

KEEPING THE AEGEAN AGREEMENT AFLOAT

The EU-Turkey agreement on refugees that was reached on 18 March 2016 has led to the relative slowing of refugee and migrant flows into Europe, with crossings across the Aegean from Turkey dropping significantly since it went into effect. However, due to several unresolved aspects of the agreement as well as the overall lack of effective implementation, it faces pressure from both sides and could risk collapse. In this article, the author argues that the EU needs to take several key steps: resettle refugees from Turkey directly, provide the financial assistance it promised to the refugees in Turkey, and commit to helping Greece with its overburdened asylum and relocation services. In turn, the Turkish side needs to send a clear signal to the EU that it is a safe third country, and ensure that there is a transparent procedure for what happens to every person returned from Greece. The EU needs to recognize this as the key condition for visa liberalization.

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The Aegean agreement, also known as the EU-Turkey agreement on refugees, was concluded on 18 March 2016. It had a dramatic and immediate impact on refugee movements in the Eastern Mediterranean.¹ Crossings in the Aegean Sea fell from 115,000 in the first two months of the year to 3,300 in June and July. The number of people who drowned in the Aegean fell from 366 people in the first three months of the year to seven in the three months from May to July. This was achieved without diverting refugees to take alternative, more dangerous routes. There have been no mass expulsions either; in fact, more people were sent back from Greece to Turkey in the three months *preceding* the agreement than in the six months since it was concluded. This impact stands in a sharp contrast to the situation in the Central Mediterranean.

Crossings by sea: April-Aug. 2015 and April-Aug. 2016²

Route	2015 (Apr-Aug)	2016 (Apr-Aug)
Eastern Mediterranean to Greece	225,505	12,210
Central Mediterranean to Italy	105,984	96,005

Does this mean all is well? Alas, it does not. Nine months old, the agreement may be about to collapse because of inadequate implementation and lack of the right focus, with highly detrimental consequences for Greece, the Balkans, the EU, and the UN Refugee Convention.

The following three tables highlight what is going wrong. The first shows average daily arrivals on five Aegean islands:

Daily Arrivals from Turkey in 2016³

Date	Daily Greek islands
Daily average January	1,932
Daily average February	1,904
Daily average 1-20 March	1,148
Daily average 21-31 March	333
Daily average April	114
Daily average May	47

¹ “On solid ground? Eleven facts about the EU-Turkey Agreement,” *European Stability Initiative*, 12 September 2016, The Hague, <http://www.esiweb.org/pdf/ESI%20The%20Hague%20Refugee%20Facts%20paper%20-%2012%20September%202016.pdf>

² “Weekly Report Europe,” *ily Map Indicadint Capacity and Occupancy (Governmental FIgures)UNHCR*, 7 October 2016, http://data.unhcr.org/mediterranean/uploads/uploadsmediterranean/images/documents/dt_mediterranean_2031.jpg

³ “Daily Estimated Arrivals per Country,” *UNHCR Refugees/Migrants Emergency Response – Mediterranean*, 22 September 2016, <http://data.unhcr.org/mediterranean/country.php?id=83>

Daily average June	50
Daily average July	60
Daily average August	111
Daily average September	103

The second table looks at capacities to receive migrants and asylum seekers on five Aegean islands:

Capacity and occupancy on five Greek islands, 3 October 2016⁴

Island	People	Capacity
Lesvos	5,966	3,500
Chios	3,884	1,100
Kos	1,858	1,000
Samos	1,624	850
Leros	731	1,000
Total	14,063	7,450

The third table shows the number of people returned to Turkey from early April to early October:

Number of people returned from Greece to Turkey up until 7 October 2016⁵

Date	Transfers
April	386
May	55
June	27
August	16
September	94
October (until 6)	65
Total	643

Between April and September, 15,372 people arrived on the Greek Aegean islands,⁶ while 578 were returned to Turkey.⁷ Compared to arrivals, the number of returns is minimal. Unless things change, the agreement is bound to collapse.

