

INTRODUCTION

According to Barnett (2002: 258), The United Nations High Commissioner for Refugees (UNHCR) “is caught in a difficult position between traditional notions of respect for territorial sovereignty and the need for international responsibility”. This gap between the norms of sovereignty and the norms of international responsibility is a particularly acute dilemma when thinking about refugees’ rights. This essay will discuss the extent to which non-governmental organisations (NGOs) and other non-state actors (NSAs) can help overcome the gap with reference to the Syrian refugee crisis.

UNHCR is the leading international organization in refugee affairs (Kennedy, 2004), and was founded with a mandate to provide international protection to refugees and solutions to the problems they face, in cooperation with national governments, NGOs, and other international organizations (IOs) (Barnett, 2002). According to the United Nations *1951 Conventions*, a refugee is defined as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (European Parliament, 2015: 1). Today UNHCR’s approach also fosters civil society and builds democratic governance while working with people excluded from the official refugee-definition, such as asylum seekers and internally displaced persons (2015). The above-mentioned

dilemma becomes inherent as UNHCR has widened its scope. Now, states have the power to control their borders, and as they increase their domestic restrictions, international efforts to protect refugees can be overturned (Barnett, 2002). UNHCR’s advocacy has become a struggle to find normative links between an international status and national political solution, which ultimately determines the treatment of refugees (Kennedy, 2004).

Since the outset of the Syrian civil war in 2011, there has been a high flux of refugees (Dany, 2019). Over 5.6 million people have fled Syria since then, to seek safety in other countries (UNHCR, 2020) due to violence, destruction, human rights violations, and lack of access to basic necessities (Fierros et al., 2017). Millions of them have arrived in Europe, exposing the limitations of the European Union’s (EU) common border control and burden-sharing system along with lack of respect for human rights (Greenhill, 2016). Many EU member states prioritized national interests over European solidarity, reinstated internal border controls, and chose not to accept the needed numbers of refugees: responsibilities for monetary, social, and political costs were not equally shared (Greenhill, 2016). Frontline states, such as Italy and Greece, have been bearing unfairly higher costs in Europe, and Syria’s neighboring countries, Turkey, Lebanon, Iraq and Jordan, have not received sufficient aid (Greenhill, 2016). Additionally, Turkey, which has held the largest numbers of Syrian refugees, was expected to indefinitely provide protection even without the EU’s credible commitments to assist them (2016). Debates over national responses to the

crisis generated striking benefits to the right-wing nationalist political parties in many EU nations (Greenhill, 2016). These parties have in turn responded by taking a hard line on immigrations, trumping any universalistic, supranational efforts to protect the refugees and therefore, worsening the perceptions of them within governments and citizens (Greenhill, 2016). Therefore, as the global refugee regime lacks sufficient state- or intergovernmental organization -level support, the implications for refugees have been multifaceted.

Although states have long been considered the primary actor in refugee control and regulation, other actors have recently proven to have influence (Danis and Nazli, 2018). NGOs and other NSAs have a growing role in changing political, security, economic, and social environments (European Commission, 2020). These actors can help overcoming the gap between the norms of sovereignty and international responsibility on two levels: by helping to minimize the dilemma itself by advocacy, as well as by softening the material effects of this dilemma for the refugees caught in its crosshairs by acting as humanitarian actors.

Firstly, the essay will discuss the position of NGOs and other NSAs in the refugee regime. Secondly, it concentrates on how they can influence policies and perceptions by advocacy and lobbying. This is followed by a more practical perspective of their work, concentrating on Turkey and the Syrian refugee crisis.

NGOs AND NSAs

First, it is important to define what NGOs and NSAs are, and how they are situated regarding the refugee regime, to understand why they are relevant in overcoming the discussed dilemma. NGOs can be defined as institutionalized groupings of people and resources, often from multiple societies, operating outside the direct authority of any particular government or collection of governments, which can, and will work cooperatively with states or controversially, to oppose them (Suri, 2005). NSAs, which include NGOs, are not always as organized and as multinational as NGOs, and rarely challenge states explicitly, but use their resources to affect policies, perceptions and behavior across societies (2005). Intergovernmental Organizations (IGOs), on the other hand, are distinguishable from NSAs and NGOs as they are formed by nations and created by a treaty (Harvard Law School, 2020). The United Nations (including the UNHCR), the EU and NATO are all examples of IGOs (2020).

