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**INTERNATIONAL AID FOR REFUGEES IN TIMES OF CRISIS**

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## ABSTRACT

### INTERNATIONAL AID FOR REFUGEES IN TIMES OF CRISIS

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Since their first acknowledgment of refugees, the international humanitarian organizations have seen the “refugee” as a problem to be solved. These organizations developed with time to assist refugees and find solutions for their settlement. Throughout the line of development, the work of international humanitarian organizations went through many failures. However, failure to achieve humanitarian goals in work for refugees leads to tragic consequences because it affects whole populations that are already vulnerable due to their forced migration. The large refugee influxes that occurred in the twenty-first century marks the need for a further research about the role of the international humanitarian organizations and their efficiency in the field. This thesis develops an understanding of the kind of organizations which have been responsible for assisting refugees on an international level and aims to evaluate their responses. It is based on a review of relevant literature and an analysis of three types of documents: First, the charters which declare the establishment of international refugee agencies and their main responsibilities. Second, the Sphere project document, a guide, written by a collection of humanitarian organizations on the minimum standards that must be met in a humanitarian response. Third, the Regional Response Plan (RRP) which seeks to outline the aid provided to Syrian refugees in host countries east of the Mediterranean. The thesis argues that despite extensive experience in refugee aid and the knowledge of common problems that emerge across refugee contexts, the international humanitarian organizations which assist refugees are still ineffective in their response.

Keywords: crisis; humanitarian; international; organization; refugee

## ÖZET

### KRİZ ZAMANLARINDA MÜLTECİLERE ULUSLARARASI YARDIM

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Mültecileri tanıdıkları ilk zamandan beri, uluslararası insani yardım örgütleri, “mülteci”yi çözülmesi gereken bir sorun olarak görmüşlerdi. Geçen süreç içinde bu örgütler mültecilere yardım etme ve onların yerleşim problemlerine çözüm bulma adına daha da gelişti. Bu gelişme sürecinde, uluslararası insani yardım örgütlerinin yaptığı işler pek çok kere başarısızlıkla sonuçlandı. Ancak, insani yardım hedeflerinin başarısızlığa uğramasının bedeli trajik sonuçlar doğurmakta; çünkü bu sonuçlar zaten tehdit ve tehlikeye açık, zorunlu göçe tabi olmuş toplulukların tümünü etkilemekte. Yirmi birinci yüzyıldaki kitlesel göçler ve yarattığı sorunlar, uluslararası insani yardım örgütlerinin rolü ve işlevselliği ile ilgili daha çok araştırmanın yapılmasını zorunlu kılmaktadır. Bu tez, uluslararası seviyede mültecilere yardım etmekten sorumlu olan örgütlerin anlaşılmasının geliştirilmesini ve onların kriz durumlarındaki etkinliğini değerlendirmeye hedefliyor. Araştırma, ilgili kaynakların incelemesi ve üç tür belge analizine dayanmaktadır: Birincisi, uluslararası mülteci ajanslarının kuruluş sözleşmeleri ve onların ana sorumluluklarını deklare eden resmi belgeler; ikincisi, insani yardım organizasyonunda uyulması gereken minimum standartları anlatan bir rehber olan Sphere projesi belgeleri; üçüncüsü, Akdeniz doğusunda Suriyeli mültecilere verilen yardımın ana hatlarını belirleyen Regional Response Plan (RRP) diye bir plan.

Bu araştırma, mültecilere yardım konusunda geniş tecrübelerine ve genel sorunlar hakkında bilgi sahibi olmalarına rağmen, mültecilere insani yardımdan sorumlu uluslararası örgütlerin çalışmalarında hala başarısız oldukları tezini savunmaktadır.

Anahtar kelimeler: insani; kriz; mülteci; organizasyon; uluslararası

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## SYMBOLS AND ABBREVIATIONS

CP	Child Protection
ERC	Emergency Rescue Committee
GoJ	Government of Jordan
GoL	Government of Lebanon
HCR	High Commission for Refugees
HCT	A Humanitarian Country Team
IMF	International Monetary Fund
IOM	the International Organization for Migration
IRA	International Relief Association
IRC	International Rescue Committee
IRO	the International Refugee Organization
MENA	Middle East and North Africa region
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
PRS	Palestinian Refugees from Syria
PFA	Psycho-social First Aid
PSEA	Prevention of Sexual Exploitation and Abuse
PSS	Psycho-social Support Services
PSTIC	Psycho-social Training Institute in Cairo
RRP	Regional Response Plan
RSD	Refugee Status Determination
SGBV	Sexual and Gender Based Violence
SURGE	Protection Surge Capacity Project
TdH	Terre des Hommes
UN	United Nations
UNCCP	United Nations Conciliation Commission on Palestine
UNHCR	the Office of the United Nations High Commissioner for Refugees
UNICEF	the United Nations International Children's Emergency Fund
UNRWA	the United Nations Relief and Works Agency for Palestine Refugees in the Near East
WASH	Water, Sanitation and Hygiene

## INTRODUCTION

I still remember the day when I stood in front of a white, half-broken door which gave a slight covering to the single-room, dark, and empty apartment and the small family staying inside. I knocked the door holding my sheets of paper tight and took a deep breath in preparation for the coming interview. It was the year 2015 when I took part in this research which was done by one of the universities<sup>1</sup> in Turkey and aimed at studying the health conditions of the women among the Syrian refugees in Istanbul. My job was to visit the houses of the Syrian refugees and interview the women based on a prepared questionnaire. The woman in the house I entered that day was sitting with her two little children on the floor. Her husband, she said, was terribly ill because of work overload and the family was living on the food which the neighbors gave them every day. According to her statements, none of the charities around nor any humanitarian organization came to her apartment to check on her for help. As we spoke, it became obvious that the woman was seriously traumatized and that she lost her feelings or any sense of reasonable thinking as to her family's desperate situation. Most of her answers were brief, serious and hesitant unlike most of the other women who found solace in voicing out their long, sad stories as refugees. It was clear that it was a level of indifference which the woman reached after many failing attempts at having a sustainable life in the host country with her family.

Not long after finishing this research, I actually got a job in one of the humanitarian organizations in Istanbul<sup>1</sup>. I believed that it was a chance for me to engage in humanitarian work, understand why that woman was left to her own destiny, and then reach out to refugees for support. However, as the days went by, I was dragged to the organization's endless cycle of short-term projects which were always limited to the amount of funding and consequently determined a specific number of people to help each time. A project would end with the distribution of 50 food boxes which would be of benefit to 50 refugee families for no more than a month or with 70 fuel cans which would help 70 refugees survive a few weeks in winter. I then realized that the problem must be much bigger than the daily work and the charitable projects

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<sup>1</sup> Name kept anonymous for privacy purposes

of humanitarian organizations. The Syrian refugees I interviewed before had been passing through a time of crisis after they left their homes and crossed the borders to Turkey. Was there not supposed to be a humanitarian response and solution to their stay and life in the host country? Did the woman in the small, empty apartment have to keep struggling alone to find her own chances? These questions which I have raised throughout my stay in Turkey both as a refugee myself and as a worker in different refugee contexts were the reason for the interest I developed in carrying out this research. Not only does this thesis answer these questions, but it also provides an overall understanding and evaluation to the kind of work done by international humanitarian organizations towards refugees in times of crisis.

## **General Background**

The general interest in research on refugees and forced migration started to come out in the 1920's and 1930's (Elie, 2014, p. 2). That was a period of time when the image of the refugee itself was being formed and recognized alongside the re-shaping of many parts of the world under the two world wars. After the establishment of nation states which set geographical borders and determined the citizens who were to be surrounded by them, refugees were seen to be the people who were "fleeing home" (Online Etymology Dictionary, n.d.) and residing in lands where they were not identified as citizens. Being visible as non-citizens and ending up without a recognized identity in a certain country, refugees became a "distinctly modern phenomenon" (Elie, 2014, p. 3) that demanded an international attention and recognition in the modern world. Gatrill, a historian of modern migration, points out that although conflicts before the 20<sup>th</sup> century also led many people to escape their residences and seek safety with other groups and communities, i.e., also created refugees, what makes the 20<sup>th</sup> century distinctive in this matter is the creation of the restricted citizenship which caused the establishment of organizations for the main purpose of giving a response to refugee crises (Gatrell, 2015, p. 2). By having to respond to the issue, however, refugees were not only seen as a "phenomenon" but also as a "problem" to be solved. The organizations which were established identified the "refugee problem", spoke about it, and added it to their charters. On the first page of the IRO charter, it is stated that: "genuine refugees and displaced persons constitute an urgent *problem*

which is *international* in scope and character [emphasis added]” (United Nations, 1946)<sup>2</sup>.

In order to help refugees fit into the modern world of citizenship, the newly-established organizations whom I shall refer to as “the international refugee agencies” created a refugee system whereby refugees can be identified and supported to pursue the life they lost away from their homes. This system was modified throughout the years of the 20<sup>th</sup> century based on the need for its development in order to match the originating needs of the time. Accordingly, the international refugee agencies kept changing along the way and their mandates kept including more and more items. In cooperation with each other, these agencies aimed to provide legal protection, material assistance, and other forms of relief to secure the wellbeing of refugees in host countries. On the other hand, there have also been other humanitarian organizations which are not part of the international refugee system but also include refugees in their relief programs. There are different ways in which these organizations are mentioned in literature and there are conceptual gaps identified by researchers of Refugee Studies and Forced Migration in this regard. For example, Malkki says that “because international interventions (humanitarian and otherwise) are increasingly important, we should have better ways of conceptualizing, designing, and challenging them” (Malkki, 1996). In this article, Malkki speaks of “humanitarian practices” and “familiar forms of humanitarianism”. She observes the work of “refugee agencies and other aid organizations” as a necessary humanitarian action in times of refugee crisis which has to be studied and judged. Similarly, in their article on Conceptual Problems in Forced Migration, Chatty and Marfleet state the following:

From the early 1960’s, NGO’s emerged as significant players in relation to human rights and relief/aid ... The human rights lobby grew with startling speed: soon there was a host of groups specializing in particular countries and regions, and a stream of reports and bulletins, including many on refugees. At the same time leading charities took on new roles in humanitarian and relief work. Oxfam, Save the Children Fund and many others became key players in crisis situations that often involved huge displacements of populations. Together with the United Nations High Commissioner for Refugees (UNHCR) which had massively expanded its activities, their staff were to be found in refugee camps, holding centres and transit stations. (D. Chatty & Marfleet, 2013)

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<sup>2</sup> Explanation about the IRO will be provided in the first chapter

In this passage, Chatty and Marfleet gather the names of the organizations which play a role in the relief of refugees such as NGO's, charities, and the UNHCR in reference to the idea of refugees engaging with humanitarian institutional bodies but assert that there is a conceptual deficit in the academic research in this field which has to be filled. What is important to note here is that these organizations, being humanitarian actors, are seen as a category separate from the work of states. Chatty, in another article, displays this separation by putting the two actors on a spectrum where the actions of states are held on one side and the actions of the humanitarian organizations are held on the other in response to a refugee crisis:

Turkey, Lebanon and Jordan have each established a variety of local, temporary measures to deal with this crisis<sup>3</sup>. The international aid regime (UNHCR and major intergovernmental organizations), on the other hand, has tried to operate from a generic template built up over decades of work in low-income countries ... (Dawn Chatty, 2017)

As will be clarified in detail in the first chapter, the UNHCR is a part of the international refuge regime and is a product of an international agreement among states but is also eventually given the job to be a separate humanitarian organization which cooperates with states and encourages them to respond productively to refugee crises. In this thesis, in order to avoid any conceptual confusion in terms of the organizations which will be discussed, I shall use the term "international humanitarian organizations" as an umbrella term which includes both the international refugee agencies and the different humanitarian establishments which work for refugees whether they are intergovernmental or nongovernmental. These humanitarian organizations have cooperated and worked to assist refugees around the world in times of crisis and put the borders of nations aside in their delivery of support and assistance. In the past few decades, however, there has been a debate of whether international humanitarian organizations have been responding well to the ongoing refugee crises and whether the international refugee system in general has been any effective at all.

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<sup>3</sup> Referring to the Syrian refugee crisis

## Research Focus

After the birth of the research on refugee and forced migration as an academic discipline in the 1980's, research on the *role* of international humanitarian organizations towards refugees started to take place and scholars started to examine the political factors which affect the way these organizations work and give decisions in response to the refugee crises (Fiddian-Qasmiyeh, Loescher, Long, & Sigona, 2014, p. 2). Many researchers were interested in discovering the ways in which these organizations assisted refugees and the result of their work. The research became more fruitful when some organizations like the UNHCR<sup>4</sup> organized and allowed access to their archives (Elie, 2014, p. 2). However, research in the area resulted in surprisingly different perspectives. Some researchers viewed the work of international refugee agencies as *a progression* in humanitarianism (Hyndman, 2001). In contradiction, other researchers considered the whole international refugee regime as *a failing system* that misses some groups of people and does not achieve a burden sharing (Triola, 2014). There were even propositions to creating a *new international refugee regime* in order to cover the shortcomings of the current one (Aleinikoff & Zamore, 2018). In addition to this confusion of perspectives, archives of international humanitarian organizations in general are not available or widely accessed the same way as the UNHCR which makes it more difficult for researchers to reach sufficient conclusions.

Behind any of the three perspectives mentioned above which try to evaluate the efficiency of the international response towards refugees, there lies a whole life and future of displaced generations. When the international humanitarian organizations plan and implement their projects effectively, the situation of refugees becomes better in host countries and the suffering of refugees becomes less accordingly. When they fail to do that, however, the affected populations of refugees suffer the consequences. Taking this into consideration, continuous research in this field is important especially at present as the percentage of refugees in the world has become very high. Recent statistics show that there are 25.4 million refugees around the world nowadays (UNHCR, 2018). For this reason, the role of international humanitarian organizations is crucial as it affects the life of such a number of human beings. Critical to the aim of this study is an identification of the responsibilities of the

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<sup>4</sup> United Nations High Commissioner for Refugees

international humanitarian organizations towards refugees, the understanding of their work in the field, and an evaluation of their responses in times of refugee crises.

Another important issue in this discussion is an exploration of the development of the international humanitarian organization's responses towards the different cases of refugees in emergencies throughout the years. The international refugee system was not established once and for all but has been an ongoing process of experimentation of laws and methods which are still being improved today. Therefore, this thesis will not look at the international humanitarian organizations which assist refugees as a ready subject of analysis but will examine the stages which these organizations went through in the past and proceed to examine their most recent developments. This kind of examination will reveal how flexible these organizations have been in their response to the different masses of refugees across time and will, at the same time, cover what is lacking in the literature about their response to the recent refugee crises.

### **Overall Research Aim and Individual Objectives**

The overall aim of this thesis is to develop an understanding of the role and responsibilities of the international humanitarian organizations towards refugees and evaluate the effectiveness of their responses in times of crisis. Taking into consideration the different situations of refugees and the nature of their crises over time, a comparison between past and most recent responses is necessary to understand how flexible these organizations have been in their work.

Specifically, the objectives of this thesis are to:

- 1- *Identify* the international humanitarian organizations which have worked for the assistance of refugees and discuss their roles and responsibilities.
- 2- *Evaluate* critically the mechanisms with which international humanitarian organizations have assisted refugees in times of crisis.
- 3- *Determine* if international humanitarian organizations are generally effective in their work for refugees.
- 4- *Formulate* recommendations for a better humanitarian response for refugees in times of crisis in the future.



The first chapter of this thesis will achieve the first objective by providing a historical outline to the international humanitarian organizations which were established for the sole purpose of assisting refugees and by reviewing the charters in which they wrote down what their main job would be. The second chapter will achieve the second objective by classifying the organizations' mechanisms of assistance to refugees and by examining their response in two case studies. The third and fourth chapters will achieve the third objective by comparing the kind of responses discussed throughout the thesis to the response provided in a recent refugee crisis in order to reach the required conclusion. Recommendations will take place in the conclusion of the thesis.

### **Value of This Research**

This research will address two fields of study which demand a lot of attention at present: The first is the field of humanitarianism which has been institutionalized by international humanitarian organizations and which has been, since World War Two, a topic of much discussion in UN meetings where many representatives of nations around the world gather to find solutions to humanitarian problems. The second is the field of refugees which has also been a topic of much discussion after the establishment of nation-states, as was noted before. These states formed the image of the refugee as a non-citizen and considered his/her existence as a "problem". Whenever refugees cross borders, host countries find themselves in a position to raise instant questions such as: Where must those refugees be situated in the country? How must they be dealt with? And how long will they stay? Both fields of study: humanitarianism and refugees, will be connected in this thesis and, thus, research needs in two demanding subject areas will be met.

Moreover, this research will provide a clear gradual explanation of how the response of international humanitarian organizations developed and where it went wrong along the way. Not only is the literature lacking in this regard but it is also limited in clarification and does not provide a full picture of the topic at hand. By comparing past and present responses, the research will reveal the extent to which these organizations developed and how much they still need to do so. Consequently, it will contribute in an evaluation of their work based on critical observation and will advance future solutions for the existing problems at hand.

