# Exploring the Link Between R2P and Refugee Protection: Arriving at Resettlement

## Abstract

This article addresses how resettlement can serve as a method for discharging the international community’s Responsibility to Protect (R2P) populations from mass atrocity, particularly in cases like Syria where the lack of consensus on the UN Security Council has prevented an effective response in terms of diplomatic, humanitarian or military means for protecting the Syrian population from mass atrocities. The academic literature considers the link between R2P and refugee protection, but it is too focused on asylum, and it relies on normative arguments that fail to engage state interests. This article aims to explore the theoretical divide between R2P’s scholars, states, and civil society in terms of how each envisions the link between R2P and refugee protection. The article explores resettlement as a mechanism for rectifying these different interests in order to engage advocacy around R2P, thereby preserving its normative future and increasing protection of those fleeing mass atrocities.

## Key Words

Responsibility to protect – civil society – UK – states – Syrian refugees – resettlement

## Introduction

This article addresses how resettlement conceptually and politically links to the Responsibility to Protect’s (R2P) third pillar[[1]](#footnote-1) and serves as a practical response when a state is manifestly failing to protect its population from mass atrocities[[2]](#footnote-2). First, the article discusses the evolution of R2P and its application to the Syrian case, with particular focus on how the Syrian context brings to light underlying reasons for the lack of consensus on the UN Security Council, which has prevented an effective response to the crisis. Second, the article examines how the current literature on R2P and refugee protection envisions both practical and conceptual links between the two frameworks and then applies these themes to the resettlement norm within the context of R2P. The sections that follow examine the opposing perspectives of states, civil society, humanitarian organisations and migration practitioners because these different agents have remained relatively immune to academics’ compelling normative arguments for implementing R2P via refugee protection. For example, states like the UK are avoiding asylum by making regional agreements aimed at containing refugees within the region in order to prevent them from making it to their territories where they have a right to claim asylum.[[3]](#footnote-3) The UK’s focus on financial assistance to the region and the shirking away from refugee protection suggest an understanding that R2P is a foreign policy issue separate from international refugee law and that it is limited to an in-situ response. Furthermore, civil society, humanitarian organisations and migration practitioners are hesitant to make a link between the two frameworks because they find it counterproductive to attach R2P language in their advocacy to states for greater protection of populations fleeing mass atrocities. This article then finds that R2P support may be reinvigorated for states, civil society and humanitarian organisations if its connection to non-coercive measures would take precedence over its military option. Linking R2P to existing resettlement programs in the UK could help achieve this, which would result in protection and new opportunities for advocacy and education leading to increased protection through resettlement. Finally, the article concludes that promoting resettlement as a response under R2P’s Pillar III, especially in difficult cases like Syria, may serve to harmonise the divergent interests and concerns of states, civil society organisations, humanitarian organisations and migration practitioners resulting in the potential for greater protection of those fleeing mass atrocities while reconceptualising R2P as constructive towards this end.

## The Historical Context of R2P

Following the mass atrocities in Rwanda and Srebrenica, global debate intensified over whether there was a right of humanitarian intervention, specifically coercive, military action against states in order to protect their populations.[[4]](#footnote-4) This notion provided justification for NATO’s ‘illegal, but legitimate’ intervention in Kosovo.[[5]](#footnote-5) Recognition of the inherent dangers of unauthorised humanitarian interventions influenced a growing debate acknowledging the fine line between sovereignty and human suffering. Through collaboration with the Canadian government and major foundations, the International Commission on Intervention and State Sovereignty (ICISS) was established to consider the relationship between state sovereignty and responsibility. The Commission’s Report defined ‘sovereignty’ as ‘a state’s responsibilityto protect its own populations from avoidable catastrophe, such as mass murder, rape and starvation, but if that state were unwilling or unable to do so, then that responsibility must be borne by the broader community of states’[[6]](#footnote-6).

