

THE DETERMINANTS OF  
INTERNATIONAL AND STATE LEVEL RESPONSES TO REFUGEE CRISES:  
A COMPARATIVE ANALYSIS OF  
SYRIA (2011-2016) AND RWANDA (1990-1994)

by

SEVDENUR KÖSE

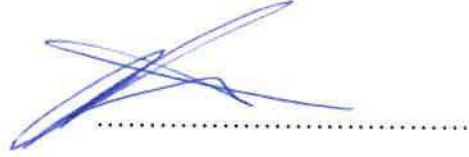
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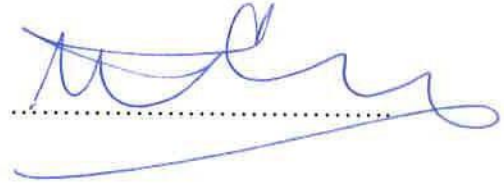
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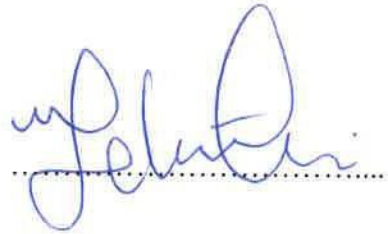
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## **ABSTRACT**

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**Thesis Supervisor:** Prof. Meltem Müftüler-Baç

**Keywords:** refugee crisis, state, international organization, NGO, Syria, Rwanda

This thesis explores the determinants of responses by various actors to massive migration as a result of civil wars. The main claim is that certain characteristics of an armed civil conflict have determining influence on actors' attitude towards refugee crises that arises with civil wars. The thesis proposes that the characteristics of conflict such as geographical proximity of the conflict, refugee type and profile, the foreign policy positioning of the sender country have a significant impact on the actors' responses to refugee crises. The international actors are examined in two categories: intergovernmental organizations and NGOs. To explore the behavior pattern of actors, the analysis is conducted through a comparative case study of the refugee crises erupting after the Syrian (2011-present) and Rwandan (1990-1994) civil wars. The goal of analyzing the Syrian and Rwandan conflicts is to understand which factors, present in the Syrian case and absent in the Rwandan, alerted international and state level actors to respond. The general conclusion of the two case analysis is in parallel with the findings of the realist school; states remain to be the main actors of the response to the even humanitarian cases such as refugee flows.

## ÖZET

### ULUSLARARASI VE DEVLET DÜZEYİ AKTÖRLERİN MÜLTECİ KRİZLERİNE YANITLARI: SURIYE (2011-2016) VE RUANDA (1990-1994)

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**Tez Danışmanı:** Prof.Dr. Meltem Müftüler-Baç

**Anahtar Kelimeler:** mülteci krizi, devlet, uluslararası organizasyon, STK, Suriye, Ruanda

Bu çalışma, çeşitli aktörlerin iç savaşlar sonrası ortaya çıkan mülteci krizlerine verdiği yanıtları belirleyen etkenleri araştırmaktadır. Temel iddia, silahlı iç çatışmaların bazı özelliklerinin, iç savaş sonrası çıkan mülteci krizlerine aktörlerin verdiği tepkiler üzerinde belirleyici etkisinin olduğudur. Bu tezde, çatışmanın coğrafi yakınlığı, mülteci tipi ve profili, mülteci üreten ülkenin dış politikadaki konumu gibi çatışmaya dair özelliklerin aktörlerin mülteci krizlerine verdiği yanıtta önemli bir etkisi olduğu ileri sürülmektedir. Uluslararası aktörler iki kategoride incelenmiştir: hükümetler arası kuruluşlar ve STK'lar. Aktörlerin davranış biçimlerini incelemek amacıyla Suriye (2011-şimdi) ve Ruanda (1990-1994) iç savaşları sonrası ortaya çıkan mülteci krizlerinin kıyaslamalı analizi yapılmıştır. Ruanda ve Suriye çatışmalarını incelemekteki amaç, Suriye vakasında bulunup Ruanda'da bulunmayan faktörlerden hangilerinin devlet ve uluslararası aktörleri harekete geçirdiğini anlamaktır. İki vaka analizinin genel sonucu realist ekolün tespitleriyle paraleldir; devletler, mülteci krizi gibi insani krizlerde dahi en temel aktörler olmayı sürdürmektedir.

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## List of Symbols and Abbreviations

UNHCR	United Nations High Commissioner for Refugees
UN	United Nations
EU	European Union
UNAMIR	United Nations Assistance Mission for Rwanda
IGO	Intergovernmental Organizations
NGO	Non-governmental Organizations
IO	International Organization
EC	European Commission
R2P	Responsibility to Protect
IDP	Internally Displaced People
UNGA	United Nations General Assembly
ICRC	International Committee of the Red Cross
ARA	American Relief Association
SCF	Save the Children Fund
CARE	Relief Everywhere
OXFAM	Oxford Committee for Famine Relief
MSF	Médecins Sans Frontières
IS	Islamic State
ECHO	European Commission's Humanitarian Aid Office
AFD	Alternative for Germany
CDU	Christiaan Democratic Union of Germany
HRW	Human Rights Watch,
TPD	Temporary Protection Directive
OIC	Organization of Islamic Cooperation
IOM	International Organization for Migration
WFP	World Food Program
AIDA	Asylum Information Database
RPF	Rwandan Patriotic Front
ICAR	Information Centre about Asylum and Refugees
OAU	Organization of African Unity
RTML	Radio Télévision Libre des Mille Collines
ADFL	Alliance of Democratic Forces for the Liberation of Congo-Zaire
USAID	United States Agency for International Development

## INTRODUCTION

*“Perhaps refugees matter most because they graphically represent the uncertainties and fears of coping with the future. Refugees are chronic features in the human experience. Today, they are the flesh-blood personification of the chaos and insecurities that we confront in the new century which seems so suddenly fraught with danger. They are a manifestation of instability in international relations”*

*Arthur C. Helton-The Price of Indifference*

Humankind is nowadays experiencing one of the toughest times since the World War II. As a result of violence, oppression and wars 60 million people have been forced to flee from their hometowns after 2013. The daily figure of forced displacement is 42,500; meaning that one of 122 individuals has become a refugee, asylum seeker or internally displaced person. Up to 51% of these forcibly displaced people target Europe as their final destination and country of asylum. Announcing all these figures, UNHCR describes the situation as a “paradigm change”<sup>1</sup> towards an era of unchecked global displacements at record levels. The initial phase of this change was during the mid-1990s with the Rwandan civil war that displaced approximately 3.5 million people (Whitaker, 2002). The peak, for now, is the Syrian refugee crisis with more than 13 million forcibly displaced population as of July 2016. Although the UN considers the issue as one of “the five core responsibilities in the name of our shared humanity”<sup>2</sup>, it is still puzzling why the state actors and international organizations fail to develop working strategies for responding the refugee crises. What would be the factors that affect the formulation of an effective response by the states and international actors?

The term “refugee” is only four hundred years old even though it seems to be older at the first glance. The concept was formulated after the persecution of Protestants by French and uprooted 200,000-300,000 Huguenots population (Dowty and Loescher, 1996). Since then, the world has witnessed various refugee influxes paving the way to the drastic increase in

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<sup>1</sup> From the Speech of António Guterres, UN High Commissioner for Refugees, 2015.

<sup>2</sup> The UN, “Report of the UN Secretary-General for the World Humanitarian Summit”.

the magnitude of the world's refugees. However, the international aid and the institutional responses to the crises has come behind time, with the establishment of the United Nations High Commissioner for Refugees (UNHCR) in 1951 and the Convention Relating to the Status of Refugees with the purpose of seeking for permanent solutions for displaced people (Cohen and Deng, 1998). When the Commissioner was founded, the number of refugees of concern for the UNHCR operational scope was 1.5 million, according to the refugee description of the Convention. It scaled up to 8.3 million in 1980; and then skyrocketed to 17.4 million in 1990 whereas to 19 million in 2000 (UNHCR Database, 1980-2000).

Today, with the ensuing developments in world politics, new categories other than "refugee" of the 1951 Convention were formulated for describing people uprooted as a result of war, such as Internally Displaced People (IDPs). UNHCR's annual Global Trends Report records the highest level ever on the worldwide displacement as 59.9 million (UNHCR Global Trends Report, 2014). The exceptional increase in the figures sparks off the globalization of the refugee phenomenon, as more and more countries and regions are getting involved in the repercussions of massive influxes.

During its history, the massive migration of people in various ways and forms was an ostensible and rhetorical concern for many actors. However, with the globalization of the phenomenon together with its direct linkage to international security and human rights; actors in the international arena were repressed to somehow formulate a response to it. During and after all instances of mass migration, one common question prepossesses researchers, journalists and activists: The world stood by the tragedy of refugees and nothing has been done to stop it, why? As the side effects of civil wars, massive number of civilians were influenced and forcibly displaced but most doors were shut to their face, why? Coming to the exceptionally few ones who kept the door open, what made them different and what was the motivation of these actors to welcome refugees? These are legitimate questions that require close attention and analysis.

As "the manifestations of instability" refugees are, according to the former U.S. Coordinator of Refugee Affairs Jonathan Moore, "human rights violations made visible" (1987, quoted in Drüke, p.217). Dowty and Loescher describe the transformation of the

problem in their words: "... the global refugee problem is assuming new dimensions that require new and different approaches. Charity is insufficient to deal with today's refugee crisis" (1996, p.69).

Most scholars agree on the claim that refugees and internally displaced people will constitute a major concern for nation-states as well as the international community. One way of dealing with the refugee problem is to prevent conditions that prepare the ground for massive displacements. Further research, thereby, is a necessity for the international relations scholars to develop theories for understanding dynamics of conflicts that uproot masses and prominent scholars put tremendous effort for this endeavor under correlates and causes of wars. On the other hand, problems related with the post-conflict phase are other issues of concern; hence refugees and asylum seekers are a central focus for this line of study. To detect systematic obstacles of states and international actors to ease the humanitarian suffering of refugees deserve detailed analysis of the responses of various actors to refugee crises.

With this purpose, this thesis investigates the various determinants of responses from different actors. The method used is Process Tracing where a deeper analysis of these determinants specific to the selected cases will be conducted. This method is considered to be complementary for the comparative case study research. Process Tracing helps researchers to detect intervening variables, if any, and develop better causal inferences on the present independent variables (Bennett and George, 2005). The aim is to search for a pattern, if exists, of the conflict related factors in determining the actor-responses to the refugee crisis that emerge as a result of civil wars.

This thesis deals with these issues in the following manners: Some concept definitions are provided beforehand to prepare the ground for discussion. Then the Chapter 1 presents the literature on actor responses in three categories. The first discussion is on the state-level actors and their approach to massive influxes. In the second part, the literature on organizational responses is divided into two: intergovernmental organizations and non-governmental organizations.

Afterwards, the following chapters 2 and 3 introduce the cases by following the same order of actor analyses. In the second chapter, the determinants of state level and organizational level responses for the Syrian refugee influx are explored. The organizational responses are investigated again as intergovernmental organizations and non-governmental ones. A similar discussion is carried out for the Rwandan refugee crisis in chapter 3.

In the final chapter, a comparative analysis of the Syria and Rwanda cases is conducted. Here, the main findings of this thesis is presented; and the determining factors of actors' responses to refugee crisis are discussed in the fourth chapter. Then the study is concluded with some suggestions for future research based on the propositions of this study. The aim of this study is to contribute to the effort of understanding state and organizational behavior in the anarchical nature of the world system by analyzing the approaches of these actors to a humanitarian issue, that is refugees. The expectation is that comprehending the factors determining how actors behave and react to each other will help us to find ways to overcome the systematic obstacles to end human suffering.

## CONCEPT DEFINITIONS

*“It was very bad it took a long time. You don’t have confidence whether you are accepted or not... It is better if you have status; status is everything. Without status you have nothing... with status it is good.”*

*Alemu, Refugee in Kenya<sup>3</sup>*

To discuss actor responses to massive migration, certain definitions of various statuses about massive migration should be clarified in order to set a firm ground for further analysis. In the following part, definitions of fundamental terms such as “refugee”, “asylum seeker” and “temporal protection” are provided.

To begin with, the term *refugee* is defined in 1A of the *1951 Convention Relating to the Status of Refugees* of the United Nations High Commissioner for Refugees (UNHCR) an individual who:

“... owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail him[her]self of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (1951 Geneva Refugee Convention, 1951, 1A(2)).

The person’s “well-founded fear of persecution” in the country of nationality is the main reason for a person to ask for asylum to another country. That means in order for the refugee status to be granted, the asylum seeker should convince the authorities that she or he will face the fear of persecution if goes back to the country of nationality. Another point of concern in the definition is “protection” which is supposed to be provided by the country of origin. If the country fails, then the Convention puts the responsibility of protection on the other actors in the international arena. The status of refugee is embodiment of this protection.

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<sup>3</sup> Quoted from Odhiambo-Abuya, 2004, p.196.

There are different categories of refugee status which could be classified as: Asylum seeker, prima facie refugee, temporary protection or beneficiary of subsidiary protection and internally displaced people. Below, detailed definitions for these terms and their differentiating aspects are presented.

Asylum, simply put, is the request for refugee status. The UNHCR differentiates between an asylum seeker and refugee as a claim for a status and grant of the claimed status. An *asylum seeker* is an individual who comes to the authorities in a state claiming that she is a refugee. She becomes a refugee when the necessary investigation is conducted and her status is finalized (UNHCR, 2016<sup>4</sup>).

An important distinction between the refugee and asylum seeker is a procedural one with regards to the location of the individual at the time of application. An asylum application can be reviewed if the person submitting the application is physically within the territory or at a port of entry to the host country. On the other hand, a refugee application is reviewed when the applicant is outside of the country from which he/she asks for refugee status (Ostrand, 2015).

*Prima facie refugee status* is a closely related concept for the purposes of this article. It is a group determination with a *prima facie* (i.e. at first appearance) basis developed for the cases of massive migration as a result of the overwhelming application for the state capacity. For the situations of massive influx following a civil war, with this status, the displaced people are ensured protection, non-refoulement and humanitarian treatment. This status usually applies in such a situation that states are unable to investigate the individual applications of the overwhelming number of asylum seekers. In fact, states do not need to investigate the real reasons for the applications; because the reason is sufficiently self-explanatory and genuine (Rutinwa, 2002).

The *Temporary Protection Status* is another term, similar to the prima facie refugee status in that it is a status referred in the cases of massive influx. However, its difference is that the individual is not guaranteed with a permanent asylum and hence does not have the rights that the Convention offers. UNHCR recognizes this kind of a status that states grant,

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<sup>4</sup> UNHCR Glossary, “Status Determination and Protection Information Section”.

but the Commission underlines certain points. Most essential one is that this temporary protection should be for a “reasonable” period of time. The protector states should not prolong the duration of temporary protection and grant the asylum seeker with refugee status (Rutinwa, 2002). Moreover, UNCHR recognizes this type of protection as a “pragmatic tool of international protection” as a result of states’ response to the overwhelming influx incidents (UNHCR, Guidelines on Temporary Protection or Stay Arrangements, 2014). A very similar status may be entitled differently at the regional basis, such as *beneficiary of subsidiary protection*, for the person who seeks asylum; but, does not qualify the refugee status according to the European Law’s Qualification Directive (Revised version of 2011, Article 2(f)).

As a part of the refugee status, a related concept is the invocation of a *cessation clause* that implies the termination of the status as the conditions leading to grant of the status exists no more. According to the 1951 Convention, the clause is invoked “in situations where, due to a change of circumstances in their home country, refugees no longer require international protection and cannot, therefore, refuse to avail themselves of the protection of their country.” (1951 Convention, Article 1). The cessation clause goes in effect when the situation in the country of origin has been stabilized for the long term and the reasons and circumstances for asylum that made the person flee do not exist any more.

Finally, *Internally Displaced People* (IDP) is the term attributed to the people who are forced to flee from their home, however within the boundaries of their country of nationality. Because this kind of flight takes place within the country, the IDPs cannot ask for asylum and reach protection by a second state. Situations leading to emergence of massive IDP populations are cases of armed civil conflict, generalized violence, human right violations or disasters. For the most part, the problem is that generally the incumbent governments are either unable or unwilling to realize their protection function (Hampton, 2014).

IDPs are different from refugees; both in terms of description and coverage. To understand the substantial nuance between refugee and IDPs, United Nations Human Rights Office of the High Commissioner, in “Guiding Principles on Internal Displacement” which is



prepared for clarifying the gray areas as IDPs, makes the essential distinction why refugee status is not granted to the IDPs:

Persons forcibly displaced from their homes who cannot or choose not to cross a border, therefore, are not considered refugees, even if they share many of the same circumstances and challenges as those who do. Unlike refugees, these internally displaced persons do not have a special status in international law with rights specific to their situation. The term "internally displaced person" is merely descriptive<sup>5</sup>.

All the above descriptions prioritize states as the party to formulate some kind of action and the legal base for that action when faced with a massive influx. Under the scope of the Responsibility to Protect -which will be further discussed in the following parts- states are identified as the primary responsible actors for “protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement” (UNGA, 2009<sup>6</sup>). This responsibility points at states one more time when it comes to refugee protection, according to O’Sullivan (2012). Underlying this crucial point, she reaches to the conclusion that all the abovementioned status descriptions are based on state and nationality. In relation to that, by referring to the requirements of granting the refugee status -such as being outside of the country or asking for protection of another country- O’Sullivan underlines the fact that the Convention centralizes the state as the main actor for responding to mass influxes (p.89).

Thereby, an *ipso facto* discussion emerges over what states should do and what are their responsibilities. The principles of Responsibility to Protect (R2P) and non-refoulement are the keys for following this discussion. These concepts and their relation with the state-level responses to the refugee crises, together with the literature built around them will be discussed in the next section.

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<sup>5</sup>United Nations Human Rights Office of the High Commissioner.

<sup>6</sup>United Nations General Assembly Secretary-General's 2009 Report, “Implementing the Responsibility to Protect”.

# CHAPTER 1

## THEORETICAL FOUNDATION

### 1.1. Literature on the State-Level Actor Responses to Refugee Crises

*“We must ... move towards embracing and acting on the ‘responsibility to protect’ potential or actual victims of massive atrocities. The time has come for governments to be held to account, both to their citizens and to each other, for respect of the dignity of the individual, to which they too often pay only lip service. We must move from an era of legislation to an era of implementation. Our declared principles and our common interests demand no less.”*

*Former UN Secretary-General Kofi Annan*

Explaining the state behavior has been one of the heated debates in international relations studies. Although the labels may vary such as idealists versus constructivists or realists versus liberals; there have been two main camps around which the discussion gathers: norms versus interests, as the motivation for state behavior.

Scholars adopting a constructivist approach to the debate between norms and interests mostly argue that norm-based evaluation has a powerful influence on particularly issues such as burden sharing considered as a part of common good (Thielemann, 2003). Comparing ‘the logic of expected consequences’ with ‘the logic of appropriateness’ (March and Olsen, 1998), they conclude that the institutional context, the perception of the others about what is ‘appropriate’ and the socially constructed principles are decisive on the actions of actors.

Particularly, this ‘norms versus interests’ debate comes to the table while discussing the human rights regimes. The claim is that with the collapse of the Soviet Union, the end of the Cold War and the thereafter relative enhancement in international trade, states and other international actors tend to adopt normative evaluations of matters regarding human rights (Rosenblum and Saleyhan, 2004). To put it in Jacobon’s words:

International human rights codes . . . are becoming the vehicle that is transforming the nation-state system . . . [and] the basis of state legitimacy is shifting from

principles of sovereignty and national self determination to international human rights (1996, p.2; quoted from Rosenblum and Saleyhan, 2004).

However, this claim has been challenged from various perspectives and schools. The interest-based approach of the realist account takes cost-benefit calculation of actors for their decision making processes. For this perspective, institutional context does not influence the actor's decision. States, being the rational utility maximizers, follow their interests even if the subject matter is human rights. Theories around phenomena such as *realpolitik*, *raison d'état* or security dilemma have been developed around the realm of realism. (e.g. Mearshimer, 1994; Waltz 1984).

Following the assumptions of realism, this thesis is centralized around the idea that states, as still being the main actors of the international arena, base their decision on their rational calculations of interests even if it comes to humanitarian intervention. For their cost-benefit calculations, states put their very basic survival instinct at the center and prioritize their security. The state logic follows consequentialism which dictates that it is better to have a bounded scope of humanitarian intervention than having no agreement at all. Hence, the conclusion is that it is always going to be up to the moral/cultural/normative or material calculations of those who have the power to engage in humanitarian intervention (Brown, 1992).

Moreover, during the crisis of massive influxes, Wheeler asserts that there will be always a room for state manipulation of humanitarian intervention, by the strong making it a weapon turned against the weak (2000). States will never intervene unless their self interests guide them to do so. Exceptionally enough, it is only a hope to wish that humanitarian intervention would coincide with the national security targets. Inevitably, this paves the way for selective intervention and instrumental humanitarianism. The logic behind this selectivity is that states never risk the lives of their own people to save foreigners unless they have an interest out of it. For this foreign operations, what prevents intervention is the statist Huntington logic, as he asserted on the US intervention in Somalia:

It is morally unjustifiable and politically indefensible that members of the US armed forces should be killed to prevent Somalis from killing one another (quoted from Smith, 1998, p.63).

Similarly, refugee protection and granting of asylum is applied selectively. For the realistic thinking, refugees are not considered as victims of wars; they are rather actors in civil wars. They are one critical source of instability and a heavy burden for some cases; they may even constitute existential threats to the state structure (Wheeler, 2000).

Coming to the humanitarian law and norms on international protection, according to the realists, the state perception is that justifying normative commitments to rules is a part of the pursuit of interests. That is why, abiding by rules and norms in fact it is a part of the game to avoid moral and material sanctions (Wheeler, 2000). When it comes to refugees, these norms, which are supposed to protect interests should be framed in such a way that national security of states is prioritized (Whitaker, 2002). Mostly, states do not prefer to make ‘naked threats’; thus they find something to put on their claims in order to legitimate what they do in the eyes of domestic and international constituencies (Wheeler, 2000). Hence states may welcome refugees as long as they do not constitute a threat. When a state does not see an existential threat, then rational calculations come into the picture: whether or not accepting a refugee would provide benefits for the interests of that state.

At this point, the idealist understanding of humanitarianism experiences a shift; from monistic humanitarianism to instrumental humanitarianism. The former one was described as determining laws and principles purely based on human rights and freedoms. Instrumental humanitarianism, on the other hand, provides alternatives for decision makers to choose best serving method to its own calculations. Acting similar with economists, this cost-benefit analysis mostly shapes the strategies of actors towards humanitarian intervention and assistance to refugees (Whitaker, 2002). Although this shift has been claimed to happen in 1990, political and rational approach to international protection is an old and long-lasting phenomenon (Callamard, 1994).

One way to understand the applicability of these various theories would be to look at the state behavior when faced with an international crisis. This thesis, approaches to the crises that emanate as a result of massive migration; since this type of crises are, on the one hand an issue of human rights and related norms; and an issue of national security and interest, on the other, posing the old well-known dilemma.

Looking from this window of state perspective towards refugee protection and asylum granting at times of massive influx, two essential concepts come to the forefront: the principles of Responsibility to Protect and non-refoulement. This section begins with the discussion of these two principles and moves to the theories on factors that prepare the ground for refugee production and the corollary state responses.

### *The Principle of Responsibility to Protect*

In 1990s, after the end of the Cold War, developments in the Middle East, Africa and Balkans have resulted in revisions of international law and state obligations for protecting individuals from violence. The civil wars and ethnic cleansing instances that the international community was highly criticized for its inaction resulted in revision of the perspective towards humanitarian intervention (Barbour and Gorlick, 2008). In the 2005 World Summit Outcome, a new norm was accepted by the UN member states called The Responsibility to Protect (R2P). This is the principle that mainly shapes both international and state level responses to most human rights violations. Although R2P principle is one of the concepts in political science that there is no definitional consensus; the common sense implies the logic behind it and frames as the following:

R2P is the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe ... but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states (ICISS Report, 2001).

The definition of the UN, on the other hand, contains three pillars of the R2P principle which will be discussed in the following section on international responses:

1. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
2. The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
3. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations (UN World Summit, 2005).

The relevance of the concept for this chapter is that sovereign states are held responsible first for protecting their own citizens, and then all the others who are in need of protection. The R2P dictates that humanitarian intervention is legitimate when states fail to apply human rights massively and systematically (Wheeler, 2000). Hence the second part of this twofold burden on the state is about the encumbrance that comes as a result of being a member of the international community. Specified as responsibility to prevent, responsibility to react and responsibility to rebuild (Barbour and Gorlick, 2008), the R2P concept in general puts the burden of protecting victims of mass atrocities on the state and checks it with international community which is again made out of mostly state actors. Hence, although the term R2P was formulated by the international institutions with regards to the international community, the practical burden of protecting victims is still on individual states. The fact that the international system positions the nation state as the main responsible for both refugee outflow and protection supports the main purpose of this thesis. Rather than the international community in general, individual states are the major actors that are held accountable for their actions by the international law, when they give rise to humanitarian crisis (Dowty and Loescher, 1996).

