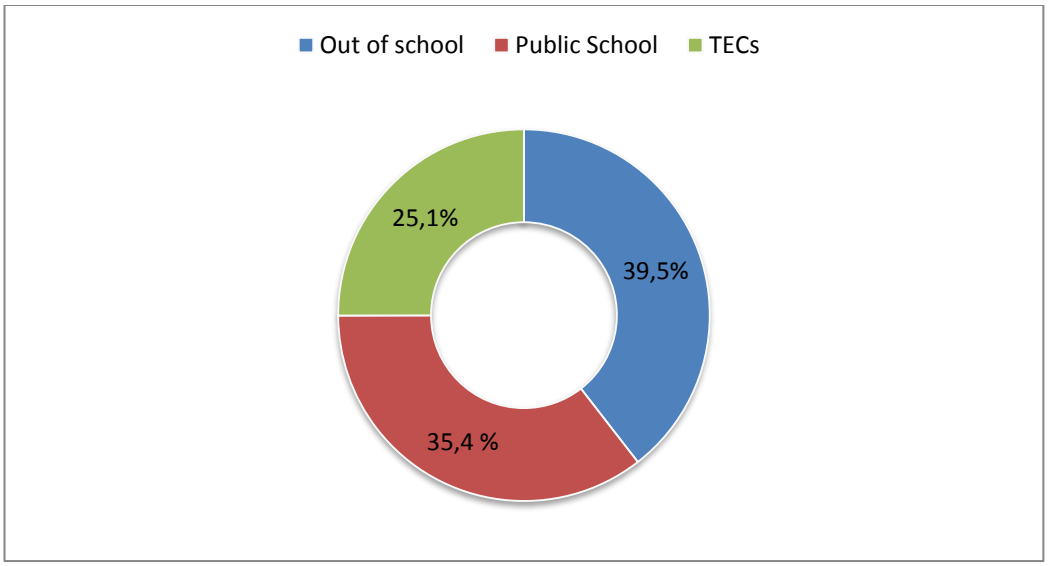
On April 26, 2013, Ministry of National Education (MoNE) bylaws established a preparatory mechanism in order to strengthen the infrastructural facilities for Syrian refugee children. On September 26, 2013, MoNE is designated as main actor responsible for the coordinator of educational activities. It is also responsible for monitoring the Syrian National Coalition Higher Education Council's curriculum, which is implemented on the refugee camps. As regards to Syrian refugees living outside the camps, the bylaw affirmed that Syrian refugees who had residence permit

could attend to schools (Yavcan, 2017). Since 2014, Syrian refugees have been allowed to enroll in schools even if they do not have residency permit. A government-issued identification card is the only mandatory document to enroll in public schools (HRW, 2016).

In 2014, the Ministry of Education Circular 2014/21 on "Education Services for Foreign Nationals" provided a legal framework for temporary education centres that implemented a modified form of the Syrian curriculum and offered courses in Arabic. By September 2017, the number of temporary education centres reached 404 in Turkey (AIDA, 2018b).

Despite of the fact that Turkey guarantees access to education for Syrian refugees, the number of Syrian refugee children out of school is very high, as can be seen in the tables below.

Table 4: The percentage of Syrian refugees who have access to education in Turkey (Ages 5-17, October 2017)



Source: Department of Immigration and Emergency Education at Ministry of National Education's Directorate General for Lifelong Learning (2017) 'Temmuz 2017 & GİGM Verileri', cited in Erdoğan (2017) 'Suriyeliler Barometresi', İstanbul, İstanbul Bilgi Üniversitesi, p.29

Table 5: The number of Syrian refugees who have access to education and their schools

Dates	# of Syrian refugees in public schools	% of Syrian refugees in public schools	# of Syrian refugees in TECs	% of Syrian refugees in TECs	Total # of Syrian refugees registered in Turkey	# of the Syrian refugee school-aged population in Turkey	Schooling rate
2014-2015	40,000	17, 39 %	190,000	82, 61 %	230,000	756,000	30 %
2015-2016	62,357	20,03 %	248,902	79,97 %	311,259	834,842	37 %
2016-2017	201,505	40,91 %	291,039	59,09 %	492,544	833,039	59 %
2017-2018	350,000	58,33 %	250,000	41, 67%	600,000	916,675	65 %

Source: Department of Immigration and Emergency Education at Ministry of National Education's Directorate General for Lifelong Learning, cited in Erdoğan (2017a) 'Suriyeliler Barometresi', İstanbul, İstanbul Bilgi Üniversitesi, p.30

As shown in the tables above, 39, 5 % of Syrian refugee children do not receive education in Turkey by October 2017. Even though the number of schooling rate increases year by year, there is still a greater risk of lost generation of Syrian children in Turkey. In this context, this research addresses to four main reasons why Syrian refugees still lack access to education in Turkey.

Firstly, Syrian refugees face the backlog problems in the processing of a request for identification documents. In March 2016, Turkish authorities started to implement 'pre-registration and screening step'. Syrian refugee families argue that this process extends the waiting time up to six months for identification cards (HRW, 2016). There are also no sufficient numbers of experienced staff to provide services for

refugees in Turkey. A lack of interpreters may delay appointments (Interview, Tepebaşı Social Assistance and Solidarity Foundation, 2017). Furthermore, refugee families who live below the poverty line have difficulties in affording to go to the registration centres. It is very hard for large refugee families with many children to afford even the transportation cost when they live too far away from the registration centres (Interview, NGO Representative 3, 2017). When Syrian families do not provide identification cards of their children, they face problems with school-enrollment of their children (Genç and Öner, 2016: 136).

Secondly, Syrian refugees face great economic hardship in Turkey. According to recent report published by World Bank and WFP in May 2017, almost 67 % of Syrian refugees live below the poverty line and have insufficient access to food, water, and personal hygiene products (UNICEF, 2017: 2). Due to socio-economic obstacles, refugee parents cannot afford to send their children to schools because of school-related costs such as transport, food and uniforms. Syrian refugee children are forced to drop out of school to support their families (Baijot, 2017). According to Support to Life's survey, 20 % of Syrian refugee children in Istanbul cannot enroll in schools because their families do not have enough income to meet school-related costs (cited in Yavcan, 2017).

Thirdly, language barriers create a serious challenge for Syrian refugee children to understand lessons taught in Turkish in public schools. Refugee children in higher grades have more difficulties in learning a new language and understanding lessons. Their access to language learning programs is very limited (HRW, 2016). On the other side, TECs offer alternative education programs in respect of the language of instruction and the curriculum. Nevertheless, the Turkish government plans to shut down these centres until the end of 2018. Refugee children who study at TECs will be transferred to public schools (Parks, 2018). In case that these centres are closed, approximately 250,000 Syrian students who receive education in Arabic language will face serious problem on learning a new language, and adapting to a new curriculum.

Fourthly, there is lack of adequate infrastructure facilities for Syrian refugee children in respect of school capacity, the number of teachers in public school system, and educational facilities to offer transition classes which help them adapt to the Turkish education system (Crul, et al., 2017: 12). As can be seen in the table below, schools do not have enough capacity to engage large number of Syrian refugee students. There is a need for excessive amounts of human, material and financial resources for school capacity building.

Table 6: Classroom and School Needs in 17 Provinces which Syrian refugees are mostly populated in Turkey

Provinces	Syrian refugee school-aged population (Ages 5-17)	# of classrooms needed by Syrian refugees	# of schools with 24 classrooms needed by Syrian refugees	# of schools to be built through EU funds
Şanlıurfa	142,042	4,735	197	14
İstanbul	132,088	4,403	183	8
Hatay	115,465	3,849	160	16
Gaziantep	112,936	3,765	157	17
Adana	49,617	1,654	69	19
Mersin	45,069	1,502	63	9
Kilis	45,023	1,501	63	13
Mardin	26,467	882	37	6
Bursa	31,685	1,056	44	6
İzmir	31,174	1,039	43	4
Kahramanmaraş	29,861	995	41	8
Konya	23,801	793	33	7
Ankara	22, 393	746	31	6
Kayseri	17, 236	575	24	3
Osmaniye	12, 880	429	18	6
Diyarbakır	9,358	312	13	6
Adıyaman	9,263	309	13	3
Total	856,358	28,545	1189	151

Source: Erdoğan, M. (2017a) 'Suriyeliler Barometresi', İstanbul, İstanbul Bilgi Üniversitesi, p.31

It is very hard for the government to strengthen education infrastructure in a short time without the support of EU funds. There is a need for 28, 545 new classrooms in order to enable Syrian refugee school-aged population to continue their education in

Turkey. Improving the efficiency and effectiveness of education system requires more than just building new schools and providing educational materials to refugee students. There is also need for additional funds for training program for teachers and administrators in order to teach them how to behave refugee students who experience psychological distress and disorder. In order to facilitate transition process of refugee students, public schools need more trained counselors at schools in order to give information on the curriculum and the accreditation exams to refugee students (Aras and Yasun, 2016: 8-11).

In this context, it is very critical to draw attention to the EU's efforts for improving the education system in Turkey in order to question the effectiveness of EU funds in the field of education.

EU-Facility for Refugees in Turkey (FRiT) mostly contributes to 'education in emergencies' to support access of Syrian refugees to education and integrated service provision. It financially supports the operations of Concern Worldwide, IOM and IFRC in Turkey (European Commission, 2017b). Furthermore, EU Regional Trust Fund in response to the Syrian crisis, known as the MADAD Fund, aims to provide non-humanitarian aid such as education and livelihoods for Syrian refugees in Turkey, Lebanon, Jordan and Iraq (Buonanno, 2017: 119). In order to improve education infrastructure in Turkey, the European Commission signed contracts to mobilize 270 million Euros for constructing schools for Syrian refugee children in Turkey. As a part of FRiT and the MADAD Fund, it planned to construct 100 schools especially in southern and south-eastern provinces of Turkey (European Commission, 2016).

In this context, this research claims that the EU takes halting steps to bridge the infrastructure gaps in education despite of that it seems to have a strong political commitment to increase the capacity of schools in Turkey in its policy documents. EU funds fall further behind in meeting the needs of Syrian refugee students in education. For instance, an elementary school with 24 classrooms in Turkey cost at least 1, 7 million Euros. In order to build 1, 189 new schools in Turkey, there is a

need for allocation of at least 2,1 billion Euros to education infrasturucture. Nevertheless, the EU pledged to mobilize 263 million Euros from FRiT and the MADAD Fund for a period of two years (Erdoğan, 2017a: 31). In other words, EU funds contribute to the construction of 151 new schools in the two following years, as shown in the table above (Erdoğan, 2017a: 31). This means that 12, 6 % of new school needs will be financed by EU funds in case that EU does not slow down or stop the mobilization of financial resources.

According to field research of Erdoğan, there is a need for the recruitment of at least 50,000 teachers to provide education for Syrian refugee children in Turkey. This requires more than 600 million Euros for the payment of teachers' salaries each year (2017a: 32). Nevertheless, EU Member States are reluctant to make payment for additional funds from their own budgets, as mentioned at the beginning of Chapter 4 and Chapter 5. This situation creates a serious obstacle for the Turkish government to have predictable and sustainable financial resources in order to strengthen the capacity of educational institutions in Turkey.

