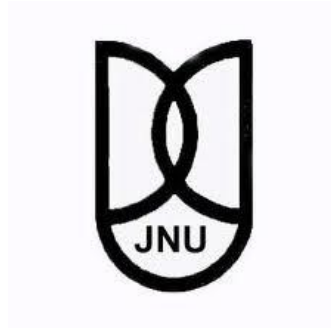


**ROLE OF THE UNITED NATIONS HIGH COMMISSIONER FOR  
REFUGEES IN THE SYRIAN CONFLICT**

*Dissertation submitted to Jawaharlal Nehru University  
for the award of the degree of*

**MASTER OF PHILOSOPHY**

**PREETI SINGH**



International Organization  
Centre for International Politics, Organization and Disarmament  
School of International Studies  
**JAWAHARLAL NEHRU UNIVERSITY**  
New Delhi-110067

2018



Date: 17/7/2018

**DECLARATION**

I declare that the dissertation entitled “**ROLE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES IN THE SYRIAN CONFLICT**” submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

*Preeti Singh*

**PREETI SINGH**

**CERTIFICATE**

We recommend that this dissertation be placed before the examiners for evaluation.

*W. Choedon 19/7/2018*

**Prof. Yeshi Choedon**

**Chairperson, CIPOD**



Chairperson  
Centre for International Politics,  
Organization and Disarmament  
School of International Studies  
Jawaharlal Nehru University  
New Delhi - 110067

*Murthy*

**Prof. C.S.R. Murthy**

**Supervisor**



Centre for International Politics,  
Organization and Disarmament  
School of International Studies  
Jawaharlal Nehru University  
New Delhi-110067

*For My Late Grandmother Mrs. Shanti Singh*

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## **List of Abbreviations**

AHC-O	Assistant High Commissioner for operations
AHC-P	Assistant High Commissioner for Protection
CIA	Central Intelligence Agency
CEAS	Common European Asylum System
CCCM	Coordination and camp management
CRIs	Core relief items
DHA	Department of Humanitarian Affairs
DPKO	Department of Peacekeeping Operations
PYD	Democratic Union Party
ECOSOC	Economic and Social Council
EU	European Union
EXCOM	Executive Committee
FAO	Food and Agriculture Organization
FSA	Free Syrian Army
GCC	Gulf Cooperation Council
HRP	Humanitarian Response Plan
HSOs	Humanitarian Security Officers
IASC	Inter-Agency Standing Committee
IDPs	Internally displaced persons
IMF	International Monetary Fund
IOM	International Organization for Migration
IRO	International Refugee Organization

ISIS	Islamic State of Iraq and Syria
MHPSS	Mental Health and Psychosocial Support Services
MoSA	Ministry of Social Affairs
NATO	North Atlantic Treaty Organization
NFIs	Non-food items
NGOs	Non-governmental Organization
OCHA	Office for Coordination of Humanitarian Affairs
ORVs	Outreach Volunteers
PKK	Kurdish Workers Party
PSS	Psychosocial Support
3RP	Regional Refugee and Resilience Plan
RRP	Regional Response Plan
R2P	Responsibility to Protect
SARC	Syrian Arab Red Crescent
SGBV	Sexual and gender based violence
SHARP	Syria Humanitarian Assistance Response Plan
SNC	Syrian National Council
SRP	Syria Strategic Response Plan
THAP	Temporary Humanitarian Admission Program
TPR	Temporary Protection Regime
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees

UNICEF	United Nations Children's Fund
UNRRA	United Nations Relief and Rehabilitation Administration
UNRWA	United Nations Relief and Works Agency
US	United States
UNSC	United Nations Security Council
UNSECORD	United Nations Security Coordinator
WASH	Water, sanitation and hygiene
WHO	World Health Organization
WOS	Whole of Syria



**CHAPTER 1:**  
**INTRODUCTION**

The purpose of the study is to analyse the role of the United Nations High Commissioner for Refugees (UNHCR) in the Syrian conflict. In doing so, the study will focus on the evolution of UNHCR. It will assess the response of the UNHCR towards Syrian refugees and IDPs during the years 2011-2017.

## **1.1 BACKGROUND**

World history is replete with conflicts and pursuant to it is the migration of people from the place of turmoil to a place where livelihood seems plausible. The first instance of forced displacement can be traced back to 1685 wherein the Huguenots, French Protestants had to flee from France due to revocation of Edict of Nantes (about tolerating religious minorities) by King Louis XIV (Barnett 2002: 239). Followed by this, French Revolution in 1789 became another major cause of flight for those who stood against egalitarian ideas (Barnett 2002: 239). These early instances of flights constituted the beginning of refugee movement in Europe. However, at this juncture, the issue of refugees was dealt keeping in mind the closely held tenets of Treaty of Westphalia in 1648 which essentially command states to work in isolation without infringing on the sovereignty of other states (Barnett 2002: 240). But the situation became grave in Europe particularly in 20<sup>th</sup> Century which was characterized by the constant influx of a huge number of people into different states from the place of turmoil.

This created a need amongst western countries for an organization dealing specifically with the refugee issues in order to manage the unprecedented scale of the influx of people. There were certain events that provided a push to this agenda of creating an organization to deal with the refugee issue. The first such impetus was provided by World War I (1914-1918). The organizations that came up during this time were for a specific set of people coming from a particular geographical area which reflected the fact that the organizations were a face of western ideology. Further, the World War II (1939-1945) created another humongous scale of crisis that captured the attention of western powers.

The failure of successive organizations to deal with such large scale displacement from one country to another finally culminated into the creation of the Office of United Nations High Commissioner for Refugees (UNHCR). The purpose of the UNHCR is protection of refugees but over the years the category of protection is

broadened to include internally displaced persons (IDPs), stateless people, returnees etc. Creation of the UNHCR was resented by countries of the communist bloc as they saw it as a western tool to assert the liberal democratic ideology and contain Communism. The fears did not prove wrong as western countries through UNHCR welcomed refugees coming from Eastern Europe.

However, the current scenario seems different as UNHCR has evolved from being a temporary organization to becoming a permanent organization having considerable clout in the United Nations Humanitarian System. The protection of refugees includes non-refoulement; access to asylum procedures; measures to ensure that their basic human rights are respected, and to allow them to live in dignity and safety (UNHCR Protecting Refugees: 12). The 1951 Convention relating to the Status of Refugees and its 1967 Protocol is the tool through which UNHCR delivers the humanitarian response. UNHCR has more than 11,517 staff member working in 128 countries.<sup>1</sup> NGOs have played an important role in fulfilling the mandate of UNHCR (partners with more than 900 NGOs). High Commissioner for Refugees reports to Economic and Social Council on the coordination aspect and a report is submitted to UN General Assembly annually. UNHCR's programmes are approved by the Executive Committee (EXCOM) that meets annually in Geneva (UNHCR Protecting Refugees: 15). It receives only 2 percent of funding from United Nations (UN) regular budget rest is funded by voluntary contribution.

According to UNHCR statistical data, it was established with an annual budget of US\$ 300,000 in 1950 which grew to a budget of US\$ 7.7 billion in 2017.<sup>2</sup> By the end of 2017, there were 68.5 million people who were forcefully displaced worldwide, 25.4 million refugees (19.9 million under UNHCR mandate and 5.4 million refugees under UNRWA) and 40 million internally displaced persons (IDPs) under the UNCHR mandate (UNHCR Global trends 2017: 2). It also mentions that majority of the refugees that is 55 percent of the refugees come from three countries- South Sudan (2.4 million), Afghanistan (2.6 million) and Syria (6.3 million).<sup>3</sup> The top refugee-hosting country is Turkey (2.9 million) (UNHCR Global trends 2017: 2). The bulk of the refugees are hosted by Global South countries (85 percent) such as Africa (30

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<sup>1</sup> <http://www.unhcr.org/history-of-unhcr.html>

<sup>2</sup> <http://www.unhcr.org/figures-at-a-glance.html>

<sup>3</sup> <http://www.unhcr.org/figures-at-a-glance.html>

percent), Middle East and North Africa (26 percent) (UNHCR Global trends 2017: 2). Hence the geographical scope of the UNHCR's work is no longer confined to Europe.

As stated above, 55 percent of the refugees are coming from three countries-South Sudan, Afghanistan and Syria. Out of this, the majority (6.3 million) of refugees are coming from Syria. According to UNHCR, 6.6 million are internally displaced inside Syria and 13.1 million people inside Syria are in need of humanitarian assistance.<sup>4</sup> The conflict in Syria started in 2011 and since then the humanitarian crisis with which Syria is grappling is unprecedented. Syria has become one of the fastest refugee producing country. There are reports that 11.5 percent of the Syrian population has been killed or are injured (Akbarzadeh and Conduit 2016: 9) and those who manage to survive are constantly under attack from government and anti-government forces. The country is suffering from lack of basic amenities such as food, water, shelter. People who could afford to flee from the country have taken refuge in the host countries (conditions are not favourable in the host country also) but there are many who are caught inside Syria. Given this scenario, it becomes the responsibility of international community to respond through UNHCR.

At this juncture, the role of UNHCR becomes important towards Syrian refugees and IDPs. The UNHCR being more than sixty-five years old, holding the experience of responding towards persons of concern in various situations, it is expected that the organization will provide an effective and coherent response towards Syrian conflict. In this context, the study holds its importance.

## **1.2 REVIEW OF LITERATURE**

### **1.2.1 Evolution of UNHCR**

There is wide array of literature dealing with the evolution of UNHCR since its inception. Hammerstad (2014), Loescher (2001), argue that initially UNHCR's humanitarian activity was concentrated in Europe but later it expanded its geographical reach by 1967 Protocol relating to the Status of Refugees. Earlier UNHCR humanitarian assistance was available to refugees only but later on due to new and complex circumstances it now covers broad ambit of persons such as Internally Displaced Persons (IDPs), returnees etc. According to Hammerstad (2014),

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<sup>4</sup> <http://www.unhcr.org/syria-emergency.html>



Loescher (2001), Barnett (2001), Goodwin-Gill (1996), UNHCR in its early years mainly focussed on legal protection rather than physical protection given in form of food, shelter but later it transformed itself into an operational agency. Vayrynen (2001), Loescher (2001), Betts (2008) argue, states created UNHCR but gave no commensurate funds to carry out the function of material assistance. It is in the light of aforementioned aspects, it would be interesting to elucidate the transformation of UNHCR from an organization having a limited reach to one having a global presence and legitimacy. The opportunity for UNHCR to evolve was found in the times of successive High Commissioners for Refugees, in the wake of decolonization movements and differing Global North and South perspectives on the issue of refugees (Chimni 2004; Loescher et al. 2008). The other body of literature stresses the practice of repatriation which became a dominant practice by UNHCR in the post-cold war era. The scholars supporting this view point hold that the strategy of repatriation is the result of the pressure from states which were unwilling to accommodate growing burden of asylum seekers (Barnett 2001; Loescher 2001). Therefore, UNHCR's humanitarian role has evolved in the light of states interest and not in isolation (Barnett 2001; Loescher 2001).

Another important aspect in the evolution of the UNHCR is its focus on IDPs which according to many scholars has resulted in the dilution of its original mandate and is mainly done to keep the displaced people (who represent potential refugees) inside the border of their country (Betts 2009; Barnett 2001; Goodwin-Gill 2006). All of this resulted in the expansion of UNHCR from an organization focused on particular set of refugees into the UN's foremost humanitarian actor (Loescher 2001: 55). These changes highlight the ways in which UNHCR has expanded its role as the humanitarian organization.

### **1.2.2 UNHCR and its Responses to Syrian Refugees**

The secondary literature on Syrian conflict elucidates the large-scale humanitarian crisis wherein people are suffering from attacks (general attack and chemical weapon attack), accentuated by the absence of basic amenities (Akbarzadeh and Conduit 2016; Fargues and Fandrich 2012). Achiume (2015) and Huynh (2016) note that most of the people (95 percent) fleeing from Syrian war zone are accommodated in the

countries - Turkey, Lebanon, Jordan, Iraq, and Egypt - who do not themselves have enough capacity to deliver the humanitarian response. It reflects not only the unequal division of responsibility towards Syrian refugees but also the inability of UNHCR to sensitize western countries to provide adequate support for the reason that it is not in charge of border control and can only persuade countries to give up asylum restrictive policies (Stevens 2016: 275-276).

The literature also elucidates about externalization of asylum policies by the European Union countries which is also a reflection of evading the responsibility towards the Syrian refugees (Marwah 2017). Marwah (2017) and Janmyr (2013) have pointed out negative fallout of such arrangements as in the event of human rights violation no one is held accountable. These practical operating challenges could limit the response of UNHCR towards Syrian refugees.

In particular, UNHCR's response towards Syrian refugees in extra-regional countries has woefully fallen short (Achieme 2015: 701). The UNHCR came up with a variety of initiatives such as the Regional Response Plan, Regional Refugee and Resilience Plan (3RP) and Global Reports. These reports taken together argue that given the complexity and duration of Syrian conflict the plans have mobilized regional host states and more than 200 partner agencies and an increasing number of donors to provide a coherent humanitarian response towards Syrian refugees (Regional Refugee and Resilience Plan 2017-2018). UNHCR is engaged in registering new asylum seekers; providing protection; resettlement and voluntary repatriation of refugees (UNHCR 2017 Plan Summary: Operation Syrian Arab Republic).

### **1.2.3 UNHCR's response towards IDPs in Syria**

By end of 2017, total number of IDPs inside Syria is 6.6 million.<sup>5</sup> According to the official reports (like Syria Human Rights Report and Humanitarian Assistance Response Plan) as also scholars like Akbarzadeh and Conduit (2016), Harpviken and Yogeve (2016), Mooney (2014), Thibos (2014) bring out vulnerable situation of the Syrian IDPs most of who have lost their homes and are at risk of being displaced repeatedly. UNHCR official reports and documents which include UNHCR Syria End

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<sup>5</sup> <http://www.unhcr.org/syria-emergency.html>

Year Reports, Syria Humanitarian Assistance Response Plan (SHARP), Syrian Response Plan (SRP), Humanitarian Response Plan (HRP) under the Whole of Syrian approach (WoS) provide details of the dire conditions of IDPs from time to time. Within these plans:

“UNHCR is sector lead in Protection and community services, Camp Coordination and Camp Management (CCCM), Non Food Items (NFIs)/ shelter and has responded by deploying dedicated sector coordinators and extra staff to ensure an effective response”(UNHCR Syria End of Year Report 2016: 10).

UNHCR’s response in Syria includes a community based approach, psycho-social support, medical and non-medical assistance, legal aid, birth registration and documentation, education services for children who dropped out of school, sexual and gender based violence (SGBV) prevention and response, child protection services, activities supporting livelihoods including vocational training, and support to community-based initiatives (UNHCR Syria End of Year Report 2016: 13).

UNHCR reports speaks about the bottlenecks it is faced with. Its Syrian End of Year Report 2015 has noted that due to budgetary constraints the composition of core relief items had to be changed. By the end of 2017, UNHCR received US\$ 151 million to implement its Humanitarian Response Plan for Syria but the actual proposed amount was US\$ 334 million which meant UNHCR only received 45 percent of the required amount (UNHCR Syria End of Year Report 2017). This acted as an impediment in UNHCR’s scope of interventions inside Syria and resulted in a fewer number of beneficiaries targeted with humanitarian assistance. The reports stress that adequate amount of funds would have boosted UNHCR’s response (UNHCR Syria End of Year Report 2016: 85).

Furthermore, there are other challenges faced by UNHCR when operating inside Syria. These challenges range from general insecurity, attack on UN staff, the proliferation of armed groups, attack on densely populated areas, hindering of access to key positions in Syria, and bureaucratic hurdles (UNHCR Syria End of Year Report 2016: 8). The literature also talks about the efforts of UN through United Nations Security Council (UNSC) resolution to provide humanitarian assistance to vulnerable population inside Syria by providing access to humanitarian actors such as UNHCR

inside the country. However, these resolution themselves suffer from variety of challenges, particularly harmonising political differences among the permanent members as well as the regional stakeholders (Thibos 2014: 54).

### **1.3 DEFINITION, RATIONALE AND SCOPE**

To define refugee, the study will use the definition given by UNHCR 1951 Convention relating to Status of Refugees which was amended through a 1967 Protocol. According to this, refugee is one who:

“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (Resolution 2198(XXI) United Nations General Assembly (UNGA): 14).

Earlier the definition was limited to a person fleeing persecution before 1 January 1951 due to events occurring within Europe but later on it was amended by 1967 Protocol. Internally displaced persons (IDPs), according to the United Nations Guiding Principles on Internal Displacement, are:

"persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border" (United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Guiding Principles on Internal Displacement 2004: 1).

This study's main thrust is to analyze the response of United Nations High Commissioner for Refugees (UNHCR) towards Syrian conflict that began from 2011. The rationale for selecting Syria as a case comes from the fact that it is the largest on-going refugee producing country. According to UNHCR's statistical figures, 55 percent of the refugees are coming from three countries South Sudan,

Afghanistan and Syria. Out of this, majority of refugees (6.3 million) coming from Syria. Therefore, the study takes Syria as a case to analyze the response of UNHCR. As for the scope of the study, it focuses particularly on the response of UNHCR towards Syrian conflict from 2011-2017. While addressing this aspect, it will discuss the challenges faced by UNCHR and the lessons, if any, it has taken from the conflict happening at such enormous scale.

#### **1.4 RESEARCH QUESTIONS AND HYPOTHESIS**

The study seeks to raise and explore answers to the following research questions:

1. How has UNHCR evolved over the decades?
2. What unique challenges has the Syrian conflict posed to UNHCR?
3. To what extent the long experience of UNHCR towards refugees and Internally Displaced Persons (IDPs) has helped it in responding towards Syrian conflict?
4. What are the lessons, if any, taken by UNHCR from Syrian conflict?

Alongside, the hypothesis that will be put to test in the study is:

Working of UNHCR in the case of Syrian conflict is hampered due to obstacles created in granting of asylum to Syrian refugees and ensuring access to IDPs.

#### **1.5 CHAPTER SCHEME**

Discussion in the present study on the Role of the United Nations High Commissioner for Refugees in the Syrian conflict is organized in five chapters including introductory chapter and a concluding chapter.

The first chapter deals with the objective of the study, its scope and the rationale for choosing Syria as the case. It further discusses the research questions and hypothesis. The second chapter examines in detail the evolution of UNHCR since its inception, the institutional structure and the normative tools of the UNHCR, growth of the UNHCR in the post-war as well as post-cold war years which in a way shaped the organization into a global giant in humanitarian aid architecture.

Chapter three essentially focuses upon the patterns of responses given by UNHCR towards Syrian refugees in the regional countries and outside the region. In doing so, it also discusses history of the UNHCR-Syria relations, the causes of Syrian conflict and the resultant humanitarian crisis. The chapter four captures the response of UNHCR towards IDPs in Syria through plans such as Syria Humanitarian Assistance Response Plan (SHARP), Syria Response Plan (SRP), and Humanitarian Response Plan (HRP). The chapter also puts forth the scholarly debate associated with the category of IDPs and then moves on to throw some light on the conditions of IDPs inside Syria. The last chapter critically analyses the work of UNHCR in the context of Syrian conflict by capturing a set of summary observations.

## **1.6 RESEARCH METHODS**

The study on the response of UNHCR towards Syrian conflict will be a deductive one, as it is based on case study approach. However, the case study has its limitations as the literature available is mostly a primary literature from the site of UNHCR. Since the crisis is still on-going the academic debate on the issue remains inconclusive. In general sense, the study follows mixed methods in testing facts and analyses.

The study largely relies on secondary literature such as journals, research papers, books etc. Given the nature of the study, extensive official documentation particularly ascribed to the UNHCR and the UN Security Council has been scrutinized for updates and validation of assessments in scholarly work. The intext citation and the bibliographic arrangement at the end of the dissertation are as per the Research Manual of the School of International Studies.

**CHAPTER 2:  
EVOLUTION OF UNHCR**

The central thrust of the chapter would be to explicate evolution of United Nations High Commissioner for Refugees (UNHCR) since its inception. In doing so, the chapter will put forth a brief historical background. Further, it traces the ways in which UNHCR has expanded and has become one of the prominent humanitarian organization in the United Nations Humanitarian System.

## **2.1 INTRODUCTION**

The chapter seeks to capture UNHCR's evolution as it has transformed on a very large scale not only in terms of institutional expansion but also in terms of its activities. The chapter is structured into seven parts. The first part of the chapter deals with the brief historical background which talks about the organizations created prior to UNHCR and the context of their emergence. Along with this, it provides the context that led to the emergence of UNHCR. This will lead to second part of the chapter which essentially focuses upon the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Further, it gives an overview of the Statute of the UNHCR and provides a critical analysis of both the Convention and the Statute. The third part of the chapter highlights the organizational aspect of UNHCR such as its structure, the way it works and its relation with United Nations and non-governmental Organization (NGOs). The fourth part of the chapter discusses the work of UNHCR in post-war Europe. Fifth part talks about UNHCR's engagement with the Post-Colonial states. Sixth part talks about the engagement of UNHCR with Global North and Global South. Last part deals with UNHCR's work as a global organization. Having said this, the idea of the chapter would be to highlight the expansion of UNHCR since the time of its inception.

## **2.2 HISTORICAL BACKGROUND**

UNHCR was not the product of altruistic nature of western powers rather it was the result of the context in which the western States were operating. The first and the foremost context was laid down by the World War I (1914-1918) which led to the fragmentation of various empires in Europe (Loescher et al. 2008: 7-8). As a result, people left their homeland and started taking refuge in another territory. Coupled with this were the impacts of Bolshevik Revolution, civil war and the Russian famine in 1921 that led tremendous flow of people (1.5 million Russians) from their home state (Lewis 2012: 2). To put it succinctly, in the words of Barnett:



“World War I and the Russian Revolution produced huge movement of orphaned individuals, thousands of whom could neither go home nor gain legal entry into another country and thus needed a temporary heaven” (Barnett 2001: 251).

These conditions created a situation of threat among European governments regarding regional security, stability and mounting pressure on limited resources which resulted in barriers being made and national borders being guarded (Barnett 2001: 251). There was no clarity regarding who should be held responsible for these people who were in need of material assistance and did not have any kind of identity documents with themselves.

The aforementioned events provided the platform for the emergence of first coordinating mechanism for refugees. Finally, 1921 saw the birth of office of the High Commissioner for Russian Refugees created by League of Nations to which Dr. Fridtjof Nansen was appointed as the first High Commissioner (Lewis 2012: 2-3). The office was not immune to the political situations in which it operated and hence, was a product of interest of the allied powers. To save the region from instability and chaos after World War I, the allied powers created this particular office to look into refugees coming from a particular geographical area. Later on, the ambit of responsibility was extended to include Greek, Turkish, Bulgarian and Armenian refugees (Loescher et al. 2008: 8). The individual efforts of Dr. Fridtjof Nansen secured legal protection for refugees, travel document (called as “Nansen Passport”) facilitated movement of refugees and developed cooperation with other international agencies to protect and assist refugees (Loescher et al. 2008: 8).

After the death of the High Commissioner in 1930s, the Nansen International Office for Refugees was created by League of Nations to perform the humanitarian task which was earlier taken care by Nansen office (Lewis 2012: 3). Fleeing of people from Germany led to the creation of the office of the High Commissioner for Refugees coming from Germany in 1933 which later included refugees fleeing Austria (Lewis 2012: 3). These organizations were replaced by High Commissioner of the League of Nations for Refugees which then took over the responsibility of the refugees coming under the ambit of Nansen office and the High Commissioner for Refugees coming from Germany (Lewis 2012: 4). The organizations created by the League of Nations were lacking in many aspects. Governments did not adopt any kind

of universal definition of refugees and accorded the status of refugees to people belonging to specific nationality which reflected the approach of states wherein they were unwilling to deal with the refugee issues as an international problem rather treated it as localized problem existing in few pockets of the world (Lewis 2012: 4; Loescher et al. 2008: 8). Further, withdrawal of powerful states from League of Nations decreased the ability of the organizations to deal with the refugee issues (Loescher et al. 2008: 8-9). Also, the 1920s and 1930s were characterized by Great Depression which meant western nations did not see any kind of benefit arising out of the humanitarian assistance due to which governments adopted far more restrictive policies for refugees (Loescher et al. 2008: 9). Lastly, the budget constraints added to the weakness of these organizations (Loescher et al. 2008: 8). Despite their failures and weakness, these organizations provided the foundation for International Refugee Law that will eventually find its place in the UNHCR's statutory mandate (Lewis 2012:7).

