RETHINKING REFUGEE RIGHTS: THE AMBIGUITY OF TURKEY’S SYRIAN REFUGEE ISSUE BETWEEN THE MICRO AND MACRO POWERS

Abstract

Along with Turkey’s changing refugee policy from the Eurocentric, secular nation-state ideology to the neo-Ottomanist one on the state level, there also exist main handicaps on the micro power level concerning the successful coordination of the refugee issue with full respect of the human rights. Economic, cultural and especially political factors play role in the relationship between Syrians and Turkish residents. Fragmentation within the Syrian community is also evident. In this line, such micro power contestations shall be unpacked in order to explain the human rights deficits in the current situation. Besides, this study deals with Turkey’s Syrian refugee issue by focusing on three types of refugees coming from Syria: Firstly those who are political opponents; and then those who came to Turkey merely for security reasons, without a clear political affiliation, and lastly those who used the wartime conditions as an excuse to move to another region, a relatively more developed country.

Introduction

It has been five years since the beginning of the resistance against the Esad regime on March 2011; a resistance which has left many Syrians injured both physically and psychologically as well as many who have been displaced. Neighboring countries, especially Turkey, began hosting Syrian refugees as a basic response to humanitarian call. As was revealed by many authorities, Turkey has now become the leading refugee hosting country. In this paper, I would like to draw attention to the ambiguity of Turkey’s Syrian refugee issue trapped between the micro and macro powers. I would like to reveal the disproportionality of the Turkey’s refugee policy vis-à-vis that of the “human rights friendly” states as a source of macro-policy ambiguity. Meanwhile I will address certain conflict of power among Syrian refugees as well as between the conflict between Turkish residents and Syrians. That sort of power conflicts result in human rights violations in some respects, this in turn compels different parties to take an active role for the reconciliation of the problem. In doing so, I will also show brief micro stories I encountered throughout this research.

Turkey and Refugees: A shift from nation-state to neo-Ottomanism

Not aloof from the very late Ottoman thought, two principals were quite dominant in the formation of the Turkish Republic, them being nationalism and secularism. Holding these two principles as the main pillars, Turkish state aimed to create new and modern citizens who are predominantly secured from the influences of religion in both their private and public lives and a sort of “WASP” identity has been imposed with a highly Turkish nationalist overtone. This secularist and nationalist incentive is not apart from the Turkish modernization which sought resemblance to the West, Europe in particular, while detaching the links with other Muslim societies, especially the Middle East. That kind of
state imagination to create a new society failed in some respects since the Turkish society shelters a broad range of ethnic, religious and sectarian communities. Nevertheless, nationalization and secularization project have become constant in the Turkish state ideology until 1980s despite minor fractions. Turkey's refugee regime, especially on the legal basis, is an outcome of the Turkish secular nation-state paradigm with extremely modernist discourse that defines modernity as an analogy to Westernization and Europeanization. Taking part in the Geneva Convention with particular geographical limitation is a subliminal outcome of that state ideology.

Turkey signed the Geneva Convention Relating the Status of Refugees in 1951 and approved it in 1961 under Law Number 359 and then, approved its 1967 additional protocol (annex) in 1968 which defines the refugee rights but only with it’s a geographical limitation, meaning that only Europeans, namely the citizens of member states of the Council of Europe, could enjoy the refugee status in Turkey. In fact, the convention aims to achieve effective protection for a refugee by providing personal security, right to live. UNHCR seeks permanent solutions such as providing refugees eventually with citizenship or helping them resettle into a third country or giving a chance of voluntary return to his/her country of origin. Nevertheless, Turkey’s geographical limitation closed the doors for the first option which is the effective refugee protection regime.

For years, the international communities, UNHCR, domestic human rights organizations and EU have often criticized Turkey’s refugee policy based on geographical limitation. According to the official records, Turkey had less than 100 refugees by 2011. Nevertheless, the stubbiness in numbers did not reflect the reality at all. Turkey used to host many refugees in the past before the Syrian regime was evoked. It is possible to give examples from the very early days of the Republic: Turkey gave refugee status to 800 people fleeing from the Nazi Germany, Approximately 1,5 million Iranians also fled between 1980-1991 after the foundation of the new Iranian regime. Throughout the 1990s, approximately 20.000 Bosnians took temporary asylum, and in these years 17.000 Kosovars were also granted protection. Between the years 1988-1991, almost a half million of Iraqi Kurds sought asylum in Turkey, which forced Turkish authorities to introduce a harder procedure. Similarly, Afghans have been seeking asylum from Turkey since the Russian occupation of 1979. Similarly, major influxes from Iraq never ended.

