

Shrinking humanitarian space in Turkey: The government of Turkey's agency in shaping the operations of humanitarian NGOs in Turkey*

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Abstract

Applying the theoretical framework of NGO-government relations, this article shall look into the Government of Turkey (GoT)'s critical role in shaping humanitarian space in Southeast Turkey, which increasingly gained a reputation as the hinterland of cross-border response to Northern Syria and Syrian refugee response in Turkey. The year of 2015 proved a turning point for change in the Turkish government's stance towards humanitarian activities, stemming from proliferating security concerns over the spill-overs of the Syrian Civil War. Meanwhile, Turkey's political stance has evolved into playing a more active role through military involvement, which has also constituted the basis for widening controls and pressure over non-governmental organisations (NGOs) sending cross-border aid deliveries from Turkey to Syria. As the case study, I shall explore the government's management of its Southeast border with Syria to restrict NGO operations while reinforcing the operational space of several favoured organisations. Overall, this article argues that GoT used its certain leverage guaranteed through institutional conditioning factors, and its agency on not adopting select border management practices introduced through EU externalisation, to regulate and hamper humanitarian aid flow over its Southeast border with Syria to be in consistence with its political stance towards the Syrian Civil War, which overall led to shrinking humanitarian space in the Turkey context.

Key words: NGO-government relations, NGO, humanitarian space, Southeast Turkey, Northwest Syria, refugee, border management.

* Submitted/Geliş: 09.12.2018, Accepted/Kabul: 15.10.2019

** I would like to thank Chevening Scholarship of the UK's Foreign and Commonwealth Office for funding my master studies on Migration Mobility and Development at SOAS, University of London in 2017-18, and Paolo Novak for guiding me to formulate this study.

1. Introduction

Turkey has been ranking as the world's top refugee-hosting country with around three and a half million Syrian refugees for a few years now¹. For a country which adopted the first-ever migration management legislation in 2013 but still lacks a centralised system of migration management (Ustubici, 2018), GoT has manifested strong national ownership over Syrian refugee response. Yet, unable to respond to the needs of the fast-growing refugee population, it has condoned national and foreign NGOs to bolster presence and to extend activities mostly for financial considerations (Mackreath and Sagnic, 2017). This provided NGOs with easy access to Syrian refugees living outside refugee camps where the government did not have much control over (Betts, Ali and Memisoglu, 2017). However, as observed during the response to 1999 earthquake, GoT approaches to (especially foreign) NGOs with suspicion and fear (Jalali, 2002; Ozerdem and Jacoby, 2006). The year of 2015 proved a turning point of NGO-government relations as security concerns 'including renewed tensions over the Kurdish conflict, instability spilling over from neighbouring Syria, a series of terrorist attacks by ISIL' (TUSEV, 2018:6) intensified in Southeast Turkey. Increasing attention over Southeast Turkey due to the above-mentioned security concerns complicated the management of NGOs which considered Southeast Turkey 'the safe 'hinterland' (...) delivering aid into Syria' (Hoffman and Samuk, 2016:7).

The main argument of this article is to discuss that GoT used its certain leverage guaranteed through institutional conditioning factors, and its agency on not adopting select border management practices introduced through EU externalisation, to regulate and hamper humanitarian aid flow over its Southeast border with Syria to be in consistence with its political stance towards the Syrian Civil War, which led to shrinking humanitarian space in the Turkey context. A brief introduction in this section is followed by the analysis of the relevant literature on NGO-government relations focusing on legislative frameworks and political context. Thirdly, legislative frameworks and the political context will be discussed in the case of Turkey, as both of which were used to crack down on NGOs. The following section will provide an analysis of GoT's agency in shaping the EU externalisation through border management practices and the ways the latter was used to restrict humanitarian space in Turkey.

¹ According to the latest data from the Directorate General of Migration Management, as of 13 June 2019 the number of Syrian refugees registered under Temporary Protection in Turkey is 3.613.644 (Accessed from: http://www.goc.gov.tr/icerik6/temporary-protection_915_1024_4748_icerik on 28 June 2019).

2. Theoretical considerations: NGO-government relations

Structural limitations and mutual distrust preventing the establishment of productive relations lie behind ‘reluctant partners(ship)’ between government and NGOs (Bebbington and Farrington, 1993 cited in Hulme and Edwards, 1996:5). As Clark (1992:152) argues ‘(NGOs) have three choices: They can oppose the state, complement it, or reform it -but they cannot ignore it.’ Yet, in the emergency response context, the hosting government has the primary responsibility in the facilitation and governance of NGO operations. In this article ‘hosting state’ refers to a country affected by a disaster or humanitarian emergency resulting in swelling presence of local and foreign to support emergency response for those in need while NGO are non-profit, non-governmental service providers of basic services mainly with humanitarian purposes (Teamey, 2007). The UN Resolution 46/182 (1991) and Humanitarian Charter (2011) grant the primary authority on managing assistance to the affected state and require NGOs to provide humanitarian assistance only after being invited or permitted by affected country governments. However, as Davis (2006) exemplifies the process of developing the Sphere Handbook, one of the most crucial documents for humanitarian work, humanitarian community have not engaged affected country governments in many of the humanitarian-related decision-making processes. Lack of representation of affected country governments in high-level humanitarian decision-making processes unravels the reasons behind the absence of engagement and cooperation between governments and NGOs (Harvey, 2009).