## **Research Method**

The research method that will be adopted in this thesis is the Evaluation Research. Evaluation Research evolves around the idea that we should “seek to understand and critically assess the functioning of services and programmes” (Robson & McCartan, 2016). One of the definitions known for Evaluation Research states that it is “a study designed and conducted to assist some audience to assess an object’s merit or worth” (Calidoni-Lundberg, 2006) and its purpose is recognized to be an assessment of “the effects and effectiveness of something, typically some innovation, intervention, policy, practice or service” (Robson & McCartan, 2016). Given the nature of the research in this thesis, this method is suitable because it will help achieve the objectives mentioned before. The main subject of evaluation at hand is the practices of the international humanitarian organizations with specific reference to refugees. The thesis seeks to understand the role of the international humanitarian organizations towards refugees and critically assess the functioning of their response in times of crisis. It aims to assess the organizations’ effects and effectiveness and consequently determine their merit or worth. This will be done by focusing on these organizations from the institutional level: the purpose of their establishment and their response in the field, rather than addressing the employees or volunteers who run these humanitarian organizations. The way in which the assessment will be carried out is by viewing these organizations in the refugee crisis scenario. This is when people are forced to escape their home country to seek asylum in another country and this is when the humanitarian organizations show up for help. The thesis will look at the organizations in that specific time and place and assess the mechanics of their intervention to assist the refugees. It will draw on both the formative and the summative approaches of evaluation which can be referred to as process and outcome (Robson & McCartan, 2016). In other words, it will study both “how” the international humanitarian organizations intervene in times of refugee crisis and what comes out of their intervention. For process, the thesis will look at the two situations recognized for refugee crises: individual asylum and refugee influx, and will examine the steps which the humanitarian organizations take in each of the situations in order to assist the refugees. As will be shown, these steps are necessarily the basis of the outcome. Robson and McCartan actually refer to this link which connects the process and outcome approaches as they state that “study of

the processes involved may well be valuable in its own right, as well as in giving a better basis for the evaluation of outcomes.” (Robson & McCartan, 2016). The outcome of the intervention of the humanitarian organizations will show itself in the conditions of refugees after the intervention. The thesis will examine whether the humanitarian response of the organizations helps the refugees survive the crisis and the effects of the response on the refugees’ condition and wellbeing. The case studies chosen for this research will go through explanation on the conditions of the refugees concerned during and after the response given by the humanitarian organizations. The study of the outcome will eventually determine the effectiveness of the international humanitarian organizations towards refugees in times of crisis. As for the sources which will be used to gather the required data, the thesis will use the multi-strategy design that is normally adopted in the Evaluation Research. Evaluation Research is flexible in terms of strategies and the evaluation researcher can make use of “any and all data that will help shed light on important evaluation questions” (Michael Quinn, 2014). Robson and McCartan state that “Fixed, flexible or multi-strategy designs can be used, and either qualitative or quantitative methods” (Robson & McCartan, 2016). Benefitting from this flexibility, the thesis will gather the required data by applying the following strategies: In the first chapter, the charters and official documents of the international refugee system and humanitarian organizations will be analyzed. In the second chapter, two case studies will be examined. In the third and fourth chapters, two documents, the Sphere Project and the Regional Response Plan, will be textually compared. Furthermore, an exploration of relevant literature and of numerous accounts involving both primary and secondary sources will accompany the application of the strategies in the chapters. These multiple strategies will gather the required data needed in order to meet each of the objectives and finally achieve the general aim.

# **Chapter (1) Beginning and Development of International**

## **Refugee Agencies**

Where a brief picture about international refugee agencies was given in the introduction, more focus will be given here in order to develop an understanding of how they came about and progressed in their target. Starting with the aid of one group of displaced people and adding in more groups in a successive order to their mandates, it took these agencies a long time to give a full understanding of who a “refugee” is and arrive at the definition of the “refugee” which we know nowadays as “a person who has escaped from their own country for political, religious, or economic reasons or because of a war” (Cambridge Dictionary, n.d.). Starting with one agency and adding in more agencies in a successive order, it also took these agencies a long time to develop their own structure and build a fulfilling list of responsibilities and tasks in order to assist refugees wherever they are in the world. Furthermore, many international humanitarian organizations appeared over time with the mission of protecting refugees and providing them with support and cooperated among each other for the purpose of delivering the needed assistance to refugees in times of crisis.

### **1.1. Post World War One: The Emergence of the First Refugee Agency**

To begin with, we shall go back to a period of time between the two world wars in the 1920’s when numerous populations were displaced in the aftermath of World War One. There are, of course, some narratives which talk about an international protection of refugees existing before that date<sup>5</sup>. However, the focus in this chapter falls within the context of the international humanitarian organizations which were established for the sole purpose of protecting and aiding refugees. For this chosen focus, Post World War One signifies the beginning of our story. In a period of time between 1917 and 1922, Russia was going through a transformation which ended up in the establishment

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<sup>5</sup> For more information, see (Orchard, 2016) and (Manasek, 2017)

of the Soviet Union<sup>6</sup>. However, the revolution and the civil war which erupted in that period of time caused the dispersion of more than a million of its people in Europe and the far East (Reed, 2015). The displaced people lived in poor conditions in host countries with no work or documentations and their own home country considered them ‘stateless’ for escaping the revolution (Keane & McDermott, 2012, pp. 242–243). In other words, they were no longer identified as Russians nor as belonging to any other nationality outside the Soviet lands and could not, as a result, move and live freely in the areas where they sought safety. As a result, more than a million displaced people had to suffer the consequences of their statelessness and were left in loss and confusion in countries which were foreign to them. Response to the calamities of World War One came from a newly-formed body in 1920 called the “League of Nations” which existence was much demanded worldwide to stop wars and to make international agreements (Encyclopædia Britannica, inc., n.d.-a). Members of the League of Nations consisted of representatives of many countries around the world such as Albania, Australia, Brazil, Canada, France, India, and Japan (Encyclopædia Britannica, inc., n.d.-b) who frequently met to find possible solutions to the existing problems at the time. The League of Nations acted for the displacement of the Russians after it received a notice from the International Committee of the Red Cross<sup>7</sup> about their desperate situation in host countries and founded a High Commission for Refugees (HCR) to care for what came to be known as “Russian refugees” (Keane & McDermott, 2012, p. 243). This was an organization which establishment was based on an international agreement and an acknowledgment of a serious displacement problem. The High Commission for Refugees worked to assist “Russian refugees” and gave them both material aid and political protection (“Nansen International Office for Refugees-History,” 2019). In 1922, an Arrangement was conducted in order to create a system for the issuance and usage of the legal documentation which was to be given to the Russian refugees in host countries in order to solve the problem of their statelessness (League of Nations, 1922); the legal document came to be known as the “Nansen Certificate”. Item (5) of the Arrangement explained how this certificate worked:

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<sup>6</sup> For more information, see (The British Library, n.d.)

<sup>7</sup> The job of the International Committee of the Red Cross at that time was to give assistance to wounded soldiers and prisoners of war, but it was also involved in assisting Russian and Armenian refugees in World War One (International Committee of the Red Cross, 2014)

On presentation of the certificate, the refugee may in certain circumstances be admitted into the State which he wishes to enter, if the Government of the State of destination affixes its visa directly on the certificate, or if the State in question regards it as a document containing proof of identity, the production of which would enable its consular authorities to issue a new certificate to the bearer enabling him to cross the frontier. (League of Nations, 1922)

This means that Russian refugees did not remain as “stateless” but were able to obtain a document which acted like a passport enabling them to move outside their home country. Although it seemed a good solution at the time, it was, in fact, limited. The Nansen Certificate did give its holders the right to cross borders and travel internationally but did not give them any right as citizens of any country (Keane & McDermott, 2012, p. 244). This means that they could not benefit from the services which were available for the citizens of the host countries.

A year later in 1923, more victims of displacement of the First World War were recognized. The Armenians who could escape from the deportations in the deserts crossed the Russian borders and over 105,000 Armenians were estimated to seek a safe place in Russia (Gatrell, 2014). In order to solve their plight as displaced people as well, the HCR included “Armenian refugees” in its mandate (“Nansen International Office for Refugees-History,” 2019). In this way, there were two categories of refugees, Russians and Armenians, who were recognized by an international refugee body and were given legal protection across borders. By 1928, more categories of refugees were recognized. More and more displaced populations like the Assyrians, the Assyro-Chaldeans, the Kurds and the Turks were also included in the work of HCR under a second Arrangement (Jaeger, 2001, p. 729). The HCR gathered representatives of governments for agreeing on this 1928 Arrangement and “recommended” that they support the office of the HCR and provide it with what was necessary to carry out its services for the added groups of refugees (League of Nations, 1928). By “recommending”, however, the arrangements which were put forward and enacted upon back then did not really bind government to do the assigned work. In other words, recommendations were not much of “real obligations” that state had to take (Jaeger, 2001, p. 729). Governments could easily be uncooperative with the HCR and neglect the refugees who sought safety inside the borders of their countries. For this reason,

there was a need for an official convention, rather than Arrangements, which would hold signatories accountable for their actions towards the specified refugees.

In order to solve this important issue, first, the HCR office was replaced by the Nansen international office for Refugees (UNOG, n.d., p. 13). Second, a three-day conference resulted in the Convention of 28 October, 1933 relating to the International Status of Refugees (League of Nations, 1933). This convention was considered to be “a milestone in the protection of refugees and served as a model” for later conventions (Jaeger, 2001, p. 730). It defined the administrative measures of the Nansen Certificate and provided explanation about the juridical, labor, and education conditions of the specified refugees who “shall receive therein the most favorable treatment accorded to nationals of a foreign country” (League of Nations, 1933) by the contracting party. Refugees are still mentioned here as “specified refugees” because, the 1933 convention, despite being a step forward in this context, still referred to only the “Russian, Armenian and assimilated refugees” (League of Nations, 1933) who were the Assyrians, the Assyro-Chaldeans, the Kurds and the Turks mentioned earlier, and did not add any more categories.

In light of what has been mentioned so far, the First World War led to the emergence of international bodies which spotted the existence of certain populations outside the borders of their place of origin and recognized the need for protecting them. However, the absence of a clear definition of who a refugee is at the time led to the drafting of *selective* agreements. On the one hand, they were *selective* in their choice of the displaced populations who needed help. On the other hand, they were *selective* in the kind of support which was to be given to the displaced and it took no less than a decade for a binding convention to emerge and be agreed upon by certain host countries as the basis of the governments’ decisions towards the specified refugees. Soon after, however, another world war erupted. An even worse displacement crisis demanded an urgent re-thinking about all that has been done and new decisions had to be made.

## 1.2. Post World War Two: The First Definition of Refugee and the Evasion of Responsibility

Post World War Two marks a turning point in the history of international refugee agencies. Many of the assemblies and the offices which were made to serve its purpose after World War One were ended and replaced. The League of Nations which created the HCR and the Nansen International Office for Refugees transferred its properties in 1946 to the newly-created United Nations (UNOG, n.d., p. 14). The United Nations, in its turn, established the International Refugee Organization (IRO) (United Nations, 1946) as the new international refugee agency which had to deal with the new groups of refugees that emerged as a result of the Second World War, and which started to function after the signatures given by 18 governments to its constitution (Sękowski, 2017, p. 122). The main goal was to solve the problem of refugees and to reach this solution by 1950 (Jaeger, 2001, p. 732). The constitution started as follows:

The Governments accepting this Constitution,

Recognizing:

that genuine refugees and displaced persons constitute an urgent *problem* which is *international* in scope and character; ...

that genuine refugees and displaced persons *should* be assisted by international action, either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere, under the conditions provided for in this Constitution; ...

that genuine *refugees* and *displaced persons*, until such time as their repatriation or re-settlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful *employment* in order to avoid the evil and anti-social consequences of continued idleness; ...

Have agreed:

for the accomplishment of the foregoing purposes in the shortest possible time, to establish and do hereby establish, a *non-permanent* organization to be called the International Refugee Organization, a specialized agency to be brought into relationship with the United Nations . . . [emphasis added] (United Nations, 1946)



The introduction of the IRO constitution shows some development in thinking but at the same time shows its limits. Firstly, the constitution referred to refugees as being, not only a “problem” but an “international problem” which had to be solved. It was noted before that this kind of view resulted from the image of the nation state with its citizens surrounded by national borders where refugees as non-citizens did not belong. Consequently, the international community did not look at “the problems of refugees” but at the refugee him/herself as a “problem” which concerned all nations and this was mentioned right at the beginning of the constitution. Having identified the problematic scene, the following step shows the action to be taken for a solution. An international action “should” be taken, it said. By using “should” to give roles and duties to those concerned, there existed a possibility of refusal or evasion of those roles and duties. Although this constitution was written to be a binding one, the language used still left a gap in determining obligations. As regards the understanding of “refugee” and “displaced persons”, belatedly and for the first time, a constitution for refugees agreed upon internationally included main sections for the definition of what it is to be a “refugee” and “displaced” and only then did it relate the definitions to the work which had to be done by the IRO. A refugee no longer had to be a Russian or an Armenian but any person who “has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories” (United Nations, 1946). The categories which the constitution included in the definition were the victims of the First World War and the victims of the Second World War in Europe. On the other hand, a “displaced person” is a person who “has been deported from, or has been obliged to leave his country of nationality or of former habitual residence” (United Nations, 1946). That is to say, a “refugee” was then seen as someone who chose to leave in comparison to the “displaced” who was forced to do so. It must be emphasized here that the list of “refugees” and “displaced persons” provided by the constitution related only to the victims of the war *in Europe* in addition to those recognized after the First World War. This means that although it might seem a development in defining who a refugee or a displaced person is, it was basically a widening of the circle from surrounding some categories to surrounding a continent, that is, the continent of Europe in this case. A wider understanding of the term was still not recognized enough

and refugees who were affected in the Second World War outside Europe were not included. What is actually most critical to indicate in this whole scenario of definition in the constitution is the separation done between the definition and the work assigned to the IRO. In other words, there was this dividing line between who a refugee was and who, among those refugees, were to be assisted by the IRO. For example, the Jews and the Spanish, despite their recognition as refugees in Europe, were to be excluded from the services of the agency without a provided explanation.

Based on the definitions mentioned and duties clarified, the services offered by the IRO aimed at providing “care and assistance” to refugees and displaced persons and directing them towards repatriation or re-settlement. There were definitely more aspects of the life of refugees which were to be handled by the IRO such as “employment”. Nevertheless, the last emphasized word in the quoted passage above indicated that the agency was to be “non-permanent”. It had to work based on its constitution and finalize its job in the required timing. By 1950, however, the agency became aware that a solution to the problem of refugees was too far from realization or from setting a time limit to it (Jaeger, 2001, p. 732). The work was too big that it could not be finished in the date determined. In addition, incidents of repatriation of refugees against their will occurred. In 1947, as it was recorded, the U.S and Britain forcibly repatriated what was around 5 million Russian refugees from their territories at the time to the Soviet Union; It is estimated that close to 3 million of these refugees were caught on the way by the Germans who made them work by force for a period of time, were considered traitors when they reached the Soviet lands and were transferred to far zones in Russia (Codenames, n.d.). In reference to the signed constitution, some governments clearly made use of the gaps in the set conditions and evaded their responsibilities towards the refugees and the IRO did not show up to deal with the situation. It was, therefore, necessary to find a new strategy to prevent such incidents from happening again. Representatives of host countries had to gather again and another conference on the protection of refugees had to be made.

### **1.3. The 1951 Convention: The UNHCR and its Responsibilities**

As a matter of fact, the 1933 convention and the IRO constitution both lie in the shadow of a much more internationally-recognized and remembered convention

nowadays. In 1950, representatives of twenty-six states met in Geneva in order to decide upon and sign the 1951 Convention relating to the Status of Refugees. A representative of the IRO and Ninety two representatives of NGO's also attended the conference as observers (UN General Assembly, n.d.). Based on the experience of the IRO, the following was stated in the preamble of the conventions: “**Considering** that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation . . .” (UN General Assembly, n.d.). This means that, unless as many governments around the world as possible agree on serving refugees in their states, exerted efforts to refugee protection would be unproductive. In order to attain this co-operation, therefore, the U.N established a new organization with which all contracting states had to work and confirmed its establishment in the 1951 Convention. This organization was the UNHCR which, by replacing the IRO before it, was based upon a new definition of the “refugee” and had much bigger tasks to do. In the new definition of the term, the Convention did not disregard previous definitions but built on them. A “refugee” became a person who:

as a result of events occurring before 1 January 1951 and 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 of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (UN General Assembly, n.d., p. 14)

Compared to previous understandings, the meaning of the term “refugee” here went beyond any specification of groups, added many options and attempted to be more encompassing towards those whom the governments would recognize as “refugees” and whom the UNHCR would give assistance. It was further explained that the word “event” included both: (a) events in Europe and (b) events in Europe or elsewhere. In this way, the *geographical limits* imposed by the IRO were corrected and all refugees anywhere were to be assisted. However, other kinds of limit still dominated the convention. What can be seen from the first sentence of the definition is *time limits*. Those who would be called refugees were the ones affected “before” the year 1951.

Thus, despite previous experience of the IRO with time limits, there was still a common belief that the “problem” of refugees would end one day and that no future conflicts would ever happen to drive refugees out of their homes to other countries. In a matter of fact, it was not only a belief but “a great deal of reluctance in the early stages of international organization to admit that the refugee phenomenon might be with us always” (Goodwin-Gill, n.d.). With this belief and reluctance, the Convention asserted the *time limits* in the definition and continued to determine the obligations of two entities towards each other: the states towards refugees and refugees towards states. For instance, the hosting state had to “accord to refugees the rights and benefits to which they were already entitled” in their home country (UN General Assembly, n.d., p. 18) and, in return, refugees had to “conform to [the state’s] laws and regulations as well as to measures taken for the maintenance of public order” (UN General Assembly, n.d., p. 16). The convention elaborated on further issues for the rights of refugees in host countries like documentation, employment, housing, education, freedom of movement and other rights. In Article 33, the convention prohibited expulsions of refugees, and contracting states were forbidden from returning refugees to places where their lives would be in danger (UN General Assembly, n.d., p. 30). Thus, incidents like the forced repatriation of the Russians were not allowed to happen again. By the end of the convention, the obligations of contracting states towards the office of the UNHCR were stated. They had to facilitate its work and provide it with the necessary information about the refugees in their territories (UN General Assembly, n.d., p. 31). As for the work of the refugee agency itself, a separate document entitled as the Statute of the Office of the United Nations High Commissioner for Refugees included detailed description in this regard:

1. The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities. (UN General Assembly, 1950)

That is to say, UNHCR as an international refugee agency would be responsible for securing an (1) *international safety* for the refugees who fit in the definition of the 1951 convention, work on (2) *permanent solutions*, and (3) *assist the governments* for the achievement of these two ends. The Statute asserts that the work of UNHCR will not be related to politics at all but will address humanitarian and social issues of refugees. Furthermore, in the detailed description of tasks, it is stated that:

8. The High Commissioner shall provide for the protection of refugees falling under the competence of his Office by:

- a) Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;
- (b) Promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;
- (c) Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities;
- (d) Promoting the admission of refugees, not excluding those in the most destitute categories, to the territories of States . . . (UN General Assembly, 1950, p. 9)

The UNHCR had to make sure that the convention was to be turned from ink into action for the sake of refugees. It had to cooperate with governments in order to help the refugees seeking safety on their lands. It had to find solutions for where the refugees would continue living. In this way and in accordance with the set terms and laws of the 1951 convention, the office of the UNHCR started to function.