⁴ “Daily Map Indicating Capacity and Occupancy (Governmental Figures), UNHCR, *Refugees/Migrants Emergency Response – Mediterranean/Greece*, 3 October 2016, <http://reliefweb.int/map/greece/greece-europe-refugee-emergency-daily-map-indicating-capacity-and-occupancy-36>

⁵ European Commission, “Operational implementation of the EU-Turkey Statement” as of 7 October 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_eu-turkey_en.pdf

⁶ UNHCR, “Refugees/Migrants Emergency Response – Mediterranean/Greece,” 9 October.

⁷ European Commission (October 2016).

What happens if the agreement fails? Here is a realistic scenario. The Greek authorities, under pressure and without an answer for islanders who fear that Lesbos and Chios are turning into a European Nauru (the Pacific island where Australia sends people who arrive by boat) move ever larger numbers of people from the Aegean islands to the mainland. This leads to steadily rising numbers of people crossing the Aegean, as it becomes clear that very few people are going to be returned to Turkey. Smugglers, fully aware that their business model depends on large numbers crossing daily, further lower the price to entice more people to get on boats. Once more people are moved to the Greek mainland, the humanitarian situation for refugees there deteriorates further.

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The Turkish authorities, frustrated by what they see as an EU failure, blame the EU for increasing the pressure on its coast guard. European institutions and other governments in turn blame Greece. Calls by populist leaders in the rest of the EU to build a stronger wall north of Greece redouble. Already now, the number one topic of conversation among migrants stranded on the Greek mainland is the cost of getting smuggled across the Balkan route, either via Macedonia or Bulgaria. It is hard to imagine Greece making a major effort to stop people from leaving the country if its government and people feel that they are left alone by the EU. The weak Macedonian reception and asylum system collapse within weeks as more people cross the border. As winter sets in, the Western Balkans turn into a battleground for migrants, smugglers, border guards, soldiers, and vigilante groups, destabilizing an already fragile region. And ever larger numbers begin to arrive again in Central Europe. Such a scenario would be a devastating blow to those leaders in Europe who argued that it is possible to have a humane and effective EU policy on border management while respecting the refugee convention. It would also be a huge blow to already tense EU-Turkish relations.

For the UNHCR, this would be a moment of existential crisis. 2017 could become the year in which the promises of the 1951 Refugee Convention drown in the waters of the Mediterranean. Given how much is at stake in the Aegean today, for the EU, Greece, and Turkey, for the refugee convention and the prospects for a humane policy on borders, for refugees, and EU citizens, every effort should be made to avoid such a turn of events.

What Needs to Be Done?

Greece, Turkey, the EU, the UNHCR, NATO, and the Western Balkan states have an interest in the success of the Aegean agreement. What is needed now is the right implementation strategy.⁸

The EU should immediately appoint a (senior) special representative for the implementation of the EU-Turkey Agreement – a former prime minister or former foreign minister – with the experience and authority to address urgent implementation issues on the ground. Beyond this, the following two steps are crucial.

To rescue the agreement, the European Commission (EC) and Turkey also have to be serious about addressing concerns raised by the Greek asylum service and the UNHCR with regards to Turkey being a safe third country for those who should be returned from Greece. These apprehensions can be addressed. It is wrong to assert that Turkey is obviously a safe third country already, as the EC did in early May. It is equally wrong to argue that Turkey cannot become a safe third country in the short-term if its authorities want to do this, as many human rights organizations have argued. As the UNHCR noted already on 18 March this year, while the Aegean agreement was in line with international refugee law, everything depends on its serious implementation:

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It is explicit that any modalities of implementation of the agreement will respect international and European law ... We now need to see how this will be worked out in practice, in keeping with the safeguards set out in the agreement – many of which at present are not in place ... people being returned to Turkey and needing international protection must have a fair and proper determination of their claims, and within a reasonable time. Assurances against refoulement, or forced return, must be in place. Reception and other arrangements need to be readied in Turkey before anyone is returned from Greece. People determined to be needing international protection need to be able to enjoy asylum,

⁸ See ESI newsletter, “Sailing in the dark – 300 with a mission – Visa, terror and the Aegean refugee agreement,” 19 May 2016.

without discrimination, in accordance with accepted international standards, including effective access to work, health care, education for children, and, as necessary, social assistance.