Much of the current literature pays particular attention to country-specific nature of NGO-government relations (Haque, 2002; Bratton, 1989). In this regard, Bennett (1997) argues for NGOs to develop country-specific initiatives which naturally lead to conducive relations with hosting governments. In parallel, Clark (1991; 1992) advocates for NGOs to acknowledge political, economic and cultural characteristics of the country as one of the building bricks of the relationship with the government. In the case of Medecins Sans Frontiers (Doctors without Borders, known as MSF) it has presented as creating a significance to formulate operations in different emergency contexts per distinctive characteristics of each situation (Magone, Neuman and Weissman, 2011).

There are several institutional conditioning factors shaping this country specific context for NGOs and governments to operate (Teamey, 2007). Firstly, the studies widely acknowledge national legislation as one of the most preeminent determinants of NGO-government relation. Legislative frameworks provide governments with a certain gravity on constructing the operational space of NGOs (Dupuy, Ron and Prakash, 2016). In his detailed analysis, Batley (2006) claims that it allows governments to define the limits of NGO operations and provides the

ground for productive NGO operations. Sood (2000) asserts that enforcing legislation on NGOs is beneficial for both sides as it allows NGOs to stay accountable to the people they are serving. More to the positive use of legislation, Wamai (2004) analyses the role of legislation on building a joint and complementary response in two different contexts, Finland and Kenya. Yet, Ullah et al (2006) demonstrates that in Bangladeshi context the legislative frameworks have hyperbolically been used to frame practical interaction with NGOs. In this regard, this change highly depends on the extent that NGOs take in part in the formulation of national legislation. Yet, a principal amount of studies reveals the lack of engagement with NGOs in the development of NGO legislations (Moran, 2006; Adin-Yaonsah and Harrell-Band, 1997) It is further argued that in the last twenty years almost a quarter of the low and middle-income states have put laws into use which restrict their operations and the flow of funds from the international donors (Dupuy, Ron and Prakash, 2016).

I have identified three types of legislation from the literature: suppressive, promotive and subjective (Mayhew, 2005; Batley, 2006). Due to the scope of this article, I shall only look into the literature on the suppressive and subjective legislation. Concerning suppressive legislation, Batley (2006) has found out that the government, on the one hand, adopts restrictive legal frameworks while at the same time seeking to cooperate with NGOs without applying these laws, which creates ambiguity especially for NGOs. Dupuy, Ron and Prakash (2016) assert that the governments are more likely to adopt suppressive NGO legislations when they claim victory in the aggressive elective competitions. On the other hand, it is also argued that where the government itself provides services, it can seek to prevent competition and suppress NGO operations by employing legislation (Batley, 2006). In other cases, restrictive legislation bolsters the government's ability to lead NGO operations to the needed sectors, ruling out their capability or preferences (Moore and Moyo, 2016; Harvey, 2009). It can have extreme consequences for NGO operations, in particular by leading to delays in implementing the activities (Jelinek, 2006). Subjective criteria in the legislative frameworks gives ground for the government to apply in accordance with its political interests (Teamey, 2007). Mayhew (2005:746) found out in all three of their study countries, NGO legislations include subjective criteria for dissolution, containing open phrases such as 'national security' in Cambodia, 'national interest' in Nepal, 'national solidarity' in Vietnam. Moore and Moyo (2016:6) argues that in Zimbabwe the 'vague grounds' in the law gives power to the relevant ministry to stop the operations of NGOs on the grounds of national interest.

Secondly, the literature acknowledges that political regime of a hosting state constructs a significant variable for NGO-government relations (Sen, 1999). National political context mirrors convoluted nature of societies that governments

represent (Fisher, 1998). Hosting governments inherently seek to maintain authority over NGOs and other actors, which reveals the main concern to be the pursuit of national interest (Hulme and Edwards, 1996; Owen, 2000). Identifying themselves ‘as the sole representative of people’s voice’ (Behera, 2002:12), it is argued that the governments are likely to oppose any connection between NGOs and the public without their involvement (Teamey, 2007). Pereira (2005) argues that in some instances this may lead to government’s discharging NGOs from their political role and recognising them only as service-providers. Dupuy, Ron and Prakash (2016) highlight that there are specific political circumstances in which the government is more courageous to renounce NGO operations at the cost of losing the foreign funding. The aftermath of competitive elections is one of them as it is when a government’s power is assured (Ismail and Kamat, 2018). Bratton (1989) argues that where NGOs engage in cross-border activities, the governments are more likely to keep them under scrutiny, as I shall extrapolate in the Turkey context in the following section. However, combining neoliberalism with authoritarianism, Ismail and Kamat (2018) derive that authoritarian governments cooperate with certain NGOs which share their right-wing policies, which creates a group of favoured, state-affiliated NGOs, as in Turkey.