As stated above, Turkey does not recognize people from outside Europe as refugees; only they have the right to apply for refugee status and wait for resettlement as required by the UNHCR. Turkey, in fact, provides only the right to reside temporarily in Turkey for the period of time when their cases are decided by the UNHCR. As was evident in 1994 major

1 For example, according to Settlement Law of 1934 (İskan Kanunu), the immigrants are defined as the ones who are Türk or coming from Turkish origin (Doğuş Şimşek birikim 320, s.17).
4 Latif, p.7-8.
flow, Turkey took certain precautions from time to time such as making it obligatory to apply officially within 5 days⁶ to hinder people’s entrance to the borders.

In this regard Turkey tried to solve the very basic humanitarian needs of these people without provision of refugee status whilst providing them temporary protection. Thus, some of these people utilized Turkey as a transit country to move to other countries. It is necessary to note here that many of these refugees turned back to their countries of origin after the conflicts there ceased.

In the government of the Justice and Development Party since 2002, Turkish politics began to shift into a sort of neo-Ottomanism which is reflected on both domestic and foreign policies. The same attempts took place during the Özal era⁷ under the Motherland party governments and in the quite short period of the Welfare Party government. This shift should not be understood as a claim to control the previously Ottoman territories. Rather, it is a shift from the Eurocentric and withdrawn foreign policy into a more proactive approach seeking multiple co-operations⁸. Throughout the process, relations with the non-western states, the Middle East, Africa and Asia were strengthened. It is possible to give a broad range of domestic examples from this paradigm shift: The state buildings, which previously utilized modern, grey and angled architectural schema, began to be decorated with Ottoman motifs and more Oriental decorations. The conquest of Istanbul is now celebrated with great ceremonies whilst the previously strong emphasis on nation-state’s festivals have been weakened; Ottoman sorbet which is a mixture of some spices are served in official meetings as a rumination of “invention of tradition”⁹ as well to signify a continuity with the past¹⁰.

Ottoman Houses (Osmanlı Ocakları) were established as civil society organizations, TV series with expensive budget on the Ottoman history such as Muhteşem Yüzyıl (the Magnificent Century) and Diriliş (Revival) started broadcasting, and as such, a sense of continuity with the Ottoman heritage has been popularized as opposed to Kemalist rejection of and blindness to the Ottoman past. The ex-prime minister Ahmet Davutoğlu has emphasized that Turkey’s humanitarian aid towards the Turks and Muslims abroad is a reflection of the Ottoman identity¹¹. Here, Davutoğlu refers to the Ottoman Empire’s

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⁶ This was expanded to 10 days in 1998 due to the strict criticism of the EU as well as the international organizations.

⁷ For a detailed analysis of neo-Ottomanism during the Özal times, see: Malik Mufti. 2016. “Neo-Ottomanists and Neconservatives: A Strange Alignment in the 1990s” Insight Turkey, 18(1), pp.143-165.

⁸ What Burhanettin Duran describes this situation is an attempt to enhance the integration into the world rather than pursuing neo-Ottomanist incentives “Yeni Osmanlıcılık Değil, Dünyə İle İntegrasyon” http://setav.org.tr/yeni-osmanlilicilik-degil-dunya-ile entegrasyon/video/14697 Accessed 29 May 2016.


¹¹ “Osmanlı Torunu, Selçuklu Varisiyiz” (We are the grandson of Ottoman, Successor of the Saljukis” http://www.akparti.org.tr/site/haberler/osmanli-torunu-selcuklu-varisiyiz/75629#1 Accessed 02.06.2016
eagerness to take responsibility in humanitarian needs which reflected the refugee policy of the Ottomans. Latif notes:

It declared that migration into the Ottoman State was open to anyone who was willing to give his allegiance to the Sultan, to become his subject, and to respect the country's laws. It stipulated further that settlers would be protected against any infringement of their religious observances and would enjoy religious freedom like all other classes of the empire's subject.\textsuperscript{12}