Arguably, the main reasoning behind the idea of responsibility to protect might be connected to the *raison d'état*. The literature on refugee flows focuses on the probability of increased violence as the scope of influx expands. Although it differs across cases and within context, scholars argue that refugee influxes are statistically significantly correlated with the probability of civil as well as international conflicts (Saleyhan, 2007; Saleyhan and Gledistch, 2006). The impact on civil conflict may be in the forms of (1) economic burden on the host country, (2) upsetting the ethnic balance of the host country or (3) directly threatening security of the host (Saleyhan, 2007) by what Zolberg et al. term as “refugee warriors” (1979). Considering the vitality of the impacts of refugee flows on host country, and the neighbor states (Weiner, 1996), responsibility to protect, as a mechanism to avoid undesired consequences is a perfectly rational act for individual states and their survival.

### *The Principle of Non-refoulement*

*Refoulement* stands for the deportation of individuals who could have been entitled to the refugee status since he/she qualifies for some conditions. The *non-refoulement* principle, as the 1951 Refugee Convention defines in Article 33(1):

No Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (1951 Geneva Refugee Convention).

The refugee status is granted by states as a form of protection based on the *non-refoulement* principle together with the international or national refugee rights (Eurostat, 2016). Most scholars agree that this principle constitutes the core content of the protection phenomenon also within the understanding of customary law (Lauterpacht and Betlehem, 2000; cited from Supaat, 2013). Goodwin-Gill and Mc Adam analyze the historical evolution of the international refugee law and conclude that “there is substantial, if not conclusive authority that the principle is binding on all states, independently of specific assent” (1996, p.351).

Chimni (2000) argues that although states have varying approaches to asylum recognition and refugee rights, all states agree on the principle of *non-refoulement* and conceive it as a duty to not to force an individual to go back to a country where she will face persecution or fear. The cases in which states, in their actions, seem to be not in lined with this theoretical commitment are considered as violations to the *non-refoulement* principle; hence scholars do not consider it as denial or rejection of the principle. To put in other words, the justifications of states for their breach of international law is actually an acknowledgement of their commitment to the principle (Supaat, 2013; Rodger, 2001).

However, the realist account discusses that the international norms regarding the states sovereignty leave the room for human rights violations; giving states license to bomb its people. The point on the humanitarian intervention that becomes a discussion point is the contradiction between morality of norms and actual material state practices. Although states adopt the norms and principles as *de jure*, the implementation and enforcement phases are problematic and real concerns emerge there. History proves that in some cases, states turn their war making machinery against their own citizens. Thus, for some cases, norms may

grant states the autonomy to violate human rights and devalue the international law (Wheeler, 2000).

### *Determinants of State Responses*

Other than the legal framework for state responsibility and behavior, there are certain conflict related factors which shape state behavior. First of all, spillover effect is one of the possible repercussions of the refugee crises in the eyes of governments. Also termed as the neighborhood effect, it corresponds to the probability of conflicts to ricochet into neighboring countries when the refugee number soars in a limited time period (Weiner, 1996). The roots of the spillover effect go back to the fact that civil wars create various costs for the neighboring countries. These costs can fuel certain mechanisms in the neighbors which results in civil conflict. One of these costs is human costs of civil war, which may pave the way for spillover effect to the neighbors, even to a neighborhood (Salehyan, 2007; Weiner, 1996; Widgren, 1990).

As the probability of a spillover emerges, states perceive the refugee influxes as a threat to their existence, namely to the national security. The destabilizing impact of refugee flows doubled with the potential of spillover leading to regional wars urges the need of states to develop self-protection mechanisms (Dowty and Loescher, 1996).

Another conflict related factor that affects the state responses is the type of refugee that the conflict produces. Characteristics of refugee groups that demonstrate the level of cultural proximity of refugees and host society shape the state responses to the crisis. States evaluate the commonalities and differences of two societies and formulate a response accordingly.

The literature on refugee studies categorizes the refugees in order to analyze the level of each category's potential for inciting another civil conflict or somehow engaging in human rights violations. Lischer (2005), conducting various case studies on refugee camps, comes up with three types of refugees: situational, persecuted and state-in-exile.

The first category of situational refugees are the victims of mass atrocities and chaos of war. The refugees of this type are considered to be willing to return their home country after the provision of sustainable peace and stability. Also they are assumed to have the



least tendency to involve in military actions (Saleyhan 2014). The second category of persecuted refugees are the individuals who chose the path to flee into another country because they were among the direct targets of violence and pressure on their groups or identity. Ethnic cleansing cases are considered under this category. This type also described as willing to return however they require credible guarantees of security for themselves and families in case of return. Compared with the first type, prosecuted refugees are more likely to engage in violence against the oppressive regime. Finally, the state-in-exile type of refugees are the ones who flee for political and military reasons, mostly to escape from a likely defeat in the battle. The fragile position of this type of refugees deter them from returning home. The only case which makes the return option viable for them is a change in government back home. This refugee type is the most likely to involve in insurgency considering that these are the remnants of the previous government after a coup d'état.

By this classification, Lischer (2005) establishes a scale for the probability of a refugee to get militarized and partake in violence. A state perceives the need to evaluate the possibility that refugees that it grants asylum are actually among the “refugee warriors” (Zolberg et al., 1979) which may pave the way for a spillover. Furthermore, the situation might be much more complicated than presumed, according to Saleyhan (2014):

Refugee communities are frequently “manipulated” by states pursuing their own agendas vis-à-vis rivals in the international system and the degree of refugee militarization is not simply a function of the refugee community’s own goals and strategies, but is also shaped by government policy (p.272).

Correspondingly, the perception is that states need to develop necessary means to confront this threat, for their own survival. Considering it within the framework of conflict management and national security purposes; the conclusion can be described as “securitizing” of refugees by states. Thus Saleyhan (2014) emphasizes the danger of this securitization by stating “States have often played politics with refugee communities, either using refugee flows to further their own geostrategic interest or by unnecessarily casting refugees as “threats” (p.275).

However, some scholars interpret this instinctual response of states as a result of the trade-off they face. Rogers and Copeland describe a “dilemma of common aversion” that brings

about a zero-sum game in which “one state’s effort to reduce its own burden only increases the demands on others” (1993, p.116; quoted from Dowty, 1996). The complications of massive refugee movements to one country will not be local; unilateral decisions of a state will have repercussions on other states.

On the other hand, the reciprocal foreign policy positioning of the host and sending countries could be seen as an alternative explanation of the state behavior when responding to the refugee influxes. To put in simpler terms, whether they are allies or rivals to each other influences the way states respond to the crises. Saleyhan (2014; also Whitaker, 2002) claims that host countries may be more willing to accept the refugees fleeing from civil conflicts of rival states rather than allies. He describes this state behavior as a means to discredit the rival government and help the exiled opposition to the sending government. Similarly, not welcoming refugees from an ally signals that the host country does not acknowledge the fact that the sender country cannot protect its citizens or violate human rights which would embarrass the ally.

Saleyhan’s approach signifies the essentiality of state level responses and underlines the fact that these responses are mainly influenced from the conflict related factors. That is to say, states do not formulate their policies towards a refugee crisis simply with their own understanding of human rights, responsibility, level of democracy or commitment to peace. The characteristics of conflict that begot the influx also shape the national security policy, domestic audience costs and negotiations on the international arena. States position themselves after considering these factors and formulate their response to the crisis.

All in all, various factors are claimed in the literature to be effective in state responses to refugee crises. However, to understand what kind of actors more actively engage in the response to mass migration, an analysis of the international actors should be conducted. Hence, the literature on IGOs and NGOs will be overviewed in the following part.

## 1.2.The Literature on International Responses to Refugee Crises

*“The impetuous development and propagation in the international community of human rights doctrines, particularly after the adoption of the Universal Declaration of Human Rights in 1948, has brought about significant changes in international law, notably in the approach to problems besetting the world community. A state-sovereignty-oriented approach has been gradually supplanted by a human-being-oriented approach.”*

*Prosecutor v. Tadic,  
Decision on the Defense Motion for  
Interlocutory Appeal on Jurisdiction*

This part will analyze the literature on responses coming from the international community by categorizing the actors as intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). What differentiates NGOs from IGOs for the purposes of this thesis is that the operational scope of IGOs contains political, diplomatic, economic or even military tools for intervention; NGOs, on the other hand, base their action scope on principle of voluntariness.

### 1.2.1. Intergovernmental Organizations

#### *The Responsibility to Protect Principle at the International Level*

The application of The Responsibility to Protect Principle by the international community and more specifically by IGOs is related with the postulation that these agencies are held responsible for first, assisting the states that in need of help to protect their citizens; then to formulate a collective response against states who manifestly fail to protect their citizens. As discussed in the previous part, the three pillars of R2P Principle are defined in the UN World Summit (2005) within this framework of collective responsibility.

The theoretical background for the idea of the response of international community constituting a ‘responsibility’ can be traced back to the customary law. Most scholars argue that international preventive action against massive migration is compatible with the

customary law (e.g. Barbour and Gorlick, 2008; Helton, 2002). Also the President of the International Crisis Group Gareth Evans states in his words:

In the space of just five short years, a blink of an eye in the history of ideas, the concept of R2P - and with it, above all, the notion that sovereignty was not a license to kill, had, it seemed, evolved from a gleam in a rather obscure international commission's eye, to what now had the pedigree to be described as a broadly accepted international norm, and one with the potential to evolve further into a rule of customary international law (Development and Peace Foundation Symposium, 2007).

Furthermore, the Principle of *non-Refoulement* is also embedded in the customary law since it also binds even states which are not among the signatories of refugee conventions (Helton, 2002). However, the applicability of customary law on developing grounds for refugee flows is contentious. The late emergency of an international legal basis for the status of refugees is the main disincentive for customary law to be more effective. The reason is simple; because the history of refugee crises is very short. Hence the answer for the question of why does not customary law impose a restriction on host countries -except for a few cases- is the lack of experience for massive amount of refugee flows before the 20<sup>th</sup> century (Dowty and Loescher, 1996).

However, at the operationalization of the R2P, the literature propounds the discussion of Westphalian state sovereignty as the main obstacle to formulation of a collective response to mass migration crises. As aforementioned by Evans (2007), the logic behind the intervention is that refugees are the manifestation of internationalization of an internal conflict; and sovereignty should be bounded by the state's responsibility to protect its own citizens. As Weiner argues:

A country that forces its citizens to leave or create conditions which induce them to leave has internationalized its internal actions... If a people violate the boundaries of a neighboring country, then they and their government should expect others to intervene in their internal affairs (1992, p. 25).

The reasoning is very simple; state which fails to carry out its basic function of securing its citizens violates its justification for exercising authority and calls its sovereignty into question (Dowty and Loescher, 1996). Also the R2P Principle itself, according to Barbour and Gorlick (2008), is not about protecting the actors from intervention; it aims at

protecting those who are in need of protection and support. Hence the focus of R2P, as defined by the UN, is and should be on victims of prosecution and violence.

As a part of this sovereignty puzzle, certain mechanisms are developed to effectively respond to humanitarian crises. The principle of “burden sharing”, as Garvey explains, aims at spreading responsibilities with regards to asylum and providing protection for the “boat people” in an equitable way among states. This solution can be arrived at by using the state-to-state relations as an international leverage to formally convince the actors to fulfill what their responsibilities require. For this purpose, he suggests a reformulation of international refugee law in such a way that the burden is shared by states and the problem is resolved by developing inter-state relations (Garvey, 1985). For the application, the IGOs will take the lead on coordination and distribution of the burden.

Other than burden-sharing, officials of intergovernmental organizations try to come up with concepts such as “sovereignty as responsibility”<sup>7</sup> to overcome the sovereignty obstacle, the problem seems to be more profound than presumed. The case studies in the following sections demonstrate the current picture that states still do not allow supranational or intergovernmental authorities and agencies to interfere and undermine their sovereignty.

#### *IGO Tools: Hard versus Soft Intervention*

To understand the general framework of how intergovernmental agencies develop responses to humanitarian crises in general, one should comprehend the utilization of soft and hard intervention tools of these organizations. Some experiences of mass migration demonstrated that humanitarian measures are not adequate and IGOs embarked the duty to formulate other mechanisms to deal with the refugee problem.

To begin with, the soft intervention tools are considered to be political and diplomatic efforts, financial contribution to development, promotion of democratic institutions and civil society, monitoring human right violations (Crisp et. al., 2013). It may continue with operationalization of punitive IGO exercises such as naming and shaming. These are all as part of the responsibility to prevent on behalf of the international community, namely to

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<sup>7</sup> The United Nations Office of the Special Adviser on the Prevention of Genocide.

preclude the onset of any violence and a corollary refugee influx. The hard intervention tools, on the other hand, are utilized when the civil conflict is militarized and human rights violations take place progressively. At this point, IGOs may opt for launching hard intervention tools of military action in order to cease the ongoing violence and abuses (Dowty and Loescher, 1996). Obviously, these functions require financial and social funding which is the part that IGOs comes into play with their means of coordination and resource provision.

No doubt that the hard intervention measures paves the way for an increased awareness on relation between refugee influxes and state national, regional and international security. Dowty and Loescher (1996) argue that other than humanitarian grounds, securitization of refugee crises also contributes to reformulating the norm of responsibility to prevent. As the number of refugees and the corollary burden on states increase, the international community is obliged to establish a common ground for viable policy options based upon the ongoing experiences.

#### *Obstacles of Intergovernmental Organizations*

UHCR and similar organizations claim that the mandate and mission of such organizations is “to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems” (UNHCR Mission Statement, 2011). However, from a legalistic perspective, O’Sullivan (2012) underlines an important fact: “Non-state entities are not accountable under the international law” (p.107). Hence she concludes that they should not be granted with the “protection” capability. The only case in which a state allows a non-state actor to exercise authority is only under a temporary basis and with a limitation for law enforcement capabilities. By criticizing the silence of the 1951 Refugee Convention on the power and capacities of non-state actors, she concludes that the only non-state actor that should be granted with the protection capability is the ones that can act as a stable, state-like entity. One other exception to the principle is the cases in which the state responsible for protection of its citizens is a failed state, namely it is not able to practice its function and authority (2012).

The reasoning behind this approach is also a humanitarian one; if the non-state entity does not have the responsibility to protect, because it is a state responsibility, then the principle of non-refoulement cannot apply. Practically, the non-state entity does not have the authority to accept refugees or grant asylum simply because it is not a state. Then the individuals who are under the ostensible protection of a non-state entity will be facing the jeopardy of being returned to the country in which he/she will confront persecution risk (O'Sullivan, 2012). That is why, the operational scope of international or intergovernmental organizations are really limited to the rare cases in which the non-state actor can assume the role of a state or its structure is similar to a state.

Another problematic aspect of intergovernmental organizations in formulating responses to refugee crises is the collective action problem (Olson, 1965). Described as the disincentives that a group face when pursuing a common purpose and joint action, collective action problem is one of the biggest obstacles to the establishment of a coordinated, systematic international response to refugee crises. Most scholars approach refugee protection as a common good which can be exposed to what Hardin (1968) calls the tragedy of commons (e.g. Roper and Baria, 2010; Thielemann, 2003; Betts, 2003). As the typical reaction to the collective action, free riding is an obstacle for taking internationally collaborative action at times of massive migration crises. According to Saleyhan (2014), intergovernmental organizations face this problem when they try to coordinate the distribution of funding for refugee protection agencies among the member countries in order to actuate the burden-sharing mechanism.

As a solution, some scholars claim that norms can be operational in order to counterbalance the selfish, profit maximizing reflexes of individual states (Theilemann and Dewan, 2006). Following the line of traditional peacekeeping under the umbrella of soft intervention, they have developed concepts such as corridors of tranquility, cross-mandate preventive zones, safe heavens or humanitarian ceasefires. Dowty and Loescher (1996) argue that although these mechanisms for intervention produced positive results in some cases, the general perception is that they mostly remain in theory. The two co-authors claim that the ineffectiveness is mostly because of the hastily-formulation of these mechanisms as a prompt response to the emergency situations, even when it comes to hard intervention

tools. However, Dowty and Loescher further clarify a more profound point and underline the essentiality of willingness of states to take part in the joint action:

International action to prevent refugee problems continues to be hampered by the unwillingness of major governments to commit resources to engage in large scale operations in the midst of internal conflicts, by the limited capacity of international organizations to undertake tasks they have been asked to assume, and by a lack of consensus regarding the protection of civilians in countries affected by armed conflict and the collapse of state authority (p.68).

In the IO literature, IGO functions are generally classified as multilateral coordination and bilateral facilitation. Studies show that IGOs produce more effective results on conflict resolution when they operate as facilitators for bilateral negotiations rather than multilateral efforts (Shannon, 2009). Betts (2004) theorizes that when performing the multilateral coordination for refugee crises, the organizations assumes the central responsibility and leading position for coordination, allocation and monitoring of the planned actions. The member states are mostly passive donors of the prior distribution of costs by the organization. When it comes to bilateral facilitation, the IGO undertakes more of a contracted role of facilitation of dyadic endeavors and less of an extensive multilateral, collective action. The application of the latter function provides more space to individual states, thus they can elaborate on their own methods, approaches and initiatives considering their national interests and priorities.

After the comparison of bilateral facilitation and multilateral coordination, Betts (2004) reaches the conclusion that IGOs should not disregard the state instinct to follow their own interests when coordinating the international responses to refugee crises. Her analysis on the ineffectiveness of multilateral coordination cases also demonstrates the state level actors' dominancy in decision making. More concretely, the only way to address the collective action and free riding problem, IGOs need to bring individual states to the ground that their contribution to the application of R2P and burden-sharing actually will be for their own good and survival.



### 1.2.2. Non-Governmental Organizations

*“For the last 100 years, militarism and humanitarianism have represented two sides of the same coin: humankind’s inability to manage conflict peacefully.”*

*Hugo Slim  
The Stretcher and the Drum*

Non-governmental organizations are the non-profit organizations that are mainly voluntary-based in their operations. Their mission is to promote development and humanitarian assistance and thus, they are supposed to be non-violent, non-political and objective organizations which are independent of interventions by governments and business (Weiss, 1999). However, the very nature of the NGO has been historically proven to be constrained by the state actors. They are the actors created for dealing with the problems that states cause. To understand the relationship between state militarism and humanitarian aid, Slim refers to the historical development of NGOs; behind almost all of the humanitarian relief organization, there stands a war: The Battle of Solferino behind The International Committee of the Red Cross (ICRC); the 1921 Russian civil war and the following famine behind The American Relief Association (ARA); The First World War behind the Save the Children Fund (SCF); The Second World War behind The US Committee for Aid and Relief Everywhere (CARE) and OXFAM (1996).

The increasing trend for the relief organizations for displaced people can be explained through the increment of intra-state conflicts and the corollary civilian casualties. Cross (2001) provides a statistical comparison; the civilian casualty rate was 5% a hundred years ago; whereas the current figure is 90%. According to him, these organizations are the key players for provision of relief in most crises. Describing NGOs as “knowledgeable, principled and committed”, he underlines the capacities of these organizations in “networking, media links and using the power of women” (p.12).

### *Obstacles of Non-Governmental Organizations*

On the other hand, the reality of NGOs is that they have to operate in a world dominated by state actors and hence their actions scope of influence is constrained. NGOs have to face various obstacles resulted by their very nature. Some scholars claim that humanitarian organizations, very similar to military agencies, are not sufficient for the resolution of crises; because the solutions to the root problems of the refugee producing conflict are beyond their function and authority (Gourlay, 2000). The fact that NGO operations cannot be effective as politically arrived resolutions creates the impression that NGOs are substitute organizations for political intervention and thus the scapegoats of any failure (Minear and Sommers, 2000).

Another structural complication is the lack of resources for the conduct of vast amount of operations. The inherent problem is their leaning on self-help measures. They are the actual field workers of relief, unlike the politicians or military personnel working from the offices away. NGOs need to settle down in the host country, provide their own accommodation, personnel and equipment through their network and funding lines (Cross, 2001). That is why; they are very dependent on the international climate as well as the cooperation of the host country.

Another issue that has been raised as a result of NGO nature is their single-issue focus. These organizations are established for a purpose and this may sometimes narrow down their perspective leading to neglect the wider scope. That is why; their operations occasionally are disrupted by some other organizations or authorities Cross, 2001).

Also the rivalry between NGOs can be an entanglement as well. Either among the local organizations or between international and local ones, competition for resources is a weakness for NGOs that cuts down on their performance and effectiveness (Cross, 2001). One way to resolve this problem of coordination is to have a coordinative or leader NGO which may resolve the conflicts between smaller NGOs (Von Bernuth, 1996). Bennett (1995) also suggests a body such as an NGO forum would also facilitate cooperation. This fact demonstrates that the cases in which a leader NGO is absent, the local organizations

face coordination problems; even if they are high in numbers. However, the non-profit and voluntary nature of NGOs prevents centralism to exist in the structure (Von Bernuth, 1996).

Furthermore, the expansive structure of NGOs culminates in problems of promptness in their response to crises. It requires certain amount of time for NGOs to settle in the crisis area and initiate their operations as a result of certain bureaucratic and structural procedures that often constitute obstacles (Cross, 2001). That is why, for most of the cases they need to cooperate with the host governments to enhance the effectiveness of coordination (Bennett, 1995).

As the government policies affect the positioning and performance of NGO operations, the vice versa might be an obstacle. From a realist perspective, the presence of NGOs lessens the responsibility of the state actors to take care of refugees and help them evade realizing the R2P. As an unintended consequence of NGO service, Cohen and Deng (1998) claim that some states reject asylum applications because the need of shelter and protection and accommodation are already being taken care of by the humanitarian agencies in the “safe heavens”. Also the “open relief centers” may constitute an excuse for state’s free riding tendencies (Cohen and Deng, 1998). Consequently, the result might be exactly opposite of what NGOs would desire, as Cohen states “As inhospitality to asylum seekers grows, with increasing numbers of countries finding it too costly, burdensome, or destabilizing to admit refugees, the numbers of those displaced within their home countries may continue to rise in proportion to refugees (p.30).

Similarly, the literature regards another oblique threat coming from the NGO operations for refugees. Lischer (2005), labeling them as “Dangerous Sanctuaries” basically claim that humanitarian efforts can serve as a resource for conflict to re-escalate. As Anderson (1996) argues, the humanitarian aid at times of wars and violence might be detrimental as much as benignant. Although the organizations can provide assistance and save lives, they can set the ground for violence by feeding insurgency groups to recollect power and upraise again. (Salehyan, 2014; Westerhout, 2005; Rudolph von Bernuth, 1996).

These security concerns of states have first hand influence on the NGO operations; hence NGOs take the state perspective into consideration while they engage in humanitarian aid

initiatives. The organizations realize the political, economic and security related pressures on states and also the state tendency to politicize mass migration as a part of their agenda in both domestic and foreign policy making. Saleyhan (2014) sets the norm of how to formulate a balanced reflection to these sensitivities:

Finding ways to constructively engage with legitimate state concerns while at the same time emphasizing the importance of humanitarian protection is vital. Thus, while refugee advocates must keep the spotlight on human rights, they must also be attuned to additional state motivations when designing advocacy strategies (p.275).

That is why, NGOs cannot isolate themselves from the international politics. Their operations for human rights are directly affected by the factors such as the probability of spillover of conflicts, the type of refugees, the neighborhood of the conflict; other than their structural concerns of their own. The mostly conflicting interests of NGOs and governments place a considerable burden on their efforts and aggravate the suffering of refugees (Karadawi, 1983). For instance, NGOs may want to interact with a warring party for acquiring access to those in need of help; this would create an outrage from the government perspective considering that the organization reinforces the legitimacy claims of the so called “terrorists” (Von Bernuth, 1996).

Considering all these limitation of NGOs to respond refugee crises, most organizations prefer to take advantage of their media linkages and resources in order to raise awareness and invite various actors to cooperate and reach a humanitarian resolution. However, for the most part they are obligated to face the *realpolitik* of the international arena.

## CHAPTER 2

### THE SYRIAN CASE

*“We have not seen a refugee outflow escalate at such a frightening rate since the Rwandan genocide almost 20 years ago.”*

*UN High Commissioner for Refugees  
António Guterres<sup>8</sup>*

#### ***A Brief History of the Conflict and the Refugee Crisis Afterwards***

The breeze of the Arab Spring has been felt in Syria during the spring of 2011. The country-wide protests were responded by the government forces with the deployment of the Syrian army. Throughout 2012, the limited scope of the movement expanded and rapidly and created one of the long lasting, most violent and destructive carnage of our time. In the following years, the gradual decay of Syria begot a power vacuum and gave birth to the most perilous actor claiming to be the “caliphate”, the Islamic State; and this new player in the region further complicated the picture. The government induced violence to the extend of using chemical weapons on civilians, an armed response from the rebellions and the war within a war by the IS incited the mass migration and displacements which reached the one million threshold in 2013, according to the UNHCR. The exodus spread to the world at large, but the main destinations in the region were Jordan, Turkey, Lebanon, Iraq and Egypt (Crisp et al., 2013).

As of 2016, the war has still been continuing and the death toll has hit almost 500,000 (SCPR Report, 2015<sup>9</sup>), Syrians are fleeing the country aimed at more industrialized countries, Europe in particular, to seek asylum and resettlement for the long run. The UNHCR announces that in total 6.6 million people have become IDPs in Syria whereas 4.8

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<sup>8</sup> UNHCR Chief Urges States to Maintain Open Access for Fleeing Syrians' (16 July 2013).