The biopolitical governmentality at EU level puts the financial sustainability of long-term projects at risk. It does not offer a coherent and systematic solution mechanism to increase protection capacity of the Turkish public institutions and local NGOs. This research argues that EU's assistance package is not large enough to build a hopeful future for Syrian refugee children in Turkey.

The EU's approach of throwing money into short-term projects creates a great uncertainty about the implementation of capacity development plans and the maintenance of the projects to support the wellbeing of Syrian refugee children in Turkey. This situation turns Turkey into a de facto holding point with insufficient facilities, as do in Lebanon and Jordan.

In the past seven years, the Syrian civil war has already created a lost generation of Syrians. The current nature of the international refugee regime which enables nation

states to trade refugee rights for political and economic interests creates a new lost generation of Syrian refugee children in Syria's neighbor countries. Hundreds of thousands of Syrian babies were born in main host countries. In 2017, an average of 306 Syrian babies was born each day in Turkey. According to the number of births for each day, it is expected that the number of Syrian babies in Turkey will exceed 1 million in seven years (Erdoğan, 2017a: 26). This requires the development of long-term political and economic strategy at the same speed in order to effectively meet the educational, psychological and social needs of Syrian refugee children in Turkey.

As Gabriela Mistral says, "…our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait. The child cannot…" (cited in Rahman and Dawson, 2016).[70] The developmental needs of refugee children cannot wait for long years. Nevertheless, many refugee children grow up in an insecure environment in Turkey (Hamill, 2017: 209). Biopolitical strategies of both EU Member States and the Turkish government hinder the implementation of child sensitive protection system.

5.9. Conclusion

In a power/knowledge nexus, the EU considers Turkey as a buffer zone which is supposed to become responsible for protecting the internal security of Member States. In a response to Syrian refugee protection crisis, the EU seeks to take the lead in developing and implementing policies and practices in the area of immigration and asylum in both Europe and Syria's neighbouring countries. This is well-illustrated in the policy objectives of the EU-Turkey Deal. The EU attempts to create a mechanism in order to set a strong boundary between 'good/ deserving/ real refugees' and 'bad/undeserving/bogus refugees' (Mavelli, 2017). In this sense, the EU enforces the politics of non-entrée regime on the basis of the Foucauldian concept of biopolitical racism through the EU-Turkey Deal.

[70] Gabriela Mistral is the first Latin American woman to win a Nobel Prize in Literature (Bois, 1997).

In such a political conjuncture, Syrian refugees are exposed to biopolitical interventions of both the EU and the Turkish government because of their political efforts to regulate the lives of Syrian refugees in an asymmetrical power relationship. Biopolitical security practices of political actors create a serious obstacle against the fundamental human rights of Syrian refugees. The conjoining of border security with humanitarian policies hinders rights-based humanitarianism which aims to empower legal rights of Syrian refugees.

With the purpose of realizing their political goals, the EU justifies the temporary protection regulation in Turkey. It turns a blind eye to the volatility of legal status of Syrian refugees in Turkey. They experience serious problems related the insecurities arisen from temporary protection status.

The EU's humanitarian policies are also driven in the pursuit of internal security objectives and political goals of the EU Member States. The EU uses humanitarian aid as a political tool to prevent Syrian refugees from crossing to Europe. The EU's carrot/stick instrument creates a serious challenge to rights-based humanitarianism. This situation decreases the effectiveness and the sustainability of humanitarian aid in respect of developing institutional capacity building and fostering sustainable human development. The current EU's approach of 'throwing money at the problem' does not help Syrian refugees improve their social and economic well-being in Turkey. In this sense, it is getting harder to transform care and maintenance phase towards sustainable livelihood programmes in practical realm.

The unsustainability of EU funds mobilized as a part of the EU-Turkey Deal creates a serious challenge to follow a holistic approach to refugee needs. Shortage of financial resources slows down or stops the implementation of capacity building projects in Turkey.

In respect of providing the balance between material and non-material needs of refugees, it is very critical that humanitarian programmes consider the fulfillment of non-material needs as a part of the sustainable development instead of focusing on

only material needs. In order to foster a 'healthy, humane and satisfying environment' for refugees, and empower their human capabilities, this section draws attention to particularly the role of multi-community centres and education in all aspects of Syrian refugees' lives. This research reveals that EU funds fall further behind in meeting long-term needs of Syrian refugees in Turkey. This creates a greater risk of lost generation of Syrian children.

CHAPTER 6

CONCLUSION

There is a huge gap between rhetoric and practice with regard to the implementation of rights-based humanitarianism in world politics. In the policy formulation process, UN agencies, EU institutions and human rights NGOs always underline the importance of rights-based approach to refugee assistance in the context of meeting the longer-term resilience needs of refugees. However, nation states, the principal duty bearers of human rights obligations, are more inclined to restrict the humanitarian agenda within the borders of dominant governmental rationalities. In the policy implementation process, economic and security considerations of the states predominate over their humanitarian considerations. Refugees are placed in an asymmetrical relationship with main political actors who have the authority over refugee lives. Refugees' enjoyment of their fundamental human rights is subjected to the willingness of national governments. In this context, this research raises the question of why political actors place refugees in a vertical and hierarchical relationship with duty-bearers. In order to form the basis for the question, the research draws attention to the complicated three-cornered relationship among securitization policies, liberal economic agenda and needs-based humanitarianism. The research argues that this triangular relationship is significantly reinforced within the broader rhetoric of the international refugee regime which does not have independent power on state decision making.

In respect of the institutional characteristics of the regime, the research addresses the main problematic aspects of the 1951 Convention which creates a serious obstacle to the implementation of RBA to refugee assistance. As many scholars argue in refugee and forced migration studies, the fact that the Convention does not have a power for

legal sanction to the signatory countries causes the practical dilemmas faced by asylum-seekers, IDPs, and refugees around the world (Alborzi, 2006; Chitanda, 1997; Feller, 2001; Gorlick, 2006; Millbank, 2000; Straw, 2001). Lack of coercive enforcement mechanism for fair and equitable responsibility sharing mechanism causes 'the protection lite'. To put it more clearly, national governments of core countries in Europe and North America shift their legal obligations to semi-periphery and periphery countries in the Global South.

As a consequence of the deep-rooted problems in international refugee regime, the suffering of refugees is constructed at the state level. In a protracted refugee situation, the sclerosis characteristics of the current political system lays heavier burden on refugees' shoulders. Inadequate protection for refugees force most of them to rely on their own ingenuity to survive and restore their lives in host countries because humanitarian efforts are not effectively complemented with rights-based humanitarianism and sustainable livelihood programmes.

In offering a critique for inadequate protection mechanism, the research underlines the importance of sustainable livelihood phase which contributes to developing economic and social resilience of urban refugees in host countries. In order to create a sustainable change in daily life of refugees, there is a need for long-term solution mechanism which improves their self-reliance strategies.

In an attempt to demonstrate the importance of RBA to refugee assistance, Chapter 2 examined the main reasons for failures in the effectiveness of humanitarian policies in a response to protracted humanitarian crises. In this sense, the research claims that the effectiveness of humanitarian policies is dependent on whether humanitarian projects contribute to meeting long-term needs of refugees in order to empower their capabilities. The research underlines the importance of that needs-based approach should shift towards rights-based approach to refugee assistance in a prolonged crisis to fulfill refugee rights such as the rights to life, liberty, self-actualization, and the pursuit of happiness.

In order to provide a prelude to the more concrete discussions on the problematic characteristics of international humanitarian regime, the research examined the impact of both EU's humanitarian policies and its legal framework for refugee protection on Syrian urban refugees in Turkey. The main reason why the research chooses this case is that EU's immigration and asylum policies well illustrate the biopolitical paradigm of modern politics.

In Chapter 3, the research examined why EU Member States adopt the notion of 'NIMBYism' in the field of immigration and asylum.[71] Accordingly, the research analyzed how the notion of 'NIMBYism' affected the quality of protection offered to Syrian refugees under the present refugee regime. In this context, the research firstly addressed to the EU's two existential problems which deepen the solidarity crisis amongst the member states. These are the financial crisis of the Eurozone and refugee protection crisis. The crisis of solidarity within the EU creates a serious challenge to the effectiveness and sustainability of collective action for refugee protection at EU level. In the current political climate, the rise of radical right-wing parties, which are anti-immigrant and anti- EU, severely affects the resilience of solidarity in the EU. These political parties stand against the transfer of sovereignty to a supranational institution. They seek to strengthen national sentiments, by otherising minorities such as immigrants and other ethnic and religious groups. The anti-immigrant discourse seriously reinforces restrictive asylum policies in Europe. Member States prefer to follow their own roads, by renationalizing their asylum policies and prioritizing territorial principles. They are more concerned to preserve their sovereign rights, and maintain economic and social stability within their own territories. Hence, the biopolitical governmentality of EU Member States pushes aside rights-based humanitarianism in practical realm.

[71] 'NIMBYism' means 'not in my backyard' (Gruber, 2017: 54).

The increasingly lack of solidarity in Europe weakens the EU's political capabilities to facilitate the practical implementation of common asylum policies. It also creates serious obstacles to developing and maintaining a shared vision for humanitarian aid at EU level. In the time of crisis, it is apparent that EU Member States drift from each other with respect to the requirements of principle and fair sharing responsibility within the EU. Nevertheless, they are willing to take collective action on border security mechanism and the externalization of migration control. In this sense, the research emphasizes why border security mechanism was considered as public good in Europe in comparison to refugee protection efforts.

The benefits of the border security efforts strengthen the cooperation on internal security between EU Member States. The *non-entrée regime of the EU* is one of the most important political tools for the member states to relieve their responsibilities for granting asylum to Syrian refugees. The regime also lets Member States alleviate their obligations to provide refugees with basic rights such as their access to welfare, legal aid, and employment. Nevertheless, the non-entrée causes biopolitical racism in the legal framework on immigration and asylum. The biopolitical tactics of the Member States to facilitate the management of refugees cause human rights violations.

The biopolitical management of populations is one of the most significant political tools for EU Member States to control over the lives of asylum seekers, and refugees through political measures such as the classification of populations, the maintenance of security, and the regulation of asylum policies (Baele, 2016). In a response to refugee protection crisis, the research claims that EU Member States adopt two main biopolitical tactics: the fortification of EU borders, and the EU's preferential agreements with Syria's neighbor countries in order to keep Syrian refugees within the region. These two tactics strengthen the institutional mechanism of biopolitical governmentality in Europe.

In Chapter 3, the research draws attention to the consequences of the former biopolitical tactics used for the management of the Syrian refugee protection crisis in Europe. Almost all EU Member States fortify their biopolitical border regimes, by building fences along their borders and temporarily suspending the Schengen Agreement to keep Syrian refugees out of their territories. EU Member States mobilize so much money from their own budgets in order to strengthen border protection and build more detention centres (Amnesty International, 2014: 9). For instance, Hungary built a fence at its borders with Serbia and Croatia. Slovenia constructed a razor fire and built fence along its border with Croatia. Austria constructed fence at its border with Slovenia (Deitelhoff and Daase, 2016: 66). Bulgaria built a wall along the Turkish border. As a result of the securitization of EU borders, many Syrian refugees are stranded along the Western Balkans route (DTM, 2017).