However, it was not long before the shortcomings of the *time limits* came to light and the unwished for happened again. In 1956, a revolution in Hungary led to the escape of 200,000 people to Austria and, soon after that, a refugee crisis occurred as a result of the decolonization of Africa (UNHCR, n.d.-b). The UNHCR rose to assist the new refugees which were not part of the convention. They obviously passed the year 1951 at the time and were not included in the mandate. The decade which followed the establishment of the 1951 convention transformed the belief in a stoppable refugee phenomenon into a better understanding of how the modern world would proceed. Just as it is difficult to prevent conflicts from happening, it is similarly difficult to prevent

people from escaping and seeking asylum. From this better understanding, a protocol in 1967 appeared to signify a developed stage in refugee recognition and protection.

#### **1.4. The 1967 Protocol: A Challenge Facing the UNHCR**

Taking into account the new categories of refugees which emerged after 1951, the 1967 protocol stated that “it is desirable that equal status should be enjoyed by *all refugees* covered by the definition in the Convention *irrespective of the dateline 1 January 1951 [emphasis added]*” (UN General Assembly, n.d.). This means that there would be neither geographical limits nor time limits to refugee protection any more. Based on this consideration, the protocol omitted the words which are related to time constraints from the definition of the 1951 Convention and confirmed the role of the contracting states and the office of UNHCR towards each other in this regard. Until present, whenever the 1951 Convention is mentioned anywhere, the 1967 Protocol is also mentioned. Both are still recognized worldwide as the basis of the international refugee regime. Both are also considered the basis of the work of UNHCR as an international refugee agency targeting refugee protection and assistance anytime and anywhere.

Although it may seem that the solution to the “problem” of refugees has reached a critical point in the line of development, there have remained a gap in the regime and a big challenge facing the UNHCR in its work. This gap and challenge lie in the signatures which exist on the pages of the convention and protocol. While it might seem that an international agreement between all states is reached in these final constitutions, the case on actual ground is different. A map regarding the parties to the 1951 Convention and its 1967 Protocol made in 2012 by the UNHCR shows that many governments thought differently about their obligations towards refugees<sup>8</sup>. There were some states which only signed the 1951 convention (in yellow), some only signed the 1967 protocol (in orange), some agreed to sign both (in green), and some did not sign any of them (in red) as explained in the table below. Of the signatories to the 1951 convention, there were even two states: Madagascar and Turkey which agreed on only part (a) of the definition which related to “events in Europe” (Goodwin-Gill, 2014, p.

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<sup>8</sup> See Figure 1.1.

The UNHCR website does not provide older versions of this map

2). This means that these states kept the *geographical limits* which the 1951 Convention aimed at eliminating. The states had their own reasons for their decisions in signatures. To take the example of Turkey, the reason for its maintenance of geographical limits is said to be its “fear of mass influx or massive population movements from Asia or Middle East” (Tarimci 2005, 36). Turkey’s location lies in the intersection of the roads of Asia, Europe, and Africa making it a main target of refugees seeking safety (Ekşi, 2016). Other reasons are also noted such as “ineffective coastline border management, security problems arising from terrorism, limited financial sources to conduct an effective migration management, ongoing political conflicts and wars in neighboring countries, difficulties coping with the mass influx from neighboring countries, and the lack of readmission agreements with countries in the Middle East, Asia and Africa” (Ekşi, 2016). For these reasons, Turkey preferred to stick to one part of the Convention. However, in consequence, despite the acknowledged development which the two new constitutions made in the international refugee regime, there have been and still are many governments which refrain from consenting to all these developments due to a variety of reasons. A question then comes to mind: Considering that the UNHCR is the main agency created to cooperate with states and find solutions to the problem of refugees, how has it been dealing with the states which did not sign the 1951 Convention, or the 1967 protocol, or both?

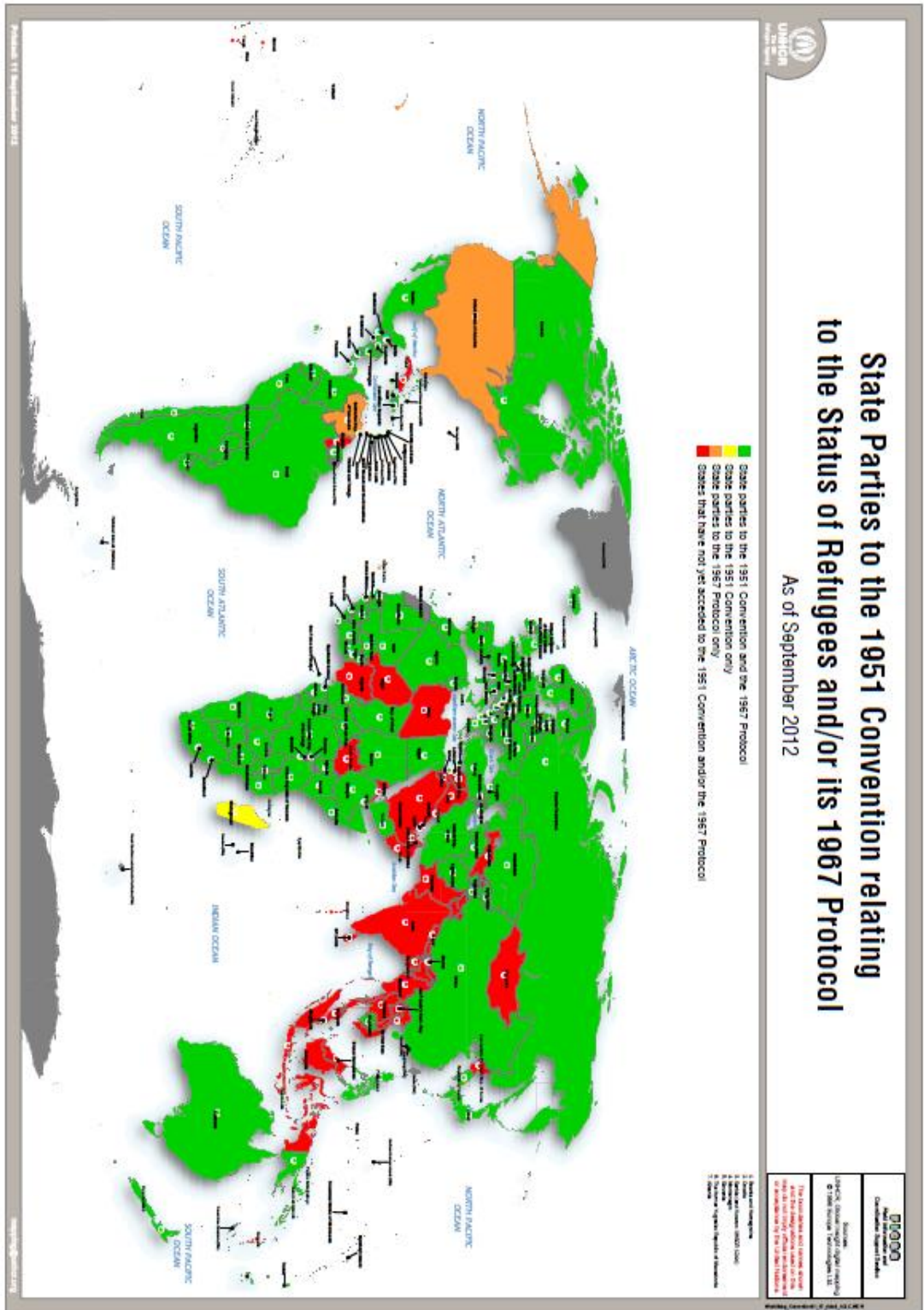


Figure 1.1. State Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol (As of September 2012)

(UNHCR, 2012a)



## 1.5. Role of UNHCR: The Gaps Revealed

Based on what has been discussed so far, the main agency which was established lastly with an international agreement to improve the situation of refugees is the UNHCR. The office of the UNHCR bases its work on the 1951 Convention and the 1967 Protocol and cooperates among states in order to put words into action. Regarding its cooperation with states, however, the office has its limitations. These limitations can actually be seen in the words of the Statute of the UNHCR whenever its relation with the states are mentioned. For example, the General Assembly “*calls upon* Governments to co-operate with the United Nations High Commissioner for Refugees [emphasis added]” (UN General Assembly, 1950). The office implements its work “by *assisting* Governments and, *subject to the approval* of Governments concerned, private organizations [emphasis added]” (UN General Assembly, 1950). From the emphasized words, a conclusion can be drawn. If states do not agree to sign the convention or the protocol regarding the protection of refugees, the office of UNHCR can only *call upon* them to do so. It cannot intervene in the decision of states in this regard and can only encourage them to be part of the international refugee regime. But then, if this is the case, can non-signatory states be free in their treatment of refugees and can they refuse to let in refugees to their territories? The UNHCR answers this question as follows: “The principle of non-refoulement - the forcible return of people to countries where they face persecution - is part of customary international law and is binding on all states. Therefore no government should expel a person in those circumstances” (UNHCR, 2001b). This answer makes it clear that there is, after all, a binding condition to all states which forbids expulsion of refugees whether they sign the convention and protocol or not. But still, it does not give explanation on what would happen to refugees inside the country of a non-signatory state supposing they are allowed into it. A more fulfilling answer may be reached at by taking an example.

Malaysia is one of the non-signatories to neither the 1951 Convention nor the 1967 Protocol and has no system to give refugees their rights in its territories. This is mentioned in a report made by UNHCR in 2013 which indicated the existence of around 4.9 million people who are a mixture of refugees, asylum seekers, stateless, and people of concern from Myanmar, Philippines and various other countries in Malaysia (UNHCR, 2012b). As it lacks a legal system to refugees, the report said, the

Malaysian law does not differentiate between refugees and unregistered migrants in the country and, thus, the refugees who stay there are “subject to detention, prosecution, whipping and deportation” (UNHCR, 2012b). This contrasts the answer which the UNHCR gives regarding the expulsion of refugees by non-signatory states. Whether the UNHCR is aware of such contrasts or not, its statute affirmed that it could only *assist* and *call upon* countries, no more. Similarly, the report about the situation of refugees in Malaysia stated that: “UNHCR has continued to *encourage* the Government to become a signatory to the 1951 Refugee Convention and its 1967 Protocol [emphasis added]” (UNHCR, 2012b). Therefore, it is unknown when Malaysia will become a signatory state and acknowledge the status of refugees.

Whereas the UNHCR may fail to cooperate with non-signatories for the assistance of refugees, it kept on developing its own work. It organized an Emergency Handbook which clarifies the organization’s responsibilities and plans for responding to the different situations of refuge and shows the agency’s work as applying to all aspects of the refugee crises:

The refugee mandate applies in both emergency and non-emergency asylum-seeker and refugee situations, as well as in situations of emergency and non-emergency mixed movements involving asylum-seekers and refugees. The refugee mandate also applies both in camp and outside camp settings. In short, the High Commissioner has a mandate with respect to refugees globally, wherever they are located. (UNHCR, n.d.-j)

It also added more explanation on the terminology throughout the years and the details of each term or category in order to clarify its duties to each one of them:

The Statute further develops the material scope in paragraph 8. The personal scope was subsequently expanded by the GA [the General Assembly] . . . to include stateless persons (clarified by the GA in 1974 and confirmed in 1976), asylum-seekers (clarified by the GA in 1981), and returnees (recognized by the GA in 1985)<sup>9</sup>. (UNHCR, n.d.-j)

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<sup>9</sup> Check the UNHCR Emergency Handbook for definitions of the terms of stateless persons, asylum seekers, and returnees according to UNHCR (UNHCR, n.d.-j)  
<https://emergency.unhcr.org/entry/253224/unhcrs-mandate-for-refugees-stateless-persons-and-idps>

The extent to which the UNHCR's work is applicable to all aspects of the refugee crises and to which it could clarify the terminologies used in connection to refugees will be measured by examining the work of other UN agencies in the next section

Having reached a point where the latest charters for refugees “the 1951 convention and the 1967 protocol” and the main agency to organize the application of these charters “the office of the UNHCR” are recognized by most countries of the world at present, and having seen the limitations of each, it is now time to look at the contributions of other international humanitarian organizations which also work for refugees. The UNHCR is the main but not the only organization which was established to help refugees. Whether they are other UN agencies, independent agencies, or voluntary organizations, they all have a share in the assistance of refugees.

#### **1.6. Selected International Refugee Agencies: What is their Contribution?**

There are numerous international humanitarian organizations which target the aid of refugees around the world. Discussion about the variety of organizations and the variety of their work towards refugees contribute to the achievement of the first objective of this thesis which targets the identification of those international humanitarian organizations which assist refugees. My choice of the organizations below lies on their establishment as specifically “international refugee agencies” among the collection of humanitarian organizations which only partly assist refugees. Accordingly, this section will give an explanation about two UN agencies: IOM and UNRWA, and two non-governmental organizations: International Rescue Committee and Refugee International. The IOM and UNRWA are the only UN agencies, other than the UNHCR, which I found directly responsible for assisting refugees. As for the non-governmental organizations, I chose these two in specific because they also acknowledge themselves as organizations which were mainly established for assisting refugees and have helped refugees worldwide until present.

### 1.6.1. UN agencies: IOM and UNRWA

The IOM is the abbreviation for the International Organization for Migration. Compared to a refugee, a “migrant” as defined in the Emergency Handbook of UNHCR, is anyone who is not obliged to escape from danger but who passes borders between countries for many other reasons like reunion with family, getting better life conditions, and fleeing damaging natural events. Nevertheless, both terms refer to the same way of movement (UNHCR, n.d.-c). Taking this last sentence of the definition into consideration, I go back to the main constitution upon which the IOM was established. In the preamble of the constitution which is on the first page, the following statement is clarified: “international migration also includes that of refugees, displaced persons and other individuals compelled to leave their homelands, and who are in need of international migration services” (IOM, n.d.). This actually shows a confusion of the two terms by the IOM despite the UNHCR’s attempts on the clarification of terminology. Having its name as an agency for migration but at the same time including refugees in its mandate confirms the confusion of terms. In actual fact, the IOM was initially established only a few years after the establishment of the UNHCR. As the constitution shows, the organization was firstly initiated in 1953. And just like the UNHCR, its first task was dedicated to the affected people in Europe after World War Two and targeted the provision of transportation for around a million “migrant” throughout the 1950’s (IOM, 2014). In 1989, the first constitution was amended and included more precise information regarding the organization’s work. The organization is meant to cooperate with states in order to organize transportation for migrants, give advice about migration, and help migrants with integration or voluntary return (IOM, n.d.). However, because of this confusion of terminology and in order to define the tasks which distinguish the work of IOM from that of the UNHCR, an agreement (MOU)<sup>10</sup> was made in 1997 between the two UN agencies. The agreement indicates that while the UNHCR aims at providing international protection and long-standing solutions to refugees, the IOM is more concerned with an “orderly process” of its services (UNHCR, 1997): “IOM has received from its Member States a mandate

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<sup>10</sup> Memorandum of Understanding

to ensure orderly processes of migration, including the organized transfer of refugees. Services which can be provided include, inter alia, pre-screening, counselling, documentation, medical processing, training, transport, reception and integration” (UNHCR, 1997). Considering what has been said so far regarding the work of the UNHCR, the difference between the two organizations in relation to refugees is not prevalent much in this point of the agreement because the UNHCR also works with documentation in order to give the protection and with training or integration in order to improve the life of refugees in the host countries. Does this mean they have almost the same tasks towards refugees? In fact, a clearer point of task-determination is made in other sections of the agreement like the one on *Returnees*. It is stated that the UNHCR’s main mission towards voluntary returnees involves handling the safety of the returnee in his/her home country but is not much detailed regarding the period of time and the extent of the aid presented (UNHCR, 1997). On the other hand, the IOM is in charge of organizing the services required for voluntary returnees and makes sure that refugees are re-integrated in their home country on the social and economic levels:

IOM has responsibility for providing migration services in case of voluntary repatriation. As for other groups of returning migrants, IOM is committed to ensuring the successful reintegration of returning refugees into their society through programmes which link skills to social and economic development and opportunities, and create employment possibilities in the country of origin. (UNHCR, 1997)

Based on this, the agreement attempts to draw a line on the two sides of which the UNHCR and IOM could organize their tasks regarding the aid of refugees and at the same time find complementarity, rather than repetition, for the efforts made for refugees. However, as was clarified, the IOM may converge at some points with the UNHCR and diverge at others.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is another international refugee agency established by the UN. The UNRWA, in its beginnings, was one part of a system established by the UN in order to handle the issue of displaced Palestinians. In a piece on UNRWA and Palestinian Refugees, a short story of the United Nations Conciliation Commission on Palestine (UNCCP) which preceded the establishment of UNRWA is narrated. The

UNCCP started in 1948 with the main aim of finding a “specific durable solution for the entire population of displaced Palestinians” (Akram, 2014). A few years after its foundation, the UNCCP realized that it could not achieve its purpose because of Israel’s refusal to have any Palestinian returnees. For this reason, support for the agency decreased and its projects were frozen. And since then, No other agency substituted the UNCCP and sought a solution for the entire problem of the Palestinian’s displacement (Akram, 2014, p. 2). Compared to the UNCCP, the job of the UNRWA was smaller and easier to achieve. It was assigned to implement relief projects on the educational, medical, social, and economical levels for the people who were displaced from their houses in Palestine. With time, It developed to meet the needs of the Palestinians in five areas: Jordan, Lebanon, Syria, Gaza Strip, and the West Bank (UNRWA, 2007). There has been no agreement of UNRWA with UNHCR in the same way that happened with the IOM. What explained the roles of each of the two agencies was publications such as “The UN and Palestinian Refugees”. The document refers to an item in the 1951 Convention which says that the work of the UNHCR: “Shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees [UNHCR] protection or assistance” (UN General Assembly, n.d., p. 16). In other words, the UNHCR is not responsible for Palestinian refugees because they already receive assistance from the UNRWA. In relation to this item, the document also stresses that only when Palestinian refugees live in areas which are not among the five areas where UNRWA functions, they become part of the work of UNHCR. Although this kind of complementarity might seem settled on paper, the application is quite different. An illustration of this can be made in relation to the Palestinians who fled Syria after the beginning of its crisis and who, as a result, became double refugees. Before leaving, Palestinians had already not been granted a Syrian citizenship throughout the 50 years of their stay inside Syria and this affected their perception legally in their second host countries (Euro-Med Monitor, n.d.). As a Palestinian who lived in Syria myself and then fled to Turkey, the identity card I had in Syria indicated a “temporary residence for *Palestinian refugees*”. The one which was given to me later in Turkey is also a “temporary protection” but this time indicating relation to *Syrian refugees*, not Palestinians. In her article on Palestinian refugees in their “second exodus”, Elbadawi says that Palestinian refugees who fled Syria faced a lot of difficulties in host countries. Jordan and Egypt, for example, denied the identification

of a “*Palestinian-Syrian*” refugee. However, whereas they could register, in a way or another, with the UNRWA that existed in Jordan as *Palestinians*, they could not register with the UNHCR in Egypt neither as *Palestinians* nor *Syrians*. In Lebanon, as well, they had to go through many procedures which were not compulsory for Syrian refugees such as getting an exit permit from Syria, paying for an expensive visa, and even obtaining a permit to enter Palestinian refugee camps (Elbadawi, 2018). This shows that the work of UNRWA and UNHCR is not always compatible and is uncertain regarding the areas where UNRWA does not function.

