

# TURKISH MIGRATION AND ASYLUM REGIME IN THE LIGHT OF HUMANITARIAN DIPLOMACY

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## Abstract

*Recently Turkey has incorporated humanitarian diplomacy into its foreign policy formulation, which reflects the human and value-oriented nature of the new vision of Turkish foreign policy. Humanitarian diplomacy, which is set to guide Turkish foreign policy in the years to come, has three important pillars: improving the lives of Turkish nationals, kin and related communities living abroad, active involvement in crisis regions, and cultivating and emphasising humanitarian sensibilities within the UN system. Despite the focus and emphasis of the first pillar on emigration, Turkey's humanitarian diplomacy fails to sufficiently address the growing number of regular and irregular migrants, refugees and asylum-seekers and the problems they encounter in Turkey. Turkey, traditionally known as a country of emigration, has long been a land of asylum and is on the way to becoming a "migration transition" country due to its transformation from a country of emigration to immigration. The task of the paper is to discuss why Turkey's new foreign policy activism in general and its endorsement of humanitarian diplomacy in particular requires Turkey to revisit its immigration and asylum policies, laws and practices and integrate immigration and asylum aspects into its humanitarian diplomacy approach.*

**Key Words:** Turkish Foreign policy, New Foreign Policy Vision, Humanitarian Diplomacy

## İNSANİ DİPLOMASİ İŞİĞİNDA TÜRKİYE'NİN GÖÇ VE İLTİCA REJİMİ

### Özet

*Türkiye insan ve değer merkezli yeni dış politika vizyonunu yansıtan ve tamamlayan yeni bir ilke olan insani diplomasiyi kısa bir süre önce benimsemiştir. Önümüzdeki dönemde Türk dış politikasına rehberlik edecek olan insani diplomasi ilkesinin üç önemli ayağı bulunmaktadır: Türkiye dışında yaşayan Türk vatandaşları ve akraba toplulukların yaşam koşullarını iyileştirmek, kriz bölgelerinde Türkiye'nin etkinliğini*

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*artırmak ve BM sistemi içerisinde insani hassasiyetleri ön plana çıkarmak ve geliştirmek. Her ne kadar insani diplomasi ilkesinin ilk ayağı dış göç olgusuna odaklansa da, Türkiye'ye yönelen ve sayıları her geçen gün artan düzenli ve düzensiz göçmenler, mülteciler ve sığınmacılar ve onların Türkiye'de karşı karşıya olduğu birçok sorun Türkiye'nin benimsediği bu ilkenin kapsamı dışında kalmaktadır. Geleneksel olarak göç gönderen bir ülke olarak nitelendirilmekle birlikte Türkiye çok uzun yıllardır mülteci ve sığınmacılara ev sahipliği yapmaktadır ve günümüzde göç gönderen bir ülkeden göç alan bir ülkeye dönüşme sürecindedir. Bu bağlamda, bu çalışma Türkiye'nin benimsemiş olduğu dış politika vizyonu ve özellikle insani diplomasi ilkesi çerçevesinde göç ve iltica rejimi, politikaları, yasaları ve uygulamalarının gözden geçirilmesi ile göç ve iltica boyutlarının insani diplomasi yaklaşımına entegre edilmesi gerekliliğini ele almaktadır.*

**Anahtar Kelimeler:** Türk Dış Politikası, Yeni Dış Politika Vizyonu, İnsani Diplomasi, Uluslararası Göç, Türkiye'nin Göç ve İltica Rejimi

### **Introduction**

In recent years Turkey has been pursuing an active and multidimensional foreign policy. Its growing foreign policy activism is guided by a new foreign policy vision, which positions Turkey at the center of its region and seeks to increase Turkey's involvement in regional and global affairs as well as in the resolution of regional and global crises. This new vision is based on certain concepts, the most important being the idea of the "center state" and "zero problems with neighbours" principle. At the Fifth Ambassador's Conference organized in January 2013, the then Turkish Foreign Minister Ahmet Davutoğlu, in line with Turkey's new foreign policy vision, announced a new diplomatic concept; humanitarian diplomacy that will guide Turkish foreign policy in the years to come and increase Turkey's involvement in crisis regions and contributions to humanitarian aid efforts.<sup>381</sup>

Turkey's changing foreign policy vision and growing agency at the regional and global level require it to revise its traditional migration policy stance and adjust it with its foreign policy goals. Traditionally, Turkey is known as a country of emigration although it has actually long been a land of asylum. Anatolia has been home to immigrants and refugees from the Balkans and Caucasus from the 19<sup>th</sup> century onwards. Starting from the 1980s Turkey has become a country of transit for irregular migrants from different parts of Asia, the Middle East and Africa as well as a destination for irregular migrants coming mainly from the former Soviet Bloc countries. Today, Turkey is on the way to becoming a "migration transition" country due to its transformation from a country of emigration to immigration. Despite the growing importance

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<sup>381</sup>"Beşinci Büyükelçiler Konferansı Sonuç Bildirisi", accessed July 18, 2014.  
<http://www.mfa.gov.tr/besinci-buyukelciler-konferansi-sonuc-bildirisi.tr.mfa>

of migration and asylum issues on the agenda of Turkish foreign policy and the impact of migration issues on Turkey's bilateral and regional relations, migration and asylum issues have only recently but partially become part of its new foreign policy vision. While Turkey seeks to reposition itself in a region and world in transformation and while Turkey's traditional migration and asylum regime is undergoing crucial transformations, it is high time for Turkish foreign policymakers to integrate migration and asylum aspects into the new Turkish foreign policy formulation, particularly regarding humanitarian diplomacy.

The task of the paper is to discuss why Turkey's new foreign policy activism and humanitarian diplomacy principle require Turkey to revisit its immigration and asylum policies, laws and practices and formulate an immigration policy by aligning it with its foreign policy. The paper seeks to address the issue in two separate sections. In the first section following a brief discussion of Turkey's new foreign policy vision, particularly after 2002 under the Justice and Development Party rule, the main pillars of the newly proposed humanitarian diplomacy are elaborated. The second section, after a brief review of the factors that transformed Turkey into a migration transition country, discusses why Turkey needs a full-fledged migration policy in light of Turkey's new foreign policy vision.

## **A. New Turkish Foreign Policy Vision and Humanitarian Diplomacy**

### ***1. New Turkish Foreign Policy Vision***

Today, a new foreign policy vision based on a new perception of geography and a new definition of security, embedding Turkey's security into the regional security, is guiding Turkey's foreign policy initiatives and practices. Due to a significant shift in Turkey's "geographic imagination"<sup>382</sup> the new foreign policy staff view Turkey's neighbourhood as an "area of opportunity", rather than a source of threats and risks<sup>383</sup> and Turkey's neighbours as potential partners rather than as rivals or enemies. This has a lot to do with the domestic transformation that Turkey went through as well as the structural changes it underwent in the international arena. In addition to the steps taken towards the normalization of civil-military relations in Turkey in recent years, desecuritization and the opening of foreign policy issues into

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<sup>382</sup>Bülent Aras and Hakan Fidan, "Turkey and Eurasia: Frontiers of a New Geographic Imagination", *New Perspectives on Turkey* 40 (2009): 197.

<sup>383</sup>Ibid.; Bülent Aras and Rabia Karakaya Polat, "Turkey and the Middle East: Frontiers of the New Geographic Imagination", *Australian Journal of International Affairs*, 61(4) (2007): 477.

public debate helped the reformulation of the new Turkish foreign policy.<sup>384</sup> Significant changes in the international arena, starting with the end of the Cold War, also accompany the transformation of Turkey and the creation for a suitable atmosphere for Turkey to adopt a new foreign policy vision.

The Turkish Foreign Minister Prof. Ahmet Davutoğlu, first as the Chief Advisor to the Prime Minister and Ambassador from 2003 onwards during the 58<sup>th</sup>, 59<sup>th</sup> and 60<sup>th</sup> governments of Turkey and since May 2009 as the Minister of Foreign Affairs, has been the main figure behind the new Turkish foreign policy vision. A professor of International Relations, the main concepts and principles that shaped and guided the new Turkish foreign policy were inspired from his books and academic work, particularly the *Strategic Depth*. One of the most important concepts he introduced in the *Strategic Depth* is the idea of the “center state”, which has become the key concept of the Turkish foreign policy vision in the last decade. Turkey opts for being “the center” of a new civilization based on its history, culture and internal strength stemming from its transformation.<sup>385</sup> This concept challenges the bridge metaphor, therefore an in-between and even a peripheral position that has long shaped the perceptions about Turkey. Moreover, it places much emphasis on the central location and role of Turkey in an area encompassing the Middle East, the Balkans, Caucasus, Central Asia, the Mediterranean and the Black Sea. It also underscores the contributions that Turkey can make to the regional and global system through its new foreign policy activism and its ability to simultaneously take active roles in different regions.<sup>386</sup>

The idea of the center state is complemented with certain other concepts and principles. Turkey started to pursue a “proactive” rather than “reactive” and a value-based rather than “value-free” foreign policy to fulfill its “historic responsibility” towards the neighbouring regions and societies.<sup>387</sup> This has inspired another key principle in Turkish foreign policy, the principle of “zero problems with neighbors”, which has served as the main determinant in Turkey’s relations with its region, particularly regarding the Middle East such as with Iraq, Iran and Syria.<sup>388</sup> Additionally, Davutoğlu identifies four

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<sup>384</sup>Aras and Polat, “Turkey and the Middle East”, 474.