Another major event that provided impetus to establish Global Refugee regime came in the aftermath of World War II (1939-1945). Millions of people were displaced mainly in Europe. All of this culminated in the establishment of United Nations Relief and Rehabilitation Administration (UNRRA) in 1943 by 44 States. UNRRA aimed at assisting displaced persons and repatriation of displaced people to their home state, however, there were many displaced persons who did not wish to return (Lewis 2012: 8). It is in this context that the issue of repatriation became a reason for discord between East and West (Loescher et al. 2008: 10). The communist regime feared that overstay of people in the western states would lead to embracement of western ideology and rejection of the communist ideology (Loescher et al. 2008: 10). The western countries put forth the argument of freedom of a displaced person to choose whether they wanted to return or not (Loescher et al. 2008: 10). For the western ideology to have a pre-eminent position in the international scenario, western governments rejected repatriation as a solution at this juncture which is very different from the stance taken up by them in the Post-Cold War era. However, UNRRA was unable to stand the test of time due to a variety of reasons. Firstly, it was unable to provide settlement to refugees in the countries where they sought refuge (Lewis 2012: 8). Secondly, its repatriation policies were not appreciated by the United States as by then the conflict between Soviet bloc and Western bloc (led by the United States)

started surfacing (Loescher et al. 2008: 10-11). Therefore, in an effort to contain communism, United States abolished UNRRA in 1947 and paved the way for a new organization known as International Refugee Organization (IRO).

The aim of IRO was to bring a speedy solution to refugees and displaced persons (Lewis 2012: 8-9). Apart from making repatriation a choice, a universal definition of refugee was adopted which treated persecution or fear of persecution as the criteria to get recognized as a refugee (Loescher et al. 2008: 11). Earlier the status of refugee was associated with belonging to a particular group but with the establishment of IRO, the individual experiences of political persecution were also accepted as the criteria to be treated as a refugee (Loescher et al. 2008: 11). IRO entered into agreements with governments to secure protection of refugees and ensured that they do not face discriminatory treatment and have access to benefits like employment etc. (Lewis 2012: 11). However, the changing context was paving the way for the emergence of a new organization which came to be known UNHCR. It is important to understand the circumstances which led to the birth of UNHCR despite IRO already being in place to tackle the refugee issue.

There are several reasons to explain the shift. The large-scale displacement due to World War II (1939-1945) was not properly handled by IRO as it was unable to provide settlement or arrange repatriation for refugees and displaced (Lewis 2012: 12; Loescher et al. 2008: 12). What further aggravated the problem was the unwillingness of refugees to return to former Soviet Union and Eastern European countries for the reason of fear of persecution (Lewis 2012: 12). Further, situations in other parts of the world such as China, India, Korea, Palestine during 1940s and 1950s created another set of refugees and displaced people (Loescher et al. 2008: 12). This changing political situation made it clear that there was a need for a new organization to deal with the refugee problem (Lewis 2012: 12). At this point of time, United States was not willing to give full support to this idea rather it preferred giving economic assistance to European countries by a popular plan known as Marshall Plan which was essentially seen as the policy of containment (Loescher et al. 2008: 12). The United States nevertheless envisioned an organization which would only facilitate legal protection for refugees and denied any kind of relief role to the new organization (Loescher et al. 2008: 13). Analysing from this perspective, it is clear that even

UNHCR was the product of western ideology and was created to foster the interest of western powers. It is due to these reasons that UNHCR was seen by communist bloc as "an illegitimate tool of western imperialism and usually did not co-operate with the agency" (Hammerstad 2014: 82).

It is against this backdrop that negotiations started taking place inside United Nations from 1948 to replace IRO with a new refugee organization (Loescher et al. 2008: 12). It was in 1949 that United Nations Secretary-General came up with a report in response to the request made by United Nations Economic and Social Council (ECOSOC) for formulating a plan to establish a new organization for refugees (Lewis 2012: 12). As a consequence, United Nations General Assembly by resolution 319(IV), of 3, December 1949, decided to establish the office of United Nations High Commissioner for Refugees (UNHCR) which following the adoption of its Statute by resolution 428(V) on 14 December 1950 came into existence. The Euro-centric nature of UNHCR was reflected through its Statute and Convention of 1951 relating to the Status of Refugees which not only offered a narrowed definition of a refugee but also limited the mandate of UNHCR to legal protection. The reason for it lies in the interest of western states specifically United States that sought to limit the role of UNHCR to only providing protection role as opposed to material assistance role (Loescher 2017: 78). Despite this, states felt the need to have a Convention to secure protection and rights of refugees but the humanitarianism shown by western powers was limited and was ceased in the interest of defending their sovereignty (Barnett 2001: 252). The limited humanitarianism of western powers was visible from the kind of definition that was accepted for falling into the category of refugee, from the kind of ambiguous definition of protection and solution mandate that was adopted (Barnett 2001: 252). Therefore, the creation of UNHCR was done by western government in such a way that it would not impose a financial burden on these states and nor it would hamper their sovereignty (Loescher 2017: 78).

UNHCR headquarter is located in Geneva, Switzerland. United Nations General Assembly by resolution 319(IV), of 3, December 1949, decided to establish the office of United Nations High Commissioner for Refugees (UNHCR) which following the adoption of its Statute by resolution 428(V) on 14 December 1950 came into existence. It was created as a temporary organization which was to work for three

years but it acquired the status of the permanent organization in 2003 and is now one of the most prominent humanitarian organization working for the welfare of refugees. At the time of its formation, the core mandate of UNHCR was to protect “refugees” and seek a permanent solution for this narrow group of refugees but now due to complexity of the situation it encompasses various groups or people such as internally displaced persons (IDPs), stateless persons, returnees, asylum seekers or migrants often referred to as persons of concern (Protecting Refugees UNHCR 2014: 3).

The work of the UNHCR is guided by the normative framework contained in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The 1951 Convention relating to the Status of Refugee and its 1967 Protocol is the most important pillar of the International Refugee Law.

### **2.3 NORMATIVE FRAMEWORK OF UNHCR**

The 1951 Convention relating to the Status of Refugees drew its essence from Article 14 of Universal Declaration of Human Rights, 1948 which acknowledges the right of a person to seek asylum (United Nations General Assembly Resolution 2198(XXI): 2). The Convention is of utmost importance as it enshrines the legal claims and principles for protecting refugees. General Assembly by resolution 429(V) decided to convene a Conference of Plenipotentiaries to complete the process of adoption of 1951 Convention relating to the Status of Refugees. It was adopted on 28<sup>th</sup> July 1951 by twenty-four governments and entered into force on 22<sup>nd</sup> April 1954. It propounds the definition of refugee in the Article 1 of the Convention wherein a refugee is:

“someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion” (Resolution 2198 (XXI) adopted by the United Nations General Assembly: 3).

The 1951 Convention went under one amendment wherein resolution 2198 (XXI) was adopted by United Nations General Assembly by which the Protocol relating to the Status of Refugees was adopted on 31<sup>st</sup> January and entered into force on 4<sup>th</sup> October 1967 (United Nations General Assembly Resolution 2198(XXI): 2). Through 1967

Protocol the geographical and temporal limitation relating to refugee status was removed (United Nations General Assembly Resolution 2198(XXI): 2). Previous to this amendment, in the 1951 Convention, only people who fled their country due to events occurring in Europe prior to 1<sup>st</sup> January 1951 or events occurring in Europe or elsewhere before 1951 were recognized as refugees (Giri 1998: 25). But post-1967 Protocol, the temporal and geographical limitations were removed. Currently, the total number of State of Parties to 1951 Convention are 145 (till 2015), total number of State of Parties to the 1967 Protocol are 146 (till 2015), and total number of State of Parties to both the Convention and Protocol are 142 (till 2015) (UNHCR Document: 1).<sup>6</sup> The latest entrant in this club is Nauru which ratified both the Convention and its Protocol. What is significant is that there are a few countries such as Congo, Madagascar, Monaco, and Turkey which have adopted an alternative definition of refugees while acceding to Convention and Protocol by which the geographical limitation remains intact (UNHCR Document: 1).<sup>7</sup>

Being a rights-based instrument, it highlights three principles which are - non-discrimination (Article 3), non-penalization and non-refoulement (Article 33). By non-discrimination, Convention meant that it should be applicable to all the refugees regardless to which religion, race, sex, age, disability, sexuality or country do they belong to (Resolution 2198 (XXI) adopted by the United Nations General Assembly: 30). Further, Convention argues that refugees should not be penalized for their illegal entry. The most important right articulated by Convention finds its mention in Article 33 of the Convention which clearly lays down that States should not expel or return (refoul) back refugees to a territory where their life and freedom would be threatened. At the same time, it makes an exception and clarifies that this benefit will not be accrued by refugee whose presence can be regarded as a threat to the security of the country (Resolution 2198 (XXI) adopted by the United Nations General Assembly: 30). Therefore, Convention does not apply to those people on whom there are serious charges of committing a crime or crime against humanity etc. and also does not apply to Palestinian refugees who receive protection or assistance benefit from United Nations agency which is United Nations Relief and Works Agency (UNRWA) for

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<sup>6</sup> States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

<sup>7</sup> States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

Palestine refugees in the Near East (Resolution 2198 (XXI) adopted by the United Nations General Assembly: 4).

Several rights were granted to refugee under this convention and some of the important ones are- access to courts, to primary education, to work, travel document to facilitate free movement, protection of refugee family, government to provide asylum and resettlement facility to refugees (Resolution 2198 (XXI) adopted by the United Nations General Assembly: 4, 10-11). There are three standards adopted in the treatment of refugees, one is the equal treatment given to refugees with respect to religion, culture etc.; the second is the similar treatment given to refugees with regard to employment and wage; lastly some favourable treatment given to refugees such as in the context of moveable and immovable property, education, housing etc. (Silva 1966: 332). Apart from this, UNHCR has favoured giving refugee status to women who fear persecution when they refuse to comply with the social codes of their society and also gives status of refugees to homosexuals who have faced attack in their home country and their country is unable or unwilling to give them protection (Giri 1998: 29).

Having reflected the positive dimensions of the Convention, it is important to look at those dimensions from where the criticism is levelled. Firstly, the 1951 Convention has Eurocentric bias and allotted status of refugees to those who tend to flee from states wherein a particular kind of ideology (Communism) is propagated (Giri 1998: 26). Secondly, the initial definition of refugee in the 1951 Convention was limited (Goodwin-Gill 2001: 131). But it sought to distribute the burden of refugees to non-European states without any kind of benefit given to them in return (Giri 1998: 27). On one hand, refugees coming from non-European countries (whose cause cannot be traced back to events happening in Europe or events happening in Europe before 1<sup>st</sup> January 1951) were not allowed till the 1967 Protocol came into existence but on the other hand the Convention was opened for every country whosoever wants to sign and ratify it. This definitely reflected an unequal relationship between Global North and South countries. Lastly, even after 1967 Protocol coming into force, the criteria adopted for migration due to fear of being persecuted is a limited one as bulk of the migration from the Third World is driven by economic reasons, war, natural disaster (Giri 1998: 28). It is only in the 21<sup>st</sup> Century that UNHCR has provided assistance to

diverse people migrating for various reasons and not only due to the reason of persecution. Nevertheless, 1951 Convention relating to the Status of Refugees and its 1967 Protocol is one of the important instruments used for the protection of refugees. Complementing 1951 Convention is the Statute of the office of the UNHCR.

United Nations General Assembly by resolution 428(V) on 14 December 1950 adopted Statute of the office of the UNHCR. The paragraph 1 of the Statute begins with articulating that:

“UNHCR should provide international protection to refugees under the ambit of United Nations and seek a permanent solution for their problem by assisting governments, private organizations and further facilitating repatriation and assimilation” (United Nations General Assembly Resolution 428(V) of 14 December 1950: 6).

The purpose to include international protection was to provide some form of legal protection to refugees whereas the purpose of a permanent solution was to integrate refugees in the country where they have been granted asylum (Giri 1998: 64). In paragraph 2, Statute clearly calls for a non- political role of High Commissioner for Refugees and argues that the policy directives given by General Assembly and ECOSOC should be followed by High Commissioner (Paragraph 3) (United Nations General Assembly Resolution 428(V) of 14 December 1950: 6).

The responsibilities of UNHCR find mention in paragraph 8 of the Statute whereby High Commissioner should provide protection to refugees by:

“conclusion and ratification of international conventions; special agreements with governments; promoting voluntary repatriation or assimilation; promoting the admission of refugees; endeavouring to obtain permission for refugees to transfer their assets and especially those necessary for their resettlement; obtaining from governments information concerning the number and conditions of refugees in their territories; keeping in close touch with the governments and inter-governmental organizations concerned; facilitating the co-ordination of the efforts of private organizations concerned with the welfare of refugees” (General Assembly Resolution 428(V) of 14 December 1950: 9).



The paragraph 9 of the Statute confers upon High Commissioner to engage in repatriation and resettlement as per the directives given by General Assembly. Further, High Commissioner shall not make an appeal for the fund without getting a prior approval from General Assembly is stated in paragraph 10 of the Statute (General Assembly Resolution 428(V) of 14 December 1950: 10). Under paragraph 20 of the Statute, it is clearly mentioned that only the administrative expenses of the UNHCR will be borne by United Nations and all the other expenses shall be done through voluntary contributions (General Assembly Resolution 428(V) of 14 December 1950: 12).

Derived from this is the criticism that western powers created UNHCR without giving it appropriate financial resources to conduct its activities as it was felt that too strong an organization for refugees might become a burden for them in long run. The Statute of UNHCR has always been a matter of concern as the word protection is not clearly defined due to which it is interpreted sometimes as a legal protection or other time as a political protection or as a assistance in form of shelter, food, and clothing (Goodwin-Gill 2001: 130). This was done deliberately so that member states can mould or interpret the word protection conveniently according to their own vested interest. Due to these reasons it is stated that UNHCR's Statute is recommendatory in nature and hence only enjoys a moral authority and not the legal one (Maynard 1982: 416).

## **2.4 INSTITUTIONAL FRAMEWORK OF UNHCR**

UNHCR on 1 January 1951 started with 34 staff members (Loescher et al. 2008: 79) but it grew in the year 1953 to have 99 staff with 11 regional offices (Giri 1998: 50). In the year 2000, UNHCR consisted of around 6,500 staff in 116 countries with an annual budget of US\$1 billion to cater its mandate (Loescher et al. 2008: 79). At present, UNHCR consists of more than 10,966 members of staff working in 130 countries.

Regarding the issue of budget, it can be argued that the scale at which UNHCR budget has been growing is humongous as its budget was US\$ 300,000 in the initial

year which grew to US\$ 6.54 billion in 2016.<sup>8</sup> In the mid-1970s i.e. during 1975 the budget grew to US\$ 100 million followed by an increase in 1991 wherein the budget became US\$ 1 billion. The budget of office remained almost US\$ 1 billion during 2000 but it saw a rise in 2010 when it grew to US\$ 3.134 billion. Major portion of UNHCR budget comes from the governmental source (87 percent) which is followed by private sector funding (9 percent) and rest from UN regular budget and UN funds (UNHCR Global Report 2016: 33). The administrative expenditure on UNHCR are financed by UN and the rest has to be financed through voluntary contribution (Loescher et al. 2008: 91).

Top ten donors include United States, European Union, Germany, United Kingdom, Japan, Sweden, Norway, Canada, Central Emergency Response Fund and Denmark (UNHCR Global Report 2016: 33). It is often argued that top donors have control over the UNHCR. Apart from the donor funding, the practice of earmarking fund is often criticised as countries tend to donate according to their own vested interest rather than basing it on the humanitarian ground. According to the UNHCR Global report 2016, 86 percent of the fund is earmarked. However, saying this would deny an agency to UNHCR as it has been able to maintain a balance between states interest and its mandate. The UNHCR's importance cannot be ignored given the fact that it is one of the important organizations in the field of refugee politics under the executive leadership of the high commissioner.

The High Commissioner is to be elected by General Assembly on the nomination of Secretary General (paragraph 13 of UNHCR Statute) (Giri 1998: 51-52). Till now, there have been eleven High Commissioners since the time of its inception. The table below provides the relevant information in this regard.

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<sup>8</sup> <http://www.unhcr.org/history-of-unhcr.html>

Table 1.1: List of High Commissioner for Refugees

High Commissioner	Country	Tenure
Gerrit Jan van Heuven Goedhart	Netherlands	1951-1956
Auguste R. Lindt	Switzerland	1956-1960
Felix Schnyder	Switzerland	1960-1965
Sadrudin Aga Khan	Iran	1965-1977
Poul Hartling	Denmark	1978-1985
Jean- Pierre Hocke	Switzerland	1986-1989
Thorvald Stoltenberg	Norway	1990-1990
Sadako Ogata	Japan	1991-2000
Ruud Lubbers	Netherland	2001-2005
Antonio Guterres	Portugal	2005-2015
Filippo Grandi	Italy	2016-still in office

Source: Compiled from UNHCR Website

What could be inferred from the given list of High Commissioners is that there had been only two non-European High Commissioners-Sadrudin Aga Khan and Sadako Ogata. It was during former's tenure that the 1967 Protocol relating to the Status of Refugees came into existence. High Commissioner Ogata adopted an approach of dialogue with European countries as she realized that there has been an increase in the number of refugees coming to Europe due to rise in intrastate conflicts after the end of Cold War (Selm 2007: 84). Further, nine of the eleven High Commissioners are from Europe. This is not to state that High Commissioners coming from Europe were not sensitive to need of refugee from Global South except in the initial phase where Europe was the sole focus. It was High Commissioner Felix Schnyder who expanded the working of UNHCR to Africa and Poul Hartling during his tenure was extremely critical of restrictive policies followed by European countries (Selm 2007: 84).

There have also been High Commissioners such as Thorvald Stoltenberg who have addressed the concern of European countries regarding illegal migration. Ruud Lubbers, a former Dutch Prime Minister who took over the office after Ogata followed Convention Plus approach and High Commissioner's forum to address the concerns of European countries and at the same time managed refugees through resettlement as opposed to asylum entry (Selm 2007: 84). Antonio Guterres (presently the UN Secretary-General) came to office in 2005 and his main focus was on internally displaced persons (IDPs) but post 2011 with the starting of Syrian conflict the focus somewhat shifted as he constantly urged countries to assist refugees through funds and asylum grants.

Moving further, there are bodies within United Nations which have a considerable say in the working of UNHCR (Hammerstad 2014: 74-75). These include General Assembly along with Economic and Social Council (ECOSOC) and also the Executive Committee (EXCOM). General Assembly governs the work of UNHCR as High Commissioner needs to follow the directive of General Assembly or ECOSOC (Hammerstad 2014: 75) and submit a written annual report to UNGA on the overall work of UNHCR (Protecting Refugees UNHCR 2014: 15). Apart from this, General Assembly has played an important role in facilitating the expansion of UNHCR by giving directives to UNHCR to cater in Africa and Asia during Cold War when it was restricted due to its mandate (Loescher et al. 2008: 75). It was General Assembly that provided UNHCR with permanent status and removed the temporary status of its existence (Loescher et al. 2008: 75).

General Assembly in 1958 established Executive Committee (EXCOM) through resolution 672(XXV) which came into existence on 1<sup>st</sup> January 1959. According to the Rules of Procedure, the EXCOM should hold one session annually (Rule 1) and further it should consist of members from UN member states (Rule 6-9), members from specialized agencies (Rule 9 and Rule 37) and members from other international organizations (Rule 38) (A/AC.96/187/Rev.8 2016: 3-4, 8). EXCOM renders advice to High Commissioner regarding the matters of international protection to refugees, reviews UNHCR's assistance programme and approves the proposed budget, allows High Commissioner to appeal for funds (Hammerstad 2014:78). Apart from this, High

Commissioner submits an annual financial report regarding the expenditure to EXCOM (Rule 35) (A/AC.96/187/Rev.8 2016:7). The criteria of membership in EXCOM require:

"interest in and devotion to the solution of the refugee problem, widest possible geographic representation, membership of UN and its specialized agencies".<sup>9</sup>

During 1958, EXCOM consisted of 25 UN members selected by ECOSOC (Loescher et al. 2008: 76). In the year 1988, its memberships grew to 43 and again increased in 1995 to 50 (Loescher et al. 2008: 77). In 2007, there were 72 members (Loescher et al. 2008: 77) which grew to 101 members currently.<sup>10</sup> Within EXCOM there is a clear-cut division between Global North and Global South countries due to which it has adopted the practice of rotating chairmanship between the Global North and Global South (Loescher et al. 2008: 77).

Further, the office is divided into various division and departments. The Executive office encompasses of High Commissioner, the Deputy High Commissioner, the Assistant High Commissioner for protection, the Assistant High Commissioner for operations, Chef de cabinet and their staff (UNHCR Global Appeal Operational Support and Management 2014-2015: 1). Under High Commissioner comes the Ethics Office, the Policy Development and Evaluation service and UNHCR's liaison office which directly report to High Commissioner (UNHCR Global Appeal Operational Support and Management 2014-2015: 1). Deputy High Commissioner manages Division of External Relations, Financial and Administrative management, Human Resource Management and Information systems and telecommunications (UNHCR Global Appeal Operational Support and Management 2014-2015: 1). Further, the Assistant High Commissioner for operations (AHC-O) takes responsibility of all the UNHCR operations in the field whereas the Assistant High Commissioner for Protection (AHC-P)

“oversees protection policy development, advocacy for the rule of law and implementation of standards, as well as the integration of protection priorities into the management and delivery of field operations” (UNHCR Global Appeal Operational Support and Management 2014-2015: 1).

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<sup>9</sup> <http://www.unhcr.org/excom-plenary-sessions.html>

<sup>10</sup> <http://www.unhcr.org/excom-plenary-sessions.html>

The office of High Commissioner operates through a wide variety of actors these include United Nations operational agencies, governments and their agencies, NGOs (Janmyr 2013: 310). Under the wider framework, UNHCR is part of Inter-Agency Standing Committee (IASC) which was established in 1992 to strengthen humanitarian assistance by bringing a wide array of humanitarian actors under one umbrella. It consists of World Health Organization (WHO), Food and Agriculture Organization (FAO), United Nations High Commissioner for Refugees (UNHCR), Office for Coordination of Humanitarian Affairs (OCHA), United Nations Development Program (UNDP) etc., Red Cross and International Organization for Migration (IOM) (Heath 2014: 247). Further, in 2005, cluster approach was developed wherein UN humanitarian organizations would act as a lead agency (Protection, Shelter, camp coordination and camp management in case of UNHCR) in particular sectors and NGOs were to co-chair it (Heath 2014: 248). NGOs form an integral part of UNHCR's function as often work is delegated to them to manage refugee camps and provide refugees with food, clothes, security etc. (Janmyr 2013: 310). The authority of delegating function to NGOs comes from UNHCR Statute as it was intended to be a non-operational organization (Janmyr 2013: 316).

UNHCR works with NGOs in two ways: firstly, it provides some form of financial support to NGOs for delivery of specific project related to the refugees and secondly, UNHCR coordinates with NGOs in catering to persons of concern (in this case no financial support is offered to NGOs by UNHCR) (Loescher et al. 2008: 89-90). UNHCR-NGO partnership has grown tremendously over the years as in the mid-1960s, UNHCR had around 20 formal partnerships with NGOs whereas by the year 2000 it had agreements with 500 NGOs and now it is partnering with 900 NGOs (Loescher et al. 2008: 90). This collaboration has often raised issues of human rights violations that eventually became a reality in Guinea, Liberia and Sierra Leone from where human rights abuses have been reported from refugee camps by a UNHCR report itself (Janmyr 2013: 311).

Nevertheless, it has been argued that there are several benefits associated with UNHCR-NGOs collaboration. First and foremost is the argument that NGOs response is rapid and they can adapt readily to the changing environment (Janmyr 2013: 313). Secondly, UNHCR being a UN body has lots of restriction and often are not able to

operate in the remote environment due to security concerns but collaboration with locals NGOs can facilitate and enhance their working capacity (Janmyr 2013: 313). Lastly, there is also cost-benefit issue associated with UNHCR hire NGO staff at a lesser salary than what is paid to UNHCR staff (Janmyr 2013: 314). Keeping this collaboration in mind, a Programme Management Handbook for UNHCR's partners was first published in 1997 and was revised in 2003. It put forth several principles for UNHCR-NGO co-operation wherein it is argued that they both should understand each other's point of view; maintain transparency and information sharing; maintain synergy in their work; define role, limits and standard setting etc. (Mommers and Wessel 2009: 162).

