

# Rebels and Refugees

*Syrians in Southern Turkey*

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The distinction between Syrian rebels and Syrian refugees in southern Turkey has become increasingly compromised in recent months. The ongoing militarization of Syrian refugees in Turkey is both organized and of significant scope, but has been overlooked in most analyses of the current events. The conflation of two supposedly divergent entities – combatants and non-combatants, together with the distinct spaces each should occupy – is a familiar one. As seen elsewhere, for example in Afghanistan, Darfur, Kosovo and Rwanda, the militarization of refugeehood not only deprives refugees of rightful protection and sanctuary, but also contributes to the protractedness of conflict. The current crisis and the nature of displacement add to the complexities of the security relationship between Damascus and Ankara. Experience from previous cases of refugee militarization should serve as a warning that the current conflation entails significant risks, and is likely to expand.

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## Militarization Observed

Today, the humanitarian, peaceful and civilian character of asylum among those fleeing Syria appears to be under significant threat. Turkey's refugee camps are not the exclusive preserve of civilians and are increasingly utilized by groups intent on overthrowing the current regime in Damascus. Syrian armed mobilization is by no means limited to refugee contexts, but goes hand in hand with a strong opposition presence elsewhere along the Syrian–Turkish border, as well as further afield in Turkey.

The conflation of refugee and rebel space can be summarized as follows:

- voluntary and direct recruitment of refugees by elements of the Free Syrian Army (FSA)
- camps used as organizational, logistic and coordination hubs by the FSA and its supporters, and also as rest and recuperation facilities
- refugees joining the FSA of their own volition following minimal interaction with the FSA

These three processes are unfolding in parallel. Moreover, it is likely that Turkey is, at the very least, condoning the activities along its southern border and, at times, actively promoting them. FSA officers have reportedly solicited volunteers at numerous refugee camps with the aid of local Turkish gendarmes. Furthermore, according to our interviews, FSA officers, foot-soldiers and funders are also given access to the refugee camps by the Turkish authorities providing they are not bearing arms. At a time when attention is predominantly focused on events inside Syria and much of the international community – notwithstanding the divisions within the UN Security Council – is supportive of both the FSA and Turkey, there appears to be little interest in problematizing the activities in the refugee camps.

Rebel groups' immersion in refugee populations represents a legal, humanitarian and logistical quagmire for the Office of the United Nations High Commissioner for Refugees (UNHCR), the UN agency whose primary purpose is the safeguarding of refugees and their rights in accordance with international law and humanitarian principles. The challenge is a familiar one: throughout the 1990s, rebels from Rwanda, Cambodia, East Timor, Kosovo, Sierra Leone, Afghanistan and Sudan entered refugee camps



Map of Borderlands Syria–Turkey

at will. Over the last decade, UNHCR has implemented a variety of measures to mitigate the proliferation of armed rebels in and around refugee camps. Nevertheless, separating combatants and non-combatants remains a demanding task. This is especially so when host states support rebel entrepreneurs in their efforts to mobilize refugees; when UNHCR and other third parties have limited access to the refugee population or are afraid to speak out; and when major global powers support the overthrow of the regime in the refugees' country of origin and may tacitly support the militarization of refugeehood.

As evidenced by activities in Turkey, the conflation of rebel and refugee space continues to defy humanitarian and legal norms. At a recent UN Security Council meeting on Syria, António Guterres, the head of UNHCR, requested that neighbouring states 'ensure that the civilian and humanitarian character of asylum is maintained' (UN Security Council, 30 August 2012). The interaction between the FSA and Turkey, in the context of the international refugee regime, has the potential to alter the configuration of the current crisis in Syria and may have long-term implications for its resolution. Those interested in maintaining the exclusively civilian sanctuary of refugeehood, and mitigating the risks that militarization of refugees represents for the further protraction and complexity of the Syrian crisis would be well advised not to overlook the unfolding activities along the Turkish–Syrian border.