<sup>9</sup> Updated and estimated for 2016. The 2015 figure of the Report is 470,000.

million people have become asylum seekers in other countries. That means, more than 13 million people of the 20.5 million pre-war Syrian population have been forced to leave their homes. More dramatically, irregular migration and human trafficking have taken lives of 3,771 migrants in the Mediterranean, only for 2015 (IOM, 2016). The Syrian economy has shrunk by more than 50% in real terms since 2011 with average inflation being 51% (Butter, 2015). According to the Global Peace Index, Syria is now, the least peaceful country among the 162 countries (Estes, 2014). These figures are more than enough to make the Syrian conflict the largest refugee crises in magnitude throughout the world history (UNHCR, 2016).

In fact, the Syrian society has mass migration in its history. After the independence from the French mandate in 1946, the military coups and instability in the country resulted with an exodus to Lebanon. Additionally, during 1960s, such a national identity understanding was adopted that almost 100,000 Kurds became stateless people; since they were coming from Turkey, which was not applicable to the territorial nationality description. Furthermore, the Hama Massacre in 1982 displaced Syrians to Lebanon again as a result of military operation to the Islamist insurgency (Fargues and Fandrich, 2012). These changes in the socio-ethnic structure made the region suitable for the other probable waves of migrants.

To understand the background preparing the current human tragedy, it is possible to focus on the ethnic configuration of Syria which is a central component of the crisis. Demographically speaking, the dominant group in Syrian society is the Sunni Arabs which constitutes the 64% of population whereas the Alawites are 12%. On the other hand, Kurds are 10% of the population together with 9% Christians, 3% Druze and 1% Shia (Phillips, 2015). The Assad administration has the control of the country since 1971 with Hafiz Assad taking over. The Alawite sect is closely linked with Shia and corollary its main supporter, Iran; inevitably, this ethnic nuance directly influences the power dynamics in the conflict. The rebels leading the fight against the government forces are mainly Sunnis. Being the majority in the country, the Sunnis have long been resentful against the minority government of Assad; however, some other groups in the society participated in the Free Syrian Army opposition to the Assad's dictatorship (Adams, 2015). In fact, this is the

critical point of social and political grievance that the IS mostly taken advantage of. Recruiting its followers on sectarian bases, the organization pursues an extremist Sunni line and benefits from the fractions in the society and even in the region at large. Although the IS fights against the government, the rebels, the Kurds and El-Nusra in Syria; its militants organize terrorist attacks and suicide bombings all around the world and create a tremendous impact (Coen, 2015).

The power dynamics and the proxy war nature of the Syrian conflict prevented outside military intervention. However, the anti-Western, anti-Christian extremism of the IS created the US-led coalition in September 2014 by combining forces of various countries against its territorial expansion in the region. Although it continues its operations by international recruits amounting to 25,000 foreign fighters and a revenue of \$80 million<sup>10</sup>, military operations in Syria by the US-led coalition together with the Russian airstrikes pursued a containment policy against the IS (McCaul et. al, 2015). However, the military interventions are still multifaceted since parties engage in parallel combats; such as Russia bombs rebels together with IS but supports Assad; or Turkey supports rebels because they fight against the regime along with the IS.

This complicated proxy war in Syria is not the only problem; conflicts in Afghanistan and Eritrea in addition to the war in Iraq are producing high numbers of refugees flowing into the same countries of the region such as Egypt or Turkey. More critically, both the Iraq and Syria crises harbor the largest refugee community of the world, the Palestinians. The protracted Israel-Palestine conflict has created the Palestinian Syrian population in Syria and now, they have to flee, as well (Fargues, 2014). This multiplicity of previous conflicts gives the current massive displacement multiple records other than the unprecedented magnitude. According to the UNHCR, the variety of destination countries have made Syrian exodus the highest level of migration from a single group fleeing to 44 industrialized countries of the world since 1992 (Ostrand, 2015). Corollary, the migration routes of the refugees are confusingly diverse; other than the regional countries with land border, the EU routes are being discovered continuously. The land route passes through Turkey and reaches border countries of EU such as Greece or Bulgaria. Via the air route,

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<sup>10</sup> IHS Conflict Monitor Report, figures for the mid-2015.

the asylum seekers can directly fly an EU member state. For these two possible ways of reaching Europe, Syrians will either have to obtain visa or become irregular migrants if they do not obtain asylum. Although land and air routes are available as well, Syrians who does not have legal documentation for entry mostly have to use the sea route and enter illegally. For this detrimentally dangerous route, they have to pass through the Mediterranean in order to reach Greece or Italy mostly. (Fargues and Fandrich, 2012).

From the perspective of national states, the variety of ways for illegal entry further complicates the picture. Among the highly overwhelmed regional countries, Lebanon hosts refugees with the highest capacity; since one out of every five people now is a Syrian refugee, according to UNHCR. In terms of magnitude, Turkey hosts the highest number of refugees, almost 2.8 million registered as of June 2016 (UNHCR, 2016). Jordan, on the other hand, hosts the third largest amount of Syrians with almost 700,000 in 2015, leaving Iraq (over 244,000) and Egypt (117,600) behind (UNHCR, 2016). The aforementioned regional countries mostly are having financial difficulties together with political instabilities. In Lebanon and Jordan, countries suffer from poverty and instability. Iraq, on the other hand, under the ISIS threat, have 3 million IDPs in addition to the Syrian refugees. Together with the massive influx, the situation becomes dire for refugees and the future of the countries. Most Syrians do not have access to provision of basic needs. More than 80% of refugees live urban areas rather than camps. The insufficient infrastructure hinders basic services such as health care, electricity or water. The host countries do not have the required absorption capacity to meet the necessities of the drastic increase in urban population growth (Ostrand, 2015).

On top of economics, the influx changes the social equilibrium of the host as well; not only nations but also religious and ethnic communities are reshaped. Cutting over the national line of structuring, cultural affinities become prior to the political identity since people wish to return to the mundane pace of life from the crisis situations. Sunni Arabs or Shias, Christian Arabs or Muslim Kurds, they all seek for shelter and draw near to the similar communities to them. Inevitably, considering the magnitude of the flight, the social balances are changing gradually in the region (Fargues, 2014).



While the regional countries are struggling with these social, economic and political depression, more prosperous countries do not even offer a single resettlement; the following are some of them: United Arab Emirates, Kuwait, Bahrain, Saudi Arabia, Qatar, Russia, Japan, China and India (Ostrand, 2015). On the western side, most border countries of the EU apply a systematic denial of entry for the Syrian asylum seekers. Only about 2% of asylum requests are resulted with grant of resettlement, according to UNHCR; and this phenomenal portion is shouldered by a few states. That is why, Canada and Germany have to resettle a disproportioned number of refugees with respect to other developed countries (Coen, 2015).

On the other hand, the situation is not comforting in the Europe as well. The EU cannot develop a harmonious as a result of state reluctance to accept refugees. The IS factor is a critical determinant for this introvert European behavior. Most states close their borders to the ‘potential IS militants’. The EU external border countries such as Greece or Italy does not want to be the “prison of refugees” that aim to transit the country and reach the Northern European countries. Approximately 94% of Syrian asylum seekers trans pass Italy and continue towards north where they ask for asylum (Miller and Orchard 2014). The reason is that in order to claim asylum, they need to be physically present in the country or at the border reception plots (Ostrand, 2015). However, this creates the problem of illegal entry and comes with negative repercussions for the most refugees. The possible apprehensions for irregular Syrian migrants are arrest and detention, physical abuse and assault, or even being left in the sea (Amnesty International, 2015). The conditions in the reception facilities are describes as terrible; since asylum seekers are not able to work and do not get financial support (Miller and Orchard 2014).

Syrians, facing the barriers of industrialized countries against the asylum requests, refer to what is called ‘complementary solutions’. Student visas, academic positions, private sponsorships, business investor positions, and family reunifications are some of these complementary ways to entering a European country for Syrians. These are preferred since they constitute a legal route for entry; even though they do not qualify for resettlement (Miller and Orchard 2014). Otherwise, Syrians who are not able to obtain these types of status have to refer to the aforementioned irregular or illegal border crossing routes.

When it comes to the responses from the international community, IGOs and NGOs in general, the picture is not pleasing as well. To begin with, for leading the intra-Syrian talks and a highly difficult resolution process, the UN Secretary General Ban Ki-moon had to appoint three UN-Arab League Special Representative for Syria; Kofi Annan (February-August 2012), Lakhdar Brahmi (August 2012-May 2014) and Staffan de Mistura (July 2014-now). The conundrum of the power dynamics, state-IO interactions and the difficulty of bringing state parties on the same table caused resignation of the previous mediators, leaving the incumbent one in a deeper predicament.

On top of this, the Arab League peace plan, Geneva I-II-III talks in 2012, 2014 and 2016 respectively, Vienna process are only some of the diplomatic and political processes initiated by various actors. More humanitarian-based in its structure and broader in its scope, the Syria Regional Response Plan of the UNHCR in 2014 united more than 155 actors and collected about 2.3 billion dollars for its 2014 budget, although still insufficient for its targeted operations. This plan was targeting the major four destination neighboring countries. The United States being the top donor; the EU, Kuwait, Germany and Japan are some other contributors to the international response plan (Ostrand, 2015). For the 2015-2016 period, the response plan was expanded in its scope and target; more than 200 actors of states and NGOs participated the Regional Refugee and Resilience Plan (3RP) in response to Syrian Crisis. Additionally, Egypt was also included in the countries of concern for the Plan (UNHCR, 2015). The EU, on the other hand, came up with the EU-Turkey deal as a way to deal with the refugee crisis since the problem was not resolved at the state level.

Overall, the Syrian crisis is a clear example of the state and international level responses which is the central concern of this thesis. Deadlocks reached during the peace talks as well as the attempts to revitalize conflict resolution process are examples of the fine line between state actors and IOs. Although complicated, the general scene is close to the above description. However, a more detailed analysis of the actors' attitude and the corollary response will be conducted in this chapter. First, the responses from state actors and factors determining the response will be discussed; then the international response will be the focus of the second part with the subcategories of IGOs and NGOs.

**Figure 1. Refugee Movements in the Middle East as of 2016**



Source: UNHCR, 16 June 2016.

**Table 1. Number of Refugees in the Region**

Country	Refugees in the Region 16 June 2016
Turkey	2,739,326
Lebanon	1,48,275
Jordan	655,217
Iraq	247,339
Egypt	117,702
North Africa	29,275
<b>TOTAL</b>	<b>4,837,134</b>

Source: UNHCR

## 2.1. Determinants of State-Level Responses to the Refugee Crisis

*“The common European asylum policy norms,  
a system of law that we have developed,  
is more an obstacle than a help.  
It would be better if the Member States  
could decide on their own as per their specialties  
how they want to stop the refugee waves.  
Should we get this possibility,  
then we Hungarians would be able to solve our own problems as well.”*

*The Hungarian Prime Minister<sup>11</sup>*

The impacts of the 9/11 has been profound for the most part of policy making of Western states. For the refugees and migration realm, the incident has become a cornerstone which introduces securitization of refugees so that states ensure their border security. With the “security paradigm” prevailing the world at large, most states become inclined to evade international norms of R2P, *non-refoulement* and resettlement (Coen, 2015).

This paradigm shift has directly been effective on actors’ responses to conflicts producing refugee crises. Mostly, refugees are labeled to be terrorists with missions and plans against the national interests of the country. The fact that perpetrators of the 9/11 were never involved in asylum or refugee status did not change the picture (Jones, 2015). States continued to othering of refugees regardless of the fact that the international law recognizes people fleeing their homes as refugees until their status is determined; not as terrorists or jihadists (Coen, 2015).

This logic eminently applies for the Syrian case; the very first response of most states was to declare that they would not accept refugees who are possibly terrorists. The influence of the 9/11 or Iraqi invasion is visible in the political rhetoric as well; the Congressman from Texas Michael McCaul described the refugee resettlement program as “backdoor for

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<sup>11</sup> UNHCR Report on Hungary Asylum System, Transcript of interview with Prime Minister Orbán by Radio Kossuth.

“jihadists” and “the jihadi pipeline” for extremist Islamic fighters (McCaul, 2015<sup>12</sup>). This statement is an example from the US; however very similar arguments come every day from various politicians of other countries such as Slovakia<sup>13</sup> accepting only Christians, Czech Republic<sup>14</sup> writing numbers on the arms of deported Syrians, or Hungary<sup>15</sup> building a fence.

Other than seeing refugees as a threat, another state reflex to the Syrian refugees is about the probability of spillover in the region. This effect can be observed twofold; firstly, states perceive that Syrian refugees may constitute a threat through destabilizing the domestic politics and economy which will disrupt the government power. Second, refugees may cause escalation of some existing conflicts by adding new tensions between populations. That is why, states can be very reluctant to accept refugees (Miller and Orchard 2014). To illustrate, Israel, as a border country with Syria, it does not accept any refugees since there may be Syrian Palestinians among them; which would further escalate one of the most protracted conflict of our time.

The state attitude, from a different point of view, has other repercussions in addition to the failure of international protection for refugees. Viewing it as a “revived cold war” Cockburn posits that the Syrian war is the Russian fight with Western powers using forces such as the Syrian regime, the Free Syrian Army or even the IS (2015). The operationalization of these actors by ‘the great powers’ can be in various forms ranging from provision of military or economic assistance, or vetoing a Security Council decision for intervention in Syria. Moreover, the bandwagoning that the war created prevents any rapprochement of the Middle Eastern powers since it polarizes forces like Syria and Iran on one side, Turkey, Saudi Arabia and Israel on the other (Coen, 2015). Taking it one step further, Nasser-Eddine argues that the great powers are content with the situation no matter it prolongs the conflict:

These nations are competing for access to the region's resources. Their national interests will manifest in many ways, including the shifting of alliances. For these

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<sup>12</sup> WND Exclusive, “Syrian refugee program called ‘back door for jihadists’”.

<sup>13</sup> The Independent, “Slovakia will only accept Christian migrants”.

<sup>14</sup> The Independent, “Czech police haul migrants off trains to Germany and ‘write numbers on their arms in ink’”.

<sup>15</sup> The Independent, “Migrant crisis: The walls Europe is building to keep people out”.

reasons the application of R2P will fail where security and national interests of powers are at stake (2012, p.17).

As the literature on the refugees suggests that states value the foreign policy position of the sender country when they are making asylum decisions; despite the rhetoric on the human rights and international law (Saleyhan, 2014). Attitudes of states to the Syrian refugee crisis constitutes a powerful support for this theory; most states do not accept refugees since they are allied with the Syrian government; whereas the states accepting refugees do perceive the obligation to develop an anti-regime rhetoric for discrediting the Assad regime of Syria.

The Syrian refugee crisis highlights the merit of the claim of this thesis that state interests are central to the state actions, even at times of humanitarian crisis. Competition for resources and achievement of strategic goals precedes the responsibility to protect. Thereby, it becomes ordinary that humanitarian aid and intervention are used as a tool of state machine for realizing national interests. As Khashanah explores the Syrian crisis in similar terms by saying that “the humanitarian intervention doctrine risks being viewed as a pretext for intervention to achieve neo-colonial or geopolitical objectives in a new world order” (2014, p.18).

In this section, the responses of a selected group of states are analyzed in detail with the purpose of understanding the determinants of their approach to the Syrian refugee crisis. In order to develop further on factors that shape the balance between abiding by international norms and realist policy making, examples of Turkey, Canada, Germany and Hungary are analyzed below. The reasoning of this line of country selection is embedded in the nature of crisis itself; as a result of certain characteristics of the conflict, some countries have negative or positive incentives to accept or refuse asylum applications. That is to say, the case selection is based on the policy line followed by the state; whether it pursues a refugee friendly policy or not and what is the extend of this friendliness. Turkey, Canada and Germany are applied as a focal point for the analysis since they accept and resettle relatively higher numbers of Syrian refugees and mostly recognized as refugee-friendly states; Germany being the European benchmark (Ostrand, 2015). The Hungarian case is selected because of the heated opposition of the government to refugee relocations of the EU and other regulations with regards to asylum applications.

The lack of time and space does not allow a comprehensive analysis of the all states; however, these four countries overall sufficiently represent mostly the policies and actions of the other states of the world. After the state level analysis, the following parts will discuss international responses under the subtitles of IGO responses and the one from NGOs in the last section.

### **2.1.1. Turkey**

The central state which has the longest border with Syria and an influential actor in the region, Turkey, is the country which hosts the highest number of refugees in the world with 2.8 million registered Syrian refugees. Since the outbreak of the civil war in Syria in March 2011, Syrians began to run away from the violence and asked asylum in Turkey (Durukan et al., 2015<sup>16</sup>). The real number of Syrian refugees in Turkey is a matter of discussion as a result of the argument that most Syrians in Turkey are not registered through the legal documentations; but it is assumed to be exceeding 3 million (ECHO Factsheet, 2016<sup>17</sup>). However, only the registered 2.8 million is sufficient to rank Turkey as the top refugee host country in the world (UNHCR, 2016<sup>18</sup>).

At the initial phase, the number of crossing the Turkish border was not more than 300; however, the Turkish government announced it as a mass influx and operationalized the necessary mechanisms. From that point on, the Syrians wishing to cross the Turkish border were accepted and provided with the access to the basic needs; but they were not considered to be refugees. Accepted as the ‘guests’, Turkish authorities granted temporary protection to Syrians who want to live in Turkey (Durukan et al., 2015).

The logic behind the temporary protection status is about the way Turkey has signed the 1951 Refugee Protocol and Convention. The geographical reservation that Turkey has maintained enables it to discriminate between refugees on the country of origin; Turkey only admits refugees from Europe as conventional refugees. That is why, Turkey only grants asylum to the non-Western people under the category of temporary protection (Kirisci and İçduygu, 2009).

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<sup>16</sup> AIDA, “Asylum Information Database, Country Report: Turkey”.

<sup>17</sup> ECHO, “Factsheet on Turkey: Refugee Crisis”.

<sup>18</sup> UNHCR, “Syria Regional Refugee Response”.

The framework of today's Turkish asylum procedure for Syrians is based on this geographical limitation principle. Upon the abrupt exodus in from Syria in 2011, Turkey's Minister of Interior announced the fundamental basis of applying the temporary protection as followed:

1. Turkey's borders shall remain open to persons seeking to cross the border to seek safety in Turkey;
2. No persons from Syria shall be sent back to Syria against their will; and
3. Basic humanitarian needs of the persons arriving from the conflict in Syria shall be met (Durukan et al., 2015).

With this kind of a bounded structure, Syrians have legal permission to state in Turkey; they are not exposed to the fear of *refoulement* and they have access to basic needs, although limited. In fact, this the way that Turkey was able to develop the immediate absorption capacity required for the massive amount of refugees. In the summer of 2012, the numbers exceeded the 100,000 mark (Durukan et al., 2015).

On the other hand, the legal framework of the Turkish temporary protection system for Syrians is described as political discretion, differential inclusion and improvisation. The reasoning they provide is that the *prima face* nature of temporary protection does not consider individual cases That is why, the protection system lacks many essential needs for security of the individual in the long term; such as job provision, educational benefits and integration. They experience precarity of citizenship rights in a situation of ambiguity that produces concerns for the long run (Baban, 2016; Durukan et al., 2015).

#### *State-IGO Interactions: The EU-Turkey Deal*

The Turkish response has an international dimension as well. The overwhelming scale of the influx, the tragedy of illegal entrants in the Mediterranean and the reluctance individual Member States to accept refugees put considerable pressures on the EU obliged the organization to act. The most preferred solution for the EU and Member States would be containment of the influx, at least along the EU borders. As a result, At the end of 2013, the EU has signed a deal with Turkey in Ankara with the ostensible purpose of ending human trafficking in the Mediterranean. The deal declares that all irregular migrants arriving the EU member states after the determined deadline, March 20, will be returned to Turkey. On



the other hand; for each Syrians returned, another Syrians from Turkey will be resettled in the EU directly (Powell, 2016). The EC explains the official purpose of the deal:

The aim is to replace disorganized, chaotic, irregular and dangerous migratory flows by organized, safe and legal pathways to Europe for those entitled to international protection in line with EU and international law (EC Factsheet, 2016<sup>19</sup>).

The deal relies on the readmission schemes of Turkey with the countries of concern, mainly Greece. The two country have signed a readmission agreement in 2002 and will continue with the existing framework. With the provision of financial support from the EU resources, Turkey has prepared the ground for the deal. It increased the border security with the EU states with external borders and it created centers for accepting and sending refugees between the EU. Additionally, Turkey will provide assistance to prevention of irregular migration through the sea and land routes to the EU. Intrinsically, The Frontex and the EASO support was strengthened in order to support the implementation of the deal (Baban, 2016).

In return for these, primarily, Turkey will receive financial assistance to the amount of €3 billion for Facilities for Refugees in Turkey. At the second phase, an additional fund of another €3 billion will be made available to Turkey until the end of 2018. On the other hand, Turkey is promised with the fulfilment of the long-desired visa liberalization for the Turkish citizens around the Schengen area. Moreover, the EU accession process for Turkey will be re-energized at an accelerating pace (EC, 2016<sup>20</sup>).

However, these promises are conditioned with the realization of necessary requirements which amounted to 72 criteria at the time of deal. Turkey was quick enough to realize all of them but 5; which led to protraction of visa liberalization. Not surprisingly, this disappointment resulted in a temporary suspension of the deal for an unknown period of time. Nevertheless, according to Donald Tusk, the European Council President, the agreement was successful in the realization of the goal for reducing the number of refugees at the doors of Europe<sup>21</sup>.

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<sup>19</sup> EC Factsheet, "Implementing the EU-Turkey Agreement".

<sup>20</sup> EC, "EU-Turkey Statement - 18 March 2016".

<sup>21</sup> BBC, "Migrant crisis: EU-Turkey deal is 'working'".

However, a heated discussion emerges from the point of the EU-Turkey deal that refugees will be returned to Turkey since Turkey is a “safe third country”. This safe country assumption of the deal is considered to be ‘too optimistic’, to be politically correct. According to the safe country description of the EU regulations from the Asylum Procedures Directive and the international law, a country is safe

- When there is a democratic system and generally and consistently
- No persecution
- No torture or inhuman or degrading treatment or punishment
- No threat of violence
- No armed conflict (EC, 2016<sup>22</sup>)

The ground is open for discussion on whether Turkey is a safe country or not. The current protection regime in Turkey for Syrians, in fact, do not qualify the convention criteria that refugees will not be returned back to a country where they have reasonable fear of persecution. Also the ongoing situation in terms of violence and terrorism do not meet the criteria of ‘no threat of violence’. Additionally, the Turkish authorities do not provide refugee status to Syrians thanks to the geographical reservation to the 1951 Convention; and they do not accept to promote to the full adoption of the Convention criteria (Collet, 2016). Nevertheless, the EU has sat on the table with Turkey and signed the deal, not necessarily focusing on the legal criteria; because the main concern of the deal was to contain refugees in Turkey (Miller and Orchard, 2014).

Another criticism to the deal is that it is exceedingly pragmatic from the perspectives of both EU and Turkey for such a humanitarian crisis (Heisbourg, 2015). Similar to many other opponents of the deal, Crisp regards the deal as another way to curtail the exodus of the refugees to the EU. He likens the deal to other pragmatic precautions such as establishment of so called ‘safe zones’, ‘offshore processing agreements’ or ‘migration management’. All are aimed to discourage the actual entry of asylum seekers to the industrialized countries (2016). At this point, international organizations such as the UNHCR and EU are heavily criticized on legitimizing the actions and providing legal ways for states to apply *refoulement* (Greenhill, 2016).

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<sup>22</sup> EC, “An EU Safe Countries of Origin List”.

The threat of *refoulement* and evasion from R2P is more visible in individual state responses. Turkey, in particular, is a country experiencing a win-win situation in multiple fronts during this refugee crisis (Greenhill, 2016). First of all, it has the upper hand against the EU on the negotiation table. As a country being relatively more prosperous than the other regional hosts, the Turkish President can easily threaten Europe by canceling the deal and releasing all Syrians who wish to be in Europe: “We can open the doors to Greece and Bulgaria anytime... So how will you deal with refugees if you don't get a deal? Kill the refugees?”<sup>23</sup> Secondly, apparent in this Erdogan quote, Turkey can benefit from the refugee hosting for its domestic politics as well; Turkish hospitality as opposed to the European ignorance contributes to the image of the government of being self-sufficient and humane. Europe’s desperate need for Turkey as a “waiting room” (Wilczek, 2016<sup>24</sup>) for refugees, together with Turkey’s well-awareness of its leverages seem to further complicate the picture in the future (Greenhill, 2016).

### **2.1.2. Canada**

The liberal government of Canada, with the support of about 68% of society, adopted a very refugee-friendly line of policy making (Nanos Survey, 2016<sup>25</sup>). Thanks to the governmental leadership of the process, the total number of resettlement or similar ways of admission granted to Syrians applicants by Canada is 48,089, as of April 2016. For only 2015, Canada admitted more than 25,000 Syrian refugees. Also they plan to resettle a considerable number of refugees until the end of 2017. In terms of resettlement numbers, Canada is the country resettling the highest number of refugees together with Germany (UNHCR, 2016<sup>26</sup>).