In 2005, UN General Assembly Member States endorsed paragraphs 138 and 139 of the World Summit Outcome Document (WSOD)[[7]](#footnote-7), which narrowed the context and responsibilities envisioned by the ICISS Report to gain wider consensus after a period of contestation over particular aspects. The WSOD version of R2P narrowed application to situations where genocide, crimes against humanity, war crimes, ethnic cleansing or their incitement is occurring. Less powerful states’ discomfort with the subjective threshold of a state that is ‘unable or unwilling’, which may invite an overly quick military response[[8]](#footnote-8) resulted in reframing the international community’s responsibility to intervene as a ‘responsibility to protect’, triggered by a ‘manifest failing of the state’. Humanitarian intervention is a narrow aspect of R2P and any coercive force must be authorised by the UN Security Council, which was determined to be best at ‘prevent[ing] each state in the system (particularly the powerful [Permanent Five]) from defining for itself what constitutes a threat to international peace and security and to facilitate cooperative responses to such threats’[[9]](#footnote-9). Indeed, consensus from the UN Permanent Five (P5) was gained by making the UN Security Council the only authority for acts under Pillar III whereby responsibility would not default to the General Assembly or regional organisations in the event that the Council was unwilling or unable to act.[[10]](#footnote-10) The P5 also objected to any restriction of their veto powers.[[11]](#footnote-11)

## The Syrian Context

Syria has been a difficult R2P case as there is clear evidence of mass atrocities against the Syrian population and the state is manifestly failing to protect its population, since it perpetrates most of the mass atrocities in the state.[[12]](#footnote-12) The almost 5 million who have fled Syria since 2011 are concentrated in Lebanon, Turkey, Jordan, Egypt, North Africa, and Iraq, states proximate to Syria.[[13]](#footnote-13) Additionally, more than one million refugees applied for asylum in Europe in 2015 and again in 2016.[[14]](#footnote-14) There are 6.3 million displaced within Syria and 13.5 million are in urgent need of humanitarian assistance.[[15]](#footnote-15)

However, the international community has not had an effective response to the Syrian crisis due to the polarising effects of the Libya intervention in 2011 and to disagreement on the UN Security Council on how to protect the population. After Libya, states such as Russia, China, Brazil, India and South Africa reaffirmed that regime change is an unacceptable intrusion on sovereignty.[[16]](#footnote-16) Russia and China have explicitly referred to the Libya intervention as the basis for blocking any resolutions that may lead to military intervention in Syria despite the evidence of widespread mass atrocities against the Syrian population.[[17]](#footnote-17) The P3 [US, UK, and France] have politicised the humanitarian protection of Syrian civilians by linking humanitarian aid with regime change in their drafting of the humanitarian access resolutions during the initial phases of the Syrian conflict.[[18]](#footnote-18) This persistent linking of humanitarian aid with a need for political transition has guaranteed that Russia and China would veto such important resolutions.[[19]](#footnote-19) As a result, Russian and Chinese vetoes have allowed Assad to continue perpetrating mass atrocities with impunity against those he calls terrorists.[[20]](#footnote-20) Thus, while there is some genuine disagreement on how to manage the conflict in Syria, the political interests of the P5 have prevented any effective resolution to the crisis. Furthermore, states remote from the crisis have been slow to protect refugees and have actively pursued containment policies.[[21]](#footnote-21)

## The Responsibility to Resettle Refugees

The paralysis at the UN Security Council and the on-going Syrian crisis has helped expand the debate on alternative methods for protecting those fleeing mass atrocities. However, mostly academics have looked to using refugee protection mechanisms, particularly asylum, to help protect Syrians from mass atrocities.

Until recently, R2P and the international refugee protection regime[[22]](#footnote-22) have been seen as separate protection frameworks. R2P is about protection from mass atrocities and international refugee law is largely about protection from persecution. R2P is recent ‘soft law’ with hard law components, but there is no legal requirement that states must protect populations from mass atrocities in another state, only that they are prepared to act.[[23]](#footnote-23) R2P responses by states such as the UK are often seen as a foreign policy issue to be executed from a geographical distance[[24]](#footnote-24), and R2P’s perceived failure in Syria has further revealed the norm’s dependency on political will. International refugee law, hard law dating back to the early 20th century, gives refugees a legal right to seek asylum on the territories of state parties to the 1951 Convention on the Status of Refugees (Refugee Convention).[[25]](#footnote-25) The existing literature has primarily focused on asylum as a conceptual method for discharging R2P. Perhaps, the legal nature of asylum provides a more potent bootstrap for hardening the soft-law characteristics of R2P’s Pillar III responsibilities.[[26]](#footnote-26) However, the conceptual connection between R2P and asylum has not resulted in greater practical protection for Syrian refugees because many states have taken measures to prevent asylum seekers from reaching their territories, and have therefore successfully diminished their legal responsibilities to refugees in practice.[[27]](#footnote-27) As such, the hard law quality of the international refugee regime only really helps protect those refugees who are able to make it to a state party’s territory.