## **2.5 UNHCR IN THE POST-WAR EUROPE**

The UNHCR had a modest beginning and to describe it in the words of Gordenkar:

“UNHCR began working as part of the UN Secretariat in 1951 primarily to protect the rights of refugees under the Convention of 1951, which provided legal safeguards for European refugees” (Gordenkar 1981:79).

But over the years “UNHCR transformed not only in scale but also in substance” (Krever 2011: 588). However, it has not crossed the limits set up by western powers as the power of governance to UNHCR is legitimized by the powerful states in the international scenario (Barnett 2001: 269). Therefore, UNHCR's evolution is not antagonistic to the interest of western powers rather it is sensitive to the concerns of those who have created it. However, it would be wrong to assert that it lacks autonomy in its working as it is the leading organization working in the field of refugees and displaced people and therefore has considerable leeway in the field to transform its role (Barnett 2001: 270).

The expansion of UNHCR is a product of the interplay of various factors such as considerable leeway given by UNHCR's Statue, the recommendations of UNGA, ECOSOC and EXCOM (Hammerstad 2014: 69). Apart from this, the most predominant role played in UNHCR's expansion is of the structure of international society, the initiatives taken by High Commissioner and the degree to which the situation regarding refugee emergency was grave (Hammerstad 2014: 69). These

factors together contributed in the expansion of the role of UNHCR in the early years of its formation. To this, the question that is often posed by scholars working in the field of refugee politics is:

“Whether states have been the sole agents to facilitate the evolution of UNHCR’s responsibilities and work or it has also played a role in such facilitation” (Lewis 2012: 50).

During the early years of UNHCR's establishment, it was mired in the Cold War politics. Due to which UNHCR accepted huge number of refugees fleeing communist regime as it suited the interest of western powers which pursued the policy of containment and accepted resettlement as the solution to refugee problem (Hammerstad 2014: 82). The primary focus area for UNHCR during this time was Europe. In the initial years, there were 2.12 million refugees (UNHCR Statistics: The World in numbers). UNHCR was limited to catering legally (until 1967) only to a particular group of people coming from a specific geographical area (Europe) within a particular time frame (before 1<sup>st</sup> January 1951) and this fact posed a major limitation on its working. The Statute of UNHCR itself called for assisting those refugees who tend to fall within its limit (Loescher et al. 2008: 18).

During initial years of its establishment, UNHCR's authority was constrained by the principle of sovereignty and non-interference while assisting refugees (Barnett 2001: 244). At this juncture, UNHCR could not pay attention to eliminate the root causes of refugee flows and only provided resettlement as a solution for refugees as opposed to repatriation (Loescher et al. 2008: 18). Since its starting, the successive High Commissioners were faced with the issue of financial shortage. The office during the 1960s expanded its activities due to refugee emergencies but the budgetary supply remained limited (Suhrke 1994: 118). The reasons for such mismatch was that the United States never wanted to allocate a fair share of funding to UNHCR instead preferred NGOs for funding, thereby limiting UNHCR to an organization that would strictly provide legal protection and would not venture into the operational role (Loescher et al. 2008: 20). Further, United Nations only contributed two percent of the budget of UNHCR and rest has to be raised by High Commissioner from states and other organizations (Vayrynen 2001: 150).



The High Commissioner soon realized these impediments and hence, used powers given under the office and the moral authority to expand the role of UNHCR (Loescher et al. 2008: 19). Therefore, the leadership given by High Commissioner and initiative in the early years have significantly shaped the organizational boundaries and hence, led to the expansion of the office (Gordenkar 1981: 80). The process undertaken in the initial years will form the base for UNHCR to act with autonomy and authority in dealing with states on the issue of refugees (Loescher et al. 2008: 19). High Commissioner Goedhart (1951-56) began the work of expansion by raising funds for the first time from Ford Foundation so that NGOs could help in integration of refugees in Western Europe and further the funding helped in tackling the refugee crisis in the West Berlin (Loescher et al. 2008: 21). This successful attempt by UNHCR raised its stature in the eyes of western powers and created the foundation for its further expansion. Further, the invasion of Hungary by the Soviet Union in 1956 resulted in a huge influx of refugees to countries like Austria and Yugoslavia for which a request was made by these countries to UNHCR for assistance (Loescher et al. 2008: 21). In response to this, UNHCR was appointed as the central agency to solve the Hungarian refugee issue (Loescher et al. 2008: 21).

The Hungarian issue was a landmark event in the sense that the 1951 Convention recognized refugees only on the basis of geography and time and going by this guideline the assistance could not be provided to them. However, assistance was still provided under UNHCR. This was a remarkable expansion of its power. Therefore, 200,000 Hungarians who fled due to invasion by Soviet army came to be recognized as refugees under UNHCR and this happened under the second High Commissioner for Refugees, Auguste Lindt (1956-1960) who argued that Hungarian crisis traces its origin prior to event occurring before 1951 (Lewis 2012: 27; Loescher et al. 2008: 21). The success achieved by UNHCR in case of Hungarian refugees steadily won the confidence of United States and thus led to an increase in its funding capacity which helped it to encroach on the operational work (providing material assistance) from strictly non-operational working (Loescher et al. 2008: 22). Though material assistance function was not part of UNHCR Statute yet it became part of it during emergency cases of refugee influx (Hammerstad 2014: 98). With this, the phase where UNHCR strictly dealt with European countries came to an end and this marked

the beginning of a new phase wherein UNHCR started engaging with Post-Colonial states.

## **2.6 UNHCR's ENGAGEMENT WITH POST-COLONIAL STATES**

In the aftermath of World War II, decolonization became significant in various parts of the world and acquired violent tone in the newly independent countries of Africa and Asia (Loescher et al. 2008: 22). Algerian war of independence in 1954 generated another set of refugees who were recognized and assisted by UNHCR as per the "Good office's" approach (Lewis 2012: 28). UNHCR was requested to deal with the situation of the arrival of 200,000 Algerian refugees in Morocco and Tunisia and it responded by providing cash contributions and manpower to tackle the issue of Algerian refugees (Silva 1966: 334). High Commissioner Lindt was of the opinion that denying assistance to Algerian refugees would set a wrong precedent for the stature of the office as he did not want to be perceived as the "High Commissioner for European refugees only" (Loescher et al. 2008: 24). Hence, a considerable expansion in the role of UNHCR became inevitable. This was a significant expansion of the working of UNHCR as for the first time it responded to the needs of developing nation outside its ambit or mandate. The authority to do so was granted by General Assembly as it came to be dominated by newly independent nations (Loescher et al. 2008: 23).

Despite all this, UNHCR ensured that it did not overtly criticize western states rather it used moral authority and legal obligation as a tool to fulfill its mandate (Hammerstad 2014: 99). Such a cautious approach was adopted to give assurance that UNHCR is strictly acting in a non-political manner and not intervening in the domestic affairs of the states (Hammerstad 2014: 99). The innovative concept under which such expansion was done came to be known as "Good offices" approach. This approach not only allowed UNHCR to serve people who would not strictly come under the definition of a refugee as per the 1951 Convention but also widen its protection activities by allowing it to assist developing countries in few selected cases (Hammerstad 2014: 101). Using this approach, General Assembly asked High Commissioner to assist 1,100,000 Chinese in Hongkong and numerous refugees in

Burundi, Cambodia, the Democratic Republic of the Congo, Nepal, Uganda etc. (Silva 1966: 335).

By this time, Felix Schnyder (1960-1965) became High Commissioner and the office continued with its Good offices approach to provide assistance to refugees in Africa, out of which majority of them remained outside the ambit of 1951 Convention (Lewis 2012: 28). He soon realized the limitation of the 1951 Convention and wanted it to make a universal tool for the protection of all refugees (Lewis 2012: 28). During his tenure, the General Assembly also gave up all the references of differences between new groups of refugees and those that came under UNHCR mandate and further called for an approach wherein UNHCR should provide international protection and permanent solution to the refugees affected by the turmoil created due to decolonization (Loescher et al. 2008: 27).

High Commissioner Schnyder concerned over the limits of 1951 Convention proposed a colloquium with a view to expand the scope of the definition of refugee in the 1951 Convention (Lewis 2012: 28-29). This resulted in the participation of UNHCR representatives and thirteen legal experts to discuss the possibility of modification of the Convention (Lewis 2012: 28-29). The colloquium recommended that the time limitation should be removed and on the basis of this UNHCR formulated a draft proposal which following the modification of EXCOM was submitted in General Assembly (Lewis 2012: 29). The stance taken by colloquium was a reflection of the reality of world politics as the Third World countries were quite dissatisfied with the temporal and geographical limitation of 1951 Convention (Loescher et al. 2008: 28).

These developments compelled UNHCR by 1966 to provide assistance to almost 5,000,000 refugees in Central, East and West Africa through financing, food, shelter, medical services with the help of League of Red Cross Societies as UNHCR was a non-operational organization at this crucial juncture (Silva 1966: 335). UNHCR was not only active in providing assistance in Africa but was also involved in Asia, as in 1965 it opened its office in Macau and assisted 80,000 Chinese refugees (Silva 1966: 336). Under High Commissioner Schnyder, the debate between providing material assistance and protection also started as the supporters of the former argued that in the

situation of emergency the material assistance would lead to improvement in their economic position and hence, leading to improvement in the legal status but those in the support of international protection were not convinced with this argument (Loescher et al. 2008: 27-28).

It was after High Commissioner Schnyder term came to an end that the 1967 Protocol relating to the Status of Refugees was signed by states. This was the time when East Pakistan, Uganda, and Indo-China came under crisis resulting in a mass influx of refugees to the neighboring countries and South American countries like Chile and Argentina were too embroiled in a crisis situation (Loescher et al. 2008: 29). In this backdrop, Sadruddin Aga Khan (1966-1977) assumed the position of High Commissioner. The authority of General Assembly became more prominent during this phase as it expanded the scope of Good office's approach to include even those who did not fall under the category of refugees (Hammerstad 2014: 101).

The 1970s saw no dramatic changes in the core principle of UNHCR. Aga Khan maintained the non-political and non-operational stance of UNHCR as he portrayed the work of UNHCR as a channel through which the assistance could be provided to the refugees (Hammerstad 2014: 103). For instance, in the case of East Bengali refugees and in case of Vietnam, the High Commissioner declined to provide assistance on the grounds of maintaining neutrality until the two governments requested for assistance (Hammerstad 2014: 103). Thus, what is reflected from 1970s phase is that UNHCR played a kind of balancing act between its mandate and states interest and never acted against the wishes of concerned states (Hammerstad 2014: 105). Under Aga Khan too, resettlement was a preferred solution (Loescher et al. 2008: 30). The large-scale upheaval in several countries of South America generated debate on the issue of human rights of refugees but it was limited to granting asylum only rather than focussing on the protection of refugees inside the camp (Hammerstad 2014: 102).

The situation of conflict in the different parts of the world on account of the impact of Cold War, decolonization and political regime change continuously expanded the activities of UNHCR and with this expansion, the budget of the organization also increased. The budget of the mid-1970s was around US\$ 90 million which

represented ten times increase from 1970 and further it grew to US\$ 496.9 million in 1980 (Suhrke 1994: 118). The increasing cost of humanitarian work of UNHCR was due to increase in the number of persons of concern to UNHCR. It was during the mid-1970s only that the concept of displaced people started gaining attention (Giri 1998: 13). This term is associated with the people who have not crossed the border but are displaced within their own country from the place of their residence. The eighties saw sharpening of differences between countries of Global North and Global South over the issue of refugees and IDPs.

## **2.7 UNHCR IN ENGAGEMENT WITH GLOBAL NORTH AND SOUTH**

UNHCR accommodated internally displaced persons (IDPs) within the persons of concern from the late 1970s. The inclusion was not the result of altruistic nature of the office rather it was done to balance the interest of the Global North countries and UNHCR's mandate. To the developed countries, IDPs represented potential refugees and therefore, in a way to avoid more burden in terms of asylum and finance such expansion of UNHCR was facilitated. The realization that IDPs needed attention by UNHCR was done keeping in mind the fact that they too soon can cross-border and demand asylum and inclusion under the category of refugee (Betts 2009: 54). The 1980s were to engulf UNHCR in an altogether different kind of challenge as western countries which were earlier eager to welcome refugees inside their border became hostile to the idea of resettlement. Therefore, the period of the 1980s can be referred to as a period of transition and beginning of restrictive asylum policies by Global North.

Restrictions on the grant of asylum by Global Northern countries posed a considerable challenge for the authority of UNHCR (Loescher et al. 2008: 31-32). This change in the attitude of Global North was the interplay of various factors happening simultaneously. First reason associated with such restrictive policy was that at the height of Cold War, many refugees were coming from regions which were mired in conflict (Global South) to avail asylum. But in the course of doing so, often the legal ways to get asylum were replaced by illegal means such as false travel documents etc. which were not acceptable to western countries (Loescher et al. 2008: 32-33). Secondly, the cost of maintaining refugees in camps imposed a financial burden on

the western countries and hence, led to a change of stance on the issue of refugees (Suhrke 1994: 118). Also, there was resentment from the public, for instance, the arrival of Cubans, Ethiopians, Nicaraguans, Mexicans in the United States by the end of 1980 created a public outcry (Loescher et al. 2008: 33). In response to this, United States followed policies such as detention of asylum seekers, deportation and denial of the proper procedure to avail asylum (Loescher et al. 2008: 33).

The situation in Western Europe was also of a similar kind as the asylum applications saw an increase from 20,000 in 1976 to 158,000 in 1980 due to which governments responded by tightening asylum policies and building physical barriers so that refugees could not cross-border (Loescher et al. 2008: 34). During 1983 to 1989, the majority of the asylum seekers in Europe came from Global South due to the conflict in Asia, Africa and the Middle East (Loescher et al. 2008: 34). Further, there was an ideological context to this changing situation as Global North no longer saw Communism as a threat to its liberal ideology due to which the humanitarianism was slowly and steadily turned upside down. Another significant reason for the change in the attitude of western powers on refugee issue was that during the time of 1985 the problem of labor shortage ended in the Global North and therefore, the need to rethink the policy of resettlement started among the western countries (Chimni 2004: 58).

Together these factors provided the foundation for the change from a policy of resettlement to the policy of voluntary repatriation. Despite the repetitive complaints from High Commissioner's office that the approach of voluntary repatriation has not been dealt in detail, EXCOM in 1985 adopted a conclusion on this very issue (Chimni 2004: 58-59). The proponents of repatriation assumed that all refugees preferred to return home as they themselves believe that resettlement and local integration were unrealistic and camps often became the site for human right violation (Chimni 2004: 59; Loescher et al. 2008: 38).

There was a shift from non-operational work to doing operational work such as providing assistance to refugees. By the end of the 1980s, UNHCR was in the sphere of refugee assistance and not only protection, the reason partly lies in gross mismanagement of funds during 1980s by implementing partners (Hammerstad 2014: 116-117). Therefore, the change was an endeavour to expand its role in the assistance

field and more importantly to showcase that it can keep the authority of the office intact. The evolution of UNHCR for the first four decades happened stage by stage but what will be confronted in the 1990s will be a sudden and rapid evolution of the organization. UNHCR's initial focus was on Europe but with changing international environment (decolonization, ideological conflict etc.) the focus of UNHCR also expanded. It no longer catered to a particular geographical area rather it expanded its work beyond Europe. It is under these conditions, UNHCR's engagement with the Post-Colonial States started and further, it had to confront the bitter rivalry between Global North and South countries. By late 1980s UNHCR emerged as a global organization.

## **2.8 UNHCR AS A GLOBAL ORGANIZATION**

The foundation for rapid change in the working of UNHCR was laid down in the late 1980s, details of which have already been dealt in the previous section. For an organization to remain relevant there is always the need to adapt itself to the changing environment and engage in debate to reorient itself (Hammerstad 2014: 7). This position seems to fit into the trajectory that UNHCR followed as it continuously changed and adapted itself to the changing environment.

The collapse of the Soviet Union and the end of Cold War brought an era of opportunities along with new challenges for UNHCR. With the end of Cold War, interstate conflict subsided, but the trend of intrastate conflicts produced an altogether different kind of humanitarian crisis as no longer the category of refugee dominated the center stage rather people who were displaced within the borders were also seen as a category in the need of help- much more than refugees. In the words of Barnett:

“States slowly approved the concept of IDPs not because of an abundance of humanitarianism but because of its very absence” (Barnett 2001: 267).

The situation of increasing IDPs due to intra-state conflict became one of the biggest challenges for UNHCR as there was an enormous rise in the number of IDPs i.e. 24 million till 1992 (Krever 2011: 587). Due to which the UNHCR budget doubled from US\$ 583 million in 1990 to US\$ 1 billion in 1991 (Vayrynen 2001: 157). Growing focus on IDPs led to UNHCR's involvement in the internal matters of the states in a

bid to eradicate the cause of refugee generating conditions so that the refugee flow could be controlled (Barnett 2001: 268). The humanitarianism intended to contain refugee flow was essentially a threat to sovereignty (Barnett 2001: 268). It is due to this abovementioned reason scholars have argued against the handling of IDPs under the mandate of UNHCR (Goodwin-Gill 2006: 7). The argument is supported by a fact according to which there is no legal authority or no law according to which UNHCR is given the mandate to protect persons in their own territory (Goodwin-Gill 2006: 8-9). There only exists the Guiding Principles on Internal Displacement which is nothing but a standard on how IDPs ought to be treated (Goodwin-Gill 2006: 8-9). Apart from this, UNHCR's increased focus on IDPs has come at the cost of protection and assistance provided to refugees as the resources get divided between refugees and IDPs (Betts 2009: 56).

Despite such complexities, UNHCR took up the responsibility of IDPs within its office and this role was definitely driven by the environment in which it was operating. To put it in the words of Barnett:

“UNHCR's role is bound up with a global governance that is designed to maintain and reproduce an international order defined by a state system (sovereignty), whose principal beneficiaries are western states (contain the refugees)” (Barnett 2001: 269).

By this time i.e. the 1990s, scale and scope of UNHCR activity and its mandate was totally transformed and it no longer remained the same organization that it used to be in its formative years. To deal with the growing humanitarian crisis, UNGA created Department of Humanitarian Affairs (DHA) in 1991 which was later renamed as the Office for the Coordination of Humanitarian Affairs (OCHA) to oversee the humanitarian operation and to keep coordination between the various humanitarian organization of UN (Heath 2014: 247). As already mentioned earlier, an Inter-Agency Standing Committee (IASC) was also set up to develop policy setting and practices to tackle humanitarian crisis (Heath 2014: 247). UNHCR now operated at the global level as it is no longer an organization specifically for Europe. Due to its global nature, the kind of workload that UNHCR started handling is humongous. It is in this backdrop that a change in approach towards refugees was adopted during the 1990s. UNHCR tried to find a balance between repatriation and its principle of non-refoulement which led to a debate between fundamentalists and pragmatists (Barnett



2001: 260). For the former, the preference for repatriation would not only compromise rights of refugees but will also undermine UNHCR's independence but for the latter, repatriation was the demand of the current situation and UNHCR if did not adhere with it would be rendered ineffective (Barnett 2001: 260). It was against this backdrop that Sadako Ogata (the High Commissioner during 1990-2000) dubbed the 1990s as the decade of “voluntary repatriation” (Loescher et al. 2008: 48).

UNHCR's new transformed role was visible in 1991 wherein 1.75 million Kurds who left Northern Iraq were repatriated to Iraq and were provided relief zone as Turkey refused to grant them entry (Krever 2011: 592). Further, UNHCR played a lead agency role in the former Yugoslavia (1992-1995) which included activities ranging from providing protection to displaced people and economic development (Krever 2011: 592-593). Following this, UNHCR played lead role in providing relief to Hutu refugees from Rwanda (Krever 2011: 592-593).

Further, the activities carried out during the 1990s by UNHCR reflect a dilution of its principles- non-political, neutrality, non-refoulement (Krever 2011: 593-594). During this period the statement of EXCOM reflects a vision wherein there was a reluctance to showcase UNHCR as a body providing international protection to refugees rather it was represented as a humanitarian organization working inside the field (Krever 2011: 594). The repatriation fervour of UNHCR can be seen from the number of refugees it repatriated between 1991-1996 that accounted for 9 million refugees as against 1.2 million refugees repatriated from 1985 to 1990 (Loescher et al. 2008: 48). To further justify the act, terminologies such as “safe return” or “voluntary repatriation” were used by UNHCR. Scholars have argued that the moment objective criterion was used for repatriating refugees by proponents of repatriation rather than assessing both subjective and objective factors, the standard of voluntary repatriation stands diluted (Chimni 2004: 61). To further repatriate refugees from host state to home state, contrived concept of “voluntariness” was introduced which implied that the consent was no longer needed as it became difficult for UNHCR to get consent of refugee on such a large scale (Barnett 2001: 262). This meant that the situation in the home State need not improve in a real manner for repatriation to take place (Barnett 2001: 262).

More than ever before, focus on repatriation led UNHCR to devise the strategy of returnee aid and development in the belief that the country from where refugees originated are in a more poor state than the host country (Chimni 2004: 68; Loescher et al. 2008: 49). However, this simple assumption of UNHCR that migration of people is due to the economic factor of their country and development would solve all their problems attracted lots of criticism (Chimni 2004: 70). Given the paucity of the resource at the disposal of both UNHCR and NGOs the development objectives remain limited (Chimni 2004: 70). Further, the situation that caused the refugee flight needed to be addressed as it is often seen that the situation of conflict has been aggravated due to the structural adjustment policies followed by Global South countries under the pressure of financial institutions to ensure compliance with the neoliberal ideology of western countries without taking into account the ground reality of that country (especially in African countries) (Chimni 2004: 70-71).

Though time and again UNHCR has asserted its autonomy, but it has also backed the activities which are of the interest of the powerful few states (Barnett 2001: 269). The quintessential example, in this case, can be the approach adopted by UNHCR in case of voluntary repatriation which is nothing but accommodation of concerns of western states. Repatriation is seen as a solution by developed countries who now see refugee as a liability whether in terms of resources or in terms of providing them with asylum facility and thus, it has also become one of the leading cause of North-South divide (Chimni 2004: 73). Global South hosts 87 percent of the refugees whereas Global North sheds its responsibilities by providing funds to UNHCR. This reluctant attitude of western powers compelled UNHCR to accept repatriation as a solution and when Ogata agreed in 1996 to repatriate refugees from Tanzania to Rwanda she was criticised for this act and refugee advocates saw this as a refoulement exercise done by UNHCR itself (Suhrke and Newland 2001: 294-295).

Further, UNHCR started presenting itself as an organization which is concerned with maintaining peace and security and did so deliberately so that it can receive financial support from States to perform its activities (Loescher et al. 2008: 53). The first sign of the adoption of security language by UNHCR came from the speeches delivered by High Commissioner Ogata wherein she argued that the issue of the refugee cannot be isolated from security and “refugee crises in fact concern all dimensions of security”

(Hammerstad 2000: 395). This usage of security supported the idea that refugee flow ought to be contained and repatriation is the ultimate solution. UNHCR's linking of refugee issue to security reflected the concerns of western powers that refugee flow if uncontrolled could create a threat to the society into which the refugee influx is taking place (Hammerstad 2000: 396). UNHCR's security formulation encompasses different meaning, one pointing towards state-centric security and other towards the security of the people (Hammerstad 2000: 396-397). It did not clarify whose security it is focussing upon: whether on the security of the refugees or the security of receiving but reluctant states.

