



Syrian Refugees: Victims or Culpable?

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ABSTRACT

The paper analyses the critical aspect of Syrian refugees which has spurred a series of debates all across the world. The whole world has been experiencing the impact of the crisis of Syria in some or the other way. In order to understand the different aspects of the Syrian refugee crisis, authors have highlighted the background and the origin of the Syrian crisis. Due to the ongoing upsurge by the Government of Syria, the grievances of the refugees have reached heights which are needed to be addressed by the International Community. These factors draw our attention to the rights which are endowed on these Syrian refugees, which are being violated very frequently. The United Nations has raised concern towards these refugees and on many instances warned the Syrian Government from acting against the citizens of their own country. The authors have tried to showcase the problems which are faced by the recipient countries which make the refugees unacceptable. In the end, the paper has analyzed the international interest in the Syrian distress, which is making the situation or crisis in Syria unending.

Keywords: Syria, refugees, United Nations, crisis, Conventions

1. INTRODUCTION

Thousands of people with fear-mongering in their eyes proceed towards an unknown destination with a ray of hope in their eyes to seek asylum, unaware about their destiny. The question which arises is that who shall be held liable for the miseries which all these migrants face during their transmission from one country to another.

Refugee Crisis at the global level is becoming a barrier in the path of international peace, as this problem is not restricted to the certain boundaries of any particular country but affects the whole world in common. There always appears to be a conflict in understanding the difference between migrants and refugees, and due to the unclear definition of both the terms, refugees have to face the consequences. Migrants can be categorized as those people who flee to another country to seek better prospects and opportunities, though there is no clear definition of a migrant [1]. On the other hand, the definition of Refugees is clearly illustrated in Article 1 of “The 1951 Convention on the Status of Refugees” [2]. the definition of refugee can be explained as, A person who is not willing to return to the native country where he used to reside or the country of his origin due to the prevailing fear of getting persecuted due to varied reasons such as race, nationality, religion, membership of a particular social group, or political opinion and other such subsequent reasons.

The 1951 Convention on the Status of Refugees can be seen as an authoritative legal document which has set up guidelines and established principles to regulate the refugees and observes the related crisis. One hundred forty-five courts have ratified this legal document, till date.

The world has seen many wars and bloodshed which has led to the persecution of people on international as well as national level; as a result, many people lose their livelihood, and eventually, they resort to other alternatives to ensure their peaceful living. Syria is one such country where the citizens have gone through immense misery, and as a result, they fled to different countries to ensure the safety of their lives and the lives of their families.

ERUPTION OF THE SYRIAN CRISIS:

A series of violent events began with what is called 'Arab Spring' in the year 2011 uprooted the governance led by some of the most powerful people of Syria like the Tunisian President Zine El Abidine Ben Ali and Egyptian President Hosni Mubarak [3]. The Syrian clash began when pro-democracy ideas were made vocal in the city of Deraa; some young revolutionary people expressed their dissent against the Government by painting revolutionary phrases over the walls of a school. After security powers started shooting at demonstrators, slaughtering a few, it led to further riots. Eventually, revolts ignited against President Assad, and people demanded his abdication. The administration's utilization of power to smash the dispute just solidified the dissidents' purpose. By July 2011, multiple protests had arisen all over the nation [4]. Assad practised his presidential capacity with oppression by checking individuals' freedoms, restricting their political opportunities and among his strongmen, defilement went unchecked [5]. The Government has since proceeded with an act of "human rights" mishandling. The Government of Syria during this period were blamed for uncountable arbitrary arrests, enforced disappearances, torture and even death [6]. Most of the people who stood against the Syrian Government belonged to the realm of writers, legal counsellors and tranquil protestors. Government officials were not the only suppressing authority other groups of people like Shabiha (equipped packs paid off by the Syrian Government), and the Mukhabarat (Syrian insight) also began to revolt against the protestors. In this whole scenario, many political activists have held in incommunicado confinement as well [7].