## The Current Conflict in Syria

Since June 2012, the violence across Syria has escalated significantly, with August seeing the highest monthly figure of individuals fleeing the

country since the popular uprising began 18 months ago. Violent confrontations between the FSA and Syria's extensive armed forces have spread to large sections of the country, and at the time of writing there appears to be no obvious political solution to the crisis. The UN Secretary Council is unable to agree on how to resolve the conflict, and Kofi Annan's six-point plan for peace remains unimplemented. Following Annan's resignation as the Joint UN–Arab League Special Envoy to Syria, his replacement, Lakhdar Brahimi, declared in early September 2012 that the crisis appears to be 'nearly impossible' to resolve through diplomatic means. With the conflict unlikely to end any time soon, the continued and potentially expanded utilization of Turkey's refugee camps as a vital personnel and resource facility and sanctuary for Syria's armed opposition seems highly plausible.

The persistent violence perpetrated by both sides, especially the Syrian government, has been widely condemned by human rights organizations, the United Nations and numerous countries worldwide. Amongst the refugee population grievances run deep. Large numbers of Syria's diplomats, politicians, high-ranking government employees and soldiers have also fled and/or defected to the opposition. Notwithstanding the multitude of opposition political councils across Syria or the largely powerless and divided Istanbul-based opposition group the Syrian National Council (SNC), most defectors join the Free Syrian Army (FSA).

## The Syrian–Turkish Border: An FSA Sanctuary

Established in July 2011, the FSA is a disparate rubric of former army soldiers, local militias and armed volunteers. Its battalions currently control

large sections of rural Syria, including the areas along the 822-kilometre Syrian–Turkish border. A number of highly decentralized military councils (majlis askeri), along with their political counterparts – various revolutionary councils (majlis thawar) and more localized coordinating committees (tansiqiyyat) – have developed nascent structures of governance within opposition-controlled areas and enjoy significant support among the Syrian population, refugees in Turkey included.

The Syrian–Turkish borderlands play a pivotal role in terms of the military dynamics within Syria. The border area provides a nexus where rebels, refugee camps, external supporters, defecting Syrian armed forces, FSA safe houses and supportive Turkish military personnel conflate. Indeed, one of the earliest instances of an armed insurrection against the regime of Bashar al-Assad occurred in early June 2011 in Jisr al-Shughour, a town in northwest Syria’s Idlib province, just 20 kilometres from the Turkish border. Here, a small insurrectionary force composed of dissenting members of Syria’s armed forces refused to follow orders to fire on protesting civilians, and were subsequently forced – along with up to 10,000 of Jisr al-Shughour’s inhabitants – into southern Turkey, where refugee camps were formed and the FSA established. Today, Idlib province remains an FSA stronghold, situated directly opposite Hatay province in Turkey where five refugee camps are located as well as numerous FSA safe houses and Turkish military outposts. A military encampment in the province at Apaydin currently houses over 2,000 defected Syrian soldiers and lies within just 15 kilometres of the refugee camps.

Turkey was formerly an ally of al-Assad’s regime, but is now an ardent critic following Syria’s military response to what were initially largely peaceful protests. It is in this context that Turkey justifies its support to the FSA and its activities in the refugee camps. Like the SNC, the FSA’s nominal leadership is located in Turkey, and its fighters have carved out a large enclave in northern Syria contiguous with the Turkish territory from which it operates. Beyond providing a sanctuary for Syria’s political and military opposition, Turkey is reported to be arming the FSA through its national intelligence organization, Milli İstihbarat Teşkilatı (MIT). The country accordingly finds itself in a difficult position. While it is involved in allowing – perhaps even supporting – militarization among

refugees, it is also concerned about a protracted refugee situation developing inside its own borders. Turkish initiatives to establish a safe haven on the Syrian side of the border and to impose a no-fly zone in Syria, as well as Turkey’s announcement of a 100,000 limit for the number of refugees it is prepared to host should all be read in this light.