Having explored the work of two UN agencies and related them on the level of specialization and complementarity to the work of the UNHCR, it is better understood that the UNHCR is, all in all, the main agency which tackles the biggest issue of giving international protection and assistance to refugees, but that it leaves some services and some groups of refugees to other UN agencies. Based on this, we have seen how the service of arranging transportation of refugees and helping voluntary returnees in their home country is given to the IOM. We have also seen how helping the group of Palestinian refugees is of the responsibility of the UNRWA. The UNHCR may arrange the work towards refugees well with UN agencies in some cases but may need a further organization and better task specifications in others.

### **1.6.2. Non-governmental Refugee Agencies: IRC and Refugee International**

Before starting the discussion about other refugee agencies, it is important to note again that “many humanitarian organizations, particularly NGOs, still do not provide satisfactory access to and preservation of their archives” (Elie, 2014, p. 2). This means that a distant observer of the organizations, which will be discussed in this section, has to depend on the items which are available in order to understand what these organizations do, where they work, and how they help refugees.

Apart from the agencies which were created by the U.N with set charters. There were also refugee agencies which were initiated by political activists<sup>11</sup> like the International Rescue Committee (IRC), a humanitarian aid organization based in the U.S. As its main website states, the history of the IRC goes back to two organizations which emerged in the early 20<sup>th</sup> century: the International Relief Association (IRA)

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<sup>11</sup> For more information, see (Chester, 2016)

and the Emergency Rescue Committee (ERC). The IRA helped refugees from Germany, Italy and Spain in 1930's. The ERC came out in the following decade and assisted European refugees in France. The two organizations agreed to join their efforts in 1942 and combined their names to become the IRC. The IRC worked after the World War Two with the refugee resettlement programs in Europe and developed later to give aid to other groups of refugees like Indochinese and Hungarian refugees in 1950's, Cuban and African refugees in 1960's, Refugees from Chile, Thailand, Vietnam, Cambodia and many others in 1970's and the like of refugees around the world later on. The aid given has been related to branches of health, safety, education, economic wellbeing, and power (International Rescue Committee (IRC), n.d.-a). A partnership with the UNHCR can be found in a piece of writing about a project called: "Surge". Surge is an abbreviation of the Protection Surge Capacity Project which aims to recruit officers who can work on the protection of refugees in the spaces where the UNHCR has its offices. In order to achieve this goal, the IRC develops a recruitment criteria and chooses the people who are suitable for this job (International Rescue Committee (IRC), n.d.-b). There are two secondary sources which refer to the IRC as "the largest nonsectarian refugee organization in the world" (Chester, 2016, p. 1; Jacobs, 2005, p. 234). However, there is no proof to this statement in the sources where it is mentioned. No matter how big its work might be, the International Rescue Committee was not established with an international agreement among governments like U.N agencies nor are its charters of establishment and official documents accessible enough to measure its amount of work and achievements.

Refugees International is another organization which works specifically for refugees. Its approach to assisting refugees is based on advocacy and recommendation of solutions. That is, it identifies the existing problems, presents possible solutions, and provokes action from the governments and humanitarian organizations (Refugee International, n.d.-d). The beginning of Refugees International was with a "citizen's movement" in 1979 which rose for the protection of the Indochinese refugees. The movement developed to become the organization of Refugees International which calls for action towards refugees worldwide. The organization carries out continuous research and analysis of the situation of refugees around the world and provides periodical reports with which it launches its campaigns to raise public awareness and to demand action (Refugee International, n.d.-a). An examination of the reports section



shows the different places where the organization makes its field research like Italy, Greece, Turkey, Iraq, Somalia, Uganda, Bangladesh, Myanmar, Mexico, Haiti, Puerto Rico, and other places. After the field research, the organization proposes solutions and recommendations to policymakers (Refugee International, n.d.-b). A piece on the reputation of the organization mentions that the organization's "expert recommendations are highly valued by the people whose decisions bring immediate relief and lifesaving solutions to refugees: senior officials of the U.S. administration and Congress, the United Nations, and governments around the world" (Refugee International, n.d.-a). This quote shows that the organization can reach governments from around the world to improve the life of refugees wherever they are. However, just like the case with the IRC, Refugee International was not founded upon an international agreement among governments but by a group of people who wanted to do something for refugees. By taking a closer look at the details provided in the website, the organization's work is, in fact, not wide enough to influence governments around the world. First, Refugees International has only one office which exists in the U.S and no international offices available. Second, most of the success stories shown in the organization's documents are related to actions taken mainly by the U.S government. This can be seen clearly in its piece on achievements. Refugees International attempted to "sustain and even increase levels of U.S. humanitarian assistance" for Africans under a famine crisis, led to "the U.S. government's major funding contributions for Syrians in 2017", "called for U.S. officials to declare ethnic cleansing had taken place [against the Rohingya refugees] and to implement sanctions against Myanmar's military leadership", and even reported on the shortcomings of the "U.S. government response in Puerto Rico" (Refugee International, n.d.-c). That being so, the work of Refugee International for refugees is small on the international level. The organization actually asserts that it is completely independent from the funding of governments or UN agencies (Refugee International, n.d.-d) and this might be one of the reasons for its existing capacity. There are no UN agencies among the corporate partners of Refugees International.

There are numerous international humanitarian organizations around the world which help refugees but are either specified to a certain category of refugees or to a certain country where refugees exist. So, they are not "international refugee agencies" per se but they dedicate their work for parts of the refugee community. HIAS has

assisted Jewish refugees since its establishment in 1881 and has continued assisting the displaced people of the Jewish community until the 2000s when it extended its work “to include assistance to non-Jewish refugees” (HIAS, n.d.). Refugee Action has worked to assist refugees on the lands of the UK and help them feel welcome in the country (Refugee Action, n.d.) and Refugee Council of Australia gives support to refugees inside Australia (Refugee Council of Australia, 2018). On the other hand, there are also numerous organizations around the world which work for people who suffer poverty, natural disasters, diseases, and other calamities but also include refugees in their projects. Peace Corps Community for Refugees provides a list of some of the largest organizations which give aid for refugees such as: CARE, Save the Children, Mercy Corps, OXFAM America, and Alexia Foundation (Peace Corps Community of Refugees, n.d.). There are many times when humanitarian organizations find it necessary to develop their cooperation network for the sake of refugees especially in times of emergency. This is when the work done rises to the international level and when collective action produces better results.

As the history of the international humanitarian organizations which assist refugees was traced from its beginnings and as the organizations, those which are mainly responsible and those which are voluntary, have been identified, the next chapter will engage in discussion about the mechanisms with which these organizations have worked for refugees.

## **Chapter (2): Mechanisms of Assistance**

This chapter will work on achieving the second objective of this thesis which is evaluating critically the mechanisms with which international humanitarian organizations have assisted refugees in times of crisis. It will show how the agencies responsible for refugees applied their charters and how they worked to help refugees throughout the years. It will also pave the way to the next discussion about the solutions which international humanitarian organizations came out with after a chain of unexpected incidents along the way. There were many unfortunate events which the humanitarian organizations keep recalling nowadays as challenges, and sometimes, as failures of their plans to give the needed support. Recalling past challenges or failures has always been a good instrument to plan ahead and avoid the possibility of their re-occurrence.

### **2.1. Individual Assessments: Refugee Status Determination (RSD)**

Based on what has been demonstrated in the previous chapter, the legal work for refugees has been most essential in the line of development of the international aid towards refugees. First and foremost, the legal identification protects whoever is obliged to flee their countries from being “stateless” and getting detained and returned and it gives them rights in host countries such as the right to move and the right to work. The definition mentioned in the 1951 Convention and the 1967 Protocol was developed for this purpose and is used to set the conditions by which a person may be called a refugee and may be given rights. In this context, the term “asylum-seeker” is given to an applicant of refuge during the period of time when his/her case is studied (UNHCR, n.d.-a). This means that until their cases are accepted, the people who escape their home country to seek protection in another country are not called “refugees” yet but “asylum-seekers”. According to the Convention and Protocol, asylum seekers have to go through an application process to get the identity card of a refugee. The application process, however, entails too many conditions and demands a detailed assessment of the cases of the people before they are given the identity card. The UNHCR calls this assessment: (RSD), an abbreviation for Refugee Status Determination, and defines it as follows:

Refugee Status Determination, or RSD, is the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional or national law. RSD is often a vital process in helping refugees realize their rights under international law. (UNHCR, n.d.-e)

According to the Convention and Protocol, this legal process should naturally be the responsibility of the government towards the people who enter the borders of their states to seek protection; But when it comes to the governments who are non-signatories of the Convention or Protocol and who do not have a well-structured system of refugee identification, the responsibility is transferred to the UNHCR (UNHCR, n.d.-e). For this reason, the passage above mentions “governments or UNHCR” as two entities which carry out the process of Refugee Status Determination (RSD). In order to have a picture of this process, a brief example of each entity will be given: the first is the process done by the government of the United Kingdom, one of the signatories to both the Convention and Protocol, and the second is the one done by the UNHCR.

In the United Kingdom, three steps are noted in the process of RSD for an asylum seeker who flees to the country. The first step on the first day of arrival is the screening interview. In this step, information about the identity, the nationality, how the applicant came to the country and a brief explanation about the reason for coming is gathered. The second step is the asylum interview. In this step, the applicant tells his/her story and gives more details regarding his/her situation. The final step is when the applicant stands in front of the Immigration Judge who confirms the “consistency, plausibility, and credibility” of the story (Good, 2011). A piece of a transcribed interview goes on as follows:

Case Owner: Do you have any documents that you wish to submit today?

Mr P: No.

[40 second pause; intensive rustling of paper]

Case Owner: Please tell me about your problems in Sri Lanka.

Mr P: You want me to... er... tell you from the start or from when I was born?

[44 second pause]

Case Owner: I'm interested in the problems that caused you to leave Sri Lanka. [pause for translation] When did these start?

Mr P: November masam.

Interpreter: November month. (Good, 2011, p. 82)

In these interviews, the stories of applicants could be told differently depending on the time given for the applicant and on the interviewer (Good, 2011, p. 81). These kind of interviews determine whether the asylum seeker would be accepted as a refugee or not and would be given his/her rights in the host country accordingly.

In non-signatory countries, the UNHCR's process of RSD starts with an application form which the asylum-seeker has to fill. This form collects basic information of the applicant and an explanation about the reason for leaving the home country (UNHCR, n.d.-d, pp. 3–6). Secondly, the registration interview follows where the applicant is photographed, asked to present personal documents, and assigned a number (UNHCR, n.d.-d, pp. 3-14/15). The applicant then receives a time-limited asylum-seeker certificate and has to wait until his/her file is processed and is notified of acceptance or refusal.<sup>12</sup>

In either kind of procedures, the applicant has to go through a long process until he/ she is given the “refugee” identity. Asylum-seekers have to wait for months and sometimes years until they know their fate. A study about the impact of time on young asylum seekers in Sweden shows the psychological and physical consequences of waiting for the RSD decision. An eighteen-year old asylum seeker from Afghanistan was recorded to say: “Whoever you ask, you get nowhere. They just tell you to wait. But for one more day? One more month? One more year? How must I wait to know what my destiny is?” (Brekke, 2010). According to this study, interviewees said that open-ended waiting made them stressful and led to lack of sleep and reliance on medication (Brekke, 2010).

After a long time of waiting and once they get a refugee identification, refugees are entitled to have the rights mentioned in the Convention and Protocol. In the

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<sup>12</sup> For the purpose of this study, the description of the procedures of RSD here is general and is only intended to show a glimpse of how individual assessment is done.

signatory countries, which carry out the process of RSD themselves, the life of refugees differ slightly from one host country to another based on the asylum system of the state. Besides giving protection from refoulement<sup>13</sup> and providing social rights in the country, some states give cash allowance for a certain period of time until refugees are capable of providing for themselves. Some states provide food or housing for free<sup>14</sup>. Moreover, other procedures may also take place in order to provide durable solutions for refugees. These solutions include: voluntary repatriation, local integration, and resettlement (UNHCR, n.d.-f). This means that the refugees whose cases are studied individually don't remain refugees forever. They are either given the choice to go back to the home country if they wish to, are integrated in the country of asylum, or are moved to another country where they can integrate better<sup>15</sup>. Nevertheless, when it comes to the non-signatory countries where the UNHCR itself implements the process of RSD, identification may not really be of benefit to refugees. Despite exerting a great part of its capacity to the process of RSD and issuance of refugee certificates, the UNHCR acknowledges that its ““mandate certificates” technically have no legal force in the States concerned” and that only “in certain countries the authorities have agreed that refugees holding such certificates will be granted a residence permit” (UNHCR, 1984). So, despite obtaining the UNHCR identity card, not only are refugees deprived of the social benefits and assistance which is given to refugees in signatory-countries such as cash allowance or free housing, but they are also subject to detainment and refoulement where the state does not recognize the RSD done by UNHCR. As a result of being constantly vulnerable to state policies, the UNHCR as an international refugee agency fails to comply with its charters and fulfil its responsibilities towards individual cases of refugees.

## **2.2. Mass Movements of Refugees when RSD is impossible**

Refugees are not always few in number to be handled with individual assessments. A conflict would occur somewhere to drive, not a countable number, but half the population out of the country. It is almost impossible for systematic and lengthy individual assessments to be applied to a large influx of refugees seeking asylum

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<sup>13</sup> Forcible return

<sup>14</sup> For more information, see (Hodali & Prange, 2018)

<sup>15</sup> For more information on durable solutions, see (“The 10-Point Plan in action,” n.d.)

somewhere. Situations like this have actually occurred since the 1950's but were not given consideration by the international system of refugee protection among states until the 1980's when they began to be experienced on a global basis (Rutinwa, 2002, p. 1). It may be surprising to know that neither the 1951 Convention nor the 1967 Protocol had mentioned any decisions regarding refugees in situations of mass influx. Only when it became necessary to have a certain basis, a UN document on the issue was released in 1981 and gave some explanation on how to read the Convention and the Protocol in a way to act on the provision of protection to refugees in such cases:

The refugee problem has become particularly acute due to the increasing number of large-scale influx situations in different areas of the world and especially in developing countries. The asylum seekers forming part of these large-scale influxes include persons who are refugees within the meaning of the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees or who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of, or the whole of their country of origin or nationality are compelled to seek refuge outside that country. (UNHCR, 1981)

In this passage, the document noted that the 1951 Convention and its 1967 Protocol can be read to mean refugees in general whether they are a few number or a mass influx of people. Following this passage, the document continued to confirm the main items of legal protection and stressed on the concept of non-refoulement which forbids expulsion of refugees by states. Still, however, the document did not provide much explanation about the procedures to be taken by the states or the international refugee agencies in situations of refugee mass influx. If a state is obliged to admit refugees across its borders, what would it do later? What are the plans to be applied? In response to what was left unanswered by the international refugee system, the UNHCR in itself attempted to propose solutions for the states who come to face such a situation. In one of its official documents, the UNHCR talks about an approach called *prima facie*<sup>16</sup> which means that a state may recognize asylum seekers as “refugees” by taking into consideration the situation of their country of origin (UNHCR, 2001a). So, based on the understanding and acknowledgment of problems that occur in a certain country, a state may admit masses of asylum seekers and may consider them refugees without

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<sup>16</sup> The term *Prima Facie* comes from Latin and generally means: at first view (Merriam-Webster, n.d.)

doing assessments. In order to implement this approach, states developed their own legal procedures (Rutinwa, 2002, p. 7). Certain states issue a “ministerial declaration” to announce that people of a specific nationality who had to come to the country after a specific date are considered *prima facie* refugees, and based on such a declaration, large groups of people are registered without individual assessments and are placed in camps or settlements (Rutinwa, 2002, pp. 7–9). Certain states also resort to a “designated body” to which asylum seekers have to go and register. The body determines a date where asylum seekers have to appear individually or as families and have to stay in camps until they have the status of *prima facie* refugees (Rutinwa, 2002, pp. 9–11). In either case, refugees end up being *prima facie* refugees with no clear information on what they should expect next. The only thing they could be sure of is that they would not be detained or returned to their home country. On the other hand, there exists another approach which the UNHCR also proposes and is called: *the temporary protection*. As its name implies, this approach is used to give a time-limited document which enables asylum seekers to stay in the host country until it becomes safe for them to return to their home countries. The UNHCR declares that temporary protection is “complementary to the international refugee protection regime, being used at times to fill gaps in that regime as well as in national response systems and capacity, especially in non-Convention<sup>17</sup> States” (UNHCR, 2014). That is to say, both signatories and non-signatories of the Convention and Protocol can utilize this approach so as to be able to respond to situations of mass influx in times of emergency until a solution is found. Temporary protection enables asylum seekers to stay under protection in the host country and covers their basic needs like food or medicine. Still, however, it does not compensate for the status of refugees in the Convention and Protocol with the rights it gives. Conflicts do not have time limits and it is never clear to refugees when it would be safe for them to go back. As a result, people who escape conflicts and are given temporary protection remain in a state of limbo. They become unable to have a stable life in the host country and at the same time they do not know when they could return to their home country. Would they be temporarily protected for two years? six years? 20 years? It is never known.

