Proposed refugee resettlement into Syrian “safe zone” carries significant risks

Women displaced by renewed fighting in Syria. Photo: Alan Ali/WFP

by Caelin Briggs and Rebecca Barber

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Two weeks after the start of Turkey’s military operation in northeast Syria, Turkey and Russia have reached a deal they say will see the withdrawal of Kurdish forces from a 30km wide “safe zone” along the Syrian side of the Turkish border.

The deal allows Turkey to retain control over the “safe zone”, seemingly paving the way for it to proceed with its controversial proposal to resettle up to two million Syrian refugees in the area.

Putting aside questions around the legality of Turkey’s unilateral establishment of the “safe zone” in the first place, the plan has critical humanitarian and human rights implications.

Potential humanitarian catastrophe

First, most of the refugees Turkey plans to move into the “safe zone” would not be returning to their homes. The majority of the Syrian refugees in Turkey are from western Syria, several hundred kilometres from the proposed resettlement area. Turkey hosts the largest number of refugees in the world, so it’s understandably eager to find durable solutions for Syrian refugees, but the “safe zone” plan offers no such thing. It just uproots them once again.

While Turkey has promised to build villages for the resettled refugees, the timing and funding is uncertain. Because of the ethical, legal, and logistical questions associated with the resettlement plan, many major donors have indicated that they won’t fund humanitarian or development operations within the “safe zone.” Without funding for adequate preparations, the proposed resettlement could create a new humanitarian disaster.

The resettlement of two million refugees into the “safe zone” would also be a major population influx. It could displace Kurdish families already there, tens of thousands

of whom have already been forced from their homes during the military operation.

Attention will need to be given to ensuring that civilians who fled over the past fortnight are allowed to go home, and that the requirement that Kurdish armed forces withdraw is not used to further displace Kurdish families or prevent civilian returns.

It is worth noting that no “safe zone” has ever fully succeeded. At best, some have provided temporary refuge to people facing an imminent threat of violence – as was the case in Iraq in 1991 and South Sudan in 2013. At worst, they have provided a false sense of security and entrapped populations who have lost their lives as a result. The “safe zones” of Bosnia – which saw 8,000 Muslim men and boys massacred in 1995 – stand out as the most egregious examples, but Rwanda and Sri Lanka both also saw supposed “safe areas” end with devastating consequences. In Syria, the creation of the “safe zone” has already sparked significant violence in an area that has until now been relatively calm.

Given that the proposed inhabitants of the Syrian “safe zone” are not faced with imminent attack, but rather are living in relative safety in Turkey, moving them to an area where they would almost certainly be at greater risk would be unconscionable.

Refugee rights

The cornerstone of international refugee law is the principle of *non-refoulement* – namely, that someone with a well-founded fear of persecution cannot be returned to a place where his or her life or freedom would be threatened. The principle is considered a norm of customary international law, which means that it applies to all countries regardless of whether or not they have signed up to the Refugee Convention and regardless of any reservations they have made.

There is no guarantee that Turkey’s ”safe zone” would be safe for the refugees Turkey seeks to resettle. Men who refused to fight on behalf of the Syrian Government or a militia group may face persecution, for example, even if large-scale conflict has ceased. To comply with international law, each individual’s risk of persecution would need to be assessed on a case-by-case basis before they could be returned to Syria. Turkey has not given any indication that it will do this.

There is also an emerging consensus in international refugee law that if individuals are to be returned to “alternative areas,” they must not only be free from persecution, but it must be “reasonable” and not “unduly harsh” for them to live in the proposed area. The question of reasonableness should consider personal circumstances, past persecution, safety and security, respect for human rights, and prospects for economic survival. Given that the proposed “safe zone” plan entails

resettling refugees to an area that is still affected by conflict and where there is considerable uncertainty around living conditions and rights, it is unlikely that it would pass the “reasonableness” test.

Where to from here?

Many states, human rights groups, and humanitarian actors have called on Turkey to abandon its refugee resettlement plan. Turkey should heed these calls. But if it doesn’t, it must at very least take steps to ensure compliance with international refugee law and avert a humanitarian catastrophe. These include seeking agreement from all authorities and armed groups on how refugees will be protected, and not forcing any refugees to resettle without an individual assessment of their protection claims.

Most importantly, Turkey must continue to offer protection to individuals fleeing violence or persecution, irrespective of any “safe-zone” on the Syrian side of the border. At the end of the day it’s up to the Syrians to decide whether the “safe zone” is safe, and if they decide it’s not, then Turkey must comply with its legal obligations and allow those already residing in Turkey to stay there, and those fleeing persecution in Syria to cross the border.

Finally, countries like Australia need to do their part to support Turkey and other refugee-hosting nations. A key contributor to the current crisis is that globally, refugee resettlement is falling far behind UN targets. Turkey hosts over 3.6 million refugees – Australia by contrast takes in 18,750 a year. Australia can and should do more, and it has the opportunity to do so by stepping up its commitments at the Global Refugee Forum at the end of the year.

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Link:
https://devpolicy.org/proposed-refugee-resettlement-into-syrian-safe-zone-carries-significant-risks-20191025/