In the political atmosphere where EU Member States tighten their refugee policies, the Commission proposed to significantly increase security and border protection spending for the EU budget for 2021-2027 in May 2018. The new budget almost triples funding from 13 billion Euros to 34,9 billion Euros for external border management, asylum, and migration (European Commission, 2018c).

In addition to the securitization of EU border, some EU Member States do not meet refugees' basic needs in order to force them to leave their territories (Davies, et al. 2017: 1280). For instance, 'the Stop Soros Bill', which was passed by the Hungarian government, is one of the most striking examples of biopolitical tactics on refugee lives in Europe. Similarly, Bulgaria did not provide nutrition assistance to Syrian refugees who cross the border illegally in order to punish them (PRO ASYL, 2015: 13).

As a consequence of the biopolitical forms of governance in Europe, the EU has evolved towards a security actor. It seems that the EU's identity as a human rights promoter and humanitarian actor is mostly visible in the policy framework, not in the

policy implementation process. EU Member States' restrictive and control oriented asylum policies to pay lower political cost for refugee protection endanger the effectiveness of humanitarian programmes in Turkey. This severely deepens protection gaps in the implementation process of humanitarian programmes. The protection lite creates serious obstacles for Syrian urban refugees to genuinely have access to public services such as education, healthcare, as well as access to humanitarian assistance and services in Turkey.

In order to strengthen the argument mentioned above, Chapter 4 and Chapter 5 examined how EU's biopolitical efforts for protection lite decreased the quality of humanitarian programmes in Turkey. In this sense, the research aims to demonstrate that the exponential growth of the number of Syrian urban refugees puts a great strain on the institutional and infrastructural capacity of Turkey. In such a situation, humanitarian programmes fall behind the actual needs of Syrian urban refuges in Turkey.

In Chapter 4, the research moves on to the specific case of Syrian urban refugees' well-being in Turkey. It raises question mark over the Turkish government's efforts to rearrange the refugee protection system with regard to developing a resilience-based response to self-reliance of refugees.

The long-term presence of Syrian urban refugees requires a sustained political and financial commitment to meet their longer-term resilience needs in Turkey. The Turkish government enacted some new regulations in order to improve the protection regime for Syrian refugees. However, the government hasn't still developed long-term policies for social integration of Syrian refugees. Temporary Protection Regulation (TPR) falls behind the level of protection because it does not develop an effective legal solution to precarious legal position of Syrian refugees. Turkey also does not guarantee the possibility of their permanent stay. Hence, TPR creates uncertainty and insecurity in the lives of Syrian refugees. The volatility of legal status forces them to create their own survival strategies in Turkey. Their economic

vulnerability heightens certain dangers and risks such as child marriage, exploitation of their labor power and unfair working conditions (Hosseini, 2015).

Within this context, Chapter 4 underlines the importance of sustainable livelihood programs in order to empower economic resilience of Syrian urban refugees in Turkey. Sustainable livelihood programmes are conducive to not only provide employment facilitation, but also empower refugees to take a control over their lives. In this sense, the research draws attention to the extent of sustainable livelihood opportunities available to Syrian urban refugees in Turkey. The research sets a close linkage between legal employment and self-reliance strategies. In a prolonged refugee situation, the concept of self-reliance gains more importance because care and maintenance is not enough to meet the long-term needs of refugees. In this regard, the research argues that transition phase of rights-based and sustainable livelihood programs are very slow and problematic in Turkey due to the absence of political road map of the Turkish government.

The problems resulted from the lack of long-term integration policies, and the volatility of legal rights in Turkey also create serious challenge to facilitate the transition phase in the implementation process. Furthermore, the research argues that inadequate institutional and infrastructural capacity of Turkey causes serious problems for Syrian urban refugees to meet their long-term needs. The effectiveness of refugee policies was challenged by the exponential growth of the number of Syrian urban refugees in Turkey.

A growing number of Syrian urban refugees put a great strain on both physical infrastructure and public service-related infrastructure in especially southeastern provinces of Turkey. In order to improve a sustainable and resilient infrastructure, there is a huge need for investing a large amount of financial resources in capacity development. It is very hard for the Turkish government to create a strong infrastructure and enhance capacity building for schools and community centres in a very short time period because of a shortage of financial funds. This causes a huge

gap between the legal entitlements of Syrian urban refugees and their actual protection in Turkey.

Strengthening capacity development of refugee hosting countries is a long process which may persist for many years, thus it requires a multi-year commitment from political actors. In this regard, the research examined the role of EU funds in living-conditions of Syrian urban refugees in Turkey. In order to explain the problems arisen from the unsustainability of EU funds, the research addresses to the changing dynamics of the EU-Turkey relationship after the declaration of the official state of emergency which has lasted around 2 years in Turkey. Because of the political atmosphere in Turkey, the EU had to re-position itself. The EU criticized the state of emergency measures because these measures were in breach of international human rights obligations. The tense relationship between the EU and Turkey creates a risk of long-term project suspension. The stressful political atmosphere significantly affects the sustainability of EU funds for Syrian refugees in Turkey.

In Chapter 5, the research examined more closely the effectiveness of EU's humanitarian policies for meeting the long-term needs of Syrian urban refugees in Turkey. It aims to examine the impact of the EU's restrictive asylum policies and humanitarian policies on the protection gap between rhetoric and practice in the humanitarian realm. In this context, Chapter 5 also examined the second main biopolitical tactics of EU Member States within the scope of the possession of paradox of refugee rights in Turkey.

The EU's preferential agreements with Syria's neighbor countries are one of the most important biopolitical tactics in order to keep Syrian refugees away from EU borders. In this sense, the research argues that EU Member States attempt to turn Syria's neighbor countries into their subcontractors in the fields of irregular migration and asylum, by offering some concessions such as preferential trade agreements, billions of dollars in grants, or visa facilitation. For instance, the EU-Jordan Compact, which entered into force in 2016, offered preferential trade

agreements, and in return the Jordanian government facilitated the provision of work permits for Syrian refugees and encouraged their labour market integration (Temprano Arroyo, 2017: 2). The EU-Lebanon Compact included bilateral assistance to Lebanon in order to support Lebanon's economic development plans, and the allocation of EU funds for Syrian refugees. In turn the Lebanese government facilitated the residency status of Syrian refugees (Battu, 2016).

The EU-Turkey Statement is the most striking example to the second main biopolitical tactics of EU Member States. The EU attempts to use financial assistance as a political tool to keep Syrian refugees in Turkey. EU Member States expected that Syrian refugees would prefer to remain in Turkey when refugees had the ability to meet their basic needs. However, the assumption is failed due to the lack of durable solutions in Syria's neighbor countries (Noll, 2018). EU's needs based approach to refugee assistance in practical realm significantly reinforces the possession of paradox of refugee rights in Turkey. The fundamental human rights of Syrian refugees are exchanged for short-term political and economic gains within the logic of realpolitik. Humanitarian considerations take a back seat.

In Chapter 5, the research puts greater focus on the EU-Turkey Statement in the scope of Foucault's theorization about power, knowledge and subject formation. The EU-Turkey Statement is one of the most crucial political instruments for the EU's core countries to construct knowledge as an exercise of their power over asylum and immigration policies. The EU aims to take a leading role in determining the strategy development in the area of immigration and asylum in both Europe and Syria's neighbouring countries. It puts the internal security of the EU in higher priority than legal empowerment of Syrian refugees. In this sense, Turkey is seen as one of the most strategic partners which help the EU Member States relieve their responsibilities for refugee protection. EU's biopolitical security practices and its externalization policies on irregular migration have a determinant role in shaping the characteristics of EU's humanitarian policies.

The research argues that EU's humanitarian policies are grounded in the hierarchical ordering of human lives. The EU seems very determined to build its asylum and refugee policies upon the EU-Turkey Deal which aims to contain Syrian refugees within Turkey's temporary protection regime. It justifies the temporary protection regulation in Turkey, by declaring Turkey 'safe third country' despite of the volatility of refugee rights in Turkey. The EU's biopolitical governance negatively affects the capabilities of Syrian urban refugees in all aspects of their lives.

In the case of Syrian urban refugees in Turkey, the nature of EU's humanitarian aid plays a critical role in increasing the quantity and quality of services and assistance to refugees in Turkey. The research argues that the EU instrumentalizes and politicizes humanitarian aid. It makes its assistance to Syrian refugees in Turkey conditional on the strict enforcement of border control measures. To put it more clearly, the Turkish government's successful attempt to prevent illegal immigrants from crossing Europe has a determinant role in the provision of humanitarian aid. In this sense, the EU's carrot/stick instrument endangers the implementation of rights-based approach to refugee assistance because it depoliticizes the refugee category.

The current EU's approach of 'throwing money at the problem' does not provide long-term solutions for Syrian urban refugees to empower their social and economic wellbeing (Carrera, et al., 2016). Financial aid does not improve the prompt and effective protection of refugees unless it is not complemented with institutional development and capacity building projects for the implementation of education, employment and social policies.

Based on the understanding of refugee needs and aspirations, the research analyzed the role of the EU's humanitarian assistance in meeting material and socio-psychological needs of Syrian urban refugees in Turkey. In this sense, the research argues that humanitarian programmes should give an equal importance to meet not only material needs of refugees, but also their educational needs and socio-psychological needs at the same time. This research puts focus on EU's cash

assistance programmes (CAPs), EU funding for multi-service community centres and educational facilities in Turkey.

In related to the CAPs, the research addresses two major limitations of these programmes: the unsustainability of CAPs and their limited capability to improve wellbeing of Syrian urban refugees in Turkey. Firstly, there are serious concerns about long-term sustainable funding of the EU. EU Member States already started to make objection to the mobilization of funds from their own budgets. Further, the UK's decision to leave the EU in 2019 has raised doubts about the future of the EU funds. Secondly, CAPs cannot be provided to all Syrian urban refugees who are in an overwhelmingly vulnerable situation in Turkey. ESSN support cannot reach both unregistered refugees and those who live in the city they are not registered.

After analysis of CAPs, the research draws attention to the impact of EU funding on multi-service community centres and education development capacity building. Even though the two topics may seem different at first sight, the research argues that they share common features with regard to developing legal empowerment of Syrian urban refugees, and improving their potentialities.

In the context of non-material and psychosocial aspects of human wellbeing, the research draws attention to the importance of multi-service community centres for Syrian urban refugees. During the researcher's interviews with NGO representatives, it is commonly expressed that community centres contributes to enhancing the protection of refugees, developing their skills and capabilities, and facilitating their access to public services. These centres also provide information on the legal rights to refugees. In this sense, the research argues that these centres, which especially adopt rights-based humanitarianism, create a living space for refugees to empower their resilience in every aspect of their lives. The research underlines the importance of rights-based community centres to facilitate the transition of refugee lives from bare life towards a qualified life in social, economic and political aspects.

In the case of Turkey, the research addresses the limitations of multi-service community centres. Firstly, the number of centres remains limited to reach out to a large number of Syrian urban refugees. Secondly, EU funded projects are mostly short-term in terms of the duration of project implementation and the contracts with implementer organisations. This creates a serious obstacle to provide the consistency of projects and to empower infrastructural capacity of the organisations. Thirdly, the EU neglects the projects' operational capacity such as staff capacity building, and infrastructural capacity of institutions.