3. The determinants of NGO-government relations in Turkey

The literature reveals increasing enthusiasm among developing countries to take control of the responses to humanitarian crisis. In similar settings to Turkey, the governments have been showing ‘growing willingness and ability to respond to disasters without external assistance’ thanks to increasing wealth (Harvey, 2009:1). As a wealthy developing country, the Turkish government has manifested strong national ownership over the humanitarian response. Yet, unable to respond to the needs of the fast-growing refugee population, it has condoned national and foreign NGOs to bolster presence and to extend activities mostly for financial considerations (Mackreath and Sagnic, 2017). This provided NGOs with easy access to Syrian refugees living outside the refugee camps where the government did not have much control over (Betts, Ali and Memisoglu, 2017). It has encouraged, for example, Syrian people themselves to set up Turkey-based NGOs to join the humanitarian response, which Hoffman and Samuk (2016) recognises as a very constructive move of GoT.

However, GoT approaches to (especially foreign) NGOs with suspicion and fear, as observed during the response to 1999 earthquake (Jalali, 2002; Ozerdem and Jacoby, 2006). Turkey has developed a well-structured tradition of *devlet baba* (paternal state), which neither engages nor bolsters civil society (Kalaycioglu, 2001). Moreover, hierarchy has been built around an understanding of ‘the strong state and weak civil society’ (Heper, 1985:16). Prior research substantiates the

belief, it was only in the 1980s when NGOs have become self-reliant (TUSEV, 2017). Most importantly, the reform process for the EU Accession has eventually become the cornerstone for a more productive NGO-government relationship (ibid). After officially gaining EU candidate country status in 2003, GoT has improved a few of the relevant legislation as part of the process between 2004 and 2008 and involved NGOs in the decision-making process, albeit limitedly (TUSEV, 2018). Losing interest in the Accession after 2008, the focus moved away from the reforms (ibid). Despite all the improvements, the country is still ruled by the 1982 Constitution, put into force by the military regime and thus, limited in many respects.

There are four legislative frameworks constructing the operating environment of NGOs in the national level, which are *Law No. 4721 Turkish Civil Code*, *Law No. 5253 on Associations*, *Law No. 4817 on Work Permits and Regulation on Work Permits of Foreigners under Temporary Protection*. One of the means that GoT utilises to regulate and restrict the operations of NGOs is through ambiguous criteria which includes phrases of *contrary to the laws and ethics*, *public morality*, and *public security* and allows an unlimited breadth of subjective practices to the government offices (Ozerdem and Jacoby, 2006). Article 56 of the Turkish Civil Code states that '[n]o association may be formed for an object *contrary to the laws and ethics*' (italic by me). The same phrase is included in the conditions for dissolution in the Article 89 of the same law. Regarding the implementation, TUSEV (2017) claims that using that, the Ministry of Interior did not register several NGOs which submitted the same office address in their registration criteria.

Furthermore, legislation grants absolute prudence to the relevant ministries over foreign NGOs particularly (Ayata and Karan, 2015). Article 5 of the Law on Associations states that foreign NGOs can open offices and operate in Turkey 'upon (the) permission of Ministry of Interior and consult of Ministry of Foreign Affairs'. Practice proves that ministries arbitrarily used this phrase in accordance with the nature of political dialogue with the origin country of NGOs), in several cases reaching to prolonged processes with no feedback (ibid). It is claimed that dissolution process is even more non-transparent than the registration (TUSEV, 2016). Article 89 of the Turkish Civil Code states that the court shall regulate the closure of an NGO (TUSEV, 2018) although in practice the Ministry of Interior, without obtaining a court order, closed down or confined the activities of several foreign NGOs whose actions are claimed to be a threat to public security (TUSEV, 2018). Lastly on restrictions through legislative frameworks, Article 14 of the Law on Work Permits gives an arbitrary power to the Ministry of Interior for the rejection of work permit applications of foreigners through sections '(a) The Ministry of Interior expresses a negative opinion' and '(e) Working of the foreigner forms a threat for national security, public order, general security, public interest,

general ethics and general health' (see also, TUSEV, 2018). This also was also used to restrict the capabilities of NGOs which depend on Syrian employees especially due to language skills and expertise of the Syrian context (TUSEV, 2017).

Regarding political context shaping NGO-government relations in Turkey, it is acknowledged in the literature that GoT approaches to (especially foreign) NGOs with suspicion and fear, as observed during the response to 1999 earthquake (Jalali, 2002; Ozerdem and Jacoby, 2006). Although allowing to bolster presence and to extend activities mostly for financial considerations at the beginning of Syrian refugee response, the landscape of the relations has changed in 2015 when the country has gone through a political turmoil due to the spill-overs from the Syrian Civil War and the political fluctuations in the national level (TUSEV, 2018). GoT has become more dominating over NGOs but the suppression reached its peak with the State of Emergency (SoE) following the failed coup attempt of July 15, 2016 for GoT collected all three branches of government through continuous presidential decrees for two years from 21 July 2016 to 18 July 2018 (ICG, 2018). It is widely argued that the SoE had the most atrocious effect on shrinking humanitarian space and widening the uncertainties for NGOs (ICG, 2018). GoT increased arbitrary practices to crack down on NGOs. For example, several Syrian employees of NGOs which were closed down were deported to Syria or another country thanks to the changes on the changes on legislation done through presidential decrees (Zoeteweyj-Turhan, 2018).