By this time, UNHCR moved on to describe itself from a refugee-specific organization to a humanitarian organization which is active in the field in contrast to its earlier vision wherein it saw itself strictly as a non-operational organization and involved itself only with the legal protection of refugees (Hammerstad 2014: 133). Given the fact that UNHCR was engaged now in the operational role as well in various countries, the cost of UNHCR operations increased. Due to the expansion of its role, there were 20.29 million persons of concern to UNHCR by 1996 and hence, the operations cost rose from US\$ 550 million in 1990 to around US\$ 1.3 billion in 1996 (Loescher et al. 2008: 50). One can reflect upon the expansion of UNHCR through its budget and increase in the number of persons of concern over the years given in Table 1.2. Table 1.2: Budget and Persons of Concern to UNHCR

Year	1951	1975	1991	2000	2010	2017
Budget	US\$ 300,000	US\$ 100 million	US\$ 1billion	US\$ 965.27 million	US\$ 3.134 billion	US\$ 7 billion
Persons of Concern to UNHCR	2.12 million	3.62 million	19.04 million	21.87 million	33.92 million	71.44 million by end of 2017

Source: UNHCR Statistics: The World in numbers

Several legacies of Cold War era haunted western states in the Post-Cold War period. The refugee warrior communities (militarization of refugee camps) were commonly occurring phenomenon during Cold War years but these aspects were not paid heed by developed countries at that time so as to contain Communism and UNHCR also did not pay much attention given the interest of western countries. But the situation changed and the militarized camps became a threat not only to home states but also to the host states, thus, EXCOM in 2000 expressed concern that refugees are increasingly used by countries to further their political and military interest (Hammerstad 2014: 53). Ogata in one of her speeches argued that the identification of refugee from other groups such as criminal or fighter etc. is increasingly becoming difficult (Hammerstad 2014: 53). In response to growing militarization of refugee camps, UNHCR created arrangements of police and public security officers who were called as Humanitarian Security Officers (HSOs) to work with UNHCR's Emergency Response teams and also with public security institutions of receiving countries (Loescher et al. 2008: 58). Further, UNHCR participated in civil-military conferences and training programs and established coordination with United Nations Security Coordinator (UNSECORD) and also had talks with the UN Department of Peacekeeping Operations (DPKO) to deploy missions into areas wherein refugees have been militarized or there are chances of them being militarized (Loescher et al. 2008: 59). Despite making such efforts, the situation in Darfur or Somalia was not under the reach of UNHCR (Loescher et al. 2008: 59).

The year 2000 saw High Commissioner Ogata leaving the office and High Commissioner Ruud Lubbers (2001-2005) taking over. Ogata was widely hailed for her work but confronted criticism at the end of her years in the office due to failures in Kosovo crisis. A number of factors created a situation of crisis for UNHCR during the start of 21<sup>st</sup> Century. Firstly, UNHCR was no longer a lead agency in the humanitarian operations as UN adopted a system of cluster approach (Hammerstad 2014: 153). Secondly, there was a proliferation of NGOs who were directly getting aid from donor countries thus bypassing UNHCR's role (Hammerstad 2014: 153). Further, the illegal entry of refugees and economic migrants into the western States created a situation wherein donor States started cutting down funds to UNHCR (Hammerstad 2014: 153). Lastly, the 9/11 attack created a situation wherein the

refugees were seen a threat to not only national security but also to citizens of Global North. These trends were highlighted by High Commissioner Lubbers.

In his article "Asylum for All: Refugee Protection in the 21<sup>st</sup> Century", Lubbers argued that a huge number of Illegal migrants, the mixture of economic migrants and genuine migrants and smuggling challenged the refugee law and hence, the need to prioritize States interest over refugee interest. By implication, therefore, International Refugee Law is under attack from different corners and to save it from becoming redundant it should undergo reformation (Lubbers 2002: 60). Lubbers was of the opinion that after 9/11 terrorist attack, countries have tightened border control policies, cut down their resettlement policies and most importantly refugee word became synonymous with the word terrorist (Lubbers 2002: 60).

The war on terror rhetoric of United States created suspicion among the communities that all migrants and refugees posed a threat not only to national security but also to the citizens themselves. This resulted in the substantial decline of support for refugee regime during the first half of 2000. Many countries began adopting the process of strict vetting before accepting refugees asylum claims and Australia was first to do so as it introduced Pacific Solution to tackle refugees coming from countries like South Asia and Middle East (Loescher et al. 2008: 60). Many European governments established refugee vetting centres for verifying asylum applications (Loescher et al. 2008: 61). During this time also, Global South countries were hosting a larger number of refugees than those accommodated by Global North as the former adopted a wider interpretation of refugee definition and later simply opted for a more narrower definition to contain refugee flow (Lubbers 2002: 63). The Convention Plus initiative by High Commissioner Lubbers meant specifically reviving 1951 Convention and its Protocol and reinvigorating it in accordance with 21<sup>st</sup> Century (Hammerstad 2014: 153). Lubbers aimed to focus on three areas: resettlement, illegal movement of refugees from South to North and assistance to promote development, but, in praxis, resettlement was ignored and only repatriation was focused upon (Hammerstad 2014: 156).

The security discourse used by UNHCR in its documents was very different from the one used during High Commissioner Ogata's time. The use of human security was

avoided instead security was discussed in a holistic manner by referring to the security of refugees and humanitarian staff; security of State and nationals and finally it referred to international peace and security (Hammerstad 2014: 155). The various facets did not necessarily dovetail with each other. The marked transformation in UNHCR started from 2005 with the coming of Antonio Guterres (2005-2015). What Guterres emphasized was UNHCR's protection mandate for persons of concern when their own State is not able to provide them with. This language received its legitimacy from Responsibility to Protect Doctrine which definitely helped UNHCR to regain its lost relevance (Hammerstad 2014: 161). Further, the year 2005 saw reform in UN Humanitarian System wherein cluster approach was adopted to coordinate humanitarian works in a better and efficient manner and with this IASC gave lead role to UNHCR in three sectors- protection, shelter, and camp management (Hammerstad 2014: 162; Loescher et al. 2008: 67). The cluster approach adopted by UN divides humanitarian response into nine clusters of responsibility and each clustered was assigned a specific organization (Hammerstad 2014: 162).

Therefore, Post-2005 two aspects became dominant for the office of UNHCR. One was providing assistance to IDPs as by 2007, UNHCR was operating in 24 Countries and dealing with approximately 18 million IDPs (Loescher et al. 2008: 68). The crisis in Iraq, Darfur, Congo, Sri Lanka, and Columbia increasingly focussed on displaced people more than ever before (Guterres 2008: 94). The other aspect that Guterres focussed upon was restructuring the management of UNHCR and its spending to respond to pressures from donor States to cut down the excessive, unwieldy machinery of the organization (Loescher et al. 2008: 68). The one commonality that remained in the tenure of Lubbers and Guterres was the growing concern that 1951 Convention designed to protect refugees is increasingly flouted, and media portrayal of refugees as a threat to the security of the people and to the nation.

What is interesting in the High Commissioner Guterres term is that he completely adheres to Responsibility to Protect Doctrine adopted in UN's 2005 World Summit. He in his article Million Uprooted argued that sovereignty of individual acquires a priority over States sovereignty in cases such as genocide, crimes against humanity and ethnic cleansing (Guterres 2008: 93). From the position taken up by UNHCR, it can be inferred that humanitarianism advocated by UNHCR in its early years of the

establishment was very different from the kind of humanitarianism it supported in the 21<sup>st</sup> Century as it will not hesitate in breaching the sovereignty of the State when the right of the individual is at stake. However, there is another side to this argument which says that the interference is more guided by the interest of western powers which created UNHCR and are its major donors than by serious consideration of human rights violation.

## **2.9 SUM UP**

Evolution of UNHCR reflects the tendency of organizations to adapt to the changing needs and environment of international politics. The story of UNHCR's evolution is replete with the import and impact of the interplay of various factors but the most predominant reasons were: the leadership role, demand of the environment in which it was operating, concerns of western powers and developing countries. Time and again it has come under attack from Global South for not fulfilling its mandate but UNHCR through its effort has been constantly trying to carve out a balance between Global North and Global South countries. The reflection of it is visible from the fact that it became a global organization from strictly an organization that was created to cater to the European theatre. How far UNHCR has used its ability to strike a balance between state interest and its mandate will be examined with detailed focus on developments in Syria.

## **CHAPTER 3:**

### **UNHCR AND THE SYRIAN REFUGEES**



Purpose of the chapter is to examine the response of the office of the United Nations High Commissioner for Refugees (UNHCR) to the problem of the Syrian refugees since the conflict began in that country in 2011. The discussion in the present chapter first addresses the root cause of Syrian conflict that emerged in 2011 and the humanitarian consequences of Syrian conflict. Attention is turned to analyse the response of the UNHCR to the problem of the Syrian refugees who took shelter in the regional host countries. In the process, an assessment is attempted regarding the assistance offered to enable the UNHCR humanitarian engagement to help the Syrian refugees.

### **3.1 BACKGROUND OF UNHCR-SYRIA RELATIONS**

Syria is not new to political violence with international ramifications including forced migration of people to escape from deliberate mass attacks. The story of forced migration from Syria is not a new found one rather it has a long history. In 1960s Kurds fled from Syria once they were targeted on the ground that they were not original inhabitants of Syria (Fargues and Fandrich 2012: 2). Again, the armed attack against the Hamas in 1982 resulted in another wave of outflow (Fargues and Fandrich 2012: 2).

However, Syria is not only a quintessential example of people's flight to safer places rather it is also recipient of refugees from various neighbouring countries like Iraq, Palestine etc. The Palestinians started taking refuge inside Syria after 1948 and their population increased to 495,970 by 2010 (Fargues and Fandrich 2012: 3). In the year 2000, Syria became an important territory for Iraqi refugees fleeing the oppression of western invasion (Fargues and Fandrich 2012: 3). Before conflict started in Syria, by the end of 2010 there were 1,307,918 persons of concern for UNHCR in Syria consisting of "1,005,472 refugees, 2,446 asylum seekers and 300,000 stateless persons" (Fargues and Fandrich 2012: 3). Despite this Syria did not sign the 1951 Refugees Convention and its 1967 Protocol. It is in this context, the humanitarian consequence of the ongoing Syrian conflict have become a challenge to the UNHCR.

The engagement of the UNHCR with Syria dates back to the time of the Gulf War in the early nineties. Protection and assistance was provided by UNHCR to 8000 Iraqi

refugees in the El Hol camp set up in the governorate of Hassakeh of North-East Syria.<sup>11</sup> Soon they were succeeded by another set of refugees who began arriving in the wake of civil wars in Somalia and North and South Yemen, besides, people from other countries such as Lebanon also arrived in Syria and their number was around 100,000.<sup>12</sup> Besides the Syrian government, the UNHCR extended assistance to meet the needs of those refugees. Further, the war in Iraq in 2003 created a huge influx of refugees in Syria. Post this event, UNHCR after taking consent from Syrian authorities applied Temporary Protection Regime (TPR) on all Iraqi nationals residing in Syria.<sup>13</sup> The number of Iraqis present in Syria by end of 2003 ranged from 70,000 to 100,000.<sup>14</sup> The situation deteriorated further in 2006.

Syrian government found that by 2009 there were 1.1 million Iraqi refugees, out of them only 206,000 were registered with UNHCR.<sup>15</sup> In 2011, 143,000 refugees and asylum seekers were registered with UNHCR in Syria.<sup>16</sup> 2015 saw an increase in Iraqi refugees due to the reasons of Islamic State of Iraq and Syria (ISIS) takeover of territories in Iraq. The counter operations launched by government of Iraq further resulted in a situation of humanitarian crisis. Currently, there are 35,277 refugees and asylum-seeker registered with UNHCR in Syria, out of which 65 percent are from Iraq. The registered people are not the actual figures for the reason that many refugees do not register themselves with the UNHCR.

It is in response to all of this, the UNHCR increased its scope of operation inside Syria to cater to the humanitarian needs of asylum seekers and other people affected. UNHCR team in Syria consists of more than 400 national and international staff including around 300 in UNHCR's branch office in Damascus (five field offices in the cities of Aleppo, Qamishi, Tartous, Homs and Swaida).<sup>17</sup> In 2015, the Whole of Syria (WOS) approach was adopted to provide effective response to the humanitarian crisis in Syria. Under WOS, Syria Strategic Response Plan (SRP) was developed wherein the UNHCR is a sector lead in three areas: Protection and Community

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<sup>11</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>12</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>13</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>14</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>15</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>16</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>17</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

Services, Camp Coordination and Camp Management (CCCM) and Non-Food Items (NFI)/Shelter.<sup>18</sup> Apart from this, the UNHCR is providing support in primary health care such as in mental health, chronic disease's medicines with the help of Syrian Arab Crescent and charity association's clinic in various parts of Syria.<sup>19</sup> The UNHCR works in the education sector as well. UNHCR personnel are deployed in 14 governorates of Syria with the help of 21 international and national NGO partners to provide protection to persons of concern.<sup>20</sup> Therefore, UNHCR's relation with Syria is not a new found one rather they both have a long history of engagement with each other. The conflict that erupted in Syria in 2011 created another wave of displacement both inside country and outside country due to which involvement of the UNHCR with Syria has become more than ever before. Before examining the response of the UNHCR towards Syrian refugees, it is useful to trace the background to the Syrian conflict that caused the great deal of humanitarian suffering.

### **3.2 BACKGROUND TO THE CONFLICT IN SYRIA**

The root cause of the Syrian crisis lies in the Arab Spring that erupted in Tunisia on 10<sup>th</sup> December 2010. Arab spring was product of various contributory factors. Firstly, the political freedom was constantly denied to vulnerable section (Haran 2016: 1). Lack of political freedom resulted in large scale human rights violations. Further, widespread prevalence of corruption worsened the plight of common people (Coleman 2013: 18). Economic opportunities were snatched by better off sections of society which explained in turn high incidence of unemployment among weaker sections (Haran 2016: 1). Scholars have argued that the turmoil in Syria is result of history which is characterised by sectarianism, class warfare and social inequalities (Coleman 2013: 17).

The political system run for decades by al-Assad family has alienated marginalized sections. President Bashar al- Assad father, Hafez who assumed power in 1970 through a coup (Coleman 2013: 20) was respected because of fear (Haran 2016: 2). He developed close relations with former Soviet Union and Iran but as a corollary, he

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<sup>18</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>19</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

<sup>20</sup><http://www.unhcr.org/sy/15-history-of-unhcr-syria.html>

developed anti-West, anti-Israel, pro-Palestine stand (Haran 2016: 2). Bashar al-Assad, who succeeded his father in 2000 was considered a liberal minded person as he carried out some reforms in the country but he was constrained by Ba'ath party political leaders (Haran 2016: 2). There was absolute monopoly of Ba'ath party in the political arena. This created a serious kind of democratic deficit in Syria (Haran 2016: 3). In the initial years of his reign the economy flourished as GDP rate was 5.5 percent between 2005 and 2009 and connection with people was also well established (Haran 2016: 2). Unemployment rate was at 8 percent but these factors did not create dissatisfaction as Syrians found employment in Gulf region (Haran 2016: 2). Therefore, the cause of Syrian conflict cannot be wholly attributed to the economy per se rather there were other grave reasons as well for the conflict to erupt.

The other root cause associated for Syrian conflict is the sectarian nature of the society of Syria. Syrian society is composed of Sunni Arabs (almost 60 percent of population), Christian population (10-12 percent of population), Alawites (about 10-12 percent), Druze (about 6 percent), Kurds and Armenians (Carpenter 2013: 1-2). Therefore, majority of the population in Syria belongs to Sunni sect but the President Assad came from Alawite which is a sub sect of Shias (Haran 2016: 3). However, Ba'ath party was to some extent secular in its outlook and President also enjoyed support of Sunni community (Haran 2016: 3). It was only after eruption of crisis that the sectarianism became a dominant reason for growth of the conflict. The rebels from Sunni community started attacking people from Shia, Christian and Kurd community and the situation sharply deteriorated with the coming together of Takfiris, Salafists and involvement of al Qaeda cadres (Haran 2016: 3). The Sunnis dominate in the rebel group of Syrian Free Army and Syrian National Council (Carpenter 2013: 2).

The other reason for Syrian conflict was the hostility of several countries such as Saudi Arabia, Israel, and western countries to ruling regime, and they saw Arab spring as an opportune moment to topple Assad regime and set up friendly government in the country (Haran 2016: 4). Syria has always taken a pro-Palestine stance, has close relations with Russia and Iran and Hezbollah which is definitely not liked by West and countries like Saudi Arabia and Israel specifically (Haran 2016: 5; Akbarzadeh and Conduit 2016: 8). It is also important to recall that Israel and Syria were technically at war for the reason that Israel has been in occupation of Golan Heights

since the 1967 war (Haran 2016: 5). Further, with Gulf countries there were tension over the sectarian issues also (Haran 2016: 5). The United States deepened the sectarian divide by persisting with the Gulf states that they are encircled by Shia arc ranging from Iran to Lebanon (Haran 2016: 5). The tension found proof in growing problems created by Houthis (Shias) in Yemen (Haran 2016: 5). Therefore, the conclusion was targeting of Syrian regime with an aim to destabilize it and remove President Assad.

Initially, the United States (US) after 9/11 scenario was not hostile as Syria was cooperating with the US in terms of information exchange regarding terror outfits (Haran 2016: 9). However, there were reasons that prompted the US to support anti-regime forces. Apart from Syria's closeness to Russia and pro-Palestine approach, there were other reasons for US backing anti-regime forces: suspected clandestine development of nuclear capability near Deirez-Zor; US operation to capture al Qaeda leader in eastern Syria; Syrian mercenaries fighting against US in Iraq (Haran 2016: 9-10). Nonetheless, within the US there was difference of views between Central Intelligence Agency (CIA), Pentagon and the State Department, centred around the concern that destabilization of the regime, without a viable alternative could severely undermine the stability of Israel which is a close ally of US (Haran 2016: 10).

The US entered the Syrian conflict as historically it has never stepped back from using force if it leads to promotion of its national interest (Coleman 2013: 17). It cited the doctrine of "Responsibility to Protect" to justify its intervention as the doctrine gives leverage to the international community to intrude into another country's sovereignty on the grounds that it has been unable to provide protection to its people (Carpenter 2013: 10). United States has previously used this strategy in many countries such as in Iraq, Libya to install a friendly regime. The same route is taken in the case of Syria as well. But it is seen by Russia, China and many other countries as US tool to establish its dominance at the global level (Carpenter 2013: 10).

The Syrian conflict has become a bone of contention between the US and Russia. They both have differences over the course that crisis should take in order to reach a fruitful resolution (Carpenter 2013: 7-8). The decision of veto by Moscow and Beijing on United Nations Security Council (UNSC) resolution of February 2012 regarding

condemnation of violence in Syria was criticized by US ambassador to United Nations Susan Rice by saying that the “action of China and Russia is shameful and unforgivable” (Carpenter 2013: 8). In response, Russia has always remained suspicious of regime change in Syria by West (Carpenter 2013: 9). China shares similar concerns. Regime change would hamper the national interest of Russia and China. Russia since the time of Assad’s father regime has enjoyed economic and strategic ties with Syria which is very much evident from the fact that Russia has supplied economic and military aid to Syria during Cold War periods and till date has maintained a naval facility at the Syrian port of Tartus (Carpenter 2013: 9). Before conflict erupted in Syria in 2011, China was largest trading partner of Syria and also a major stakeholder in oil industry of Syria (Carpenter 2013: 9).

In a related dimension, regional rivalries have also contributed in heightening the conflict in Syria. Countries like Saudi Arabia and its allies are getting support from United States and North Atlantic Treaty Organization (NATO) who are in favour of removing Assad from power not only because his reign has become authoritarian but also because of Assad’s closeness to countries like Iran (Carpenter 2013: 4). The conflict inside Syria is representative of regional conflict between Sunni Saudi Arabia and Shiite Iran (Carpenter 2013: 4). The other regional player is Turkey. Initially, Prime Minister Recep Tayyip Erdogan pursued rapprochement with Iran but later shifted his policy due to religious aspects as he could not accommodate the Sunni slaughter by Alawite and Christian Syrian Military (Carpenter 2013: 5). Since then, Turkey has been supporting Free Syrian Army by giving funds and providing refuge to them inside their territories (Carpenter 2013: 5). Further, the most pressing problem in the eyes of Turkey is Syria’s Kurdsone of whose factions, the Democratic Union Party (PYD) has close links with the Marxist Kurdish Workers Party (PKK) in Turkey (Carpenter 2013: 5-6). Taking together all of this, exigencies of national interest and geopolitical animosities brought regional powers to take part in Syrian Conflict.

### **3.2.1 Rival groups in the Syrian conflict**

There are various groups operating in the hope of capturing power in Syria. It is broadly divided into three camps. The first one supports Assad regime which comprises of Iran, Hezbollah, and Russia (Martini, York and Young 2013: 2). At the

other spectrum are players who are opposing Assad regime. It consists of Turkey, Saudi Arabia, some countries of Gulf Cooperation Council (GCC), Libya, United States and its North Atlantic Treaty Organization (NATO) allies, Jordan (Martini, York and Young 2013: 2). There are those who are yet to decide their stance or have conflicting allegiance and this includes countries like Iraq, Israel and Lebanon (Martini, York and Young 2013: 2). However, this categorization is not water tight as there is often intermixing of different camps.

One of the important internal groups is Free Syrian Army (FSA) established in 2011 that maintains opposition in Syria and believes that Bashar Al-Assad regime must be removed (Coleman 2013: 23; Akbarzadeh and Conduit 2016: 8). The Syrian National Council (SNC) which is located outside Syria also is an anti-regime fighting force (Coleman 2013: 24). Besides, extremist groups such as al-Qaeda and Jabhat al-Nusra maintain sectarian and tribal ties to establish a government committed to the Islamic principles (Coleman 2013: 24). These groups receive support from Salafists who preach similar ideology as followed by these extremist groups. Salafists acquire their support from Saudi Arabia, Qatar and the United Arab Emirates (Coleman 2013: 24-25). The other group and the most important of Jihadist groups is Islamic State of Iraq and Syria (ISIS) which in the initial phase had large territories under it but is now losing its hold inside Syria (Akbarzadeh and Conduit 2016: 8; Johny 2015: NP).<sup>21</sup> IS not only wants to establish Islamic caliphate in Syria rather its ambitions go beyond Syrian borders. The other groups are Jaysh al-Islam, Ahrar al-Sham, sponsored by Saudi Arabia and Qatar combine (Johny 2015: NP).<sup>22</sup> The multitude of actors operating inside Syria has made it a theatre of strategic competition and the possibility of reaching definite solution is limited (Martini, York and Young 2013: 8).

### **3.2.2 Humanitarian Suffering and the Resultant Refugee Crisis**

The humanitarian crisis is of unprecedented scale which is reflected in the reports which claim that 11.5 percent of the Syrian population have been killed or are injured (Akbarzadeh and Conduit 2016: 9). Those living inside as well as outside the country

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<sup>21</sup><http://www.thehindu.com/opinion/lead/stanly-johny-writes-about-syrian-political-crisis-riddles-in-the-syria-road-map/article8014715.ece>

<sup>22</sup><http://www.thehindu.com/opinion/lead/stanly-johny-writes-about-syrian-political-crisis-riddles-in-the-syria-road-map/article8014715.ece>

suffered from lack of basic amenities (shelter, food, water), violation of rights, delay in asylum grants etc. Apart from this, there have been instances of use of chemical weapons and attacks on civilian population from both opposition groups and the government forces (Akbarzadeh and Conduit 2016: 9). The official figures of Syrian refugees in different countries are not captured wholly as

“UN statistics do not include individuals and families who settled in these countries without being registered as refugees or asylum seekers, because they were either able to take care by themselves of their establishment, or accommodated by relatives or friends” (Fargues and Fandrich 2012: 4).

The conflict compelled Syrians to take refuge in the neighbouring countries (95 percent of refugees in Egypt, Lebanon, Turkey, Jordan and Iraq) and many have taken perilous path by taking recourse to Mediterranean sea to avail refuge in Europe countries (Huynh 2016: 214). From 2011, 2000 Syrians have died due to drowning in Mediterranean (Huynh 2016: 215). According to UNHCR reports of 2013,

“Syria became for the first time the main country of origin of asylum seekers in 44 industrialized countries in Europe, North America, and the Asia Pacific region” (Ostrand 2015: 257).

Syrian refugees have contributed in large numbers when the total figures of refugees steadily went up from 2012. Table 2.1 below provides the relevant statistics.

Table 2.1: Total number of refugees in the world and Syrian refugees

Year	Total number of refugees in the world	Total number of Syrian refugees
2012	15.4 million	476,506
2013	16.7 million	2.47 million
2014	19.5 million	3.88 million
2015	21.3 million	4.9 million
2016	22.5 million	5.5 million
2017	26 million (till December 2017)	6.3 million

Source: UNHCR and International Migration Report



### **3.3 UNHCR's RESPONSE TO SYRIAN REFUGEES IN REGIONAL COUNTRIES**

#### **3.3.1 Patterns of UNHCR response, 2011-2017**

Syrian conflict created the need for various humanitarian agencies to step in to manage the large scale humanitarian distress. The UNHCR was the most prominent one. In order to respond effectively, the office of UNHCR prepared the Syrian Regional Response Plan which is a framework document to cater to the needs of nearly 40,000 refugees fleeing from Syria to Jordan, Lebanon, Turkey and Iraq (Syrian Regional Response Plan 2012: 4). The Plan is an outcome of 100 local and international partners, including NGOs and UN partners putting forward the demand for funds (Syria Regional Response Plan January to December 2013: 7).