The Citizenship and Immigration in Canada Department conducts a comprehensive analysis of the refugee profile and its compatibility with the Canadian communities. They conclude that the existing 40,840 resident of Syrian origins before 2011 are able to provide an essential emotional and social support for the refugees of the Syrian civil war. Overall,

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<sup>23</sup> Reuters, “Turkey's Erdogan threatened to flood Europe with migrants: Greek website”.

<sup>24</sup> The Spectator, “When the EU is no longer able to bribe Turkey, the blackmail will begin”

<sup>25</sup> The Globe and Mail-Nanos Survey, “Canadians’ impressions of the governments response to Syrian refugee crisis”.

<sup>26</sup> UNHCR, “Resettlement and Other Admission Pathways for Syrian Refugees as of 29 April 2016”.

the Government of Canada allocated \$678 million for the costs of the resettlement program for Syrians (Government Documents, 2016<sup>27</sup>).

The Canadian government works with the several hundred IRCC organizations for developing an effective response to the who they call “Government-assisted refugees”. Also the government administer an Urgent Protection Program for specifically targeting the vulnerable populations such as women. Through the responsible communities and government support, refugees are resettled either by state intervention or by private sponsors. Additionally, with the large scale influx, the government decided to restore its healthcare program for the refugees (Government of Canada, 2016<sup>28</sup>).

Moreover, the attitude of Canadians towards refugee resettlement is considered to be influential even on other societies. The National Refugee Welcome Board of the United Kingdom, Tim Finch openly states the perception of Canada by saying that “It is an inspiration to us. If Canada can do it, there’s no reason why we shouldn’t. Refugee advocates here look at Canada and think, ‘if only’<sup>29</sup>”

Canada is a country which uses immigration friendly policies as its unique selling point and holds a reputation for it. Accordingly, the open-door policy of the Canadian government for the Syrians relies on credibility of a sophisticated selection mechanism for determination of the refugees to be resettled in Canada. Working with the UNHCR on initial selection from Turkey, Jordan and Lebanon, granting refugee status to Syrians is an elaborate and comprehensive five-step process. Canada works closely with the UNHCR and its personnel who has field experiences from the Middle East region. More essentially, the applications are processed individually and cases are assessed by various offices in order to prevent leaking of terrorists or kind. The Canadian Security Intelligence Service is one of these offices which runs the applicant’s information in the databases of allied countries. Overall, this mechanism is considered to be effective enough to minimize the security threat while accepting asylum applications to a certain extent (The Government of Canada, 2015<sup>30</sup>).

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<sup>27</sup> The Citizenship and Immigration in Canada Department, “Population Profile: Syrian Refugees”.

<sup>28</sup> Website of the Government of Canada.

<sup>29</sup> The Star newspaper, “Canada ‘an inspiration’ on Syrian refugee resettlement”.

<sup>21</sup> Canada Global News, “How to resettle 25,000 Syrian refugees: A step-by-step guide”.

From the security perspective, which is popular with the existing terrorism threat, most experts agree that Canadians are not scared of refugees being a threat to Canada thanks to the meticulous selection process. In fact, it becomes easier to enter Canada as a tourist rather than applying for asylum or resettlement; leaving almost no room for terrorist entry through the asylum corridor (Nanos Survey, 2016).

### 2.1.3. Germany

*“The world sees Germany as a country of hope and opportunity,  
that was not always the case”*

*German Chancellor Angela Merkel<sup>31</sup>*

Among the European countries, Germany is the country leading the response of the EU in general (Miller and Orchard, 2014). German response is an incisive illustration of the central argument of this thesis that the state outruns authority of the supranational institution. With the influx of hundreds of Syrians, Germany has unilaterally ignored the Dublin regulation by announcing that it will accept all refugees from Syria coming from the Balkans on 24 August 2015 (Heisbourg, 2015). According to the Dublin regulation, Germany should have return refugees to the first country of asylum to process the asylum claim (Council Regulation, 2003). It is not only the Dublin regulations that the German government turns a deaf ear; the setbacks of the regional elections against the anti-refugee party AFD did not change the Merkel’s course of actions<sup>32</sup>.

The opposition from the AFD as well as from Merkel’s own party, the CDU, could not change the welcoming culture (*Willkommenskultur*) of Germany to prevail. Grant of asylum or refugee status for Germany meant that with the provision of a temporary residence permit, asylum seekers will be treated with the equal status of a citizen of German state in terms of social and economic benefits together with the support for the process of integration (Miller and Orchard 2014).

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<sup>31</sup> NY Times, “Angela Merkel Calls for European Unity to Address Migrant Influx”.

<sup>32</sup> The Guardian, “Merkel refuses to abandon refugee policy despite election setbacks”.

Understandable enough, it is a cyclical situation; as the level of welfare offered for refugees increases, the number of asylum seekers who wish to move Germany rises rapidly. Today, Germany is the top destination for the Syrian asylum seekers among the European states (See the appendix 1). Since the outbreak of the civil war in Syria, about 355,000 asylum applications were made to Germany; which is more than the total applications to the rest of the EU countries. With the 42,063 refugees resettled, Germany has the highest resettlement numbers of the world (UNHCR, 2016; see appendix 1). Moreover, Germany is one of the largest contributors to the Syrian crisis by its pledge of 2.3 billion euros until 2018 (German Federal Government, 2016).

Germany has been highly criticized to move unilaterally during the refugee crisis, disrupting the multilateral nature of the EU. Looking at the general picture of the organization, an integrated EU response is more difficult, now. Integration itself, day by day, is becoming an obscure phenomenon for today's EU, especially with the Brexit taking place, unexpectedly to the most. Therefore, states such as Germany, which aim to maintain sovereignty and autonomy presume that they have to move individually:

Indeed, by responding to the refugee crisis independently, Germany has shown the way to purely national responses by others. This can turn into a downward spiral: an integrated EU response is made more difficult as a result of go-it-alone policies; and the resulting absence of a convincing EU response will lead Germany and others to further act on their own initiative, thus fueling souverainiste forces overall (Heisbourg, 2015).

The EU-Turkey deal and the performance of Chancellor Merkel for realization of the plan had negative repercussions among the member states. Mostly governments of the EU states thought that German unilateral incentive was a breach to the cooperation and consultation principle of the union. Especially, on top of the German attitude during the euro crisis, the breach of the Dublin Regulation since the beginning of the crisis, was a fundamental problem from the perspective of member states as a disincentive to remain and act as a union. Actions and policies of Germany have strengthened the skepticism towards German commitment to the EU rules and principles (Heisbourg, 2015).

For the most part of the response to the massive influx, Germany set the ground for its unilateral intervention to the crisis, assuming a kind of a leadership with its soft power.

This kind of power turned out to be essential for the integration of the organization after the euro crisis. Germany, assuming the soft power role as a counter-extremist force, behave as a peacemaker for greater power acquisition of the EU. Likening it to the vertical power of Moscow's Kremlin, Heisbourg posits that Germany's horizontal power is considered to be an integrating force for the EU (2015). However, the recent developments and more importantly the Brexit decision will certainly change the balances in terms of responding the refugee crisis as well. The integratory power of Germany or any other state for the EU lost a considerable level of power and reputation.

#### **2.1.4. Hungary**

*“The questions asked are the most important issues, as these are in contradiction with the rules of the European Union in force today, these are silly rules, in force today, which paralyse the Member States.”*

*The Hungarian Prime Minister<sup>33</sup>*

Hungary is one of the most aggressive states that follows an anti-refugee discourse among the EU member states. According to the UNHCR, Hungary has received 30 pledges for ‘Resettlement and Other Forms of Legal Admission’ until March 2016. This figure is the lowest after Belarus (20), Romania (20) and then Lichtenstein (25) (UNHCR, 2016<sup>34</sup>). More detrimental than the resettlement figure, the attitude and actions of the Hungarian government, the Prime Minister in particular, takes the lead on the hostility towards Syrian refugees. In September 2015, Hungary has built a fence along the border with Serbia in order to keep refugees and asylum seekers out; it is now preparing another fence on the Romanian border to further secure its border<sup>35</sup>.

A more dramatic situation than the rhetoric is the criminalization of the border crossing in Hungary. Certain acts that most asylum seekers have to engage in to claim asylum are considered to be breaking laws and penalized. Moreover, allegations are not dropped even if the individuals claim that they were seeking asylum during their hearings at courts. From

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<sup>33</sup> UNHCR Report on Hungary Asylum System, Transcript of interview with Prime Minister Orbán by Radio Kossuth

<sup>34</sup> UNHCR, “Resettlement and Other Admission Pathways for Syrian Refugees as of 29 April 2016”.

<sup>35</sup> WSJ, “Hungary to Build Razor-Wire Fence on Romania Border to Stop Migrants”.

the Hungarian perspective, international protection and crime are separate issues; thus those engaging in the crime of border crossing and breaching the fence are considered to be criminals and sentenced to prison. The authorities punished more than 100 people for this crime; more than 1,000 people are kept in detention centers or put in prison (UNHCR, 2015).

The UNHCR regards Hungary's law and practice with respect to criminalization of asylum seekers and hence prosecuting them for irregular entry through the fence in the border is not compatible with the international as well as the EU law (Pardavi et al., 2015). António Guterres, The High Commissioner, underlines that he was "shocked and saddened" when witnessing Syrian refugee families prevented from border crossing by using tear gas and water cannons. These kind of acts against the refugees are legitimized with the amendment to the Criminal Code which established unauthorized border crossing as a crime punishable up to ten years of prison (UNHCR, 2015<sup>36</sup>).

For the refugees who were able to somehow get through the border fence, the situation is not better. The refugees waiting for protection at the borders are living in dire conditions in where they call the "transit zones". These are the places in which the asylum application is supposed to be submitted; however, the UNCHR does not find the conditions in these reception facilities and the asylum procedure in accordance with the international standards, leaving the EU standards aside. Refugees in the transit zones are not provided with shelter or enough food; when they protested for access to the basic needs, the police responded with tear gas. Moreover, the right for judicial review part, in particular, is critically problematic. The UNHCR holds evidences of legal obstructions to the asylum seeking procedure and review requests for declined applications; they shortened the maximum days a refugee can stay in the transit zone. Not surprisingly, the applicants mostly did not ask for judicial review after the parliamentary decision to reduce the time limit of detention to 30 days. Furthermore, the Hungarian government is closing down some reception centers without running any need assessments. (UNHCR, 2015<sup>37</sup>).

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<sup>36</sup>UNHCR, "Hungary as a Country of Asylum".

<sup>37</sup> UNHCR, "Hungary as a Country of Asylum".



Another problematic issue is related with the safe country definition of Hungary. As a result of the deficiencies in its asylum system, the UNHCR announced that Serbia is not considered to be a safe third country. However, Hungary continued to accept Serbia as a safe third country; thus the UNHCR called states operating under the Dublin regulations not to return refugees or asylum seekers to Hungary. They continued to assume Serbia as a safe country until the end of 2015. Additionally, there is no common list of safe countries according to the EU criteria. If a state decides to accept a country as a safe country, that state has the responsibility to continuously review the conditions in the presumed safe country and adjust the decision accordingly. The state keeps the authority to change its decision after observing serious human rights violations and danger for the returning refugees.

EU and the UNHCR tried to warn Hungary via various ways; but they could not interfere with the situation. The EC Human Rights Commissioner underlined the concerns about the legislative restrictions for refugees, criminalization of asylum seekers, conditions of the transit zones and problems of judicial review. Also the obvious breach of the *non-refoulement* with the return of refugees to Serbia is highly criticized<sup>38</sup>. Also other IGOs and NGOs used naming and shaming functions to attract attention to the human rights abuses in Hungary. Nevertheless, all warnings remained unanswered; on the contrary, the government further restricted the asylum policies by reforming the asylum system with a shift towards a more rigid scheme. The current system brings mechanisms that discourage new refugee influx as well as exacerbating the services provided to the existing refugees (UNHCR, 2016).

All in all, Hungary does not abide by its responsibilities and liabilities under the EU Return Directive as well as the Schengen Border Code. The UNHCR warned Hungary on “limiting and deterring access to asylum in the country” (2016). However, the Hungarian authorities consider that what they are doing is actually what is needed for the Europe; the Prime Minister posits that:

We believe that what is at stake at present is Europe, the European lifestyle, and the survival or disappearance of European values and nations or their alteration beyond

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<sup>38</sup> UNHCR Press Release, “Hungary urged to refrain from policies and practices that promote intolerance and hatred”.

recognition. We must not let this happen, as then we would lose our identity; without a firm identity, there can be no success – either in economic or cultural senses<sup>39</sup>.

As apparent in the Prime Minister's words, the Hungarian response is centrally realist in that it refuses to accept any solutions that makes Hungary an insecure country. The political rhetoric of state officials is the result of social perception of Syrian refugees as a threat to national security. The reaction of the Hungarian state can also be regarded as self-defense; which is a clear demonstrator of the primacy of security for actors over any phenomenon, even humanitarian tragedies.

## **2.2. Determinants of International Responses to the Refugee Crisis**

*“All the values for which we stand, and all the reasons for which the United Nations exists, are at stake across the devastated landscape that is Syria today. The time is long past for the international community, in particular, the Security Council, to uphold its responsibilities.”*

*Ban Ki-moon<sup>40</sup>  
Secretary-General of the United Nations*

The response from the international organizations to the Syrian conflict and the refugee crisis has been mostly financial. The UN and EU have put considerable efforts to raise the necessary support for the regional response operations in the neighboring countries. Although most states are reluctant to accept refugees, they are more willing to contribute the effort financially. The USA, the UK and Germany are the largest single-country contributors to the humanitarian aid for the Syrian conflict. Among the European countries Sweden was the next biggest donor after Germany, leaving the UK aside for now. Also Canada contributed with a considerable amount to the effort. Other than the western donors Kuwait, Saudi Arabia and Japan contributed to the humanitarian assistance provided to the neighboring states in the region (Ostrand, 2015).

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<sup>39</sup> Hungarian Prime Minister's Office, "Hungary's Situation in the Context of Modern-Day Mass Migration".

<sup>40</sup> UN, Secretary-General's address at The Asia Society: "Crisis in Syria: Civil War, Global Threat".

As of July 2016, the exact total of the UNHCR Syria Regional Refugee Response Plan Funding is \$1,380,064,478. However, all those funding flowing from various countries and regions of the world constitute no more than the 30% of the total fund required for developing an effective response to the crisis. Most operations are on the brink of failure, leaving numerous people living under the poverty line (UNHCR, 2016).

The EU, between 2011 and 2016, contributed to the humanitarian relief operations by more than 5 billion euros (ECHO, 2016<sup>41</sup>). Part of this fund is allocated through the EU's Regional Trust Fund, also called "The Madad Fund" which was established with the attempt of Germany in the late 2014. These funding has been channeled to particularly neighboring countries Lebanon, Turkey, Egypt and Iraq (Ostrand, 2015; Hoel, 2015). As mentioned earlier, the EU promised to commit with €3+€3 to Turkey upon the realization of the agreement (EC, 2016<sup>42</sup>).

Other than the financial aid to humanitarian operations, the contribution from the international organizations has been limited to the extend that the state actors left the ground for the IOs. In the below sections, the responses from the international organizations will be evaluated under two subsections: intergovernmental organizations and non-governmental organizations.

### **2.2.1. Intergovernmental Organizations**

*"Today we are witnessing a debate between two Europes:  
a Europe willing to move and change the status quo,  
ready to confront an epochal challenge in the right way;  
and a Europe of walls and ostriches,  
ready to dump its problems on its neighbors  
in the hope that the crisis will solve itself."*

*President of the European Parliament  
Martin Schulz<sup>43</sup>*

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<sup>41</sup> ECHO Factsheet, "Syrian Crisis".

<sup>42</sup> EC, "EU-Turkey Statement - 18 March 2016".

<sup>43</sup> The Washington Post, "Don't blame Europe for the refugee crisis".

### *The European Union*

Historically speaking, Europe, the European Union in particular, has been the address of the first experimentation of a consolidated refugee system after the WWI massive influx. However, with the globalization of the refugee problem, as Jessica Rodger puts, a “dramatic turnaround” was also experienced by the European Union; when Member States gradually have become anti-refugee policy adopters and initiated attempts for changing the existing refugee systems of Europe. These resentments resulted in various proposals for policy changes at both organizational level and state levels. (2001).

Specifically, with the outbreak of the Syrian civil war, the total number of the refugees arrived at the doors of Europe and seek asylum is 1,037,760 between April 2011-April 2016. The numbers continue to rise, although considerably lower than the exodus to the neighboring countries; only the 10% of the Syrians fleeing the country is able to reach Europe and seek for international protection there (UNHCR, 2016). As of December 2015, 281,200 Syrians applications were resulted with a positive decision and grant of asylum; meaning that the rest of the applications is in progress, rejected or in detention center still waiting (Eurostat, 2016<sup>44</sup>, for the expanded list, Appendix 3).

Understanding the European response to the crisis requires a thorough comprehension of the concepts of irregular and illegal migration; since there is a fine line between the two which is often manipulated by the state logic. Irregular migrants are individuals who crosses borders of a country in defiance of the laws and regulations of that country (Ghosh, 1998). Among these people, there might be individuals with genuine needs of protection and refugee status; hence they cannot be considered or punished as criminals (Miller Orchard and, 2014).

Illegal migration, however, is another type of illegal entry to a country. The difference is evident when the components of human trafficking or smuggling are observed. According to the UN Protocol, trafficking in persons is "The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of

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<sup>44</sup> Eurostat, Data from “First instance decisions on applications by citizenship, age and sex Annual aggregated data”.

coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (2000, Article 3(a)<sup>45</sup>). On the other hand, smuggling is defined by the same UN Protocol as "The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident". These acts can take place inter-state and intra-state. Although there is no international consensus on definitions in general, the illegal migrants are considered to be entering through these kind of acts based on exploitation (Perruchoud, 2004).

European institutional system for asylum seekers massive migrant crisis has been developed and ameliorated since 1990s; however, establishment of a fair burden sharing mechanism among the Member States and prevention of human trafficking are still troublesome issues. Today, the tendency of some states to procrastinate the R2P and not to welcome refugees depends on this insufficient monitoring of cooperation (Dumont and Scarpetta, 2015<sup>46</sup>). The EU legal framework, although it abides by the aforementioned 1951 UN Convention and Protocol, it creates additional mechanisms that gives incentives to states to avoid from granting rights of asylum to persons who need. In articular, by accepting that rejection at border is not *refoulement*, the EU legal system leaves the room for actors that intend to circumvent the humanitarian law and allow states to return refugees to third countries (Miller and Orchard, 2014).

For the Syrian refugee crisis, the official response to the refugee crisis from the EU can be assumed to be started with the presidency of Mr. Juncker; he has put the crisis in this agenda for the elections by clearly stating the problem and implying the necessity of avoiding free riding of individual states on the common asylum system:

On the basis of our shared values, we need to protect those in need through a strong common asylum policy. The newly agreed common asylum system has to be fully implemented, and divergences in national implementation removed (2014<sup>47</sup>).

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<sup>45</sup> UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>46</sup> OECD, "Is this humanitarian migration crisis different?"

<sup>47</sup> A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change, Jean-Claude Juncker Candidate for President of the European Commission.

The main claim of this thesis is supported strongly with the fact that the Member States are highly reluctant, even gainsayer for some cases, to participate in the burden sharing mechanism offered by the EU for dealing with the refugee crisis. Some post-communist members revealed their reluctance to involve by first asserting their economic troubles and relative poverty; and then officially alienating the refugees with religious discrimination. For instance, the Slovakian Interior Ministry officially stated that “In Slovakia, we don’t have mosques, we only want to choose the Christians” (2015<sup>48</sup>). Also an opposition party leader Kaczyński claimed that refugees carry “various types of parasites” in his election campaign in Poland (2015; quoted from Heisburg, 2015, p.17). More essential than the xenophobic attitude of some states, the policy line followed is more detrimental for the Union’s coalescence for the long term (Heisbourg, 2015). Apart from the Union’s regulations, some countries may even prefer not to follow the customary international law that is legally binding in terms of provision of international protection (Akkaya, 2015). Being the world leaders of European states, they mostly opted for containing the crisis to the regional states by easily supporting the neighbor hosts financially, and even that is inadequate for an effective response (Miller and Orchard, 2014).

However, there are certain mechanisms under the EU umbrella that particularly address the refugee and asylum applications; additionally, some other existing institutions are strengthened with the aim of dealing with the current crisis effectively. Some of the revisions, according to EC (2015<sup>49</sup>) are on the following institutions:

- The Asylum Procedures Directive to increase the quality and duration of asylum applications,
- The Reception Conditions Directive to ameliorate physical and legal conditions for asylum seekers in reception centers,
- The Qualification Directive to clarify the scope of asylum and international protection
- The Dublin Regulation to monitor State failures to abide by the international protection regulations.

The Dublin regulation, and the three versions of it, is designed for the EU states to determine the country that will be hold responsible for the assessment of the asylum claim

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<sup>48</sup> The Washington Post, “Slovakia will take in 200 Syrian refugees, but they have to be Christian”.

<sup>49</sup> EC, “Common European Asylum System”.

and will manage the procedures of asylum transfers, if necessary. The central issue of this system is that the country responsible for the asylum application evaluation is expected to monitor the host country in case of prosecution targeted to the asylum seeker after the transfer (Miller and Orchard, 2014).

The revision of the Dublin regulation is essential for the claims of this thesis since what is planned to be changed is the rule of first country of entry. In the previous version of Dublin system, the processing of the asylum application was the responsibility of the Member country through which the asylum seeker made her entry to the EU. The asylum seekers cannot determine the country of proceeding the asylum application. The reasoning for this was explained that leaving refugees determine the country of asylum results in problems at the implementation phase as a situation described by the EC as “asylum shopping” such that some countries offer more attractive asylum systems and refugees prefer them (EC, 2016<sup>50</sup>).

Naturally, the Syrian crisis and the mass exodus of refugees to Europe created a situation that almost all asylum applications have to be reviewed by a few countries disproportionately. Also in the current situation, because of the fact that refugees do not generally foresee a resolution in Syria for the short run, the regulations are not sufficient to prevent refugees from choosing the country of asylum. They opt for illegal entry and try to avoid fingerprinting and trans pass the countries to reach the country in which they desire to be granted asylum. Inevitably, this paves the way for human traffickers and smugglers to abuse more numbers of people. Thereby, some member states are getting more popular destinations for the asylum applications and the pressure on these destinations increase in time. Furthermore, other than the number of refugees admitted, there is variation among the EU countries on the status granted for the asylum seeker. Countries such as Germany and Sweden grants the refugee status with social rights and benefits equal to a German citizen; whereas majority of other EU countries provide subsidiary protection or complementary forms or protection rather than granting refugee status, according to UNHCR data (2014<sup>51</sup>, Fargues, 2014).

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<sup>50</sup> EC, “The Reform of the Dublin System”.

<sup>51</sup> UNHCR, “Syrian Refugees in Europe: What Europe Can Do to Ensure Protection and Solidarity”.

In order to ease the burden on the external border countries and standardize the asylum applications, the unsustainable part of the Dublin system is being reformed such that a fair burden sharing mechanism among the Member States can be formulated. With this reform, the expectation is that other inactive states also take part in the response at times of massive influxes that overwhelm the capacities of certain countries. (EC, 2016<sup>52</sup>).

In addition to the Dublin System, the creation of Frontex in 2004 was an additional level of external border protection on top of the state border protection. During the Syrian refugee crisis, Frontex increased its operations in order to respond to the irregular entries; these operations and tighter controls at the borders since 2013 have reduced the number of unauthorized border crossings significantly (Miller and Orchard, 2014).

Other than waiting for winter to come and discourage the refugees to travel over the Mediterranean, the EU developed another effort for responding to the human trafficking by initiating ‘the Mare Nostrum Operation’ with the purpose of search and rescue Syrians travelling over the Mediterranean. However, this plan was previously called ‘the Operation Triton’ and was used as a way to control the EU borders and apply geographical restrictions instead of developing a humanitarian response (Coen, 2015).

However, when it comes to the state actors, the picture gets complicated for IGOs and realization of their goals. Also the EU policies of safe third country and temporary protection status are open to the abuses of states with the purpose of evading the responsibility to protect and overcoming the convention definition of refugee status together with the R2P. For the safe third country concept, the trend for the state behavior is to determine any country appropriate as a safe country and apply return procedures to that country; since there is no legal enforcement on determination of the safe country. The only way for preventing this kind of return relies on the asylum seeker who is expected to prove his/her fear of prosecution on that specific safe country, assuming he/she is listened properly. For the temporary protection, the main concern is that the definitional scope of this status is left to the state to make it compatible with the traditional refugee protection; leaving the judgement to the national state and its moral compass, if exists (Rodger, 2001).

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<sup>52</sup> EC, “The Reform of the Dublin System”.