UNHCR often has limited power in refugee affairs as sovereignty of its member states undercuts its authority (Kennedy, 2004). NGOs, while developing their relationships with IGOs, have also been strengthening their relations directly with states to receive executive tasks, but also established a deep, cooperative tradition with civil society (Irrera, 2017). The special position NGOs and other NSAs have in societies translate into a public sphere of associational life above the individual, below the state and across national boundaries (Jaeger, 2007) – an ideal dimension to fill the gap between national governments and international responsibilities to protect the refugees. NGOs are the primary representatives of global civil society and global governance that are a counterweight to states and IGOs (Jaeger, 2007).

They help to extend the discourse of International Law beyond the interests of states, and operate across the threefold political system of states, international institutions and the public sphere (2007). Therefore, states are no longer the sole actors, and power appears to be more fluid (Suri, 2005). In other words, power is not fixed or confined to states and can be expressed in different forms (Milner & Wojnarowicz, 2017). Other subjects, such as NGOs, do have power in international politics - though this often takes non-traditional forms that do not always appear political (Ahmed & Potter, 2006).

ADVOCACY AND POLICY CHANGE

NSAs, including NGOs, can achieve success by lobbying for policy changes, rallying international allies and building agendas for the public discourse about the refugee crisis (Yang & Saffer, 2018). NGOs can attempt to influence states by framing problems, solutions, and justifications for political action (Joachim, 2003) or by applying pressure to national governments and international institutions by fostering accountability in political and economic systems from below (Jaeger, 2007). According to Roth (2004), the biggest strength of NGOs is the ability of shaming: investigating misconduct and exposing it to the public, therefore shaping their opinion and suggesting moral analysis. Shaming can bring normative and discursive change on national and international levels (Joachim, 2004). Public discourse on issues such as the Syrian refugee crisis can profoundly influence policies and social change (Yang and Saffer, 2018). The refugee crisis has sparked heated debates among citizens and stimulated a surge of political populism in the EU (Zaun, 2018). According to Wike et al. (2016) the recent surge

of refugees into Europe has featured prominently in the anti-immigrant rhetoric of right-wing parties across the Continent. Similarly, Greenhill (2016) notes that the popular discourses in the EU have nationalistic sentiments: refugees reduce national living standards by taking away social resources, committing crimes and bringing tension from their home state (Greenhill, 2016). These perceived threats among societies, be they legitimate or not, affect policies: if refugees are seen as liability to national security, societal stability and cultural identity, individuals and groups will mobilize to oppose both their acceptance and the policymakers in favor of them (Greenhill, 2016). Even though in the beginning some traditional recipients of refugees, such as Germany, were more willing to host additional refugees, national electoral pressures, mobilized by populist parties, eventually resulted in them trying to minimize their asylum application numbers (Zaun, 2018). Without public support or demand, policymakers lack motivation to support refugees (Roth, 2004). NGOs and other NSAs can therefore assist refugees by attempting to influence domestic and/or international policymakers, but also as a result of managing behavior throughout the world by changing citizens' perceptions (Jaeger, 2007). Affecting change in voluntary and customary practices within societies through citizens can ultimately lead to changes in public affairs and the treatment of refugees (2007).