Discussion on situation of mass influx of refugees shows another gap in the international refugee protection system and reveals the disorganized nature of the

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<sup>17</sup> Non-signatory states



international refugee agencies. With the absence of clear procedures in situations of mass influx of refugees, the UNHCR proposes different solutions for states to follow. States, in response, choose the solutions which suit them best and treat the refugees on their territories accordingly. This, actually, explains a lot about the reason behind the image which people usually have of refugees. Where there are no firm grounds on which refugees can stand in order to be able to continue living or start life anew, tragedies would of course take place. Wherever refugees go, they get a different treatment and a different kind of life. Would they be in a signatory country or a non-signatory one? Would they be considered a prima facie, given a temporary protection card, or be seen by the state at all? In any of these cases, it is important to remember that the international refugee agencies and the international humanitarian organizations in general are established for a reason. Apart from any of the procedures taken by states in a situation of mass influx, are these humanitarian organizations able to save lives? Do they fulfill their duties towards the refugees? Do they fill the gaps left by the international refugee system? By narrating case studies of two situations of refugee influxes, the next section will work on answering these questions.

### **2.3. Humanitarian failure in times of crisis: Case Studies**

My choice of the two case studies below depends on two main factors. First, I intend to draw on the incidents which happened after 1981; that is, after the acknowledgment of the importance of explaining what a refugee mass influx is in the documents of the international refugee regime and the proposal of possible solutions by the UNHCR. I also limit the timing to the end of the 19th century because I aim to compare the responses of the two cases with later responses given after the year 2000. Second, I intend to show how the international humanitarian organizations worked to rescue refugees in times when the host states were not much cooperative and where the sequence of incidents was not expected. The afghan refugees in Pakistan, for example, were welcomed by host countries and were able to access basic services which facilitated the work of international humanitarian organizations in their response<sup>18</sup>. In comparison to this, I want to draw attention to the fact that other refugees in almost the same period of time were not similarly lucky. Therefore, the two case

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<sup>18</sup> For more information, see (Ghufran, 2011)

studies chosen aim to question the effectiveness of humanitarian organizations towards refugees in their worst situations, and, by this, continue to achieve the targeted objectives of this thesis.

### **Somali Refugees in Kenya**

The 1980's marked a bloody decade in Somalia. The constant fighting between the government and its opposing groups ended with the collapse of the government in 1991 and with a deficiency in food, electricity, and drinking water. After the collapse, the country was left to the hands of clans which continuously fought each other for the remaining resources (Paul, Clarke, & Serena, 2014, pp. 152–153). It was estimated that this crisis led to the death of 500,000 citizens and the displacement of more than 600,000 Somalis inside and outside Somalia. Those who could flee the country sought asylum in neighboring countries such as Kenya and Ethiopia. For Kenya, the Somalis were the largest influx of displaced people it ever witnessed on its territories and the Kenyan state was reluctant, but obliged, to keep them in (Hyndman & Nylund, 1998). By mid-1992 alone, over 300,000 Somalis crossed the borders of Kenya (UNHCR, 1994). Despite the fact that Kenya is a signatory of both the 1951 Convention and 1967 Protocol, these were not few numbers of asylum seekers who could be handled in individual assessments but a mass influx of hundreds of thousands of displaced people whose fate was vague in the absence of clear international procedures of response. In order to concede to the international law of non-refoulement but at the same time work it out in its own way, the state put the Somalis in camps near the borders and prohibited their entrance to urban cities (Hyndman & Nylund, 1998). Because it could not interfere in the decision of the states, the UNHCR, thus, had to direct its emergency response to the camps. In 1992 and 1993, the UNHCR used a great amount of its budget to set up refugee camps near the borders as the government refused any camps in the center of the country. Three camps were established: Ifo, Hagadera, and Dagahaley. The UNHCR, with the concession of the government, worked under the approach of *prima facie* refugees for the Somalis and gathered funds in order to provide emergency aid for them (Hyndman & Nylund, 1998):

Foodstuffs are distributed every fifteen days in the camps: wheat flour, dried kidney beans, and sometimes a small portion of oil and sugar constitute the usual rations. Informal markets exist in each of the camps to trade commodities, including tea, cigarettes, spices, cloth, and other household items for those who can afford to buy them. International NGOs provide social, health, and other basic community services. Primary schools in Ifo, Hagadera, and Dagahaley provide elementary education to both refugees and, unofficially, to some of the local population. (Hyndman & Nylund, 1998)

Whereas it might seem a satisfactory emergency response, the efforts which the UNHCR along with other international humanitarian organizations exerted for the rescue of the Somali refugees from their plight did not actually meet their actual needs and even led to many serious consequences. Firstly, the consequences were directly related to the nature of the camps themselves. A photo of the area where the camps were set up at the time speaks for itself. It shows a piece of a desert containing squares of tents, some close to and some separate from each other.



Figure 1.2. Ifo camp, seen from above in May 1992 Photograph: T Bolstad/UNHCR

(“Dadaab refugee camps in Kenya, 20 years on – in pictures,” 2011)

In these hot, dry, and isolated spots, the Somali refugees had to sit down and wait until it was safe in their home country to go back. As it was noted before, there is no limit to “temporariness” in the life of a refugee. It could mean months, years, or even decades. In these spots, refugees had to confront “banditry, rape, and violence on almost a daily basis” (Hyndman & Nylund, 1998). By looking at the photo, this can actually be imagined considering the empty and wide spaces among the tents which could become dangerous especially at night. The whole refugee populations of the Somalis were forced to stay in the same place for an uncertain period of time without necessarily knowing each other and without anything to keep them busy. This could of course lead to acts of banditry, rape, and violence. Secondly, the procedures which the UNHCR applied to organize the distribution of assistance were nothing but degrading. Distributing relief items was based on the Somali’s receipt of ration cards and in order to manage the circulation of these cards in the camp, the UNHCR implemented a headcount process in the following way:

At five in the morning approximately 200 Kenyan police and army personnel surrounded the camp. Six counting centers had been set up. All refugees were awakened and instructed to move to the nearest center, each of which was fenced and guarded. UNHCR staff, many of whom had been flown in from other locations to assist, communicated by walkie-talkie between the centers. Their first objective was to get all refugees inside any one of the six fenced sites. Refugees then filed through narrow corridors through which only one person at a time could pass. Here, they were counted—their hands marked with ink to signify this—and moved to the next area cordoned off within the fenced center. Registration numbers were allocated, ration cards issued, and refugees released back into the camp. The exercise was complete by early morning. (Hyndman, 2000, p. 127)

There is a thin line which separates the organized implementation of plans from humiliation in a place such as a refugee camp. There could have certainly been better ways for the registration of Somali refugees than waking them up, piling them in corridors, and marking their hands with ink. As for the assistance itself, it was not as sufficient as it looked like. Mohamed Farah, a Somali refugee who sought refuge in 1993 in the camps of Kenya described how it was like to be there every day: “Life in the refugee camp was not easy ... I struggled to make ends meet in order to provide for my family. We had limited access to food, water, and basic services like hospitals

and education due to the overcrowding” (Montgomery, 2015). Because they were not allowed to leave the camps, there were limited chances of work or secondary education (Hyndman & Nylund, 1998). For this reason, the Somali refugees were totally dependent on the aid provided by international humanitarian organizations and it was difficult to get anything else. In the same year of 1993, UNHCR carried out an operation named “Cross Border” which aimed at the establishment of safe zones inside Somalia where refugees in Kenya can be repatriated. However, it could only repatriate 30,000 of the refugees and had to keep them safe there from the raging war close to the area and the famine which was still exhausting the country (Hyndman & Nylund, 1998). Fear of death and intolerable life conditions made a lot of the Somali refugees in Kenya unwilling to accept to go back to Somalia and time proved their fear true as a lot of incidents showed that it was really unsafe to go back even to the safe zones: “In 1997, an international staff member of MSF was killed in June; two international aid workers were kidnapped in July; two Somali relief workers were killed in August; and seven expatriate NGO workers were abducted during the months of November and December. A UNICEF<sup>19</sup> plane was also shot at in August” (Hyndman, 2000, p. 152). This shows that projects of repatriation to the country while it was still under conflict did not lead to the safety of neither the refugees nor the relief staff! Whatever action the UNHCR as the main agency took in the early years of the crisis, it affected a huge number of the displaced Somali population. The aid which the international humanitarian organizations worked to deliver was never meeting the needs. After all the loss they endured and the suffering they went through in a foreign country, were the Somali refugees able to continue living in dignity? Could they return safely or start their lives in a safe place anew? Did the camps which were established on the borders of Kenya provide such opportunities for the Somali refugees? Mohamed Farah went back to his hometown in Somalia in 2013 after living for 20 years in the refugee camps of Kenya (Montgomery, 2015). After 20 years of being a prima facie refugee and living on whatever the humanitarian organizations provided for him, he was able to regain a stable life.

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<sup>19</sup> the United Nations International Children's Emergency Fund

## Rwandan Refugees in Zaire

Not long after the Somali refugee crisis, another mass influx from another area of the African continent took place. In the space of only four months in 1994, over 1.5 million people fled Rwanda to Zaire (Passant, 2009, p. 6). The main story behind this influx goes back to the times when Rwanda was colonized by Belgium. One of Belgium's colonial practices was to intensify the severity of the division between the two groups of people who lived in Rwanda (the Hutu and the Tutsi) by distributing ethnic identity cards and giving privileges to one group over another (PBS NewsHour, 1999). Since then, the two groups found themselves enemies in constant fight. The fighting escalated in 1994 to lead to an ugly genocide which led to a horrific number of dead people in a short period of time and was followed by the mass influx of refugees mentioned. In April of that year, the plane carrying the Hutu president was shot down and the attackers, whether Tutsi or Hutu extremists, were unidentified. It was claimed that Hutu extremists carried out this attack in order to justify their killing of the Tutsi community. A few hours later, violence spread in the country and the mass killing ended up with the slaughter of 800,000 Tutsis and moderate Hutus (BBC News, 2011b). After the genocide was over, rumors of Tutsi rebels planning to take revenge drove hundreds of thousands of Hutus to seek refuge in Zaire<sup>20</sup>. Extremist propaganda played a huge role in both triggering the Hutus to kill the Tutsis first and afterwards terrifying them into flight to Zaire (Adelman, 1996). Heading to the border-town Goma in Zaire, the Hutus went through a tragic, long and arduous journey filled with fear from death, paid the Zairian soldiers at the borders who demanded money for their entrance, and, once there, created –what was at the time- “the world's largest refugee camp” (Bonner, 1994).

Of all the sources I read about the Rwandan refugees in Zaire, there were no references to the establishment of camps or the provision of tents by neither the UNHCR nor other humanitarian organizations at the beginning of the refugee influx. Therefore, I believe that Rwandan refugees made their own shelters with the possessions they could bring with them or with whatever they could find in the areas near the borders. A photo taken in 1994 confirms this observation:

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<sup>20</sup> The old name of the Republic of Congo



Figure 1.3. Child of the backlash: Rwandan Hutus in the Goma refugee camp, eastern Zaire (now Congo), 1994.  
(Foden, 2014)

An article published in New York Times in the 15th of July also recorded that whereas more than half a million Rwandans had crossed the borders to Zaire in 24 hours, the International Red Cross was the only organization standing there to distribute food which was only enough for 150,000 people and medical relief was not yet available. In addition, the Times reported the high commission of the UNHCR saying: "We do not have sufficient resources to do the kind of job the world expects from a humanitarian organization" (Bonner, 1994). It was noted that the UNHCR was overwhelmed with the number of refugees which surpassed its expectations and did not fit into its emergency plans. Based on its past records of the African region in situations of mass influx, its emergency resources were enough for only 50,000 people (S. Chaulia, 2002). This is true if compared to Somali refugees to Kenya, for example. The influx of the Somalis did not happen overnight but took its time throughout the years of 1992 and 1993. Regardless of numbers, however, whereas in Kenya, the UNHCR organized a quick establishment of camps and the kind of aid to be distributed, it remained inactive in the early stages of the Rwandan refugee crisis in

Zaire. For two months after the influx took place, the UNHCR could not intervene to provide the most basic needs for the Rwandan refugees who, consequently, were plagued with the cholera (S. Chaulia, 2002). The number of Rwandan refugees who died out of illness reached 50,000 before humanitarian organizations started to respond (S. Chaulia, 2002). The media started spreading breaking news, photos and videos of the situation of Rwandan refugees in Zaire which helped stir humanitarian work and led to the response of 150 humanitarian organization (Passant, 2009, p. 7). The humanitarian organizations started giving their services and distributing the necessary aid of food, medicine, and shelter. For the UNHCR, apart from the distribution of mere humanitarian items, there was one thing it had always to work on in cases of refuge. This was again a mass influx, not individual cases. Therefore, it had to apply the fastest procedure at the time, i.e. prima facie. But there was a huge obstacle against the application of prima facie to the Rwandan refugees in Zaire. The refugees were not purely Rwandan citizens. 10 to 15 percent of those who entered Zaire between April and July in 1994 were said to have contributed in the genocide (Adelman, 1996). In such a situation, UNHCR could not apply the prima facie procedure. Excluding armed killers from civilian refugees was difficult and demanded using force (Rutinwa, n.d.). This failure to separate civilian refugees from the criminals led to negative consequences. First, having realized the existence of armed killers, many of the voluntary humanitarian organizations withdrew from the camps because they did not want to stay in an insecure environment nor give their aid to the criminals (S. Chaulia, 2002). Secondly, the extremist Hutus took the advantage of this turmoil and utilized the refugee camp to their own interests. The camp in Zaire looked like a banished state where the Hutu militias traded weapons illegally, exchanged the aid given to purchase military supplies, and forced the civilian refugees to participate in attacking the Tutsis via the Zaire-Rwanda border (S. Chaulia, 2002). Here, the government in Zaire would come to mind. What was the stand of the government in this regard? In fact, the sources which talk about the Rwandan refugee crisis do not provide a clear account on the position of the government at that time. By looking at the list of the signatories of the Convention and Protocol, Zaire<sup>21</sup> can be seen to have signed both the Convention and Protocol (UNHCR, n.d.-g). However, considering what have been explained so far about the crisis, the state could not possibly have cooperated well to assist the

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<sup>21</sup> Mentioned as Congo in the document



Rwandan refugees on its territories. The UNHCR, in a document talking about the Rwandan genocide, wrote that it received a memorandum from the Zairian opposition political forces saying that the refugees:

have destroyed our food reserves, destroyed our fields, our cattle, our natural parks, caused famine and spread epidemics and . . . [They] benefit from food aid while we get nothing. They sell or give weapons to their fellow countrymen, commit murders both of Tutsi and of local Zaireans . . . They must be disarmed, counted, subjected to Zairean laws and finally repatriated. (UNHCR, 2000)

This shows severe hate and refusal by Zaireans to have the Rwandan refugees among them. On the other hand, there are sources which talk about the Zairian government's benefit from the corrupt situation.

When the genocidaires fled, they took with them most of Rwanda's hard currency, vehicles and other public assets. They shipped 20,000 tons of coffee estimated at \$50 million dollars, which they stocked in the stores belonging to Mobutu's<sup>22</sup> family. They brought with them 17 billion Rwandese Francs and placed it with Mobutu. (Prunier 1966, 321, as cited in Adelman, 1996)

By benefitting financially from the refugee crisis, it is fair to say that the Zairian government at that time was uncooperative for its own sake and did not want to put an end to the confusion near its borders in order to keep taking advantage from it. Of course, none of the 150 humanitarian organization which existed in the camps in Zaire nor the UNHCR were capable of intervening in political matters. The UNHCR kept conforming to its statute which clearly stated before that its work was "of an entirely non-political character". This non-intervention, however, ended up in chaos, fear, and death of the refugees who were supposed to be protected. This miserable situation continued until November of 1996 when the Rwandan army entered Zaire attacking the bases. Refugees were scattered all around as some flew back to Rwanda, some escaped westwards in Zaire, some stayed in the camps and some died (Passant, 2009,

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<sup>22</sup> The name of Zaire's president at the time

p. 9). From the beginning, there were no proper mechanisms of assistance to be applied for the mass influx of Rwandan refugees in Zaire. Distribution of aid was spontaneous and eventually did not achieve its ends. The Rwandan refugee crisis in the mid-19th century left a black memory for the UNHCR and all international humanitarian organizations. The UNHCR describes this incident as “possibly the messiest humanitarian quagmire since the modern regime of refugee protection and assistance was established in the wake of World War 11” (Wilkinson, 1997).

As previously indicated, the UNHCR, as the main international refugee agency stated in its statute that:

1. The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities. (p.6)

These were the reasons why the UNHCR was established. It exists to secure safety for the refugees and protect them, to work on solutions and help them continue living, and to assist the governments for the achievements of these ends. However, when it was the real time to act and when it was mostly needed, the UNHCR could not protect the Somali and the Rwandan refugees from illnesses, rape, and death. It could not work on solutions to help them continue living. It could not make cooperation with the governments but were subject to their decisions. At the same time, the UNHCR was not supposed to be alone in all this. There are all the international humanitarian organizations to blame. All those organizations which were in the scene to give the aid surrendered to the confusion of the events and the disorganization of the system and responded accordingly. In truth, the refugees in those times of crisis did not really need the beans and oil which the organizations distributed to them daily. They did not need a tent to sit inside and wait for the world to become better. There are certainly grave mistakes in the mechanisms of assistance of humanitarian organizations towards refugees. The following chapter will examine whether, after all these failures, international humanitarian organizations became aware of their mistakes.