The EU-Turkey deal, is another topic on the Europe's agenda as a relatively secure method for dealing with the crisis. The official explanation states the purpose of the plan as to prevent human trafficking and reduce the number of illegal entries to the Union from Greece. However, the deal is essential for the unity of Europe considering the tendency of Member States to free ride and close the doors for refugees. Authorities of the organization repeat their calling for a "concerted action" but the individual state responses are not in the same tone:

It is important to restore, in a concerted manner, the normal functioning of the Schengen area, with full support for Member States which face difficult circumstances. We need to get back to a situation where all Members of the Schengen area apply fully the Schengen Borders Code and refuse entry at external borders to third-country nationals, ... while taking into account the specificities of maritime borders, including by implementing the EU-Turkey agenda (EC, 2016<sup>53</sup>).

However, the prevailing opinion is that the EU-Turkey deal did not result in the promised peaceful resolutions; opponents claim that the deal exacerbated the situation for the refugees in hotspots. Established by the organization as a part of response to the influx, hotspots, or officially 'Reception and Identification Centers' are designed for registering the refugees and processing the asylum requests. However, according to Human Rights Watch, with the implementation of the deal, these centers are turned into detention centers in which 'restriction of movement' is applied to the refugees. Moreover, the conditions of the centers and the treatment of the asylum seekers are described as 'unsafe and unsanitary' by the reporters of the HRW. The monitoring capacities of the EU on the overwhelmed Greece is so insufficient that police violence is observed on the refugees waiting for protection (HRW, 2016<sup>54</sup>).

As a solution to the overwhelmed border countries' experience, the EU decided on promoting relocation systems and agreed on a small number of refugees to relocated, up to 160,000. However, the UN considers that the problem is so deeply rooted that it cannot be solved only through relocations. As the UNHCR spokesperson posits, it requires a larger-scope solution to involve the whole Europe into the solution and develop a collective response. However, the conundrum is visible for everyone; as the UN High Commissioner

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<sup>53</sup> EC, "European Council Conclusions on migration".

<sup>54</sup> HRW, "Greece: Refugee "Hotspots" Unsafe, Unsanitary"

for Refugees states in his words "This is a crisis of political will combined with lack of European unity that is resulting in management mayhem" (UNCHR, 2015<sup>55</sup>).

In fact, among the EU regulations, there exists a directive that precisely targets the current Syrian refugee crisis; the usually unnamed Temporary Protection Directive (TPD). Designed for the massive influx cases in particular, the fundamental benefit of the directive is that it does not require individual assessment of the asylum claim since it is based on a group decision. This means that, when adopted, the TPD may give the promise of releasing the external border countries from the bureaucratic and financial burden of processing all asylum applications individually. Although it seems to be a more effective solution than the reforms on Dublin regulation, the TDP remains as a non-issue for both Member States and the Council (Hoel, 2015).

The reasoning is a realist one; the execution of the Directive requires qualified majority voting and neither Member States nor the Council is willing to make an offer for it to be voted. None of the responsible actors wants to take action to change the status quo and initiate the mechanism of fair burden sharing among Member States. Very similar to the UN Security Council dilemma, the infeasibility of political situation makes most actors a bystander to the crisis and prevents the obvious solution to be operationalized (Akkaya, 2015).

Scholars and experts argue that the Syrian migrant crisis is an illustration of the susceptibility of the EU structure to coercive bargaining tactics of nation states unilaterally. Greenhill posits that the consequence of this structural vulnerability is making a gradual disbanding among the union a probable future. Describing the state behavior as schizophrenic and hypocritical, he considers the unilateral responses of states to the crisis as critical for the consolidation of the union (2016). Following this light of inquiry, an analysis of the Brexit decision and unity of the organization from the perspective of managing the refugee crisis would produce interesting results.

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<sup>55</sup> UNHCR, "UNHCR outlines proposals to manage refugee and migration crisis in Europe ahead of EU Summit".

### *The United Nations*

The UN has contributed to the crisis mostly with its humanitarian relief agencies and its capacity to operate in various countries that are affected from the crisis. Also it contributed to the process of officially detecting the usage of chemical weapons and destruction of them. However, the central failure of the UN for intervening the Syrian conflict has been primarily caused by the politics in the Security Council. The reiterated vetoes from the permanent members Russia and China against any action to intervene Syria was the biggest obstacle to the UN. One of the four vetoes of the two country was in 2014; against the common statement of 58 UN countries calling the Security Council to refer the Syrian situation to the International Criminal Court (Human Rights Watch, 2015<sup>56</sup>). The fundamental threat of this predicament is that each veto further bastardizes the humanitarian situation in Syria and refugees outside by revitalizing the parties to war and forcing masses to move out.

UN, the only institution which has both legitimacy and authority for implementation of the R2P according to Evans, (2008), was not effective in responding to the crisis on time. Described as “the only credible international institution” could not achieve the goal of involving state actors in and enforce the R2P principle as the ground for international protection (Coen, 2015). The political configuration of the organization mostly prevented it from actively engaging in the resolution of conflict as well as the refugee crisis.

The UN has been harshly criticized for its inaction during the crisis; in March 2012, 49 countries worldwide started bilateral sanctions against the Syrian government together with the EU, the Arab League. Particularly for the initial phases of the conflict, the passive attitude of the UN Security Council is pointed out to be highly responsible for the creation of power vacuum in Syria and the corollary escalation of conflict. The consecutive failures of the peace missions appointed by the Secretary General, cancellation of all attempts for military intervention by the double vetoes of China and Russia at the Security Council and the Russian obduracy to prevent any intervention to Syria provided the Assad regime with a suitable environment to continue violence against civilians. One additional actor which further complicates the puzzle was Iran; it has been supporting the regime in Syria

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<sup>56</sup> Human Rights Watch, “Syria: 58 Countries Urge ICC Referral”.

politically, financially and militarily. The war in Syria is regarded as an existential threat to Iran's existence; hence a peace solution has to involve Tehran as well. The triangle that Russia, China and Iran draws blocks any kind of intervention to the conflict in Syria. It was this deadlock of political interests that has been preventing also the Geneva peace talks to bring parties to the table and reach at a ceasefire, at least (Adams, 2015).

On the other hand, with respect to the refugee crisis, the UNHCR initiates and supports the efforts to increase burden sharing mechanisms. For this purpose, it has created the Central Mediterranean Sea Initiative in order to contribute to the rescue operations in the sea (Miller and Orchard, 2014). It leads the missions such as Regional Refugee Resilience Plan and pursue a strategic framework for realizing the humanitarian relief targets.

However, the organization is not successful enough to convince state actors to apply the international norms and rules to the current crisis. Some countries in the EU do not recognize the UNHCR decision that most Syrians qualifying for international protection have the right to be granted refugee status. They decline the application and grant other types of protection. Hungary, for instance, does not respond to the warnings of the UNHCR on not to return refugees to Serbia because of lack of capacity to handle the large magnitude of inflow. However, the Hungarian authorities, discarded the *non-refoulement* principle by distorting the safe third country understanding of the EU system. Also the mere reaction of the UN to the police violence against refugees protesting for asylum was from Secretary General Ban Ki-moon, stating that he was "shocked" and found it "not acceptable" considering human rights and dignity (UNHCR, 2015<sup>57</sup>).

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<sup>57</sup> UN, "Europe must change course on refugee crisis response, stresses UN agency".

## ***Regional IGOs***

*“Alarmed by the urgency of the matter,  
I appeal to the international community in its entirety to let no other calculations,  
but “humanitarianism” and “human dignity”,  
guide their thinking while responding to the Syrian refugee crisis.  
I wish to remind all nations of their  
moral and legal obligations under  
the international law to help those desperate refugees.”*

*OIC Secretary General<sup>58</sup>  
Iyad Ameen Madani*

Other than the worldwide organizations, the regional IGOs also contributed to the effort to end the conflict in Syria and resolve the humanitarian crisis. To begin with, the Organization of Islamic Cooperation was a supporter of peace in Syria and condemned the government because of its illegitimate actions. However, the response remained passive in general since they opposed a military solution and supported state sovereignty (Coen, 2015).

The common sense follows that the OIC, as a regional IGO, is not expected to face the cultural incompatibility problem with the Arab states and hence hoped to be more effective on the prosperous Arab states which has been inactive for accepting refugees. However, the Syrian conflict demonstrated that the extend of OIC’s authority seems to be restricted in that the organization can only take action in raising awareness on the humanitarian disaster and emphasize morality and dignity; nothing specific to urge individual states to participate burden sharing. Similarly, the OIC cannot actively lead the response despite it has the knowledge of region; uttermost, the Secretary General Madani calls for burden sharing and emphasizes cooperation between the EU and UN (OIC, 2015).

The Arab League, on the other hand, had put determined efforts to condemn the Assad regime since the outbreak of the conflict. Suspension of Syrian membership to the

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<sup>58</sup> OIC, “Appeal to the international community by the OIC Secretary General to counter the Syrian refugee crisis”.

organization, contribution to the UN resolution initiative during the Kofi Annan's mediation, proposing a plan for resolution, support at the Security Council are among other paths followed by the Arab League. In addition to political sanctioning, strict bans were put on Syrian transactions together with other financial sanctions to the government operations. (Mencutek, 2014).

However, similar to the worldwide IGOs, the regional structures suffer from power balances among state actors which possibly paralyze the decision making mechanisms. The vetoes coming from the superpowers Russia and China, was also influencing the Arab League, for instance. Russia blamed the organization for acting provocative. On the other hand, the regional powers such as Saudi Arabia and Qatar were blocking the operational scope of the organization with the disproportionate authority they have. Benefiting from the chaotic atmosphere, Assad accused the organization of acting hostile towards the Syrian state itself and even supporting the opposition by buying time to regain power.

Equally fundamental as the power configuration in the region, IGOs lose reputation and authority for future operations with the lack of effectiveness in resolving the complications of power dynamics. History of bad governance during the previous conflicts affect the success of future interventions. The regional IGOs as well suffered from lack of legitimacy which was resulted by the failures in previous conflicts and crisis to intervene, actively advocate human rights and boast cooperation. As in the Syrian case, this ineffective past reduced the enforcement capacity and weakened the voice of regional IGOs, making them vulnerable for state abuses of their statements and strategies (Coen, 2015).

### 2.2.2. Non-Governmental Organizations

*“The global humanitarian community is not broken  
– as a whole they are more effective than ever before.  
But we are financially broke.”*

*UN High Commissioner for Refugees  
António Guterres*

Organizations such as ICRC, UNHCR, IOM or the Syrian Arab Red Crescent are the international NGOs actively participate in the formulation of the humanitarian response to the Syrian conflict and the massive influx following it. The Human Rights Watch and similar organizations are trying to raise awareness on human suffering and the insufficiency of the measures taken by the international community. NGOs and IGOs, in general, are expected to fill the gap between refugees and the host states; to increase communication and contribute to the daily lives of people (Fargues, 2014). For the Syrian refugee emergency, the UNHCR takes the lead of the operations assuming the role of cooperation between government, other organizations and providing funding from international donors. Also they work with local organizations to collect information, familiarize with the culture and region and increase the operational scope (Coen, 2015).

However, although the mission of UNHCR is states as “to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems”, the coordinator role of the UNHCR is found problematic with the skepticism that it may create some obstacles to the humanitarian operation. Crisp et al. (2013), conducting a comprehensive analysis of the organization’s mandate of the Syrian operation, find four turbulent points of UNHCR leadership. First of all, the possibility of conflict of interests increases doubts on the coordinator role of UNHCR since it assumes also control of operations and more critically, funding. These responsibilities may coincide and create gridlocks that delay delivery of the aid. Second, the gigantic operational scope of the

organization preoccupying it with other missions may hinder the coordinator position. Third, the chronic problem, is the tendency of the UNHCR to focus on its own agencies and implementing partners rather than approaching all organizations equally. Finally, the danger of vocational blindness that may cause the UNHCR to act oblivious to the know-how and planning of the other organizations. These points, together with the general tendency to question the capacity of the organization based on the past performance, increase the suspicions against the coordinator role of the UNHCR.

The Syrian emergency is a clear example of hindrance from politics to the humanitarian relief operations. The major obstacle to the response from the has been the Syrian government; otherwise these organizations have put tremendous effort with their voluntary participants to provide humanitarian aid. However, as the chronic problem of these organizations, the political deadlock to the resolution of crisis increased the insecurity in the region and impeded the NGO activity making access to some areas of the country almost impossible. More critical than the regime, presence of the IS constituted a serious threat to the NGO activity; as the Westerners, they were also targets of the IS militants with the purposes of attracting international attention, terrorizing people and capturing the NGO resources (Coen, 2015).

Following the security problem as an existential threat to the NGO presence in the region, second biggest concern of the humanitarian aid operations is financial. Today, organizations active in the region suffer from the lack of funding for the biggest humanitarian refugee crises of the world history. The reluctance of states and international community to find political solutions to the crises adds up to the financial troubles and result in a humanitarian disaster. Most Syrian refugees are not able to meet their basic needs for survival (UNHCR, 2016). The donor country contributions adding up to private initiatives are still perilously insufficient for meeting the needs of displaced population (Ostrand, 2015). The UNHCR is short of 70% of the necessary funding for the Syrian Regional Response Plan for humanitarian relief (UNHCR, 2016). As a result of the financial troubles faced, some NGOs are obliged to apply temporary suspension to their operations, risking lives of numerous people. To illustrate, the UN World Food Program



had to pause its assistance for 1.7 million refugees about two weeks which left hundreds of Syrians in desperate conditions (Ostrand, 2015).

Despite all the efforts, NGOs are not capable to develop solutions for the whole refugee population. The realities of the nation-state system make the organizations realize that resettling all of the Syrians seeking asylum is not applicable. Hence, for instance, the Amnesty International has determined a threshold of at least 10% of Syrians, the most vulnerable ones, need to be resettled or offered some kind of admission by the end of 2016 (Amnesty International, 2015<sup>59</sup>).

Additionally, NGO idealism are hindered by the state logic at the operational level as well. UNHCR authorities feel the need for investing more in monitoring activities, publishing guidelines for processes such as detention, judicial review or transfer of vulnerable persons. They aim at increasing monitoring activities along the borders of countries building fences as Hungary since state actors are deaf to the warnings of the UNHCR that the presumption of innocence for refugees dictates that all evaluations on an asylum claim should begin with the assumption that refugees, themselves, are the victims of violence and forms of terrorism; the international protection regime is not for aiding and abetting terrorists or preventing criminal prosecution. However, since most states tend to perceive refugees as threats and close their borders, NGOs have to find other ways to monitor and deter them. Basically, the agencies have to find the possible ways used by states to apply *refoulement* in the name of refugees against in order to counteract it more effectively (UNHCR, 2016)

Another version of containment by state actors to the NGO operations was experienced as a result of the EU-Turkey deal. As mentioned earlier, the deal has led to considerable disappointment and human suffering in the reception centers on top of the forced return. It reached to the point that protests have begun among the Syrians refugees trying to survive in terrible conditions in the hotspots. The MSF Greece reported to withdraw its operations as a result of the inhumane treatment, police brutality and criminalization of asylum in the islands; the Head of MSF mission in Greece explained their distress:

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<sup>59</sup> Amnesty International, "Syria's refugee crisis in numbers".

We made the extremely difficult decision to end our activities in Moria [a Greek hotspot] because continuing to work inside would make us complicit in a system we consider to be both unfair and inhumane, we will not allow our assistance to be instrumentalized for a mass expulsion operation, and we refuse to be part of a system that has no regard for the humanitarian or protection needs of asylum seekers and migrants (MSF, 2016<sup>60</sup>).

Another case of state restriction on NGO operations is the Turkish government's containment against the UNHCR. Turkey formulated a perspicacious legal stance towards the refugee status such that the regime adopted does not allow for a thorough international monitoring over the processes such as camp management, refugee registration and documentation. The government mostly manages the massive refugee population unilaterally and does not involve the UNHCR into the operations on the beneficiaries of temporary protection (Durukan et al., 2015<sup>61</sup>).

The Syrian crisis has become a benchmark for understanding the operations of non-traditional NGOs and their contribution. These establishments, such as the Islamic organizations funded appreciably by the Gulf states, operate outside of the conventional framework for the humanitarian relief organizations. Although the quality of their work is not easily evaluated based on the standards and consistency; their contribution is still valuable to the Syrian refugees in need of help. International NGOs should establish closer communications with these non-traditional organizations to promote coordination for humanitarian assistance (Crisp et al., 2013). To illustrate, a local organization called the Syria Bright Future was established by two Syrians and carried its medical help operations to international level and provided help to Syrian refugees in various fields (Abo-Hilal and Yousef, 2014). These non-traditional ways of provision of humanitarian assistance grow in time and reach substantial successes, if not undermined by state parties and conflict of interests.

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<sup>60</sup> MSF, Greece: MSF ends activities inside the Lesbos "hotspot".

<sup>61</sup> AIDA, "Asylum Information Database, Country Report: Turkey".

## CHAPTER 3

### THE RWANDAN CASE

*“It is better to be wrong by killing no one  
rather than be right with mass graves.”*

*A. Camus.*

#### *A Brief History of Genocide and the Afterwards*

The Rwandan exodus was described as the highest in magnitude and abruptness in Africa’s history; about 3.5 million of Rwandans were displaced with the population of around 7 million at the time. Among the displaced, about 2.2 million became refugees fleeing mostly countries in the region. (Hovil, 2010). The historical and socio-political background of the events preparing the ground for the large scaled exodus is described in this part.

Rwanda is a central African country neighboring Uganda, Burundi, Tanzania and the Democratic Republic of Congo (called Zaire before 1997). After the colonization period in the nineteenth century, it became a German East African colony until the WWI. Afterwards, the Belgian mandate had taken control of it. In 1962, the Rwandan people obtained independence and today’s Rwanda was established (Prunier, 1997).

The Rwandan society was constituted by two main ethnicities: Hutus and Tutsis. The European colonizers inspired by the social Darwinism, particularly the Belgians, established an ethnic hierarchy among the two interwoven groups sharing a common culture, language and religion for centuries. The physical differences between the two groups were institutionalized to the extent that the identity documents had ethnicity section. The Belgians were favoring the Hutus, since they looked more Europeans, and the Tutsi minority were given superior positions in politics which ended up with increased polarization among the society (ICAR, 2004).

The Tutu domination was overthrown with a Hutu social revolution together with the end of colonization in late 1950s. The Republic of Rwanda was established through this revolution and massacre of hundreds of Tutsis in addition to the ones who achieve to survive and flee the country. Around 120,000 Tutsis became refugees in neighboring countries Tanzania, Uganda, Burundi and Zaire. The Rwandan Patriotic Front (RPF) was formed in this three decades in exile by refugees in Uganda and their children belonging to the Tutsi ethnicity. In fact, what triggered the escalation of the civil violence in Rwanda was the repercussions of ignored refugees suffering for years (Van der Meeren, 1996).

In 1980s, the Rwandan state was experiencing economic fluctuations as a result of the major decline in coffee prices which was the main export of the country. During the economic crisis, civil war broke out when the RPF forces in Uganda invaded Rwanda to overthrow the Hutu government in 1990. With the invasion, the Hutu extremism initiated its violence campaign against Tutsis (Eriksson et al., 1999). The war continued for four years; the President Habyarimana resisted first, but the escalation of conflict forced him to agree on a power-sharing with Tutsis. A ceasefire agreement called Arusha Accords was reached and negotiations began with the intervention and facilitation of the Organization of African Unity (OAU) and the Tanzanian government, in August 1993. However, the ostensible end of the war did not terminate the resentment of the parties, and neither of them was content with the agreement. The President was labeled as betrayer by the Hutu extremists (Hovil, 2010).

The historic moment as a spark of the genocide was the shooting of the plane carrying Habyarimana and the Burundian President in April 1994. The suspects of the incident have never been identified; it could be either Tutsis who wanted to escalate or extremists Hutus taking the revenge from the President for giving away power in Arusha. Either way, the massacre described as “systematic killing” of Tutsis and moderate Hutus had begun. Although it is almost impossible to pinpoint the exact number, the official figure of the victims of the genocide took place within 100 days is 800,000 to 850,000 Tutsis and 10,000 to 30,000 Hutus as the fiasco of the international community’s inaction (Prunier, 1997).

The international community were almost blind and deaf to all the news and reports flowing through the media, agencies and experts. No sufficient response to the crises of

refugees and IDPs were formulated. According to the official records and reports, the act was a genocide and the incumbent government and authorities were involved in this systematic killing operation. The tension between the RPF forces and government was escalating but it still remained unnoticed by the world. Even during the Arusha negotiations, the regime was leading an organized, determined and detrimentally aggressive massacre of the Tutsis. Blacklists of all Tutsis and moderate Hutus were created and death squads were being operationalized and commanded to dispose of all “internal enemies” or “Tutsi cockroaches”. Also a constant radio broadcast of *Radio Télévision Libre des Mille Collines* (RTML) was provoking violence through its hate propaganda on Tutsis and moderate Hutus (Des Forges, 1999; Eriksson et al., 1999).

As explained earlier, the events that prepared the ground for the genocide were initiated with the militarized conflict between the Hutu government of Rwanda and the Rwandan Patriotic Front (RPF) of Tutsis. 1992. According to the Arusha Accords, a neutral military observer group was planned to send to the region to protect peace. However, as the ceasefire was breached in 1993 the hostilities resumed on, leading to the establishment of an international force to maintain the Arusha decisions and protect peace. Deployed by the UN Security Council, this international army, the United Nations Assistance Mission for Rwanda (UNAMIR) was designed to ensure and monitor that the parties abide by the decisions of the Agreement (UNAMIR Mission Statement, 1993).

The initial purpose of the authorities was to minimize the operational cost of Rwandan peace keeping forces. With this objective in mind, the military expert recommendation was 8,000 soldiers as the lowest threshold. After the US intervention and restructuring, the UNAMIR forces was established with 2,548 soldiers (Des Forges, 1999). Furthermore, the deployment of the actual physical forces to the field was delayed 2 months after the decision of the Security Council and sent in December 1994, due to the inflexible bureaucracy in the Council. Not surprisingly for such UN operations, the troops were ordered to use arms only for self-defense (Eriksson et al., 1999).

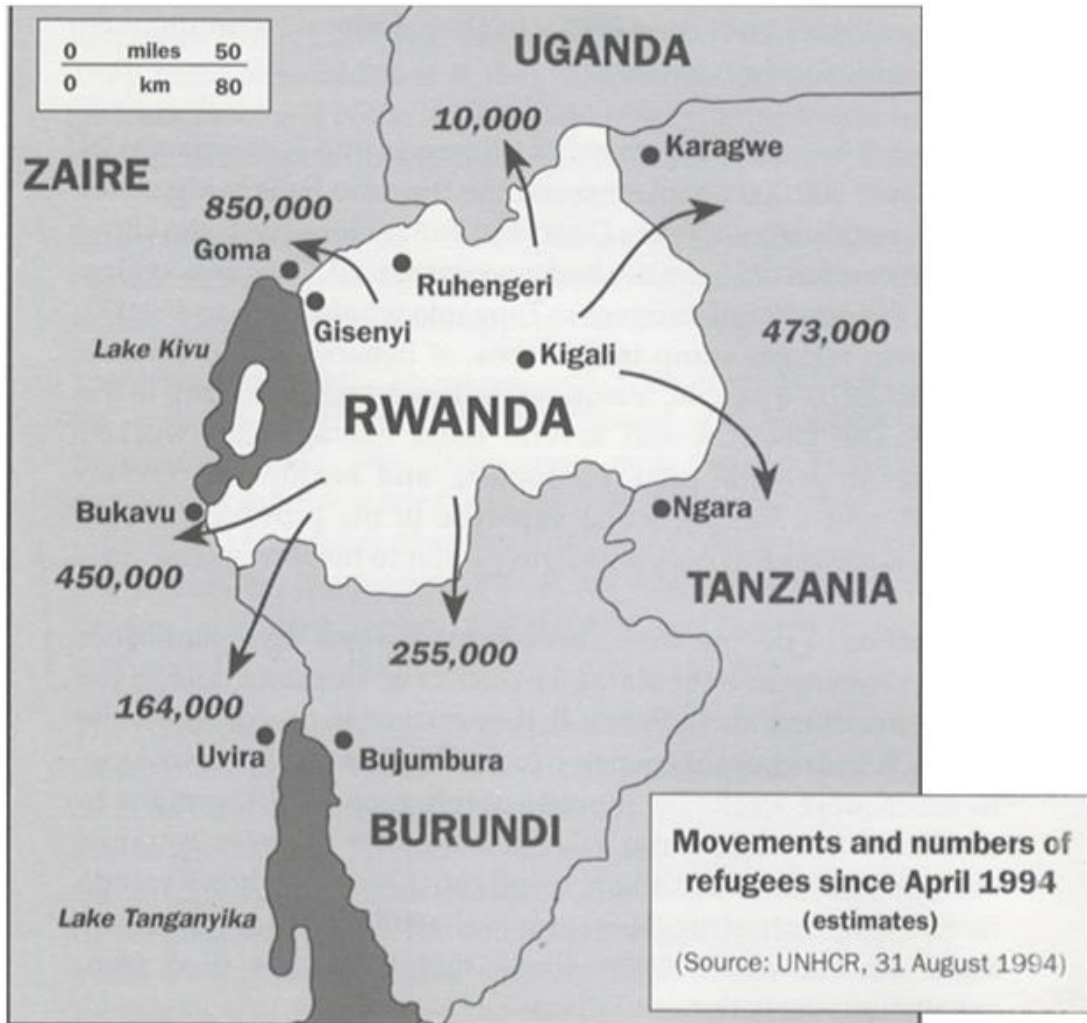
Responding to the genocide of Tutsis, RPF attacked the capitol, Kigali, and seized power. As a result, more than 2.3 million Hutus fled to neighboring countries; one million people on the other hand, became internally displaced people (IDPs) in the country (Prunier,

1997). Among the refugees, the perpetrators of the genocide were hiding in refugee camps at borders. At this point, ignorance of the responsible state authorities to screen and differentiate the genuine refugees from the *génocidaires* created the lethal consequences afterwards. The “Rwanda outside Rwanda” (Prunier, 2011) was the trigger of multiple other waves of refugees of which repercussions are still felt today.