Still before SoE, the coordination of NGO operations in the provincial level were also puzzling for NGOs, requiring establishing communication channels with the following actors (Betts, Ali and Memisoglu, 2017). The Governor is appointed by the President and gave NGOs' operation permits in the provincial level. The Mayor is the representative of the elected political party in the province. Although NGOs do not have to build any official relations, collaboration with the Mayor's Office eases access (ibid). In this regard, practices and restrictions were different among provinces. (Hoffman and Sagnic, 2016). In the provinces where one of the opposition parties, CHP or HDP, holds power, 'there is little or no dialogue between state authorities and local elected officials' (ICG, 2018:10). Party politics has a significant impact in the provincial level (Betts, Ali and Memisoglu, 2017), which forces NGOs to accommodate different requests from opposite parties. For instance, in Gaziantep where the mayor is from the ruling party AKP and relations between the Governor and the Mayor is productive, both the coordination with NGOs and refugee response are more systematic and the approach was collaborative (ibid). On the other hand, in Kurdish-populated Diyarbakir where the Mayor is from the pro-Kurdish HDP, NGO operations were under scrutiny and viewed with suspicion (Bianet, 2017).

Lastly I will scrutinize governmental institutions and state-affiliated organisations affecting humanitarian space in Turkey. Afet ve Acil Yönetim Başkanlığı (Disaster and Emergency Management Authority, AFAD) is disaster management body operating under the Ministry of Interior, appointed as the main coordination office on Syrian refugee response (Demirhan and Aslan, 2015). It facilitates coordination of NGOs in alliance with the Governor in the provincial level. Reporting directly to the Prime Minister casts AFAD a political role. In fact, it is widely argued that it ‘acts as the face of the state in humanitarian assistance’ (Mackreath and Sagnic, 2017:52). Directorate-General for Migration Management (DGMM) is the migration management body under the Ministry of Interior and manages the registration of Syrian refugees, which is a practice taken from the responsibility of UNHCR when the agency was founded in 2013 (Fine, 2018). DGMM has a lower level of presence in the provincial level in terms of the management of NGO operations, compared to AFAD. However, in some provinces, such as Adana, which is a city in the Mediterranean region and whose Mayor is from the main opposition party CHP, DGMM has been the main actor supervising the coordination with NGOs (Betts, Ali and Memisoglu, 2017). Despite the political bonds, neither AFAD nor DGMM are experts in migration management, which resulted in a constant change of the practices. AFAD was responsible for the disaster management but had no previous experience particularly in migration management. DGMM has been established only recently; therefore, been strengthening its organisational structure in the meantime (Mackreath and Sagnic, 2017).

It is widely acknowledged by NGOs that the government is ‘cooperating only with those who are ideologically aligned with it, or even creating its own (NGOs)’ (ibid: 3), which was also mentioned in the latest report of the European Commission (EC, 2018). For instance, İnsani Yardım Vakfı (Humanitarian Relief Foundation, IHH) is known to be ‘a staunch supporter of the government’ (ICG, 2013:38) and is one of the very few Turkish NGOs accessing to Syrian refugee camps in Turkey as well as in Northern Syria to where NGOs have restricted access (Fine, 2018). Furthermore, Turkish Red Crescent (TRC) has been given a wide authority in the response from cross-border movement of aid from Turkey to Syria, to the access to the refugee camps as well as to supporting out-of-camp refugees (Aras and Akpınar, 2015; SC, 2016). Despite no official standing other than tax exemption status of both organizations², Tabak (2015) relates this affinity to the AKP government’s

2 The information is obtained from the list of the associations and foundations with tax exempt status on the website of the Revenue Administration, which is in Turkish. IHH has got the status on 4 April 2011, which is a month later from the start of the Syrian Civil War and approximately when the flow of Syrian refugees has started though only in small numbers. The list is available on: <http://www.gib.gov.tr/yarдим-ve-kaynaklar/yararlı-bilgiler/vergi-muafiyeti-taninan-vakıfların-listesi>

reconsolidation of Islamic initiatives in the immediate aftermath of taking the office. IHH is being funded mostly by Turkish conservative businesses and international Muslim organisations (ICG, 2013; IHH, 2017; Binder, 2014). Both IHH and TRC have been doing activities in Muslim communities like Somalia and Yemen in partnership with Türk İşbirliği ve Koordinasyon Ajansı Başkanlığı (Turkish Cooperation and Coordination Agency, TIKA) (TIKA, 2018a; 2018b, 2016; see also Tabak, 2015). TRC has also got the biggest portion of the funds from the EU-Turkey Deal in order to initiate a social safety net (called ESSN) for Syrian refugees who live out of the camps with the oversight of World Food Programme (WFP, 2017).