Below, I examine the conceptual relationship between R2P and international refugee law and argue there is a case to be made for linking R2P and refugee resettlement. The political norms underpinning R2P’s third pillar[[28]](#footnote-28) may be conceptually closer to resettlement, a norm within the international refugee protection regime.[[29]](#footnote-29) Resettlement involves the selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to facilitate their arrival and admit them as refugees.[[30]](#footnote-30) Resettlement occurs only after a determination that an individual or group falls within the definition of a refugee.

Like asylum, resettlement is a refugee protection tool that shares the same goals of protection as those underpinning R2P as it removes refugees from the risk of mass atrocities by minimising the chance that overburdened host states will close their borders or return refugees back to the manifestly failing state where they face mass atrocities. Resettlement resembles Pillar III of R2P because both are without legal obligation. However, resettlement is a more settled norm[[31]](#footnote-31) and could potentially lend strength to what has been argued is the weaker norm in the third pillar of R2P.[[32]](#footnote-32)

## The Links between R2P and Refugee Protection

The current literature on R2P and refugee protection envisions both practical and conceptual links between the two frameworks, which can be organised into three key themes discussed below. Because resettlement is a norm within the refugee protection regime and requires a determination that an individual or group meets the definition of a refugee, it is necessary to explore how its overarching framework links to R2P. The article then looks at the practical reasons for using resettlement as an R2P measure within the context of Syria.

### R2P Populations are Refugees

R2P populations[[33]](#footnote-33) meet the definition of a refugee once they cross the Syrian border. The Refugee Convention defines refugees as those who are unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, social group or political opinion because they lack the protection of their own country.[[34]](#footnote-34) Persecution is linked to mass atrocities because they usually involve harm on at least one of the Convention grounds. Every case where a population faces mass atrocities will meet the refugee threshold of a well-founded fear of persecution for a Convention reason.[[35]](#footnote-35) The persecution does not have to be individualised as refugee status can be recognised through group-determination procedures on a *prima facie* basis. UNHCR, the organisation responsible for determining refugee status at the international level, accepts those fleeing violence as a result of internal war as refugees within their practice manuals.[[36]](#footnote-36) Furthermore, international and regional law[[37]](#footnote-37) predating R2P has recognised the inherent link between those fleeing mass atrocities and refugee protection especially because the mass flow of refugees out of states is often an indicator that mass atrocities are occurring[[38]](#footnote-38), triggering the need for an R2P response. Thus, all R2P populations that cross an international border are conceptually refugees requiring international protection.

### Refugee Protection Protects R2P Populations

Conceptually, a link between the two protection frameworks existed from the inception of R2P because providing refugee protection is a practical way of protecting populations from mass atrocities. The drafters and entrepreneurs of R2P intended the WSOD’s Pillar III ‘other peaceful means’ to act as an umbrella concept which would include protection measures such as asylum.[[39]](#footnote-39) Indeed, following adoption of the WSOD in 2005, the Special Advisor on the Prevention of Genocide and the Secretariat’s Executive Committee on Peace and Security established a working group tasked with identifying a ‘repertoire of measures’ demonstrative of the various UN departmental mandates that would fall within the ambit of diplomatic, humanitarian and other peaceful means under Pillar III of R2P.[[40]](#footnote-40) Among the measures considered by the working group were ‘steps to facilitate asylum and *non-refoulement*’ under the category of other peaceful means.[[41]](#footnote-41) Interestingly, four years after the WSOD, the 2009 Report explicitly recognised that the aspirational goal of eliminating mass atrocity crimes would be more attainable if the protection of refugees and the internally displaced were ‘mainstreamed’ among the priorities of UN agencies because the grant of asylum protects populations from the relevant crimes defined under R2P. [[42]](#footnote-42)

Furthermore, the work of UNHCR in making asylum applications for such populations is ‘R2P in practice’ as large numbers of refugees often precede or indicate perpetration of mass atrocity crimes.[[43]](#footnote-43) For example, UNHCR has protected populations fleeing mass atrocity by recognising their refugee status in the following cases: Kurdish refugees fleeing ethnic cleansing in Iraq under Saddam Hussein; Rwandese refugees fleeing in the 1990s; Cambodian refugees fleeing crimes against humanity; Myanmar refugees fleeing ethnic cleansing; and Albanians (Kosovars) fleeing ethnic cleansing in Kosovo during the 1990s.[[44]](#footnote-44) Thus, giving those fleeing mass atrocities refuge is among ‘the most significant and direct ways in which lives can be saved when threatened by atrocity crimes’[[45]](#footnote-45).