BACKGROUND OF THE SYRIAN CRISIS AND THE ONGOING CIVILWAR:

History of the Syrian Crisis finds its way back to the beginning of contention between the Government and the people who have been facing the wrath of long-standing Government. Assad's family has been one of the most dominant in Syria since 1971 [8]. After the demise of Hafz al-Assad's father, the tyrant system of Syria voted for Bashar al-Assad as ruler in an absolutist manner to lead in mid of 2000.

The Assad family had a non-fundamentalist notion like the other majority decision groups have. The contention behind the Syrian Civil War is muddled by Syria's ethnic divisions. Syria's population is mainly dominated by the Sunni population whereas on the other hand, the elite population or country's upper echelons are from 'Alawite' order. Alawites constitute 12 percent of the total population of Syria i.e. out of 23 million Syrians. The opposition i.e. Sunni Muslims, constitutes 75% of the populace. In 2002, when Assad succeeded his father, he created his aura of a modernizer and a reformer and submitted notoriety expressing the same before the administration. Though the expectations built by him were left unfulfilled or rather it took a demonic turn for the citizens of Syria [9]. Nonetheless, endeavours were made by Assad to modernize the system; however, time was running against him. One of the major strategies adopted by Assad's regime was to ensure the development of private ventures which boomed commercialization that seemed to be in favour of the urban working class. All these factors culminated and led to the outburst by the Syrian individuals because privatization only seemed to benefit those people who had links with the system[10].

It made numerous individuals jobless, and costs of goods went high. Consequently, Corruption and Debasement can be considered as two of the most observant reason behind the uprising.

The framework was exceptionally degenerate, illegal businesses and pirating turned into the standard or regular phenomena. White-collar employees and workers were constantly denied their remuneration.

A Human Rights Watch report expressed concerns over the human rights violation which was carried on in Syria under Assad's regime since his rule began [11]. He was also blamed for neglecting the needs of people as failed to improve the condition of Syria. The Environmental emergency additionally assumed a job in Syria's uprising. During the period between 2006 and 2010, Syria experienced one of the most horrifying droughts in its history. A huge number of cultivating families were diminished to destitution, making a mass relocation of rural individuals to urban slums. The shortage of food and non-availability of water became a part of the daily life of people.

Next to numerous interior causes, there are numerous external causes behind the current Syrian clash as well.

2. PREDICAMENTS FACED BY THEREFUGEES

The refugee crisis has stirred the rounds of debates and discussions all over the world at national as well as international level. One of the important questions is whether the defences used by countries not to accept the refugees are valid or whether the rights claimed by the refugees are justified. Till date, we have seen many instances where the recipient nations have taken the defence that terrorists come in disguise of refugees and plan the execution of anti-nationalist activities which ignite the situation and hamper internal peace and solidarity of their nation.

On the other hand, refugees claim that the basic rights which shall be endowed on them by the recipient countries are not being rendered to them. Refugees claim that they are entitled to these rights since birth, and these rights are indispensable for the existence of human lives.

One of the primary concerns of refugees is asylum, which has been evidently endowed on the refugees under Universal Declaration of Human Rights specifically under Article 14(1). Article 14(1) [12], of UDHR has mentioned that all those who run from their country due to the threat of persecution have the right to seek asylum in another country. These rights may not be invoked by those who leave their country due to the prevalence of non-political crimes or due to certain activities which stand against the principles and purposes of the United Nations.

When one is forced to leave the country of domicile, the fundamental problem which they face is the unavailability of shelter in the other country to which they move, to start their life again and the problem becomes graver when the Government of the respective country denies accepting them and resorts to refoulement of such refugees.

Refugees who somehow seek asylum in other countries are subjected to ‘social exclusion’ and subsequently rejected from the common social framework and are denied rights and benefits. These fears depend on the xenophobic conviction that the convergence of these refugees considered to be outcasts will kindle “anti-nationalist activities”, will squeeze the accessibility of the assets and that their appearance will hazard the business opportunity and prospects of employment for the natives of said recipient countries.

3. RIGHTS ENDOWED ON REFUGEES

There are many rights which have been granted to refugees by major Conventions organized at a global level by International Organisations. These rights are meant to protect refugees from injustice by the Host countries, but the problem is with the non-application of these rights.