The Syria Regional Response Plan of 2012 had following objectives: ensuring that refugees fleeing from Syria have access to the neighbouring countries, asylum facility, receive protection (also protection from refoulement); basic needs are to be met and special focus on vulnerable people; plans for mass influx (Syria Regional Response Plan 2012: 8-9). According to the Plan, the regional Humanitarian Coordinator office was to be set up to coordinate between national authorities, UNHCR Regional Refugee Coordinator and the Humanitarian/Resident Coordinators in Syria, Lebanon, Jordan, Iraq and Turkey (Syrian Regional Response Plan 2012: 4). As per UNHCR Global Report 2012, around half million refugees were registered in the different countries of the region (UNHCR Global Report 2012: 1). The Regional Response Plan of 2012 first appealed for US\$ 84. 1 million to address the needs of the refugees but later with the fast rise in the refugee figures the estimate was revised twice appealing for US\$ 400 million (Syria Regional Response Plan 2013: 8).

Syrian conflict produced unprecedented scale of crisis which made it a fastest growing refugee crisis in 2013 (Syria Regional Response Plan January to December 2013: 2). Apart from registered refugees, UNHCR in its report argued that the actual number refugees are much larger as not all refugees are registered with UNHCR (Syria Regional Response Plan January to December 2013: 6). Governments of neighbouring countries such as Jordan, Iraq, Lebanon, Turkey and Egypt continued

with their commitment to provide access to Syrian refugees even when their own infrastructure and resources were under pressure (Syria Regional Response Plan January to December 2013: 6). During 2013, UNHCR acknowledged the support it has been receiving from small countries for furthering their mandate as Lebanon and Jordan became countries hosting highest number of refugees both in absolute terms and in relation to their population, resources etc. (Syria Regional Response Plan January to December 2013: 6). By end of 2013, UNHCR registered 1,379,715 Syrian refugees in the neighbouring countries (Syria Regional Response Plan January to December 2013: 2).

The Regional Response Plan (RRP) of 2013 that came in March envisaged assistance to smaller group such as nationals of third country who fled from Syria (Iraqi refugees fleeing from Syria to third country); Lebanese nationals who were settled in Syria; it also included Palestinian refugees fleeing Syria (Syria Regional Response Plan 2013: 9). Total financial requirement put forth in the Plan was US\$ 3 billion for international agencies and NGOs (Syria Regional Response Plan January to December 2013: 14). In 2013, UNHCR's Syria Regional Response Plan lay mainly three priorities:

“protection (registration, Child protection, Sexual and Gender based Violence, psycho-social support); emergency preparedness; assistance to non-camp refugees and host communities” (Syria Regional Response Plan January to December 2013: 8).

By the end of 2014, Syria became largest refugee population catered by UNHCR under its mandate as the approximate number of refugees reportedly crossed 3.7 million in the region (UNHCR Global Report 2014: 174). UNHCR in 2014 Syria Regional Refugee Response Plan coordinated with more than 150 participating organizations in order to deliver effective response towards Syrian refugees (UNHCR Global Report 2014: 174). The Syria Regional Response Plan 2014 was framed by taking into account participatory planning process led by UNHCR with the coordinated effort of UN agencies, governments, NGOs etc. (Syria Regional Response Plan 2014: 11). Total funding requested under 2014 Syria Regional Response Plan was US \$ 4.2 billion (Syria Regional Response Plan 2014: 1). According to 2014 Syria Regional Response Plan, the total number of estimated

refugees by the end of 2014 under UNHCR mandate was to be 4.1 million (Syria Regional Response Plan 2014: 1).

Syria Regional Refugee Response Plan 2014 targeted three groups: “refugees in camps; refugees outside camps; and host communities” (Syria Regional Response Plan 2014: 10). The objective of the plan was to:

“respond to the immediate humanitarian needs of refugees including protection and essential services, including food, health, education, and material assistance in support of the most vulnerable” (Syria Regional Response Plan 2014: 10).

UNHCR in 2014 Syrian Regional Response Plan focused on five priority areas: “access to territory and registration, prevention and response to sexual and gender-based violence, child protection including strategic links between SGBV, child protection and education, meaningful community participation and durable solutions” (Syria Regional Response Plan 2014: 10).

The UNHCR provided support to the countries that hosted Syrian refugees, by cooperating with authorities in registration of refugees, renewal of document, expansion of use of biometrics, focusing on community-based protection, and evidence based protection programming (UNHCR Global Report 2014: 177). Along with this, UNHCR coordinated with governmental and non-governmental partners to set up mechanisms for reporting of crime and follow up for victims (UNHCR Global Report 2014: 177). Around 66,330 survivors of sexual and gender based violence received, as per official claims, specialist support in the year 2014 (UNHCR Global Report 2014: 177). Further, focus has also been on vulnerable sections such as children who have been born in exile. A total of 115,000 Syrian refugee children were born in exile since 2011 till 2014 and UNHCR worked with the host government for timely registration of these refugee children (UNHCR Global Report 2014: 178).

The number of refugees continued to grow, as the conflict did not provide hope of ending any soon. The figure estimated by UNHCR Global report, 2016 estimated that there were 4.6 million Syrian refugees in the neighbouring countries (UNHCR Global Report 2015: 60). In response to this, UNHCR launched the Regional Refugee and Resilience Plan 2015-2016 (3RP) (UNHCR Global Report 2014: 174). The 3RP plan is described as:

“nationally-led, regionally coherent strategy which is built on the national response plans of the countries in the region” (Regional Refugee and Resilience Plan 2015-2016: 6).

Under the 3RP, UNHCR undertakes refugee response part whereas UNDP oversees resilience part. The Plan coordinates with host governments and around 200 humanitarian and development partners so that an effective response towards Syrian refugees could be delivered in the five main host countries (UNHCR Global Report 2014: 174). The support of the host countries continued as they continued to host significant number of Syrian refugees.

UNHCR in the 3RP 2015-2016 plan opines that the conflict in Syria is impacting host countries in many ways: socio-economic impact, creating competition for employment, hampering trade and commerce, increase pressure on already scarce resources (Regional Refugee and Resilience Plan Progress Report June 2015: 8-9). The plan characterized Syrian conflict as “development crisis and a global security crisis, with impact reaching far beyond the region” (Regional Refugee and Resilience Plan Progress Report June 2015: 9). The objectives of 3RP 2015-16 were supporting national and local government agencies so that public services are provided to both host community and Syrian refugees (Regional Refugee and Resilience Plan Progress Report June 2015: 9).

The total appeal was for US\$ 4.5 billion (UN agencies and NGOs) under 3RP but by May 2015 only US\$ 1.06 was received (Regional Refugee and Resilience Plan Progress Report June 2015: 9). The refugee share received 86 percent of the total appeal (Regional Refugee and Resilience Plan Progress Report June 2015: 9). Further, the livelihood sector was under funded (21 percent) which weakened the capacity of host community and of the UNHCR to deliver effective response towards refugees (UNHCR Global Report 2015: 64). UNHCR provided support to refugees in the form of providing access to asylum, cash based assistance, to the most vulnerable and carrying out registration activities properly (UNHCR Global Report 2015: 62). To provide an effective response towards “the sexual and gender based violence (SGBV) and refugee child protection, UNHCR continued to implement a multisectoral, coordinated and community-based approach to prevention and response” (UNHCR Global Report 2015: 62-63). Despite these responses, many Syrian refugees in the

host countries continued to live in extreme poverty and resorted to anti-social and illegal means for their survival (UNHCR Global Report 2015: 63-64).

The scale of refugee crisis continued even in 2016 and according to UNHCR Global Report 2016, there were 5 million Syrian refugees in the neighbouring countries by the end of 2016 (UNHCR Global Report 2016: 102). The 3RP of 2015-2016 received only 50 percent fund of the total requirement (Regional Refugee and Resilience Plan 2016-2017: 6). However, due to continued influx of refugees in the neighbouring countries the appeal made in Regional Refugee and Resilience Plan 2016-2017 (3RP) was US\$ 5.78 billion which included budget of United Nations agencies, governments and NGOs (Regional Refugee and Resilience Plan 2016-2017: 6). There was increase of 10 percent in the appeal for funds from the previous year in 2015 due to increase in number of refugees and thereby increase in the need of host government and humanitarian actors (Regional Refugee and Resilience Plan 2016-2017: 6). UNHCR's budget appeal within 3RP 2016-2017 was US\$ 836 million (Regional Refugee and Resilience Plan 2016-2017).

Within this Plan, UNHCR emphasized on individual biometric registration of Syrian refugees and also ensured that the all the new births are registered and documented (UNHCR Global Report 2016: 104). Another focus area of UNHCR within 3RP 2016-2017 was on child protection and SGBV issues under which community centres and workers coordinated with each other and with mobile teams to address these concerns (UNHCR Global Report 2016: 105). Despite such interventions by UNHCR, there were weaknesses with respect to shelter component as refugees could not get proper accommodation (Regional Refugee and Resilience Plan 2016-2017: 40). Two reasons may be attributed to this condition: majority of refugees lived outside camps (in Turkey only 13 per cent lived in camps, only 18 percent of refugees lived in camps in Jordan) and further there was unfair accruing of rent from refugees as the formal agreement was not made given the vulnerability of refugees in these host countries (Regional Refugee and Resilience Plan 2016-2017: 40). To improve the situation of refugees, UNHCR took various steps. One of them was organizing London conference wherein several commitments were made regarding Syrian refugees. There was again a shortfall in the funding for 3RP 2016-2017. The refugee share

received US\$ 2.03 billion (69 percent of what was required) by November 2016 (Regional Refugee and Resilience Plan 2017-2018: 49).

Having said this, budget appeal was of US\$ 4.63 billion under Regional Refugee and Resilience Plan 2017-2018 (Regional Refugee and Resilience Plan 2017-2018: 6). The refugee share in this appeal of funds was US\$ 2.73 billion (Regional Refugee and Resilience Plan 2017-2018: 6). UNHCR appealed for US\$ 1.2 billion (Regional Refugee and Resilience Plan 2017-2018: 53). In the Plan, it was estimated that by end of 2017 there would be 4.7 million refugees in the regional host countries (Regional Refugee and Resilience Plan 2017-2018: 6). According to UNHCR statistics, there are 5,636,302 refugees registered in the region till 7<sup>th</sup> April 2018.<sup>23</sup> As per the statistics, Turkey hosts the highest percentage of Syrian refugees i.e. 63.4 percent till 7<sup>th</sup> April 2018.<sup>24</sup> The table below provide the relevant data with respect to Syrian refugees hosted by regional countries from 2012-2018.

Table 2.2: Syrian refugees registered with UNHCR in the regional countries, 2012-2018

Country	2012	2013	2014	2015	2016	2017-till 7 <sup>th</sup> April 2018
Jordan	144,997	472,764	553,311	628,000	685,200	661,859
Lebanon	156,612	500,654	824,288	1.2 million	1 million	991,917
Turkey	137,756	372,326	522,111	1.75 million	2.86 million	3,572,565
Iraq	65,527	154,372	206,362	249,000	261,900	248,382
Egypt	10,169	75,442	127,733	134,000	213,900	128,034

Source: Collected from UNHCR Global Reports, UNHCR Syria Regional Response Plan and Syria Regional Refugee and Resilience Plan

The Regional Refugee and Resilience Plan 2017-2018 (3RP) focuses upon:

“refugee protection and humanitarian component, addresses the protection and assistance needs of refugees living in urban, peri-urban and rural areas, as well as in camps and settlements, in all sectors, as well as on the most vulnerable

<sup>23</sup>[https://data2.unhcr.org/en/situations/syria#\\_ga=2.254423752.1573184749.1523900837-1997660512.1504266118](https://data2.unhcr.org/en/situations/syria#_ga=2.254423752.1573184749.1523900837-1997660512.1504266118)

<sup>24</sup>[https://data2.unhcr.org/en/situations/syria#\\_ga=2.254423752.1573184749.1523900837-1997660512.1504266118](https://data2.unhcr.org/en/situations/syria#_ga=2.254423752.1573184749.1523900837-1997660512.1504266118)

members of impacted communities” (Regional Refugee and Resilience Plan 2017-2018: 10).

The 3RP 2017-2018 consisted of following directives that helped UNHCR in catering to needs of Syrian refugees. These directives were: “strong national leadership, regional protection framework (ensuring safety and dignity of refugees through coordination), building on the dead sea resilience agenda, enhancing economic opportunities (access to jobs and livelihood opportunities for refugees), no lost generation (focussing on education of children and youth), continued outreach and partnership (240 partners working together which includes governments, NGOs and UN agencies), enhanced accountability mechanism” (Regional Refugee and Resilience Plan 2017-2018).

### **3.3.2 Fund-raising efforts**

In response to large scale exodus from Syria to the neighbouring countries as well as to the other countries (mainly European), UNHCR in 2013 formed Syria Core Group (SCG) which comprises of 29 states, International Organization for Migration, UNHCR and EU (UNHCR Solution for Refugees 2016: 194). The Syrian Core Group aims to: increasing resettlement of Syrian refugees and providing increasing humanitarian assistance; increasing cooperation to provide effective response; conducting dialogue with host states to protect and resettle Syrian refugees (UNHCR Solution for Refugees 2016: 194).

On 4 February 2016, UK, Germany, Kuwait, Norway and UN together hosted a conference in London on Supporting Syria and the Region to commit international community for new funding so that the needs of Syrian refugees and displaced can be met.<sup>25</sup> The countries pledged to raise total US\$ 12 billion for Syrian humanitarian crisis, wherein US\$ 6.1 billion was raised for 2017-20.<sup>26</sup> It is after London conference that work permits were granted to 37,000 Syrian refugees in Jordan and to 13,000 refugees in Turkey (UNHCR Global Report 2016: 104). Apart from all this, the conference received support of new development partners such as International Financial Institutions (Regional Refugee and Resilience Plan 2017-2018).

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<sup>25</sup><https://www.supportingsyria2016.com/>

<sup>26</sup><https://www.supportingsyria2016.com/>

On September 19, 2016 a consensus was reached called as New York Declaration for Refugees and Migrants which lay down some commitments for an effective response towards refugees and displaced. The commitments made were: human rights of refugees and migrants should be protected; education for refugees and migrant children; effective response towards Sexual and Gender based Violence; providing support to the countries who are hosting large number of refugees; humanitarian assistance in those countries wherein turmoil is taking place; providing homes to refugees identified by UNHCR who are in requirement of resettlement.<sup>27</sup> It was agreed that a Global Compact for Refugees would be developed in 2018 (UNHCR Better protecting refugee in the EU and globally 2016: 4).

Further, Brussels conference in 2018 was organized by UN-EU on the issue of “Supporting Syria and the Region”. A US\$ 4.4 billion was pledged for year 2018 and commitment of US\$ 3.4 billion for 2019-2020 was also made.<sup>28</sup> The most significant contribution was made by International Financial Institutions who announced US\$ 21.2 billion for supporting Syria.<sup>29</sup> The countries in the conference emphasized on: providing support in terms of health and education facility; securing livelihood (employment) for not only refugees but also for host countries where refugees are residing; on vulnerable sections such as women, child old age people; providing support through cash; resettlement of refugees; providing safe access to refugees outside immediate region.<sup>30</sup> However, post Brussels conference in 2018, it was reported that Syrian refugee component is underfunded as the total fund requirement was US\$ 9 billion and the funds raised were US\$ 4 billion only.<sup>31</sup>

According to the official statement, “US\$ 4 billion is lower than the sums raised at a similar conference, partly due to a delay in a US\$ 1 billion US pledge and continued discussions between the EU and Turkey over the details of a package agreed two years ago”.<sup>32</sup> Further, Gulf states did not contribute according to the expectations and

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<sup>27</sup><https://refugeesmigrants.un.org/declaration>

<sup>28</sup><http://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>

<sup>29</sup><http://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>

<sup>30</sup><http://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>

<sup>31</sup><https://www.theguardian.com/world/2018/apr/25/un-eu-conference-syrian-aid>

<sup>32</sup><https://www.theguardian.com/world/2018/apr/25/un-eu-conference-syrian-aid>



the largest share of funding came from Germany, the EU and the UK.<sup>33</sup> UNHCR and its partners opined that this might lead to cut in certain assistance programme for Syrian refugees.<sup>34</sup> The commitments made in the pledges are fulfilled at the later stages but sometimes these commitments do not materialize into the actual grant of assistance (Wintour 2016). Since the inception of Syrian conflict, the plans launched by UNHCR and its partners suffer from gap in funding. The table below provides the relevant data.

Table 2.3: Gap in funding for refugee plan, 2012-2017

Plans	Appealed amount	Actual received amount
Syria Regional Refugee Response Plan 2012	US\$ 488 million	US\$ 374 million
Syria Regional Refugee Response Plan 2013	US\$ 3 billion	US\$ 2.2 billion
Syria Regional Refugee Response Plan 2014	US\$ 3.7 billion	US\$ 2.4 billion
Syria Regional Refugee and Resilience Plan (3RP) 2015	US\$ 4.5 billion	US\$ 2.68 billion
Syria Regional Refugee and Resilience Plan (3RP) 2016	US\$ 5.8 billion	US\$ 3 billion
Syria Regional Refugee and Resilience Plan (3RP) 2017	US\$ 4.6 billion	US\$ 2.28 billion till 11 <sup>th</sup> October 2017

Source: Ferris and Kirisci 2016: 30; UNHCR Syria Regional Refugee Response Plan; Syria Regional Refugee and Resilience Plan

Having said all this, the gap in funding did limit the response of UNHCR but the fund raising conferences from time and again created an impetus for international community to contribute towards the growing humanitarian crisis as a result of Syrian conflict.

<sup>33</sup><https://www.theguardian.com/world/2018/apr/25/un-eu-conference-syrian-aid>

<sup>34</sup><https://www.theguardian.com/world/2018/apr/25/un-eu-conference-syrian-aid>

### **3.4 HOSTS IN THE REGION AND THE STATUS OF SYRIAN REFUGEES**

UNHCR in the five regional host countries is working under different circumstances. The response remains limited as three countries namely Iraq, Jordan and Lebanon who are providing refuge to Syrian refugees are not signatory to the 1951 Convention relating to the refugees and its 1967 Protocol and therefore, Syrians are not given the status of refugees but of a guest (Fargues and Fandrich 2012: 1). UNHCR has received permission from Lebanon government to register Syrian refugees to provide protection but the kind of protection offered remains limited as they do not get right to avail asylum or the right to legally stay in Lebanon (Aranki and Kalis 2014: 17). Turkey which hosts majority of the Syrian refugee has ratified the 1951 Convention while keeping the geographical part intact with it which gives the status of refugee to only those who became refugees due to the events that occurred before 1<sup>st</sup> January 1951 (Fargues and Fandrich 2012: 1). For Syrian refugees to avail services provided by UNHCR they need to get UNHCR registration card but such status cannot be maintained if refugees move around the country (Zetter and Ruaudel 2014: 8). Further, there are also Syrian refugees who do not register with UNHCR due to lack of awareness regarding assistance or to prevent their identity for security reasons (Zetter and Ruaudel 2014: 8). Given these conditions, UNHCR's response to Syrian refugees in these regional host countries will be constrained by these factors.

Further, majority of the refugees are not living in UNHCR camps and therefore, have difficulty in receiving aid, access to employment and education (Akbarzadeh and Conduit 2016: 10). For instance, in Lebanon around 60 percent of the Syrian refugee children are not receiving education and some are also into child labour (Akbarzadeh and Conduit 2016: 10). Syrian refugees in the regional host countries are engaged in unskilled jobs with very low wage and are facing high competition from citizens of the host country (Zetter and Ruaudel 2014: 6). With the humanitarian assistance of UNHCR and its partners, Syrian refugees are able to avail basic services but have no right to work in countries like Jordan or Lebanon without a proper work permit which pushes Syrian refugees into informal sector where wages are very low (Zetter and Ruaudel 2014: 6).

In Turkey, Syrian refugees are not provided refugee status (not part of 1967 Protocol) due to which temporary status is given to them (Huynh 2016: 224). However, the rule of non-refoulement is adhered by Turkey (Huynh 2016: 224). Turkey has based its response towards refugees in three terms: “temporary protection; non-refoulement; humanitarian assistance” (Huynh 2016: 225). It has been argued that Syrian refugees are in much better situation in the camps of Turkey because these camps are operated by government of Turkey rather than by UNHCR and NGOs (Huynh 2016: 225). By directly controlling the activities of camps Turkey has been able to provide effective response to Syrian refugees as the confusion over multiple actors operating on the camp have been avoided (Huynh 2016: 233). Therefore, Syrian refugees are unwilling to live inside camps maintained by UNHCR. This is due to various reasons: reports of ill treatment inside camps by guards, they are made to live in one place (feeling of living in prison) (Phillips 2012: 36). These aspects are an attack on the UNHCR’s role as the protector of refugee right. UNHCR and its partners have been facing criticism on the ground that their plans do not take into account the views of refugees and are formed in isolation to their needs (Smallwood 2014: 22). According to Syrian refugees they have the idea of the ground situation and any plan to cater refugees should reflect those challenges and if it is not done the plans might not work (Smallwood 2014: 22). Despite the shortfall, the response of UNHCR in the region of Syria remains satisfying as the basic principle of refugee right such as non-refoulement, access to asylum have been provided by regional host countries.

### **3.5 UNHCR AND SYRIAN REFUGEES OUTSIDE THE REGION**

#### **3.5.1 Role in Europe**

Before illustrating the response of UNHCR in European countries, it is important to understand the policy of European Union (EU) with respect to refugees. EU operates through the Common European Asylum System (CEAS) that put forth standards, procedure for application to avail asylum and treatment that will be given to refugees (Huynh 2016: 217). EU follows Dublin system which

“allows EU members to send an asylum-seeker that has travelled through multiple EU countries back to the first EU state the asylum-seeker reached” (Huynh 2016: 217).

Unlike citizens and tourists, there is restriction on the movement of refugees as they are not allowed to freely move in EU (Huynh 2016: 217). However, there is no uniform application of CEAS as many EU members have not followed it till now and thereby there is variation in the giving asylum grants (Huynh 2016: 217). What is notable is that despite consistent effort by UNHCR, the EU countries registered much lower number of Syrian refugees in their respective countries than hosted by regional countries like Egypt, Lebanon, Iraq, Jordan etc. Until July 2017, the total number of asylum application in European countries was around 1million. But the acceptance is around ten percent of the application received. Germany has the highest rate of granting asylum to Syrian refugees.<sup>35</sup> UNHCR has been facing criticism that it has not been able to mobilize western countries (in this context, European countries) to share the refugees burden in an equitable manner.

Syrian refugee movement was not limited to neighbouring countries only rather they also fled to European countries through various routes (land route to Greece or Bulgaria, air route and the most problematic of all through Mediterranean route) (Fargues and Fandrich 2012: 5). By June 2012, EU received 14,423 asylum applications which was to grow to an unprecedented scale in the subsequent years to come (Fargues and Fandrich 2012: 5). Syrian refugees initially arrived in countries like Italy, Greece and Hungary (Huynh 2016: 219). The problems they faced in these countries were numerous: congested spaces in Italy (overcrowding), Greece itself was debt ridden, basic facilities were not provided in Greece (Huynh 2016: 219-220). Given this situation, Syrian refugees wanted to take refuge in another European country but due to application of Dublin system they could not do so (Huynh 2016: 220). It is in this context, it is argued that UNHCR's role could only be of facilitator as it cannot govern or give orders to countries to change their border policies. Countries such as Hungary "constructed a fence and closed its borders with Croatia and Serbia in order to deter the flow of refugees" (Huynh 2016: 221). Along with Hungary, Austria and Slovenia also intended to follow such moves. But what is significant is that such plans might restrict legal ways of taking refuge into a country but the illegal ways remained and latter ways are more harmful for both the country as well for the arrivals.

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<sup>35</sup> <http://syrianrefugees.eu/>

However, there are countries such as Germany who have followed a more liberal approach towards Syrian refugees (Huynh 2016: 222). Germany in 2013 initiated Temporary Humanitarian Admission Program (THAP) to cater to the Syrian refugees (Huynh 2016: 222). The Plan laid down the three point criteria to determine entry of Syrian refugees inside Germany and the criterion was:

“Syrian refugees with humanitarian needs; with connections to Germany; and who are capable (such as through their professional qualifications) of making significant contributions to rebuilding Syria after the end of the war” (Huynh 2016: 222).