<sup>385</sup>Ahmet Davutoğlu, *Stratejik Derinlik: Türkiye'nin Uluslararası Konumu*, (Istanbul: Küre Yayınları, 2002), 93.

<sup>386</sup>Ahmet Davutoğlu, “Turkey’s Foreign Policy Vision: An Assessment of 2007”, *Insight Turkey* 10(1) (2008): 78.

<sup>387</sup>Ahmet Davutoğlu, “Zero Problems in a New Era”, March 21, 2013, accessed May 17, 2013.

[http://www.foreignpolicy.com/articles/2013/03/21/zero\\_problems\\_in\\_a\\_new\\_era\\_turkey](http://www.foreignpolicy.com/articles/2013/03/21/zero_problems_in_a_new_era_turkey)

<sup>388</sup>Despite criticisms that this policy approach has failed particularly after 2011, Davutoğlu claims that “zero problem with neighbors” principle is still valid and a guiding principle of Turkish foreign policy. Davutoğlu, “Zero Problems in a New Era”.

other key principles, which are “balance between security and democracy”,<sup>389</sup> improving relations with the neighboring regions and beyond,<sup>390</sup> a “multi-dimensional foreign policy”<sup>391</sup> and “rhythmic diplomacy”. Another important novelty is the “vision-oriented foreign policy” formulation, which is based on the premises that Turkey would be involved in developments and crises in its and the neighbouring regions as they arise, rather than reacting afterwards.<sup>392</sup> Finally, the “order-building actor” concept requires Turkey’s active involvement in international affairs to initiate change in international organizations.<sup>393</sup>

Turkey within the framework of the “zero problems with neighbours” principle has recently engaged in efforts to create a peaceful environment by means of conflict resolution, preventive diplomacy, mediation, development aid and peace-building initiatives<sup>394</sup> and seeks to act as a soft power in its and neighbouring regions. The most important determinants of Turkey’s soft power in the Balkans, the Middle East and Central Asia are its cultural and historical experience in these regions.<sup>395</sup> Furthermore, according to Kirişci, the Turkish democratization process as a “work in progress” and, according to Nye, Turkey’s ability to show Islam’s compatibility with democracy and modernity<sup>396</sup> make Turkey a source of inspiration in the region.<sup>397</sup> Public diplomacy is an important soft power instrument. With a view to convey its new foreign policy vision to its region and the international community and to conduct “state-to-public” and “public-to-public” diplomacy, Turkey has created the Office of Public Diplomacy under the Prime Minister’s Office in 2010.<sup>398</sup> This new vision has also introduced new institutions and institutional coordination mechanisms to allow for the contributions of different actors into policy formulation. Turkish foreign policy making, which has long been a preserve of specialists and the foreign policy bureaucracy, has now become more open to input from other ministries and state organs as well as business

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<sup>389</sup>Davutoğlu, “Turkey’s Foreign Policy Vision”, 79.

<sup>390</sup>Ibid., 81.

<sup>391</sup>Ibid., 82.

<sup>392</sup>Murat Yeşiltaş and Ali Balcı, “A Dictionary of Turkish Foreign Policy in the AK Party Era: A Conceptual Map”, *SAM Papers* 7 (May 2013): 9.

<sup>393</sup>Ibid., 15-16.

<sup>394</sup>Şaban Kardaş, “Turkey’s Regional Approach in Afghanistan: A Civilian Power in Action”, *SAM Papers* 6 (April 2013): 3, 18.

<sup>395</sup>Ibid., 10.

<sup>396</sup>Sevgi Akarçesme, “Turkey’s Soft-Power on the Rise Despite Challenges (1)”, *Today’s Zaman*, April 2, 2013.

<sup>397</sup>Kemal Kirişci, “Turkey’s ‘Demonstrative Effect’ and the Transformation of the Middle East”, *Insight Turkey* 13(2) (2011): 40.

<sup>398</sup><http://kdk.gov.tr/>, accessed September 10, 2013; İbrahim Kalın, “Soft Power and Public Diplomacy in Turkey”, *Perceptions* XVI(3) (Autumn 2011): 11.

associations, civil society organizations and think tanks.<sup>399</sup> The involvement of new institutions and actors is expected to grow in line with the new foreign policy vision.

## ***2. Humanitarian Diplomacy***

A new concept introduced into the Turkish foreign policy vision by the then Foreign Minister Davutoğlu is humanitarian diplomacy. Humanitarian diplomacy is a recent term coined by Larry Minear and Hazel Smith in their book, *Humanitarian Diplomacy: Practitioners and Their Craft* published in 2007, which they describe as the diplomacy conducted by humanitarian agencies and practitioners in the field for humanitarian concerns and interests in highly politically charged settings.<sup>400</sup> Humanitarian diplomacy aims to carve out space for the agency of humanitarian organizations alongside the political and military actors and consists of coordinating the activities of humanitarian organizations, providing assistance for civilian populations, monitoring the implementation of humanitarian assistance, and creating an awareness about and building respect for international laws and norms.<sup>401</sup> It is different from conventional diplomacy, which is conducted within the political sphere by diplomats representing their states. Humanitarian diplomacy is conducted by humanitarian organizations, which rather than following a strict code of conduct, “improvise” humanitarian diplomacy depending on the circumstances, needs and location of the crisis.<sup>402</sup> Even if it is seen and defined as the preserve of humanitarian agencies and workers, humanitarian diplomacy could also be conducted under the auspices of the state, despite the concerns that this way it might be aligned with the political and security interests of the state in question.<sup>403</sup> Yet, at the 31<sup>st</sup> International Conference of the Red Cross and Red Crescent, states were invited to take humanitarian diplomacy into consideration for better and effective implementation of humanitarian relief efforts.<sup>404</sup>

Recently Turkey has incorporated humanitarian diplomacy into its foreign policy formulation, which reflects the human and value-oriented nature of the Turkish foreign policy vision and the will to complement the

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<sup>399</sup>Aras and Fidan, “Turkey and Eurasia”, 198.

<sup>400</sup>Larry Minear and Hazel Smith, “Introduction” in Larry Minear and Hazel Smith (eds.) *Humanitarian Diplomacy: Practitioners and Their Craft*, (Tokyo, United Nations University Press, 2007), 2.

<sup>401</sup>Philippe Régner, “The Emerging Concept of Humanitarian Diplomacy: Identification of a Community of Practice and Prospects for International Recognition”, *International Review of the Red Cross* 93(884) (December 2011): 1215.

<sup>402</sup>Ibid., 1217.

<sup>403</sup>Ibid., 1218.

<sup>404</sup>Ibid., 1237.

conventional diplomatic tools at Turkey's disposal with the tools of humanitarian diplomacy. As it is stated in the final declaration of the Fifth Annual Ambassadors Conference organized by the Turkish Ministry of Foreign Affairs in January 2013: "Turkish foreign policy takes human dignity as a point of reference and remains determined to use all its means and capabilities in this direction".<sup>405</sup> Humanitarian diplomacy endorsed by the Turkish foreign policymakers, defines the citizens and humanitarian concerns as the main priorities<sup>406</sup> and consists of three dimensions: improving the lives of Turkish citizens living abroad, active involvement in crisis regions, and cultivating and emphasizing humanitarian sensibilities within the UN system. This policy is reflective of Turkey's determination to take part and actively affect the course of events in its region and the world, rather than being a passive recipient of change and following a reactionary foreign policy.<sup>407</sup> This policy also involves liberalization of the visa regime and opening of new diplomatic offices abroad. Turkey's recent visa exemption policy, in line with zero problems with neighbours principle, aims to remove the barriers in the way of economic collaboration and extend economic borders beyond that of the political ones,<sup>408</sup> while inducing flows of people, goods and ideas and emphasizing interdependence in the region.<sup>409</sup>

In the following sub-sections below these three pillars will be elaborated upon to show how humanitarian diplomacy is part and parcel of this new foreign policy vision.