### Refugee Protection is a First Response under R2P

Conceptually, a responsibility to provide refugee protection to populations fleeing mass atrocities exists because Member States formally agreed to exhaust ‘humanitarian’ and ‘other peaceful means’ under Pillar III.[[46]](#footnote-46) Importantly, hosting refugees through ‘the grant of asylum [sic] [is] a good starting point to enacting R2P as [it is] devoid of the controversy surrounding military intervention’[[47]](#footnote-47). The same can be said for resettlement. As military interventions have become impossible in those particularly difficult cases where domestic and Security Council politics do not align, the use of humanitarian and peaceful means for protection by powerful states before resorting to military options not only protects, but increases R2P’s credibility. Helping to share in the cost of the current refugee crisis among wealthier states that are not proximate to mass displacement does not require UN Security Council consensus and demonstrates commitment to R2P while alleviating the concerns of less powerful states that see R2P as a pretext for military domination and imperialism, a heightened concern following the Libya intervention in 2011.[[48]](#footnote-48) There is an interest in focusing on R2P’s non-coercive measures, such as hosting refugees because middle powers like Brazil, India and South Africa along with post-colonial states are not opposed to R2P but to when coercive military intervention should be used. For example, Brazil’s ‘Responsibility While Protecting’ initiative localised the norm by focusing on its less coercive responses.[[49]](#footnote-49) Theoretically, if powerful liberal states like the UK were to offer significant resettlement opportunities to Syrians fleeing mass atrocities *before* pushing for ‘political transition’ in Syria, not only would this potentially foster consensus around protecting the displaced, but also, R2P’s Pillar III may gain greater support. Thus, using refugee protection as a first response in discharging Pillar III of R2P is a method that states can execute on their own regardless of non-consensus on the UN Security Council, which will also protect populations and placate those states wary of military interventions.

### The Responsibility to Resettle Syrian Refugees

This section considers the utility of resettlement as an R2P response in the case of Syria. Resettlement is a concrete expression of international solidarity and a responsibility sharing mechanism[[50]](#footnote-50) that encourages states that host the majority of the world’s refugees to keep their borders open to those fleeing mass atrocities, which saves lives and demonstrates sovereign equality by sharing responsibility in the response to a humanitarian crisis more evenly.[[51]](#footnote-51) The UK envisions its generous financial aid to the refugee camps in the Middle East as its primary way of helping to protect Syrians from mass atrocities (given the lack of consensus in the UN Security Council for other responsive measures), which simultaneously forces a relatively small number of states to continue taking in vast numbers of refugees even though financial support will not adequately address these states’ geographical, social and economic limitations. The refusal to resettle significant numbers of Syrian refugees sends the message to states like Turkey, Jordan and Lebanon, that they have a different type of responsibility to protect Syrian refugees, one that involves more than a financial responsibility.[[52]](#footnote-52) The proximity of a state is not the intended factor in terms of allocating responsibilities under R2P.[[53]](#footnote-53) As Syrians flee mass atrocities in Syria, ‘international efforts to facilitate a population’s safe flight from harm and protect that population once it has become displaced’[[54]](#footnote-54) deliver more equitable allocation of R2P obligations in line with the norm’s practical goal of helping protect populations from mass atrocities. Practically, protecting refugees through resettlement is ‘among the most significant ways that lives can be saved in the face of atrocity crimes’.[[55]](#footnote-55) Indeed, the historic, inadequate responses, such as refusing and returning or containing asylum seekers to the state where they are fleeing mass atrocities, have resulted in significant loss of life and possible violations of non-*refoulement* as demonstrated by the response to the Jews fleeing the Holocaust in Germany and those fleeing mass atrocities from the Former Yugoslavia, Iraq, Rwanda, the Sudan, Myanmar, and now, Syria.[[56]](#footnote-56)