In the last part of Chapter 5, the research draws attention to education as a tool of empowerment which enables Syrian refugee children to reach their full potential; empower them to rebuild their lives; fight against poverty and deprivation. In this sense, the research conceptualizes education as a key element of rights-based humanitarianism.

The research examined why Syrian refugee children face serious barriers to education in Turkey despite of the fact that Turkey guarantees access to education for Syrian refugees. In this context, the research argues that EU funds fall further behind in improving education development capacity building in Turkey. The increasingly tense relationship between the EU and Turkey raises question mark over the sustainability of EU funds for educational facilities.

As can clearly be seen, Turkey's institutional and infrastructural capacity to host more than 3,5 registered Syrian refugees is inadequate. They face delays in registration for temporary protection and receiving work permits in Turkey. Due to lack of professional interpreters, Syrian refugees have difficulties in receiving information on their rights. They face communication challenges with health care providers, teachers, psychologists, lawyers and field workers. Due to lack of the services or lack of information, they have difficulties in access to public services. Humanitarian programmes cannot reach out to all Syrian urban refugees who are in need of humanitarian aid in Turkey. The number of multi-community centres

remains very limited to communicate with refugees on a one-to-one basis to better deal with their problems. Education infrastructure is inadequate to provide all Syrian refugee children with educational opportunities. With regards to developing institutional and infrastructural capacity, the EU funds fall behind in helping the Turkish government meet the cost of the required investment. Capacity development investments take long period of time to complete. The protection gaps create a greater risk of lost generation of Syrian refugees in a protracted crisis.

As a consequence of both EU's humanitarian policies and the Turkish government's refugee regime, the research argues that humanitarian programmes cannot effectively go beyond care and maintenance phase in Turkey. In order to better explain the consequences of the problem related to the transition towards sustainable livelihoods phase, the researcher visualizes the ideal situation in the second phase of humanitarian response, and the current situation in Turkey.

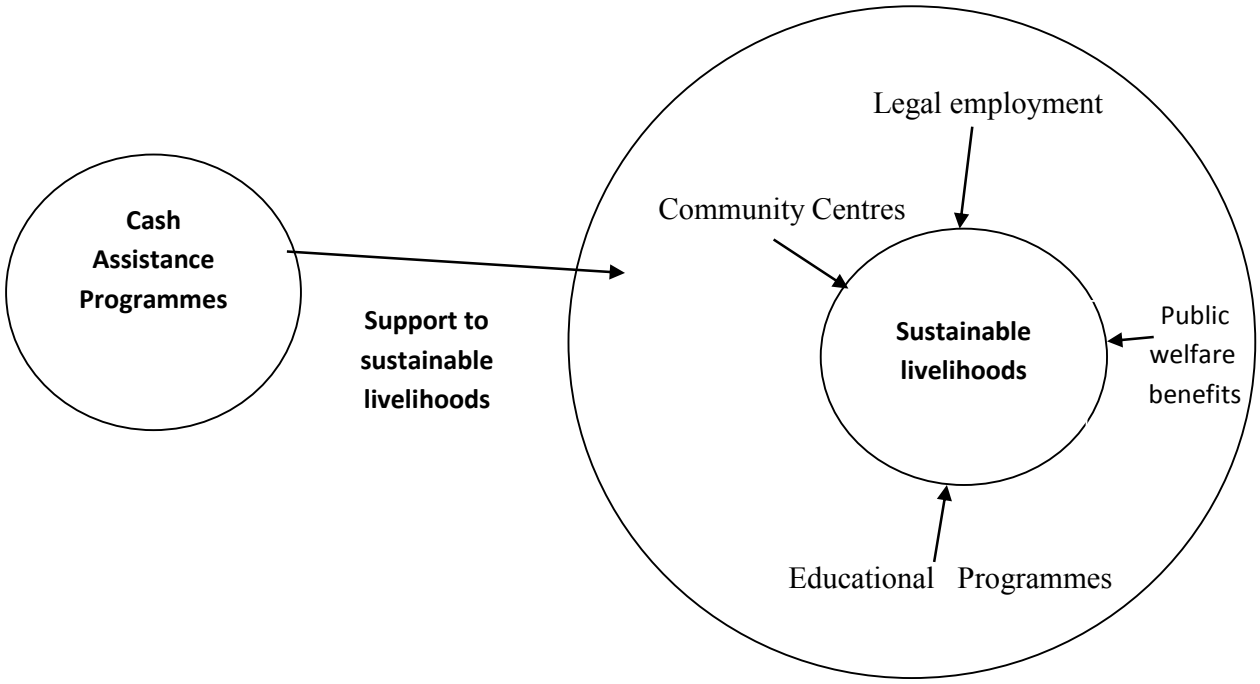


Figure 4 The Ideal Situation in the Second Phase of Humanitarian Response to Refugee Protection Crisis [72]

In the ideal situation in the second phase of humanitarian response, it is suggested that cash assistance should have a supportive role for improving sustainable livelihoods of refugees when a humanitarian crisis starts to turn into a protracted crisis. It is expected that cash assistance gradually decreases in order to reduce dependency of refugees on cash aid. In the course of time, cash assistance programmes (CAPs) are substantially replaced with sustainable livelihood programmes in a protracted crisis. In order to increase social and economic wellbeing of refugees, the research argues that humanitarian programmes should put a greater focus on the sustainable livelihoods programme development in practical realm (Loescher and Milner, 2011). As shown in the figure above, there is a rigidly interconnected relationship between sustainable livelihood programmes and institutional and infrastructural capacity of main host countries. In order to empower self-reliance of refugees, capacity development of main host countries has a significant role (Andes Vinas, et al., 2015). Hence, it is very critical that long-term capacity development projects should support educational programmes, multi-service community centres, and increase legal employment opportunities, and public welfare benefits in main host countries (Auerbach, et al., 2009; Gabiam, 2014; Jacobsen, 2005; Jacobsen and Fratzke, 2016; Krasteva, 2014). In this way, self-reliance of refugees starts to increase as long as their dependency on humanitarian aid decreases.

In the case of Syrian refugees in Turkey, a different scenario has appeared during the past seven years, as shown in the figure 5.

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[72] The researcher draws the figure according to the arguments of Auerbach, et al. (2009); Gabiam (2014); Golooba-Mutebi and Tollman (2004); Jacobsen (2005); Jacobsen and Fratzke (2016); Krasteva (2014); Paulston (2006); UNHCR (2011a). The researcher also benefits from the research interviews with NGO Representatives.

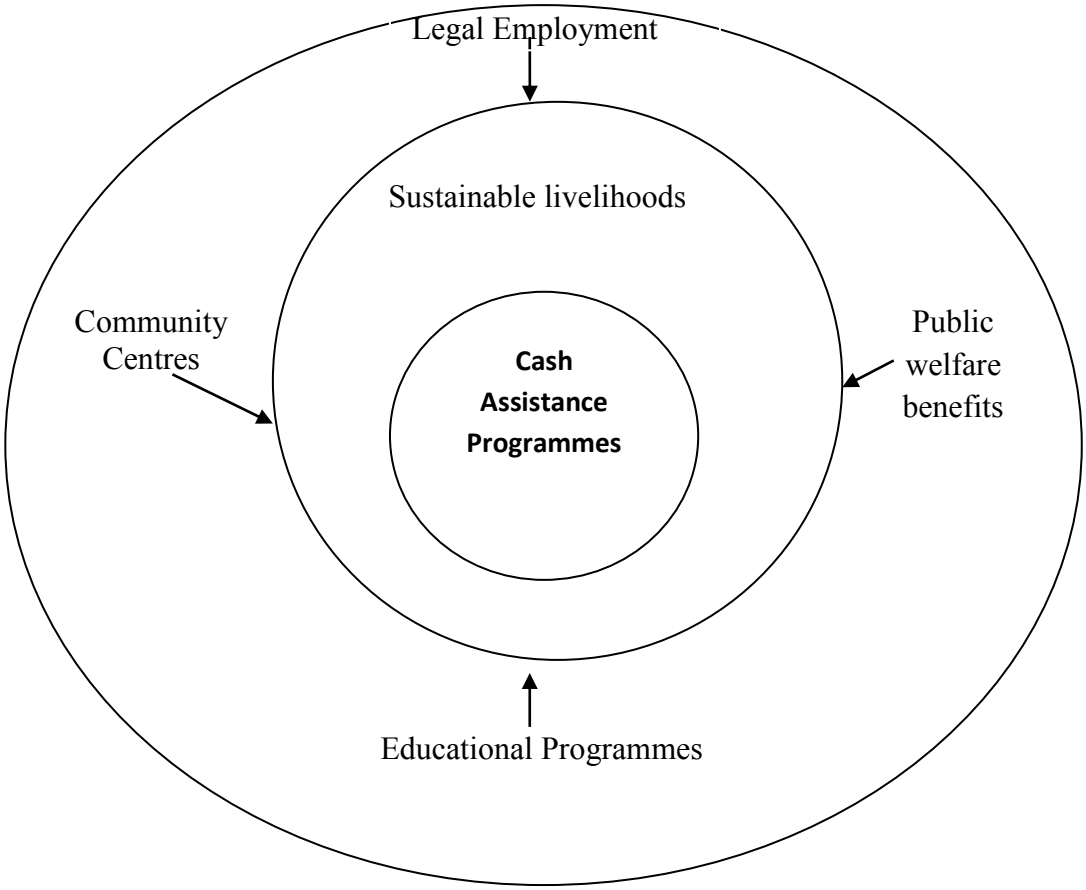

Figure 5 The Second Phase of Humanitarian Response to Refugee Protection Crisis in Turkey

The research argues that EU funds are not enough to implement sustainable livelihoods programmes in Turkey.[73] EU funds provide these programmes with limited degree of support to Syrian refugees. Nevertheless, they cannot go beyond to the desired point in the second phase of humanitarian response. The uncertainty of EU funds hinders the development of a sustainable livelihood strategy in the long-term. Furthermore, the allocation of EU funds is very slow (Batalla-Adam, 2016: 6).

[73] In comparison to the cost of meeting basic needs of Syrian refugees in Germany, the EU Facility for Syrian refugees in Turkey remains insufficient and unfair (Erdoğan, 2017a: 162).

As can be seen in the Figure 5, CAPs cannot effectively be replaced with sustainable livelihood programmes in Turkey. Long-term investment policies in sustainable livelihoods programmes, multi-service community centres, educational programmes, public welfare benefits move away from the core of humanitarian policies in Turkey in comparison to Figure 4. Hence, the protection gap between rhetoric and practice has severely increased in Turkey during the implementation of humanitarian policies.[74] The current humanitarian policies create a serious obstacle to increase self-reliance of refugees in Turkey. Humanitarian biopolitics circle creates a bubble which seems great on the surface, as does in Figure 4. However, it nurtures illusion of rights-based humanitarianism in rhetoric.

