

CHAPTER I

INTRODUCTION

A. Background

This thesis attempts to analyze the United Nations High Commissioner for Refugee (UNCHR) response to Syrian refugee crisis in Europe with the focus on the period of 2013 until 2015. The responses are the roles for UNHCR to implement their mandates and to reach their humanitarian goals.

Migration can be defined as a movement of people from one place to another place, either within a city, across an international border or within states. Migration is not a new phenomena, it has been part of human history. Currently the phenomena of migration is not only as usual people moving, but includes refugee, displaced persons, and economic migrant. In 2015 based on the UNHCR statistic report of refugees, the number of International migrants reached 244 million for the world as a whole, included almost 65.3 million refugees and displaced people (“Global Trends”, 2016).

The Refugee convention 1951 defines a refugee different from migrant as people who move because of owing fear of persecution based on the reasons of conflict in their society or nation, so they seek for international protection (“Convention Relating”, n.d). The tragedy of World War II known as the starting point of refugee crisis as it showed the greatest number of displacement people

around the world especially from European countries. The decolonization movement, wars of independence and the civil conflict, and post cold war era also added the number of refugees and global displaced people (DePillis, Saluja, & Lu, 2015).

In history the phenomena of the global refugee crisis declined in the year of 2005, but then risen up because of series of conflict happened especially in the Middle East. In the middle of 2015, the total number of refugees and internally displaced people became the highest number in history after the World War ended. The number reached more than 60 million people based on the UNCHR estimating along with the instability situation in the Middle East (DePillis, Saluja, & Lu, 2015).

The most significant conflict that happening until today is the conflict of Syria in which regarded as the biggest humanitarian crisis in times. Over 4.8 million refugees have fled to neighboring countries and across the sea to Europe. Some 6.8 million people in Syria have become internally displaced. In 2014, Syria became the world's largest source of refugees with 1 in 5 displaced persons worldwide was Syrian (Witte, 2015).

The conflict between the government of Bashar Al-Assad and opposing forces starting from 2011 continues to cause displacement within the country and across the region. The conflict started in March 2011 as a nationwide protest demanding President Assad's resignation. As the government used force to resolve the protest, the opposing forces formed the rebel brigades to battle

government for controlling of cities, towns and the countryside. That situation turned to violence and the country descended into civil war. By June 2013, the UN said 90,000 people had been killed in the conflict and climbed to 250,000 in August 2015 (Rodgers, Gritten, Offer, & Asare, 2016).

Not only the battle between the Assad's government and the opposing forces that caused the conflict, but also in 2014 the establishment of the Jihadist group of Islamic State (IS) who added a further reason of the conflict (Rodgers, Gritten, Offer, & Asare, 2016). There were a lot of new actors emerged in Syrian conflict means that there will be more victims. These conditions push people to leave Syria country to neighboring countries and others across region like Europe.

Since 2013, Syria's conflict has produced the largest number of refugees in Europe and the highest seeking for asylum. Germany handles about a quarter of the total asylum claims in the European Union (EU), and Hungary and Sweden as the second and third biggest destination. In 2015, the number of refugees in Europe was surging to 1.3 million. The Syrian refugee accounted for 29% or about 378,000 refugee, this was up from 125,000 in 2014 and 49,000 in 2013 (Connor, 2016). The number was the highest in European history and since 1992 after the Cold War was ended.

The influx of refugee especially Syrian refugee in the Europe turned out in different view on the impact of refugee arrival. Many Europeans are concerned that the influx of refugee will increase the possibility of threat whether it is terrorism, crime, or economic burden in their region (Poushter, 2016). The

existence of the European Union (EU) as a regional organization in Europe seems far satisfying the public on how they handled the refugee crisis in the region. That's why the existence of an organization that focus or has special mandates toward refugee cases such as UNHCR is important.