Convention on the Status of Refugees, 1951 has laid down the rights to ensure the security and well-being of refugees. Articles laid under Convention give rights like “access to courts, right to association, artistic and industrial property rights, liberal professions, housing, public education and many other subsequent rights. Apart from these rights, the cardinal rights that are in the midst of strife are-

Non Discrimination- Article 3 of 1951 Convention on Status of Refugees intends to protect the refugees from all sorts of discrimination based on aspects like religion, race or country of belonging [13]. Article 4 of the Convention states that recipient countries who are the contracting parties must treat the refugees favourably and ensure the independent practice of religion and freedom to access religious education by the refugees seeking asylum [14].

These articles show that non-discrimination is the basic essence of this international Convention dealing with the welfare of refugees, and the concern of discrimination was not kept at backseat while dealing with the refugees’ problems.

Non-Penalization –Article 31 (1) of the Convention intends to protect the refugees from any penalization on the ground of illegal entry or presence within the territory of the contracting party, provided that the refugee must have fled from their own country due to the threat of persecution. It’s important that the refugees must present themselves before the deemed authority without any delay and must present the reason for the illegal entry [15].

The contracting State shall not put restriction over the movement of the refugees though restriction shall be imposed on exceptions till their status is regularised or they seek admission in the recipient country. Reasonable time and arrangements shall be made to ensure the facility of obtaining an admission certificate in the recipient country under Article 31(2) of Convention on Status of Refugees held in 1951 [16].

Penalties will put pressure on the already straining financial condition of the refugees and putting restrictions on refugees' movement will not let them start their life again.

Non-Refoulement– The Contracting party to this Convention shall not return or 'refoul' the refugee back to the countries where the life and freedom of the refugees can be threatened on the basis of various aspects like religion, race etc. under Article 33(1) of 1951 Convention on Status of Refugees [17]. Though there are restrictions over the acceptance of these refugees as the contracting party can reject their acceptance if sufficient and reasonable reasons to believe so, that the present can pose threat over the recipient country, if the refugee is convicted for a serious crime or threatens the existence of the community of the country under Article 33(2) of the Convention[18].

Convention on Status of Refugees is not the only International memorandum which protects the rights of refugees from exclusion from the territory of the country, to which they go to seek asylum. "Article 14 (1) of Universal Declaration on Human Rights" lays down the right of refugees to enjoy and seek asylum who perceive a threat from persecution [19]. There are restrictions placed on the acceptance under Universal Declaration of Human Rights as well. People who tend to seek asylum by giving the reason of non-political crimes or any actions contradictory to the provisions of the UN would also not be eligible to seek asylum under Article 14(2) of UDHR.

As is evident from the above-stated rights, the regulations are nowhere at fault, but the problem lies in non-enforcement of these rights due to which the world has seen extreme crises like the one in Afghanistan, Sudan and Syria.

4. UNITED NATIONS' STAND ON SYRIAN REFUGEES

Till now, the world has understood the fact that the refugees' problems are not restricted to certain boundaries of any particular state and no individual state can deal with it without unity at the International front. International peace is one of the major concerns of the United Nations. But the foremost question is whether the U.N. has proved itself successful in dealing with the refugee problems or not.

The current situation in Syria has raised many speculations regarding the effectiveness of the U.N. in combating the refugee crisis. U.N. is concerned about the state of refugees in Syria, and

it is clear from its stand when it did not support the act of Syrian Government against the peaceful protest by the youths of Syria in March 2011. U.N. also organized an International Peaceful Conference named, “Geneva II Middle East Peace Conference” on January 22 2014. It suggested the establishment of a 'transitional government', but finally, no progress could be made in that direction. Despite the gross violation of humanitarian law as well as human rights, Bashar Al-Assad was re-elected as the President on June 4, 2014. The vote faced sharp criticism from the U.S. and its allies stating that Syrians do not even possess actual liberty to vote. In this circumstance, responding to the humanitarian and regional security crisis emanating from Syria has become more challenging than ever before.

U.N. aid group has tried to provide relief to the refugees under the initiative 'Emergency Relief Efforts', but due to continuous intervention by the Syrian Government and due to the obligations imposed on the conduct of U.N., it is not able to achieve its objectives.