States are obliged to consider principles of human rights, economics, foreign policy, public opinion, security, and social issues when developing their refugee laws (Barnett, 2002). Furthermore, most Western states are normatively or legally bound to offer refuge and protection for those fleeing persecution and violence (Greenhill, 2016). However, during the Syrian refugee crisis, European solidarity and

collective response has been absent: aid provided for Turkey or the frontline EU states has been insufficient and some EU members refused the entry of any refugee (2016). Shaming activities by NGOs demonstrate how their advocacy can bring international attention to the issue. To illustrate, in 2014 multiple major NGOs, such as Amnesty International and the Comisión Española de Ayuda al Refugiado, denounced the international response to the Syrian refugee crisis as shameful (Galvez-Rodriguez et al. 2019). Additionally, more than 20 NGOs released a report card claiming that the United Nations Security Council had failed the Syrian people on four criteria: protection of civilians, political developments, financial support to the humanitarian response, and humanitarian access (Dyke, 2015). Although the causality cannot be proven, soon after in 2015, the European Commission called for a more global approach to the management of refugees and published an emergency plan to relocate some 160,000 refugees in the EU with quotas for distribution among member states (Galvez-Rodriguez et al. 2019). Spain was assigned a quota of 14,931, which was a major development of Spain's original offer to receive only 130 (2019).

Médecins Sans Frontières (MSF) is a humanitarian NGO which has been exercising political agency during the refugee crisis by adopting outspokenly confrontational strategies aimed at societal mobilization and increased public contestation against governments and the EU (Dany, 2019). MSF criticized policies in public, refused funding from the EU, accused political actors, operated dangerous rescues at sea which questioned EU policies and practices, and networked with the wider civil society (2019). The NGO also established hospitals in refugee

camps to provide medical, psychological and nutritional care for the refugees (Yang and Saffer, 2019). MSF's actions demonstrated the extent to which NGOs can have political agency to enhance contestation and mobilize public opinion (2019) while also having pragmatic operations. However, actions which blur the lines between humanitarian aid and the international political sphere can sometimes also have detrimental effects: the danger of losing principle-oriented characters leading to reduced credibility, decreased donations, criminalization, and ultimately, the inability to reach the people in need (Dany, 2019). Understanding these limitations and possible consequences can assist NGOs in planning effective actions.

NSAs AS HUMANITARIAN ACTORS

NGOs and other NSAs have moved from solely advocacy to being actual humanitarian actors (Jaeger, 2007). According to Barnett (2002) these actors have a key role in conflict management strategies because of their access to conflict areas. Humanitarian NGOs' actions often clash with states and IGOs, however, they regularly likewise interact with them to contribute in shaping the humanitarian system as a whole (Irrera, 2017). Working in parallel with UNHCR, NGOs often fulfil specific functions such as peacebuilding, reconstruction, as well as deploying materials and logistics. For refugees, NGOs' work has been translated into the provision of healthcare, shelter, food, water, sanitation and education in refugee camps (Worldvision, 2020), but also into assistance with refugee resettlement (Yang and Saffer, 2018) and legal matters (Aras and Duman, 2019). Irrera (2017) points out that humanitarian NGOs have professionalized their tasks with governmental and other non-governmental actors, however there are still many barriers to cooperation, such as different mandates, sectoral interests and

operating principles amongst actors. UNHCR (2020) has reported that it relies heavily on NGOs to implement a wide range of projects, demonstrating how NGOs are a major contributor in helping refugees where other subjects face limitations. This manifested clearly in 2015 when the United Nations had to cut aid provision in many areas for the Syrian refugee crisis due to limited funding, therefore reducing essential services that NGOs had the ability to provide (Greenhill, 2016). A closer discussion on the NSAs' operations in Turkey, which has received a majority of the refugees, is offered next to illustrate the practical aspects of their work.

In April 2020, the Turkish government reported the number of registered Syrian refugees within their borders to be more than 3.5 million, a number which is significantly higher than any other country receiving the majority of refugees: Lebanon, Egypt and Iraq (UNHCR Operational Portal, 2020). These refugees have found shelter in camps mostly in the regions near the Turkish-Syrian border, but also in Istanbul and border cities of Şanlıurfa, Gaziantep, and Hatay (Aras and Duman, 2019). However, the Turkish state's lack of experience in managing settlements of this scale, the limited capacity of refugee camps, the continuation of conflict and absence of a working cooperation between the EU and Turkey, as well as tensions between Syrians and Turks, have caused serious problems (2019). A high number of national and international NGOs are operating in areas where the concentration of Syrian refugees is high, assisting in specific areas such as health, accommodation, food, and education, as well as socio-cultural and psychosocial support (2019). For refugees who have settled outside refugee camps, NGOs are offering services such as legal assistance and