As the top destination for refugees, European countries coordinated with the United Nations High Commissioner for Refugee (UNHCR) to share some solutions in order to respond the refugee situations. UNHCR is a unit of the UN, which directly carried on the refugee problems and protection. UNHCR is also known as an international organization which has a special mandate toward the case of refugees. These special mandates are giving protection and assistance along with the implementation of durable solutions for refugees ("About UNHCR", n.d).

UNHCR is now one of the world's principal humanitarian agencies. The agency has provided assistance for more than ten millions of refugees around the world to rebuild their lives. UNHCR's work is based on the three human goals that are saving lives, restoring hope, and finding home. UNHCR is also responsible to respond to emergencies and provide financial assistance in a short term period ("About UNHCR", n.d).

However, the increase number of Syrian refugees in Europe and the different reaction between European countries toward refugee arrival became the complicated matter in responding to the crisis situation. Moreover, there is a regional organization like the European Union (EU) but it seemed still need more

efforts on it. Although the UNHCR has special mandates toward refugee protection, but there is limitation of its authority to involve in EU policy or action and each state reaction relating to the refugee resettlement, especially for non-signatory countries to UNHCR's instruments. Some of the limitations created by the member states are the establishment of the Executive Committee of the High Commissioner's Programme (Excom), the temporary mandates, and the UNHCR acts should be under the authority of General Assembly of UN (McKittrick, 2008, p. 12).

Besides that, the confusion of the supervisory role of the UNHCR under its instruments became the other concerned of the limitation of UNHCR's ability to supervise state. But in other hand, under the joint activities between UNHCR, EU, and European countries, there are some new efforts and action taken to respond to the crisis situation. The EU and many European countries are open their door for more refugee resettlement and UNHCR's involvement. Therefore, emerge a question about how the authority and efforts of the UNHCR implemented in Europe as a response to the refugee crisis situation, while the UNHCR itself only a humanitarian agency under the United Nations.

B. Research Questions

Based on the background of the study above, the research question of this thesis is:

How did UNCHR respond to Syrian refugees crisis in Europe during 2013-2015?

C. Theoretical Framework

To answer the writer's question about how does UNHCR respond to Syrian refugee crisis in Europe during 2013-2015, the writer wants to implement the concept of refugee and the concept of international organizations.

1. Concept of refugee

Generally refugee has various definitions and it is different from a migrant. Migrant defined as people who move from their country, not because of threat or persecution, but mainly to improve their lives by reason of work, education, family reunion, or other reasons (Edwards, 2016). Different from migrant, according to UNHCR as an international organization that focusing on refugee cases, they defined a refugee as:

“Someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so.

War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries.”(“What is a Refugee”, n.d)

The definition of refugee became the main mark to determine people as refugees or not and proper to get an international protection or not. Besides that, there is a term of asylum seeker that people often getting confused on with refugees. Asylum seeker defined as people who leave their country because feeling fear of persecution and human right violation, so they seek for refugee status to get international protection (“Memorandum of Understanding”, 1997). Asylum seeker could be a refugee as long as they in the same condition with refugee status according to the Article 1 (A.2) of the 1951 Convention relating to the status of refugees which stated that:

“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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”(“Convention Relating”, n.d)

The 1951 Convention remains as the legal document defining who are refugee, their rights, and the legal obligations of governments.

Based on these definitions of refugee, this thesis used the definition of a refugee according to UNHCR definition and the status of refugee according to the 1951 Convention relating to the status of refugee to analyze the action of UNHCR in responding the Syrian refugee crisis in Europe.

As the implementation of this concept, the Syrian people who fled their country and struggle through dangerous journey to Europe consider as refugee because they were full of fear of being persecuted where the country of Syria still in conflict situations. It was for reasons of a particular social group, religion, and political conflict. Therefore, Syrian refugee cannot stay or return to their home so they seek for international protection, such as to Europe.

2. Concept of international organizations

The existing of international organization now days are attracting to increase attention, both positive and negative. They are also becoming the focus study of political scientists and international relations studies.