### *2.a) The First Pillar of Humanitarian Diplomacy - Turks Abroad and Related Communities:*

The first pillar of humanitarian diplomacy focuses on the Turks abroad and related communities. The Presidency for Turks Abroad and Related

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<sup>405</sup>"Final Declaration of the Fifth Annual Ambassadors Conference", accessed May 27, 2013.

[http://www.mfa.gov.tr/final\\_declaration\\_of\\_the\\_fifth\\_annual\\_ambassadors\\_conference.en.mfa](http://www.mfa.gov.tr/final_declaration_of_the_fifth_annual_ambassadors_conference.en.mfa)

<sup>406</sup>Yeşiltaş and Balcı, "A Dictionary of Turkish Foreign Policy in the AK Party Era", 22.

<sup>407</sup>"Final Declaration of the Fifth Annual Ambassadors Conference".

<sup>408</sup>Speech Entitled "Vision 2023: Turkey's Foreign Policy Objectives" Delivered by Ahmet Davutoğlu, Minister of Foreign Affairs of the Republic of Turkey at the Turkey Investor Conference "The Road to 2023" organized by Goldman Sachs, London, November 22, 2011, accessed May 22, 2013.

[http://www.mfa.gov.tr/speech-entitled-\\_vision-2023\\_-turkey\\_s-foreign-policy-objectives\\_-\\_delivered-by-h\\_e\\_-ahmet-davutoglu\\_-minister-of-foreign-af.en.mfa](http://www.mfa.gov.tr/speech-entitled-_vision-2023_-turkey_s-foreign-policy-objectives_-_delivered-by-h_e_-ahmet-davutoglu_-minister-of-foreign-af.en.mfa)

<sup>409</sup>Kirişçi, "Turkey's 'Demonstrative Effect'", 44; Turkey, despite its commitment to align its visa system with that of the EU, started lifting visa requirements for countries on the negative visa list from 2005 onwards. Turkey has lifted its visa requirements for the citizens of Syria, Pakistan, Albania, Libya, Jordan, Lebanon and Qatar in 2010 and for Russian citizens in 2011. See: Juliette Tolay, "Coming and Going: Migration and Changes in Turkish Foreign Policy", in Roland H. Linden et al., *Turkey and Its Neighbours: Foreign Relations in Transition*, (Boulder, Lynne Rienner Publishers, 2012), 130.

Communities, which was established under the Prime Ministry in 2010 for the provision of services to Turkish nationals, kin and related communities abroad as well as scholarship opportunities for foreign students to study in Turkey, is in charge of coordinating the initiatives in this pillar.<sup>410</sup> There are eight different departments working under the Presidency, which work in different fields such as overseas citizens, cultural and social relations, international students and education. The Presidency also formed three boards, coordinating cultural and social relations and the services for the overseas citizens and international students. In fulfilling its mission, the Presidency collaborates with different institutions such as the Ministry of Foreign Affairs, the Directorate of Religious Affairs, Turkish Cooperation and Coordination Agency (TIKA), The Council of Higher Education (YÖK), The Yunus Emre Foundation and the Public Diplomacy Office.<sup>411</sup>

As Turkey has started to pursue a more active and engaged policy in different regions of the world, it became more aware of the importance of establishing links with its diaspora composed of more than 6 million Turkish citizens living in different countries.<sup>412</sup> Turkey also feels a historical responsibility towards its kin and related communities of around 200 million people in the surrounding regions and therefore indulges in initiatives to maintain contact and strengthen its ties with them.<sup>413</sup> The Presidency provides support to the NGOs established with the initiatives of Turkish citizens, kin and related communities with a view to encourage Turkish nationals and kin communities to actively participate in political, socio-economic and cultural life of their home countries, while preserving their distinct identity and culture. The institution also seeks to support Turkish nationals and kin against discrimination or xenophobia<sup>414</sup> and transform the Turks abroad into a diaspora, meaning “an organized force” aware of their legal rights and who are capable of affecting decision making mechanisms in the countries they live in. With this goal in mind, the Presidency is working on a “diaspora strategy” document and organizing meetings to train Turkish citizens abroad about using their democratic rights and lobbying for Turkish diaspora’s interests. With a view to mobilize the Turkish diaspora, the Presidency, in collaboration with the Union of Chambers and Commodity Exchanges of Turkey (TOBB), also provides funds for the projects of its NGOs and provides capacity building

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<sup>410</sup>Kemal Yurtnaç, “Turkey’s New Horizon: Turks Abroad and Related Communities”, *SAM Papers* 3 (October 2013): 3-4.

<sup>411</sup>*Ibid.*, 5-6.

<sup>412</sup>*Ibid.*, 3.

<sup>413</sup>*Ibid.*, 9.

<sup>414</sup>*Ibid.*, 6-7.



training to Turkish NGOs abroad.<sup>415</sup>Regarding the international students, besides granting scholarships, the Presidency coordinates the provision of accommodation, Turkish language courses, free of charge medical services, monthly stipends and airline tickets in order to support these students throughout their studies in Turkey and create a bond between these students and Turkey that could be maintained after they return back to their countries.<sup>416</sup>

### *2.b) The Second Pillar of the Humanitarian Diplomacy - Official Development Assistance and Mediation*

Pursuing the second pillar of humanitarian diplomacy involves provision of humanitarian assistance and development aid and mediation efforts in regional crises and if necessary in crises in a broader context. Today, Turkey has become a donor country due to its economic growth<sup>417</sup> and the Official Development Assistance (ODA) is an important soft power instrument for Turkish foreign policy, particularly in its mediation, conflict resolution and disaster relief efforts. The ODA does not only serve to heighten Turkey's regional actor status, but to also help Turkey articulate new business and trade relations with the recipient countries.<sup>418</sup>

The Turkish aid policy since 2002 is based on three methodological principles, which are vision orientation, systematic framework and soft power and six operative principles, which are balance between security and freedom, zero problems with neighbours, peace diplomacy, enhanced global relations, active engagement in global issues and active participation in international organizations.<sup>419</sup> TIKA, which was established in 1992 to reach out to the Turkic Republics in Central Asia following the end of Cold War, is the main coordinator of the Turkish aid policy. TIKA gradually extended its activities to other regions by opening offices in the Middle East, North Africa and Sub-Saharan Africa, and into different fields such as education, health and construction. The top five countries that receive around 40% of Turkish ODA are Afghanistan, Kyrgyz Republic, Iraq, Azerbaijan and Pakistan.<sup>420</sup> Indicative of Turkish foreign policy priorities, the majority of the aid goes to Central Asia and the Caucasus; two other main regions that receive foreign aid are the

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<sup>415</sup>Aydın Albayrak, "Turkey Works to Transform Overseas Turks into Diaspora", *Today's Zaman*, April 30, 2013.

<sup>416</sup>Yurtnaç, "Turkey's New Horizon", 8.

<sup>417</sup>Musa Kulaklıkaya and Rahman Nurdun, "Turkey as a New Player in Development Cooperation", *Insight Turkey* 12(4): (October 2010): 131.

<sup>418</sup>Ibid., 131-132.

<sup>419</sup>Ibid., 135-136.

<sup>420</sup>Ibid., 141.

Balkans and Eastern Europe and the Middle East and Africa.<sup>421</sup>

Davutođlu argues that all forms of inequality that human beings encounter in different parts of the world have become a concern for Turkey and expresses the need for a new development paradigm that places emphasis on sustainable development and inclusive and equitable distribution of benefits of development.<sup>422</sup> Turkey's efforts in Africa in general and Somalia in particular should be seen within this framework. Within the framework of the UN, Turkey has committed itself to contribute to poverty reduction efforts in the least developed countries (LDCs) for the next ten years, as 33 countries out of 48 LDCs are in sub-Saharan Africa. As part of this commitment Turkey organized an LDC summit in Istanbul on 9-13 May 2011 bringing together 192 governments, 47 international organizations and 10,000 participants.<sup>423</sup>

Besides development aid, Turkey took steps towards adopting a "regional peace-maker" role.<sup>424</sup> Turkey's willingness to play an active role in the resolution of regional conflicts presents a radical break from Turkey's policy of non-involvement in regional conflicts that for decades had shaped Turkey's stance towards the Middle East.<sup>425</sup> In formulating and implementing policy initiatives Turkey puts emphasis on historical ties and common cultural and civilizational traits.<sup>426</sup> Davutođlu argues that in line with its multidimensional foreign policy vision and based on its long experience within the Western political and security framework and institutions, Turkey emerges as a "suitable mediator".<sup>427</sup> With a view to support the UN initiatives, Turkey is involved in mediation in the Balkans, Palestine, Iraq, Afghanistan, and the

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<sup>421</sup>Engin Akçay, *Bir Dış Politika Enstrümanı Olarak Türk Dış Yardımları*, (Ankara: Turgut Özal Üniversitesi Yayınları, 2012): 83-84.