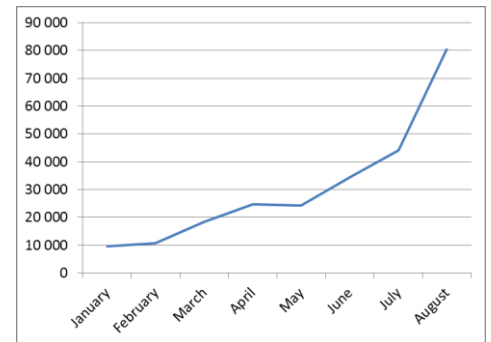
In June 2012, a Syrian air defence artillery battery shot down a Turkish RF-4E reconnaissance aircraft over the Mediterranean. Ankara described the incident as a ‘hostile act’, presented the Syrian regime as a ‘clear and present’ danger, threatened retaliation, and expanded its rules of engagement along its border with Syria. Turkey subsequently deployed a large number of tanks, armoured vehicles and heavy artillery to its southern border. The antagonistic rhetoric and the violent encounters have the potential to snowball into effects that go well beyond destabilizing the borderlands separating the two countries. That Turkey is a member of NATO, a candidate country for European Union membership and an emerging power in the volatile region means that Turkey’s being pulled into a confrontation with Damascus would entail significant geopolitical ramifications.

The summer also brought a corresponding and dramatic upsurge in violence between the Turkish military and the country’s own rebels, the Kurdistan Workers Party (PKK), which is also based along the border. The Kurdish dynamic within the regional conflict complex remains under-reported and under-analysed. Following multiple clashes in Turkey’s Hakkâri province between the Kurdish rebel group and Turkey’s armed forces, Turkish Prime Minister Recep Tayyip Erdoğan and the MIT accused Syria’s President Bashar al-Assad of supporting the PKK. While a conventional unilateral military attack by either country against the other appears unlikely at the present time, the increasing siphoning of resources to each other’s respective rebels seems probable. It is within this context of proxy warfare that Turkey is condoning – if not actively supporting – the political and military activity within the refugee camps along its border with Syria.

#### Refugee in Turkey

As of the start of September 2012, there are over 80,000 Syrian refugees officially residing in Turkey – which represents a dramatic increase since the start of the summer. The vast majority

of these (75%) are spread across eleven refugee camps in five provinces (four of which border Syria: Hatay, Gaziantep, Kilis and Şanlıurfa), with the remainder in temporary accommodation elsewhere in southern Turkey. The Afet ve Acil Durum Yönetimi Başkanlığı (AFAD) – an embryonic department of the Prime Ministry, responsible for disaster and emergency management – is responsible for administering the humanitarian response along the border.



*Syrian Refugees in Turkey, 2012 (Government of Turkey figures)*

Turkey adopted a number of reservations when it acceded to the 1967 Protocol Relating to the Status of Refugees and has established a two-tiered asylum policy. In line with this, the more than 80,000 Syrian refugees in Turkey have been accorded ‘temporary protection status’ (as full refugee status under the 1951 Refugee Convention is earmarked solely for individuals originating from Europe). Under the terms of this temporary status, the Turkish authorities guarantee an open-border policy (which allows Syrians to cross into Turkish territory), assurance against forcible return to Syria, and access to basic reception arrangements where immediate needs can be addressed.

Nevertheless, ‘temporary protection status’ affords significantly less legal and practical protection than that enshrined in the 1951 Refugee Convention. While Turkey’s 1994 Asylum Regulation – the prime domestic mechanism governing asylum – calls for the separation of combatants and non-combatants, in practice this has not occurred with the Syrian refugees. Furthermore, the multitude of preventive measures and operational guidelines developed by UNHCR over the last decade to guarantee the civilian, peaceful and humanitarian character of refugee camps, which are always open to interpretation, are in this case largely disregarded by the host state. When that state, as is the case

with Turkey, is supporting a rebel group in the country of origin, then there is limited will to initiate prescribed safeguards.