Even within this program, refugees were allowed to stay only for two years with extension being granted only if situation in Syria was not ripe for them to return (Huynh 2016: 222) but the decision of situation in Syria would be more decided by subjective considerations than by actual situation on the ground. It is to be noted that not everyone in the Germany is open to such ideas rather there has been backlash which can be inferred from the fact there have been more than 200 hundred attacks on places where Syrian migrants are living (Huynh 2016: 223).

Since the crisis erupted in Syria in 2011, 235,000 Syrians have made an application for asylum in Europe till 2015 (Syrians in Southern Europe UNHCR Regional Update May 2015: 1). These figures are small in number as it constitutes only 6 percent of the Syrians who have left the country due to conflict (Syrians in Southern Europe UNHCR Regional Update May 2015: 1). There also lies another trend wherein Syrians do not apply for asylum in Southern Europe countries in large number (only 3 percent of the Syrian who have applied for asylum in Europe apply for Southern Europe countries) (Syrians in Southern Europe UNHCR Regional Update May 2015: 1). By September 2016, the number of Syrian refugees who applied for asylum to Europe surpassed 1 million, out of which Germany and Sweden received maximum applications which is 300,000 and 100,000 respectively.<sup>36</sup> Analyzing on the basis of figures of Syrian refugees in regional countries and in the European countries, it is pointed out that European countries have been largely reluctant to provide asylum to Syrian refugees. However, the other side of the argument is that EU contributes

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<sup>36</sup><http://syrianrefugees.eu/>

largest share of aid for the Syrian humanitarian crisis.<sup>37</sup> But UNHCR has often cited problems with respect to lag in the funding as there has been shortfall of 70 percent of funds from EU side.<sup>38</sup>

It was only in 2016 that UNHCR came up with the vision document “Better protecting refugees in the EU and globally” wherein it put forth the ways in which EU can effectively respond to help the refugees. It proposed that EU should:

“develop sustainable asylum systems; provide needs-based support for humanitarian operations; adopt a development-oriented approach to assistance; expand opportunities for safe pathways; pilot a common, regulated approach to migration; assess and plan; standby capacity at the national and EU levels; coordination mechanisms” (UNHCR Better protecting refugee in the EU and globally 2016: 3).

Further, UNHCR noted that EU should have

“a common registration system; give priority to family reunion; simplified procedure for asylum determination; a common approach for unaccompanied and separated children; an efficient system for return” (UNHCR Better protecting refugee in the EU and globally 2016: 3).

Further, at the end of 2016, due to large influx of refugees in Europe, UNHCR along with 74 partners initiated a plan known as Regional Refugee and Migrant Response Plan for Europe (January to December 2017). The Plan put forth certain goals to ensure effective response. These were:

“building capacity of government to ensure access to asylum, protection and human rights based solution; ensuring that refugee and migrant women, girls, boys and men have access to protection, basic services and assistance with a specific focus on needs and vulnerability; relocation, family reunification and resettlement; emphasis on child protection system; human rights of refugees should be defended by challenging Islamophobia, racism, xenophobia; providing shelter and basic needs to refugees” (Regional Refugee and Migrant Response Plan for Europe, 2016: 13).

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<sup>37</sup><http://syrianrefugees.eu/>

<sup>38</sup><http://syrianrefugees.eu/>

For this plan, UNHCR put forth the budget of US\$ 332.891 million for delivering its mandate (Regional Refugee and Migrant Response Plan for Europe, 2016: 22). There is no separate regional plan prepared by UNHCR for European countries in order to deal with Syrian refugees. Though, in the initial years of the Syrian conflict, EU discussed the possibility of putting forth a Regional Protection Plan for European Union specifically in coordination with UNHCR that would emphasize upon “increasing reception capacity and improving protection in host countries; provision of humanitarian assistance; return of displaced persons; integration; and resettlement” (Fargues and Fandrich 2012: 11).

However, the plan did not receive further consideration. Therefore, there remains a great degree of variation in the quality of protection and rights being granted to Syrian refugees in different European countries (Fargues and Fandrich 2012: 13). For instance, Germany grants subsidiary protection to Syrian who apply for asylum whereas Sweden automatically grants temporary residence permit to Syrians as soon as they apply for asylum to ensure safety and security of Syrian refugees (Fargues and Fandrich 2012: 13). There are other European countries such as Norway and Denmark who have accommodated Syrian applying for asylum (Fargues and Fandrich 2012: 13). But there are European countries such as Greece and Eastern European countries which have rejected the claims of Syrians applying for asylum (Fargues and Fandrich 2012: 13). Further, there is no will on the part of the Baltic states, Poland, Czech Republic and Slovakia to accommodate Syrian refugees (Heisbourg 2016: 11). The reasons cited are Xenophobia, religious reasons (Heisbourg 2016: 11). It is because of these variations, UNHCR and other aid giving agencies have constantly made an attempt to persuade EU to follow the guidelines of EU’s Common European Asylum System (Fargues and Fandrich 2012: 13).

Despite such loopholes in the response, EU went further and made an attempt to outsource Syrian refugees in the third country (Turkey). The deal between EU and Turkey said that EU would provide more support to Syrian refugees if the Syrian refugees coming to Greece were repatriated to Turkey (Marwah 2017: 19). UNHCR was not part of EU-Turkey plan but it never overtly opposed it. UNHCR through Better Protecting Refugees in the EU and Globally 2016 Plan has outlined ways in which EU can protect refugees but did not deal much with the externalization of

refugees into third country due to which its credibility as guardian of refugee rights has come into question (Marwah 2017: 21). The negative implication of this could be the implicit acceptance of externalization policy which in long run can create a backlash (Marwah 2017: 21). The developing countries wherein the refugees are exported do not have well established infrastructure to support the influx of huge amount of refugees and thus, the protection, livelihood and basic rights of refugees will be undermined. The other concern that follows from such move is the lack of accountability in case of violation of rights of refugee as multiple actors are engaged in the field (Marwah 2017: 22).

While it is true that UNHCR's efforts to provide an effective response in EU towards Syrian refugees remain limited but the organization has not shied away from criticizing European countries for their reluctant attitude towards Syrian refugees. Former High Commissioner for Refugees Antonio Guterres stated in 2014 that given the vast geography of Europe and its economic capacity it has done very little for Syrian refugees as it accommodated only 4 percent of the Syrian asylum applicants.<sup>39</sup> The current High Commissioner for Refugees Filippo Grandi argued that new displacement of Syrian people outside Syria border has become impossible due to the border management policies not only of Syrian border but of strong border management policies followed by of European countries.<sup>40</sup> In a statement at the UN Security Council, High Commissioner Grandi argued that

“measures pursued in relation to the Mediterranean routes have centred on how to control, deter and exclude. This can have a dehumanising effect – and more importantly, alone, it does not help refugees and migrants avoid exploitative, deeply harmful situations”.<sup>41</sup>

Such arguments reflect the fact that UNHCR is faced with hurdles while working in Europe to provide an effective response to the Syrian refugees.

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<sup>39</sup><https://www.theguardian.com/commentisfree/2014/jul/22/europe-syrian-asylum-seekers-refugees-illegal-trafficking>

<sup>40</sup><http://www.unhcr.org/search?page=search&skip=9&docid=&cid=49aea93a4c&scid=49aea93a2f&co mid=56962f3d9>

<sup>41</sup><http://www.unhcr.org/admin/hcspeeches/5a1d80e07/statement-united-nations-security-council.html>



### 3.5.2 Response in other countries

Syrians have not only taken refuge in the neighbouring countries and in European countries but have also fled to countries like United States, Australia etc. as well. But UNHCR has been to some extent unable to persuade countries such as US and Australia to provide shelter to Syrian refugees. It was in 2015 that Australia agreed to accommodate 12,000 Syrian refugees but till 2016 it only accepted 26 of Syrian refugees (Akbarzadeh and Conduit 2016: 10). Responses such as these are alarming given the fact that UNHCR has from time to time estimated that around 450,000 Syrian refugees need urgent response and resettlement (Akbarzadeh and Conduit 2016: 10).

The United States which is the largest donor along with United Kingdom for Syrian response plan has contributed more than US\$ 6.5 billion since the start of Syrian conflict.<sup>42</sup> From 2011-2016, 18,007 Syrian refugees were provided settlement in United States through refugee resettlement programme.<sup>43</sup> With the change of administration in US, the numbers in 2017 declined, allowing only 3,024 Syrian refugees.<sup>44</sup> Till April 2018, only 11 Syrian refugees have been settled inside United States from the start of the year.<sup>45</sup> United States earlier had a policy according to which it would settle half of the refugees proposed by UNHCR (Ostrand 2015: 272) but after change in the administration there is ambiguity with respect to this policy.

On the other hand, countries of Global South such as Brazil from 2013 have been granting special visas to people affected by Syrian conflict wherein they can avail asylum facility (UNHCR Solution for Refugees 2016: 196). An agreement was signed between UNHCR and government of Brazil in 2015 to effectively apply this visa policy for those who have are victims of Syrian conflict (UNHCR Solution for Refugees 2016: 197). It was agreed that “better procedures will be put in place to identify individuals and families of concern who may qualify for a special visa, and

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<sup>42</sup> <https://www.state.gov/j/prm/releases/factsheets/2017/269469.htm>

<sup>43</sup> <https://reliefweb.int/report/united-states-america/syrian-refugees-united-states>

<sup>44</sup> <https://www.npr.org/sections/parallels/2018/04/12/602022877/the-u-s-has-welcomed-only-11-syrian-refugees-this-year>

<sup>45</sup> <https://www.npr.org/sections/parallels/2018/04/12/602022877/the-u-s-has-welcomed-only-11-syrian-refugees-this-year>

who may desire pursuing protection and solutions in Brazil” (UNHCR Solution for Refugees 2016: 197). The agreement between UNHCR and Brazil consisted of:

“the exchange of information, expertise and experience, UNHCR providing training and capacity building activities to the Brazilian consular, representations in Jordan, Lebanon and Turkey on interviewing techniques and the identification of potential candidates for visas based on the humanitarian policy of the Brazilian Government” (UNHCR Solution for Refugees 2016: 197).

To absolutely claim that countries of the West have contributed less in responding towards Syrian refugees or UNHCR has been unable to persuade them to dilute restrictive asylum policies, perhaps, would be a not very fair, but what one can notice is that the refugee support depends on the region or countries of origin. There are countries like Germany, Sweden from Europe which have provided asylum to Syrian refugees in relatively large numbers and there are countries in the vicinity of Syria such as Saudi Arabia, Israel etc. which have not provided shelter to Syrian refugees in appropriate manner. However, the general trend that can be observed is that western countries have focused more on giving monetary support than on providing protection to Syrian refugees inside their borders. To put it succinctly “there is no principled basis for the current distribution of the cost and responsibility of protecting Syrian refugees. The five countries bearing an overwhelming share of this cost are not those most responsible for causing the conflict. Neither are they the countries most capable of protecting Syrian refugees” (Achiame 2015: 689).

### **3.6 SUM UP**

UNHCR has proved itself as an instrumental organization in the area of refugee protection and its ability to forge cooperation with different states (whether they are party to 1951 Convention or not) in responding to Syrian refugee flows in as much as it remains an important actor in the UN humanitarian system. But what cannot be ignored is that Syrians might have fled to different parts of the world but the majority of the Syrian refugees are located in the region itself specifically in one country which is Turkey. This has definitely put a mark on the working of UNHCR as the countries who are not part of the 1951 Convention have accommodated much larger number of Syrian refugees than countries who are part of 1951 Convention and its 1967

Protocol. This points towards the fact that the 1951 Convention remains more of a moral force than a legal document that needs to be adhered to (Achiame 2015: 690). Nevertheless, given the constraints within which UNHCR operates (such as fund raising; not strictly an operation agency) it has managed to highlight the pressing needs of Syrian refugees for urgent attention of countries inside and outside the region. Chapter four will unravel a related domain in the work of UNHCR, i.e. the situation of those displaced in Syria.

**CHAPTER 4:**  
**UNHCR AND IDPs IN SYRIA**

In contrast to the preceding chapter which focussed on the Syrian refugees and the UNHCR's response thereto, the purpose of the present chapter is to analyse the response of UNHCR towards internally displaced persons (IDPs) inside Syria. In doing so, the chapter will analyze the debate on the category of IDPs and its relevance to the work of the UNHCR in Syria. Further, the chapter will focus upon the IDPs inside Syria and the condition in which they are living.

#### **4.1 CATEGORY AND DEFINITION ISSUES**

The concept of internally displaced persons (IDPs) is a contested one. It has been argued by some scholars that the term displacement is applicable to people who are displaced due to conflict only whereas there are other scholars who see the category of displaced persons in a wider framework encompassing even those people who are uprooted due to natural disaster and developmental projects also (Mooney 2005: 9). Some scholars have questioned the category of IDPs itself as there is no fixed time when the category ceases to exist and deny any importance of inventing this category (Mooney 2005: 9).

Amidst all these differing viewpoints, there have been attempts to define the category of IDPs. Internal displacement existed prior to 1990s also but it found resonance after the end of Cold War due to a sharp rise in number of the IDPs (from 1.2 million of IDPs in 1982 to around 25 million IDPs in 1995) (Cohen 2008: 84). From the beginning of 1990s, two elements of the definition were clear: one, that the displacement was of involuntary nature and the other that displacement takes place within the border and therefore is separate from the category of refugees (Mooney 2005: 10).

The definition of IDPs found mention in the UN Guiding Principles on Internal Displacement, according to which

“internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border”

(United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Guiding Principles on Internal Displacement 2004: 1).

This definition is widely accepted by the humanitarian actors at international as well as national level. The Guiding Principles on Internal Displacement put forth certain principles which are prerequisite for protecting IDPs and these are: equality, rights and freedom, duty of national authorities to provide protection and assistance, protection from displacement, protection during displacement, humanitarian assistance can be offered by international humanitarian actors if conducted in good faith without any intrusion in states affairs (OCHA Guiding Principles on Internal Displacement 2004: 2-13).

The definition adopted of IDPs has been criticised by many actors for the reason that it does not include those who are displaced due to poverty and for economic reasons (Cohen 2008: 88; Mooney 2005: 13). Further, it is criticised by many actors for the reason that it includes within its ambit people who are displaced due to natural disasters but certain governments do not accord the category of IDPs on people uprooted due to environmental disasters rather they see them as victims of disaster (Cohen 2008: 87). Therefore, the Guiding Principles accord rights to even those who are displaced due to development projects but internationally the recognition is not applicable (Cohen 2008: 87).

The contestation over the definition of IDPs is only one part of the debate. The other part of the contestation is over the relevance of categorizing IDPs as a category. There are scholars who are against the creation of such category as it would lead to discrimination and would provide benefit to IDPs only (Mooney 2005: 14). Further, IDPs are people who are inside the border and therefore, involvement of international actors to assist IDPs inside another country is often seen as a breach of sovereignty (Cohen 2008: 85). This aspect of debate is resolved through Responsibility to Protect (R2P) doctrine wherein it is argued that the first responsibility to protect lies with states and if they are unable or unwilling to do so, then only international community can take action (Cohen 2008: 86). However, there are other scholars who argue that often minorities become victim of displacement and in this situation the need arises for protection of their rights and thus the category of IDPs can be justified on this ground (Mooney 2005: 15). Further, displacement deprives people of their protection,

shelter, livelihood, documents, health care facility and thus makes them vulnerable (Cohen 2008: 89; Mooney 2005: 15-17). All of this points out that IDPs have different needs from general population and thus require a special attention.

Despite knowing special needs of the IDPs, till now there has been no document that is legally binding on the issue of displaced persons. For instance, the Guiding Principles on Internal Displacement put forth in 1998 is not a legally binding agreement (Cohen 2008: 90). There are various reasons due to which there is no legally binding treaty on the issue of IDPs: governments are not willing to accord a support due to fear of interference in their internal matters; laws exist on the issue of IDPs but they are scattered and therefore the Guiding Principles provided a compact document so that the need for legally binding treaty could be avoided; and lastly treaty making takes a long time consuming process of negotiation (Cohen 2008: 90).

For many years, there exists a debate regarding the organization which will assume the responsibility of the IDPs. In this context, UNHCR was at the forefront, but there have been objections raised by many actors for the reason that it would overburden UNHCR as it is already engaged with refugee protection (Cohen 2008: 93). Further, it is also argued that the quality of most important function of UNHCR that is protection of refugees could be undermined if it took over the responsibility of IDPs too (Cohen 2008: 93). Despite these concerns, UNHCR since 2005 began to adopt more expansive approach towards IDPs and this was reflected in the statement given by former High Commissioner Antonio Guterres (presently the UN Secretary-General) wherein he argued that “one cannot refuse to assist on the ground that the border has not been crossed” (Cohen 2008: 93). It is in the year 2006 that the UNHCR took lead in the three sectors: “the protection of IDPs; camp management; and emergency shelter” (Cohen 2008: 93).

#### **4.2 IDPs IN SYRIA**

The belligerent groups inside Syria (Syrian government and anti-government) have from time to time made situation more complicated for IDPs. To defeat the anti-government forces, Syrian government deployed the strategies such as obstructing humanitarian assistance such as medical supplies, “surrender or starve” tactics to

areas wherein opposition group is holding sway (Syria 2017 Human Rights Report: 20). According to human rights groups, 470,000 people (200,000 civilians) have been killed inside Syrian since the inception of conflict in 2011 (Syria 2017 Human Rights Report: 20). Groups like ISIS and other opposition groups have:

“attacked civilian institutions, including schools, hospitals, religious establishments, and bakeries, routinely kidnapped and detained aid providers and severely restricted humanitarian access to territories under their respective control” (Syria 2017 Human Rights Report: 20-22).

Both Syrian government and opposition groups created impediments such as excessive monitoring at security checkpoints when humanitarian actors like UNHCR were reaching out to IDPs for assisting them (Syria 2017 Human Rights Report: 36-37). Therefore, the required supply of goods and services to IDPs could not reach out to them properly (Syria 2017 Human Rights Report: 37). Due to which most of the IDPs found refuge inside informal camps or in collective centres such as schools and not in the UNHCR camps (Syria 2017 Human Rights Report: 38). Often groups operating inside Syria arrest humanitarian actors, lawyers and workers and torture them.<sup>46</sup> Apart from this, government forces and opposition forces are also responsible for attacking indiscriminately and this has wider impact on civilians living inside Syria because they are the one who are at more risk in these situations.<sup>47</sup> All of this increases displacement of people from one place to another.

The impact of the Syrian conflict inside the country was felt at different levels: economic, political and social. At the economic level, almost 82 percent of the Syrians inside the country are living under poverty and more than half of the population is unemployed (Akbarzadeh and Conduit 2016: 9). At the political level, different groups operating inside Syria were dealt in detail in the preceding chapter. At the societal level, the impact is huge for the reason that education system has been totally disrupted due to which Syria has second worst school attendance rate (2.8 million children not attending schools) (Akbarzadeh and Conduit 2016: 9). Further, health facility and houses have been destroyed due to which people are displaced from one place to another.

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<sup>46</sup> <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>

<sup>47</sup> <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>



In sum, the impact of conflict inside Syria includes:

“the aggravation of poverty; damage to housing and infrastructure, schools, medical and other social service facilities, industrial and agricultural infrastructure etc; shortages of fuel, which affects the whole economy; disruptions to telecommunications; a rapid shrinkage of the private sector and most importantly the informal sector that employs a large proportion of the population leading to livelihood losses and rising unemployment in industry, agriculture and tourism; unsafe movement on major routes in the country and across borders is hindering internal and external transit and trade and inflating prices; rising costs of imports due to devaluation of the local currency” (Humanitarian Assistance Response Plan 2012: 3).

Further, there have been reports of IDPs facing the risk of militarization as they are often caught up in a situation wherein the resources are controlled by different actors and to avail those resources IDPs have to come on terms with the militant groups (Harpviken and Yogev 2016: 6).

The International Commission of Inquiry has put forth the details of the attack faced by civilians living inside Syria that includes:

“murder, summary executions, massacres, detention of civilians including children, systematic torture, rape and other sexual violence, recruitment and use of children in hostilities, hostage taking, chemical weapons attacks against civilians, and targeted attacks on hospitals, medical personnel and journalists” (Mooney 2014: 44).

As pointed out, unlike refugees, IDPs do not cross border rather they remain inside the territorial border. IDPs receive protection of the government and thereby have human rights. Till 2017, 6.6 million people were displaced inside Syria and it is said to be the largest displaced population in the world.<sup>48</sup> According to official estimates, 50 Syrian families are displaced every hour of every day which reflects the speed at

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<sup>48</sup><http://www.unhcr.org/sy/29-internally-displaced-people.html>

which displacement is taking place.<sup>49</sup> The table below provides the pace at which IDPs have been increasing inside Syria.

Table 3.1: IDPs in Syria

Year	IDPs in Syria
2012	2 million
2013	6.5 million
2014	7.6 million
2015	6.5 million
2016	6.3 million
2017	6.6 million

Source: UNHCR Syria End of Year Reports

The most potent reason for Syrians to move from one place to another in the country itself is for the reason to avoid violence and to get access to assistance and food from humanitarian actors who most of the times were present along the border areas because government and opposition forces arrested movement of humanitarian actors inside Syria.<sup>50</sup> From the estimates in the abovementioned table, 2014 marks highest number of IDPs in Syria after conflict started in 2011. There were various reasons for this to happen: second round of peace talks ended in Geneva without any solution, constant threat of use of chemical weapons, Assad was re-elected in the elections that happened for the first time after the conflict started in Syria. On the other hand, post-2014, the IDPs number went down and remained constant to some extent due to various reasons: government started regaining its lost territory, weakening of position of extremist groups like ISIS, lesser involvement of great powers such as Russia and US due to their own domestic politics compulsions.

Given the vulnerable situation inside Syria, there is need for food supply, water facility, medical services, shelter for those who are displaced from their place of dwelling, non-food items (NFIs) such as utensils, mattresses, cash assistance, employment (Humanitarian Assistance Response Plan 2012: 3). For national

<sup>49</sup><http://www.unhcr.org/sy/29-internally-displaced-people.html>

<sup>50</sup><https://www.newsdeeply.com/syria/articles/2014/05/19/syria-is-now-the-worlds-biggest-idp-crisis>

government to alone provide all these facilities would be a difficult task, hence, the involvement of humanitarian actors becomes important. In this context, UNHCR's response inside Syria specifically towards IDPs is to be analysed. The detailed discussion of the response of UNHCR towards IDPs inside Syria would be analysed in the sections that follow. Before this it is important to look at the resolutions taken up by United Nations Security Council (UNSC) to help humanitarian actors working on the ground inside Syria.

### **4.3 SECURITY COUNCIL RESOLUTIONS**

Clearly, providing safe delivery of humanitarian assistance to the Syrians stranded inside due to the ongoing civil war became a priority task for the UN-led international community. There were various UNSC resolutions that were passed relating to Syrian conflict. The UNSC resolution 2139 was adopted unanimously in 2014 that asked all parties to put an end to all forms of violence inside Syria so that humanitarian assistance could be carried out by humanitarian agencies and partners (UNHCR Syria End of Year Report 2014: 12). The Syrian delegates during the adoption of UNSC resolution 2139 argued that 75 percent of the assistance is provided by Syrian government and only 25 percent is provided by UN since the conflict started in Syria (SC/11292, 22-February 2014).<sup>51</sup>

Further, UNSC resolution 2165 was unanimously passed in 2014 which allowed UN agencies and humanitarian actors to use border areas such as Bab Al Salam, Bab Al Hawa etc. so that the supply of medical facility can reach Syria through direct routes (UNHCR Syria End of Year Report 2014: 12). Syrian government assured full cooperation with the international community to provide assistance to people caught in the conflict inside the country and at the same time criticize terrorist groups who according to Syrian authorities were supported by other states (SC/11473, 14-July 2014).<sup>52</sup> The UNSC resolution 2191 was similar to Security Council resolution 2165. These resolutions emphasize the

“obligation of all parties under International Humanitarian Law and International Human Rights Law and provides leverage to negotiate safe and unhindered access

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<sup>51</sup><https://www.un.org/press/en/2014/sc11292.doc.htm>

<sup>52</sup><https://www.un.org/press/en/2014/sc11473.doc.htm>

to growing number of internally displaced and civilians in besieged and hard-to-reach areas” (UNHCR Syria End of Year Report 2014: 12).

In the year 2015, UNSC resolution 2191 was extended by unanimous adoption UNSC resolution 2258 on 22 December 2015 stating that UN agencies and its partners can use border crossing areas till January 2017 by giving notification to Syrian authorities to deliver humanitarian assistance inside Syria (UNHCR Syria End of Year Report 2015: 34).