<sup>422</sup>Ahmet Davutođlu, "A New Vision for Least Developed Countries", *SAM Vision Papers* 4 (July 2012): 7.

<sup>423</sup>*Ibid.*, 3-5. Shortly after the Least Developed Countries Conference on 31 May-1 June 2012 Istanbul hosted the Second Somalia Conference. With Turkey's initiative, the OIC has organized a summit on 17 August 2011 with the participation of 40 countries to support Somalia suffering famine. Two days later on 19 August 2011 the then Prime Minister Erdoğan became the first non-African leader to visit Somalia for the last 20 years. In November 2011, Turkey has reopened its embassy in Mogadishu, which was closed down due to security concerns in 1991. In March 2012 the Turkish Airlines launched its Istanbul-Mogadishu flights. See: Mehmet Öztürk, "Türkiye'nin İnsani Diplomasi Politikası: Somali Örneđi", International Middle East Peace Research Center, accessed May 19, 2013. <http://www.impr.org.tr/turkiyenin-insani-diplomasi-politikasi-somali-orneđi/#.UYvp7M1KGeY>

<sup>424</sup>Bülent Aras, "Turkey's Rise in the Greater Middle East: Peace-Building in the Periphery", *Journal of Balkan and Near Eastern Studies* 11(1) (March 2009): 29.

<sup>425</sup>Meliha Benli Altunışık, "The Possibilities and Limits of Turkey's Soft Power in the Middle East", *Insight Turkey* 10(2) (2008): 50.

<sup>426</sup>Aras, "Turkey's Rise in the Greater Middle East", 34.

<sup>427</sup>Ahmet Davutođlu, "Turkey's Mediation: Critical Reflections from the Field", *Middle East Policy* XX(1) (Spring 2013): 90.

Iranian nuclear issue.<sup>428</sup> Turkey is also involved in the negotiations between the Buddhists and Arakan Muslims in Myanmar<sup>429</sup> and as a member of the International Contact Group in the negotiations between the government of the Philippines and the Moro Islamic Liberation Front.<sup>430</sup> Turkey, together with Finland, engaged in the “Friends of Mediation” process within the UN.<sup>431</sup> Within the framework of its growing mediation efforts, Turkey organized two international conferences on mediation in Istanbul, the first in 2012<sup>432</sup> and the second in 2013,<sup>433</sup> and is seeking to establish a UN mediation center in Istanbul.

### *2.c) The Third Pillar of the Humanitarian Diplomacy - Taking Active Part in Global Governance*

Davutoğlu argues that there is the need for a more inclusive global system working through mechanisms of governance that coordinate the efforts of multiple centers of power and actors, rather than one center dominating over the others.<sup>434</sup> He contends that the UN as the most important global institution needs to go through reform to live up to global challenges and should develop mechanisms to encourage the participation of different actors.<sup>435</sup> He identifies five principles of global governance, which are “inclusiveness”, “comprehensiveness”, “representativeness”, “effectiveness” and a “future-oriented vision”.<sup>436</sup>

Turkey is willing to play a more active role within the UN system. As a sign of this eagerness Turkey became a non-permanent member of the UN Security Council in 2009-10 and applied for a non-permanent member seat for the period 2015-16. Turkey’s eagerness stems from the fact that the issues on the UN agenda such as the situation in Libya, Syria, Afghanistan, Palestine or Somalia directly concern Turkey. Moreover, Turkey together with Spain

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<sup>428</sup>Bülent Aras, “Turkey’s Mediation and Friends of Mediation Initiative”, *SAM Papers* 4 (December 2012): 6.

<sup>429</sup>*Ibid.*, 5.

<sup>430</sup>*Ibid.*, 3.

<sup>431</sup>Currently, the Group of Friends of Mediation consists of 40 member states and 7 regional organizations. See: Group of Friends of Mediation, accessed September 17, 2014. <http://peacemaker.un.org/friendsofmediation>

<sup>432</sup>Mediation Conference: “Enhancing Peace through Mediation: New Actors, Fresh Approaches, Bold Initiatives”, February 24-25, 2012, accessed May 19, 2013. <http://www.mfa.gov.tr/istanbul-conference-on-mediation.en.mfa>

<sup>433</sup>Mediation Conference: “Keys to Effective Mediation: Perspectives from Within”, April 11-12, 2013, accessed May 19, 2013. <http://www.mfa.gov.tr/the-second-istanbul-conference-on-mediation.en.mfa>

<sup>434</sup>Ahmet Davutoğlu, “Global Governance”, *SAM Vision Papers* 2 (March 2012): 4-5.

<sup>435</sup>*Ibid.*, 8.

<sup>436</sup>*Ibid.*, 14-15.

launched the Alliance of Civilizations initiative to contribute towards peace and put emphasis on collaboration on a global scale.<sup>437</sup> As part of its goal to be part of different regional alliances or organizations, Turkey has obtained observer status in the African Union in April 2005<sup>438</sup> and in the Pacific Alliance in June 2013.<sup>439</sup> Furthermore, in its 2023 vision for the 100<sup>th</sup> anniversary of the foundation of the Turkish Republic, the ruling Justice and Development Party states that its foreign policy objective is to “improve Turkey’s role in the international system and order” and to “increase its prestige, visibility and activism” based on a “new geographical imagination” that extends from the Middle East to the Balkans and Caucasus and to Africa and Central Asia.<sup>440</sup> The vision also foresees a much more active role for Turkey regarding human rights, environmental and social issues.<sup>441</sup>

All these three pillars of humanitarian diplomacy discussed above are in accordance with the new foreign policy vision that Turkey has endorsed in the last decade. This has implications for Turkey’s immigration and asylum regime, as human and value oriented foreign policy necessitates the formulation of a human rights oriented migration and asylum regime, while foreign policy initiatives have an impact on Turkey’s migration and asylum patterns. Turkey’s migration transition in the light of new foreign policy activism and vision is discussed in the next section.

## **B. Turkish Migration and Asylum Regime and Humanitarian Diplomacy**

### ***1. Turkey’s Traditional Immigration and Asylum Policy***

Despite the important role migration and asylum in- and out- flows played in shaping the political, economic and cultural life of the country, Turkey does not have a full-fledged immigration or asylum policy yet. What could be termed as Turkey’s traditional immigration and asylum policy is a result of the state’s inclination to deal with migration and asylum issues with pieces of legislation and *ad hoc* practices shaped by the political and socio-

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<sup>437</sup>Speech Entitled “Vision 2023: Turkey’s Foreign Policy Objectives” Delivered by Ahmet Davutoğlu.

<sup>438</sup>Kieran E. Uchegara, “Continuity and Change in Turkish Foreign Policy Toward Africa”, *Akademik Bakış* 2(5) (Kış 2008): 52.

<sup>439</sup>“No: 207, 22 July 2013, Press Release on Turkey’s Obtaining Observer Status in the Pacific Alliance”, accessed July 3, 2013. [http://www.mfa.gov.tr/no\\_-207\\_-22-july-2013\\_-press-release-on-turkey\\_s-obtaining-observer-status-in-the-pacific-alliance.en.mfa](http://www.mfa.gov.tr/no_-207_-22-july-2013_-press-release-on-turkey_s-obtaining-observer-status-in-the-pacific-alliance.en.mfa)

<sup>440</sup><http://www.akparti.org.tr/site/akparti/2023-siyasi-vizyon#bolum>, accessed May 22, 2013.