Currently, the best way to help protect Syrians from mass atrocities inside Syria is to get those wanting to leave out of Syria because there is no consensus on military intervention (which may not be the solution in any case) that directly addresses the dominant perpetrator of mass atrocities against the population, and humanitarian and diplomatic means have not helped protect Syrians. Furthermore, the UK is now part of a coalition undertaking air strikes within Syria. Sustained air strikes and on-going mass atrocities mean staying in Syria without an effective international response is no longer possible.[[57]](#footnote-57) Regardless of whether the coalition’s air strikes are justified in the fight against terrorism, the strikes continue to create new flows of refugees out of Syria, which also means states have a special moral obligation to offer resettlement as reparation for contributing to the conditions forcing mass flows of refugees.[[58]](#footnote-58)

Once the international community has helped protect Syrians from mass atrocities by facilitating their journey out of the zone of danger, it must cost-share in resettling those refugees for two reasons. First, as states proximate to the refugee flows become too overwhelmed, they are more likely to *refoule* refugees to Syria where mass atrocities persist, which is not only illegal under international law[[59]](#footnote-59), but also results in the responsibility to protect failing those populations a second time. [[60]](#footnote-60) These ‘populations forced to flee a territory due to mass atrocities have a persistent vulnerability that does not cease after crossing the border’[[61]](#footnote-61). *Refoulement* of Syrian refugees has occurredin Beirut[[62]](#footnote-62) and Jordan[[63]](#footnote-63), and the situation for Palestinian refugees from Syria is particularly desperate as they are often denied entry and returned to Syria.[[64]](#footnote-64)

Second, resettlement will encourage host states to keep their borders open and it will make room for additional Syrians fleeing mass atrocities in Syria to find refuge.[[65]](#footnote-65) This is necessary since the numbers fleeing Syria are increasing as mass atrocities and air strikes continue. Some host states bordering Syria have been unable to cope with the large numbers of refugees, which have overwhelmed their economic and social structures. [[66]](#footnote-66) This is especially true as 80% of the refugee population is concentrated in Lebanon, Turkey, Jordan and Iraq, where refugees make up a significant proportion of the population, especially in Lebanon where 25% of the population is a refugee. While generous financial assistance helps, it has not effectively addressed the crisis since proximate states continue to be overburdened with mass influxes of populations fleeing mass atrocities. Syrian refugees are now ‘choosing’ to return to Syria where they face on-going mass atrocities, or they are risking the dangers of trying to reach Europe.[[67]](#footnote-67) Providing resettlement also obviates the need for smugglers and traffickers, saves lives, and allows states a controlled response in managing a humanitarian crisis, which diminishes the effects of regional destabilisation.

Thus, resettlement is a functional response for protecting Syrians fleeing mass atrocities in light of the UN Security Council’s failure to reach agreement and exacerbation of the crisis through air strikes. However, while the conceptual and practical reasons for linking R2P’s Pillar III and refugee protection exist, the link is not made in practice. The next section presents a critical analysis of the underlying normative presumptions in the literature linking the two frameworks in order to address the chasm between R2P’s intended meaning and existing state practice in the context of the Syrian refugee crisis.

## Mind the Gap

The fact that mass atrocities have forced mass displacement in and out of Syria, resulting in the current refugee crisis, demonstrates a nexus between R2P and refugee protection. However, the general acceptance in academic circles that the original conception of R2P and its subsequent endorsement by states in 2005 includes asylum as an R2P protection measure does not fully engage with how R2P’s conceptual physiognomies play out in the practical world, especially in difficult cases like Syria. In reality, there has been little effort historically or amongst states, civil society, humanitarian organisations or migration practitioners to do so.

First, there has been little historical effort to link R2P with the refugee protection regime except among scholars and R2P entrepreneurs. For example, despite discussions between the ICISS and UNHCR, the Refugee Convention is not mentioned in the Commission’s 2001 report.[[68]](#footnote-68) Instead, the ICISS report conceptualises refugees as threats to international peace and security.[[69]](#footnote-69) The opportunity to explicitly connect refugee protection to R2P was again missed at the time of the World Summit Outcome in 2005, as paragraphs 138 and 139 do not mention refugee protection.[[70]](#footnote-70) The 2009 Secretary-General’s Report on *Implementing the Responsibility to Protect* finally makes an explicit connection between R2P and refugees (largely due to the work of UNHCR) by referring to the UNHCR making asylum applications as ‘R2P in practice’ and notes that refugees and IDPs are often the populations seeking protection from R2P crimes.[[71]](#footnote-71)