In the year 2016, UNSC resolution 2332 was unanimously adopted to

“authorize UN humanitarian agencies and their partners to cross conflict lines and establish a mechanism to monitor the loading of all humanitarian relief consignments” (SC/12651, 21-December 2016) till January 2018.<sup>53</sup>

Again in 2017, UNSC resolution 2393 was adopted wherein 12 votes were in favour of the resolution with three abstentions (SC/13127, 19-December 2017). This resolution simply renewed the previous resolutions on humanitarian access inside Syria (SC/13127, 19-December 2017) till January 2019.<sup>54</sup> It required that the Secretary-General conducts a review within six months “on how to strengthen the monitoring mechanism, taking into account the views of relevant parties, including the Syrian authorities, neighbouring countries and the humanitarian partners” (SC/13127, 19-December 2017).

In the year 2018, UNSC resolution 2401 was unanimously adopted which says that parties to Syrian conflict should end hostility for thirty days consecutively so that humanitarian aid could be delivered effectively (SC/13221, 24-February 2018). It also demanded that the United Nations and its partners be allowed to carry out safe, unconditional medical evacuations, based on medical need and urgency (SC/13221, 24-February 2018). Syrian government in the context of UNSC resolution 2401 argued that: “as a state for our citizens we have right to counter-terrorism” (SC/13221, 24-February 2018). Despite numerous UNSC resolutions arguing for unhindered flow of humanitarian assistance, there has been little progress on this front because the government as well as the opposition groups block the access points on variety of

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<sup>53</sup><https://www.un.org/press/en/2016/sc12651.doc.htm>

<sup>54</sup><https://www.un.org/press/en/2017/sc13127.doc.htm>

grounds such as security, power politics and sometimes the personnel delivering goods and services have been target of attack and abuse (Thibos 2014: 54).

#### **4.4 UNHCR's RESPONSE INSIDE SYRIA**

##### **4.4.1 Brief Overview**

Before discussing the pattern of responses taken up by UNHCR, it is important to have an understanding of its strategy in Syria. The strategy of UNHCR includes: “maintaining access to and continue life-saving activities for all people of concern” (UNHCR Global Appeal 2014-2015: 2). Further, UNHCR is guided by United Nations General Assembly resolution 46/182 and 58/114 which states that all humanitarian actions should be guided by humanity, impartiality, neutrality and independence (UNHCR Emergency Handbook 2018: 1). These principles are kept in mind by UNHCR when it is responding inside Syria and it is visible from initiatives that it has taken. UNHCR is providing support to Syria through:

“protection and community services, distribution of core relief items, shelter assistance, healthcare services, and educational support”.<sup>55</sup>

There have been various initiatives through which UNHCR has responded towards Syrian IDPs. It consists of working within the ambit Syrian Humanitarian Assistance Response Plan (SHARP) through which UNHCR provided support in terms of “non-food items (NFI) and shelter, the financial assistance, health, community services and protection” (UNHCR Global Appeal 2014-15 Syrian Arab Republic: 1). CRIs also known as NFIs are:

“items that include items such as mattresses, blankets, plastic sheets, containers for water, cooking utensils and hygiene kits, rechargeable fans in very hot weather” (UNHCR Syria End of Year Report 2014: 15).

In September 2014, “Whole of Syria” approach was started wherein the humanitarian actors seek to provide a humanitarian response towards IDPs (UNHCR Syria End of Year Report 2015: 12). Within this, Syria Strategic Response Plan (SRP) was to address the needs of IDPs in all 14 governorates of Syria (UNHCR Syria End of Year

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<sup>55</sup><http://www.unhcr.org/sy/29-internally-displaced-people.html>

Report 2015: 12). In the year 2016, Syria Humanitarian Response Plan (HRP) was started in coordination with the government of Syria to deliver an effective humanitarian and protection needs in whole of the Syria.<sup>56</sup> It was launched with three objectives: “focusing on saving lives and alleviating suffering, enhancing protection and building resilience”.<sup>57</sup> In all the plans- SHARP, SRP and HRP- UNHCR has cooperated with national authorities to respond towards the people inside Syria and has to some extent adhered with the principle of consent and respecting sovereignty when it is working on the field.

#### **4.4.2 Details of Plan**

UNHCR’s engagement with IDPs inside Syria started in 2012. The turmoil in Syria led to the emergence of first Syria Humanitarian Assistance Response Plan (SHARP) in June 2012 (Humanitarian Assistance Response Plan 2012: 3). It was prepared in coordination with United Nations. Till the launch of the plan, 2 million people were displaced inside Syria. The Plan was executed through the UN and its partners in coordination with Syrian Arab Red Crescent (SARC) to deliver humanitarian assistance in different fields in an effective manner (Humanitarian Assistance Response Plan 2012: 4). The objectives of the Plan were:

“relief supplies and services to those who have left their homes due to turmoil in Syria; rehabilitation and reconstruction of critical infrastructure; meeting the needs of the poor as they are more vulnerable due to escalation of the conflict” (Humanitarian Assistance Response Plan 2012: 8).

The humanitarian response towards displaced people inside Syria included:

“the distribution of food, the provision of basic household items and cash assistance to those who have left their homes, the delivery of water and hygiene support and the upgrading of sanitation facilities in schools, the provision of additional health services and the provision of livelihood support” (Humanitarian Assistance Response Plan 2012: 4).

In the field of community service, the UNHCR targeted 100,000 individual in 2012 with an aim to empower women and children who are displaced from their place of

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<sup>56</sup><http://www.unhcr.org/sy/29-internally-displaced-people.html>

<sup>57</sup><http://www.unhcr.org/sy/29-internally-displaced-people.html>

habitation and providing psychosocial support to affected population (Humanitarian Assistance Response Plan 2012: 12). In the field of health, UNHCR provided benefit to 30,000 individuals with chronic disease and to 100,000 individuals in the need of care by increasing capacity of health care centres (Humanitarian Assistance Response Plan 2012: 19). In the water, sanitation and hygiene (WASH) sector, 100,000 individuals were targeted by UNHCR for provision of clean drinking water (Humanitarian Assistance Response Plan 2012: 28). In the field of education, 20,000 children were supported by UNHCR through school kits and learning materials (Humanitarian Assistance Response Plan 2012: 30). In NFIs sector, UNHCR targeted 500,000 individuals in order to assist displaced population with hygiene kit, mattress, clothing, utensils and in the field of shelter it targeted 100,000 people for rehabilitation and reconstruction of shelter (Humanitarian Assistance Response Plan 2012: 31-33).

The budget of SHARP was US\$ 347 million for the year 2012 (Humanitarian Assistance Response Plan 2012: 5). Under SHARP, UNHCR put forth the total requirement of US\$ 41 million but the actual funding received was US\$11 million (26 percent of the total requirement) (Humanitarian Assistance Response Plan 2012: 7).

The involvement of UNHCR inside Syria became more important in the context of rising IDPs inside Syria as the figure reached to 6.5 million by the end of 2013. Of these 3.3 million IDPs were assisted by UNHCR. In 2013, there were five UNHCR offices and 367 personnel working inside Syria (UNHCR Global Report 2013 Syrian Arab Republic Overview: 1). For protecting IDPs inside Syria, the emphasis of UNHCR during this year was on community based initiatives which involved building a local organization network in order to deliver services to IDPs even in the most remote and vulnerable areas (UNHCR Global Report 2013 Syrian Arab Republic Overview: 1). The activities of UNHCR consisted of:

“child protection, counselling on documentation, assistance for survivors of sexual and gender-based violence (SGBV) and capacity building” (UNHCR Global Report 2013 Syrian Arab Republic Overview: 1).

It is in this context, UNHCR targeted 250,000 for protection and community services in the year 2013 (Revised Syria Humanitarian Assistance Response Plan 2013: 92).

The efforts of UNHCR led many IDPs to receive medical facilities and basic services which otherwise was very difficult in the conflict zone. Therefore, UNHCR in 2013 targeted 135,000 people who were vulnerable and were suffering from chronic illness (Revised Syria Humanitarian Assistance Response Plan 2013: 56). The provision of NFIs benefitted 3,500,000 people and 251,500 were provided benefit of shelter and cash assistance for reconstruction of destroyed dwellings by UNHCR in 2013 (Revised Syria Humanitarian Assistance Response Plan 2013: 44-45). UNHCR's budget within the SHARP was US\$ 248.8 million for 2013 (UNHCR Global Report 2013 Syrian Arab Republic Overview: 6).

In the year 2014, IDPs inside Syria increased from 6.5 million to 7.6 million. Syrian turmoil became a protracted one due to which the engagement of humanitarian organizations and UNHCR inside Syria became more important. UNHCR provided services in the 105 difficult areas to reach and gave assistance in form of “core relief items (CRIs), cash assistance, and psychological support” (UNHCR Syria End of Year Report 2014: 3). In the year 2014, there were seven offices of UNHCR, 400 committed staff and 17 community centres in Syria to respond effectively to IDPs in Syria (UNHCR Syria End of Year Report 2014: 3). An agreement was signed between UNHCR and Ministry of Social Affairs (MoSA) to establish a Women and Children Protection Unit so that an effective response is delivered and this constitutes part of initiatives take to tackle SGBV (UNHCR Syria End of Year Report 2014: 3).

Due to deepening of humanitarian crisis, the demand of budget by UNHCR also grew from US\$ 41.8 million in 2012 to US\$ 273 million in 2014 (UNHCR Global Appeal 2014-2015: 5). In the year 2014 the UNHCR distributed 16 million CRIs to 4.5 million people inside Syria (UNHCR Syria End of Year Report 2014: 15). Apart from this, UNHCR started winterization plan in Syria in November 2014 which included distributing items such as thermal blankets and winter clothing along with CRI kits (UNHCR Syria End of Year Report 2014: 16). The rationale for starting the plan was to assist IDPs in Syria living in harsh condition, therefore, UNHCR assisted 752,612 individuals (UNHCR Syria End of Year Report 2014: 16).

To keep an effective check on the items distributed to IDPs in Syria, UNHCR has carried out monitoring activity through:



“Joint missions with partners to assess the needs of IDPs in each location as well as joint distribution exercises and post-distribution monitoring; Spot checking by UNHCR staff during distribution; NFI sectorial working group chaired and coordinated by UNHCR to get feedback from different sources and identify potential gaps or misuse; post-distribution monitoring exercise mainly in collective shelters, community centres and distribution points” (UNHCR Syria End of Year Report 2014: 21).

In 2014, the turmoil in Syria led to the destruction of 1.2 million houses due to which displaced people had to take shelter in schools, public buildings, hospitals etc. (UNHCR Syria End of Year Report 2014: 22). It is due to these reasons Syria became largest and fastest displacement growing country in the world (UNHCR Syria End of Year Report 2014: 22). In this context, the response of UNHCR in field of shelter becomes important and it fulfilled its duty by providing benefit to 68,896 individuals by providing:

“rehabilitation at collective shelters and ensuring minimum standards of rehabilitation centres; private shelter upgrade; tents are used as a last resort when none of the above facilities are available for IDPs” (UNHCR Syria End of Year Report 2014: 23-25).

However, UNHCR faced constraints such as security concerns, funding shortage, sudden emergencies requiring immediate response due to which the response in the field of shelter remains limited (UNHCR Syria End of Year Report 2014: 24).

Apart from providing CRIs and shelter to IDPs, UNHCR also aimed at providing protection to IDPs and assist in issues which arise because of displacement (UNHCR Syria End of Year Report 2014: 26). Keeping in mind the societal tradition of Syria, UNHCR designed several programmes:

“community centres, community-based initiatives, outreach volunteers (ORVs) and capacity building, resilience and the empowerment of local organization” (UNHCR Syria End of Year Report 2014: 27).

These protection initiatives specifically included: production of a manual on community centres by UNHCR so that a minimum standard is met; including works like manufacturing emergency lights for IDPs, making mattresses for IDPs, uniform for children who are IDPs etc.; more than 300 volunteers joined UNHCR in its

initiative to provide effective protection response to IDPs; NGOs were offered grants by UNHCR to deliver assistance to local community (UNHCR Syria End of Year Report 2014: 28).

UNHCR in 2014 provided legal aid to 13,850 displaced people in the year 2014 as there were instances of loss of personal data, identification card, birth certificate etc. due to Syrian turmoil (UNHCR Syria End of Year Report 2014: 31). In total, 464,969 displaced people received protection benefit and 13,705 received cash assistance from UNHCR (UNHCR Syria End of Year Report 2014: 32-33). Also UNHCR provided health care facility to IDPs in Syria by providing them access to primary health care clinics; outreach services for those who are unable to access primary health care clinics; providing equipment, medicine and vaccines to health care facilities; and psycho social support to the displaced (UNHCR Syria End of Year Report 2014: 35). In 2014, the total beneficiaries to health care were 615,443 (UNHCR Syria End of Year Report 2014: 37).

In September 2014, “Whole of Syria” (WOS) approach was adopted for the year 2015 by humanitarian actors who were working inside Syria in a view to provide an effective collective response (UNHCR Syria End of Year Report 2014: 13). Within WOS approach, the 2015 Syria Strategic Response Plan (SRP) was developed with an aim to deliver humanitarian response in 14 governorates (UNHCR Syria End of Year Report 2014: 13). The SRP 2015 encompassed 11 sectors/clusters:

“food security and agriculture, shelter/ NFI, health, education, water, sanitation and hygiene (WASH), protection and community services, early Recovery and livelihoods, nutrition, coordination and camp management (CCCM), logistics and emergency telecommunications” (UNHCR Syria End of Year Report 2014: 13). Within this, UNHCR was head of two sectors, one being protection and community services, the other being CCCM and NFI/Shelter (UNHCR Syria End of Year Report 2014: 13).

The strategy involved five key elements to deliver an effective humanitarian response: “coordinated action; prioritization of needs; ensuring access to effected people without discrimination; increasing response capacity; emergency preparedness” (UNHCR Syria End of Year Report 2014: 13).

The number of IDPs in the year 2015 slightly went down and was estimated at 6.5 million but the nevertheless it was huge given the fact that conflict inside Syria did not seem to come to an end. In the year 2015, UNHCR along with its partners had provided support to 3.5 million IDPs, distributed 9 million CRIs to 3.2 million displaced people in need (UNHCR Syria End of Year Report 2015: 3). Further, shelter assistance to 60,000 individuals and healthcare facility to around 800,000 people was provided due to the efforts of the UNHCR inside Syria (UNHCR Syria End of Year Report 2015: 3). Like 2014, UNHCR in 2015 also started winterization programme in October which targeted 750,000 individuals but was able to provide assistance to 452,317 individuals only (60 percent of the total target) (UNHCR Syria End of Year Report 2015: 3,36). The response of UNHCR towards IDPs inside Syria was only possible through cooperation and coordination with partners such as Syrian Arab Red Crescent (SARC), national and international non-governmental organizations and local organizations (UNHCR Syria End of Year Report 2015: 3). UNHCR with SARC started a project in 2015 wherein leaflets consisting of messages about protection were distributed in whole country to make people aware of their rights and also to insist “parties involved in the conflict to provide protection to IDPs families” (UNHCR Syria End of Year Report 2015: 17).

In 2015, UNHCR provided protection and community services benefit to 865,654 people in 2015 (UNHCR Syria End of Year Report 2015: 16). Under protection and community services, UNHCR provided legal assistance in 10 governorates to 27, 414 IDPs (UNHCR Syria End of Year Report 2015: 17). Further, UNHCR along with the Syria Trust for Development carried out initiatives such as distributing flyers to assert the importance of registering birth and disadvantage of not registering the birth as it will deny the child born of their rights in the country (UNHCR Syria End of Year Report 2015: 18). UNHCR also conducted awareness sessions on the issue of SGBV for 44,499 IDPs in the year 2015 (UNHCR Syria End of Year Report 2015: 20). UNHCR in 2015 followed four methods to provide an effective response:

“community centres (30 community centres), outreach volunteers (40 IDPs were mobilized to act as outreach volunteer), community based initiatives and empowerment of local organizations” (UNHCR Syria End of Year Report 2015: 21).

An important initiative called as Youth Initiative Fund was backed by the UNHCR in 2015 to train youth from diverse backgrounds in order to make them protection actors inside Syria specially for young girls and children (UNHCR Syria End of Year Report 2015: 25). Initiatives such as vocational training and small start-up business grants were started in 2015 with the help of local partners and UNHCR to make people affected by turmoil in the country self-reliant and enhance their livelihood opportunities (UNHCR Syria End of Year Report 2015: 26). UNHCR's effort to provide mental health and psychosocial support services (MHPSS) benefitted 78,226 IDPs in Syria (UNHCR Syria End of Year Report 2015: 29).

The UNHCR put forth budget of US\$ 309.7 million for the year 2015 but the received amount of funding by mid-December 2015 was only US\$ 132.9 million (43 percent of the total requirement) which left the funding gap of US\$ 176.8 million (UNHCR Syria End of Year Report 2015: 11). The gap in the funding hampered the response of the UNHCR inside Syria. For instance, the distribution of CRIs to displaced persons and its winterization program was impacted due to the fund shortage (UNHCR Syria End of Year Report 2015: 11).

Though the number of IDPs decreased to 6.3 million in 2016 but UNHCR continued with its activities inside Syria. Syrian Response Plan was succeeded by Humanitarian Response Plan (HRP) which was launched in December 2015 for the year 2016. HRP 2016 was launched with an aim to provide access to humanitarian aid; providing livelihood support, basic amenities, rebuilding infrastructure (UNHCR Syria End of Year Report 2015: 13). These goals of HRP were to be achieved through:

“prioritizing on the basis of needs; improving humanitarian access; flexible humanitarian programming; multi-sector planning for vulnerable groups; emergency response plan; efficient utilization of country based pooled funds” (UNHCR Syria End of Year Report 2016: 10).

It was in the year 2016 that UNHCR assisted in opening of 52 new community centres (total 74 centres) with an aim to support IDPs by assisting them in terms of protection, livelihood, skill development etc. (UNHCR Syrian End of Year Report 2016: 2). The response of the UNHCR in 2016 was in coordination with 17 national

NGOs, 5 international NGOs (such as Adventist Development and Relief Agency, Al Batoul Charity, Al Birr, Al Ihsaan, Al Nada, Al Taalouf Charity Association, Al Tamayouz, Syrian Arab Red Crescent, Syrian Society for Social Development, the Syrian Trust for Development etc.) and UN agencies, the Ministry of Social Affairs, the Ministry of Local Administration, the Ministry of Education, the Ministry of Health” (UNHCR Syria End of Year Report 2016: 3). Like SRP 2015, HRP 2016 too consisted of 11 sectors/clusters (UNHCR Syria End of Year Report 2016: 10). Again UNHCR was head of protection and community Services, CCCM and NFI/shelter within HRP 2016 (UNHCR Syria End of Year Report 2016: 10).

In 2016, UNHCR in totality provided protection and community services to 2,012,890 people (UNHCR Syria End of Year Report 2016: 18). Under this sector, the number of outreach volunteers increased from 500 to 1,773 in 2016 with the help of UNHCR so that an effective response towards SGBV, child protection and legal aid could be given to displaced persons (UNHCR Syria End of Year Report 2016: 15). The UNHCR conducted 6,595 awareness sessions for 99,170 IDPs in 2016 (UNHCR Syria End of Year Report 2016: 17). Apart from this, the UNHCR ensured that women are not left out in the process of response and therefore, established 59 women committees by the end of 2016 to involve women in the decision making process (UNHCR Syria End of Year Report 2016: 17). UNHCR took proactive initiative in the domain of child protection for the reason that often children inside Syria are recruited as child labour and in the armed groups. It is in this context, child protection partnerships were increased from 13 in 2015 to 17 in 2016 by UNHCR (UNHCR Syria End of Year Report 2016: 19).

One of the objectives of UNHCR was working to ensure that there is “No Lost Generation” i.e. ensuring that entire generation from children to youth does not get impacted due to the turmoil in Syria and loss here meant in terms of opportunities like education, livelihood (UNHCR Syria End of Year Report 2016: 21). Therefore, 30 schools were rehabilitated by UNHCR and in total 152,810 students received benefit due to efforts of UNHCR in 2016 (UNHCR Syria End of Year Report 2016: 21). Legal aid was received by 75,000 IDPs with the help of UNHCR assistance (UNHCR Syria End of Year Report 2016: 22).

The WHO statistics has highlighted that 190,000 IDPs suffer from serious mental problems and 900,000 IDPs are facing mild psychological problems due to the prevailing conditions inside Syria (UNHCR Syria End of Year Report 2016: 24). Keeping this situation in mind, UNHCR provided health care facilities to 700,000 displaced people (UNHCR Syria End of Year Report 2016: 3). UNHCR in 2016 supported 123,120 IDPs with the help of Mental Health and Psychosocial Support Services (MHPSS) (UNHCR Syria End of Year Report 2016: 24). Apart from providing assistance in the field of protection and community services, health sector, UNHCR reached out to four million needy people through CRIs (UNHCR Syria End of Year Report 2016: 3).

For the winterization programme, target of the UNHCR in 2016 was 750,000 people but it supported 1,155,010 individuals, thus, responding to more persons than targeted (UNHCR Syria End of Year Report 2016: 31). In the field of shelter, UNHCR along with its 13 partners provide support to 91,725 (increase of 79 percent from 2015) displaced persons whose house have been destroyed due to conflict inside Syria (UNHCR Syria End of Year Report 2016: 34). The UNHCR put forth the budget of US\$ 379 million in 2016 to execute HRP in Syria but only US\$ 124 million (33 percent of the total funding) was received which eventually affected UNHCR response (UNHCR Syria End of Year Report 2016: 8).

The number of IDPs increased from 6.3 million to 6.6 million in 2017. The engagement of UNHCR continued as in 2017 it distributed CRIs to 3.5 million needy persons and provided shelter to 482,340 people who were displaced from their homes due to conflict (UNHCR Syria End of Year Report 2017: 3). Being a lead in the sector of protection and community service, UNHCR expanded the community centres from 15 in 2015 to 92 at the end of 2017 (UNHCR Syria End of Year Report 2017: 3). The UNHCR through its protection mandate and community service interventions supported 2,606,187 individuals in 2017 (UNHCR Syria End of Year Report 2017: 33). In the year 2017, the UNHCR created a concept of satellite centres so that they can reach to a population which is in the remote areas and is hugely impacted due to conflict and lacks basic protection related facility (UNHCR Syria End of Year Report 2017: 4). There were 2,190 ORVs for IDPs and 7 satellite centres and 471 UNHCR staff (UNHCR Syria End of Year Report 2017: 10). In the sector of legal aid,

UNHCR assisted 125,542 IDPs in 2017 through trained lawyers and ORVs (UNHCR Syria End of Year Report 2017: 39). In the year 2017, awareness sessions were held focussing on 215,419 IDPs through community centres and 70 women committees were formed so that women are part of decision making process (UNHCR Syria End of Year Report 2017: 36).

Further, 545,680 people were provided health facility in the community centres. Further, “physiotherapy centres, Psychosocial Support (PSS) and family counselling centre, community mobilization centres” were established and it provided support to 5,815 IDPs in 2017 (UNHCR Syria End of Year Report 2017: 36). UNHCR continued with its winterization programme and from September 2017 up to March 2018 1.2 million people were provided kits (UNHCR Syria End of Year Report 2017: 49). The table given below provides the statistics regarding each sector in which UNHCR is working inside Syria.

Table 3.2: Assistance by UNHCR on yearly basis in different sectors

Field of work	Number of people benefited in 2012	Number of people benefited in 2013	Number of people benefited in 2014	Number of people benefited in 2015	Number of people benefited in 2016	Number of people benefited in 2017
Protection and Community Services	100,000	250,300	464,969	865,654	2,012,890	2,606,187
Health care	130,000	135,000	615,443	800,000	700,000	545,680
Non-Food items (NFIs)	500,000	3,500,000	4.5 million	3.2 million	4 million	3.5 million
Shelter	100,000	251,500	68,896	60,000	91,000	482,340
Winterization programme	-	-	752,612	452,317	1,155,010	1.2 million up to march 2018

Source: SHARP and UNHCR Syria End of Year Reports

Apart from this, UNHCR funded vocational training centres by building capacity of members so that they can avail job in the field of: agriculture, food industry and farming (UNHCR Syria End of Year Report 2017: 36). In the field of education, 168,053 vulnerable students received benefit from efforts of the UNHCR partners wherein remedial, catch-up classes, learning programs and re-integration into public education system was carried out in 2017 (UNHCR Syria End of Year Report 2017: 38). In order to support IDPs in terms of employment, the UNHCR provided internship and job training to, 2,235 IDPs (UNHCR Syria End of Year Report 2017: 64). Further, UNHCR gave start-up grants and training to 1,069 individuals in 2017 to make people self-reliant and reduce vulnerability due to displacement (UNHCR Syria End of Year Report 2017: 64). In the field of employment, UNHCR and United Nations Development Programme (UNDP) signed a Memorandum of Understanding in 2017 to strengthen “the capacity of existing vocational training centres, identifying joint projects, supporting the self-employment through start-up grants and linking people with the local markets” (UNHCR Syria End of Year Report 2017: 69).