In order to enable Syrian refugees to empower their resilience, the research argues that EU Member States should share equal responsibility for refugee protection with Turkey. Unless the member states increase the number of Syrian refugees who are resettled to Europe, and offer more support to sustainable livelihoods programmes in Turkey, financial aid only cannot be efficient to meet their growing needs in Turkey. On the other side, it is very critical that the Turkish government should develop a long-term social integration strategy, and create a rights-based solution to the volatility of legal rights under temporary protection. Otherwise, Syrian urban refugees will continue to face enormous difficulties in going beyond the biopolitical reality of bare life in order to escape from dependency and achieve self-sustaining growth.

[74] See the protection gap in Turkey: Barbelet and Wake, 2017; Dorman, 2014; Erdoğan, 2017a; HRW, 2016; Macreat et al., 2017; Sentek and Bettoni, 2017.

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APPENDICES

A. INTERVIEWS WITH NON-GOVERNMENTAL ORGANISATIONS

By Cansu Çeliker, M.S. Student, Political Science and Public Administration, METU

Questions for Interview:

Interviewee /Date and Place	
Organisation	
Your department and position in the organisation	
Your occupation	
Your total work experience/Your work experience in the current organisation	

1. Could you indicate the areas of activity of your organisation financed by the European Union (EU) for Syrian refugees in Turkey in the table below, please? Could you also indicate approximately the percentage of the EU's funding in the areas of your activities, please?

	The areas of activity financed by the EU for Syrian Refugees in Turkey													
	Shelter	Food	Hygiene and cleaning materials	Clothing	Education	Language course	Vocational training	Employment Projects	Health Service	Legal support	Refugee rights advocacy	Monitoring and reporting of the situation of Syrian refugees in Turkey	Psychosocial support	Cultural and art activities
The areas of activity														
The percentage of the EU's funding (%)														

2. Which organisations and / or institutions do you cooperate in the areas of activity of your organisation? Which organisation or institution provides the largest funding for your activities?

3. Are there multi-service community centres and/or child care spaces of your organisation for Syrian refugees? Does your organisation support any multi-service centre and/ or child care space?

   (If EU funds support your centre, please specify the name of the centre and the area of activity at the centre)

Name of the organisation	Multi-service community centres	Child care spaces	EU funding (%)

4. Does your organisation organise any activity for personal development and/or vocational development of Syrian refugees?

   4.1. If your organisation organizes vocational training, what is the percentage of employment of Syrian refugees after training?

4.2. How long should vocational training projects last in order to organise training effectively?

5. What do you think whether humanitarian projects funded by the EU for Syrian refugees are implemented according to RBA or NBA in Turkey?

5.1. What do you think whether Syrian refugees are considered as helpless people or rights-holders in EU's humanitarian projects? Could you share your observations in the fieldwork, please?

5.2. How do you evaluate the impact of EU's humanitarian programmes on personal development of Syrian refuges in Turkey?

5.3. Please evaluate the impact of EU's humanitarian policies on the needs of Syrian refugees in the table below.

Impact of the EU's humanitarian policies on the needs of Syrian refugees	**Impact scale (1: very low - - - 5: very high)**				
	1	**2**	**3**	**4**	**5**
Physiological needs (Food, water and shelter, etc.)					
Safety needs (feel secure and safe)					
Social needs (belongingness)					
Esteem needs (self-confidence, being respected by others, etc.)					
Self-actualization needs (discovering and realizing their potentials and capacities and creativity, etc.)					

6. Do you think that EU's humanitarian policies towards Syrian refugees give importance to the issues of local capacity development and sustainability of projects?

Please scale the effectiveness of EU's humanitarian policies in the table below.

Impact of the EU's humanitarian policies for the protection of Syrian refugees	Impact scale (1: very low - - - 5: very high)				
	1	2	3	4	5
Long-term impact					
The empowerment of local capacity					
Sustainability					

6.1. How do you evaluate your organisation's projects funded by the EU?

7. Could you share your opinion about how EU's externalization policies on irregular immigration and asylum affect the implementation of rights-based approach to refugee assistance in Turkey?

   7.1. Have you ever experienced any problem arisen from EU's externalization policies in the fieldwork?

8. What are the difficulties in the implementation of rights-based humanitarian policies in Turkey?

B. INTERVIEWS

1. Association for Refugees, Interview, 24. 08. 2017
2. Tepebaşı Social Assistance and Solidarity Foundation, Interview, 11, 08. 2017
3. Association of Bridging Peoples, Interview, 08. 08. 2017
4. Support to Life, Interview, 03. 08. 2017
5. Association for Solidarity with Asylum Seekers and Migrants, Interview, 02. 08. 2017
6. Care International, Interview, 20. 07. 2017
7. Welthungerhilfe, Interview, 07. 06. 2017

C. ETHICS COMMITTEE APPROVAL FORM

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07 HAZİRAN 2017

Konu: Değerlendirme Sonucu

Gönderen: ODTÜ İnsan Araştırmaları Etik Kurulu (IAEK)

İlgi: İnsan Araştırmaları Etik Kurulu Başvurusu

Sayın Yrd. Doç. Dr. Başak KALE ;

Danışmanlığını yaptığınız yüksek lisans öğrencisi Cansu ÇELİKER'in ***"The European Union's Humanitarian Assistance Policies towards Syrian Refugees in Turkey"*** başlıklı araştırması İnsan Araştırmaları Etik Kurulu tarafından uygun görülerek gerekli onay **2017-SOS-106** protokol numarası ile **15.06.2017 – 30.12.2017** tarihleri arasında geçerli olmak üzere verilmiştir.

Bilgilerinize saygılarımla sunarım.

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D. TABLES

Table 7: Humanitarian Crises in the Post-Cold War Era

Country (region)	Years	Armed Conflict	Displacement	Hunger	Disease
Afghanistan	1991-2001	X	X	X	X
Angola 1	1991-1995	X	X	X	X
Angola 2	1998-2002	X	X	X	X
Azerbaijan (Karabakh)	1992-1994	X	X	X	
Bosnia	1992-1995	x	x		
Burundi	1993-2004	x	x	x	X
Colombia	1991-2004	x			X
Congo-Brazzaville	1997-1999	x		x	X
DR Congo	1996-2001	x		x	X
Georgia (Abkhazia)	1992-1993	x	x	x	
Guinea-Bissau	1998-1999	x		x	X
India-Kashmir	1991-2004	x		x	
Iraq	1991-1993	x	x	-	
Liberia 1	1991-1995	x	x	x	x
Mozambique	1991-1992	x	x	x	x
Myanmar	1991-2002	x			x
Nepal	1996-2004	x			x

Table 7: Humanitarian Crises in the Post-Cold War Era (Continued)

Peru	**1991-2007**	**x**		**x**	
Russia (Chechnya) 1	**1994-1996**	**x**	**x**	**-**	**-**
Russia (Chechnya) 2	**1999-2004**	**x**	**x**	**-**	**-**
Rwanda	**1993-1994**	**x**	**x**	**x**	**x**
Sierra Leone	**1991-2002**	**x**	**x**	**x**	**x**
Somalia	**1991-1995**	**x**	**x**	**x**	**x**
Sri Lanka	**1991-2002**	**x**	**x**	**x**	
Sudan (South)	**1991-2004**	**x**	**x**	**x**	**x**
Sudan (Darfur)	**2003-2004**	**x**	**x**	**-**	**-**
Tajikistan	**1991-1997**	**x**		**x**	
Uganda	**1994-2004**	**x**	**x**	**x**	**x**
Yugoslavia (Kosovo)	**1998-1999**	**x**	**x**	**-**	**-**

Source: Binder, M. (2016) 'The United Nations and the Politics of Severe Humanitarian Intervention, Cham, Palgrave Macmillan[75]

[75] (-) No information available in Table 1.1.
Martin Binder created this data according to the reports of Uppsala Conflict Data Program (Gleditsch, et al. 2002); FAO FOSTAT database; UNDP Human Development Reports 1991-2005; WHO World Health Reports 1995-2005.

Table 8: Forced Displacement, 1996-2016 (in millions)

Year	IDPs	Refugees and asylum-seekers	Total
1996	19.5	18.0	37.5
1997	17.0	17.0	34.0
1998	19.0	16.5	35.5
1999	20.0	17.0	37.0
2000	21.5	17.5	39.0
2001	24.5	17.5	42.0
2002	24.0	16.5	40.5
2003	23.0	16.0	39.0
2004	24.0	16.0	40.0
2005	22.0	15.5	37.5
2006	23.0	16.0	39.0
2007	25.5	17.0	42.5
2008	25.5	16.5	42.0
2009	26.5	16.5	43.0
2010	26.5	16.5	43.0
2011	26.0	16.5	42.5
2012	26.5	16.5	43.0
2013	34.0	18.0	52.0
2014	36.5	22.0	58.5
2015	40.8	24.5	65.3
2016	40,3	25.3	65.6

Source: UNHCR (2016) 'Global Trends: Forced Displacement in 2015', New York, United Nations
Reliefweb (2017, Jun 19) 'Global Trends: Forced Displacement in 2016'

E. TURKISH SUMMARY/TÜRKÇE ÖZET

Dünya politikasında retorik ve pratik arasında hak temelli yardımseverliğin uygulanması açısından büyük bir fark vardır. Politika formülasyon sürecinde, BM kuruluşları, AB kurumları ve insan hakları STK'ları (Sivil Toplum Kuruluşları) mültecilerin uzun dönemli ihtiyaçlarını karşılamada mülteci yardımına hak temelli yaklaşımın (HTY) önemini her zaman vurgulamaktadırlar. Fakat insan hakları yükümlülükleri konusunda başlıca görev üstleniciler olan ulus devletler, hükümetsel rasyonalite sınırları dâhilinde insani yardım politikalarını kısıtlamaya daha eğilimlidirler. Politika uygulama sürecinde, devletlerin ekonomik ve güvenlik alanındaki çıkarları insani yardıma göre daha ağır basmaktadır. Mülteciler, kendi hayatları üzerinde karar verme gücüne sahip olan siyasi aktörlerle asimetrik bir ilişki içerisine konulmaktadırlar. Mültecilerin kendi temel haklarından yararlanması, hükümetlerin merhametine tabi tutulmaktadır.

Bu bağlamda bu araştırma, siyasi aktörlerin mültecileri neden görev üstlenicilerle dikey ve hiyerarşik bir ilişki içerisine koyduğu sorusunu gündeme getirmiştir. Bu soruya cevap aramak amacıyla bu araştırma, güvenlikleştirme politikaları, liberal ekonomik gündem ve ihtiyaç temelli yardımseverlik arasındaki üç taraflı karmaşık ilişkiye dikkat çekmektedir. Bu üçlü ilişkinin, karar alma sürecinde bağımsız gücü olmayan uluslararası mülteci rejiminin geniş retoriği dâhilinde daha da güçlendiği bu araştırmada savunulmaktadır. Uzun süren bir krizde bu ilişki ağı terk edilmediği sürece, mültecilerin yasal haklarını ev sahibi ülkelerde etkili bir şekilde kullanamadığı, yardım politikalarıyla ve mülteci haklarıyla ilgili konularda karar verme süreçlerinde aktif rol alamadığı ve sürdürülebilir geçim kaynaklarına erişimde engellerle karşılaştığı bu araştırmada ifade edilmektedir.