However, eight years on, the effective protection of Syrian refugees fleeing mass atrocities is still far from being embraced by states remote from the crisis. Political incentives for states to share in the cost of refugee protection under R2P, such as regional instability, managing migration, and international security have not inspired states to do so.[[72]](#footnote-72) This means that while R2P’s entrepreneurs and scholars intended to include refugee protection as a measure for discharging responsibility, there is no evidence that states envisioned a similar link or responsibility when they endorsed the WSOD. In order to understand why states do not appear to envision a link between R2P and refugee protection requires acknowledging the differing conceptions of *where* an R2P response is meant to occur and *what* the response entails.

### What is the ‘Ratione Loci’ for the R2P Response?

There is a presumption amongst academics that R2P is not to be limited to an in-situ response, which suggests an R2P interpretation with a broader obligation than ‘helping’ to protect populations from mass atrocity.[[73]](#footnote-73) Scholars presume that R2P remains the appropriate protection mechanism after populations fleeing mass atrocities cross an international border into a state that is not perpetrating mass atrocities.[[74]](#footnote-74) This makes sense where there is a risk of *refoulement* and thus, re-exposure to mass atrocities. However, while there are indeed reports of *refoulement*, which need to be addressed, its occurrence is still small in comparison to the large numbers of Syrians being hosted by states near the conflict in Syria.[[75]](#footnote-75) Thus, there is a reasonable argument that once these populations cross an international border, the threat of mass atrocities from the manifestly failing state lessens significantly thereby diminishing the international community’s protection responsibilities under R2P.

Instead, once a population successfully crosses the border and is outside the manifestly failing state, other protection frameworks are triggered, such as refugee protection under the Refugee Convention. The Secretary-General’s 2009 Report reminds states that a step towards practical implementation of R2P would occur when states *become* parties to relevant instruments such as refugee law. [[76]](#footnote-76) This suggests that endorsing R2P does not preclude the need to become a party to the Refugee Convention. The idea that practical implementation of R2P would be helped by signing on to the Refugee Convention implies there is a protection gap in R2P once these populations leave the manifestly failing state, which demonstrates how the two frameworks operate independently but complimentarily. In other words, once R2P populations cross the border out of the manifestly failing state, the Refugee Convention replaces R2P as the protection mechanism except in the case of *refoulement* (or new cases of mass atrocities in the host state). Indeed, states’ invocations of R2P in the context of Syria have been limited to helping the territorial population *within* Syria,[[77]](#footnote-77) which further supports an understanding that those populations crossing the border out of a manifestly failing state may face a diminished risk of mass atrocities thereby extinguishing the international community’s responsibility in terms of R2P.[[78]](#footnote-78)

### What Does the R2P Response Require?

R2P demands the lowest common denominator in terms of the international community’s response to mass atrocity in exchange for wide consensus.[[79]](#footnote-79) The literal obligation in paragraph 139 is to ‘help protect populations from mass atrocity’ which is highly subjective and ambiguous. Scholars’ arguments for linking R2P and refugee protection are often normatively compelling, but rely on a much broader interpretation of R2P obligations than what is found in the text. For example, Bellamy argues that ‘[t]he Responsibility to Protect (R2P) entails a responsibility to provide safe flight and asylum to those fleeing atrocity crimes’[[80]](#footnote-80), partly due to the 2012 UN Secretary-General’s Report which stressed that R2P is ‘universal and enduring’ and the international community has a responsibility to protect populations from mass atrocity ‘everywhere and all the time’[[81]](#footnote-81). Bellamy argues that member states are required to do whatever it takes to save populations from mass atrocity.[[82]](#footnote-82) However, these assertions generally rely on insider discussions and understandings of R2P (drafters and entrepreneurs) and on the Secretary-General’s interpretations of R2P.

