

The EU-Turkey Refugee Deal: Protection For Whom?

Written by Alexandra Pinto Damas

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ALEXANDRA PINTO DAMAS, APR 12 2021

In March 2016, the European Union (EU) and Turkey announced they would cooperate in managing the 'migration crisis' that resulted from the Syrian Civil War. According to the EU-Turkey Statement – also called EU-Turkey Refugee Deal –, every new 'irregular' migrant that cannot apply for asylum in Greece is sent back to Turkey. Moreover, the great novelty of the Refugee Deal is the establishment of the so-called 'one-to-one mechanism,' in which the EU would accept a Syrian refugee for every other returned from the Greek islands to Turkey, taking into account the refugee's particular vulnerability.^[1] The Refugee Deal has been strongly criticised by non-governmental organisations (NGOs), such as Amnesty International and the Human Rights Watch. NGOs argue that refugees still live in dreadful circumstances on the Greek Islands, especially women and girls.^{[2][3]} Moreover, it is argued that Turkey cannot be considered a safe country for asylum seekers and refugees since they do not have adequate access to integration or resettlement; neither can live in dignity.^[4] One might wonder, thus, if the agreement, in fact, protects refugees or if it increases even more their insecurities. Furthermore, the fact that the EU concluded that the Refugee Deal was a proper tool to address the 'migration crisis' shows that the EU frames this crisis in a specific sense, with particular interests at stake.

It is important to point out that, at the time of the EU-Turkey Deal, discourses around Europe emphasised the need to assure the protection of European women from potentially aggressive male migrants, especially after 2015-16 New Year's Eve sexual assaults in Germany.^[5] Nevertheless, some refugees – women and children – were still considered as worthy of compassion, as an invocation of the 'the white man's burden' to protect the colonised.^[6] It is argued that these discourses and ideas played a role in defining who would be entitled to humanitarian protection under the EU framework and the underlying assumptions within the idea of protection. Thus, this paper asks to what extent the EU-Turkey Refugee Deal is based on a gendered and racialised logic of protection.^[7]

In order to answer such a question, the paper is structured as follows: First, I explain the method of discourse analysis based on socially constructed meanings. Second, I address the conceptual framework applied in the paper, that is, the concepts of 'intersectionality', 'human security', 'crisis,' 'continuum of violence' and 'logic of protection'. - Third, I discuss the EU framing of the 'migration crisis' and its consequent policy effects within the Refugee Deal. Fourth, I address the continuum of violence experienced by the refugees under the EU-Turkey Deal. Fifth, I discuss the logic of protection within the public discourses at the time of the EU-Turkey Statement. Finally, the paper concludes that the EU-Turkey Refugee Deal is based on a gendered and racialised logic of protection that subordinates non-Western refugees to the EU masculinity, without effectively protecting them.

Methods and Approach

The paper applies a method of discourse analysis based on Stuart Hall's conceptualisation of 'logics' as a meaning that is socially constructed, and Norman Fairclough's critical discourse analysis. According to Hall, in order to make sense of the way society works, there are chains of apparent implications between statements and premises, which are perceived as taken-for-granted – although, in fact, ideological – assumptions about reality.^[8] Hall states that 'discourses are ways of referring to or constructing knowledge about a particular topic of practice: a cluster (or formation) of ideas, images and practices, which provide ways of talking about, forms of knowledge and conduct associated with a particular topic, social activity or institutional site in society.'^[9] Moreover, according to Fairclough, discourses must be investigated because they shape as well as are informed by broader social and cultural

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structures that reflect relations of power.^[10]

Thus, the paper analyses the reproduction of socially constructed logics in the written text of the EU-Turkey Statement, as well as the European Commission reports. Moreover, it also pays attention to political opinions on the Refugee Deal, such as those by the Dutch politicians Diederik Samsom and PM Mark Rutte. Finally, the paper discusses the public protests and discourses.

Moreover, this paper applies an intersectional critical feminist approach to international relations, discussing the gendered and racialised assumptions of 'crisis' and 'human security,' and their political consequences. The concepts of 'intersectionality', 'continuum of violence' and 'logic of protection' are also applied to the analysis of visual and textual discourses related to the EU-Turkey Refugee Deal in order to disentangle the gendered and racialised 'logics' behind policy documents, as well as public and political debates on migration.