Bu araştırma mültecilerin haklarından faydalanabilmesini devlet otoriterisi sınırları içerisinde izlenen politikalara bağlı olduğunu savunurken, mültecileri siyasi aktörlerle olan ilişkilerinde pasif aktör olarak konumlandırmamaktadır. Öte yandan,

mültecilerin hak kazanımları elde edebilme gücünün reel politik düzlemde çok sınırlı olduğunu ifade etmektedir. Birçok ülkede mülteciler daha iyi yaşam koşulları için protesto eylemleri organize etse de, etkisi pek çok defa sınırlı kalmıştır. Hatta bu eylemlerden bazıları mültecilerin bedenlerine zarar vermesine ve kendilerini yakmalarına kadar varmıştır (Baker 2017; Nsubuga 2016; Licovski 2015; the Local 2018; Quine, 2016). Bu eylemler medyada büyük bir yankı uyandırmasına rağmen, devletlerin sığınma politikalarına yönelik siyasal kararlarını etkilemekte başarılı sonuçlar elde edememişlerdir.

Bu araştırma, mültecilerin bir aktör olarak etkili bir güce sahip olamamasını, uluslararası mülteci rejiminin devletler üzerinde yaptırım yetkisine sahip olamamasına bağlamaktadır. Devletler, siyaset ve ekonomi gündemlerine göre mültecilere tanımakta olduğu yaşam alanlarını sürekli olarak kontrol etmektedirler. İç siyasetin koşullarına ve dinamiklerine bağlı olarak, mültecilerin haklarını kullanabilme yetisi de değişiklik göstermektedir. Bu nedenle, mültecilerin hayatları politikanın bir öznesinden ziyade bir nesnesi haline dönüşmüştür.

Rejimin kurumsal karakteristiği ile ilgili olarak bu araştırma, hak temelli yaklaşımın uygulanmasına ciddi bir engel oluşturan 1951 Mülteci Sözleşmesinin problematik yönlerine değinmiştir. Mülteci ve zorunlu göç çalışmaları alanında çalışmalarını yürütmekte olan birçok akademisyenin savunduğu gibi, sözleşmenin anlaşmaya taraf olan ülkelere yönelik yasal yaptırım gücünün olmaması uygulama alanında pek çok soruna yol açmaktadır. Sığınmacılar, ülke içinde göç etmek zorunda bırakılan kişiler ve mülteciler, uygulama alanındaki ikilemlerin politik sonuçlarına maruz kalmaktadırlar (Alborzi 2006; Chitanda 1997; Feller 2001; Gorlick 2006; Millbank, 2000; Straw, 2001).

Uluslararası mülteci rejiminin, mültecilerin sorumluluklarının paylaşılması için adil ve eşit bir uygulama mekanizmasını hayata geçirememesi, ‘mültecileri koruma sorumluluğunun hafifletilmesine’ (protection lite) sebep olmaktadır. Daha açık belirtmek gerekirse, Avrupa ve Kuzey Amerika’daki merkez ülkelerin hükümetleri,

mültecilerin korunmasına yönelik yasal yükümlülüklerini, Küresel Güneydeki yarı-çeper ve çeper ülkelere kaydırmaktadırlar. Uzun süreli mülteci durumlarında, mültecilere ev sahipliği yapan yarı-çeper ve çeper ülkelerinde mültecileri korumaya yönelik sistemin güçlenememesine ve zaman içerisinde yetersiz kalmasına yol açmaktadır. Mültecilerin sayısının hızla artmasıyla beraber, temel ihtiyaçlarının karşılanması da giderek zorlaşmaktadır. Böylesi bir durumda mülteciler hayatta var olabilmek için, siyasi ve ekonomik alanda toplumun görünmez bireyleri olarak kayıt dışı sisteme eklemlenmektedirler.

Uluslararası mülteci rejimindeki derin köklü problemlerin bir sonucu olarak, mültecilerin yaşamış oldukları güçlükler devlet seviyesinde oluşturulmaktadır. Uzun süren bir mülteci durumunda mevcut politik sistemin sert karakteristiği, mültecilerin omuzlarına daha ağır yükler yüklemektedir. Mültecilere yönelik korumanın yetersizliği, mültecilerin çoğunu kendi stratejileri ile ev sahibi ülkelerde yaşamlarını sürdürmeye zorlamaktadır, çünkü insani yardım çabaları hak temelli yardımseverlik ve sürdürülebilir geçim kaynakları ile tamamlanmamaktadır. Böylesine bir durumda mülteciler hayatta kalabilmek için kendi bedenlerini bile satmaya zorlanmaktadır. Çok sayıda mülteci aile kız çocuklarının erken yaşta evlenmesine rıza göstermektedir. Mülteci çocuklar aile ekonomisine katkı sunması için aileleri tarafından çalıştırılmaktadır.

Yetersiz koruma mekanizmasına bir eleştiri niteliğinde olan bu araştırma, ev sahibi ülkelerde kent mültecilerinin ekonomik ve sosyal direncini geliştirmeye katkı sağlayan sürdürülebilir geçim kaynaklarının uygulanması sürecinin önemine dikkat çekmektedir. Bu araştırma, mültecilerin günlük hayatlarında sürdürülebilir bir değişim yaratmak için özgüven stratejilerini geliştirmeye yardımcı olan uzun vadeli çözüm mekanizmalarının önemini vurgulamaktadır.

Yetersiz koruma mekanizmasının nedenlerini tartışmak için, bu araştırma Foucault'un ve Agamben'in biyopolitika kavramlarının teorik çerçevesinde konuyu analiz etmektedir. Araştırma ayrıca Foucault'un güç, bilgi ve özne oluşumu üzerine

olan teorilerinden faydalanmaktadır. Bu teorik çerçeve, hem mültecileri koruma politikalarının hem de insani yardım politikalarının uygulanmasına ilişkin retorik ve pratik arasındaki boşluğu tanımlamaya yönelik kavramsal bir arka plan oluşturmaktadır.

Bölüm 2, HTY'nin mülteci yardımına olan önemini göstermek amacıyla uzun süren krizlerde insani yardım politikalarının etkili sonuçlar üretememesinin temel sebeplerini incelemiştir. Bu araştırma, insani yardım politikalarının etkili olamamasının, insani yardım projelerinin mültecilerin uzun vadeli ihtiyaçlarını karşılamaya katkı sağlayıp sağlamamasına bağlı olduğunu iddia etmektedir. Araştırma, uzun süren bir krizde mültecilerin, yaşam, özgürlük, kendini gerçekleştirme ve mutluluk arayışı gibi temel insan haklarına sahip olabilmesi için ihtiyaç temelli yaklaşımdan hak temelli yaklaşıma doğru geçisin önemini vurgulamaktadır. Bu geçişin sağlanmadığı sürece, mültecilerin haklarını kullanabilmesi devletin keyfiyetine bağlı kalmaktadır. Toplum içerisindeki yasal statülerinin güçlendirilmemesi nedeniyle, mülteciler toplumda eşitsizliğe ve ayrımcılığa maruz kalmaktadırlar. Yasal haklarını aramak için yeterli donanıma sahip olamamaktadırlar.

Uluslararası insani yardım rejiminin problemli yapısı üzerine daha somut tartışmalar sunabilmek amacıyla, bu araştırma AB'nin insani yardım politikalarının ve mültecilerin korunmasına ilişkin yasal çerçevesinin Türkiye'deki Suriyeli kent mültecilerinin yaşam koşullarını nasıl etkilediğini incelemiştir. Araştırmanın bu konuya yönelmesindeki temel sebep şudur: AB'nin göç ve sığınma politikalarının modern politikanın biyopolitika paradigmasını iyi bir şekilde yansıtmasıdır.

Bölüm 3'te bu araştırma, AB üyesi devletlerin neden göç ve sığınma alanlarında "NIMBYism" kavramını benimsediklerini incelemiştir.[76] Dolayısıyla araştırma,

[76] NIMBYism, 'Benim arka bahçemde değil' anlamına gelir. (Gruber, 2017: 54).

"NIMBYism" kavramının, uluslararası mülteci rejimde Suriyeli mültecilere sağlanan korumanın niteliğini nasıl etkilediğini analiz etmiştir.

Bu bağlamda araştırma öncelikle AB üyesi devletler arasındaki dayanışma krizini arttıran mevcut iki soruna değinmektedir. Bu sorunlar; Eurozone'daki finansal kriz ve mülteci koruma krizidir. AB içerisindeki dayanışma krizi, AB düzeyinde mültecileri korumaya yönelik ortak eylemin etkisine ve sürdürülebilirliğine ilişkin ciddi bir sorun yaratmaktadır. Mevcut politik iklimde, göçmen ve AB karşıtı radikal sağ partilerin yükselişi AB içerisindeki dayanışmanın direncini ciddi bir şekilde etkilemektedir. Bu siyasi partiler egemenliğin uluslar üstü bir kuruma aktarılmasına karşı durmaktadırlar. Göçmenler, diğer etnik ve dini gruplar gibi azınlıkları ötekileştirerek millî duyarlılığı güçlendirmeyi amaçlamaktadırlar. Göçmen karşıtı söylemler, Avrupa'da kısıtlayıcı sığınma politikalarını ciddi bir biçimde güçlendirmektedir. Üye devletler, sığınma politikalarını yeniden millileştirerek ve teritoryal prensiplerine öncelik vererek kendi yollarını izlemeyi tercih etmektedirler. Üye devletler, kendi egemenlik haklarını korumakla ve kendi bölgeleri içerisindeki ekonomik ve sosyal istikrarı sağlamakla daha fazla ilgilidirler.

Özellikle Orta ve Doğu Avrupa ülkelerinin mültecilere yönelik politikaları, Avrupa Komisyonu tarafından AB'nin insan hakları prensiplerine uymamakla eleştirilse dahi, mülteci politikalarında herhangi bir değişim yaratmadı. Hatta 2015'te Brüksel'de gerçekleştirilen AB zirvesinde, Macaristan Başbakanı Viktor Orbán, ülkesinin AB kararlarından farklı bir yol izlemesinin demokratik bir hak olduğunu vurguladı (Weaver, 2015). Orbán'ın söylemleri açık bir şekilde devletlerin kendi egemenlik hakları ve teritoryal prensipleri ile uluslar-üstü bir kurumun politik kararları arasındaki bıçak sırtı ilişkiyi göstermekteydi.

Avrupa'daki dayanışmanın giderek azalması, ortak sığınma politikasının etkili bir şekilde uygulayabilmek için AB'nin politik kabiliyetini güçsüzleştirmektedir. Bu durum ayrıca AB düzeyinde insani yardım politikalarına yönelik ortak bir vizyon geliştirmeyi ve sürdürmeyi zorlaştırmaktadır. Kriz anında AB üyesi devletlerin, adil

ve eşit sorumluluk paylaşımı prensiplerinin gerekliliğini uygulama konusunda birbirlerinden ayrı yollar izledikleri aşikârdır. Fakat sınır güvenliği mekanizması ve göç kontrolünün dışsallaştırılması konularında ortak hareket etmeye isteklidirler. Bu bağlamda bu araştırma, sınır güvenliği mekanizmasının, mültecileri koruma çabalarına kıyasla, AB üyesi devletler tarafından neden kamusal mal olarak kabul edildiğini incelemiştir.