Similarly, Ottoman Empire accepted refugee fluxes with tolerance throughout its history such as a broad range of ethnic and cultural compositions ranging from Spanish Jews to Crimean Tatars. In the course of revitalization of that ideology, Turkey has been hosting approximately two and a half million of Syrian refugees, which is more than three per cent of the population. What makes Turkey's attitude towards the Syrian flow different from the previous flows lies in the paradigm shift. Previously, Turkey saw the issue as an emergent humanitarian responsibility for a temporary period. Nevertheless, this time Turkey tried to struggle with the issue in a neo-Ottomanist vision. Apart from sheltering and foods, the parliament passed many laws to enable the education of the Syrian children, to allow them access to health services, to provide them with ID’s and working rights and so on. Nothing is perfect in such a major flow for sure, but the incentives show that Turkey has accepted these people’s long term residence. A separate governmental branch in charge of the administration of immigration was established to deal with the problems of the immigrants.

Turkey, a country usually criticized for its refugee regime for a long time, has now became the most welcoming country following the Syrian crises, receiving by itself approximately 42 per cent of the overall Syrian refugees. 87 per cent of the Syrians in Turkey live outside the camps since they perceive the life in camps too boring and limited. Approximately 100 000 Syrian children were born in Turkey. What is ambiguous here is that Turkey is still criticized by the international community which is not able to share the burden at all. Western Europe by itself tried to continue with its deportation regime, and to the end of assuring its territorial security, these countries try to confine refugees in Turkey. Those who used to criticize Turkey for its geographical limitation towards the refugees now want to keep their doors closed to the Syrian refugees. In such a tragic humanitarian crisis, the “human rights friendly” states could not generously indicate their humanitarian priorities.

\textit{Micro power conflicts: Among Turkish citizens and Syrians}  

This macro level ambiguity is not aloof from the micro level power conflicts. Although Turkish citizens living on the Syrian border have much in common with the Syrians such

as language, traditions and sometimes common relatives\textsuperscript{13}, Turkey, hosts approximately 2.5 million Syrians at the moment and inevitably faces certain micro power conflicts which have both political, economic and cultural origins. As for the political side of the issue, the Justice and Development Party governments, which buttressed the paradigm shift of the refugee regime from a Euro-centric and nation-state, perspective towards a neo-Ottomanist perspective has a great base as well as a great opposition in the society. In November 1st 2015 general elections, the party gathered almost 50 per cent of the votes among 16 political parties taking part in the elections. The popular base of the party supported the government policy of receiving the Syrian refugees.

According to the statistics, Turkish people’s acceptance towards these people rests on both the universal humanitarian incentives and their political stances. One of the parameters of the Turkish people’s tolerance towards the Syrian refugees is without any doubt their political choices\textsuperscript{14}. According to statistics, those who vote for the Justice and Development Party are eager to support the Syrian refugee flow, new institutional and legal frameworks adapted to the needs of Syrians and the humanitarian aid. On the other hand, in a definitely polarized situation, those dislike the JDP indicate less welcoming attitudes towards Syrians.

Nevertheless, the ones who share the same neighborhood with Syrians consist of the JDP's popular base to a large extent whilst the opponents generally live in more isolated places\textsuperscript{15}. Ironically, Syrians have become the rivals of those people working in the agriculture, manufacturing and service sector For instance, an observer reports that in the Çukurova region, unregistered Turkish workers were daily paid for about 10 dollars in the previous years in cotton harvesting. However, now, Syrians do the same job for less than 4 dollars a day, which leads to both exploitation of their labor as well as emergence of a cruel competition between the Turkish workers and Syrians. In spite of the efforts to hinder these kinds of abuses, such as passing a bill providing right to work for the Syrians, illegal situations in the working life could not be prevented.

Moreover, since the 87 per cent of Syrians live outside the camps, demand for the housing has increased incredibly in the neighborhoods where refugees are welcomed Syrians. This in turn automatically caused a rise in the rents\textsuperscript{16}. Furthermore, the government enabled Syrians to get free health services (except for particular operations like organ plantation) no matter what they have a valid passport, ID card or any official document. This led to a certain discomfort among the locals in the integration process of the refugees since the Turkish citizens visiting the same hospitals complain about the situation a lot\textsuperscript{17}.