Intersectionality

The concept of intersectionality was coined by Kimberle Crenshaw, who argued that the analysis of the interaction of race with gender is necessary in order to address 'the particular manner in which Black women are subordinated.' By treating race and gender as mutually exclusive categories, there is the danger of socially constructing 'all the women as white' and 'all the Blacks as men.'^[11] Thus, it is not just a matter of addressing racism and sexism, but of discussing the socioeconomic and political positions on intertwined axes of power. In line with that, feminisms of critical geographies draw upon postcolonial theories to problematise politics of 'gender mainstreaming', which can legitimise neo-colonial, imperialist and racist narratives. As a result, feminist justice must take into account not only gender but also race and class-related relations of power.^[12]

Human Security

It is argued that the shift from the realist idea of 'national security' to the conception of 'human security' indicates a less stated centred approach and a more 'humanitarian' security, which pays attention to the satisfaction of fundamental rights and the enjoyment of a 'fully human' life. However, as Natasha Marhia argues, the human security discourse also considers there is a universal category of 'humans,' which is an illusion that leads to exclusionary and gendered constructions.^[13]

According to Heidi Hudson, one must address the multiple overlapping identities within the term 'human' from a critical feminist perspective. Not only the gender dimension tends to be overlooked in the understanding of human security – excluding specific concerns of women -, but also the intersectionality within this 'group,' such as race, nationality, age and class. As a result, the silence on the different individual experiences reinforces the dominance of masculinist universalisms.^[14]

Framing Crises

Hanna Muehlenhof et al. argue that, depending on how crises are framed in the EU, priorities and policy responses differ. In this sense, crises are not only constructed by discourses, but they have implications for the potential transformative action that follows, or even for the consolidation of existing policies.^[15] As argued by Dara Strolovitch, the very notions of crisis and recovery are politically and ideologically constructed. As such, problems faced by marginalised groups are seen as 'normal,' whereas the disruptive character of crises relates to the adverse effects on dominant groups.^[16] In line with that, Muehlenhof et al. advance the idea that gendered lenses – as well as an intersectional understanding of power relations – are often sidelined in the EU's crisis responses, privileging masculine neo-colonial traits.^[17]

Continuum of Violence

Cynthia Cockburn states that 'there is no abrupt cutoff line between war and peace,' because there is a gendered continuum of violence from the home to the tank columns, from pre-war to post-war, penetrating all forms of relations.

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It is important to recognise that this violence is attached not only to the gender differences but the power imbalances related to the positioning of male and female bodies in society.^[18] Violence, in this sense, does not necessarily mean direct physical violence, but also structural, social, economic and legal power imbalances.

As argued by Johan Galtung, beyond the conflict itself, there is 'the violence frozen into structures, and the culture that legitimises violence' towards people considered worthless.^[19] Cockburn draws upon the work of Galtung to argue that the incidence of unequal power in the structures of society is a factor in violence, which often has a gendered and racialised element. During the post-war period, for example, violence persists in the displacement, economic and social reconstruction, and aid and reconciliation. As the Coordinator for Refugee Women at UNHCR remarked, 'for refugee women all three of the traditional "durable solutions" – voluntary return home, integration in the country of asylum, and resettlement in a third country – pose unique problems,' concerning the situation of refugee camps, access to basic rights, integration to society, education of children, healing trauma and vulnerability to sexual violence.^[20]

Logic of Protection

Many scholars have analysed the relationship between norms of protection and gender. According to Charli Carpenter, norms regulating gender relations are constituted by gender beliefs, but gender assumptions do not have a constitutive effect in norms.^[21] However, this paper takes a different position, by arguing that gender assumptions and norms – such as the norms of protection – are co-constitutive, in line with Laura Sjoberg's understanding of gender as more than a variable, but a logic.^[22]

Iris Marion Young defines the logic of masculinist protection as an extension to the public sphere of the notion of the male head of households as protector of the family, so that male leaders are socially constructed as protectors of a population. As a result, the logic of protection implies that 'good' men are obliged to protect women and children from 'bad' men. However, Young argues that such protection justifies war abroad as a duty of liberating oppressed women from dangerous men, expecting subordination in return. Thus, masculinist protection is a myth that requires the subordinated relation of those in the protected position.^[23]

A Humanitarian Issue or a Security Crisis?

As argued by Saskia Stachowitsch and Julia Sachseder, on the one hand, the migration crisis can be viewed as a humanitarian issue, whose focus is on the refugees' safety. On the other, it is a matter of security or welfare overstretch, in which Europe is perceived as in danger.^[24] Thus, I am applying an intersectional lens to the notions of human security and migration crisis in order to discuss what is actually in crisis in the context of the EU-Turkey Statement.

First, the EU-Turkey Deal states that the 'temporary and extraordinary measure' of returning asylum seekers to Turkey is necessary to 'end human suffering' and 'restore public order.'^[25] However, it is not clear who are the 'humans' mentioned in the text, nor what kind of disruption to the 'public order' has taken place. As discussed previously, the universalisation of the category of 'human' silences the intersectionalities of gender, race and nationality. On the one hand, the Refugee Deal can be viewed as focusing on ending the suffering of refugees, asylum seekers or migrants. On the other hand, it can be perceived as trying to resolve the problems for the local European population. Thus, the Statement does not clarify whether the 'humans' to which it refers are women or men, migrants or EU citizens, and, as such, it obscures the matrices of power.