Sınır güvenliği çabalarının ortak çıkarlara aracılık etmesi nedeniyle, AB üyesi devletler iç güvenliğe yönelik işbirliğine daha fazla önem vermektedirler. AB'nin giriş kabul etmeyen rejimi (non-entrée regime), üye devletlerin Suriyeli mültecilere sığınma hakkı tanımasına ilişkin sorumluluklarını azaltmaya yönelik en önemli politik araçlarından birisidir. Bu rejim ayrıca üye devletlerin, mültecilerin sosyal yardıma erişim, hukuki yardım ve istihdam gibi temel haklarını karşılama konusundaki yükümlülüklerini hafifletmelerine olanak tanımaktadır. Buna karşın bu rejim, göç ve sığınma politikalarına yönelik yasal çerçeve içerisinde biyopolitika ırkçılığa sebep olmaktadır. Mültecilerin yönetimini kolaylaştırmaya yönelik biyopolitik taktiklerin üye devletler tarafından kullanılması insan hakları ihlallerine neden olmaktadır.

Avrupa'daki biyopolitik yönetim biçimlerinin bir sonucu olarak, AB'nin kimliği bir güvenlik aktörü olmaya doğru evrilmeye başladı. AB'nin bir insan hakları destekçisi ve insani aktör olarak kimliği, politika uygulama sürecinde değil bilhassa politika çerçevesinin belirlenmesi sürecinde daha görünür oldu. Mültecilerin korunmasına yönelik daha az siyasi bedel ödemek amacıyla, AB üyesi devletlerin kısıtlayıcı ve kontrol odaklı sığınma politikaları Türkiye'deki insani yardım programlarının etkisini tehlikeye düşürmektedir. Bu durum insani yardım programlarının uygulama sürecinde mültecileri koruma mekanizmasındaki boşlukları daha fazla arttırmaktadır. Mültecileri koruma sorumluluğunun hafifletilmesi, Suriyeli kent mültecilerinin Türkiye'de eğitim ve sağlık gibi kamu hizmetlerine ve insani yardım ve hizmetlerine erişiminde ciddi engeller yaratmaktadır.

Yukarıda bahsedilen argümanı güçlendirmek amacıyla Bölüm 4 ve Bölüm 5, mültecileri koruma sorumluluğunun hafifletilmesine yönelik AB'nin siyasi çabalarının Türkiye'deki insani yardım programlarının niteliğini nasıl etkilediğini incelemiştir. Bu bağlamda araştırma, Suriyeli kent mültecilerinin sayısının çok hızlı bir şekilde büyümesinin Türkiye'nin kurumsal ve altyapısal kapasitesi üzerinde aşırı bir baskı yarattığını göstermeye çalışmıştır.

Bölüm 4'te bu araştırma, Türkiye'deki Suriyeli kent mültecilerinin refahı üzerine analiz yapmıştır. Türk hükümetinin, mültecilerin ihtiyaçlarına yönelik direnç temelli bir yaklaşım geliştirmek amacıyla, mülteci koruma sistemini yeniden düzenleme çabalarını sorgulamaktadır. Türk hükümeti, Suriyeli mültecilere yönelik koruma rejimini geliştirmek için bazı yeni yönetmelikleri yürürlüğe koydu. Fakat hükümet hâlâ Suriyeli mültecilerin sosyal entegrasyonu için uzun dönemli politikalar geliştiremedi. Geçici Koruma Yönetmeliği, mültecilerin korunma ihtiyacının gerisinde kaldı, çünkü bu yönetmelik Suriyeli mültecilerin istikrarsız yasal konumlarına ilişkin etkili bir yasal çözüm üretemedi. Diğer taraftan, Geçici Koruma Sağlanan Yabancıların Çalışma İzinlerine Dair Yönetmelik, Türkiye'de Suriyeli mültecilere yasal istihdam sağlaması açısından oldukça önemliydi. Buna karşın birçok Suriyeli kent mülteci hâlen yasal istihdam hakkına erişememektedir. Bu bağlamda araştırma, Türkiye'de birçok Suriyeli mültecinin yasal istihdama erişim hakları olmasına rağmen neden hâlâ düşük maaşlarla kayıt dışı iş sektörlerinde çalıştıklarını sorgulamaktadır.

Bu araştırma Suriyeli mültecilerin çalışma alanında neden görünmez aktör olarak yer almak zorunda kaldıklarını şu nedenlere bağlamaktadır: İlk olarak, Türkiye'de Suriyeli mülteciler hakları hakkında bilgiye erişmekte zorluk yaşamaktadırlar. İkincisi, çalışma iznine dair yönetmeliğin uygulanmasındaki sorunlar hâlâ devam etmektedir. Özellikle mülteciler geçici koruma kimlik belgesi alabilmek ve çalışma iznine başvurabilmek için uzun süre beklemek zorunda kalmaktadırlar. Bu süreç içerisinde kayıt dışı sektörlerde çalışmak dışında pek bir seçenekleri yoktu. Son olarak, işverenleri Suriyeli mültecileri yasal olarak çalıştırmaları için teşvik eden bir

uygulama yoktu. Bu nedenle işverenler kayıt dışı sektörde mültecileri ucuz iş gücü olarak çalıştırmayı daha çok tercih ediyorlardı.

Bölüm 4'te bu araştırma, Suriyeli mültecilerin ekonomik gücünü arttırabilmek için sürdürülebilir geçim kaynaklarına yönelik programların önemine işaret etmektedir. Sürdürülebilir geçim kaynakları yalnızca mültecilere yönelik istihdam kolaylığı sağlamakla kalmayıp, aynı zamanda mültecilerin sorunlarıyla başa çıkma stratejilerini güçlendirmesinde büyük bir öneme sahiptir. Bu bağlamda, bu araştırma Türkiye'deki Suriyeli kent mültecilerin sürdürülebilir geçim kaynaklarına ne ölçüde erişebildiğine dikkat çekmektedir. Bu araştırma, yasal istihdam ve özgüven stratejileri arasında yakın bir bağ kurmaktadır. Uzun süren bir mülteci durumunda özgüven kavramı daha çok önem kazanmaktaydı, çünkü bakım ve geçim yardım süreci, mültecilerin uzun süreli ihtiyaçlarını karşılamada yetersiz kalmaktaydı. Bu kapsamda, bu araştırma Türkiye'de Suriyeli mültecilere yönelik hak-temelli ve sürdürülebilir geçim kaynaklarına yönelik programlara geçiş sürecinin sancılı geçtiğine ve ihtiyaç-temelli yaklaşımla hâlâ hareket edildiğini savunmaktadır.

Türkiye'de entegrasyon politikalarının eksikliği ve Suriyeli mültecilerin haklarının geçici olmasından kaynaklı problemler bu geçiş sürecini daha fazla zorlaştırmaktadır. Ayrıca, Türkiye'nin yetersiz kurumsal ve altyapısal kapasitesinin Suriyeli kent mültecilerinin uzun dönemli ihtiyaçlarını karşılamada ciddi bir engel teşkil etmektedir.

Giderek artan Suriyeli kent mülteci sayısı hem fiziksel altyapıyı hem de kamu hizmetine ilişkin altyapıyı, özellikle Türkiye'nin güneydoğu illerinde aşırı zorlamaktadır. Sürdürülebilir ve dirençli bir altyapı geliştirmek amacıyla, kapasite gelişimine yüklü miktarda finansal kaynak aktarılmasına çok büyük bir ihtiyaç vardır. Finansal fonların eksikliği nedeniyle, Türk hükümetinin tek başına çok kısa bir zaman içerisinde güçlü bir altyapı oluşturması ve okullar ile hastaneler için kapasite oluşumunu geliştirmesi çok zordur. Bu durum, Türkiye'de Suriyeli kent

mültecilerin yasal hakları ve fiili korunmaları arasında büyük bir boşluk yaratmaktadır.

Mültecilere ev sahipliği yapan ülkelerin kapasite gelişimini güçlendirmek yıllar sürebilecek uzun bir süreçtir, bu sebeple siyasi aktörlerin bu sorumluluğu üstlenmedeki kararlılığını bir an önce göstermeleri gerekmektedir. Bu bağlamda araştırma, Türkiye'deki Suriyeli kent mültecilerin uzun dönem ihtiyaçlarını karşılamada AB fonlarının rolünü incelemiştir. AB fonlarının sürekliliğinde yaşanan sıkıntıları dile getirmek amacıyla, bu araştırma Türkiye'de 2 yıldır sürmekte olan resmî olağanüstü hâlin ilanı sonrası AB-Türkiye ilişkilerinin değişen dinamiklerine değinmiştir. Türkiye'deki siyasi atmosfer sebebiyle AB, Türkiye'ye yönelik tutumunu yeniden belirlemek durumunda kalmıştır. AB olağanüstü hâl tedbirlerini, uluslararası insan hakları yükümlülüklerini ihlal etmesi sebebiyle eleştirmiştir. Bu durum Türkiye'de AB tarafından finanse edilen uzun dönemli projelerin askıya alınması riskini oluşturmaktadır.

Beşinci konuda, bu araştırma AB'nin insani yardım politikalarının Türkiye'deki Suriyeli kent mültecilerinin uzun vadedeki ihtiyaçlarını karşılamadaki etkisini daha detaylı bir şekilde incelemiştir. AB'nin kısıtlayıcı sığınma politikaları ve insani yardım politikalarının, insani yardım alanındaki retorik ve pratik arasındaki koruma boşluğu üzerindeki etkisini bu araştırmada ele almıştır. Bu bağlamda, AB politikalarının Türkiye'de mülteci haklarına sahip olma paradoksu üzerindeki etkisi beşinci konuda tartışılmıştır. AB-Türkiye Anlaşmasının, mülteci haklarına sahip olma paradoksunu nasıl güçlendirdiğinin kritiği bu araştırmada yapılmıştır. Foucault'un güç, bilgi ve özne oluşumu teorisinden faydalanarak, bu araştırmada AB'nin yardım politikaları analiz edilmiştir.

AB-Türkiye Anlaşması, AB'nin merkez ülkeleri tarafından kullanılan en önemli siyasi araçlardan birisidir. Bu ülkeler, sığınma ve göç politikaları üzerinde güç oluşturmak için AB-Türkiye Anlaşmasını bilginin inşa edilmesi sürecinde kullanmaktadırlar. AB, göçmen ve sığınma politikaları alanında hem Avrupa'da hem

de Suriye'nin komşu ülkelerinde belirlenecek stratejilerin oluşturulmasında liderlik rolünü üstlenmeyi amaçlamaktadır. AB, Suriyeli mültecilerin yasal haklarını güçlendirmekten ziyade iç güvenliğini sağlamaya yönelik politikaları uygulamaya öncelik vermektedir. Bu bağlamda, Türkiye, AB üyesi devletlerin mülteci korumasına yönelik sorumluklarını hafifletmesine yardımcı olan en önemli stratejik ortaklardan birisi olarak görülmektedir.

Biyopolitika yönetimsellik kapsamında, AB mültecileri iki temel kategoride sınıflandırmaktadır: 'iyi/ hak eden/ gerçek mülteciler' ve 'kötü /hak etmeyen/ sahte mülteciler' (Mavelli 2017). Realpolitik mantık çerçevesinde, Suriyeli mültecilerin temel hakları, kısa vadedeki siyasi ve ekonomik kazanımlar için göz ardı edilmektedir. İnsani yardım politikaları ise arka planda yer almaktadır.

