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Syria and the Responsibility to Protect Refugees
Lecture by Tendayi Achiume, Assistant Professor of Law, UCLA
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Summary by Amani Majzoub

Entering into its fifth year, the Syrian refugee crisis may soon be the largest since the Second World War. However, the international law regime that currently governs protection of refugees offers no basis for resolving a problem central to this crisis. Dr. Tendayi Achiume, Assistant Professor of Law at UCLA's Law School, argues that a novel means of achieving international cooperation to share the cost of protecting refugees is the international doctrine of the Responsibility to Protect (R2P), in a lecture hosted by the Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut (AUB).

At the beginning of the lecture, Achiume started with the definition of refugees according to the international refugee law. She gave the example of asylum seekers in South Africa faced with xenophobic discrimination; their clash with the host community is mainly attributed to the lack and competition over resources - also referred to as a perceived sense of resource scarcity. Furthermore, Achiume stressed that 86% of the world's refugees are in developing countries according to UNHCR in 2013. Thus, the effect of this distribution of refugees in countries of the Global South has detrimental effects on the refugees themselves as well as on the host countries due to the inability of the states to provide protection/assistance for both the nationals and the refugees.

Achiume believed that to overcome these challenges, there should be an international cooperation and an international "frame" for the states to share the responsibility of protecting refugees. To date, there are two treaties present which govern the International Refugee Law Regime which are: 1951 UN Refugee Convention (limited to refugees fleeing war events in

Europe before 1951); and 1967 Protocol which intended to remove the geographic boundaries of the previous one. However, these treaties do not create a corresponding obligation of countries outside the state which ratified the convention to protect the refugees. Thus, the International Refugee Law sets itself up for failure due to its incapacity to push towards international cooperation.

Thus, R2P relies on three main pillars to serve as a basis and to create a “comprehensive action plan” that serves as a platform for determining the needs of host states. These three pillars are: 1) States have the responsibility to protect their “territorial” population, 2) The international community should provide assistance - namely protection assistance including resettlement, humanitarian assistance, and development assistance to states which are not able or unwilling to provide assistance, and 3) The international community may require more drastic conditions where pacific measures fail such as coercive measures.

The responsibility of the international community depends on the capacity of the host state to protect refugees. Countries such as Lebanon and Jordan, who host big numbers of Syrian refugees and limited resources, should be a priority for the international community. On the contrary, a country such as Sweden who hosts a considerably small number of refugees and has the capacity and resources should not be a priority to the international community in terms of providing assistance.

The main critics of the R2P were concentrated around two main schools; those who thought that R2P will act as a “Trojan horse” which weakens the states’ sovereignty and harms vulnerable people, and those who view that the success of R2P is limited to the interest of “big states in states claiming for assistance. Achiume countered these arguments by saying that Chapter VII of the UN convention is already in place and if “big states” want to intervene, they will do so without the presence of R2P.

Finally, Achiume ended her lecture by referring to the importance of political will and urgent need for “big states” to place the Syrian crisis on their agenda. Having an R2P for this crisis means having a frame that will shift the discourse of international communities from charity and international solidarity to what is required from them to do; thus, it sets clear parameters of what are the obligations of the “big states”.