Secondly, in the report on the developments of the Refugee Deal after four years of implementation, the European Commission celebrates the significant decrease of arrivals from Turkey to the EU: 'From 10,000 people crossing in a single day (...), daily crossings have decreased to an average of 105 people per day.' As a result, the number of deaths during the crossing has also 'decreased from 1,175 in the 20 months before the statement to 439' since then.^[26] One can notice that the EU frames the Refugee Statement as a tool that protects refugees from getting into a boat and drowning. However, the report does not question the causes for the decrease of deaths: Is it because refugees are living better lives and no longer facing violence, thus, do not need to cross the sea? Or is it because

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Turkey and the EU have securitised the borders and made the crossings even more challenging?

Finally, one must remember that the Netherlands was holding the presidency of the Council of the European Union during the discussion on the EU-Turkey Statement. Diederik Samsom – the then-leader Dutch Labour Party and the person who proposed the ‘one-to-one mechanism’ – argued that it was proper to send migrants back to Turkey immediately because ‘that would end that route,’ since people would be discouraged to ‘pay € 5,000 to a smuggler and running the risk of drowning oneself.’ Moreover, he disregarded allegations that the Refugee Deal was inhumane by stating: ‘I do not understand what respect for human rights means if you just let people drown along the way.’^[27] As argued by Julien Jeandesboz and Polly Pallister-Wilkins, the EU tends to ignore the conflicts and poverty that force people to seek a life in Europe and the reasons why some people consider a boat safer than the land.^[28] As such, the EU-Turkey Statement advances the idea that the crossing is the real problem, and that refugees should be protected from making bad decisions, such as undertaking dangerous journeys. In that, the decision-making autonomy of the non-Western individual is denied, and the EU perceives itself as capable of deciding what is in the best interest of migrants, demonstrating the imbalance of such a power relationship.

In short, the concept of ‘human security,’ as applied in the Refugee Deal, does not take into account the intersectional, and particularly, the non-Western/Western power imbalances. The EU proposes a narrative in which it protects refugees, who are perceived as easily manipulated by ruthless smugglers and irresponsibly crossing the Aegean. However, such a conception of humanitarian protection is considerably narrow. Thus, one might argue the Refugee Deal serves the purpose of preventing the entrance of refugees more than the goal of providing them with effective protection.

Protection or Insecurity for Refugees?

NGOs have criticised the EU-Turkey Deal for not properly guaranteeing the human rights of refugees in Greek camps, nor in Turkey. For women, particularly, few protections from sexual harassment and gender-based violence are provided.^[29] In this sense, one can discuss whether the power imbalances of gender and racial relations reflect on the persistence of violence and insecurity under the EU-Turkey Statement. Thus, by applying Cockburn’s understanding of a continuum of violence, this paper analyses the extent to which violence persists as a result of the EU-Turkey Refugee Deal.

One of the most controversial issues within the EU-Turkey Deal relates to the principle of *non refoulement*, which prohibits states from returning people to an unsafe territory.^[30] NGOs have argued that Turkey is not a safe place for asylum seekers and refugees since they do not have timely and adequate access to resettlement and integration; neither can fully access economic and social rights.^[31] Moreover, Turkey does not grant refugee status to Syrians according to the Geneva Convention, only a temporary protection status.^[32] However, Dutch PM Mark Rutte stated that dealing with Turkey was a pragmatic necessity since ‘if you only want to deal with countries that apply the same standards as we do (...) we will turn out to be very lonely.’^[33] In his statement, PM Rutte recognises the human rights problems in Turkey. Yet, they are deemed acceptable. Moreover, he reproduces the socially constructed idea that Europe is the place that best protects human rights, to the point that Europe is ‘very lonely’ in such a position. However, as Aiko Kolvikiki and Audrey Reeves argue, the idea of a white protector of both white and brown women disregards the fact that Europe is not always secure for women, especially refugees.^[34]

Even after the EU-Turkey Statement, the conditions of asylum seekers on the Greek Island have not improved. NGOs report that some migrants wait in substandard living conditions for the decision on whether they will be returned to Turkey, while some others have their asylum applications arbitrarily rejected.^[35] The Council of Europe’s anti-torture Committee has also condemned the Greek government’s inhuman and degrading treatment of migrants, especially of children and vulnerable persons, such as pregnant women.^[36] Human Rights Watch (HRW) points out that women and girls face various risk in Moria, so that they even avoid leaving their shelters, attending school, using the toilets or waiting in food distribution lines due to fear of sexual harassment and gender-based violence. Thus, they lack access to essential resources, such as food, sanitation and medical care. As a researcher at the HRW stated, ‘women and girls who have come to Greece seeking safety are finding the exact opposite at Moria.’^[37]

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In short, as a result of the EU-Turkey Deal, one can notice a continuum of violence against refugees and asylum seekers, particularly women. After the conflict, violence persists during encampment and resettlement. In Greece and Turkey, migrants face not only direct violence but also social, economic and legal violence as a result of the power structures that place refugees and asylum seekers as less worthy of rights than the rest of the population.