<sup>441</sup>Speech Entitled “Vision 2023: Turkey’s Foreign Policy Objectives” Delivered by Ahmet Davutoğlu.

economic concerns or conditions of the day.<sup>442</sup> This policy has two main dimensions. The transition from a multiethnic, multicultural and multireligious empire into a nation-state and efforts to build and sustain a homogeneous national identity defined the main contours of the first dimension. The first dimension was institutionalized in the early republican era, particularly after the forced extradition of the non-Muslim minorities from Turkey via the population exchange with Greece as well as the state's Turkification policies, and mainly with the enactment of the Law on Settlement (*İskan Kanunu*) in 1934. The law regulates the rules for entry, settlement and application for refugee status and authorizes the Council of Ministers to decide whether a migrant belongs to a Turkish culture or is of Turkish descent in order to settle in Turkey.<sup>443</sup> The Law was part of a "social engineering project" to build a homogeneous nation-state and Turkish national identity<sup>444</sup> and was designed to Turkify the incoming Muslim migrants.<sup>445</sup> During the early republican era and even after World War II, the Balkans constituted the main source of immigrants into Turkey.<sup>446</sup> A new law was passed in 2006 on the issues pertaining to settlements, which did not lead to a change in Turkey's traditional migrant admission policy.<sup>447</sup>

Another important document, which has formed the backbone of the first dimension of the Turkish immigration and asylum policy, is the 1951 Geneva Convention. Turkey became a party to the Convention and also adopted the 1967 Protocol, while maintaining the geographical limitation for the "events occurring in Europe", which means that Turkey only grants refugee status to asylum-seekers arriving from Europe and those coming from elsewhere are allowed to stay temporarily.<sup>448</sup> The 1951 Geneva Convention filled a vacuum in Turkish legislation, which did not have a law on asylum for

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<sup>442</sup>Sema Erder and Selmin Kaşka, "Turkey in the New Migration Era: Migrants between Regularity and Irregularity", in Seçil Paçacı Elitok and Thomas Straubhaar (eds.) *Turkey, Migration and the EU: Potentials, Challenges and Opportunities*, (Hamburg, Hamburg University Press, 2012): 115.

<sup>443</sup>Annex 3.2 Turkish Law on Settlement, November 2002, 2, accessed August 15, 2013. [http://www.ifc.org/ifcext/btc.nsf/AttachmentsByTitle/Tur++AnX+3.2/\\$FILE/RAP++Annex+3.2++Turkish+Law+of+Settlement.pdf](http://www.ifc.org/ifcext/btc.nsf/AttachmentsByTitle/Tur++AnX+3.2/$FILE/RAP++Annex+3.2++Turkish+Law+of+Settlement.pdf)

<sup>444</sup>Kemal Kirişçi, "Disaggregating Turkish Citizenship and Immigration Practices", *Middle Eastern Studies* 36(3) (2000): 5.

<sup>445</sup>Ahmet İçduygu, Şule Toktaş and B. Ali Soner, "The Politics of Population in a Nation-Building Process: Emigration of Non-Muslims from Turkey", *Ethnic and Racial Studies* 31(2) (2008): 366-367.

<sup>446</sup>Kirişçi, "Disaggregating Turkish Citizenship and Immigration Practices", 7-8.

<sup>447</sup>5543 sayılı İskân Kanunu, accessed August 15, 2013. [http://www.nvi.gov.tr/Files/File/Mevzuat/Nufus\\_Mevzuati/Kanun/pdf/IskanKanunu.pdf](http://www.nvi.gov.tr/Files/File/Mevzuat/Nufus_Mevzuati/Kanun/pdf/IskanKanunu.pdf)

<sup>448</sup>UNHCR, "Convention and Protocol Relating to the Status of Refugees", accessed August 15, 2013. <http://www.unhcr.org/3b66c2aa10.html>

foreigners<sup>449</sup> and led to the creation of a two-tiered asylum regime in Turkey for the Convention refugees (from Europe) and non-Convention refugees (from elsewhere in the world).

Regarding asylum, another important document is the 1994 Asylum Regulation, which was introduced by the Turkish government due to growing security concerns after the influx of Iraqi Kurdish refugees in 1988 -during the last phase of Iran-Iraq War- and in 1991 following the Persian Gulf War. The Regulation of 1994, which introduced strict regulations about asylum procedures to the extent of disregarding the rights of asylum-seekers and refugees,<sup>450</sup> brought status determination of the refugees under the control of the Turkish authorities. It was later amended in 1999 and 2006 to restore the collaboration between Turkey and the UNHCR in terms of asylum application process and status determination.<sup>451</sup> Recommendations and criticisms by the EU and initiatives aimed to introduce a human rights based approach to the state's treatment of asylum-seekers such as the UNHCR's training seminars for the police forces, the gendarmes, the judges and prosecutors in collaboration with Turkish authorities from 1998 onwards as well as the growing NGO activism in this field played a significant role in bringing about change in Turkey's attitude.<sup>452</sup>

A final document, law No. 6458 on "Foreigners and International Protection", which was approved on 11 April 2013, represents a significant break from Turkey's traditional approach to asylum and serves as a legal framework to create proper refugee reception mechanisms and administrative infrastructure for the protection of asylum-seekers and refugees.<sup>453</sup> The law, which was prepared by the Asylum and Migration Bureau, established on 15 October 2008 under the Ministry of Interior, is result of a "paradigmatic shift" from a national security perspective to a human and refugee rights-oriented perspective.<sup>454</sup> During the preparation of the law, the bureau established information sharing mechanisms with the NGOs and academics such as regular meetings, which facilitated their participation and enhanced their contributions to the lawmaking process.<sup>455</sup> The law introduces standards for

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<sup>449</sup>Kirişçi, "Disaggregating Turkish Citizenship and Immigration Practices", 10.

<sup>450</sup>Kemal Kirişçi, "Turkey's New Draft Law on Asylum: What to Make of It?", in Seçil Paçacı Elitok and Thomas Straubhaar (eds.) *Turkey, Migration and the EU: Potentials, Challenges and Opportunities*, (Hamburg, Hamburg University Press, 2012): 67.

<sup>451</sup>Kemal Kirişçi, "Reconciling Refugee Protection With Combating Irregular Migration: Turkey and the EU", *Perceptions* (Summer 2004): 8.

<sup>452</sup>Kirişçi, "Turkey's New Draft Law on Asylum", 68-69.

<sup>453</sup>Following the approval of the Law No. 28615, the General Directorate of Migration Management under the Ministry of Interior was established. <http://www.goc.gov.tr/>, accessed September 14, 2013.

<sup>454</sup>Kirişçi, "Turkey's New Draft Law on Asylum", 72-73.

<sup>455</sup>*Ibid.*, 78.

asylum procedures and a plan for the establishment of institutions to implement and improve the asylum regime in Turkey.<sup>456</sup> The law however does not lift the geographical limitation.

The second dimension of the immigration and asylum policy, which is linked with the first pillar of humanitarian diplomacy, was institutionalized in the 1960s with the signing of the guest worker agreements with the Western and Northern European countries. The first bilateral labour exchange agreement between Turkey and Germany came into force on 1 September 1961, followed by other bilateral labour exchange agreements with Austria, Belgium and Netherlands in 1964, France in 1965 and Sweden in 1967.<sup>457</sup> This temporary migration gained a permanent and today a transnational character, as the majority of the Turkish workers decided to stay in Europe and brought their families to Europe through the family reunification scheme. Today, migration from Turkey to Europe continues on a very limited scale, around 50,000-60,000 per year, and mainly through family reunification. Based on recent German statistical data, it is even possible to argue that migration flows from Turkey to Germany have changed direction and the number of those emigrating from Turkey to Germany is now less than those emigrating from Germany to Turkey.<sup>458</sup> Apart from Europe, Turkey sent migrant workers to other destinations, to Australia in 1967 through a bilateral agreement and to oil producing Middle Eastern countries after the 1973 oil crisis and economic recession in Europe. With the fall of the Berlin Wall and collapse of the Soviet Union a new destination emerged for Turkish migrant workers, Russia, ex-Soviet Republics and Eastern European countries such as Romania and Bulgaria.<sup>459</sup>

Turkey's traditional migration and asylum policy, while focusing on and which is limited to the migrants or asylum seekers of Turkish culture and descent and Turkish workers abroad, lacks an important dimension concerning incoming (mainly irregular) migrants and asylum seekers that do not necessarily belong to Turkish descent or culture. The impact of the changing migration and asylum patterns on Turkey's traditional migration policy and difficult questions they pose to foreign policymakers are evaluated in the following subsection.

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<sup>456</sup><http://www.resmigazete.gov.tr/eskiler/2013/04/20130411-2.htm>, accessed August 6, 2013.

<sup>457</sup>Nermin Abadan-Unat, *Bitmeyen Göç: Konuk İşçilikten Ulus-Ötesi Yurttaşlığa*, (Istanbul, Istanbul University Press, 2002): 43.

<sup>458</sup>Seçil Paçacı Elitok and Thomas Straubhaar, "Turkey as a Migration Hub in the Middle East", *Insight Turkey* 13(2) (2011): 109.

<sup>459</sup>Ahmet İçduygu and Kemal Kirişçi, "Introduction: Turkey's International Migration in Transition", in Ahmet İçduygu and Kemal Kirişçi (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, (Istanbul, Istanbul Bilgi University Press, 2009): 3-5.