The top donors to Syria were US, Federal Republic of Germany, Japan and Canada (UNHCR Syria End of Year Report 2017: 103). Private sector constitutes 4.2 percent of the total funding (UNHCR Syria End of Year Report 2017: 103). For the year 2017, UNHCR proposed a budget of US\$ 334 million out of which only US\$ 151 million were received (45 percent of the total need) (UNHCR Syria End of Year Report 2017: 103). Shortage or gap in funding hampers the response of the UNHCR inside Syria as it does not allow UNHCR to reach to wider number of vulnerable population due to the on-going conflict (UNHCR Syria End of Year Report 2017: 103). This trend of gap in funding is not a new one rather it has existed in the previous years as well. Having said this, there cannot be a denial of the fact that year after year the response of UNHCR remains limited due to funding gap. The table below shows the trend of gap in funding.



Table 3.3: Gap in funding for IDPs

Year	Total need by UNHCR	Actual received amount
2012	US\$ 41 million	US\$ 11 million
2013	US\$ 248 million	US\$ 123 million
2014	US\$ 273 million	US\$ 128 million
2015	US\$ 309 million	US\$ 133 million
2016	US\$ 379 million	US\$ 124 million
2017	US\$ 334 million	US\$ 151 million

Source: Collected from UNHCR Syria End of Year Reports

#### 4.5 FUND RAISING EFFORTS FOR IDPs IN SYRIA

The Kuwait conferences held in 2013, 2014 and 2015 contributed towards two main plan: the Syrian Humanitarian Assistance Response Plan (SHARP) and Regional Response Plan. The first Kuwait conference was held in 2013 and US\$ 1.5 billion was pledged by the international community in order to meet the humanitarian needs of inside Syria and outside Syria as well.<sup>58</sup> It has been labelled as “the most successful fundraising conference in UN history”.<sup>59</sup> The second Kuwait conference was held in 2014 and international community pledged for US\$ 2.4 billion to meet the requirements of SHARP and Regional Response Plan. The third Kuwait conference was held in 2015 wherein member states, regional organizations and international organization pledged for US\$ 3.6 billion with an aim to assist vulnerable population both inside and outside Syria (impacted due to Syrian conflict), with life-saving aid and resilience activities (OCHA Conference Report Third International Humanitarian Pledging Conference for Syria 2015: 14).

In the second Brussels conference 2018, participants pledged US\$ 4.4 billion for both Syria and the region.<sup>60</sup> Specifically with respect to situation inside Syria, it was affirmed that “support in terms of service delivery and livelihood opportunities for the

<sup>58</sup><https://reliefweb.int/report/syrian-arab-republic/breakdown-syria-aid-pledges-kuwait>

<sup>59</sup><https://reliefweb.int/report/syrian-arab-republic/breakdown-syria-aid-pledges-kuwait>

<sup>60</sup><http://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>

affected population, particularly women and youth, should continue”.<sup>61</sup> Further, UN humanitarian actors reaffirmed that the assistance inside Syria would be guided by principles set up by UN and would help displaced population in getting access to legal documents, property rights, and basic facilities so that the displaced population can live inside Syria in a dignified manner.<sup>62</sup> Having said this, the details of other fund raising conferences (London conference) are mentioned in the previous chapter as all of them jointly contribute towards Syrian refugees and IDPs in Syria.

#### 4.6 SUM UP

Despite the fact that UNHCR was not originally obliged to assist IDPs, it has over the years become principle humanitarian organization in the field of IDPs protection. There have been questions on the intent of the work but it has to some extent insulated itself from the politics of it. It has not only cooperated with Syrian government but has also worked with anti-government forces for providing an effective response towards Syrian IDPs. Given the conditions inside Syria and rapid increase in IDPs inside the country year after year, the situation required assistance of UNHCR. Therefore, UNHCR started engagement with Syria since the inception of conflict through SHARP and SRP and finally with HRP to fulfil its duty of providing assistance to IDPs caught in the Syrian turmoil. One of the factors that limited the response of UNHCR towards IDPs is shortage of funding. There are other factors as well which have constrained the UNHCR’s response not only towards IDPs but also towards Syrian refugees and this would find elaboration in the last chapter of the study. It is from these challenges that UNHCR may find lessons, if any, it can take from its responses towards Syrian refugees and IDPs inside Syria.

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<sup>61</sup><http://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>

<sup>62</sup><http://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>

**CHAPTER 5:  
CONCLUSION**

A set of observations by way of recapitulation and overall assessment of the discussion so far in the substantive chapters will be attempted here in the next few pages.

## **5.1 OVERVIEW OF UNHCR**

At the time of its formation under Resolution 319 (IV) and 428 (V) adopted by the UN General Assembly on 3 and 14 December 1950 respectively, the core mandate of the UNHCR was to protect “refugees” and seek a permanent solution to the problem of refugees. But now due to complexity of the situation it encompasses various groups or people such as internally displaced persons (IDPs), stateless persons, returnees, asylum seekers or migrants often referred to as persons of concern (Protecting Refugees UNHCR 2014: 3). The work of the UNHCR is guided by the normative framework contained in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Three principles were highlighted in the Convention - non-discrimination (Article 3), non-penalization and non-refoulement (Article 33).

The Euro-centric nature of the UNHCR was reflected through its Statute and Convention of 1951 relating to the Status of Refugees which not only offered a narrow definition of a refugee but also limited the mandate of UNHCR to legal protection. The 1951 Convention underwent one amendment and the result was 1967 Protocol relating to Status of Refugees which removed the geographical and temporal limitation on the definition of refugees. Currently, 142 states are member of both 1951 Convention and its 1967 Protocol. Even after 1967 Protocol coming into force, the criteria adopted for migration due to fear of being persecuted is a limited one as bulk of the migration from the Third World is driven by economic reasons, war, natural disaster (Giri 1998: 28).

The UNHCR mandate is that is should:

“provide international protection to refugees under the ambit of United Nations and seek a permanent solution for their problem by assisting governments, private organizations and further facilitating repatriation and assimilation” (United Nations General Assembly Resolution 428(V) of 14 December 1950: 6).

Paragraph 20 of the 1951 statute mentions that only administrative expenses of UNHCR will be borne by UN and the rest has to be voluntarily raised (General Assembly Resolution 428(V) of 14 December 1950: 12). The criticism that is often made by advocates of refugee rights is that the word international protection is not clearly defined (as to what it means by protection). Further, the limitation on the work of UNHCR is posed by inadequate financial resource and lastly the statute does not have a legal force and is based on moral authority (Goodwin-Gill 2001: 130; Maynard 1982: 416). Despite these limitations, currently UNHCR consists of more than 10,966 members of staff working in 130 countries. General Assembly, ECOSOC and EXCOM together work with UNHCR to fulfil its mandate. This is mainly due to the manifold increase of not just the number of refugees, but also what by now has become standard vocabulary in refugee discourse, i.e. persons of concern to the UNHCR. During 1951, 2.12 million persons of concern came under the ambit of the UNHCR but currently by the end of 2017 there are 71.44 million persons of concern under UNHCR.<sup>63</sup>

At the start of UNHCR, its budget was US\$ 300,000 and it grew to US\$ 6.54 billion currently.<sup>64</sup> UNHCR-NGO partnership is not a new one rather its cooperation started with 20 NGOs in 1960s and is now cooperating with 900 NGOs to deliver its mandate. Later, Inter-Agency Standing Committee (IASC) was formed which included not only UN humanitarian organizations (UNDP, UNHCR, WHO, FAO, OCHA), other organizations (International Organization for Migration) but also included NGOs such as Red Cross so that a well-coordinated response could be given in the situation of humanitarian crisis. This together formed a humanitarian regime. Even in the case of Syria, these aforementioned organizations are coordinating along with international (UNDP, UNICEF, and local organization (Syrian Arab Red Crescent, Syrian Society for Social Development, the Syrian Trust for Development etc.).

UNHCR has grown into one of the prominent humanitarian organization but the problems it faces are still somewhat same as it used to face in the initial years of its

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<sup>63</sup>[http://popstats.unhcr.org/en/overview#\\_ga=2.132274830.1895669411.1531124945-1997660512.1504266118](http://popstats.unhcr.org/en/overview#_ga=2.132274830.1895669411.1531124945-1997660512.1504266118)

<sup>64</sup><http://www.unhcr.org/history-of-unhcr.html>

formation. The foremost problem faced by UNHCR is in terms of the barriers constructed by states to limit humanitarian action for reasons of preventing refugee flow into the country and preventing their sovereignty. High Commissioner Guterres in one of his articles argued that there is need to define in clarity what Responsibility to Protect encompasses and need to see that unnecessary barriers to humanitarian action are not constructed by states and non-state actors (Guterres 2008: 95).

Another prominent issue, which has become more overt in the Post-Cold War era, is the multiplicity of actors on the humanitarian field. Notable among them are non-governmental organizations (NGOs) which play an important role in assistance on the field. Although there is a sense of interdependence between these organizations and UNHCR (Zetter 1999: 60-67), the humongous machinery often results in an ill coordinated response threatening to undermine the mandate of each other (Vayrynen 2001: 144). Despite this, there is recognition on part of UNHCR that these organizations are required to deliver aid in an effective manner and without these multiple actors the task of UNHCR would remain unfulfilled as the NGOs have more knowledge of the ground realities (Vayrynen 2001: 148). In this context, dual problem is posed in front of UNHCR, one is that they have to transfer some of the responsibilities to NGOs but at the same time UNHCR has to keep control of those activities so that coordination can be done in a proper manner (Vayrynen 2001: 149) .

Moving further, UNHCR faces since its establishment is the problem of inadequate funding accentuated by the voluntary nature of funding. Only 2 percent of UNHCR budget is financed through UN and rest is raised through voluntary contribution. On her farewell, High Commissioner Ogata observed that raising funds for UNHCR activities has been her major work during her tenure (Vayrynen 2001: 150). Not only the issue of raising funds but the tendency of donors to earmark funds is widespread wherein the donations given are attached for work in a particular area or in a particular country (Vayrynen 2001: 150). This way of giving funds often reflect the bias or vested interest of countries. Donors are biased towards an area which is geographically close or geopolitically vital to them. This is done in order to prevent influx of refugees into their territories (Vayrynen 2001: 150). Another issue within finance is of how far is the UNHCR transparent when it comes to disclosing the information related to financial matters? The UNHCR is criticized on the ground that

it does not disclose its financial information in a manner that other humanitarian actors do such as UNDP and United Nations Children's Fund (UNICEF) (Vayrynen 2001: 147).

There is also a view point which argues that the quality of protection given to refugees will suffer to expansion of its target group (Betts 2009: 53; Goodwin-Gill 2006). The unequal sharing of responsibility between Global North and Global South (hosts 87 percent of the refugees under UNHCR mandate) has become one of the major logjams in the functioning of UNHCR. Countries of the Global North try to avoid this criticism by putting forth the argument that they are the major donors in terms of providing funds to UNHCR. But in reality funding is often linked to their political interest and to prevent refugees from crossing border (Betts 2008: 159). This situation of conflict between Global North and South has a huge negative implication on the welfare of refugees (Betts 2008: 158). Despite these problems, the UNHCR undoubtedly distinguished itself in emerging as the chief protagonist of the refugee causes across the globe through its moral and organizational role.

## **5.2 EXPERIENCE OF THE UNHCR IN THE WAKE OF THE SYRIAN CONFLICT**

The study on response of UNHCR towards Syrian refugees and IDPs has many dimensions to it. The hypothesis proposed at the start of the study was: Working of UNHCR in the case of Syrian conflict is hampered due to obstacles created in granting of asylum to Syrian refugees and ensuring access to IDPs. The chapter seeks to test the hypothesis through the points that has been found throughout the study.

The experience of UNHCR of working in 126 countries (Afghanistan, Columbia, Pakistan etc.) and providing refugee protection has helped it in responding to the Syrian conflict. Syrian conflict is a protracted one due to which the exodus of Syrians continues even today. It is notable that the Syrian conflict has produced largest number of Syrian refugees and the internally displaced persons (IDPs) since the conflict started in 2011 due to which the response on such a large scale became a challenge for humanitarian actors in general and for UNHCR specifically. According to UNHCR reports, the number of total Syrian refugees increased from 476,506 in

2012 to 4.8 million in 2017 and the number of IDPs in Syria grew from 2.2 million in 2012 to 6.6 million in 2017. These figures are reflection of the magnitude at which Syrian refugees and IDPs have been growing in numbers.

It may be noted that the UNHCR has not followed any one strategy for responding towards Syrian refugees and IDPs rather there are different plans for Syrian refugees and IDPs as well as different approaches for regional host countries and extra-regional countries. In this context, the response of UNHCR is limited towards Syrian conflict. Due to growing Syrian refugee figures, the UNHCR has been unable to provide access to asylum at the pace at which Syrians are fleeing from the country (Syria Regional Response Plan January to December 2013: 9). In such a scenario registration of Syrian refugees has also become a key challenge to the UNHCR (Syria Regional Response Plan January to December 2013: 9). Registration of refugees became important for their protection as it entitles them with certain rights which will be usually not there for refugees who remain anonymous in the country where they have fled. One of the related problems with the non-registration of Syrian refugees and IDPs is lack of proper data with UNHCR to frame plans for Syrian refugees and IDPs (UNHCR Global Report 2016: 107). This has tended to hamper the performance of the UNHCR.

The other point that needs to be highlighted from the study is that the plans launched by UNHCR with respect to Syrian refugees and IDPs are underfunded and are not able to keep pace with the growing number of Syrian refugees and IDPs. The total budget of plans launched for Syrian refugees from 2012-2017 was US\$ 22.08 billion but the actual received amount was US\$ 12.93 billion (58 percent funded). The total need put forth by UNHCR for working inside Syria from 2012 till 2017 was US\$ 1.5 billion but the actual received amount was US\$ 670 million only (42 percent funded). The UNHCR has from time to time taken initiatives to mobilize fund by organizing conferences such as London, Brussels etc. but the pledges have not completely resulted into reality. The UNHCR often struggled to provide basic services to Syrian refugees- such as health, nutrition, shelter, education- due to reasons of funding shortage and host government themselves are not willing or incapable of providing services to such large number of Syrian refugees (Syria Regional Response Plan January to December 2013: 10). Shortage of funds is not just a financial problem, but a political one in its core.



From the study it can be deduced that what Syrian conflict is facing is the lack of political will on the part of many host countries to assist Syrian refugees. Further, a major factor that affected the UNHCR's work on Syrians was security issues (attacks on the UN staff, kidnapping and abduction); changing course of conflict (shift of war zone in border areas hindered the flow of humanitarian assistance); the dynamics among the armed group; and roadblocks created by government (delay in granting visas to humanitarian staff) (UNHCR Syria End of Year Report 2015: 11). In the case of IDPs, the response of UNHCR is at times constrained as the humanitarian and resident coordinators (HC/RCs) were not willing enough to work for protection of rights of those who are displaced in order to maintain a good reputation in the eyes of host government (Cohen 2008: 94). The matters of assistance to IDPs became more political than it should have been.

The most pertinent point that needs to be cited in this context is that the UNHCR's involvement in Syria fell within the four walls of the political framework set up by powerful states. For instance, the Response plans for refugees have been launched specifically for regional countries and not for European countries. The powerful states have tried to shed responsibility by providing monetary assistance and claiming that they are the largest donors for Syrian refugees and IDPs plan. However, if that is the case then the shortage of funding for Syrian refugees and IDPs plans would not have been a recurrent phenomenon year after year.

Further, UNHCR's inability to persuade European countries and other powerful countries like the United States, Australia to grant asylum to maximum number of Syrian refugees has also become a challenge. Only 6 percent of the Syrian people who have taken refuge outside Syria have applied for asylum grant in the European countries and these figures are reflection of the fact that accessibility to Syrian refugees is denied in European countries. The quintessential example of not providing asylum to Syrian refugees is the EU-Turkey deal wherein EU tried to strike a deal for exporting Syrian refugees to third country (Turkey). UNHCR was a mute spectator to this deal despite it being a guardian of refugee rights. Further, countries like the United States and Australia followed a strict vetting procedure for granting asylum. The blame for this cannot be wholly put on the UNHCR itself as it is the product of the western ideology and its interest and hence, is more driven by these aspects rather by humanitarian considerations. The reason for UNHCR to work within the limits as

preferred by western powers partly lies in the fact that these countries are top donors for Syrian refugees and IDPs plan and therefore, UNHCR cannot overtly pressurize or criticize western countries for their inadequate response.

One trend that is common to the refugee situation including Syria is that there lies an unequal relationship between Global North and South countries when it comes to sharing the refugee burden (Global South hosts 87 percent of the refugees). In case of Syria, neighbouring countries such as Jordan, Iraq, Lebanon, Turkey and Egypt continue to host Syrian refugees and provide them resources and jobs even when their own infrastructure is under pressure (Syria Regional Response Plan January to December 2013: 6). Turkey has emerged as the country hosting highest number of Syrian refugees i.e. 63.4 percent. It would not be erroneous to argue that countries that are hosting large share of Syrian refugees are surely not responsible for the turmoil in the country and those responsible for it are hiding away from sharing the burden of results. Seen from this perspective, regional countries have cooperated with UNHCR in a much better manner when it comes to providing refuge to Syrian refugees in their territories than the European countries and powerful countries like the United States, Australia etc. However, there are extra-regional countries such Brazil who despite having limited resource have cooperated and have hosted many Syrian refugees inside their border after signing a memorandum of understanding with UNHCR in 2015.

Further, one can also infer from the study that 1951 Convention relating to the Status of Refugees and 1967 Protocol are not applicable to all the countries who are providing refuge to Syrian refugees as countries like Turkey are only part of 1951 Convention whereas others like Iraq, Jordan and Lebanon are not part of this Convention. This aspect limits the response of UNHCR for Syrian refugees are not granted as much protection as would have been provided by countries which are parties to the Convention and its Protocol. However, it is quite ironical that countries which are part to refugee Convention have granted shelter to miniscule amount of Syrian refugees than to those who are not party to the 1951 Convention.

A related aspect that is common to most of the refugee situation including Syria is that there lies an unequal relationship between Global North and South countries when it comes to sharing the refugee burden (Global South hosts 87 percent of the

refugees). In case of Syria, neighbouring countries such as Jordan, Iraq, Lebanon, Turkey and Egypt continue to host Syrian refugees and provide them resources and jobs even when their own infrastructure is under pressure (Syria Regional Response Plan January to December 2013: 6). Turkey has emerged as the country hosting highest number of Syrian refugees i.e. 63.4 percent.<sup>65</sup> It would not be erroneous to argue that countries that are hosting large share of Syrian refugees are surely not responsible for the turmoil in the country and those responsible for it are hiding away from sharing the burden of results. Seen from this perspective, regional countries have cooperated with UNHCR in a much better manner when it comes to providing refuge to Syrian refugees in their territories than the European countries and powerful countries like the United States, Australia etc. However, there are extra-regional countries such as Brazil who despite having limited resource have cooperated and have hosted many Syrian refugees inside their border after signing a memorandum of understanding with UNHCR in 2015.

Most of the United Nations Security Council (UNSC) resolution focussed upon the providing humanitarian access to people who are caught inside Syria due to conflict. Despite Syrian government giving assurance regarding counter-terrorism and access to humanitarian aid to its citizens, the government as well as anti-government forces created various roadblocks on the ground of security, power politics. But what is interesting to point out is that resolutions have focussed less upon resolving the Syrian conflict. The success of these UNSC resolutions (2139, 2165, 2191, 2258, 2332, 2393, 2401) have been more inside the Security Council than outside the Security Council as they have been adopted unanimously but the implementation of these resolutions suffers from various challenges as already mentioned in the previous chapter. Due to these reasons the response of the UNHCR remained limited inside Syria.

Despite many limitations, it can be inferred from the study that UNHCR has performed better when it comes to Syrian IDPs for various reasons. First reason is that the cost of maintaining Syrian IDPs is less than the cost of maintaining Syrian refugees outside the country. These aspects can be seen from the funding demand of UNHCR for IDPs and for Syrian refugees through various plans. Second reason could

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<sup>65</sup>[https://data2.unhcr.org/en/situations/syria#\\_ga=2.254423752.1573184749.1523900837-1997660512.1504266118](https://data2.unhcr.org/en/situations/syria#_ga=2.254423752.1573184749.1523900837-1997660512.1504266118)

be the interest of the western powers as IDPs are potential refugees and they can cross borders if proper humanitarian assistance is not provided to them. Keeping this in mind, UNSC resolutions for unhindered access to humanitarian access were adopted and various humanitarian actors including UNHCR cooperated to deliver an effective response. Further, Whole of Syria (WoS) approach was adopted for providing an effective response inside whole of Syria whereas in the case of Syrian refugees the plan was specifically for neighbouring countries and not for European countries and other powerful countries.

The greater degree of activism shown by the UNHCR to Syrian IDPs than to Syrian refugees has raised a question in the minds of refugee rights advocates which is: to what extent the focus of UNHCR on IDPs in general and Syrian IDPs in particular will dilute the original role of UNHCR as the guardian of refugee rights? The concern is basically about the division of resources; quality of humanitarian assistance; principles such as respecting sovereignty of the state (more focus on IDPs demands working inside the border). This has become possible despite the fact that the financial allocation between the refugee and the IDP segments tends to indicate differently. Particularly thanks to the active partnership between the UNHCR and the local NGOs like the Syrian Red Cross. The actual amount received by UNHCR from 2012-2017 was US\$ 670 million and in the case of Syrian refugees the actual amount received was US\$ 6.47 billion for five regional countries (Turkey, Lebanon, Jordan, Iraq and Egypt).

From the point of view of western powers and official claims of UNHCR, it has been argued that since the situation of Syria in terms of economy and politics is devastated the need of the hour is to focus on people caught inside the country. Therefore, the study shows that energies and resources of UNHCR were put to greater use not for Syrian refugees but for the IDPs inside Syria. The criticism that can be taken from here is that powerful states are not only creating barriers in granting asylum to Syrian refugees (already discussed above) but also compelling UNHCR to put its resources for greater use to Syrian IDPs. Hence, the hypothesis proposed at the starting of the study, viz. – the working of UNHCR in the case of Syrian conflict is hampered due to obstacles created in granting of asylum to Syrian refugees and ensuring access to IDPs- stands modified. The first part of the hypothesis stands justified but the latter

part is nullified for the reason that study shows that UNHCR has been more active in attending to the needs of the Syrian IDPs.

### **5.3 LESSONS FOR THE UNHCR**

For any organization to survive and work effectively, the requirement demands that it takes lessons from its past work to improve upon its working. For UNCHR as well the Syrian case can create that opportunity which will help the organization to expand beyond its limit and become a guardian of refugee rights in its true letter and spirit.

With the establishment of the fact that Syria is becoming a development crisis as well, UNHCR has taken a lesson that alternative livelihood opportunities needs to be provided to Syrian refugees without hampering the opportunities of the citizens of the host country. This would not only be acceptable to host countries but will also receive the support of the people of the country and would avoid the instances of attacks on refugees. For humanitarian order the lesson would be of making an overall consensus not only from top but also from bottom so that the support to vulnerable population in the event of crisis does not suffer from backlash as has happened in the case of Syrian conflict (attack on Syrian refugee camps from public and fear of Xenophobia).

It is perhaps time for the UNHCR to understood that for its response to be effective there is a need for: “protection to be made more consistent and effective training and sensitising members of national security forces, including the police, and government officials on the concepts and practices of refugee protection; supporting the development of comprehensive strategies for refugee reception and protection; supporting local civil society groups working in the field of human rights and refugee protection; and conducting advocacy with relevant stakeholders for the rights of refugees” (Zetter and Ruaudel 2014: 10). The UNHCR can take all these aforementioned lessons to not only respond effectively in the ongoing Syrian conflict but in other humanitarian cases as well. Last but not the least is the need for the UNHCR to strengthen its legal mandate matching with the increasingly complex

challenges in the times now. The 1951 Convention is out-dated. It has gone through only one amendment and the situation since then has changed a lot.

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