The Gendered and Racialised Power Hierarchies Within the EU Protection

Annica Kronsell advances the idea that the 'EU masculinity' in external relations envisages itself as protecting femininity from the 'Other masculinity.'^[38] However, as Sjoberg and Young argue, such an approach appears to protect the female bodies, but it actually subordinates them to the social dominance of masculinity.^[39] Having regard that public discourse at the time of the EU-Turkey Deal emphasised the need to protect the female body, I am applying the feminist critique of the logic of masculinist protection in order to analyse the gendered and racialised power hierarchies present in the public discourses about refugees.

One must recall that, less than three months before the EU-Turkey Statement was agreed, many women reported they were victims of sexual assault during the New Year's Eve in Germany, of which 492 of the attacks took place in Cologne.^[40] When the police announced that most perpetrators were of 'Arab or North African origin,' protests were organised not only by women's rights activists but also by far-right demonstrators.^[41]

As Ali Bilgic points out, European sovereignty can be produced through the emotional performance of fear and disgust, building up from the colonial practice that constructs a certain colonised object as the villainised or animalised Other. At the same time, the European masculinity needs the animalised Other to be himself: a 'civilised' and 'superior' man.^[42] Such representations of refugee men were not isolated cases at the time, as newspapers have mentioned that some policymakers were 'fretting about the social risks posed by large concentrations of male immigrants.'^[43] As a result, this logic is reproduced in the EU-Turkey Statement and its goal of 'restoring public order.'^[44]

It is also worth noticing that refugee women are not framed as 'dangerous migrants.' If refugee women were to be viewed as a threat, it would undermine the logic of masculinist protection. As opposed, the European masculinity establishes the discourse of pity for refugee women and children, present in the written text of the Refugee Deal as the goal of 'ending human suffering' and the application of the UN Vulnerability Criteria.^[45] As Bilgic argues, the 'life to be saved' concept is a neo-colonial gendered logic that produces the European sovereign man as generous, who takes the burden of working for the well-being of the colonised.^[46] However, as discussed in the previous section, compassion towards refugee women does not mean that they will be granted protection in the same terms as European citizens.

In short, the public discourse at the time of the EU-Turkey Statement reproduces certain socially constructed ideas: refugee men are ought to be feared, refugee women ought to be pitied, European women represent Europe itself to be protected, and European men are the ones who can provide the protection – posing themselves as opposed to the dangerous Other men.

Conclusion

The Refugee Statement is a controversial deal between the EU and Turkey to resolve the 'migration crisis.' As political solutions for crises are often the result of how those issues are perceived by society, this paper aims at understanding the socially constructed meanings behind the EU-Turkey Deal from an intersectional critical feminist perspective, particularly concerning the logic of protection embedded in the construction of the EU masculinity.

First, the paper infers that the EU sees the 'migration crisis' mostly as a border security crisis that has consequences for the internal public order. Although the EU has not given up on framing the 'migration crisis' as a human security crisis, the 'humans' to which the Statement refers are an ideological construction of a universal category of human beings, which reinforces the dominance of Western masculinist universalisms.

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Secondly, one might conclude that the EU-Turkey Statement contributes to the continuum of violence faced by refugees and asylum seekers during encampment and resettlement. Migrants have their social, economic and human rights restricted in Turkey – such as the lack of a recognised refugee status –, as well as in Greece – due to the critical situation they face while waiting for a decision on the resettlement process. Although Europe tries to frame itself as a champion of human rights, the situation of asylum seekers on the Greek islands – particularly women and girls – shows the exact opposite of human rights protection.

Finally, the paper addresses public discourses that reinforce the gendered and racialised power hierarchies within the EU-Turkey Deal. The neo-colonial masculinist European is constructed as responsible for protecting the EU, which is represented by the European femininity. As opposed, refugee men are constructed as the villainised and animalised Other, who should be prevented from entering Europe. At the same time, the EU envisages itself as a merciful actor that has the duty of 'ending human suffering' by preventing pitiful asylum seekers – mostly women and children – from undertaking dangerous journeys to reach Europe.

Therefore, this paper concludes that the EU-Turkey Refugee Deal is based on a gendered and racialised logic of protection to the extent that it reinforces power hierarchies that legitimise the European neo-colonial masculinity in his role as the protector of the EU public order. One might notice that the very concepts of human security, 'migration crisis' and protection are gendered and racialised, which contributes to the continuum of violence and leads to the subordination of the feminised, villainised and animalised Others to the EU masculinity.

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