The situation among the survivors were not any better. Although some reports regard the immediate humanitarian intervention as commendable (Eriksson et al., 1999), the figures tell the opposite: the death rate among refugees were between 6-10 % because of the epidemics such as cholera, dysentery or Shigella and bad medical practice to these diseases. More than 100,000 people died in total and the humanitarian aid did not arrive until the second week of the epidemic (UNHCR, 2000).

As of now twenty-two years after the genocide, the current Tutsi-dominated government follows an institutionalized approach of continuing exclusion and threatening of Hutus. The President Paul Kagame is the person who led the RPF forces during the genocide and took power from the Hutu government. Now, the state monopoly construction is required and the best way to achieve it is to use the legacy of genocide and its perpetrators as a tool to consolidate state authority, in a country experiencing the post-genocide trauma (Hovil, 2010). However, with the Cessation Clause in 2013, at a time there existed 100,000 Rwandan refugees outside, the UNHCR announced that the ‘voluntary’ repatriations will continue until all Rwandese people are back until the end of 2016. Needless to emphasize, most refugees of matter now are Hutus who still have reasonable fear of prosecution in Rwanda; but they have to go home not to be stateless persons (Nyange, 2013).

**Figure 2. Refugee Movements in the Great Lake Region**



Source: Vassall-Adams, 1994, p.40.

**Table 2. Refugees in the Region**

Country	Refugees in the Region-Since April 1994
Zaire	1,464,000
Tanzania	473,000
Uganda	10,000
Burundi	255,000
<b>TOTAL</b>	<b>2,202,000</b>

### 3.1. Determinants of State-Level Responses to the Refugee Crisis

*“By early 1995,  
all the warring parties had shown  
a willingness to abandon respect for the International Humanitarian Law  
if required to make a choice between humanitarian values and political priorities.”*

*James Fennel*<sup>62</sup>

During the mid 1990s, the period in which the Rwandan genocide and following refugee crises were witnessed, the security perception of states and the nature of refugee protection has begun to change. Many states added qualifications to the refugee protection policies in terms of scope and magnitude (Eriksson et al., 1996; Whitaker, 2002). Only in 1996, more than 20 states decided to deport the asylum seekers within their borders for national security reasons (US Committee for Refugees, 1997). With this paradigm shift from the monistic humanitarianism to instrumental humanitarianism (Weiner, 1998), states prioritized security and political concern with respect to refugee protection and always opted for repatriation, voluntary or not. As the UNHCR Commissioner Ogata Sadako described the situation, what states prefer is “the least worst option in a no-win situation” considering their own interests (Ogata, 1997).

Specific for the Rwandan case; states were mostly under the pressure of domestic politics and impacts of previous conflicts or the current ones at the time. Negative experiences together with lack of interest resulted in apathy of the third parties. That is why, no matter how highly emphasized it is in the academic literature; conflict prevention was almost impossible for this case, as Eriksson et al. explain:

No state involved in the conflict happened at the time to have the optimal combination of interest, capacity and neutrality that could have generated appropriate early warnings and translated them into conflict-mitigation strategies (1996, p.22).

Also failing to screen the refugees fleeing into their borders was a major omission from the perspective of states and their responsibilities for preventing the crisis from growing

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<sup>62</sup> 1998, “Hope Suspended: Morality, Politics and War in Central Africa”.



further. This was an essential problem since some of the refugees had engaged in genocide and with the lack of monitoring and policing, they obtained the chance to hide in the refugee camps, inevitably leading to further conflicts and violence (Hovil, 2010).

Another vital failure of states was the short-termed mindset of the responses. The involved Western states complied with only funding humanitarian assistance; no political response was formulated, merely substitutions of it was applied and failed. Inevitably, the indifference of the state actors circumscribed the range of action for the international community and organizations. Without an effective political standing, international organizations were able to achieve less even with all the effort they put (Eriksson et al., 1996).

State behaviors of deporting the refugees had repercussions on other actors. After Zaire and Tanzania announced expelling all Rwandans, about ten NGOs operating in the region decided to withdraw their operations, such as Care-Canada MSF-France. Also the state authorities did not take the necessary precautions to provide the security of the aid workers who were sometimes the target of death threats (MSF, 1995<sup>63</sup>).

Supporting the argument in the literature that the type of refugee influences the state responses to grant asylum or not; the Rwandan refugees and their history of engaging in civil conflicts and rebellions in host countries had an impact on state responses. Van Der Meeren (1996) states that the refugees in Zaire and Uganda in 1960s shaped a negative perception in the minds of state actors which triggers national security mechanisms to preclude fulfillment of the responsibility of states to protect.

In this section, the determinants of the responses to the Rwandan refugee crisis by the involved states are analyzed in detail. The hotspots of refugee flows during the genocide and the period afterwards were Goma, Bukavu and Uvira in Zaire; Ngara and Karagwe in Tanzania and Kabale in Uganda. The highest flows were to Tanzania and Zaire in the region. Other than the regional states, two other states were involved in the response: Belgium and France. The relative positions of these four states and their concerns are discussed to describe the various motivations behind responses.

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<sup>63</sup> MSF, "Deadlock in the Rwandan Refugee Crisis: Repatriation Virtually at a Standstill".

### 3.1.1. Belgium

Belgium, as the old colonizer of the country, had deep political connections with Rwanda and was a firm supporter of the Tutsi minority until 1950s. It was the Belgians who likened Tutsis to the Europeans and granted them most administrative positions and the rule of the country, basically. However, with the colonial system ending, new political structures required the majority Hutus to involve in the rule. Instead of leaving the governing to the minority, the Belgians simply preferred the ethnic majority as a democratic majority and supported the 1962 Hutu social revolution both militarily and politically (Des Forges, 1999).

For the formulation of a response to the genocide, Belgium was regarded as the most concerned one among the Western powers. Although this concern was demonstrated only by calling the Rwandan ambassador to have more information on the incoming genocide reports, Belgium made another contribution by sending forces to the UNAMIR. Constituting one half of the force, Belgian forces constituted the main body of the operation (UNAMIR Mission Statement, 1993). *Médecins Sans Frontières* (MSF)-Doctors without Borders regards the UNAMIR operation as ineffective and sometimes pointless, since the soldiers were not able to use their capacities to prevent genocide from happening. Moreover, Belgium failed further with their decision for total withdrawal from Rwanda (Human Rights Watch, 1999). In April 1994 when the killings hit the peak, the UNAMIR forces were decreased from 1,700 to 270 troops after the Belgian soldiers were killed (MSF, 1995<sup>64</sup>).

The reasoning of the Belgian government was that the mission of the UNAMIR forces was over with the eruption of the war since its objective was to protect peace. Simply put, there is no need for a peacekeeping army if there is no peace at all. Also the probability of any other losses made the Belgians decide to terminate their contribution to the UNAMIR mission and call their soldiers back home (Des Forges, 1999).

Regardless of the official rationale, the reality was, in the words of the Boutros-Ghali, UN Secretary, “Belgium was afflicted with ‘the Somalia Syndrome’: pull out at the first

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<sup>64</sup> MSF, Deadlock in the Rwandan Refugee Crisis: Repatriation Virtually at a Standstill

encounter with serious trouble” (Boutros-Ghali, 2000). However, the Belgians are still regarded as the most determined actor, compared with other international actors (Des forges, 1999), in spite of their early withdrawal from the mission they initially led.

### **3.1.2. France**

French regarded Rwanda as its backyard, a useful tool in the region to continue its political and economic interests. For the continuation of the old colonial rivalry, Rwanda was an interesting country since it was a former Belgian colony. Its support is won from Belgium; hence valuable. It was kind of a proxy war over the Francophone Hutus and Anglo-Saxon supported English speaking RPF. Speaking a fluent French, being a devout Catholic, and assimilated into the French culture very well, President Habyarimana was a proper candidate for an ally to France. This blessing of an international power and a permanent Security Council member was the fundamental anchorage of the Rwandan government for its boldness in pursuing aggressive policies against the RPF. (Des Forges, 1999). Also the Zairian states, the alternative option as a satellite country, was on the verge of collapse and failure; leaving Rwanda as the best ally for France.

#### *The Operation Turquoise*

France supported Rwandan government with its fight against the RPF, as a tool for maintaining its prestige and reputation in the eyes of international community. If a French supported government were to lose, other French ally countries could be influenced from the situation in Rwanda and judge the French authority and usefulness of its alliance. The historian Prunier (1995) explains the reasoning of the French government to support the Rwandan incumbent as for the sake of its geopolitical cost-benefit analysis; the power demonstration to the world that France is still able to project on the Africa. To prove that it still can successfully protect its client state, France initiated the Operation Turquoise under the Resolution 929 (June 1994) of the Security Council and decided to send its troops. The official mission of the operation was “to contribute to the security and protection of displaced persons, refugees and civilians at risk” and the force had the authority to “use all necessary means to achieve the humanitarian objectives” (Dowty and Loescher, 1996, p.64).

Although the official mission of the Operation Turquoise was “to save human lives”, an implicit purpose of the operation was to preserve territory and legitimacy of the interim government. The way to achieve this purpose was going through prevention of an RPF victory, since the experts in Paris were thinking that RPF’s victory would be a total “catastrophe” for France (Des Forges, 1999).

Another claim based on observations is that France were more inclined to military solutions than peace (MSF, 1995<sup>65</sup>). Increasing the limited military training provided by French soldiers was extended to the whole army, after the Arusha negotiations. Also the French ambassador Martres officially declared their alliance by stating “France will act in accord with the Rwandan authorities” (Des Forges, 1999). According to Wheeler, what reveals the implicit motivation is the French support for the reducing of the UNAMIR forces which will directly mean leaving the ground to the Rwandan government to continue the massacre. Also the inaction of the French forces to the relentless killings implies that the operation was far from being a humanitarian one (2000). France even supported the Rwandan government militarily according to Des Forges (Also Wheeler, 2000), by sending 500 troops to Rwandan government in 1993. He claims that there is sufficient evidence to conclude that French troops were “close to combat” (1999).

French soldiers were slow to act to save Tutsis since they were accepting Tutsis as RPF infiltrators. Moreover, Des Forges finds supporting information for his claim that even the French soldiers were thinking that they were sent in order to stop the RPF advancement. Hence they shut their eyes to the operations of genocide officials despite their mission of bringing peace and stop human suffering. In the eyes of the French government, the genocide reports were “just rumors” and the Rwandan government was “respectful of humans rights” (Des Forges, 1999). However, what they did actually to intervene humanitarily was only an operation for rescuing the French and Western population, key people of the Habyarimana’s team and the embassy dog. They also helped the *génocidaires* after the RPF took power by letting them flee Rwanda and accepting them as refugees (Des Forgers, 1999).

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<sup>65</sup> MSF, “Deadlock in the Rwandan Refugee Crisis: Repatriation Virtually at a Standstill”.

The selective nature of the Operation also makes observers sceptic about the motivations of the French government. Through the two months of the mission, the Safe Zone created by the Operation concentrated forces in the south-west of Rwanda. Although this move protected a number of people from massacres, it led to a commendable amount of people to flee to the north-west as a result of the RPF advancement there. By concentrating their forces around the Safe Zone, the French invoked a massive influx to Goma, Zaire. Additionally, they neglected the protection of the humanitarian operations in the north-west and left an increasing number of displaced people in need of help (Eriksson et al., 1999; MSF, 1995<sup>66</sup>).

Also the discussion in the literature on the creation of safe zone by France is a clear indicator of state actors using refugees and humanitarian aid for realization of their own interests. According to Wheeler (2000), the fact that the zone was set up on the day RPF took Kigali over, the capital of Rwanda, was not a coincidence. That is how the *génocidaires* who were running from RPF could get a place to hide and gather strength. The French officials did not screen or arrest criminals; did not intervene with the radio broadcast airing hate and violence; did not police the streets in which Tutsis were being massacred. Why did France, with the mission of saving lives, not do these clearly reveals the realpolitik behind the French operation. The official claim was to protect the refugee population; however, the reality on the ground was that the RPF was not allowed to enter the zone (ibid).

The fundamental problem of the French attitude is that France was indeed the most capable state and actor who could react rapidly and effectively to stop what is happening in Rwanda. With the knowledge of the army structure, the government and its capabilities and the power to send clear signals to the leader of *génocidaires*, France could have made a difference in the picture. Even closing down the radio station RTML which was broadcasting the hate propaganda to the public would be vitally important (Wheeler, 2000).

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<sup>66</sup> MSF, "Deadlock in the Rwandan Refugee Crisis: Repatriation Virtually at a Standstill".

### 3.1.3. Zaire

The total number of refugees that Zaire received aftermath of the genocide was 1,375,000 (ICAR, 2004<sup>67</sup>). As much as the exorbitant numbers, the abruptness of the influx demonstrates the situation in Zaire. In July 1994, 850,000 refugees fled to Goma within 5 days. The extraordinary amount overwhelmed most of the relief agencies in the field.

Furthermore, Zaire at the time was a state at the verge of failure and that made an indirect influence on its response. For a country experiencing civil war, consequences of the influx of a refugee population engaging in insurgency was detrimental (Human Rights Watch, 2014). In some cases, the level of humanitarian aid to refugees was higher than the situation of the local population and that caused resentment among the Zairians (Eriksson et al., 1999).

An appalling case of the claim that refugees increases security risks and triggers conflict was the Zairian situation in which some of the militia were regrouping in the host country thanks to the lack of monitoring and policing. The costliest consequence of this ignorant behavior of host governments was to the Zairian President, Mobutu Sese Soko. In the mid 1996, the Hutu militia, the ostensible refugees, who were upset with the power change in Rwanda started to recuperate around a territorial niche in Zaire with the support of the local Hutu population (UNHCR, 2000<sup>68</sup>). After the attacks of these presumed *génocidaires* hiding in camps to Rwandan, a revenge campaign was started by the Tutsi government in Rwanda against the camps, in November 1996. Rwandan forces were attacking border camps of the neighboring countries. With the support of Uganda, RPF forces invaded Zaire and destroyed refugee camps pushing refugees out. In addition, with the support of Tutsi-originated rebellious group *Alliance of Democratic Forces for the Liberation of Congo-Zaire* (ADFL) which The Rwandan government was seeing as its natural ally, they overthrew the President Mobutu who was supported by Hutu extremists. These developments in the region led to the deportation of almost all refugees by the Tanzanian government within a few days and approximately 600,000 refugees were deported to Rwanda (Human Rights Watch, 2014; Rodger, 2001).

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<sup>67</sup> ICAR, "Rwandan Refugees in the UK. The Information Centre about Asylum and Refugees in the UK".

<sup>68</sup> UNHCR, "Background Paper on Refugees and Asylum Seekers from the Democratic Republic of the Congo".

Other than the numerous registered refugees, we are not fully informed about the people who are not able to be traced somehow, the UNHCR estimates this number as 250,000; as the unknown part of refugees who are assumed to be dead (UNHCR, 2000<sup>69</sup>). According to the Human Rights Watch Report, another 300,000 were fleeing to the Zairian forests were caught and killed by the Rwandan troops (Lemarched, 1998). Some of them were presumed dead either by the massacres or starvation (199770).

Presenting the fine line between the realpolitik and state-making/war-making capacities of state structures (Tilly et al, 1985), the Zairian government played an indirect but crucial role in the establishment of the Rwandan government in the exiles of the Zairian state (Van der Meeren, 1996; Human Rights Watch, 1995). The President of Zaire, Mobutu, used refugees in his country as a political leverage and applied the state logic of refugee protection in his calculations. To further discredit the Rwandan government, he accepted Rwandan refugees and moreover, supported the refugees militarily in addition to training them. Whitaker underlines that

In Zaire, the Rwandan refugees became a political resource that was manipulated by many sides in the violent struggle for power. Of course, in this instance, Mobutu's calculations were drastically wrong and resulted in his removal from power by a rebel alliance backed by a new government in Rwanda that was concerned about its own security (2003, p.223).

#### **3.1.4. Tanzania**

The Rwandan influx of 674,000 refugees was the most abrupt and extensive in its magnitude in Tanzanian history. As a very poor country experiencing severe scarcity of food and water resources causing high mortality rates, Tanzania received a large number of refugees with respect to capable states which remained indifferent. However, in order to keep refugee hosting as temporary as possible, the Tanzanian government allowed the camps to be established next to the border and kept them densely populated (Eriksson et al., 1999).

In terms of understanding the state perspective on refugee protection, Tanzania is another case that illustrates the way *raison d'état* works (Whitaker, 2003). At the time of the

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<sup>69</sup> *Ibid.*

<sup>70</sup> Amnesty International, "Democratic Republic of Congo. Deadly Alliances in Congo forests".

genocide and influx, Tanzania was going through a transition towards political liberalism and increasing its strength of democratic institutions. That is why, it needed peace and stability in the region for continuing its transition. However, as described for the Zairian case, the RPF was regarding the refugees in the borders camps as a threat to its existence and trying to build a buffer zone along the borders in order to secure itself (McNulty 1999). In time, the war has become a war over refugees. Hence the perception was that the refugees in Tanzania would be the second target for the RPF forces. The Tanzanian government, in spite of all democratization steps, had to decide between its national security concerns and refugee protection (Rodger, 2001). The developments in the region and Zaire affected the Tanzanian government to initiate the deportation of the refugees in camps considering the same would happen in Tanzania (Whitaker, 2002).

The Tanzanian government, proud of its maintenance of peace and stability in the country, wanted to strengthen their hand against the opposition by preventing the spillover of the conflict to the country. As the influx continued, the following events and repercussions of the refugees made the Tanzanians frustrated. Consequently, the government started to discourage and restrict border passing and finally deport massive amount of refugees in a few days. The deportation was a joint operations of the Tanzanian government and the UNHCR in 1996, for maintaining regional security. Despite the UNHCR involvement, the Tanzanian deportation and border closing were considered as a breach to the principle of non-refoulement and R2P. (Whitaker, 2003).

Tanzanian government did not want to send the refugees without securing its political position in the eyes of international community as a successfully operating country for refugees and asylum seekers. That is why, the government wanted an insurance from the Rwandan counterpart for the refugees crossing the Tanzanian borders not to be *killed*. Additionally, they granted refugee status to some Rwandans who seek asylum, approximately 150 to 200 people in December 1996 (Whitaker, 2002). This number, understandably, can be presumed to be the genocide suspects. As the UNHCR estimates that 10 to 15 percent of refugees were the individuals who were suspected to engage in genocide and afraid of the punishment of the crime they have committed. Understandably, they did not want to return Rwanda and searched for refugee status (Eriksson et al., 1999).



As Rutinwa describes the situation, “Tanzania has skewed the logic of refugee protection. They only protect the killers. If you haven’t killed anyone, then you are sent home.” (1999; quoted from Whitaker, 2002, p.12).

### ***The Rwandan State and Repatriations***

The prevailing belief of the time was that the situation in Rwanda was settled and it was safe to return. Since it was not dangerous anymore, the refugees will not face any fear of persecution and they did no longer need the refugee status and protection in a third country. With the corollary political will to see the situation as described, the Tanzanian government and the UNHCR who defended repatriation acted according to this belief and announced the deadline of December 1996 for repatriation to Rwanda (Whitaker, 2002). This line of behavior supports the argument in the literature that states tend to decline refugees from ally states while accepting the ones from rival states (Saleyhan, 2014).

The alacrity of Rwandan government to get the refugees back is understandable since the state logic needs the population intact to build its structure. With the repatriation, the government would win on both sides: both for eliminating or controlling the threats and for legitimizing its existence.

First, as the leader of RPF forces, the President Kagame knew very well that the refugees in exile would be a serious threat to its government. In fact, this was a well-known fact that refugees have often been key players in politics, even accepted as “a motif of African history” (Hovil, 2010, p.13). That is why, he had to get rid of this political liability by getting the *génocidaires* back and somehow bring them to justice.

Second, the refugee return was important for the international reputation and legitimacy for the government. In this sense, refugees refusing to return may sometimes be a reason for embarrassment for a country. To claim being a self-sufficient and competent state; Kagame needed the Rwandan refugees constituting almost one sixth of the population (Whitaker, 2002). As Long explains,

Repatriation involves the re-linking of a refugee to forms of national protection, symbolized through their physical return to their country of origin. (2010, p.3)

The only concern for the states is to the relative importance for their interest. The USA, a key actor for African aid politics, preferred long term construction of Rwanda rather than investing in refugee protection. Also as the National Security Adviser to the President Clinton, Anthony Lake, posits the lack of US interest in an interview:

I think the problem here for me, for the President, for most of us at senior levels, was that it never became a serious issue. We were focusing on the edges of the problem (Ghosts of Rwanda, 2004).

### **3.2. Determinants of International Responses to the Refugee Crisis**

*“Agencies were faced with a stark choice: either provide assistance to refugees under terms set by the camp authorities or get out”*

*James Fennel<sup>71</sup>*

One should not jump into the conclusion that the selfishness of the state actors is the only motive for the atrocity experienced in Rwanda. Although individual states behaved irresponsibly, the scope of their capacities and abilities should be reconsidered —obviously keeping the ex-colonizer countries aside. The countries in question are mostly African countries experiencing civil wars themselves most of their populations are also on the move. Also the highest burden fell upon the most impoverished and incapable countries suffering from lack of resources (Dowty and Loescher, 1996). That is why, attitudes and actions of the actors which were capable of protection and prevention should be the focus of the analysis, rather than the incapable ones. In this sense, the response to the Rwandan refugee crisis from the international actors, under the subcategories of IGOs and NGOs, will be overviewed in the following sections.

#### **3.2.1. Intergovernmental Organizations**

As emphasized earlier, with the paradigm shift to the instrumental humanitarianism in 1990s, states followed national interests when face with a trade off between humanitarian

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<sup>71</sup> 1998, “Hope Suspended: Morality, Politics and War in Central Africa”.

relief. Moreover, intergovernmental organizations also tend to adopt positions which qualifies the amount of aid provided to the possible benefits in return. In spite of the emphasis on cooperation, collaboration and promotion of peace by the UN, EU and their agencies, the Western response to the Rwandan crisis was a unilateral one by France; since a small African country was of no political or economic interest to the member states of the EU. Also the country was not a major concern for the strategic rivalry in the international arena (Eriksson et al., 1999).

The adverse impacts of the previous and current conflicts on the formulation of an effective response to the genocide were obvious. Unfortunately, the Mogadishu Incident in Somalia took place only two days before the Security Council discussion to send the UNAMIR forces to Rwanda. Eighteen American soldiers were killed by Somalian militia and it created the unsurpassable 'Mogadishu line' in the UN and the EU decisions (Wheeler, 2002). Additionally, the Bosnian conflict was happening at the same time, keeping the organizations preoccupied with 'more important and urgent' problems (Wheeler, 2002; Eriksson et al., 1999).

Even though it is challenging to trace the intricate chain of failures done by the international community, one would begin with lateness of the UN staff to inform the Security Council properly about what is going on Rwanda (Des Forges 1999). Without the vital information which was actually on hand and ignored, the UN initiated the Arusha mission. Experts regard this failed mission as an example of outside intervention changing the ethnic power balances in a country or region; and leading to exclusion of a certain group. (Wheeler, 2000; Von Bernuth, 1006). Furthermore, the UN was seriously ignorant about the intelligence this time. Although there was clear warning from the international community such as the Oxfam report underlining "patterns of systematic killing" of Tutsis using the term "genocide" (Oxfam, 1994); the reaction was impotent. The inevitable consequence of this neglect was the massacre of thousands and displacement of millions.

The lack of support from the Security Council and ignorance in general created a bureaucratic gap for the peacekeeping operation to be planned and realized. This gap led to the detrimental delay of the formation of the UNAMIR forces, therefore the peacekeeping was retarded, jeopardizing the negotiations (Des Forges, 1999).

Another detrimental negligence of the Security Council was omitting the fact that Rwanda was in the Council at that time, and ironically, the Rwandan ambassador was thoroughly informing the Rwandan Hutu government about the reluctance of the international community to intervene. This unconcern left the ground to the perpetrators of the genocide to act relentlessly (Eriksson et al., 1999).

The responsibility of the international community to protect is not conducted in the way the international norms describe. Especially for the part of the UN Secretariat, the delay to define the genocide as “genocide” prevented the sending of military enforcement to the country. They preferred to describe the situation as a “tribal war” and ignored the information of clear evidences of ethnic cleansing. This led to inadequate strategy formulation and communication within the Secretariat and disjointed relationships between its political, military and humanitarian functions. Obviously, this ostensible delay to identifying genocide is directly related with the reluctance of state actors to intervene. On the other hand, even the UN as an IGO had to conduct its own cost-benefit calculations for the long run. Losing more soldiers in Rwanda would discredit the organization and threaten its future operations (Wheeler, 2002).