## **2. Turkey's Migration Transition and Humanitarian Diplomacy**

Since the 1980s, significant changes occurred in Turkey's migration and asylum patterns. While until the 1980s, immigration and asylum flows were mainly limited to ethnic Turks living in the neighbouring regions, who were welcomed as part and parcel of the nation-building process, the immigration flows after the 1980s consist mainly of four different categories, which are the asylum-seekers and refugees mainly from the Middle East, Asia and Africa; irregular migrants, mainly female migrants from Eastern Europe working in the domestic and care work sector; transit migrants mainly from Africa and regular migrants<sup>460</sup> from Europe consisting of return migrants, the European retirees, and transnational professionals.<sup>461</sup> Additionally, there are Erasmus exchange students and international students<sup>462</sup> and a growing number of foreign athletes represent Turkey in different international sporting events as naturalized Turkish citizens. All these new flows form Turkey's new migration profile. Alongside this new migration profile, factors and developments high on Turkey's foreign policy agenda such as Turkey's geostrategic location, regional political and socio-economic ties, EU bid, foreign policy initiatives and economic growth as well as regional developments and crises, transform Turkey into a "migration transition country" and expose Turkish society to new forms of diversity. In this subsection the factors and developments that turn Turkey into a migration transition country are elaborated upon and the discussion focuses on how Turkey's endorsement of humanitarian diplomacy poses challenges to Turkey's conventional approach to migration and asylum issues.

Turkey-EU relations have had a significant impact on migration and asylum patterns targeting or passing through Turkey. Turkey's geographical location, its proximity to Europe and socio-cultural and historical ties with European countries make Turkey one of the most important "pass ways" and "waiting rooms" for migrants seeking to reach Europe.<sup>463</sup> Turkey's bid for EU membership also shapes irregular migration patterns towards Turkey. Turkish migration towards Western and Northern Europe started in the 1960s, at a time when Turkey applied to the EEC with the final goal of becoming a member.

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<sup>460</sup>Ahmet İçduygu, "Irregular Migration in Turkey", IOM Migration Research Series, Geneva, No.12 (February 2003): 13-14.

<sup>461</sup>Elitok and Straubhaar, "Turkey as a Migration Hub in the Middle East", 122.

<sup>462</sup>In 2013, 12,000 international students were enrolled in Turkish universities. "Uluslararası Öğrenciler İftarda Aynı Sofrada Buluştular", accessed September 10, 2013. <http://www.ytb.gov.tr/index.php/uluslararasi-ogrenciler/958-uluslararasi-ogrenciler-iftarda-ayni-sofrada-bulustular.html><http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf>

<sup>463</sup>Sema Erder, "Global Flows of Huddles: The Case of Turkey", in Emrehan Zeybekoğlu and Bo Johansson (eds.) *Migration and Labour in Europe: Views from Turkey and Sweden*, (Istanbul, Şefik Matbaası, 2003): 166.



As Turkish temporary migration in Europe gained a permanent character, integration of Turkish immigrants became an important concern in Turkish-EC relations, particularly following the 1973 oil crisis. Turkey starting from the 1980s due to its geographical location has become a country of transit for irregular migrants and asylum-seekers mainly from Iran, Iraq, Afghanistan, Pakistan, Bangladesh, North Africa and Sub-Saharan Africa heading towards Europe through the Turkish-Greek border, Eastern Mediterranean sea route or the Western Balkans.<sup>464</sup>

Today, the EU migration and asylum regime is becoming more restrictive and the harmonization of immigration policies at the EU level is now externalized to new member states as well as to candidate and third countries. This has important implications for the areas neighbouring Europe such as Eastern Europe, Western Asia, North Africa and Turkey as the EU Asylum Procedures Directive, adopted in 2005, push asylum seekers to safe third countries and countries of transit. The externalization of the EU immigration policies proceeds through supporting institution-building in southern Mediterranean countries, pioneering the use of high technology and military means in migration control and management<sup>465</sup> and through agreements that the EU signed with countries such as Egypt and Morocco to enhance cooperation on border security.<sup>466</sup> Since the EU has indulged in migration and asylum policy making in the early 1990s, migration and asylum have become important issues in Turkish-EU relations, particularly from 1999 onwards, when Turkey attained official candidate status for EU membership. The EU demands more cooperation from Turkey in combating “illegal” immigration, human smuggling and trafficking and in sharing the “asylum burden”.<sup>467</sup> The readmission agreement signed in December 2013 between the EU and Turkey after lengthy negotiations for the readmission of persons residing in one of the EU member states without authorization should be seen within this framework.<sup>468</sup> However, despite the EU’s persistent calls, the Turkish authorities, concerned that Turkey might turn into a buffer zone<sup>469</sup> and

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<sup>464</sup>“Annual Report on the Situation of Asylum in the European Union 2012”, Luxembourg, European Asylum Support Office, 2013, 15, accessed September 10, 2013. <http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf>

<sup>465</sup>Pinar Bilgin and Ali Bilgiç, “Consequences of European Security Practices in the Southern Mediterranean and Policy Implications for the EU”, *INEX Policy Brief* 11 (January 2011): 3.

<sup>466</sup>*Ibid.*, 4.

<sup>467</sup>Christina Boswell, “The External Dimension of EU Immigration and Asylum Policy”, *International Affairs* 79(3) (2003): 619.

<sup>468</sup>“Cecilia Malmström signs the Readmission Agreement and launches the Visa Liberalisation Dialogue with Turkey”, December 16, 2013, accessed January 26, 2014.. [http://europa.eu/rapid/press-release\\_IP-13-1259\\_en.htm](http://europa.eu/rapid/press-release_IP-13-1259_en.htm)

<sup>469</sup>Gamze Avcı and Kemal Kirişçi, “Turkey’s Immigration and Emigration Dilemmas at the Gate of the European Union”, “Migration and Development Challenges: Perspectives from the South

a first country of asylum, insist on maintaining the geographical limitation. Turkish authorities also state that more than 50,000 clandestine migrants apprehended every year<sup>470</sup> and due to EU's restrictive immigration policies and economic recession in Europe Turkey is now becoming a final destination for many irregular migrants.<sup>471</sup> Therefore, Turkey will not be lifting the geographical limitation any time soon.

Certain regional developments also lead to changes in migration and asylum patterns targeting or passing through Turkey such as the Iran-Iraq War, the Gulf War and 2003 American intervention in Iraq, which turned Iraq into one of the main source country of immigrants and asylum seekers in Turkey. The fall of the communist regimes in Eastern Europe also led to the arrival of female migrants to work in domestic and care sector and recently the Arab revolutions that began in December 2010 have triggered migratory flows towards the Euro-Mediterranean zone, particularly from Libya and Syria.

It was mainly the protraction of the crises in Libya and Syria that displaced millions of people within these countries and led to the influx of refugees to neighbouring countries. In 2011, around 1,128,985 Libyans sought refuge in Tunisia, Egypt, Niger, Algeria, Chad and Sudan in Africa and Italy and Malta in Europe.<sup>472</sup> Gil Arias Fernandez, Deputy director of Frontex, stated on 16 November 2011 that during the Arab revolutions - between 1 January and 30 September 2011 - irregular migration towards the EU has increased by 50%. In the first half of 2011 the main ports of entry were Italy and Malta.<sup>473</sup> For the year 2012, applications for international protection in the EU from Syria rose by 206% and reached to 24,110.<sup>474</sup> Concerned that the Arab revolutions would trigger new irregular migratory waves towards Europe; the European states responded by imposing stricter border controls and urging the signing of readmission agreements.<sup>475</sup>

As further restrictions were imposed on the Mediterranean route through the collaboration of Tunisian, Libyan and the EU authorities, migrant

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Conference", Bellagio, Italy, (10-13 July 2006):69.

<sup>470</sup>Erder and Kaşka, "Turkey in the New Migration Era: Migrants between Regularity and Irregularity", 119.

<sup>471</sup>İbrahim Doğan, "A New Final Destination for Irregular Immigrants: Turkey", *Today's Zaman*, March 27, 2011.

<sup>472</sup>Philippe Fargues and Christine Fandrich, "Migration after the Arab Spring", European University Institute, Florence Robert Schuman Centre For Advanced Studies, Migration Policy Center Research Report 2012/09 (2012): 6, accessed August 15, 2013.

<http://www.migrationpolicycentre.eu/docs/MPC%202012%20EN%2009.pdf>

<sup>473</sup>"Greece Measures Arab Spring Immigration Impact", November 23, 2011, 2, accessed May 5, 2012.<http://www.euractiv.com/justice/greece-measures-arab-spring-immigration-impact-news-509109>

<sup>474</sup>"Annual Report on the Situation of Asylum in the European Union 2012", 30.