The issue of being favoured by the government or not has also disturbed the relations among NGOs. Mackreath and Sagnic (2017) discloses, for instance, that when they invited NGOs to take in the focus group meeting for their study and announced that it was in Mazlum-Der's office. Being it an organisation whose management has been taken over by the government after raising criticism on the consequences of the SoE (IHD, 2017), some NGOs rejected to join the meeting due to '[t]he fear of "those", or of showing cooperation with (NGOs) that are not favoured by Erdogan and the government' (Mackreath and Sagnic, 2017:51).

4. Case study: Shrinking humanitarian space in Turkey, with a specific focus on border management in southeast Turkey

Turkey has no specialised law to govern border management (Yildiz, 2016). In fact, it has given importance to migration management in general, border management in particular, only with the EU accession process (Ustubici, 2018). Thus, GoT's border management practice has been widely affected by the externalisation of the EU migration management policies and practices (Icduygu and Ustubici, 2014). In this regard, it has appreciated 'the increasingly humanitarian role that border officials have taken on' in the EU context and in fact applied it into its own border management strategy (Fine, 2018:52). GoT has used this humanitarianism frame even when it has closed the borders but accommodated Syrian people in the camps built in the Northern Syria. I acknowledge this practice to reflect EU's humanitarian border management which focuses on saving lives before reaching to EU territories.

However, notwithstanding the impact of the EU externalisation, GoT has shifted its border management priorities towards 'the physical protection of the borders and national security, rather than the management of these borders in line with EU demands' due to the increasing security threats and national political changes (Yildiz, 2016:114). This has complicated the work of NGOs based in Turkey which have been sending cross-border aid deliveries from Turkey to Syria.

Most of these NGOs have either small number of staff inside Syria or been operating through Syrian partner organisations which have presence inside Syria, but they keep the office in Southeast Turkey to ensure a continuing flow of humanitarian aid via Turkey (Mantabone, 2017). While together with open border policy for refugees, GoT demonstrated flexibility to cross-border movements of NGOs at the beginning of the Syrian Civil War (ibid:189), this has evolved into a more restrictive approach with the increasing security threats from the late 2015 (D'Alema, 2017). Therefore, I argue in this section that GoT's confining border management practices in general have 'restricted humanitarian access [of NGOs] to Syria' and of the refugees to Turkey (USDS, 2017:3; Slim and Trombetta, 2014).

4.1. Border Management and the EU Externalisation

Despite arguing that Turkey is not a pawn of the EU in the externalisation process, the current literature lacks a focus on the agency of GoT in shaping border management practices in accordance with their interests (Ustubici, 2018; Fine, 2018). With the aim of filling this gap, I highlight that Turkey has always been an active agent, beginning from the development of these policies. Okyay (2017:830) argues that 'changing power configurations, and newly arising threats emanating from the neighbouring conflict' has forced the government to draw away from the EU practices.

Togral (2013:170) defines the term externalisation as 'the utilisation of outward-directed practices with the aim of preventing the arrival of 'unwanted' migrants and/or facilitating their expulsion before they gain 'secure' status' within the European territories. In particular for Turkey the externalisation practices have been forced even before the country had gained an official candidate status in 2003. The literature vastly agrees upon that Turkey's role became tangible in the European migration system from the 1990s due to its position as a transit country (Ustubici, 2018:50; Icduygu and Yukseker, 2012). The EU utilised the label *transit country* to create the justification for enforcing certain migration management methods on the third countries like Turkey. These are mainly compromised of visa limitations, border controls and most importantly, readmission agreements (Ustubici, 2018).

In the process of EU externalisation, Turkey has primarily introduced visa requirements to some of the countries which the EU has on the negative visa list while removing for some on the same list (Togral, 2013). This resulted from GoT's intention to cooperate with these countries in several means and thanks to zero problems with neighbours foreign policy at the time (ibid). Second, the first legislation on migration management has been put in force only in 2013, which is Law No 6435 on Foreigners and International Protection (Yildiz, 2016). Particularly to manage the Syrian refugees, Temporary Protection Regulation have

been adopted in 2014. In addition to the belatedness, Fine points at GoT's aim to formulate its law around European model (Fine, 2018). Overall, it proves that GoT has shaped pressures from the EU externalisation in accordance with its policies and politics, as during the adoption of migration legislation, which corresponded to the time when the country had to accommodate huge influx of Syrian refugees. Thirdly, the biggest part of the EU externalisation has been implemented through readmission agreements (Togral, 2013). Although Turkey and Greece had previously signed several bilateral agreements, 'realpolitik has urged both parties to cooperate following the refugee crisis', leading to the 2016 EU-Turkey Deal (Yildiz, 2016:111). Turkey's gaining the position as third safe country was subject to the removal of the geographical limitation which results from not ratifying the 1967 Protocol Relating to the Status of Refugees. Although GoT did not remove the limitation and continued not recognizing non-Europeans as refugees, the EU-Turkey Deal has still come in force in 2016 (Sari and Dincer, 2017). Fine asserts that the position has still been given as 'a performative function of the 2013 LFIP law' (Fine, 2018:20-1).