## **Chapter (3): Alternative Approaches to Assist Refugees in**

### **Times of Crisis**

This chapter will be the basis upon which the third objective of this thesis will be achieved. It will pave the way for determining if the international humanitarian organizations are generally effective in their work towards refugees in times of crisis by analyzing a document which will reveal if these organizations could learn from their experiences and become more aware of the mistakes which lead to their failure in assisting refugees. The document which will be analyzed is called: The Sphere Project, the third edition in 2011 (The Sphere Project, 2011). There are many reasons for choosing the Sphere Project in specific in this chapter. First, it is an evidence of the improvement which international humanitarian organizations sought to achieve after the many failures they faced before, the Somali refugees in Kenya and the Rwandan refugees in Zaire of which are two examples. The Sphere project comes after these incidents in time and refers to the past mistakes which the international humanitarian organizations made. Second, it was produced before the occurrence of the mass influx of the Syrian refugees which I aim to discuss in the final chapter. Officially, the project was first produced in 2000 and edited for a second edition in 2004 but I preferred to choose the third edition in 2011 considering its most proximity in time to the Syrian issue. In this way, the Sphere Project stands in time between the past experiences which have been explored so far and the following experiences of international humanitarian organizations with refugees. Third, it came out of a collective effort of 17 humanitarian organizations which formed its board and got the support of many donors around the world. The UNHCR acknowledges the Sphere Project and includes it in its official documents noting that the project is free from the ownership of any one specific organization and is, thus, universally applicable (UNHCR, 2016). The following sections of the chapter will examine the kind of contribution which the Sphere made in the context of humanitarian assistance for refugees.

### 3.1. The Sphere Project

“Sphere” is a project which carries a humanitarian message. It is a guide of 393 pages written by a group of humanitarian organizations which evaluated past experiences and wanted to improve the effectiveness of the humanitarian work and the accountability of the humanitarian organizations to the affected people. The main users targeted in this handbook are the employees or the volunteers who work in international humanitarian organizations. In response to the call of the people who are affected by disasters and conflicts, the Sphere determines the minimum levels of the humanitarian response which ought to be met by international humanitarian organizations: 1- water, sanitation and hygiene -2- food and nutrition -3- shelter, settlement and non-food items -4- health. These four standards are considered, by Sphere, to be the basis of humanitarian action in times of crisis and the guarantee that affected people overcome the difficulties and survive with dignity. The Sphere explains in detail how to understand the standards, conform to them, and put them into practice. It notes that “they can be applicable in any disaster situation” (The Sphere Project, 2011, p. 7). The Sphere can be considered a product of past experience. Based on the past experiences of international humanitarian organizations in the fields, it stresses on the importance of understanding the context where the crisis happens in order to prevent bad outcomes and carry out the planning, the implementation, and the evaluation of relief projects successfully. The context could be that of “natural disasters, conflict, slow- and rapid-onset events, rural and urban environments, and complex political emergencies in all countries” (p. 11)<sup>23</sup>. Different contexts produce different kinds of affected peoples, refugees of which are one. “Displacement,” as it is mentioned, “may make vulnerable certain people who in normal situations would not have been at risk” (p. 11). In relation to the terms used, the term “disaster-affected population” is preferred in Sphere as it is an umbrella term which includes all the different kinds of affected people, rather than specifying any one group over another. The aim of the Sphere is actually wide enough for the use of this umbrella term. Nevertheless, for the sake of the focus of this research, I refer to the disaster-affected population in Sphere to mean “refugees” rather than any other group. Moreover, by

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<sup>23</sup> Throughout the third chapter, in order not to cite the same source (the Sphere) multiple times, only the page number is provided

discussing the Sphere, I aim not to analyze the four standards in themselves but to analyze the way in which these standards are explained and the techniques with which the problem and the suitable responses are viewed in this handbook. I will look at these techniques in reference to what have been implemented before in situations of refuge and to what I see as valuable contribution to future humanitarian responses towards refugees. Language, agency, equality, and time are four factors which contribute to the distinctive qualities of the Sphere in relation to the humanitarian response in situations of refugee influx.

### **3.1.1. The Sphere's Language: The Organizations' Accountability and the Affected People's Dignity**

The language which is used in Sphere is one which shows the importance of the role of aid givers on one hand and an understanding of the rights and amount of vulnerability of the aid receivers on the other hand. To start with the aid givers, the Sphere addresses the humanitarian organizations as being responsible for the relief of the affected people and have a duty towards them. From its first pages, it states that it is “founded on the need to help improve the humanitarian response to meet the rights and needs of disaster- or conflict-affected people and to be *accountable* to them [emphasis added]” (p. 13). That is to say, it acknowledges that international humanitarian organizations are established for the main purpose of delivering aid to the affected people in times of crisis and, therefore, have to justify their actions and decisions whenever they fail to do so. Their role, it also adds, despite being “secondary to the legal *responsibility* of the state [emphasis added]” (p. 6), becomes more important in the field when the states do not respond to the needs of the affected people. “Where the state or non-state actors are not providing such assistance themselves,” it says, “they *must allow* others to help do so [emphasis added]” (p. 22). In another section, it also mentions that the important role of the international humanitarian organizations “reflects the reality that those with primary responsibility are not always fully able to perform this role themselves, or may be unwilling to do so” (p. 21). The way in which the Sphere identifies who is to be responsible at what time shows a clarity and a better understanding of the roles which the concerned parties are obliged to play in times of crisis. It acknowledges the gaps which are left by the

states, which otherwise must be primarily responsible in times of crisis, and at the same time confirms the importance of the humanitarian organizations in filling these gaps. It does not see humanitarian organizations as bodies which should “assist” or “call upon” states to follow certain procedures as was the case with the previous documents discussed before such as the Statue of the UNHCR. It shows that they have to be “accountable” and that the states “must” let them perform their duties towards the affected people. Moving on to the way the affected people or the aid receivers are addressed by the Sphere, the difference appears as well. The Sphere connects the manner in which humanitarian organizations implement relief projects with its results on the targeted people. “*The way in which humanitarian response is implemented,*” it says, “strongly affects the *dignity* and well-being of the disaster-affected population [emphasis added]” (p. 67). From the two case studies discussed in the second chapter, it was clearly seen that the smallest action or decision which was done or undone by humanitarian organizations lead to consecutive and enormous effects on a wide scale among the affected people. The Sphere looks at the affected people, not as a whole body which should be dealt with, but as individuals each of who has a physical and a social existence and deserves to live with dignity. The word “dignity” is repeated a lot throughout the handbook and is defined as involving “more than physical well-being; it demands *respect* for the whole person, including the values and beliefs of *individuals* and affected communities [emphasis added]” (p. 22). When speaking of displacement which “may make vulnerable certain people who in normal situations would not have been at risk” (p. 11), the Sphere takes into consideration the accumulation of vulnerabilities which an affected people is led to tolerate. “Experience has shown that treating these people as a long list of ‘vulnerable groups’ can lead to fragmented and ineffective interventions, which ignore overlapping vulnerabilities and the changing nature of vulnerabilities over time” (p. 11). This means that, for instance, an affected person can be vulnerable as poor, vulnerable as homeless after a certain disaster, and vulnerable as a refugee taking dangerous routs to seek asylum in another country. With all these incidents, the affected person reaches a level of vulnerability which, according to Sphere, has to be understood and valued when planning for the right response. The affected people are not perceived as a “problem” which needs to be solved like the way they were seen in the Convention and Protocol or as a “burden” on the host countries but as women and men, girls and boys who have the right to live with dignity, the right to receive humanitarian assistance, and the right to be protected.

Thus, it can be concluded here that the Sphere addresses aid givers and receivers in a comprehensible way which differs from previous understandings as it stresses the obligations of those responsible and changes the image of the affected people and the way which they must be looked at in the humanitarian scene.

### **3.1.2. The Sphere's View of Equality: Attentiveness to Power Disturbance**

Equality is a theme which is prevalent in the Sphere. When a population goes through a certain disaster or conflict, their lives are suddenly fragmented and they become a victim to the few choices and chances they have in order to make up for their losses, which may result in inequality among the individuals of that population. In the case of refuge, a certain conflict or disaster destroys the life of many people who might have worked long years of their life to have a property or to keep a home and who eventually end up with nothing. Along with this sudden gap in their lives, they are driven out of their home country to a foreign one where they might not know the language and traditions and might have no clue about how to start over and provide for their lives. What follows is the piece of ground they stand upon and its surrounding atmosphere. Whereas some refugees may stay near the borders in self-made tents, some from the same population may stay in organized or disorganized camps, and some may mix with the urban people of the host country. In order to prevent the possible inequalities after a disaster, the Sphere notes that humanitarian organizations have to “ensure access for all parts of the affected population to humanitarian assistance” (p. 36). This means that an effort should be made by the humanitarian organizations to reach the affected people wherever they are and make sure all the different groups of the affected population get a similar share of assistance. To assert this point, it also says that “humanitarian agencies should not focus uniquely on a particular group (e.g. displaced people in camps) if this focus is at the detriment of another section of the affected population” (p. 37). Although it might be a difficult task to perform in some fields, it does guarantee that affected people share the feelings of equal treatment no matter how much they are harmed and no matter what choices they were forced to make on a sudden moment. While the Sphere gives insight into the equality among the individuals of the affected population, it also draws attention to a status of equality which should also exist between the affected people and the workers

in the humanitarian organizations themselves. In an aid distribution event, there are always the hands of the giver extending the allotted aid to the hands of the receiver, which naturally creates a hierarchy and a scale of power. The Sphere reflects upon this point and says that “Aid workers’ control over the management and allocation of valuable aid resources puts them in a position of power over the disaster-affected population. Such power over people dependent on assistance and whose protective social networks have been disturbed or destroyed can lead to corruption and abuse” (p. 73). What the Sphere puts forward here is an instance of past experience which must be taken into consideration in future projects. The Sphere acknowledges the disturbed power balance between aid givers and receivers and gives possible solutions for preventing its consequences. For this reason, it gives a lot of explanation about the aid worker performance and how they have to be prepared before, during, and after interaction with the affected population. For instance, it says that humanitarian organizations should make sure to have “a balance of women and men, ethnicity, age and social background so that the team’s diversity is appropriate to the local culture and context” (p. 71) when they work to assist the affected people in times of crisis. Moreover, aid workers should “respect the values and dignity of the disaster-affected population” in order to preserve the equality between them both. Not only would equality prevent humiliation or abuse in the scene of the humanitarian response, but it would also empower the affected population and help them realize the care which the international community holds for them in their most difficult times.

### **3.1.3. The Role of the Affected People in Sphere: Refugees as Agents**

Another occurring theme in the Sphere is the agency of the affected populations. The Sphere does not only encourage the humanitarian organization’s understanding and respect of the disaster-affected people but it also affirms the necessity of having an active participation of the affected people in the humanitarian response. It believes that “it is firstly through their own efforts, and through the support of community and local institutions, that the basic needs of people affected by disaster or conflict are met” (p. 20). There are two ways which can be noted in the way the Sphere shows the agency of the affected populations. The affected populations, the refugees as meant in this paper, are both *receivers* and *givers* of information in times



of crisis. They should, according to the Sphere, be informed about the response in its different stages because sharing “information can reduce anxiety and is an essential foundation of community responsibility and ownership” (p. 57). The different stages include information about the humanitarian organization’s work and goals (p. 55), information about the process of monitoring the projects during their implementation (p. 70), and information about the outcome of the projects (p. 57). In this way, the affected people would feel more secure as they understand the kind of work which the humanitarian organizations aim to do for them and of course again feel the care of the international community towards them. They would also come to have a picture of how they would continue to live after the disasters or conflicts they went through. Throughout the time they receive the information about the humanitarian response, the Sphere sees that their contribution to it also in the different stages makes it more successful. The Sphere urges the humanitarian organizations to “find and use pre-disaster information about local humanitarian capacity, the affected and wider population” (p. 61). By understanding the abilities the affected people had before the disaster or conflict, the organizations will come to know the way in which the affected people are able to participate in projects and the way in which they can contribute. Accordingly, the humanitarian organizations may proceed to include the affected people in the management of the response. The disaster-affected people should be given the space to “conduct or *actively participate* in regular meetings on how to organise and implement the response [emphasis added]” (p. 56). In order to do that, the organizations have to “establish systematic and transparent mechanisms through which people affected by disaster or conflict can provide regular feedback and influence programmes” (p. 55). The Sphere keeps using words such as “consultation”, “engagement” and “participation” in relation to the kind of relation which the humanitarian organizations should build up with the affected people. In some of the stages of the projects, it sees that they better carry out the implementation independently as in the stage of monitoring because it believes that “monitoring carried out by the population itself further enhances transparency” (p. 70). Moreover, the Sphere gives the affected people the right to “complain to an agency” when they acknowledge any wrong procedures “and seek a corresponding response” (p. 57). By giving them a voice in the kind of aid most suitable and an opportunity to see what is best for them, the misfortunes which befell the Somali refugees, the Rwandan refugees, and other wronged populations could have been prevented. What the Sphere

puts forward are recommendations based on experiences in the humanitarian field and a view of a future where the humanitarian response would prevent miseries and restore the normal life of the affected people efficiently and productively. It sees that humanitarian organizations should not give decisions on behalf of the affected people because eventually the affected people can better know what they need if given the chance to speak. It eliminates the boundaries of an active-passive feature of the giver-receiver relationship and raises the affected people to the level of aid workers so that they become accountable for their own selves and become capable of bringing out better results which concern their lives. On behalf of the international humanitarian organizations, the Sphere states the following: “We commit to working in partnership with affected populations, emphasising their active participation in the response. We acknowledge that our fundamental accountability must be to those we seek to assist” (p. 24).

#### **3.1.4. Time in Sphere: Leniency with Time**

The Sphere deals with Time from many perspectives. The first perspective is related to the length of the period which the humanitarian response has to last. The Sphere is lenient with the time in which the humanitarian organizations have to keep delivering assistance depending on the situation of the affected people. It acknowledges that the phase of the response “can range from a few days or weeks to many months and even years, particularly in contexts involving protracted insecurity and displacement” (p. 9). This acknowledgement re-affirms the Sphere engagement with previous experiences. It shows a comprehension of the time-frame in cases of displacement where the future of refugees cannot be easily predicted. The first chapter of the thesis pointed at the time limits given in the international refugee system to the established agencies and the continuous reluctance to believe that there would always be refugees. Many agencies were closed and replaced by others just because of their inability to finish their work on time which, as a result, made their work quick, limited, and unproductive. The Sphere asserts, therefore, that humanitarian organizations should not be in a haste to finish the response but have to keep foreseeing the length of time which is to be given for the response and arrange their plans accordingly. It also adds that “the time taken to reach the minimum standards will depend on the

context: it will be affected by resources, access, insecurity and the living standards of the area prior to a disaster” (p. 67) and thus connecting time to the geographical area and to the many factors which could reduce or hasten the pace of the response. The second perspective of time is related to the consideration of time evolution as past, present, and future in the response. The Sphere asks the humanitarian organizations not to merely focus on events in the time of crisis itself but to be aware of past incidents, “the changing nature” of the affected people and the surrounding atmosphere. The following passage from the Sphere illustrates this point: “There may be difficult judgements and choices, for example when faced with the decision whether to provide assistance to people who are detained in camps against their will. Such judgements must be made on a case-by-case basis, but they should always be reviewed over time *as circumstances change* [emphasis added]” (p. 33). Along with the changing circumstances, the Sphere includes the awareness of future events by continuously referring to the importance of designing projects which should “reduce risk and enhance the capacity of affected people to prevent, minimise or better cope with the effects of future hazards” (p. 66). The final perspective is that which is related to continuity in the humanitarian response. The word “timely” is repeated a lot in the Sphere in relation to almost every stage of the relief project. It says there has to be a timely division of labor, timely access to the affected populations, timely provision of info to those concerned, and timely assessments and evaluation. This means that humanitarian organizations must not stop delivering aid when it is needed and must organize the different stages of the project to be handled in a continuous manner as long as the situation recommends it. By studying and understanding the time frame needed to the humanitarian response correctly, humanitarian organizations would develop better projects for refugees in times of crisis.

With the way it shows the humanitarian organizations’ accountability and the affected people’s dignity, with its attentiveness to power disturbance, with its focus on the agency of the affected people in the response, and with its leniency with time, the Sphere clearly defines the previous mistakes which the humanitarian organizations made in times of crisis and shows how these mistakes can be avoided in future responses. Soon after this handbook was produced, critical incidents would drive populations again out of their lands. People escape, run across borders, and seek asylum wherever they could. It is a time of crisis. The international humanitarian organizations start their preparations for the emergency response. The following

chapter will examine whether these organizations benefitted from the Sphere project and whether they could give a better response strategy this time.



## **Chapter (4): Following the Sphere Project: Current**

### **Refugee Crises**

Until this chapter, the discussions on the work of international humanitarian organizations towards refugees have followed a chronological order. Starting from their establishment in the early 20<sup>th</sup> century and tracing their development over the years, the international refugee agencies' mandates were analyzed and their assistance mechanisms were examined. Following the unfortunate failures humanitarian organizations underwent in the late 20<sup>th</sup> century in the cases of Somali and Rwandan refugees, the Sphere project was created in 2011 with the hope of improving humanitarian response in future similar times of crisis. Keeping up with the chronology of the discussion, this chapter will now choose a case following 2011. According to a UNHCR report, “since 2011, when UNHCR announced a new record of 42.5 million forcibly displaced people globally, these numbers have risen sharply each year, from 45.2 million in 2012 to 51.2 million in 2013 and 59.5 million in 2014” (UNHCR, n.d.-i, p. 5) making them “the highest since the aftermath of World War II” (UNHCR, n.d.-i, p. 5). Of those refugees, Syrian refugees are considered to constitute the biggest part of these numbers, “with 4.9 million refugees residing in 120 countries worldwide, the Syrian Arab Republic remained the top source country of refugees at the end of 2015” (UNHCR, n.d.-i, p. 16). For these reasons, in this chapter, I choose to focus on the case of Syrian refugees rather than other cases in the same period of time. Not only will the Syrian case take its right part in the chronology of the chapters, but it will also fit in the focus on situations of mass influx of refugees in times of crisis. The chapter will examine the plans made by international humanitarian organizations in their response to the Syrian refugee crisis by assessing if they handled the response according to the recommendations of the Sphere project. This investigation will achieve the third objective of the thesis which is determining if international humanitarian organizations are generally effective in their work.