<sup>475</sup>Fargues and Fandrich, "Migration after the Arab Spring", 4.

and refugee flows started to shift towards the Eastern Mediterranean route, i.e. the Turkish-Greek border. Frontex registered 1,900 illegal crossings from Turkey to Greece in October 2011. One of the main reasons behind this shift is Turkey's move to build a visa-free area with Syria, Lebanon, Iran, Yemen, Libya, Morocco and Tunisia. This facilitated the arrival of many irregular migrants running away from the turmoil in their countries into Istanbul, from where they try to reach the Greek border through human smuggling networks operating between Turkey and Greece. Greece is not the final destination, particularly after the economic crisis in the country, and from Greece many migrants seek to reach Western Europe.

The Arab revolutions, particularly the case of Syria, posed significant challenges to Turkish foreign policymakers aiming to reintegrate Turkey into its region through the “zero problems with neighbours” principle.<sup>476</sup> One major challenge is the growing number of refugees in Turkey and the region. As of 14 September 2014, the total number of Syrian refugees in Turkey, Lebanon, Jordan, Egypt and Iraq has reached 3,023,142<sup>477</sup> and as a result of Turkey's “open door” policy, the number of Syrian refugees in Turkey has surpassed one million, 220,000 living in camps and 1,104,000 living in urban centers.<sup>478</sup> The Syrian refugees under the temporary protection scheme in Turkey that stay in 15 camps, 1 temporary admissions center and 6 container cities close to the Turkish-Syrian border<sup>479</sup> pose significant questions about the limits of the already overburdened asylum regime of Turkey. A growing number of Syrian refugees reveal the limitations of the Turkish temporary protection regime. The expectation that Syrian refugees will return back to Syria soon after the Assad regime falls may prove to be wrong. Moreover, the repatriation of Syrian refugees in post-Assad Syria may be a lengthy and challenging process both for the new administration in Syria, refugee hosting states and the refugees themselves.<sup>480</sup>

Besides the Syrian crisis, other regional crisis present challenges for Turkish asylum policy. According to the UNHCR figures for the year 2012, there are 3,500 Afghan refugees in Turkey and Afghans are the first group

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<sup>476</sup>Ziya Öniş, “Turkey and the Arab Spring: Between Ethics and Self-Interest”, *Insight Turkey* 14(3) (2012): 49.

<sup>477</sup>Syria Regional Refugee Response <https://data.unhcr.org/syrianrefugees/regional.php>, accessed September 14, 2014.

<sup>478</sup>“Valiliklere ‘Suriyeli’ Genelgesi”, August 1, 2014, accessed August 15, 2014.

<http://www.aljazeera.com.tr/haber/valiliklere-suriyeli-genelgesi>

<sup>479</sup><https://www.afad.gov.tr/TR/IcerikDetay1.aspx?ID=16&IcerikID=747>, accessed January 26, 2014.

<sup>480</sup>Jenna Krajeski, “Taking Refuge: The Syrian Revolution in Turkey,” World Policy Institute, Summer 2012, accessed March 4, 2013.

<http://www.worldpolicy.org/journal/summer2012/taking-refuge-syrian-revolution-in-turkey>

among asylum-seekers with 4,800 applications.<sup>481</sup> There are in fact around 20,000 Afghan refugees in Turkey and only about 7,000 of them are registered with the UNHCR. The majority of them arrived after June 2012, not directly from Afghanistan, but from Iran that has become less hospitable to Afghan refugees due to the severe impact of international sanctions on the Iranian economy.<sup>482</sup> Due to recent developments in Iraq, 20,000 Ezidis (Yazidis) fleeing the aggression of the Islamic State of Iraq and Syria (ISIS/IS) took refuge in Turkey.<sup>483</sup> These new flows seriously strain Turkey's current registration and status determination system.

A growing number of irregular migrants also challenge Turkey's conventional immigration policy. However, it is hard to estimate the number of irregular migrants, as due to geographical limitation the line between asylum seeker and irregular migrant is blurred in Turkey and there are many asylum-seekers that clandestinely stay or are stranded in Turkey, even if their applications are rejected. Some among them seek to reach Europe through their own ethnic human smuggling networks operating in Istanbul<sup>484</sup> like many other irregular migrants and asylum seekers in countries neighbouring the EU countries. However, not all of them could reach Europe and unfortunately the number of migrants who continue to perish in sea traveling incidents is ever growing. As Joseph Muscat, Prime Minister of Malta, stated "the Mediterranean Sea is turning into a cemetery for refugees". Just in the last couple of months many tragic incidents have taken place in the Mediterranean. A boat carrying 200 refugees sank off the shores of Malta in October and out of 146 survivors, 117 stated their country of origin as Syria and 27 as Palestine.<sup>485</sup> Another boat carrying 500 passengers sank close to Lampedusa Island in early October. Unfortunately, only 155 people have survived. Out of 30,000 migrants that sailed to Italy in 2013, the majority were in fact asylum-seekers; 7,500 were from Syria, 7,500 were from Eritrea and 3,000 were from Somalia.<sup>486</sup> Recently, the UNHCR alarmed by the deadly incidents at sea in the Mediterranean and elsewhere, while trying to draw the world community's attention to human smuggling issue, urged the countries to improve their

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<sup>481</sup><http://www.unhcr.org/51b1d643b.html>, accessed August 6, 2013.

<sup>482</sup>Thomas Seibert, "Afghan Refugees Leave Iran for Turkey", February 17, 2013, accessed August 6, 2013. <http://www.thenational.ae/news/world/europe/afghan-refugees-leave-iran-for-turkey>

<sup>483</sup>Nilay Vardar, "Ezidis Aren't Refugees, But Dwellers of This Land", August 24, 2014, accessed September 14, 2014. <http://www.bianet.org/english/world/158184-ezidis-aren-t-refugees-but-dwellers-of-this-land>

<sup>484</sup>Nikolaj Nielsen, "Istanbul: Smuggler Capital for EU-bound Migrants", January 7, 2013, accessed January 13, 2013. <http://euobserver.com/fortress-eu/118377>

<sup>485</sup>"200 Refugees Saved After Boat Sinking Off Malta", *Dawn*, October 12, 2013.

<sup>486</sup>Tom Kington, "Lampedusa Shipwreck: Italy to Hold State Funeral for Drowned Migrants", *The Guardian*, October 9, 2013.

search and rescue operations at sea as well as reception and temporary protection capacities and mechanisms.<sup>487</sup>

As Turkey strives to be more active within the UN system within the framework of humanitarian diplomacy, it is important for Turkey to take the UN's call seriously. Furthermore, this is a regional crisis and Turkey, which as an important regional actor seeking to become a global player, has to be actively involved. Turkey's human oriented foreign policy vision cannot disregard problems migrants and refugees encounter in and around Turkey. This requires Turkey to recast its migration referral mechanisms, reconsider its refugee relief capacity and take the migration dimension into consideration in developing a foreign policy response to a very unpredictable and volatile process. Turkey simultaneously needs to revise its national and regional security perceptions in the light of human security. The concept of human security, which states that all individuals have the right to have freedom from fear and want and should be able to use all their rights to put their human potential to use,<sup>488</sup> puts emphasis on insecurities other than war and conflicts that threaten the lives of people such as poverty, climate change, organized crime, human trafficking, diseases and economic crises. Forced migration putting many people's lives and livelihoods at risk and raising national, regional and global security issues is an important human security concern for Turkey as a country going through migration transition that has endorsed humanitarian diplomacy. Integrating refugee crisis situations and outflows into its regional approach, particularly to its mediation efforts, and developing responses in accordance with the human security approach will also allow Turkey to make a bigger and better contribution to the resolution of humanitarian crises. As in the case of Myanmar, which has recently been the focus of Turkey's humanitarian assistance and mediation efforts, the crisis generated around 125,000 IDPs and many refugees<sup>489</sup> and obliged Turkey to take the situation of the IDPs and refugees into consideration when trying to mediate between the parties for the resolution of the crisis.