“70% of refugees in Syria have been accounted to be below the poverty line and UNHCR has assured to provide relief and assistance to those who are the most vulnerable.” [20]. In order to assist and aid the hapless Syrians residing in Jordan in most miserable conditions, the UNHCR came up with an initiative of Cash-Based Interventions. U.N. has tried its best to rehabilitate the refugees from Syria and has proved successful to some extent, and it also tried to relocate quadriplegic Syrian siblings [21].

From the above facts, it's not as though U.N. is not endeavouring to improve the State of Syrian displaced people but the tactics played by Syrian Government are creating hindrance in the path of the development strategies of U.N. and their efforts to protect the refugees are going in vain. U.N. is proving itself deficient in persuading the Syrian Government to acknowledge its requests for letting it accomplish its objectives and goals for the welfare of Syrian refugees.

Not only the international community but the donors have somehow proved to be supportive and generous towards Syrian refugees, and more than 30,000 families have been given monetary aid on a regular monthly basis amounting to nearly 85 million USD.

5. INTERNATIONAL INTEREST IN SYRIAN DISTRESS

The Syrian Refugee Crisis has become more than just a battle against the President, Mr Assad. There are several groups and countries which have contributed to the worsening of the problem by prolonging the fights for their own selfish agendas. Religious conflicts have been adding fuel to fire and these have aggravated over time with the hostility continuing between Sunnis and the Shia Alawite populace [22]. These crevices in the religious fabric of the State have led to the loss of hope for any improvement in the conditions of Syrians. As a consequence, certain Jihadist terrorist outfits such as the Islamic State of Iraq and Syria (ISIS) and Al-Qaeda have flourished in the region further deepening the problem.

Turkey has started accepting the influx of Syrians at official borders Russia and Iran are the principal states which have extended their support to the Government while Turkey, Western powers and several Gulf Arab states have inclined towards the opposition. A favourable move for the Government came from Russia which conducted a campaign in the form of an air-strike in 2015 while Russia had also taken control of army establishments in Syria. Iran has also shown its allegiance to the President and his Government by supplying huge quantities of arms and ammunition and expending billions in their favour. The Syrian army has received help from many places and their support includes aid from Muslim militiamen of the Hezbollah Movement [23], of Lebanon as well as from other countries like Yemen, Afghanistan and Iraq. These men have been trained by Iran and Iran has also provided them financial assistance and arms and ammunition [24].

The League of Arab States came to a conclusion after studying the emergency state in Syria which had descended in a most risky stage till date in January 2012, and decided to encourage a political discourse among the government of Syria and the resistance groups of the country “under the League of Arab States’ protection, as per the time table set out by the League of Arab State Nations.” [25].

The membership of Syria was curtailed by the Arab League. An “observer mission” was initiated by the League and due to insistence from Russia and China, Assad’s government had to concede to accept it for fear of losing their backing [26]. The purpose of the initiative by the League was to end violence against those protesting in peace and bring about a settlement without causing

further mayhem. An plan was decided upon that suggested delegation of power by Assad to his Vice-President for marking a shift to the democratic process; further it was advised that the Syrian Government terminate its cruel suppression and allow the opposition to state their grievances in a peaceful manner; additionally, the government was asked to make orders for the retreat of army personnel from urban areas and their return to actual military bases. The League of Arab States also wanted ingress to cover the ground reality in Syrian towns and for this they advised the setting up of their establishments and media access in Syria. However, a rise in anarchy and chaos led to incomplete implementation of this mission which later had to be suspended by the League of ArabStates.

The U.S.A., U.K., and France had initially rallied in favour of the ‘moderate’ rebel groups, but later on, due to the dominant presence of the jihadist groups in the armed opposition, they took the calculated risk of providing non-lethal assistance [27]. Many air-strikes have been organized by a U.S.-led global coalition on the I.S. militants in Syria since 2014. A consortium of Arab and Kurdish militiamen forming the Syrian Democratic Forces, with the backing of this coalition, has acquired control of territory in the east that was once held by the Jihadists.