Importantly, these arguments demand more than what is required by paragraph 139, which clearly states that the international community has a responsibility to *help* protect populations from mass atrocity. The presumption that R2P requires ending mass atrocities or saving populations from mass atrocities manifests from the spirit underlying the R2P norm, and not from its text. There is no universal understanding of what an R2P response requires, which helps explain the gap between state practice of the norm and how the drafters and scholars of R2P envision R2P protection responsibilities. The language of R2P, as endorsed by states, permits a subjective and more minimal response to those facing mass atrocities. States are not politically or legally required to act beyond the text they endorsed. Indeed, states like the UK have a strong argument that they are *helping* to protect Syrians fleeing mass atrocities via generous aid to the region and through continued consideration on the UN Security Council despite their lack of effective responsibility-sharing of Syrian refugees.[[83]](#footnote-83) States appear to be interpreting R2P narrowly as a response that ‘*helps* to protect populations from mass atrocity’, a different obligation from ‘ending the mass atrocity’. R2P advocates and norm entrepreneurs can certainly advocate for a broader interpretation of state responsibilities under R2P from moral imperatives and perhaps even from political necessity.[[84]](#footnote-84) However, given the current political climate and the fact that there has been little effort among states remote from Syria to link refugee protection with R2P thus far,[[85]](#footnote-85) there is a clear need to consider the role of civil society towards this end.

### Missing in Action: Civil Society, Humanitarian Organisations and Migration Practitioners

States are not the only agents *missing* the link between R2P and refugees. The UNHCR, civil society, humanitarian organisations, and migration practitioners have not used R2P as leverage in their calls to states for responding to the Syrian refugee and humanitarian crises.[[86]](#footnote-86) The literature has mostly focused on making compelling arguments for states to make a link between the two protection frameworks,[[87]](#footnote-87) but has largely missed the virtual silence of civil society organisations and NGOs, who are well placed to pressure states to fulfill their responsibility to protect. While there are some calls for providing refugee protection through asylum, there is a lack of R2P language attached to this call.[[88]](#footnote-88)

Bellamy’s article on mainstreaming R2P within the UN structure revealed that the entities within the UN had different understandings of the meaning of R2P and even though they considered their work related to R2P protection responsibilities, there was concern over the norm’s added value due to its political volatility in complicating already sensitive political relationships with states.[[89]](#footnote-89) As a result, the goal to mainstream the protection of refugees and IDPs remains a goal within the UN, but it is for the entities themselves to decide how best to mainstream R2P goals into their work without supplanting the goals and purposes of their own offices, related to their own experience and knowledge of the particular contexts they work in.[[90]](#footnote-90) This is crucial in terms of ‘mainstreaming’ R2P throughout the UN system as many of the agencies within the UN that play a critical role in protecting populations from mass atrocity have shied away from R2P.

For example, organisations possessing the relevant protection mandates, such as UNHCR, have not explicitly mentioned R2P within the context of their calls on the international community to help in a cooperative response to the current refugee crisis. Despite this fact, early consideration of the connection between asylum and R2P may be found in Barbour and Gorlick’s often-referenced article for UNHCR.[[91]](#footnote-91) However, rather than frame the organisation’s repeated pleas to the international community in terms of R2P, UNHCR has pleaded with states to take their fair share of refugees in the name of solidarity and through charitable donations.[[92]](#footnote-92) Some scholars say this has ‘undermined their [UNHCR’s] own palliative role'[[93]](#footnote-93) as the UNHCR tries to balance its refugee protection mandate with its financial dependency on states.[[94]](#footnote-94) Therefore, even though linking R2P to refugee protection was initially intended as a peaceful or humanitarian means for protecting populations from mass atrocities and it received explicit focus in the UN Secretary-General’s 2009 Report, it has not been openly relied upon by the UN’s very organisation tasked with the protection of refugees.

Current field research has confirmed that some organisations relying on states for financing and/or wanting to influence states to host more refugees do not want to turn officials off by reminding them of their R2P.[[95]](#footnote-95) Based on interviews with civil society organisations (CSOs), particularly those focused on mass atrocity prevention and response, the ‘jargon-y’ phrase R2P is considered toxic by elites in government due to the Libya intervention and its resulting humanitarian crisis. Rather than frame the repeated pleas to the international community in terms of R2P, many CSOs are relying on historical, inadequate responses by the international community (such as the response to Jewish refugees during the Holocaust) to encourage refuge for Syrians fleeing mass atrocities today. These pleas urge elites to ‘be on the right side of history’ and to ‘protect civilians’, but there is no mention of R2P as a source of responsibility for Syrians fleeing mass atrocities.