Turkey should present a concrete proposal about how to ensure that it is a credible safe third country for any Pakistani or Afghan returned from Lesbos or Chios in the next year. It should explain how it would ensure – if need be with assistance from the EU or the UNCHR – that there are sufficient asylum case workers, translators, and legal aid in place to provide credible protection status determination for every person returned from Greece. There is a need for a mechanism that makes transparent what is happening to every person returned from Greece. EU leaders in turn should confirm that this becomes *the* key condition for visa liberalization *before the end of the year*.

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At the same time, the EU and Greece need to create conditions that would allow sending a European asylum mission of case workers, interpreters, and support staff to Greece, including at least 200 case workers that can make binding decisions on asylum claims. The principle is clear: in times of crisis, only a concentration of case workers, interpreters, and reception officers can ensure quality standards for assessing protection requests, while addressing them speedily. No national asylum system can do this on its own. It would be unfair to blame Greece for being unable to rapidly deal with asylum requests of the tens of thousands of people it currently hosts. It would be unreasonable for Greece not to ask for more help than has been provided so far.

Taking these steps is essential for a successful implementation of the agreement. If Turkey sees it as being in its national interest to implement it, it will act now. If not, it will allow the Aegean Agreement to fail. It is ultimately a matter of political will on the part of the EU and Turkey to be able to deal with the few thousand asylum seekers now on the Aegean islands in line with international norms and EU directives, and to implement the Aegean agreement.

A Security Threat unlike Any Other

For EU-Turkey relations the stakes are enormous. When the European Stability

Initiative (ESI) first suggested the outlines of the current Aegean agreement last autumn, we wrote:

A political storm is gathering strength in a number of EU member states. Populists around Europe are energized by the lack of credible strategies presented by the mainstream parties ... the prospect of a vicious circle: a sense of helplessness among mainstream parties leading to rising confidence among those who oppose the very idea of asylum for Syrian refugees. It will paralyse effective policy making. It also strengthens the hand of those who think like Hungary's Viktor Orban. Orban recently compared the current refugee crisis with previous Ottoman invasions. As he put it in a speech on 5 September: "there is something which fundamentalists might call a crusade, but which moderates like me would rather describe as a challenge posed by the problem of 'the Islamization of Europe.' Someone somewhere must reveal this for what it is, must halt it, and must replace it with another, counteractive policy." Orban hopes to define Europe as a Christian project in opposition to Islam. For Turkish leaders, a EU in which a growing number of national governments embrace this political agenda is a significant security threat.

This is even more relevant today, following a string of electoral successes for illiberal, islamophobic, anti-refugee, and anti-EU political parties across Europe and the US. All Turks retain a strong national interest in anti-refugee, anti-Muslim parties not getting even stronger in crucial elections that will be held in key EU member states in 2017.

Some Turkish liberals argue that the EU should give up on the refugee agreement and *instead* focus on promoting human rights in Turkey. In fact, within another year, there might be no important government left in the EU that cares about promoting human rights anywhere on the European periphery, including Turkey, as has already happened in the US. Some supporters of the Turkish government may conclude that this is not a matter for Ankara to worry about. In fact, an EU in which islamophobic parties control the agenda and define Europe's identity as a crusader against

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Islam poses a threat to any Ankara government. Under such conditions, no agreement reached in recent decades would be secure.

Turkish authorities do not want to fight smugglers in a fruitless battle along its Aegean coast. Turkish citizens do not want to see more dead children wash up on its shores, as they did, in horrific numbers, in the early months of 2016 – and will again, if the agreement fails. Given the terrible situation in Aleppo, Turkey and a coalition of willing EU member states should instead discuss how to help people trapped in Syria.

A collapse of the Aegean agreement would be a terrible blow for already tense EU-Turkey relations. There would be no silver lining. It is time to recognize this, and act.