repatriation, registration, education, employment, and livelihood (2019). However, many refugees are facing obstacles in registration, which creates various problems such as working illegally – work which often violates their rights further - or lack of access to proper healthcare (Danis and Nazli, 2018). Obstacles in registration also indicate that the actual number of refugees in Turkey could be significantly higher than the number the government has reported.

NGOs have been able to assist refugees with their day-to-day problems where the states have failed them. *Mülteciler Derneği* (MD) was able to obtain a fingerprint machine to be used in the Sultanbeyli District Police Department in order to speed up the registration process (2018). MD also operated an outpatient clinic, where Syrian doctors and nurses provided services for Syrians, giving jobs to doctors unable to obtain work permits, while treating patients who had no access to proper healthcare otherwise (Danis and Nazli, 2018). Arguably, the actions of the NGO were illegal, however, they show the extent to which NGOs can help refugees where UNHCR itself is failing. Many Turkish NGOs, such as Hayata Destek, currently receive donations from international organizations and conduct joint projects with UNHCR (Aras and Duman, 2019). These co-operations contribute to demonstrating the NGOs' participation in the international humanitarian system. The assistance of these subjects is vital in dealing with the problems affecting Syrian refugees in Turkey at a time when the Turkish state and IGOs such as the European Union and the United Nations have had limited success (Aras and Duman, 2019).

Yet, there are major limitations to NGOs' fieldwork and the extent to which they can assist refugees. Aras and Duman (2019) reported that

NGOs in Turkey are sometimes suspected by the government of cooperating with anti-state minorities or political groups and, therefore, suspected of endangering the national unity of the state. Many NGOs, such as Mercy Corps and DanChurchAid, were closed by the Turkish government as they were suspected of cooperating with Syrian Kurds, and NGOs have found themselves in a place where relations between civil society and the state are complicated (2019). The entry and the activities of NGOs remain under the strict control of Turkish authorities. The government also promotes certain non-governmental actors to fulfil the responsibilities of the state regarding refugee reception – often the ones which are considered to be loyal to the state (Danis and Nazli, 2018). The Turkish government is not the only one that has failed to serve the needs of refugees. In Lebanon, the presence of NSAs has replaced the void left by the central state, and refugees have been forced to rely on their own local support, social networks and NGOs (Danis and Nazli, 2018). Furthermore, Aras and Duman (2019) highlight that as the majority of the NGOs working with Syrian refugees are funded by Western governments, their motivations might be largely the prevention of the flow of refugees reaching Europe, instead of the rights and wellbeing of refugees.

CONCLUSION

The literature shows how NGOs, NSAs, states and IGOs form a network to respond to the dilemma between the norms of sovereignty and norms of international responsibility. Considering the work of NSAs, if we take overcoming this dilemma to mean minimizing it, then we see that the actions of these actors have had an effect through advocacy and

obbying. By using their political voice, NGOs and other NSAs can impact policymakers through shaming and influencing public perceptions, ultimately changing how public affairs are governed, as well as how refugees are treated in the societies they have settled in. If we take overcoming it to mean softening the material effects of the dilemma for the refugees, then we see the role of NGOs and other NSAs have had a major effect through their humanitarian aid.

Ultimately, as long as nationalism is on the rise in the EU, the lack of motivation for truly reaching solidarity and the level of mutual respect for human rights these states claim to have will be a challenge. The special position NGOs and other NSAs have in societies enables them to be ideal actors for overcoming the dilemma, rather than states or intergovernmental organizations alone. Ideally, next time the world faces a similar situation, there will be no necessity to label it as a 'crisis'. To reach such a long-term objective, NGOs should work together with states, intergovernmental organizations and with one another to foster practical, normative and discursive change which will enrich the groundwork already laid out.

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