Lastly and most importantly, GoT has strengthened the management of its land and sea borders as the intrinsic condition of the EU Accession (Lanfermann, 2014). It has firstly passed the strategy papers and national action plans, and set up *the Bureau for Integrated Border Management (IBM)* in 2008 (Lanfermann, 2014). Moreover, the policy has evolved into reinforcing security along its South-east borders by way of technological improvements (Yildiz, 2016). Fine (2018:25) argues for integration of the EU's IBM to be read as 'indicative of the successful steer from EU agencies'. Still, Turkey does have neither a central establishment nor a proper legislation on border management (Yildiz, 2016). Different governmental and military bodies hold different roles while the Ministry of Interior supervises the whole system (Sert, 2013). The National Police Force is responsible of governing entry and exit of persons, and the Ministry of Customs and Trade is managing the movement of the vehicles and goods, including cross-border aid deliveries of NGOs from Turkey to Syria (ibid). Isleyen (2018) further asserts that DGMM has taken over some responsibilities from the police to manage persons' movement.

While improvements linked to the EU externalisation have mainly been applied on the Turkey-Greece border, the management of the Southeast border have been modified in accordance with political considerations (Korkut, 2016), which resulted from increasing security concerns in Southeast border (Yildiz, 2016). GoT considers Kurdish forces inside Syria to have close ties with the Kurdistan Workers Party (PKK), which is officially recognised as terrorist organisation in Turkey and is one of the biggest security concerns since the 1980s (Mantabone, 2017). Afraid of being spread to Turkey's Kurds, the government aimed to control the Kurdish forces in Syria getting closer to the border (Hoffman and Samuk, 2016). For

instance, despite open border policy Korkut argues (2016:15) that Turkey was put into ‘a dilemma between security considerations and humanitarianism’ with the influx of Syrian-Kurdish refugees from Kobane in the late 2014 due to the previously mentioned concern. Moreover, in the aftermath of the Syrian refugee influx, IBM has been interrupted and the government has deployed a large number of military personnel in its South-east border (Yesiltas, 2015). Furthermore, it has recently built a wall on its border with Syria, apart from introducing technological improvements (ibid). In fact, this practice is quite contrary to the EU policies which do ‘not take the form of walls, yet (...) functions to include and exclude’ with a humanitarian stance (Fine, 2018:98).

4.2. Restrictions over NGO operations through border management practices

In the literature review section, it has been highlighted that the government’s usage of national legislation to restrict NGO operations highly depends upon the extent that NGOs participate in developing them. In the case of Turkey, NGOs were partly included in improving the legislations in the process of EU externalisation. Besides, their involvement has often been defined and restricted in accordance with the subjective criteria in the legislation and with the political situation of the time, as discussed in the previous section. From the law-making process to the border management, NGOs have faced certain limitations, such as lack of NGOs engagement in border crossing process of Syrian refugees as well as restrictions on the cross-border aid (Fine, 2018; Ustubici, 2018). With the involvement of different actors in the war, especially starting from 2013 it has become harder to deliver ‘cross-line aid’ which refers to the transmission of deliveries from relatively secure government-held areas to the opposition areas (The Guardian, 2016). The positive discussions around the necessity of cross-border aid in the UN Security Council have led NGOs which have operations in the Northern Syria to rather organise cross-border aid deliveries from Turkey (Slim and Trombetta, 2014; ICG, 2013).

Based on the interviews with several NGO staff ICG (2013) reports that NGOs have faced restrictions from the beginning of this transition from cross-line inside Syria to cross-border aid from Turkey to Syria. However, it is widely argued that GoT had a flexible approach over cross-border deliveries at the beginning, till 2015 (Mantabone, 2017). One of the restrictions was applied through customs check. A staff member of a foreign NGO operating from Turkey underlines that the Turkish officials have been checking all the items at the border, even if purchased inside Turkey (ICG, 2013). Kirisci (2014:39) links this to GoT’s distrust over NGOs and preference to keep ‘INGOs away from a volatile region’ like the South-east Turkey. Moreover, as Slim and Trombetta (2014:46) rightfully assert, GoT ‘was consistently reluctant to register international NGOs formally to work cross-border

in case this (...) could work against their interests in any future conflict in the region'. With the intensification of the battle in Aleppo in February 2016, around 70,000 Syrian people fled to the border with Turkey (Betts, Ali and Memisoglu, 2017). While they were waiting to be admitted into the country, the government has decided not to open its borders, but to accommodate them in the camps that will be built on the other side of the border, in the Northern Syria (ibid). The GoT has itself been both funding several NGOs and directing NGOs' funds to contribute on this plan through AFAD, TRC or state-affiliated NGOs such as IHH. Through the responses from a field research with NGOs Hoffman and Samuk (2016) identified that AFAD had been approaching and asking NGOs to provide the necessary items for the establishment of the new camps in the Northern Syria.