\textsuperscript{14} Erdoğan in Erdoğan and Kaya 2015:330
\textsuperscript{15} For instance, in Ankara, the neighborhoods such as Altındağ and Keçiören are the main places that Syrians have place to live that the former 63 per cent, the latter 55,5 per cent voted for the JDP in 1 November elections whilst Çankaya region, one of the most isolated neighborhoods in Ankara voted just 22 per cent of the votes for the JDP. The same is true for many places. There exist some exceptions like Hatay as well. In Hatay Alevi population is disturbed from Syrian settlement and they thought that the government settled Sunni Arab Syrians there in order to change the demographic composition of their neighborhoods.
\textsuperscript{16} Erdoğan in Erdoğan and Kaya 2015:331
\textsuperscript{17} Erdoğan in Erdoğan and Kaya 2015:324.
Furthermore, providing positive discrimination to the Syrians in the university entrance process\textsuperscript{18} became another conflictual issue since in Turkey university entrance is a big deal.

Regarding the cultural aspect of the issue, ostensibly Turkey and Syria seem to have quite common cultural practices, which in practice do not exist. According to the statistics, Turkish people reject that they have certain common cultural points\textsuperscript{19}. Language is a serious handicap for Syrians to integrate into the public life in Turkey. In the early years of the flux, a certain deficiency on the education campaign was observed. Nevertheless, today, official branches of the state, voluntary organizations and projects carried by UNHCR began to give free Turkish courses to the Syrians. In order to involve Syrian women in the social life, in some cases, free babysitting and child caring services are provided along with the language education. Nevertheless, the scope of these services is far from being enough.

Cultural differences in women’s gender roles have also become a considerable source of conflict in that Syrians hold a more self-caring and attractive women role which discomforts Turkish women whose femininity is not that much apparent in general. In that regard, many Turkish women fear losing their husbands, which according to statistics is not much a real threat\textsuperscript{20}. A human rights activist reports that many Turkish women, who previously provided voluntary aid for Syrians in their neighborhoods, gave up helping Syrians after noticing the cultural differences between the Syrians and themselves in the perception of the role of women in the family. Moreover, Turkish civic law prohibits polygamy and early age marriages are different from the regulation in Syria which enables Syrian women to accept be the second wife of a Turkish man. Kirişçi notes that this threat increased the depression rates in the cities where Syrians crowdedly live\textsuperscript{21}. Furthermore, sexual harassment of women has become one of the most overwhelmingly discussed issues, but Erdoğan indicates that it is not as much a considerable reality as it is discussed. Nevertheless, it is uneasy to reach the real situation since the issue is overwhelmingly illegal.

One of the other things that disturb Syrians is the concept of “guest” (misafir) that was utilized by the Turkish people in order to describe their status as short term residents. Juliette Tolar argues that the perception of “guest” comes along with an understanding of the issue as a charity rather than a legal right in Turkish society\textsuperscript{22}. All in all, the conflict between the Turkish citizens and Syrians are growing from day to day on political, economic and cultural grounds. Ironically, those who politically oppose Syrians have less

\textsuperscript{18} Erdoğan in Erdoğan and Kaya 2015:331
\textsuperscript{19} See Erdoğan in Erdoğan and Kaya; Tolay.
\textsuperscript{20} Erdoğan in Erdoğan and Kaya
\textsuperscript{22} For details see, Juliette Tolay, 2015. Türkiye’de Mültecilere Yönelik Söylemler ve Söylemlerin Politikalara Etkisi (Discourses towards the Refugees in Turkey and the Influences of these Discourses on Policies), in İltica, Uluslararası Göç ve Vatansızlık: Kuram, Gözlem ve Politika, p. 204.
sharing points with these people in daily life while people living in the same neighborhoods with Syrians have more economic and cultural conflicts.

**Micro-power conflicts: Among Syrians**

On the other hand, Syrians are divided within themselves politically, economically and ethnically. As a result of the open door policy, Turkey did not select Syrians in the process and tried to help all the asylum seekers from different political affiliations, sects, religious backgrounds and ethnicities. It is possible to meet Syrians who fled from Esed regime, people displaced by the ISIS, and Kurdish people, Ezidis, Sunni Arabs, Turkomans, Nusayris (Alevi) and so on. Despite the fact that the camps are open to everyone, it is possible to observe a certain group’s domination in the camps. Since people are not forced to remain in the camps, they can easily move to other places where they feel more comfortable. For instance, Alevi Syrians prefer to settle down in the places where mayors are tolerant towards Alevis\(^\text{23}\). Christians in Mardin also welcome Syrian Christians through their associations\(^\text{24}\). Religious organizations care for both Turkomans and Sunni Arabs. So, even though refugee camps are open to everyone, based on the refugees’ demands and given that they feel discriminated, the government and related civil societies try to create convenient places for them.