UNHCR and international NGOs – and other third parties – are rarely permitted to operate on the border, have negligible access to the camps, and are unable to undertake effective monitoring and screening. As outlined in Turkey’s Asylum Regulation, international organizations may only visit camps – subject to restrictions – once permission has been granted by the Ministry of Interior and the Ministry of Foreign Affairs ‘deem it appropriate’. In practice, UNHCR provides assistance and advice only when requested by Turkish authorities, with AFAD entrusting the Turkish Red Crescent with the operational lead.

#### UNHCR Operational Guidelines

- Combatants identified, separated and interned, and host states to ensure armed elements do not access camps
- Camps located at a minimum of 50 km from the border
- Continuous monitoring and screening of camps
- Visible and effective presence of responsible government personnel and international humanitarian agencies in camps
- Camp rules and by-laws established to promote the peaceful and civilian character of camps

Excerpts from: Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum. Geneva: UNHCR, September 2006.

Contrary to international norms, the majority of the refugee camps lie on the porous border and in the vicinity of Syrian territory controlled by the FSA. UNHCR’s guiding principle that

camps should be located at least 50 kilometres from the country of origin – in large part to maintain the humanitarian, peaceful and civilian character of asylum – has not been implemented. Rather, the 1994 Asylum Regulation dictates that ‘front-line assembly areas’ should be established as close to the Syrian border as possible ‘in order to prevent the accumulation inside our borders of aliens coming into Turkey’. The situation is made even more complex by the location of FSA encampments, supporters, safe houses and the Apaydin encampment all within southern Turkey and in close proximity to the refugee camps. Even defected Syrian officers housed at Apaydin have been known to travel the short distance to the refugee camps together with Turkish gendarmes, where they have engaged in the direct recruitment of refugees. Overall, the result is a flow of personnel between combat zones, rear bases, encampments and the refugee camps (where the FSA can recruit and rebels can moonlight as refugees), and between the camps and the combat zones (where refugees can engage in military activities).

#### Recommendations

The conflation of refugees and rebels is likely to intensify if the conflict in Syria becomes increasingly protracted. Outside the region, the appetite for constraining military mobilization seems virtually non-existent. The long-term implications of the unfolding refugee militarization, both for refugee protection and for political stability in Syria and the wider region, may be severe. Drawing on insights from other cases of refugee militarization, we identify five core recommendations of the unfolding developments along the Syrian–Turkish border.

**Access:** Independent humanitarian actors require full access to the refugee camps, with no restraints on their monitoring and reporting of the situation. Access, as well as the transparency

that comes with it, is fundamental to the ability to safeguard refugee rights and uphold humanitarian principles.

**Refugee protection:** Syrian refugees in Turkey have the right to reside in camps of an entirely civilian nature, in which, for example, military recruitment campaigns or military organizational meetings do not occur. This presumes that effective measures are implemented to distinguish between rebels and refugees, both on arrival and during individuals’ residence in exile.

**Humanitarian principles:** The merging of humanitarian life-saving support to refugees and political-military support to rebels contravenes basic humanitarian principles, empowers military entities, and renders refugees vulnerable. Refugee registration, camps, supply lines and other support mechanisms are better administered by specialized actors who have no conflict of interest or engagement with the Syrian opposition.

**Regional ramifications:** Tensions between Syria and Turkey are likely to be further exacerbated by refugee militarization, as we have seen in similar cases. A regime change in Syria is likely to be followed by high regional conflict levels. International political actors should place the issue of refugee militarization high on their agendas, as part of the political dialogue in the larger region that aims to prepare the ground for a post-Assad Syria.

**Knowledge:** Knowledge of the situation for Syrian refugees in Turkey, and of the activities of the SNC and the FSA in relation to refugees, remains scant. While this is in large part an effect of limited access, there is also a need to invest more to monitor and analyse the ongoing situation in order to formulate relevant preventive measures and to be better prepared for the challenges of tomorrow.

#### THE AUTHORS

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#### THE PROJECT

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#### PRIO

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