Turkish foreign policy initiatives could also have an impact on migration and asylum patterns. Turkey's policy of opening up to Africa is a case in point. Turkey's growing activism in Africa and growing migration flows from Africa towards Turkey reveal the need for better coordination of

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<sup>487</sup>“UN Refugee Agency Deplores Loss of Life in Boat Tragedy off Myanmar Coast”, accessed November 21, 2013. <http://www.un.org/apps/news/story.asp?NewsID=46419&Cr=myanmar&Cr1=#.UoYp6sRHJLo>

<sup>488</sup>“Human Security for All”, accessed November 21, 2013. <http://unocha.org/humansecurity/about-human-security/human-security-all>

<sup>489</sup>“Burma: Rohingya Muslims Face Humanitarian Crisis”, March 26, 2013, accessed November 21, 2013. <http://www.hrw.org/news/2013/03/26/burma-rohingya-muslims-face-humanitarian-crisis>

foreign and immigration policies. African irregular and transit migrants started to arrive in Turkey from the 1990s onwards and today Turkey has the potential to turn into a country of destination for African migrants. Since Turkey does not grant refugee status to Africans, even if they are fleeing war or persecution back home, transit migration and irregularity are the norm for the Africans. However, many of the African transit migrants in Turkey lack the means to travel to Europe and are stranded in Turkey.<sup>490</sup>

Starting from 2005 it is possible to observe Turkey's growing involvement in Africa. The number of Turkish embassies in Africa has grown from 12 in 2005 to 31 in 2011, the number of Turkish companies has also grown from 1 to 341 and the amount of Turkish investment grew from 50 million to \$1 billion.<sup>491</sup> Through the establishment or improvement of foreign and trade relations African people are better informed about Turkey, which itself has turned into a pull factor. Turkish Airline's flights to different destinations in Africa facilitate the arrival of many Africans to Turkey. Turkey's growing interest in the African continent and growing foreign and trade relations, have had an impact on African migration and asylum flows targeting or transiting Turkey, particularly in the case of Somalian migrants. As one of the top donor countries, Turkey is reconstructing Somali's infrastructure, schools, airports and hospitals<sup>492</sup> and awarding scholarships to Somalian students to study in Turkish universities.<sup>493</sup> An area at the Yenikapı district of Istanbul is now referred to as "Istanbul's Mogadishu" and the street close to the mosque, where the Somalis frequently choose to pray, is called the "Somalia Street" due to the growing number of African migrants settling in the area.<sup>494</sup> According to the figures of the Foreigners Department of Turkish Ministry of Interior, in the period between 2007-2011 around 12,000 Somalian irregular migrants were apprehended in Turkey.<sup>495</sup> As

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<sup>490</sup>Deniz Yüksek and Kelly Todd Brewer, "Astray and Stranded at the Gates of the European Union: African Transit Migrants in Istanbul", *New Perspectives on Turkey* 44 (Spring 2011): 138.

<sup>491</sup>Speech Entitled "Vision 2023: Turkey's Foreign Policy Objectives" Delivered by Ahmet Davutoğlu.

<sup>492</sup>Abdihakim Aynte, "Turkey's Role in Somalia: A New Ally?", April 10, 2012, accessed May 19, 2013. [http://cesran.org/index.php?option=com\\_content&view=article&id=1418%3AAturkeys-role-in-somalia-a-new-ally&catid=216%3AAnalyses-on-turkey-and-neighbourhood&Itemid=336&lang=en](http://cesran.org/index.php?option=com_content&view=article&id=1418%3AAturkeys-role-in-somalia-a-new-ally&catid=216%3AAnalyses-on-turkey-and-neighbourhood&Itemid=336&lang=en)

<sup>493</sup>Mesfin Berouk, "Somalia: The Soft Power Role of Turkey", May 22, 2012, accessed May 19, 2013. <http://allafrica.com/stories/201205221077.html>

<sup>494</sup>Thomas Seibert, "On Somalia Street, Istanbul, African Migrants Seek a New Life", September 5, 2011, accessed August 14, 2013. <http://www.thenational.ae/news/world/europe/on-somalia-street-istanbul-african-migrants-seek-a-new-life>

<sup>495</sup>"2011'de 30 Bin Göçmen Yakalandı", January 3, 2012, accessed August 14, 2013. <http://www.haber7.com/guncel/haber/825799-2011de-30-bin-gocmen-yakalandi>

Baird argues “[t]he link between foreign policies and refugee policies in Turkey must be made more explicit and the discussion on trade, humanitarian and political policies with Africa must also include a renewed discussion of asylum and residence.”<sup>496</sup> This way, when providing humanitarian assistance or development aid to Africa, Turkey would not be able to disregard the difficulties that the African migrants encounter in Turkey.

The economy as another important component of the new Turkish foreign policy formulation,<sup>497</sup> particularly of the zero problems with neighbours principle,<sup>498</sup> serves as the “practical hand” of foreign policy,<sup>499</sup> especially in Turkey’s pursuit of becoming a regional soft power. Turkey’s strong and steady economic growth during the last decade, while many countries in the region, in Europe and the world such as the U.S. are going through global economic recession and hardships serves as a significant pull factor and turns Turkey into a target country for migration and refugee flow. According to 2012 figures, the Turkish economy is the 16<sup>th</sup> largest economy in the world and the 6<sup>th</sup> largest economy amongst the EU member countries. According to the OECD, it estimates that the Turkish economy is expected to annually grow by 5.2% between 2012-2017.<sup>500</sup> If the Turkish economy maintains its economic growth, this will work as another factor that will attract both skilled and lowly skilled migrant workers into Turkey. Currently Turkey has emerged as “a migration hub for the Black Sea and the Middle East”.<sup>501</sup>

Turkey’s dynamic economy and growing trade links, which induces labour migration (regular and irregular) towards Turkey, requires Turkey to make new regulations on working life to protect the human and workers’ rights of migrants in accordance with its human oriented foreign policy. The Law Concerning Work Permits for Foreigners (No. 4817) that came into force in 2003 and was prepared in line with the EU *acquis*.<sup>502</sup> This law, while

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<sup>496</sup>Theodore Baird, “The Missing Migration Component of Turkey-Africa Relations”, December 1, 2011, accessed May 4, 2012. <http://www.opendemocracy.net/theodore-baird/missing-migration-component-of-turkey-africa-relations>

<sup>497</sup>Kemal Kirişçi, “The Transformation of Turkish Foreign Policy: The Rise of the Trading State”, *New Perspectives on Turkey* 40 (2009): 33.

<sup>498</sup>*Ibid.*, 42.

<sup>499</sup>Mustafa Kutlay, “Economy as the ‘Practical Hand’ of ‘New Turkish Foreign Policy’: A Political Economy Explanation”, *Insight Turkey* 13(1) (2011): 69.

<sup>500</sup><http://www.invest.gov.tr/en-US/turkey/factsandfigures/Pages/Economy.aspx>, accessed August 15, 2013.

<sup>501</sup>Elitok and Straubhaar, “Turkey as a Migration Hub in the Middle East”, 113.

<sup>502</sup>Didem Daniş, Cherie Taraghi and Jean François Pérouse, “Integration in Limbo: Iraqi, Afghan, Maghrebi and Iranian Migrants in Istanbul”, in Ahmet İçduygu and Kemal Kirişçi (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, (Istanbul, Istanbul Bilgi University Press, 2009): 474; Selmin Kaşka, “The New International Migration and Migrant Women in Turkey: The Case of Domestic Workers”, in Ahmet İçduygu

annulling the 1932 discriminatory Law No. 2007 barring foreigners from practicing certain professions, allows the labour market demands to guide the issuing of work permits, rather than the nationality of the applicants.<sup>503</sup> It is an important step, but simply a preliminary one. New steps should be taken to prevent any form of discrimination and exploitation that migrants might encounter at the work place in Turkey.

### **Conclusion**

While Turkey is seeking to reintegrate with its region and be actively involved in crises to make a contribution for their resolution, it cannot disregard an important dimension of regional affairs, which is voluntary and forced migration. Moreover, when Turkey adopts a human and value-oriented foreign policy vision, it cannot allow solely security concerns to shape immigration and asylum policies. Even though in recent years Turkey has started to depart from its security-oriented approach, it needs to formulate a full-fledged and human rights-based immigration and asylum policy in line with the soft power image it strives to convey.

Turkey's migration transition from a country of emigration to immigration requires new tools and mechanisms of migration management. It also requires a coordinated approach and inter-institutional cooperation among the public institutions, civil society organizations, universities and research centers. By formulating and implementing a migration policy that respects the rights of migrants, refugees and asylum seekers with proper reception and integration mechanisms and by integrating this new policy approach to its regional approach, Turkey can act as a source of inspiration and make an important contribution to regional peace and stability.

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and Kemal Kirişçi (eds.) *Land of Diverse Migrations: Challenges of Emigration and Immigration in Turkey*, (Istanbul, Istanbul Bilgi University Press, 2009): 743.

<sup>503</sup>Ahmet İçduygu and Deniz Sert, "Turkey" *Focus Migration Country Profile*, 5 (April 2009), accessed September 11, 2013. <http://focus-migration.hwwi.de/Turkey-Update-04-20.6026.0.html?&L=1>