#### 4.1. The Syrian Refugees Crisis

Amid a series of protests around the Arab world against various corrupt governments, many people in Syria were inspired to raise their voices calling for the resignation of the president in 2011. Syria had been already suffering from an increasing poverty and ongoing political repression before that date<sup>24</sup>. As a result, the revolutionary spark was easily lit in the heart of some teenage boys in the Syrian province of Daraa who hurried to their school wall and painted it with graffiti phrases demanding freedom. They wrote phrases such as “Down with the regime” and “It’s your turn Doctor” referring to the president<sup>25</sup>. Not long after this incident, the boys were arrested and tortured for their act. This was when the people in Daraa went out protesting against the regime for the cruelty shown to these children. The regime responded to the protests with brutality and the Syrian army opened fire at the protestors. The regime acts led to more protests in the different provinces across Syria. The increase in the number of the protests was accompanied by increased violence against the people. On the 11<sup>th</sup> of April in 2011, the BBC reported the killing of 72 people by the security forces in Syria during a period of 5 weeks of protests (BBC News, 2011a). By the 20<sup>th</sup> of May, the number of killed civilians reached 850 (BBC News, 2011c). Army forces bombarded the cities and destroyed the buildings and what started as a peaceful protest turned into a civil war affecting the entire country. Amid this violence and terror, Syrian people started to flee Syria. Syrian refugees sought safety in the neighboring countries of Jordan, Iraq, Lebanon, Turkey and Egypt. By the end of 2012 alone, there were half a million Syrian refugees registered (UNHCR, n.d.-h). In response to this sudden refugee situation, the UNHCR along with its partners from a variety of international humanitarian organizations prepared a plan called the Regional Response Plan (RRP) which aimed at providing aid for the Syrian refugees who escaped to the five regional countries mentioned.

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<sup>24</sup> For more information, see (Tyyskä, Blower, DeBoer, Kawai, & Walcott, 2017)

<sup>25</sup> For more information, see (Tarabay, 2018)

#### 4.2. The Regional Response Plan (RRP) 2013

An earlier version of the Regional Response Plan (RRP) can be found for the year 2012, but that version was only prepared as an emergency response to a manageable number of refugees for a short period of time. The plan initiated on the 23<sup>rd</sup> of March 2012 and targeted 98,000 Syrian refugees for a period of six months and was revised twice in the same year to include a further increase in the number of refugees. The first revision in June expanded the scope of the response to target 185,000 refugees and the second revision in September around 710,000 (UNHCR, 2012c, p. 5). Despite the increase in the number of Syrian refugees registered in that year, they were not seen yet as a mass influx of refugees and it was stated as such in the plan: “While the Syrian Refugee Response Plan [of 2012] does not present any financial requirements for a mass influx scenario, contingency planning is a continuous process which is paramount for the humanitarian community to be able to respond swiftly should a large-scale influx occur” (UNHCR, 2012c, p. 11). This view changed at the end of the year 2012 after a sharp increase in the number of people fleeing Syria to neighboring countries and an uncertainty of the future ahead of them as the situation in Syria worsened. Thus, in the plan of May 2013, the UNHCR acknowledged “the fact that the response in these countries needs to address the wider impact of the refugee *influx* [emphasis added]” (UNHCR, 2013) as the number of Syrian refugees was then estimated to be over 1.5 million and as the majority of these refugees were being hosted in the five countries neighboring Syria. As the case studies included in chapter (2) also targeted the analysis of the response to mass influxes of refugees, I aim to analyze the RRP which was produced in May 2013 rather than the previous versions. By analyzing the RRP in the context of the Sphere project, I aim to detect the extent to which the RRP complied with the standards of the Sphere Project. In this way, I will highlight how much international humanitarian organizations benefitted from past experiences and from the contribution of the Sphere project in the aspects to be considered in times of crisis.

Under the leadership and organization of the UNHCR, more than 100 partners involving UN agencies and NGO’s joined efforts to form the Regional Response Plan aiming to provide assistance to Syrian refugees in 2013. Representative of the

organizations gathered on the 21<sup>st</sup> of March in Beirut in order to analyze the situation and agree on the strategy to be implemented. The strategy was discussed with the governments of host countries and determined the most urgent parts of the plan (UNHCR, 2013, p. 7). The host countries were Lebanon, Jordan, Turkey, Iraq, and Egypt. The RRP document included an organized narration of the context and what needed to be provided for Syrian refugees in each of these five countries. It discussed the humanitarian issues and the response required in terms of protection, education, health, food and non-food items, shelter, water sanitation, hygiene, financial assistance, social services, and social cohesion. Four of these aspects actually match the standards emphasized in the Sphere project as the priorities of the humanitarian response in times of crisis: 1- water, sanitation and hygiene -2- food and nutrition -3- shelter, settlement and non-food items -4- health. However, what is more important than specifying the standards in the RRP plan is again the way in which these standards are explained and the techniques with which the problems and the suitable responses are proposed. As such, the RRP will be analyzed in the same manner as the Sphere project. Do the factors of language, agency, equality, and time which are managed carefully and considerably in the Sphere appear in the same way in the RRP plan?

#### **4.2.1. The RRP's Language: Absence of the Organizations' Accountability and Refugees' Dignity**

The language used in the RRP does not match the same level of the language used in the Sphere project in terms of the aspects discussed before. There are very few references to the roles of the aid givers and receivers in times of crisis to the extent that the role specified for each one of them cannot be sensed. There are some sentences referring to the responsibility of the humanitarian organizations such as: "UNHCR, as the mandated agency for refugee protection is *responsible* for assisting the Government in the coordination of the overall refugee response [emphasis added]" (UNHCR, 2013, p. 35) and some sentences referring to the responsibility of the governments such as: "The GoL<sup>26</sup> has the primary *responsibility* to protect persons on its territory and for the humanitarian response [emphasis added]" (p. 35)<sup>27</sup>. However,

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<sup>26</sup> Government of Lebanon

<sup>27</sup> Throughout the fourth chapter, in order not to cite the same source (the RRP) multiple times, only the page number is provided



when it comes to “accountability”, the reference is absent. Whereas there are 52 instances of the word in the Sphere project, the term is only used three times in the RRP. Below are the three sentences which include “accountability” in the RRP:

- 1- “UNHCR, as lead and coordinating agency in refugee emergencies has established responsibilities and clear *accountability* for the coordination of the full range of protection issues in countries of asylum [emphasis added]” (p. 216).
- 2- “UNHCR is also *accountable* to ensure that a coordination mechanism is in place to ensure that protection considerations are included in the planning and implementation of all sectors [emphasis added]” (p. 216).
- 3- “All of these shops<sup>28</sup> have branches in close proximity to refugee communities, sound financial *accountability* [emphasis added]” (p.327).

In the three instances mentioned, it is necessary to note the absence of the subject related to the accountability. In other words, to whom must the accountability be given? In the Sphere document, most of similar sentences refer to the affected people where accountability is to be given to the affected people first and foremost. To mention again only a few of the sentences which are related to this point in the Sphere:

- 1- “The aim of the Handbook is to improve the quality of humanitarian response in situations of disaster and conflict, and to enhance the *accountability* of the humanitarian system *to disaster-affected people* [emphasis added]” (The Sphere Project, 2011, p. II).
- 2- “The Charter also emphasises the importance of agency *accountability to affected communities* [emphasis added]” (The Sphere Project, 2011, p. 6).
- 3- “They are critical to achieving the technical standards in a spirit of quality and *accountability to the affected populations* [emphasis added]” (The Sphere Project, 2011, p. 7).

If the RRP were to benefit from the Sphere project, it could have similarly demonstrated that the aid givers have to justify their actions to the affected people. i.e., the targeted Syrian refugees in the plan, because eventually any small failure in the plan will affect the whole life and destiny of the Syrian refugees. The RRP might have avoided referring to this point because it actually contains much deficiency in meeting

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<sup>28</sup> Referring to the food security program which targets the distribution of vouchers to refugees

the required needs. The humanitarian organizations' response in the RRP is deficient before it even takes place. In the tables organized for every project proposal, there is a section for "unmet needs" which outlines the gaps which the project will be unable to fill. For instance, in a project targeting refugees with specific needs in Lebanon, the following is included: "there are limited social protection systems and services in Lebanon as well as insufficient qualified and available social workers" and consequently "the needs of up to 85% of vulnerable persons may not be adequately met" (UNHCR, 2013, p. 43). In another project aimed at providing shelter in Jordan, the document states: "based on extensive home visits an estimated 50% of refugees in urban areas are living in inadequate or sub-standard accommodation. Of an expected out-of-camp population of 700,000 at year-end, approximately 314,000 refugees in need would not be covered (80% of refugees in need)" (p. 198). These conclusions stand unresolved in the section of "unmet needs" without providing an explanation about who should be filling this gap or to whom these 85% of vulnerable persons in Lebanon and 80% in Jordan should complain or demand their rights as refugees. Unmet needs remain unmet and accountability is lost in the lines of the guiding plan. As for the accountability of the states, the RRP provides a different view on the topic. Instead of stressing the accountability of hosting states towards refugees, the RRP justifies the actions of states and defends them. For example, in the introduction of the plan for Jordan, it is said that "failure to provide for the basic needs of Syrians will have severe humanitarian and political consequences" (p. 138) because, as the "unmet needs" sections indicate, needs continue to be unmet even after the projects are implemented. For this reason, it continues that "under such circumstances the Government may feel compelled to close the border and Syrians would cease to have access to asylum in Jordan" (p. 139). In other words, the RRP explains that the Syrian refugees should not suffer the unmet needs of aid on the territory of Jordan and, therefore, the government deems it more correct to prevent them from entering to Jordan in the first place. In these statements, the RRP gives explanation and justification to the decisions taken by states towards refugees even if it meant the closure of the borders. In other situations, the RRP explains that humanitarian organizations are dependent on the approval of states regarding the delivery of aid. In the introduction of the plan in Turkey, it says: "the Government has now confirmed that humanitarian agencies can plan to provide assistance to refugees in urban locations" (p. 212). As such, humanitarian organizations were not allowed to assist the

urban Syrian refugees in the previous year and were waiting the state's approval. This passive role of humanitarian organizations with respect to states confirms the previously mentioned stance of the UNHCR in the matter as a humanitarian agency free from any political influence but contradicts the Sphere's call which emerged from experiences of this passivity: "Where the state or non-state actors are not providing such assistance themselves, they *must* allow others to do so [emphasis added]" (The Sphere Project, 2011, p. 22). Almost half a century after their establishment and work with refugees, and despite their previous experiences with the consequences of avoiding political intervention, the UNHCR and the humanitarian organizations working for refugees still abide by their official documents and resort to "advocating", "encouraging", and "calling upon" states to cooperate for the assistance of refugees. In the RRP, we read the following: "With support from other agencies UNHCR, is *advocating* with the GoI to reopen the Al Qa'im border as quickly as possible [emphasis added]" (UNHCR, 2013, p. 255). On another page, we also read the following: "UNHCR will *call on States* to follow the German example by accepting - by means of humanitarian admission - additional numbers of people in need [emphasis added]" (p. 10). At the end of the day, whether the GoL would reopen the Al Qa'im border and whether states would follow the German example is not for the UNHCR or other humanitarian organizations to intervene in.

Whereas the Sphere represented a step forward in its discussion of aid receivers, a step backward is made in the RRP. The RRP, once again, presents refugees as a "problem" to be solved by referring to the burden they pose on host countries in a similar manner as previous discussions. In the regional overview of the plan, it states that "The Governments of Jordan, Lebanon, Iraq, Turkey and Egypt have largely continued to demonstrate their commitment to giving Syrian refugees access to their territory and to assure their safety, but the heavy *burden* on their own infrastructure and resources also continues to grow [emphasis added]" (p. 6). In the same vein, in relation to numbers, it says: "The numbers presented in this plan are staggering. They represent a tragedy for Syria, but also give an indication of the *burden* placed on the recipient countries [emphasis added]" (p. 8). Instead of giving a wider understanding of the forced displacement which the Syrian refugees had to go through, refugees are again perceived as a burden and their different actions in the host country are considered as a pressure on the available resources. For example, it should be

predictable that in the non-signatory host countries dealt with in the RRP, the refugee's illegal stay and lack of needed identity documents and their loss of the money or property needed for investments must lead to their search for cheap labor in order to survive. It is, therefore, natural that the rise of cheap labor would change the balance of economy of the host country. However, the inability of the Syrian refugees to get a good job with good wages in the host country is not regarded and a solution for the source of this problem is not given because it requires political influence on the non-signatory state. Instead, what is assessed in the RRP is not the source but the 'impact' of the Syrian refugee crisis and the pressure it creates as it is stated in the following: "A series of assessments have been conducted to identify the socio-economic *impacts* of the crisis on both refugees and host communities ... The increase of cheap labour of Syrian migrants has put downward *pressure* on wages in agriculture and other sectors at a time when costs of living are rising [emphasis added]" (p. 123). By focusing on the outcome of the vulnerability rather than its source, the RRP solutions are presented in this manner: "Recommendations included creating strategies around developing new markets, business creation and interventions that directly stimulate job growth and provide incomes" (p. 123). This constant perception of refugees as a "problem", a "burden", and a "pressure" prevents the RRP from seeing the individuality of the refugees seen in the Sphere. It prevents it from considering the respect and dignity of each and every individual and leads it to perceiving them merely as a whole body in need. For instance, it is said that "UNHCR will support the national authorities in registration and documentation of this *scattered and disparate population* [emphasis added]" (p. 217). There are "camp populations" and "non-camp populations". It is also "assumed that vulnerabilities will increase among *displaced populations* in the second half of 2013 [emphasis added]" (p. 32). By making these categorizations, the RRP does not provide insight to the overlapping and the changing nature of vulnerabilities among the Syrian refugees as individuals. It does not give thought on how the Syrian refugees were living in Syria before they were forcefully displaced. It does not give thought about whether the Syrian refugees were already vulnerable in Syria or not. It does not give thought about whether the atmosphere they escape to increase or decrease their vulnerabilities. Considering these elements allows for a further line of questioning of the RRP.

#### **4.2.2. The RRP's View of Equality: Inequalities repeat themselves**

The “unmet needs” the RRP refers to raises questions about equality among refugees. If “the needs of up to 85% of vulnerable persons may not be adequately met” (p. 43), this distinguishes a certain part of the refugee population as better off than others. There is also the issue of the non-camp refugees in Turkey to mention again in this context. Where in the year 2013, the RRP talks about the approval of Turkey to the humanitarian organizations’ assistance of non-camp/ urban refugees, refugees in camps had been until that date certainly better off than the urban ones. The RRP is obviously not successful in achieving equality among the refugees. One aspect to bring into account in here is the difference in treatment between Syrian refugees and the PRS, i.e., the Palestinian refugees normally resident in Syria who were forcibly displaced again. For example, in the RRP, we read that “there are different regimes for Syrians and Palestinians entering Lebanon. While Syrians can enter Lebanon for 6 months and access public services, PRS are only granted 3 months stay, and can only receive public assistance in Palestinian refugee camps” (p. 29). This separation is unfortunately strengthened by the refugee agencies themselves. In 2013, there still exists the UNRWA as a separate organization specializing in humanitarian aid for the Palestinians in specific areas. This leads to the UNHCR assisting the Syrian refugees and the UNRWA assisting the PRS in the same host country despite the fact that both groups of refugees are displaced from the same country. In the RRP, the issue emerges in the statement: “The majority will require registration and documentation services, some will however not fall under UNHCR’s mandate either because they are Palestinians or because they are not civilians” (p. 148). Subsequently, the two groups might not get equal treatment in assistance. On top of that, some PRS had to escape to areas where UNRWA does not function. The RRP also refers to that when it says: “Some Palestine refugees have also sought refuge in Egypt, Turkey and further afield in countries beyond the operational mandate of UNRWA, however the Agency is taking an active role in advocacy and awareness-raising on their behalf” (p. 6). The document does not include further explanation on how this active role would be implemented and this raises doubts about whether assistance would in any way reach the PRS by the governments, the UNHCR, or the UNRWA in the places where UNRWA does not work.

As we have seen before in the Sphere, the disturbed power balance in times of crises does not only occur among the individuals of the affected people but can also occur between the affected people and the humanitarian workers. The RRP does not say anything specific about the power relation or the inequalities that could possibly occur between humanitarian workers and Syrian refugees. Consequently, there is no explanation about the interaction between the humanitarian workers and the Syrian refugees and how it should be handled in the context of aid distribution. In relation to humanitarian workers, there are actually many projects proposed in the RRP for their training such as: “224 refugees outreach workers trained on participatory assessment, community-based approaches and identification and referral of persons with specific needs” (p. 48), and “1,317 civil society actors and humanitarian workers were trained on CP<sup>29</sup>, SGBV<sup>30</sup> and PSS<sup>31</sup>, including prevention of sexual exploitation and abuse (PSEA) and Psycho-social First Aid (PFA)” (p. 147). However, the focus on the training of humanitarian workers is not enough in itself to ensure how the projects will be implemented on the ground. How would the interaction take place? Would the humanitarian workers go themselves to the refugees or would they ask the refugees to go to the aid center? Is there a balance and a diversity in the humanitarian team to match the Syrian refugee’s culture and context as advised by the Sphere? Is there any chance that the Syrian refugees would look up to the humanitarian actors as their saviors or as people of higher privilege in any way? By again missing such important points, the application of the RRP plan on the ground is left with dangerous possibilities of producing inequalities and repeating past mistakes.

#### **4.2.3. The Role of the Affected People in RRP: Returning to Passivity**

One of the most important features of the Sphere project is its promotion of dialogue between humanitarian actors and affected populations. The role it gives to affected people changes the nature of the active-passive relationship in humanitarian aid contexts to an active one for both sides whereby the affected people can participate and engage in humanitarian action rather than wait for others to act on their behalf. In order to assess if the agency of the Syrian refugees is accounted for in the RRP, we

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<sup>29</sup> Child Protection

<sup>30</sup> Sexual and Gender Based Violence

<sup>31</sup> Psycho-social Support Services

should first check if they are presented as givers and receivers of information or not. In the section of Information Management, the RRP clarifies that: “Information Management (IM) expertise, systems and processes within and between humanitarian agencies have a profound, cross-cutting impact on our<sup>32</sup> ability to get the correct information into the hands of decision-makers in a timely manner” and that “Information Management services specifically support inter-agency cooperation and coordination” (p. 13). These references indicate that information is received and coordinated only among humanitarian actors without consideration of the Syrian refugees as givers of information. Information about refugees might be produced from the field but is managed and exchanged at a higher level where governments, local institutions and humanitarian organizations play the whole role. As a further proof to this point, the following refers to the dialogue which is planned to happen concerning aid for the refugees:

At the political level, a continuous dialogue is maintained between the members of the Inter-Agency Task Force led by the UNHCR Representative, the HCT<sup>33</sup> led by the Humanitarian Coordinator a.i., and the GoJ<sup>34</sup>. At the technical level, Sectors were established to ensure a harmonized and coordinated response to the needs of refugees in the areas of Cash Assistance, Education, Food, Health (including sub-sectors for Mental Health, Nutrition and Reproductive Health), Non-Food Items, Protection (including subworking groups for Child Protection and SGBV), Site and Shelter, and WASH<sup>35</sup>. Working groups meet at the national and field coordination levels. (p. 143)

Dialogue takes place among the agencies and coordinators and not in the field among the refugees who are at the center of humanitarian action. Moving on to the information which the affected people should be given, there are many projects mentioned in the RRP aiming to provide mass information and outreaching to the Syrian refugees about their rights. We can find, for example, a project aiming to have “72,000 refugees informed about legal, social and educational services through refugees outreach workers” (p. 48) or “100,000 family members receive information regarding access to education services through outreach and mass information”.