IHH has been operating in Syria from the beginning of the war (Dinçer et al, 2013). Focusing on Jarablus, which is a district in the North-East of Aleppo by the Turkey-Syria border and has been occupied by the Turkish-led military forces since 2016 based on the fear of the Kurdish autonomy (FT, 2018), Haid (2017:2) highlights that the Turkish military does not let local Syrian and foreign NGOs operate in Jarablus while 'channel(ing) their support through approved organizations'. Newspaper articles reported several examples, such as that AFAD built camps (Daily Sabah, 2018) and IHH sent trucks of humanitarian aid from Turkey (AA, 2017b). Furthermore, the most important aspect of IHH operations is, as Ferris and Kirisci (2015) report, their collaboration with TRC over the delivery of NGOs' cross-border aid from Turkey, in addition to their own involvement in cross-border activities in Northern Syria. A system named zero point delivery has been developed, granting TRC responsibility to 'hand over all aid at a zero point at the Turkish-Syrian border to local NGOs or local councils' (Binder, 2014:3), mentioned in TRC (2018)'s own publications as well. While some NGOs appreciate TRC's support, many 'others voice concern that there is no control over where the goods go once they are handed over.' (Binder, 2014:3; Aras and Akpınar, 2015).

In this regard, I have a personal experience from my time working for foreign NGOs in Gaziantep between late 2014 to August 2017. I personally dealt with such calls while working for a NGO based in Gaziantep. In the first instance which took place around mid-2016, I attended a meeting with the head of AFAD Kilis Branch as the translator between my colleague and AFAD official. Although I was not involved in the process, through the interaction with my colleague before the meeting I learnt that the NGO donated tents and some other items for AFAD to use in the camps built in the Northern Syria through a Memorandum of Understanding which clearly stated the return of unused items to the NGO. However, although AFAD did not use all the items and the NGO was asking the unused items back to use for their own purposes, AFAD refused by claiming that the tents were safe in their warehouses and they were planning to use them for another camp which would

be built in the same area soon. This instance shows that AFAD maintained a hierarchical relationship with NGOs which are left forced to remain silent for not obeying the agreement only in order to maintain a good relationship with AFAD. In the second instance, in early 2017 AFAD approached to the NGO's liaison officer via unofficial means, either a phone call or a personal conversation following the meeting which was held for another purpose, by requesting the NGO to raise funds to do the gravelling work for a camp in Northern Syria. I was part of the Program Development Unit, responsible of writing project proposals and raising funds; therefore the colleagues has approached to our department asking to deal with this. Although the first call came from AFAD, a concept note detailing the required budget was submitted by IHH. The significance of this case is that although we didn't have any spare funds at the time, we had raised funds in the headquarters level due to the fear that refusing the request could result in worsening the relations with AFAD. Secondly, as it widely argued in the literature (Mackreath and Sagnic, 2017) and as I personally observed through my professional experience AFAD had a close working relationship with IHH; in fact, used IHH as one of the main implementing partners. Through these practices, GoT has been securing the operational space of its own offices and state-affiliated NGOs while humanitarian space has been shrinking especially for NGOs which did not want to collaborate with state-affiliated NGOs or attempted to work in the areas where GoT had security-related concerns, such as Kurdish populated areas of northern Syria (Hoffman and Samuk, 2016).

Finally, I shall conclude this section by summarising some of the events resulting from shrinking humanitarian space in the Turkey context. Since foreign NGOs had to obtain permits to have an office in Turkey even if they are only working cross-border, the subjective criteria on the legislation and political context in general, the State of Emergency in particular, has given an arbitrary power to GoT, which used it to crack down on national as well as foreign NGOs on national security grounds (TUSEV, 2018). In 2017 the operation permit of Mercy Corps, which had operations in Turkey as well as cross-border in northern Syria with a large portfolio (Mellen and Lynch, 2017), was cancelled for being a threat to national security. Furthermore, in the same year several foreign NGOs' permits were not renewed; therefore, were forced to end operations in Turkey and via Turkey (Bianet, 2017). The rest of NGOs faced investigation of their registrations and of Syrian and foreign employees' work permits (Aid Insights, 2018). The police used arbitrary powers and unusual practices in this process, such as checking the work permits of foreigners sitting at Starbucks in one of the shopping malls in Gaziantep (Mellen and Lynch, 2017). Moreover, some of the Syrian refugees who used to work for closed-down foreign NGOs were deported to Syria or another country due to 'amendments to the Turkish Law on Foreigners and International

Protection made by a presidential decree in October 2016' (Zoeteweyj-Turhan, 2018:56).

5. Conclusion

Applying the theoretical framework of NGO-government relations, this article shall look into GoT's critical role in shaping humanitarian space in Southeast Turkey, which increasingly gained a reputation as the hinterland of cross-border response to Northern Syria and Syrian refugee response in Turkey. Overall, I have argued that GoT used its certain leverage guaranteed through institutional conditioning factors, and its agency on not adopting select border management practices introduced through EU externalisation, to regulate and hamper humanitarian aid flow over its Southeast border with Syria to be in consistence with its political stance towards the Syrian Civil War, which overall led to shrinking humanitarian space in the Turkey context.