The intergovernmental organizations also failed to cooperate horizontally. Scholars argue that a better coordination by the UN between the Organization of African Unity (OAU) and other regional bodies could have increase the effectiveness of both intelligence gathering, counteracting and intervention with its local capacities for monitoring and implementation (Eriksson et al., 1999). The domination of the UN agencies resulted in exclusion of influential regional bodies, particularly the OAU. Also its role as a mediator during the negotiations was also circumscribed by the Western IGOs Moreover, the tension between agencies themselves and unclear division of labor among them at the field level reduced the effectiveness of the operations (Wheeler, 2000).

Coming to the cost of provision of humanitarian aid, the international community allocated about \$1.4 billion for the emergency. The largest funds were coming from the usual donors; the US and EU, from which the 50% of the total aid was provided. (Eriksson et al., 1999). Dowty and Loescher point out that the total amount spent on the humanitarian relief operations in Rwanda within nine months following the genocide continued to be paid by

the traditional donors of humanitarian aid in the following periods. However, this instrumental mindset omits formulation of political intervention mechanisms that are considered to be more effective. The authors underline a vital point demonstrating the irrationality of the Western peace keeping mentality:

“Focusing more attention and putting up ten to twenty million dollars early on, for airlifting and equipment for African peacekeepers, might have prevented much of the bloodletting, the physical devastation, and the mass exodus of some 2 million refugees from Rwanda.” (1996, p.44)

Even if it was not costly for the international community to intervene, it was not profitable either. For a central African country of marginal interest for great powers, the benefits of an intervention would not be worthwhile of the efforts carrying the “shadow of Somalia” (Eriksson et al., 1999). Rwanda was regarded as a failed state in the Western eyes; intervention would not change anything there and produce any concrete developments (Des Forges, 1999).

According to Rudolph von Bernuth (1996), another negligence of the responsible international actors was to involve the refugees into the decision making process. A purely humanitarian perspective requires that the UN agencies and ECHO should have created the necessary mechanisms and provide the Rwandan refugees with a platform in which they can express their perspectives on decisions such as repatriation.

In particular, the European attitude towards the refugees and the general recognition rates were sufficient to discourage further applications. UNHCR, in a report on the Rwandese refugees, states that among the 19 members at the time, the number of asylum applications was between 1000-1,500 even a period at the height of the refugee crisis, in 1994-1997 (UNHCR, 1998<sup>72</sup>).

Between 1990-1997, Belgium, France and Germany were the European countries that received the highest numbers of Rwandese asylum applications, the two-third of the whole. The Netherlands and Switzerland were the other destination countries for asylum seekers from Rwanda. However, the critical point is that, Europe had granted 2080 Rwandese refugee status. The figures were 1200 for Belgium, 410 for France and 120 for Italy. On the

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<sup>72</sup> UNHCR, “CDR Background Paper on Refugees and Asylum Seekers from Rwanda”.

other hands, 1500 asylum requests were rejected by Europe. The recognition rate was 53% positive decisions, which looks impressive when compared with the 11% of the rate for other nationalities (UNHCR, 1998). However, considering the pitifully low levels of applications with respect to the 3,5 million refugees, the reliability of the relatively higher levels of recognition rate becomes questionable.

### **3.2.2. Non-Governmental Organizations**

It would be fair to infer that NGOs with the purpose of providing relief and raise awareness were the most effective actors during both the genocide and the ensuing refugee crisis in neighboring countries. Can be described as extraordinary, the NGO effort was the main body of the refugee protection, in the absence of political and military intervention. (Rudolph von Bernuth, 1996). More than 200 organizations were involved in response and they provided relief for numerous people. Almost 50% of the total aid were channeled through NGOs. And among these NGOs, 85% of this aid was provided through the UNHCR and the World Food Program (WFP). The International Red Cross Movement (IRCM) contributed by 17% of the total funds to Rwanda (Eriksson et al., 1999).

In spite of their success, scholars argue that NGOs were the most vulnerable outside actors during civil conflicts (Dowty and Loescher, 1996). The main vulnerability of NGOs come from their very nature. The reluctance of donor countries and organizations as a result of their own decision calculus was the main obstacle to the NGO operations. (Whitaker, 2002).

Presence of other conflicts mainly caused diffusion of resources, in addition to diverting attention. Organizations and donor countries prepared to channel their resources to the more “politically relevant” crises, instead of Rwanda which is behind the African shadows. Most countries were not willing to support the operations in the Great Lake region. This indirectly led to the forced repatriation since refugees were not protected in the host countries either (Whitaker, 2002).

Nevertheless, on the efficiency of NGOs during the Rwandan operation, scholars agree that more attention, together with an elaborate assessment could have saved human lives, more than expected (Eriksson et al., 1999; Rudolph von Bernuth, 1996).

Furthermore, In Rwanda, some NGOs were reported as perpetrators of genocide since they were providing shelter and food for refugees who were suspected to participate in the genocide.

One of the weaknesses of NGOs in developing a forceful response to the Rwandan refugee crisis is a chronic problem for all NGOs; inefficiency in data gathering, analysis and warning mechanisms. Sometimes the estimation of the number of refugees were miscalculated by 200,000 people. As an appalling example, during the Goma influx of 850,000 refugees, the humanitarian assistance team was ready for only 50,000. They could only discover these people by physically go to the emergency areas, showing the weakness of the intelligence gathering mechanisms (Eriksson et al., 1999).

The organizational structure of the UN agencies was very flexible, so that the systems were developed as the events come up. They did not have strictly defined responsibilities, regular meetings or a hierarchical relationship. This loose structure was designed to increase the adoptability of the organization to different contexts. However, this nature became a backlash during the Rwandan emergency since it was caught off-guard (Rudolph von Bernuth, 1996).

As a result, one of the fundamental criticism to the NGO activity was the lack of a coordinator body to manage the operations. For tackling this problem, there were some attempts to create and NGO forum among which a coordinator body can be elected. However, the prevailed perception that the coordinator body would dominate and possibility of some misrepresentation problems prevented the establishment of such a forum. This failure to cooperate prepared the ground for a chaotic and disordered NGO structure. Inevitably, it brought competition between NGOs over the limited local resources, directly reducing the overall effectiveness of humanitarian operations (Rudolph von Bernuth, 1996). In particular, the tension between the two major NGO bodies, the UNHCR and WFP has a considerable backlash on the operation and shrank the scope of aid

provided (Eriksson et al., 1999). Only the Tanzanian case presents a successful coordination between the UNHCR, ECHO and USAID for developing a relatively effective humanitarian assistance (Rudolph von Bernuth, 1996).

Although there was no coordinator body, some researchers pinpoint the UNHCR as a close candidate for the position (Eriksson et al., 1999). It had the capacity and expertise to plan, fund and manage the operations. However, one main problem is its presumption of the leader role rather than a coordinator; which ended up with exclusion of local NGOs (Wheeler, 2000).

Some scholars argue that the disorder among NGOs attracted the hostility of the host governments. For the Rwandan refugee crisis, as mentioned earlier, the resources in the hands of NGOs were regarded as a troublemaker for the governments since they might create social unrest over the conflict between refugees and local populations. That is why, lack of coordination provoked government antipathy towards NGOs (Rudolph von Bernuth, 1996).

As a result of the aforementioned problems together with the security concerns, some NGOs decided to either suspend or withdraw their operations in Rwanda (Melvern, 2000). Some NGOs had to leave for reasons such as perpetrators of genocide being fed in the refugee camps; these *génocidaires* were keeping the refugees as hostages in the camps; no international action was there to support their operations and more essentially to secure their lives as aid personnel. It was not parallel with the norms and principles of humanitarian aid to leave a region of concern; however, the conditions under which the NGOs had to operate and their isolation as an international actor put them in an obscure situation that they had to withdraw. Therefore, NGOs released a statement underlining that camps should be screened and the genuine refugees should be differentiated from those inciting violence. Additionally, camps should be disarmed and their safety should be provided by the international forces (MSF, 1995<sup>73</sup>). Otherwise, without political support of other actors, NGOs were vulnerable to further become a tool for either rebel groups or states to reach realization of interests.

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<sup>73</sup> MSF, "Deadlock in the Rwandan Refugee Crisis: Repatriation Virtually at a Standstill".



One aspect of the state antipathy towards the NGOs is related with human rights monitoring and naming-shaming capabilities of these organizations. Some NGOs made certain states uncomfortable. One clear instance is the attitude of Zaire's President Kabila towards the UNHCR investigation on massacres of refugees. The government, risking the lives of hundreds of refugees, repatriated the Rwandese in order to disrupt the investigations; which was thought to be an internationally planned conspiracy against President Kabila's state. However, he successfully used human rights concerns of NGOs that UNHCR announced it terminated the investigation in Zaire and withdrawn to prevent forced repatriation of further refugees (UNHCR, 1998<sup>74</sup>).

### *The Cessation Clauses*

The UNHCR, in a joint operation with the Tanzanian government, announced that the deadline for the refugees to return Rwanda was December 1996. UNHCR even funded the process of repatriation and also supported the operation with logistical help; it informed the refugees about the repatriation process. It provided the Tanzanian government with the necessary funds of 1.5 million dollars, required for the additional equipment and personnel for the operation. And the operation was successful; at the end of December 1996, 400,000 Rwandans were expelled from Tanzania through Ngara (Whitaker, 2002).

Jessica Rodger (2001) suggest that the UNHCR involvement in the repatriation process was a trigger for other countries in the region to follow the same path and expel refugees. As the organization employed to guard refugee rights and protection, the UNHCR even supported the repatriation process, violating the principle of non-refoulement. As another 'bow to realities' (Whitaker, 2002), the organization preferred a monitored repatriation rather than letting the states proceed without supervision; at the expense of its norms and principles (Rodger, 2001).

The process cannot be defined as "voluntary repatriation" (Rodger, 2001; Whitaker 2002); however almost all international and state level actors were silent about the process. The context-dependent and pragmatic humanitarianism of the actors prevented them from abiding with the norms and principles they firmly supported. This strategic approach on

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<sup>74</sup> UNHCR, "Background Paper on Refugees and Asylum Seekers from the Democratic Republic of the Congo".

humanitarian relief with the support of the UNHCR eased the feeling of guilt; since all refugees were home now. The Rwandan government, very supportive of repatriation, was contented with the situation (Hovil, 2010).

Although the world mostly did not pay attention in general, the attitude of the UNHCR as heavily criticized by some NGOs. The Amnesty International regarded it as “a shocking disregard for the rights, dignity and safety of refugees” and the Human Rights Watch accused the Organization of having “shamefully abandoned its responsibility to protect refugees” with the joint operation of the Cessation Clause (Whitaker, 2002). Crispy, similarly, describes the impact of the decision on the reputation of the agency as “the worst such event in the UNHCR history” (1998; quoted from Roberts, 1998, p.387).

Hovil diagnoses the behavior change of the UNHCR as a shift from facilitating repatriation to promoting return actively. The point that UNHCR is accused of being irresponsible is its continuing ignorance about the accumulated experience and data on conflict reoccurrence patterns. The literature almost unanimously agrees on the argument that the cyclical pattern of conflicts is triggered with the forced repatriation; increasing the regional security threats (2010).

Some scholars explain the logic behind the instrumental humanitarianism chosen by the UNHCR by referring to forced repatriation as a conflict prevention method and hence understandable. The claim is that responsibility to prevent is a higher priority than the responsibility to protect. And since prolonged asylum cases are known to threaten regional security, organizations should “make the difficult choice” (Whitaker, 2002) and opt for forced repatriation. This ostensible prevention happens to be a very useful tool for states as an explanation for their human rights violations. In this case, repatriation is described as “early” rather than “forced” (Ogata, 1997). All violations of responsibility to protect and non-refoulement principles can be excused with this line of reasoning. Last but not least, possible conflicts as a result of the forced repatriation are not taken into consideration at all.

Regarding the situation as “renunciation of principle of realpolitik”, Fennel highlights an important point of human rights and questions whether or not NGOs and IGOs, together

with donor countries, would abandon long term goals of peace and stability for the short term benefits:

The absolute values of international humanitarian law would now seem to be largely replaced by relative ‘conflict management’ objectives designed to achieve a strategically or economically favorable peace” (Fennell, 1997, p.7).

### ***Refugees and repatriation***

The dilemma of repatriation was the fact that the individuals with continuing fear of prosecution were the ones who engaged in genocide and hence they were seeking asylum. The organizations that opposed to the forced repatriations were labeled as supporters of the génocidaires, creating an ethical conundrum (Whitaker, 2002).

This repatriation puzzle paved created a picture in which the genuine refugees were sent back home; who were Hutus and still suspected by the local Tutsi population having the political upper hand in the country. On the other hand, the real génocidaires who confessed were separated in prisons of the host countries and received protection somehow. Interesting enough, this normatively beleaguered operation was protected by the UNHCR.

Moreover, the repatriations of the genuine refugees were conducted without considering the situation in Rwanda for Hutus. It was clearly disregarded when the Amnesty International warned the governments and the international community about the deficiencies of refugee protection mechanisms particularly for Hutu population, the possibility of human rights violations, outbreak of violence in Rwanda (Rodger, 2001). In an unpublished UN report, it is claimed that in 1994 RPF had killed a high number of Rwandan people, presumably Hutus, after the genocide about 25,000 to 40,000 (Des Forges, 1999.) Considering this kind of tendencies that the current government had, the repatriation decision of the old enemy Hutus to Rwanda may result in problematic situations in terms of human rights.

The responsible parties for the protection of refugees clearly neglected to question the reason and concerns of Rwandese refugees that prevent them from returning home, despite all the efforts of UNHCR and Rwandan government. Indeed, these are the genuine concerns that raise the need for protection and intervention so that many refugees feel a

constant fear and hide from authorities in order not to be detected and returned (Hovil, 2010).

First of all, in order for repatriation to take place, the return to the country of origin Rwanda should be in safety, dignity and security according to the UNHCR (1996) description<sup>75</sup>. Set aside dignity, the condition for return in safety is defined as followed:

Return which takes place under conditions of legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination and freedom from fear of persecution or punishment upon return), physical security (including protection from armed attacks, and mine-free routes and if not mine-free then at least demarcated settlement sites), and material security (access to land or means of livelihood) (*ibid*).

The conclusions of Hovil's research by interviewing 102 Hutu refugees on their perception on repatriation clearly demonstrate the fact that the refugees are really afraid of their security in Rwanda. At the time of study, 2010, the number of refugees applying to Uganda was 1,312 which demonstrates the continued need for asylum even after sixteen years after the genocide. Mostly, refugees think that the government is suppressing the Hutus revengefully and they will face human rights abuses back home. The ethnic polarization still considered to be present and the Hutu refugees abstain from holding responsible for the legacy of genocide (2010).

Mostly feared is the local tribunals established for hearing the genocide suspects called *gacaca* courts. Although the courts are operational for securing justice and reaching public relief; it might become highly manipulated by personal grievances and end up with sentencing even the genuine refugees (ICAR, 2004).

Second problematic part of repatriation is another local mechanism called *ibuka*, meaning remembrance. Designed for the victims of genocide, the *ibuka* process is regarded as a way to repress the presumed génocidaires and develop anti-Hutu biases. This traditionalized practice in April, the time of genocide, aims at creation of a collective guilt among the Hutus; by, for instance, only mourning for the Tutsi deaths, excluding the losses from moderate Hutus. Even practices such as making Hutus wash the bones of Tutsis puts

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<sup>75</sup> UNHCR, Handbook on Voluntary Repatriation: International Protection.

serious pressure on the people and promotes the anti-Hutu stereotypes. Moreover, the exclusion of Hutus by attributing collective guilt result in legitimation of re-accessing the property of these people. To put it simple words, the Hutus refugees cannot claim their property; even if they risk their lives and decide to return. With the current government continuing oppression and the UNHCR, the only international body involved, supporting the government's ambitions; Rwandans outside Rwanda are scared to return (Hovil, 2010).

### ***The Current Situation***

Despite all the aforementioned concerns, the UNHCR adopted itself to the *realpolitik* by declaring another Cessation Clause in 2009 and 2013, for the refugees who fled the country before 1999. The official claim was that the refugees had no longer a reason to be exposed violence and a reasonable fear of persecution was waiting them back home. From this point on, according to UNHCR reports, Rwandese refugees, will not be able to hold the refugee status and will become stateless persons (UNHCR, 2015; Nyange, 2013<sup>76</sup>)

Today, according to the UNHCR data, there are 100,000 refugees left in eleven host countries which are Burundi, Tanzania, the Democratic Republic of Congo, Uganda, South Africa, Malawi, Angola, Cameroon, Zimbabwe, Kenya and Zambia. In a ministerial meeting in 2015, all the mentioned countries, the country of origin Rwanda and related organizations have come together for these refugees of concern for the international community, and agreed on putting the deadline of 31 December 2016 for return for the 100,000 people in question. After this point, at the end of 2017, the UNHCR will keep its hands off from the refugee protection operations for the Rwandan people. Then, only the convention refugees will be protected by the host governments; the rest will be “voluntarily” repatriated, which is the most preferred option (UNHCR, 2015).

Although the Cessation Clause in 2013 announces that the individuals who are able to demonstrate that they still have the reasonable security concerns for not to return are able to ask for refugee status, it does not satisfy the refugees who have fear of prosecution. Most obviously, Rwanda ranks 135 among the 162 states in the Global Peace Index at the time of latest Clause, in 2013 (Estes, 2014). The reason is that most countries recently reject

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<sup>76</sup> Aljazeera, “Rwanda's refugees should not be forced to return”.

Rwandan applications; hence refugees have still lower levels of confidence in the process and refuse to return (Hovil, 2010).

## CHAPTER 4

### CASE COMPARISON AND ANALYSIS

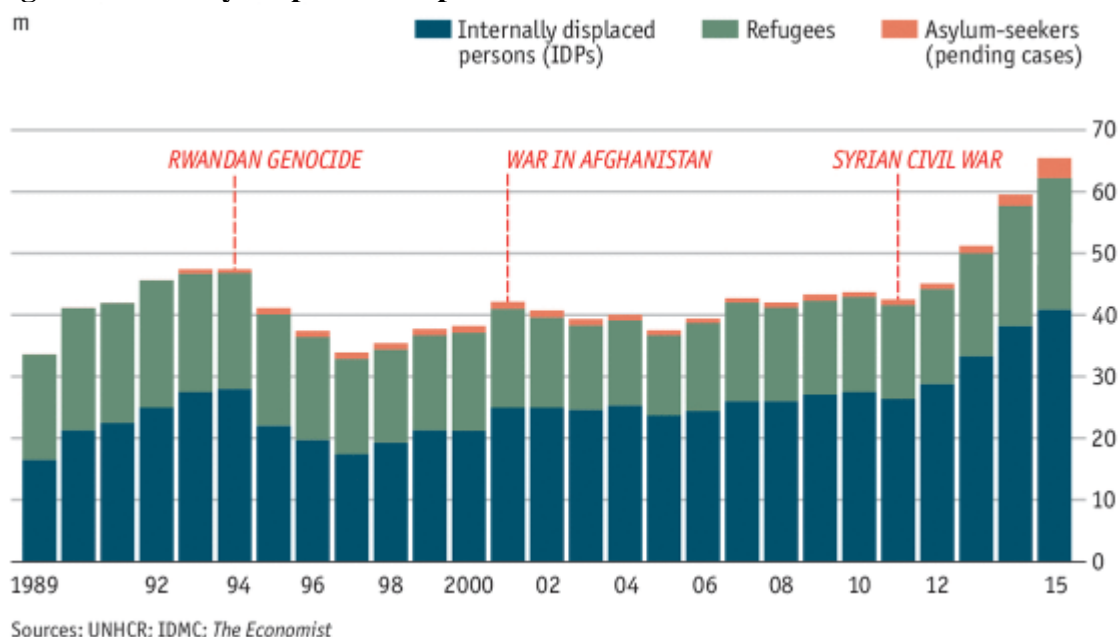
After the in depth study of the two civil wars and the refugee crises afterwards, this final chapter focuses on the comparative analysis of the two cases. The general conclusion of the two case analysis is in parallel with the findings of the realist school; states are the main actors of the response to the even humanitarian cases such as refugee flows. The most important demonstrator of state centrality of the responses is the absence of an internationally uniform recognition or definition of refugee/asylum/protection status. No holistic law can be applied as a result of individual states demanding to follow their own interests.

Actors other than the states are considered to be capable of knowledge construction, lobbying, campaigning and compliance monitoring. With the ability of international organizations on naming and shaming, they have the capacity to be a deterring actor for refusing to provide international protection for refugees; however, it is mostly obstructed by the power configuration of states at the political level. NGOs on the other hand, are better only in raising awareness and campaigning for the humanitarian relief operations since they are mostly dependent on state actors politically and financially.

The below analysis is on the determinants of the actor responses to the refugee crisis upon the overview of the Syrian and Rwandan cases. Unlike the previous chapters, the structure of this chapter is not designed to have subcategories that differentiate state level actors from international actors since the intertwined nature of the two levels of analysis has become apparent with studying the two cases. Thus, this chapter jointly evaluates the various actors involved in the responses to the refugee crises.

## 1. The magnitude of the crisis

**Figure 3. Forcibly Displaced People in the World**



To begin with, as demonstrated in the above graph, the magnitude of the two crisis is phenomenal in that these are the crises that produced highest number of refugees and displaced largest scale of people. The two crisis are figuratively similar in that the proportion of population fleeing the country to the pre-war population is approximate. In both cases, more than half of the population had to displace either internally or to another state. On top of this, the period during which the two crises took place was the times that the world was experiencing highest number of people of concern in total. In 1990s, the number of refugees was 17 million whereas 26 million people were IDPs all around the world (Cross, 2001). Today in 2016, the number of refugees is 21.3 million whereas the IDPs constitute 44 million of the world's population (UNHCR, 2016<sup>77</sup>).

In this manner, scholars conclude that the magnitude is also a demonstrator of the level of violence; the more war gets violent, the more people decide to flee the country. In the words of Weiss and Korn "The most reliable indicator of suffering in war zones is usually the number of 'refugees'" (2006, p.1). Hence the number of refugees also demonstrates the intensity of the conflict, together with the duration of war.

<sup>77</sup> UNHCR, "Figures at a Glance".



As the number of refugees increases, the perception of threat in the eyes of various actors also raises correspondingly (Dowty and Loescher, 1996). However, the Rwandan case demonstrated that this line of reasoning does not apply to the crisis that do not produce a ‘credible threat’ for the state or IGO. In the Rwandan case, actors that responded most actively to the crisis was NGOs. IGOs and state level actors remained relatively silent no matter what the magnitude of the crisis war. That signifies that some intervening factors may double the impact of the large magnitude; similar to what is observed to be the case in Syria.

## **2. Geographical Proximity**

An important factor that influenced actor responses was geographical proximity of the conflict to the powerful actors. Rwanda was a central African country far from Europe and Americas; the refugee crisis and a possible spillover effect was not a big threat for the actors; thus they remained passive to develop a response for the humanitarian suffering. However, Syria, is close enough to the Western powers that the probability of spillover through refugees becomes very high; together with the large magnitude of the crisis, powerful state and international level actors perceive the Syrian refugee crisis as a credible threat to their security. Inevitably, they perceived the necessity to interfere somehow that the crisis does not grow further. The geographical proximity factor is closely related with the next item; previous conflicts. In fact, without geographical proximity, presence of previous conflicts may exacerbate the human suffering whereas the response may change when the

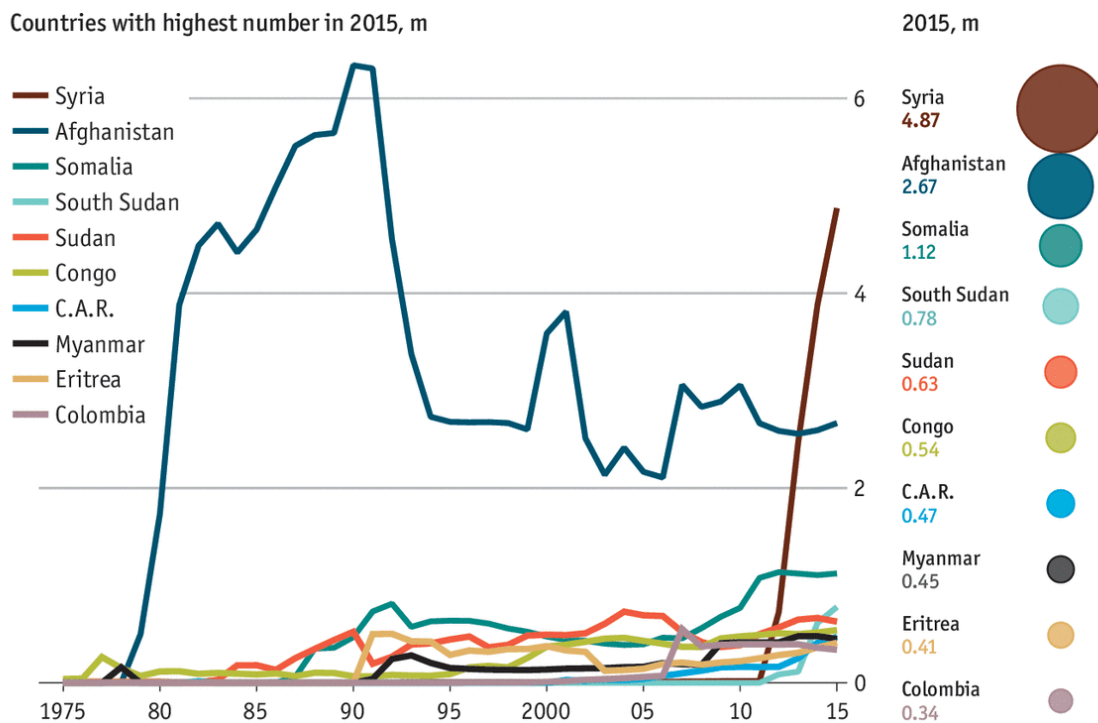
## **3. Previous Conflicts**

The analysis of the two exoduses revealed that previous conflicts in the region which caused mass migration are fundamental hampering factors for actors to involve. This item applies to the both international and state level actors. When we look at the Rwandan case, the previous refugee crisis in fact is the main trigger for the genocide and the influx aftermath. The refugees in-exile for three decades between 1960-1990 are the builders of what happened in Rwanda (Van der Meeren, 1996). Also the previous crisis in Somalia and

the intervention to it by the UN Security Council had detrimental impact on the approach of the international community to the Rwandan conflict as well as refugees. The existence of a previous conflict increases the reluctance of actors to involve in cases where they see marginal interest (Eriksson et al., 1996).