One of the main sources of the fragmentation that I observed throughout this research is the purpose of their asylum seeking. As part of this research, I talked to 47 Syrian refugees from different economic, cultural and ethnic backgrounds. Nevertheless, I could come up with the conclusion that there exists a strong respect for the ones who have political reasons to seek asylum. Sometimes, these people do not refer to themselves in the official documents as “political refugees” but the neighbours know that they are politically affiliated. These people to a large extent display moderate opposition towards the Esad regime and they demand political freedom, security and a more democratic framework. They generally obtained higher education, they can speak English and they sincerely want to return to Syria. These people have somehow leadership position among other Syrians.

Most of the Syrians in Turkey immigrated due to security reasons or displacement. They moved to the places in Turkey where their relatives or neighbors from Syria had settled. They try to keep good relations with Turkish neighbors while refraining from illegal actions. Three different people - I interviewed said that in their culture, a guest should obey the rules of the host. With that in mind, they usually indicate their thanks to Turkish state and say that they show a considerable effort to stay within the legal order of Turkey.

Nevertheless, these two groups exclude the ones who came to Turkey basically for “economic” reasons, namely the penholder Syrians since they are thought to damage the image of the rest of the Syrians. During this research, I talked five different penholders. They said that they did not have a stable and settled life in Syria, too. They were usually emigrating from one city to another but they generally inhabited around Halep. After the plunder of Halep, the Syrian government settled them in different villages but they could not survive there either. They moved to Turkey basically for economic reasons since the instability in the country influenced their living conditions adversely. They generally like

\(^{23}\) Kirişçi 2014, p.39

\(^{24}\) Kirişçi 2014, p.39.
Esad and support his regime. One of the women that I talked to, Lemye, is illiterate, never went to school and married at the age of 13. She does not even have an identity card, civil marriage record or any other official document. She complains that other Syrians exclude them and they could not live in the camps for the same reason. As Skvorertz and Willer delineate, exclusion becomes a source of power in such networks. Through excluding these penholders, the rest of the Syrians could have chance to represent themselves as “true refugees”.

On the other hand, the excluded ones experience the real tragedy and human rights deficits along with certain abuse of their situation. For instance, while other refugees pay 350-400 liras for their moderate houses, which is to a large extent paid by the charity organizations, those people living under very bad housing conditions, in abandoned houses appear in the picture and the mafia demands 500 liras for such houses. They do not have heating facilities, hot water or regular housewares. Lemye’s 13-year-old girl was exposed to sexual harassment and they could not call the police just because they did not even have telephone, and could not speak Turkish, let alone they did not know the number. As far as I observed, this group is the other of the other; rest of the Syrians exclude them in order to strengthen their own social position.

CONCLUSION

In conclusion, Turkey as the outlier of the Geneva Convention, is often criticized by the international communities for keeping the geographical limitation for the determination of the refugee status. This limitation is a reflection of Turkey’s Euro-centric nationalist perspective which has been altered in the last decade and evolved to a neo-Ottomanist way of thinking. In this regard, Turkey accepted approximately 2.5 million Syrians and tried to struggle with that huge flow. What is ambiguous here is that the “human rights friendly” states and especially the ones in Western Europe try to strengthen their securities with less emphasis on human rights as a macro-power ambiguity. On the other hand, Turkish citizens and Syrians have emerging political, economic and cultural conflicts that might probably endure for a long time. On the other hand, Syrians within themselves are quite segregated. Their ethnic, religious or sectarian conflict for the nonce is not a source of big chaos since the spatial dissociation of the Syrians, in other words, they prefer to not encounter with each other. However, it bears a vulnerable potential to evoke a threat to the internal security of Turkey. Finally, the penholders experience the great tragedy; they are isolated and excluded by the rest of the Syrians and face a wide range of human rights violations. All in all, prevailing multilayered problems require serious burden sharing regarding the Syrian refugees that Turkey by itself cannot continue to cope with. In time, these conflicts have the potential to increase the existing human rights violations in Turkey.