In the literature review section, I looked into two of institutional conditioning factors, legislation and political context, embodying country-specific NGO-government relations. Discussion of these factors emblazed the case of Turkey, where the government was granted a certain leverage over NGOs thanks to the subjective criteria in the legislation, and political context structured around national security considerations. Thus, by these means it has established a hierarchical relation with NGOs. Moreover, I also showed that GoT has maintained a group of favoured NGOs which share its right-wing policies and used these state-affiliated NGOs as its implementing partners in order to diminish the dependency on unfavoured NGOs. Moreover, unofficially enforcing the partnership with the state-affiliated NGOs has been used to control and direct NGO operations in accordance with the political considerations.

As the case study, I looked into how the government's management of its South-east border with Syria was used to restrict NGO operations while reinforcing humanitarian space of favoured organisations. As discussed in the literature review section governments use two institutional conditioning factors, legislation and political context, to grant control over NGO operations. Regarding border management practices in Southeast Turkey, I discussed that GoT used the first factor as part of the EU externalisation through which improvements over legislation were done. Yet, it showed agency in adopting the EU policies in accordance with its political considerations. Notwithstanding the impact of the EU externalisation, GoT has shifted its border management priorities towards 'the physical protection of the borders and national security' as the spill-overs of the Syrian Civil War have been perceived as national security threats (Yildiz, 2016:114).

This has complicated the work of NGOs, especially which are based in Turkey and have been sending cross-border aid deliveries from Turkey to Syria. The increasing security incidents inside Syria and limitations of cross-line deliveries from the regime-held areas to the opposition areas in the Northern Syria have led many NGOs to move their offices into Turkey and shift to cross-border operations. As the security concerns over the spillovers of the Syrian Civil War have increased and resulted in the evolution of Turkey's political stance into playing more active role through military involvement, the Turkish government has increasingly put pressure on NGOs. Through AFAD known 'as the face of the state in humanitarian assistance' (Mackreath and Sagnic, 2017:52) the enforcement of the role of the state-affiliated organisations, of TRC and IHH in particular, has been utilised by GoT to restrict the operational space of humanitarian organisations doing cross-border operations in the Northern Syria from Turkey.

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Özet

Türkiye’de daralan insani yardım alanı: Türkiye hükümeti’nin insani yardım alanında çalışan STK’ların operasyonlarını şekillendirmede gösterdiği eylemlilik

Bu çalışma, STK-hükümet ilişkileri teorik çerçevesini kullanarak Kuzey Suriye’ye sınır-ötesi yardımların ve Türkiye içerisindeki en yüksek mülteci nüfusunun odaklandığı yer olarak Suriye mülteci desteğinin sağlandığı içbölge statüsüyle ün salan Türkiye’nin güneydoğu bölgesinde Türkiye Hükümeti’nin insani yardım alanını şekillendirmedeki kritik rolünü sorgulamaktadır. 2015 yılı, Suriye İç Savaşı’nın etkileri dolayısıyla artış gösteren güvenlik endişelerinden dolayısıyla, hükümetin insani yardım aktivitelerine bakış açısını değiştiren kırılma noktasını simgeler. Aynı zaman diliminde Türkiye’nin savaşa yönelik politik tavrının değişmesi ve askeri müdahale yoluyla daha aktif bir rol oynamaya başlaması, özellikle Türkiye’den Suriye’ye sınır-ötesi yardım seviyatı yürüten insani yardım kuruluşları üzerindeki baskı ve kontrollerin sıklaşması için dayanak oluşturur. Bu çalışma vaka incelemesi olarak, bir taraftan insani yardım kuruluşlarının faaliyetlerini kısıtlamak, diğer taraftan ise birkaç ayrıcalıklı organizasyonun faaliyet alanını genişletmek için hükümetin Suriye ile Güneydoğu sınırını yönetmesini ele alır. Bu çalışma Türkiye Hükümeti’nin kurumsal koşullandırma faktörleri ve AB genişleme ölçütleri dolayısıyla tanımlan seçili sınır yönetimi pratiklerinden bazılarını uygulamaya koymayarak gösterdiği eylemlilik yoluyla mutlak bir temayül yarattığını tartışır. Sonuç olarak, bu çalışma Türkiye Hükümeti’nin sağlamlaştırdığı temayül üzerinden, öncelikle Suriye ile Güneydoğu sınırı üzerinden yapılan insani yardım akışını düzenlemek ve güçleştirmek için kullanarak, Türkiye özelinde insani yardım alanının daralmasına katkıda bulunduğunu iddia eder.

Anahtar kelimeler: STK-hükümet ilişkileri, STK, insani yardım alanı, Güneydoğu Türkiye, Kuzeybatı Suriye, göçmen, sınır yönetimi.