Coming to the Syrian crisis, the situation is conspicuous when we look at the below graph by the UNHCR, demonstrating the variety of refugees fleeing from Middle Eastern and African countries. Afghanistan, being the next perilous one, Somalia and South Sudan.

**Figure 4. Refugees by Country of Origin**



Source: UNHCR, Economist

For the both cases, the intervention to previous conflicts was also central to the formulation of response by actors, particularly international organizations. IGOs such as the EU and UN were in a political gridlock since the member states were highly reluctant to intervene because of the recent failures. Constituencies of the governments of member states were

critical about the past interventions in the Middle East, this prevented further involvements in third country conflicts. The IGOS, on the other hand, are sensitive to miscalculated interventions which may result with failure; since these mistakes further discredit the organization and damage its future operations. However, when the geographical component is in the picture; a highly proximate large-scaled refugee crisis is itself sufficient to urge the relevant actors to involve. With the Syrian refugee crisis, the EU and individual European states find themselves in a situation that they had no choice but respond somehow. The abruptness and scale of the Syrian refugee crisis has no precedent in the European history. That is why, European perception has not been clear about the length of stay (Heisbourg, 2015). The tendency of states to free ride still exists and is observed; but the magnitude of human suffering put a high pressure on the Union in general.

However, the situation is different for the international NGOs; existence of a previous conflict is operationally helpful since the organization has more information and know-how on the field. Thereby, they can become more reactive to the crisis than IGOs; which was the case in Rwanda. But for the both Syrian and Rwandan cases, the lack of political support for resolution and the power vacuum led to emergence of militarization of non-state actors such as the IS for Syria or RPF for Rwanda. These actors are the main inhibitors of NGO operations in the field. In both cases, the security of lives of the NGO personnel was in such a danger that they had to suspend or cancel their operations.

#### **4. Refugee type, profile and motivation**

The refugee type is closely related with the previous conflict, if exists, and the aftermath of it since the refugees are generally mixed into the previous refugees. The refugee profile; meaning the ethnic variety, educational background or political tendencies of the fleeing population. When making the decision on asylum applications, the state logic applies that aim to take advantage of the humanitarian situation so that it can turn the influx into its good account (Lischer, 2005).

For the Syrian exodus, the state responses are mostly dependent on this factor. Elaborate analyses of the Syrian refugee profile conclude that the displaced population from the Syrian Arab Republic is more skilled than the refugee groups from other countries of origin

such as Afghanistan or Somalia. The level of skilled labor is considerably high; and the educational and professional profile of the refugees are appropriate for operationalizing in various fields (Dumont and Scarpetta, 2015). These figures are closely evaluated by the state authorities and IGOs when preparing the pool of qualified refugees to be appraised.

Canada is the country that applies this logic; since Canada is geographically distant from the region and is not affected from the instant outflow. As the Conference Board of Canada research associate Kareem El-Assal puts in his words; “Indeed, in the absence of high immigration levels, Canada’s population will shrink, our economy will suffer, and our standard of living will decline”<sup>78</sup>. He claims that the economy of Canada, indeed, needs the Syrian refugees who are selected by the UN from the pool of refugees in Turkey, Lebanon and Jordan. According to his analysis, not only revitalizing the Canadian economy, the Syrians will contribute to the demographics of the country with the younger population.

It is similar with Germany that the asylum procedure was designed to accept more qualified refugees. The prioritized applications were among the one who can be ‘Syrian reconstructions’; those who has high skills and can speak German, for instance. Needless to mention, the refugees endowed with the capability to rebuild Syria in the future, will be more preferred to be grant the refugee status. The *raison d’état* applies one more time that states aim to benefit from humanitarian assistance as well.

Also the Turkish President’s recent explanations is parallel to this line of reasoning when he announced the plan to accept Syrians as citizens of Turkish Republic. Erdogan clearly stated in his words; "Some of them are very qualified -- and if we don't accept them they will leave for Europe, for Britain and Canada"<sup>79</sup>. With the aim of promoting Turkey as a destination country, the government aims to participate the competition between states such as Canada or the US over qualified migrants to be utilized in various fields.

On the other hand, the refugee profile and motivation may be an obstruction as well. Here, similar to the Rwandan refugee warriors (Zolberg, 1979) argument that made Tanzania and Zaire to reject refugees fearing instability and escalation of violence, the Syrian refugees

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<sup>78</sup> The Conference Board of Canada, “Why Canada Needs a National Immigration Action Plan”.

<sup>79</sup> Daily Mail, “Turkish citizenship for refugees: a political ploy?”

face the suspicion of being the IS terrorist trying to leak to the host country for a terrorist operation. As Lischer argued (2005), states make a probability assessment of refugees to become militarized within their territory. In this manner, the involvement of the IS in the conflict and the extremism of its plans and actions somehow label the Syrians as the possible threat since they are coming from the same region and religion.

## **5. Cultural - Traditional Proximity**

The ethnic, cultural and religious identity of refugees and the state perspective to it is highly influential in shaping the state responses. Although it is not the only factor for state decisions, this proximity may work twofold by either inciting fear and security concerns as well as sympathy and welcoming towards refugees depending on the context.

As an example from the situations in the Syrian case that some states perceive the fleeing population as a threat to their security and thus respond accordingly. As a part of this analysis, Hungarian state perceived the crisis as an existential threat and formulated their response accordingly. The Hungarian Prime Minister in an opinion piece wrote that:

Let us not forget, however, that those arriving have been raised in another religion, and represent a radically different culture. Most of them are not Christians, but Muslims. This is an important question, because Europe and European identity is rooted in Christianity. Is it not worrying in itself that European Christianity is now barely able to keep Europe Christian? If we lose sight of this, the idea of Europe could become a minority interest in its own continent<sup>80</sup>.

Coming to the situation in Rwanda, a pull factor for refugees in host countries was the facilitating impacts of transmigration being prevalent in the region. With the existing ethnic ties in the countries such as Tanzania or Uganda, refugees were able to find a livable environment even as a refugee or asylum seeker, so that they preferred living abroad to repatriate. If the refugee warrior situation and security threat were not present; the state perception of the neighbors was more welcoming to the people from a similar ethnic and cultural background (Eriksson et al., 1999).

French on the other hand, supported the refugee camps but provided selective protection as the realists claim; since the aim was only continue its existence and legitimacy in the region

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<sup>80</sup> Hungarian Prime Minister's Office, Hungary's Situation in the Context of Modern-Day Mass Migration.

(Whitaker, 2002). The case of French operation was a clear demonstrator of the realist claim that humanitarian intervention can take the shape of a weapon pointed at the most vulnerable (Franck and Rodley, 1973). The same goes for Tanzania; they just wanted to secure their borders and did not have the necessary means. Therefore, they had to *refoul* the refugees by using force; which was a voluntary repatriation only in paper and politicians' rhetoric (Rodger, 2001).

## **6. The foreign policy positioning of the sender country**

As explained in the literature review chapter, some scholars claim that the response of a state to an influx may depend on the foreign policy positioning of the sender country in the eyes of the host country (Saleyhan, 2014; also similar Whitaker, 2002). One application of Saleyhan's theory is observed which is fundamentally significant for the main claim of this thesis: Iran, which did not accept any refugees fleeing from the Syrian civil war (UNHCR, 2016<sup>81</sup>). This case is critical for the analysis of Syrian crisis since it emphasizes the priority of political aspect of the response to the other factors listed above. Having the geographical and religious proximity conditions met, the Iranian state still does not accept any Syrian refugees. The claim of this thesis is that the foreign policy positioning of the country mainly shapes the response; Iran clearly support the Assad regime. Accepting refugees, even one, would mean to discredit the Syrian incumbent and undermine the Iranian foreign policy making. Very similar argument follows for Russia as well. As an international ally of the sender country, Russia cannot accept refugees which would cause its policies to lose face in the international and domestic grounds.

Canada, on the other hand, is another example of the argument. The Canadian government followed a policy against the incumbent government of Syria, as it started to accept refugees. The government further holds the Assad government, "a state sponsor of terrorism", responsible for the emergence of the IS in the region. As the Foreign Affairs Minister, Bob Nicholson states officially:

President Bashar al-Assad's brutal actions against his own citizens have resulted in a downward spiral of violence and extremism and a humanitarian crisis of appalling

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<sup>81</sup> UNHCR, Population Statistics-Time Series.

dimensions—and created the fertile conditions for the so-called Islamic State of Iraq and the Levant to grow. Canada condemns in the strongest terms the Assad regime’s continued assaults on citizens... We remain determined that the Assad regime will also be held to account for its crimes against the people of Syria<sup>82</sup>.

The argument also works for the refugee acceptance policies of Turkey, Germany and the EU in general and their stance against the Syrian regime. Not surprisingly, the country that accepted the largest number of refugees, Turkey, maintains a firm opposition to Assad and his rule since the outbreak of the war. Moreover, the Turkish government supports the insurgency movement against Syrian regime to further support the Turkish stance domestically.

The EU, as an IGO, adopts a policy position parallel to the Saleyhan’s argument by condemning the Syrian regime to be responsible for the refugee-generating conflict. As Catherine Ashton, EU foreign policy chief, officially states; The EU notes the complete loss of Bashar al-Assad's legitimacy in the eyes of the Syrian people and the necessity for him to step aside"<sup>83</sup>. The European states, together with Canada, announced a joint statement against Assad urging him to leave office and put an end to the conflict and refugee exodus.

For the argument of foreign policy positioning influencing the asylum decision (Saleyhan, 2014), one exception is observed however with a probable explanation: Israel. As a country known with exceptionalities, Israel is the state in the region that have not taken any refugees, even if it has borders with Syria (UNHCR, 20156). The long history of Syrian hostility was not triggering enough to make Israel consider accepting refugee applications in order to discredit the Syrian government in the international arena. However, the logic of this line of Israeli policy making is surprising, taking its general foreign policy making into consideration. A massive influx from an Arab country would not be highly welcomed in Israel, both politically and socially. In fact, it is reciprocal; on the other side of the coin, most Syrians would not rank Israel, the proverbial enemy of Arabs, as the top choice for seeking asylum.

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<sup>82</sup> Global News Canada, “Would Canada’s Syria mission bolster Assad’s regime?”

<sup>83</sup> BBC, “Syria unrest: World leaders call for Assad to step down”.

## 7. Spillover of Conflict

Whitaker (2003) has analyzed refugee flows that led to outbreak of conflict in the host state and came up with certain conditions related with refugees that prepare the ground for emergence of violence. One of her case studies is the Rwandan civil war in 1994; hence her findings apply to the Rwandan case. For the purposes of this thesis, another conclusion can be drawn for the Syrian case by following the footsteps of her analysis.

First of all, she hypothesizes that when a failed or deteriorating state is exposed to a refugee influx, there is a higher possibility of conflict to outbreak. The description of failed state, according to Dowty and Loescher is

... when a state ceases to be a state, conceding to the international community not only the right but also the duty to intervene. Clearly, the sudden flight of large populations is itself one sign that a government is no longer functioning effectively (1996, p.60).

In the Rwandan case of their analysis, the failed state was Zaire, which was a highly weak government and the result was reescalation of violence. For the Syrian case, the host country which is most vulnerable to this possibility is Lebanon with its overwhelmed refugee population on top of the domestic instabilities and weak political infrastructure. Lebanon has the world's highest refugee per capita number. Politically speaking, since May 2014, the country has not had a president. coming to the parliament and government, the political paralysis did not allow passing a budget since 2005. Not surprisingly, the economy and savings are exhausted and the labor market is on the brink of collapse (UNHCR, 2015<sup>84</sup>). This chaos is further messed up with the influx of Syrian refugees. The country has experienced a garbage crisis which brought the turmoil into the light. The statement of Lebanese Prime Minister upon this crisis is vital for understanding the current situation in Lebanon: "I warn we are moving towards collapse if matters continue. A bigger problem than the trash crisis was Lebanon's 'political garbage'"<sup>85</sup>. Considering the fact that almost one third of the country's population support Hezbollah and the IS terror in the region benefiting from the power vacuum; the ground gets highly suitable for Whitaker's

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<sup>84</sup> UNHCR, "Vulnerability Assessment of Syrian Refugees in Lebanon".

<sup>85</sup> DW Conflict Zone, "Lebanon, the next failed state?"



correlation between refugee influxes to failed states and possibility of conflict to be highly probable (2013).

The second condition for escalation of violence in the host country is the case that when refugee-generating conflict is linked with ethnic polarization. The Rwandan conflict is an ethnic conflict in itself; and the level of ethnic politization is so high that the neighborhood was influenced with the repercussions and violence was triggered. For the Syrian case, similarly, the conflict has ethnic dimensions. Considering the fact that the ethnosectraian division of Alawite-Sunni-Salafi frictions are parallel in most Muslim countries in the region hosting the Syrians, such as Lebanon, Jordan or Turkey. With the IS and its violence centralizing around the extreme Salafism, the picture gets more complicated. According to Whitaker's diagnosis (2003) on the conditions inciting violence in the hosts, the ethnic identity of the Syrian conflict has the probability to trigger further conflicts in the Middle East.

The third condition for impact of influxes on the breakout of violence is the case that the leaders host country decide to take advantage of refugees for his/her own pursuit of interest and power raising. Applying it to the Rwandan case, the Zairian President Mobutu, who aimed to "play political games" with the refugees in his territory, supported the refugees who were mostly génocidaires. His hope was regaining power against the political reform in his country. However, the conflict escalated and RPF attacked Zaire against Mobutu's plans; the result was slaughter of hundreds of refugees being. A similar logic can be applied to the Turkish case that refugee issue has been used as a political leverage during the negotiations between the EU and Germany. The Turkish government, as a foreign policy success, used the opportunity to revitalize the accession talks; on top of the promise for visa liberalization. Additionally, Murat Erdogan, a migration expert in Turkey, claims that Turkish authorities may have the intention to convert the Syrian refugee issue to a political leverage for the domestic arena by granting citizenship to the refugees<sup>86</sup>, which is a recent promise from President Erdogan<sup>87</sup>.

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<sup>86</sup> Nokta Magazine, "AK Parti, Suriyeli mültecileri siyasi koza dönüştürebilir"

<sup>87</sup> Aljazeera. "Erdogan: Syrian refugees could become Turkish citizens".

Taking Whitaker's third condition one step further, the utilization of refugees by groups other than state actors also can be of concern. As mentioned earlier, insurgent organizations such as RPF in the Rwandan case or IS in the Syrian case can take advantage of the refugees and trigger further violence. That is why, for instance, when Syrians are resettled as refugees in other countries, the IS was annoyed since it was cut from an important financial line coming from these people. In this manner, the IS acts firmly against the Syrians fleeing the country and resettling in other countries<sup>88</sup>.

All in all, mostly state actor responses against the refugee resettlement is claimed to be security related. Nation states clearly assert that the probability of a Syrian refugee to have extremist purposes is very high; hence states refuse to accept the asylum requests coming from the region for protecting their nation from the risk of terrorism. However, this line of reasoning by securitizing refugees misses what the study of conflicts and migration teaches; the longer refugees suffer the more extremist they become, living under inhumane conditions without protection. Radicalization of refugees is a golden opportunity for terrorist organizations to exploit and operationalize these vulnerable people as assets who can be possessed easily and cheaply. Sometimes, even the hope that refugees are given is sufficient to convince them to participate in radical activities<sup>89</sup>.

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<sup>88</sup> Global News Canada, "Should Canada stop bringing in Syrian refugees because of the Paris attacks? Experts say no."

<sup>89</sup> NYT, "How Dragging Our Feet on Refugees Creates More Terrorists".

## **CONCLUDING REMARKS AND FUTURE RESEARCH**

The emerging literature on the relation between refugee flows and onset of international war is an aspect that makes this thesis essential. Saleyhan (2007) examines the militarized interstate disputes (MIDs) between 1955-2000 and conducts a quantitative analysis of the impact of refugee migration. His results demonstrate statistically significant impacts of refugee influx on triggering interstate fights (p.26).

Saleyhan's conclusions are central to this thesis in that it points out the fact that actors' responses to the refugee flows may possibly reach to the level of armed conflict. Regarding the uprooted population as the "Negative Externalities of Civil Strife" (Saleyhan, 2007), he concludes that the probability of an exodus to a second country to increase preexisting tensions between the sender and receiver country or emerge new conflicts is very high. That additional factor underscores the significance of refugee movements and academic study of massive influxes.

For now, the global trend shows that refugee flight, international protection and conflict are going to sustain their positions as the hottest issues of the world's agenda. Massive migration does not seem to disappear in the near future. The aim of this thesis is to come up with new dimensions to the study of conflicts and international organizations so that the essentiality of the politics underlined for developing responses to humanitarian suffering. Charity and financial aid is necessary but insufficient for handling crises of this magnitude (Dowty and Loescher, 1996).

Hence, this study aims to contribute to the future research that should focus on the systematic obstacles to development of political responses by various actors to the effort of humanitarian assistance. One fundamental expansion of the question of this research would be, obviously, to test the hypotheses of the thesis by using more quantifiable data that should feed the conclusions of process tracing in case study analysis.

This thesis also another support for the study of correlates and causes of conflicts and wars. By looking into the actors' responses to the refugee crises, this thesis revealed the level of insufficiency that all relevant actors and the international system to formulate an effective response. If states and organizations, for the reasons studied in this thesis or any other, are

not capable of ameliorating the human suffering aftermath of crises; then the focus should be on prevention of conflict rather than rehabilitate or reconcile (Dowty and Loescher, 1996).

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## APPENDIX

**Table 1. UNHCR Resettlement and Other Admission Pathways for Syrian Refugees as of 29 April 2016**

Country	Resettlement / humanitarian admission	Humanitarian visas	Private sponsorship	Academic scholarships	Total
Australia*	5,800				5,800
Austria	1,900				1,900
Belarus	20				20
Belgium	475				475
Brazil		(issued) 8,450			8,450
Canada*	48,089				48,089
Czech Republic	70				70
Denmark	390				390
Finland	1,900				1,900
France*	2,980	4,122		1,000	8,102
Germany	20,000		(issued) 22,063		42,063
Hungary	30			50	80
Iceland	75				75
Ireland	724				724
Italy*	1,400		(admitted) 100		1,500
Liechtenstein	25				25
Luxembourg	60				60
Netherlands	500				500
New Zealand	850				850
Norway	9,000				9,000
Poland	900				900
Portugal	48			70	118
Romania	20				20
Spain	1,709				1,709
Sweden	2,700				2,700
Switzerland*	2,000	(issued) 4,700			6,700
United Kingdom	20,000				20,000
United States of America*	38,843				38,843
Uruguay	120				120
<b>TOTAL</b>	<b>160,628</b>	<b>17,272</b>	<b>22,163</b>	<b>1,120</b>	<b>201,183</b>

**Table 2. Total Asylum Applications to Europe: derived from EUROSTAT**

GEO/TIME	2011 Asylum Applications	2012 Asylum Applications	2013 Asylum Applications	2014 Asylum Applications	2015 Asylum Applications	2016- (until June) Asylum Applications	Total Asylum Applications (June 2016)
European Union (28 countries)	6,450	20,810	46,460	119,005	362,775	153,640	709,140
Belgium	460	815	975	2,630	10,290	1,100	16,270
Bulgaria	70	430	4,445	6,205	5,945	585	17,680
Czech Republic	0	60	75	100	130	15	380
Denmark	460	880	1,675	7,205	8,580	790	19,590
Germany	2,630	6,205	11,845	39,335	158,665	135,855	354,535
Estonia	0	5	10	10	10	0	35
Ireland	5	5	30	20	70	30	160
Greece	350	275	465	735	3,320	1,880	7,025
Spain	90	225	715	1,495	5,720	330	8,575
France	115	615	1,305	2,830	4,625	1,100	10,590
Croatia	0	0	195	65	20	20	300
Italy	540	360	635	510	505	330	2,880
Cyprus	190	505	460	755	915	275	3,100
Latvia	15	15	10	35	5	15	95
Lithuania	0	0	0	5	5	5	15
Luxembourg	10	5	25	90	630	110	870
Hungary	0	0	930	6,630	64,075	2,445	74,080
Malta	120	140	250	305	395	90	1,300
Netherlands	170	460	2,235	8,750	18,635	1,265	31,515
Austria	0	0	0	7,655	24,725	3,870	36,250
Poland	10	105	260	105	295	30	805
Portugal	0	20	140	5	10	5	180
Romania	30	230	965	585	550	50	2,410
Slovenia	5	35	50	95	15	150	350
Slovakia	5	0	10	30	0	0	45
Finland	0	180	155	145	875	190	1,545
Sweden	635	7,915	16,540	30,310	50,890	2,615	108,905
United Kingdom	505	1,290	2,010	2,350	2,840	490	9,485
Iceland	0	0	0	0	10	15	25
Liechtenstein	0	0	0	0	0	0	0
Norway	180	315	855	1,990	10,535	240	14,115
Switzerland	690	1,150	1,850	3,775	4,655	1,050	13,170
Serbia	*	*	*	*	*	*	313,445
Total	7,330	22,260	49,155	124,740	377,980	154,940	1,049,850

**Table 3. Total Asylum Granted by Europe: derived from EUROSTAT**

<b>GEO/TIME</b>	<b>2011 Asylum Granted</b>	<b>2012 Asylum Granted</b>	<b>2013 Asylum Granted</b>	<b>2014 Asylum Granted</b>	<b>2015 Asylum Granted</b>	<b>Total Asylum Granted</b>
<b>European Union (28 countries)</b>	1,675	16,165	32,615	68,655	162,090	281,200
<b>Belgium</b>	65	595	1,535	1,675	3,670	7,540
<b>Bulgaria</b>	5	55	2,005	6,405	5,320	13,790
<b>Czech Republic</b>	0	10	105	75	130	320
<b>Denmark</b>	360	680	1,295	3,985	5,705	12,025
<b>Germany</b>	430	7,465	8,700	23,860	101,415	141,870
<b>Estonia</b>	0	0	0	5	0	5
<b>Ireland</b>	0	15	40	25	25	105
<b>Greece</b>	5	0	105	590	2,795	3,495
<b>Spain</b>	0	0	150	1,160	655	1,965
<b>France</b>	40	340	1,195	1,950	3,110	6,635
<b>Croatia</b>	:	10	10	0	0	20
<b>Italy</b>	65	200	395	315	330	1,305
<b>Cyprus</b>	0	5	120	930	1,390	2,445
<b>Latvia</b>	5	15	15	20	15	70
<b>Lithuania</b>	0	0	10	0	5	15
<b>Luxembourg</b>	0	5	10	40	80	135
<b>Hungary</b>	5	45	130	180	160	520
<b>Malta</b>	50	115	270	360	270	1,065
<b>Netherlands</b>	25	585	1,695	5,440	7,850	15,595
<b>Austria</b>	300	740	935	3,205	7,940	13,120
<b>Poland</b>	0	5	85	130	205	425
<b>Portugal</b>	0	0	15	0	0	15
<b>Romania</b>	0	120	785	460	335	1,700
<b>Slovenia</b>	0	0	5	10	10	25
<b>Slovakia</b>	0	0	10	15	10	35
<b>Finland</b>	30	145	145	100	135	555
<b>Sweden</b>	145	4,090	11,390	16,295	18,470	50,390
<b>United Kingdom</b>	150	920	1,455	1,425	2,055	6,005
<b>Iceland</b>	0	0	5	5	15	25
<b>Liechtenstein</b>	0	0	0	0	0	0
<b>Norway</b>	10	245	690	1,250	1,550	3,745
<b>Switzerland</b>	550	415	730	3,650	3,385	8,730
<b>Serbia</b>	*	*	*	*	*	0
<b>Total</b>	2,235	16,825	34,040	73,555	167,040	293,695