According to J. Samuel Barkin, he defines the International Organization as organization that are created by agreement among states rather than by private individuals. International organization is also an inclusive intergovernmental organization as an opposed to nongovernmental organization. It means that all interested parties can join, whereas exclusive organization is those designed specifically to exclude some countries (Barkin, 2006, p. 1).

The role of international organizations is very significant in international relations because the international organization formed by general aims and activities of a wide membership which have a specific aim and sometime limited numbers. The roles of the international organization in international relations are also known succeed in finding solutions to each problem that happened in a state

or between states. Sometime the role of international organization can affect the behavior or action of a state.

According to Clive Ancher, he argued that the role and function of international organizations are affected by the international system, in which there are three possibilities of international organization position based on the international system (Archer, 2001, p. 67). First, when an international system became the result of power politics, so the international organization aspects will be limited and will only be able to correct unwanted consequences that might happen between sovereign states relations. The second was when an international system was seen as an international society, so the role of the international organization will be only based on such an order. The last was when an international system is developed in the way of the political system within states so the role of international organization became an instrument of the world system (Archer, 2001, p. 67).

Moreover, Ancher also divided the roles of international organization into three main dimensions. The first is as an arena in which international organization could become a forum for discussion or interstate discussion to find some solutions toward specific case. The member states can propose their own viewpoints and suggestions in a public and open forum. The second was as an instrument, in which international organization was used by nations for gaining foreign policy objectives. It could be one way to protect and promote specific issues such as refugee issue. The third was as an actor. Using their own methods of decision making process, resolution and recommendations or orders, an

international organization had to push member states to act differently than they would have in order to achieve the act or capacity of international organization (Archer, 2001, p. 68).

Besides that role, according to Andre Pariera, the activities of international organization are showing some other roles as initiator, facilitator, reconciler, and determiner (Pareira, 1999, p. 135). Based on the role of international organization above, the UNHCR played their role as an actor and arena in which became the one who initiate and facilitate on proposing a specific issue to find a solution regarding to the current condition that happening.

D. Hypothesis

The hypothesis of this thesis were about the UNHCR response to Syrian Refugee Crisis in Europe during 2013 until 2015 by:

1. Utilizing authorities under the UNHCR and EU legal framework in regional and national level, and establishing strategic objectives.
2. Facilitating and initiating the forum for financial aids allocated for refugee resettlement, asylum programs, and protection monitoring.

E. Methodology

In writing this thesis, the writer used the method of:

1. Data collecting
2. Data analysis

This thesis is analytical descriptive research based on the study of literature through secondary data, such as books, journal, documents which have been published by other researchers or scientists. The writer also used other references that are relevant and properly sourced from print and electronic media.

F. Scope and Limitation

In order to make this thesis focus and cleared, the analysis was limited by the roles or actions of UNHCR, EU, and European countries during the period of 2013 – 2015. The scope of this thesis included in the European region and some transit countries to enter Europe as the common routes that the Syrians used.

G. Systematic of Writing

This undergraduate thesis divided into five chapters with different discussion within its own concept but interrelated. **Chapter I** was the introduction part containing the background of the research, research questions, theoretical framework, hypothesis, methodology, scope and limitation, and systematic of

writing. **Chapter II** explained about the history of the conflict in Syria and its implication, and also the influx of Syrian refugee in Europe and its impact.

Chapter III and Chapter IV was the analysis and description of the research which based on the implementation of the concept and to prove the hypothesis. **Chapter III** explained about the UNHCR's involvement in regional and national level through utilizing its authorities under the legal framework and the establishment of the strategic objective in Europe. **Chapter IV** analyzed the roles of UNHCR as a facilitator and initiator in responding to Syrian refugee crisis in Europe during 2013-2015. Besides that, in this chapter the writer also provided the information about the budget and expenditure of the UNHCR operation and the achievement during that period.

Chapter V was the last chapter of this research which figured out the conclusion from Chapter I until Chapter IV.