Turkey is known to have been a supporter of the protesting populace, but it has focussed on using them to extirpate the Kurdish militia as they firmly believe them to be associated with a banned Kurdish outfit in Turkey. Since 2016, the territory along the border of north-western Syria has been controlled by rebels who have the backing of Turkish forces. Saudi Arabia has also tried to take advantage of the situation by financing the rebels in order to contravene the Iranian influence, as has its gulf-rival, Qatar.

Finally, there shall be efforts to establish long term development and integration strategies for the host countries and these countries shall relinquish their thought to consider the refugees as “temporary guest” The primary concern shall be to focus on income generation, job-creation, vocational training. These objectives can only be achieved if the changes are brought in the legal framework and the control over refugees are eased by allowing the refugees to procure licences enabling them to start working to earn a livelihood and introducing such programmes that are conducive to their social and economic growth[28].

6. STAND OF THE RECIPIENT COUNTRIES

The foremost concerned party in this scenario are the recipient countries who are facing the influx of refugees from Syria. These countries see these refugees as perpetrators on their wealth and happiness. Recipient countries have, on various occasions, expressed their concern over the non-militant illegal activities carried on after the influx of these refugees in the recipient country which further ignites the terrorist activities and threatens the peace and tranquility of the nation.

Other countries think that these refugees will bombard over the already limited resources in the country, and they will be a burden on already depleted resources. These are the major concerns why these recipient countries don't accept the refugees from any nation, especially Islamic states, which already have a tarnished image of being called as the terror house.

In fact, protecting refugees will also protect the recipient nations. When safer alternatives of entering the recipient country such as refugee resettlement and humanitarian visas coupled with proper security measures are available to the asylum seekers against the option of risking their lives on high sea and arriving helter-skelter, the chances of undesirable social elements entering under the guise of refugees will be minimized. A better screening mechanism and an orderly route will deter terrorists as it would hardly be an attractive option for them.

The major topic of discussion is the reason why refugees are confronting issues. Due to the threat of persecution and wars, refugees leave their place of domicile and move to other places to restart their life. But the non-acceptance of refugees by the recipient or host countries is creating hurdle in their path of fulfilling their basic needs. Here we will have to look from both perspectives why nations do not prefer to assist refugees and what negative impacts are the refugees creating on the recipient countries.

Some countries like Turkey have taken major steps towards protecting these refugees without compromising with the state of peace and tranquility in the nation.

depending upon the availability of a place to accommodate the refugees or after noticing the humanitarian situation. Further cooperation was also sought from other platforms like U.N., UNHRC, the Syria Regional Response Plan (R.R.P.) and the Syria Humanitarian Assistance Response Plan (SHARP) and the reports cite financial needs and burdens too.

The status of host countries can be summed up as: the status of the refugee camps, networks, people and defenceless populaces stand as a barrier when it comes to the acceptance of refugees and threatens their status. The recipient or host countries can start from enlisting the refugees and guaranteeing them a lawful status after making sure that they won't hamper the peace in the recipient country and try to forestall repatriation and their condition of statelessness. It must be noted that Jordan as well as Lebanon are not signatories to the 1951 Convention on the Status of Refugees. As a result, the UNHCR has coordinated with these host nations via separate agreements in the form of Memorandums of Understanding (M.O.U.) that allow the UNHCR to work in order to align the focus of these two countries on the general standard global law guideline of non-refoulement.

Other countries which are facing complications due to the influx of these refugees should take measures, by taking inspiration from countries like Turkey.

7. CONCLUSION

In spite of efforts made by countries and various international organizations, the current situation in Syria is not reviving because other countries are involved in seeking advantage of the ongoing situation at the cost of the lives and peace of the Syrians.

The main barrier in the path of curbing the refugee problem is the non – signatory host countries to the 1951 Convention on Refugees, which grants major rights to refugees. Due to this, the U.N. has become incompetent in enforcing the duties of the host countries to recognize the rights of the Syrian refugees. Some host countries like Iran, Jordan, and Lebanon are not the signatories of the important conventions dealing with refugees' rights.

It has become very important to combat the terrorist groups, who are playing with the peace and security of the whole world. They are making the situation worse by brainwashing the Syrian youth, which is having a negative impact not only in Syria but on the whole world.

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