AB'nin biyopolitika güvenlik uygulamaları ve düzensiz göçü dışsallaştırma politikaları, AB'nin yardım politikalarının özelliklerini ve dinamiklerini şekillendirmekte belirleyici bir role sahiptir. AB'nin yardım politikaları, insani yaşamın hiyerarşik düzenlenmesini temel almaktadır. AB, Suriyeli mültecileri Türkiye'nin geçici koruma rejimi içerisine sınırlandırmayı amaçlayan AB-Türkiye Anlaşması üzerine sığınma ve mülteci politikalarını inşa etmekte çok kararlı gözükmektedir. Türkiye'de Suriyelik mültecilere yönelik hakların geçici olmasına rağmen, Türkiye'yi 'güvenli üçüncü ülke' ilan ederek, AB Türkiye'deki geçici koruma düzenlemesini meşrulaştırmaktadır. AB'nin biyopolitika yönetimselliği, Suriyeli kent mültecilerinin yaşam koşullarını olumsuz bir şekilde etkilemektedir.

Türkiye'deki Suriyeli kent mültecilerinin yaşam koşullarıyla ilgili olarak, AB'nin yardım politikalarının yapısı, Türkiye'de mültecilere yönelik servislerin ve yardımın niceliğinin ve niteliğinin arttırılmasıyla ilgili olarak kritik bir öneme sahiptir. Bu araştırma, AB'nin insani yardımı araçsallaştırdığını ve politikleştirdiğini savunmuştur. AB, Suriyeli mültecilere yönelik yardımı, sınır kontrolü önlemlerinin katı bir şekilde uygulanması şartına göre şekillendirmektedir. Daha açık bir şekilde ifade etmek gerekirse, Türk hükümetinin yasa dışı göçmenlerin Avrupa'ya geçmesini

önleme çabası, AB'nin insani yardım politikalarında belirleyici bir role sahiptir. Bu bağlamda, AB'nin havuç/ sopa politikası, mülteci yardımında hak temelli yaklaşımın uygulanmasını tehlikeye sokmaktadır; çünkü mülteci kategorisinin politik niteliğini yok etmektedir. AB'nin 'problemin üzerine para atma yaklaşımı', Suriyeli kent mültecilerinin sosyal ve ekonomik refahını güçlendirmek için uzun vadeli bir çözüm sağlamamaktadır (Carrera, et al. 2016). Eğitim, istihdam ve sosyal politikaların uygulanabilmesi için kurumsal geliştirme ve kapasite inşa etme projeleri desteklenmediği sürece, sadece finansal yardım ile mültecilerin hızlı ve etkili bir şekilde korunması sağlanamayacaktır.

Mültecilerin ihtiyaçları ve isteklerinin anlaşılmasını temel alarak, bu araştırma AB'nin insani yardım politikalarının, Suriyeli kent mültecilerinin materyal ve sosyo-psikolojik ihtiyaçlarını karşılamadaki rolünü analiz etmiştir. Bu bağlamda, insani yardım programlarının, hem mültecilerin materyal ihtiyaçlarına, hem de eğitim ve sosyo-psikolojik ihtiyaçlarına eşit önem vermesi gerektiği bu araştırmada savunulmaktadır. Bu kapsamda, AB'nin nakit yardım programları, AB'nin Türkiye'deki çok hizmetli toplum merkezleri ve eğitim kapasitesini geliştirmeye yönelik etkisi bu araştırmada incelenmektedir.

AB'nin nakit yardım programları konusunda, bu programların iki önemli sınırlılığına bu araştırmada yer verilmektedir: Nakit yardım programlarının sürdürülebilir olmaması ve Türkiye'deki kent mültecilerinin refahını geliştirmek için sınırlı kapasiteye sahip olması. İlk olarak, AB fonlarının uzun vadede sürdürülebilir olması konusunda alanda çalışmalarını yürütmekte olan STK'ların ciddi endişeleri var. AB üyesi ülkeler, kendi bütçelerinden fonları mobilize etmek konusunda uzun süreden beri itiraz etmektedirler. Ayrıca, 2019'da İngiltere'nin AB'den ayrılma kararı alması neticesinde, AB fonlarının akıbeti konusunda güvensizlik oluştu. İkinci olarak, nakit yardım programları, Türkiye'de korunmasız durumda bulunan Suriyeli kent mültecilerinin hepsini kapsayamamaktadır. AB'nin Acil Sosyal Güvenlik Ağı (ESSN), hem kayıtsız mültecilere hem de kayıtlı olduğu şehirde yaşamayan mültecilere erişim sağlayamamaktadır.

Nakit yardım programlarının analizinden sonra, AB fonlarının çok hizmetli toplum merkezlerine ve eğitimin kapasite inşasına etkisi bu araştırmada vurgulanmaktadır. İlk bakışta bu iki konu birbirinden farklı gözükmesine rağmen, Suriyeli kent mültecilerinin yasal haklarının güçlenmesi ve potansiyellerinin geliştirilmesi konusunda bu iki konunun ortak özelliklere sahip olduğu bu araştırmada savunulmaktadır.

Suriyeli kent mültecilerinin psikolojik ve sosyal yönlerden iyi olma hali konusunda, toplum merkezlerinin önemi bu araştırmada vurgulanmaktadır. Araştırmacının STK temsilcileri ile yaptığı görüşmeler sırasında, toplum merkezlerinin mültecilere yönelik koruma sisteminin güçlenmesine, mültecilerin becerilerinin ve kabiliyetlerinin gelişmesine ve kamu hizmetlerine erişimi kolaylaştırmasına katkı sağladığı ortak bir şekilde ifade edilmiştir. Ayrıca, bu merkezler yasal hakları konusunda mültecilere bilgi sağlamaktadırlar. Bu bağlamda, özellikle hak temelli yardımseverliği benimseyen merkezlerin, mültecilerin hayatlarının her alanında dirençlerini güçlendirmesi için bir yaşam alanı yarattığı bu araştırmada savunulmaktadır. Agamben'in tanımladığı salt çıplak biyolojik yaşamdan mültecilerin çıkıp, ev sahibi ülkelerde sosyal, ekonomik ve siyasi hayata karışabilmeleri konusunda bu araştırmada hak temelli toplum merkezlerinin rolüne vurgu yapılmaktadır.

Türkiye örnekleminde, bu araştırma, toplum merkezlerinin sınırlılıklarını incelemiştir. İlk olarak, bu merkezlerin sayısı, çok sayıda Suriyeli kent mültecisine erişim sağlayabilmek konusunda kısıtlı kalmaktadır. İkinci olarak, AB fonlu projelerin uygulama süresi genellikle kısa vadeli olmaktadır. Bu nedenle, uygulayıcı dernekler ile sözleşmeler kısa süreli yapılmaktadır. Bu durum projelerin devamlılığının sağlanması ve derneklerin altyapı kapasitelerinin güçlendirilmesi konusunda ciddi engeller yaratmaktadır.

Beşinci konunun son kısmında, bu araştırma, eğitimin bir güçlendirme mekanizması olma rolüne vurgu yapmaktadır. Eğitim, Suriyeli mülteci çocukların kendi

potansiyellerine ulaşabilmelerine, hayatlarını yeniden inşa edebilmek için güçlenmelerine, fakirlik ve yoksunluk karşısında mücadele edebilmelerine imkân sağlamaktadır. Bu araştırmada eğitim, hak-temelli yardımseverliğin kilit bir öğesi olarak tanımlanmaktadır.

Türkiye, Suriyeli mültecilerin eğitime erişimlerini garanti etmesine rağmen, Suriyeli mülteci çocukların eğitime erişimde neden ciddi engeller ile karşılaştıkları bu araştırmada analiz edilmiştir. Bu kapsamda, AB fonlarının, Türkiye'de eğitim kapasitesini geliştirmede mevcut ihtiyaçların çok gerisinde kaldığı bu araştırmada savunulmaktadır. AB ve Türkiye arasında giderek artmakta olan gergin ilişki, AB fonlarının eğitim tesislerine aktarılmasının sürekliliği konusunda da soru işareti uyandırmaktadır.

Açık bir şekilde görüldüğü üzere, 3, 5 milyonun üzerinde Suriyeli mülteciye ev sahipliği yapmak için Türkiye'nin kurumsal ve altyapısal kapasitesi yetersiz kalmaktadır. Türkiye'deki Suriyeli mülteciler, geçici koruma kimlik belgeleri için kayıt yaptırmak ve çalışma izni almak konusunda uzun süre beklemek zorunda kalmaktadırlar. Profesyonel çevirmenlerin azlığı nedeniyle, mülteciler, yasal haklarına ilişkin bilgi almakta zorlanmaktadırlar. Sağlık hizmetleri çalışanları, öğretmenler, psikologlar, avukatlar ve alan çalışanları ile iletişim kurmakta güçlükler yaşamaktadırlar. Servislerin azlığı ya da bilgi eksikliği nedeniyle, kamu hizmetlerine erişmekte zorlanmaktadırlar. İnsani yardım programları, Türkiye'de ihtiyaç halinde olan Suriyeli kent mültecilerinin hepsine erişim sağlayamamaktadır. Mültecilerin problemleri ile birebir ilgilenmek konusunda, toplum merkezlerinin sayısı çok kısıtlı kalmaktadır. Eğitim altyapısı, Suriyeli mülteci çocukların tümüne eğitim fırsatları sağlamakta yetersiz kalmaktadır.

Türkiye'deki kurumsal ve altyapısal kapasitesinin geliştirilmesi amacıyla gerekli yatırımların sağlanmasında, AB fonları ihtiyaç duyulan miktarın gerisinde kalmaktadır. Kapasite geliştirme yatırımlarının tamamlanmasının uzun bir zaman aldığı düşünülecek olursa, yatırımlara gereken önemin verilmemesi durumunda, daha

fazla sayıda Suriyeli mülteci çocukların ve gençlerin kayıp nesil olma riski giderek artacaktır.

Suriyeli mültecilerin, temel insan haklarını kullanabilmelerini sağlamak amacıyla, AB üyesi devletlerin mültecilerin korunması hususunda Türkiye ile eşit sorumluluk paylaşması büyük bir önem arz etmektedir. AB üyesi devletlere yerleştirilen Suriyeli mültecilerin sayısı artmadığı sürece, sadece finansal yardım, Türkiye'deki mültecilerin uzun süreli ihtiyaçlarını karşılamakta etkili olamayacaktır. Diğer tarafta, Türk hükümetinin uzun vadede sosyal bütünleşme strateji belirlemesi ve geçici koruma altındaki yasal hakların geçiciliğine hak-temelli çözüm oluşturması büyük bir önem arz etmektedir. Aksi takdirde, Suriyeli kent mültecilerinin, yalın yaşamın biopolitik gerçekliğin ötesine geçmekte zorlanacaklardır. Bağımlılık ilişkisinden kurtulup, yasal haklarından etkin bir şekilde faydalanabilen ve kendi ayakları üzerinde durabilen dirençli bir birey haline gelme süreçleri gecikecektir.

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