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<sup>32</sup> The RRP team

<sup>33</sup> A Humanitarian Country Team

<sup>34</sup> Government of Jordan

<sup>35</sup> Water, Sanitation and Hygiene

However, in such projects, it is only the services and programs available for the Syrian refugees in the host country which is considered the needed information to be given. This is not information about the humanitarian organization's work and goals, nor about the processes and outcomes of the projects. Information given to Syrian refugees in the RRP is limited to their movement and needs in the host countries. Secondly, there is a minor focus on the agency of the Syrian refugees throughout the plan in contrast to the major one given in the Sphere. There are very few instances where the Syrian refugees are involved in the humanitarian action. One of these is mentioned as the following: "UNHCR and its protection partners will expand their outreach and interaction with the Syrian community through trained Syrian psycho-social workers working with IOM, Terre des Hommes (TdH), Tadamon and the Psycho-social Training Institute in Cairo (PSTIC)" (p. 304). Another instance can also be found where refugee individuals can become representatives of the bigger community as the RRP plans to "Encourage refugee communities to be represented through structured mechanisms [and to] provide training to refugee representatives" (p. 223). However, most of the projects do not really involve the active participation of refugees and are merely activities implemented by the humanitarian workers. The emphasis on the "consultation", "engagement" and "participation" which prevailed in the Sphere again cannot be seen in the RRP. In addition, it is beneficial here to remember that the RRP discussed at hand is the one produced in the year 2013 and had there been an active participation from the part of the Syrian refugees in the previous years, the end of it would not have been as follows:

Two years into the crisis, refugees find their resources depleted and are forced to make difficult choices: moving their families to camps where possible, being forced to request humanitarian relief to meet essential protection needs, and in the worst instances, resorting to negative coping mechanisms and/or falling prey to sexual exploitation. (p. 11)

The situation of the Syrian refugees illustrated in the passage denotes passiveness and helplessness. If the Syrian refugees had been given the chance to be active in the beginning of the humanitarian response, they would not have found their resources depleted or made such difficult choices after two years of the crisis. Consequently, if the RRP of 2013 lacks the required engagement, the negative result of the plan can be



anticipated. All in all, it is fair to say here that, again, the RRP fails to organize the humanitarian response in the same manner done in the Sphere and might, as a result, produce a repeated failure.

#### **4.2.4. Time in RRP: Temporariness Prevails**

The RRP seems to be lenient with the time of the response as there are no time limits based. The previous reluctance to believe that refugees would always be there does not show itself in the pages of the RRP. The RRP plan in itself is a source for the whole year of 2013 and comes in a series of plans which started the year before. In the section on the need for international solidarity, we read: “Humanitarian and development actors, including international financial institutions (World Bank, IMF<sup>36</sup>, development banks), must come together to ensure a comprehensive response with a *long term* strategy for reconstruction and reinforcement of Syria and refugee affected communities in host countries [emphasis added]” (p. 14). This shows a consideration of present and future thinking of the response where humanitarian organizations no longer seem to focus on the emergency time and search for instant solutions to the “problem” but organize their projects for the time of the crisis and what follows. Nevertheless, by looking at the details of the projects to be implemented, it is difficult to see this improved understanding regarding time because what the humanitarian organizations deem correct does not necessarily correspond with the regulations of the governments. For the shelter projects in Lebanon, “*Temporary* shelter, prefabricated shelters and tents have been provided on a limited basis, due to Government regulations [emphasis added]” (p. 77). In Turkey, “the Government oversees registration and extends *Temporary Protection* to all new Syrian arrivals [emphasis added]” (p. 213). In Jordan, “The GoJ continues to show hospitality and tolerance to the growing Syrian refugee population, providing them with *de facto temporary* protection [emphasis added]” (p. 139). In Iraq, “[t]here is also much needed assistance for Iraqi children in schools in the host communities including schools which were used as *temporary* shelters for Syrian refugees before the camps were established [emphasis added]” (p. 257). Hence, it can be deduced that most of the host countries in the RRP prefer to give temporary solutions in terms of residence and, as a result,

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<sup>36</sup> International Monetary Fund

the humanitarian organizations design their response accordingly for their lack of the needed political influence. As was explained earlier, temporariness serve the moment but leave the refugees in a state of limbo regarding the future. Therefore, as a result of the temporary solutions given by the mentioned governments of host countries, the RRP could not provide the Syrian refugees for the whole year of 2013 or what would follow with settlements whereby they can continue their lives normally or think of how to live for the near future. The RRP tries to compensate for this gap by continuously being prepared for emergency projects which match this temporariness and by pursuing durable solutions where possible. The proposed durable solutions are two: humanitarian admissions or re-settlement. The example of humanitarian admissions was mentioned before in reference to the places offered by Germany whereby Syrian refugees can get an official status of a Refugee and can get continuous assistance from the government until they can provide for themselves. As for re-settlements, the RRP says that “UNHCR aims to promote resettlement as a protection solution for the most vulnerable refugees in the MENA<sup>37</sup> region in 2013” (p. 11). There is not enough explanation to this point but it most probably means that the UNHCR would work by itself on choosing some refugees whom it would move to other countries where they can get the Refugee status. In both cases, however, the number of the Syrian refugees who can really get settled and continue their lives in progression are few. The rest of the population who are obliged to follow temporary procedures would eventually lose many years of their lives in order to restore a normal way of living, if they ever could.

### **4.3. Eight Years into the Crisis**

In January 2019, news of the damage which inflicted the Syrian refugees in Lebanon during winter was spread all around social media. The UNHCR reported the death of a young Syrian girl and the damage of more than 360 sites hosting 11,300 refugees in Lebanon as a result of the flooding (UNHCR, 2019). Since the beginning of the Syrian refugee crisis in 2012, the Syrian refugees have suffered the consequences of the Lebanese government’s legal decisions towards their status as refugees. Having no legal stay in the country and no camps to seek shelter in, the Syrian refugees “have had to resort to living in unfinished buildings, garages,

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<sup>37</sup> Middle East and North Africa region

abandoned sheds, worksites and tents in informal settlements” (UNHCR, 2015). These kind of non-formal settlements have been liable to the Lebanese armed forces’ raids that have resulted many times in the torture or death of the Syrian refugees (Minority Rights Group, 2019). Eight years into this crisis, around 1.5 million Syrian refugees now continue to live in a state of limbo and in constant need of stability, protection, and main services in Lebanon (Minority Rights Group, 2019). In Jordan, after the closure of borders, the Ruqban camp, which was a transit place for the Syrians crossing the borders, turned into a camp where around 80,000 Syrians were reported to have been trapped. In this “no man’s land” between Syria and Jordan, there has been limited humanitarian access resulting in a severely difficult humanitarian situation facing the refugees there (Dorai, 2018). In addition, there were many Syrian refugees who could not bear living in the five neighboring countries to Syria which were the target of assistance in the RRP. For many years, they risked their lives in the Mediterranean Sea to cross to Europe where there are signatory states who, despite their lengthy individual assessments, would accept the Syrians as refugees and would give them rights. Among the Syrian refugees who died every other day trying to cross that sea, no one will forget the three-year old Aylan Kurdi who was found dead at the shores of Turkey after the boat he was in sank (BBC News, 2015). The sad stories we keep reading about the Syrian refugees and other refugees around the world are a proof that the international humanitarian organizations are still ineffective in their work towards refugees. Despite all the conventions that have been produced and all the humanitarian projects and plans that have been organized and implemented, the ineffectiveness of the international humanitarian organization’s response towards refugees reveals itself on the ground where refugees suffer the worst of its consequences.

## Conclusion

The overall aim of this research was to advance an understanding of the role and responsibilities of the international humanitarian organizations towards refugees and evaluate the effectiveness of their responses in times of crisis. The specific objectives were to:

- 1- *Identify* the international humanitarian organizations which have worked for the assistance of refugees and discuss their roles and responsibilities.
- 2- *Evaluate* critically the mechanisms with which international humanitarian organizations have assisted refugees in times of crisis.
- 3- *Determine* if international humanitarian organizations are generally effective in their work.
- 4- *Formulate* recommendations for a better humanitarian response for refugees in times of crisis in the future.

The Evaluation Research method which was adopted helped guide the work in each of the chapters towards achieving the objectives. The international humanitarian organizations were viewed in the refugee crisis context and their intervention to assist the refugees was assessed. By drawing on both the formative and summative approaches of evaluation, the process of their intervention along with its outcome on the refugees were examined. Furthermore, the multiple-strategy design in collecting the data produced the information that was needed. The analysis of the organizations' official documents, the two case studies, and the textual comparison between the Sphere and the RRP helped frame the work and eased the way towards meeting the objectives. This section will revisit the objectives above, point out the findings, offer conclusions accordingly and finish with formulating recommendations in order to achieve the final objective.

## **Research Objectives: Summary of Findings and Conclusions**

### **Research Objectives 1: Identification, roles, and responsibilities**

Post World War One marked the time when the understanding of who refugees are and the need to assist them started to grow on an international level. Conferences were organized, arrangements and conventions were made, and international refugee agencies were established in order to give a definition for the refugee and give them rights in host countries. The 1922 Arrangement, the 1928 Arrangement, the 1933 Convention, the 1946 Convention, the 1951 Convention and the 1967 Protocol all contributed to the making of an international refugee regime based on which the agencies determined their roles and carried out their work. The first main international refugee agency called the HCR developed after World War Two to become the IRO. The IRO developed later on to become the UNHCR recognized nowadays. In cooperation with the UNHCR for the assistance of refugees, there are other UN refugee agencies such as the IOM and the UNRWA. There are also non-UN refugee agencies and international humanitarian organizations of different tasks which similarly target the aid and wellbeing of refugees all around the world.

However, despite their identification as international organizations, their assistance to refugees had not been covering all refugees until the last Protocol in 1967 was issued. Since their first establishment, they had been reluctant to assist all refugees on a constant basis. They had selected specific groups of refugees and made geographical and time limits, leaving many refugees to find their own chances, because they did not want to believe that there would always be refugees. Once they finally did in 1967, there was another prevailing problem. There were signatory states which accepted refugees and non-signatory states which refused any acceptance of refugees on their territories. This resulted in a big gap in the work of these agencies towards refugees which still shows its consequences nowadays. Neither the seeming cooperation between the refugee agencies nor the work of other international humanitarian organizations towards refugees can actually fill this gap.

The main conclusion which can be drawn from this historical background is that there is a considerable number of international humanitarian organizations, which have been established since World War One, for the assistance of refugees, but that

the roles of these organizations were for a long time limited and their work has been subjected to the approval of states and to the disorganization among each other.

## **Research Objectives 2: Mechanisms of Assistance**

The second chapter identified two types of refugee situations: individual refugees and mass movements. In the context of individual refugees, the UNHCR as the main international refugee agency, defines the Refugee Status Determination (RSD) approach and considers it the responsibility of the states to give refugees their rights. In non-signatory states, the UNHCR carries out the implementation of the RSD itself but all its efforts on this lengthy process can be overlooked by the states for lacking any political power and the refugees there are liable to end up having no rights at all. As for the context of mass movements when RSD is impossible to implement, it is discovered that there had been no official recognition on how to deal with refugee influxes before 1981. Following that date, the UNHCR proposed different solutions which the states may resort to if they experience such influxes: *prima facie* and temporary protection. However, neither of these procedures can actually compensate for the legal recognition of the refugee. In order to understand how they materialize on actual ground, two case studies are presented. The first one is the case of the Somali refugees in Kenya and the second one is the case of the Rwandan refugees in Zaire. Both cases showed the failure, not only in the application of the procedures but also in the humanitarian response of all the international humanitarian organizations in the field. The response was so disorganized that it ended up with the refugees going through humiliation, banditry, rape, violence, illness, and death.

Having evaluated the humanitarian organization's mechanisms of assisting refugees in times of crisis, the chapter concludes that there were errors with the application of these mechanisms which had to be acknowledged and fixed by the humanitarian organizations. Furthermore, there is one other, unforeseen conclusion that this chapter uncovered. In all the arrangements and conventions which have been conducted and agreed on since the early 20<sup>th</sup> century for the understanding and application of an international refugee regime, an official explanation on actions to take in cases of mass influx of refugees cannot be found. Host countries make their own decisions in this regard. Some may choose to apply the *prima facie*, some may apply the temporary protection, and some may not apply anything at all.

### **Research Objectives 3: Effectiveness**

The third objective of this thesis was achieved by an examination of two sources: the Sphere project and the RRP plan. The Sphere project was a handbook produced by a collection of international humanitarian organizations which aimed at improving the humanitarian response for the affected people in times of crisis. After a series of failures in the humanitarian response, the Sphere showed an understanding of past experiences and of the ways with which the response can be made better. The third chapter analyzed the Sphere project by focusing on four factors: the use of language, the view of equality, the role given to the affected people and the comprehension of time. The Sphere's language stressed on the issue of accountability of the humanitarian organizations towards the affected people and portrayed the affected people as individuals with dignity and with multiple vulnerabilities. Its view of equality showed an attentiveness to the possibility of power imbalance between the aid givers and receivers and among the different groups of the aid receivers themselves. Aid receivers, on the other hand, were seen as agents who have to contribute in the humanitarian response in its different stages. And in order to manage these different stages, the humanitarian organizations were advised to be lenient with time and patient with its length until the wellbeing of the affected people was guaranteed. Following the production of the Sphere project, another refugee crisis took place. The Syrian government's violence against its protesting people led to mass movements of Syrian refugees to neighboring countries. In a very short period of time, Jordan, Iraq, Lebanon, Turkey, and Egypt faced a refugee crisis. In response to this crisis, the UNHCR in cooperation with a number of international humanitarian organizations produced the Regional Response Plan (RRP). By analyzing this plan, the fourth chapter aimed to examine the extent to which the humanitarian organizations benefitted from the Sphere project. The analysis included the same previous four factors of: the use of language, the view of equality, the role given to the affected people and the comprehension of time. However, it was discovered that the RRP did not handle these factors in the same manner done in the Sphere project. The RRP did not refer to the accountability of the humanitarian organizations to the refugees and, instead of considering the individuality and dignity of the refugees, it used the same previous perspective of looking at them as a "problem" to be solved. It missed the understanding of an imbalanced power relations and ended up with plans

which could produce inequalities between the aid givers and receivers and among the groups of aid receivers themselves. The Syrian refugees, as aid receivers, maintained mostly a passive role in the plan and were left in a state of limbo which would forbid them from continuing a normal life or think about the near future. After the production of the RRP plan and during eight years after the beginning of the crisis, the Syrian refugees have been suffering and dying and are still seen in acute humanitarian difficulties.

In conclusion, it is fair to propose that the international humanitarian organizations are found generally ineffective in their work for refugees. Despite their understanding and acknowledgement of past failures, and despite the efforts they exert to advance an improved response towards refugees in times of crisis, these organizations keep showing failures on actual ground.

### **Recommendations**

The first conclusion which was deduced from the first chapter stated that the work of international humanitarian organizations was limited for a long time and has been until now controlled by its disorganized nature and by states' decisions. Whereas past incidents cannot be changed, recommendations can be made for a better future. The first recommendation to be made is that international humanitarian organizations should have a political influence on the decision of states regarding refugees. A political influence will have states signing the Convention and Protocol that recognize and give rights to refugees. It will emphasize the role and accountability of the states as the primary responsible actors in the context of refugee admittance and protection and emphasize the critical role of the humanitarian organizations in this regard. This will enhance the protection and the wellbeing of refugees wherever they are in the world. Most importantly, asylum seekers will no longer have to go through detention, prosecution, and refoulement by a non-signatory state. Secondly, international humanitarian organizations should improve their cooperation and division of tasks. An organized cooperation will prevent any repetition of efforts by the different organizations, will cover the different needs of the different refugee populations, and will fill the gaps left by the hosting states.



The second conclusion which was deduced from the second chapter stated that there were errors with the mechanisms of assistance of the international humanitarian organizations that had to be acknowledged and fixed and that there is no official explanation on the required response for cases of mass influx. The following chapters actually show attempts of improving the mechanisms of assistance. Therefore, the second recommendation will relate to the unforeseen conclusion of the mass influx situation. It is recommended that the international refugee system should provide sufficient explanation and clear procedures to be taken by states in cases of mass influx of refugees. The 1951 Convention and 1967 Protocol should include an item stating the necessary procedures that states could follow if they come over such a crisis. Once done, both the hosting countries and the refugees would overcome the crisis in an organized way.

The third and final conclusion which was deduced from the assessment of the Sphere project and the RRP plan stated that the international humanitarian organizations are ineffective in their work for refugees. Based on this conclusion, it is recommended that international humanitarian organizations should gain insight into the Sphere project regarding their response to refugees in times of crisis. They should benefit from the way it organizes the humanitarian response and develop their mechanisms of assistance by learning from past experiences. They should acknowledge the accountability of the states rather than concede to their decisions. They should stop seeing refugees as a “problem” to be solved and consider the overlapping vulnerabilities of refugees. They should change the passive nature of refugees and benefit from their active participation in the response. They should stop making temporary projects which have no clear continuity in the near, or distant future and be more lenient with the time of the response for the refugee crisis. This would lead the international humanitarian organizations to be effective in their response towards refugees and would, consequently, improve the life of millions of displaced people around the world.

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