Moreover, international mobilisation for a response to the Syrian crisis under R2P has been framed in coercive terms under Pillar III, which ignores R2P’s other tenets.[[96]](#footnote-96) Unfortunately, this tendency to read R2P practice so narrowly reduces the norm to nothing more than military humanitarian intervention, [[97]](#footnote-97) which has additional effects on wider support for the norm, particularly by humanitarian organisations. This perpetuates the misconception that R2P is nothing more than humanitarian intervention with military force,[[98]](#footnote-98) which is not only a suspicion held by less powerful states, but also an assumption held by humanitarian organisations that are often the only protective presence with access to populations in the field. As a result of this misconception, the value of relying on R2P as a tool of protection is diminished for many organisations regardless of their shared protection mandates. For example, Medicins Sans Frontieres (MSF) does not support R2P because it does not want to ‘legali[s] a new form of imperialism as implementation of R2P is a reflection of the power relationships and domination patterns that shape the international stage’[[99]](#footnote-99). MSF notes that explicit policies on accepting refugees within R2P’s ‘mass atrocities tool boxes’ are ‘curiously absent’.[[100]](#footnote-100) Neutrality is an imperative for humanitarian organisations, and thus, it is natural for them to distance their work from R2P if it is (incorrectly) associated primarily with military intervention.

Additionally, following endorsement of the WSOD in 2005, Oxfam declared R2P a ‘significant stride towards ending the obscene levels of civilian suffering in today’s conflict zones’[[101]](#footnote-101). Initially, ‘Oxfam’s global advocacy to protect civilians was framed in R2P terms’[[102]](#footnote-102). However, by 2008, Oxfam became hesitant at using R2P to frame its humanitarian advocacy due to a lack of practical impact on the ground. Specifically, R2P began to look like the western military intervention norm that was feared by those very governments Oxfam was trying to influence to protect their populations. For Oxfam, R2P lost all credibility after the French Foreign Minister Bernard Kouchner called for a response to cyclone Nargis through the delivery of aid via the military followed by the 2011 military intervention in Libya that toppled a government and led to the chaos and violence in Libya today.[[103]](#footnote-103) R2P has since disappeared from Oxfam’s humanitarian advocacy:

…most humanitarian workers around the world, even those who put a high priority on protecting civilians, continue to be cautious about invoking R2P in their work, because of two principal concerns. Firstly, that invoking R2P on specific crises may deliver few positive results. And secondly that, in some countries at least, it could simply fuel the hostility to Western aid workers and Western-based humanitarian agencies that many now feel.[[104]](#footnote-104)

Clearly, expanding R2P’s repertoire of measures short of military force would help solidify wider support (from CSOs, humanitarian organisations and less powerful, wary states) of R2P as the normative force for responding to mass atrocities. However, linking R2P and refugee protection has been criticised by refugee protection practitioners who argue international refugee law is the proper protection mechanism for refugees. This is because they fear that the soft law political norm of R2P, which is still contested, will erode and narrow the hard law quality of international refugee law.[[105]](#footnote-105) In particular, practitioners fear that R2P’s narrow application to mass atrocities will restrict the application of international refugee protection from the lower threshold of persecution over time and serve to diminish the responsibilities under the Refugee Convention.[[106]](#footnote-106)

Ultimately, the persistent, underlying dichotomy needs to be addressed: Linking R2P and refugee protection may solidify R2P’s support by civil society and humanitarian organisations while providing a ready frame for calling on states to take in more refugees, but states may become less supportive of R2P if linking the two requires more generous refugee and asylum policies in light of the rise of nationalism and anti-immigration rhetoric in many domestic constituencies. Furthermore, many refugee practitioners are wary of the consequences for making the link. As such, the value added in linking R2P and refugee protection varies across social agents and thus, presents an existential crisis for the R2P norm. Linking the two frameworks will inevitably scare some states away from supporting R2P and may serve to hasten its normative degeneration. R2P is an important norm offering a framework for preventing and responding to mass atrocities, despite its supplication to political realities. The next section provides an argument that the responsibility to resettle refugees may provide a way of implementing R2P in difficult cases while conciliating the interests of states and the concerns of humanitarian, civil society and advocates.

### Engaging Divergent Interests

Despite the normative and practical reasons for linking R2P and resettlement, like asylum, the link may remain unwelcome by states when their domestic interests fail to align with the protection needs of those suffering mass atrocities. Furthermore, concerns over state security and terrorism increase the critical protection gaps faced by refugees as states actively or passively frame refugees as potential criminals and terrorists.[[107]](#footnote-107) The failure to implement an effective responsibility-sharing mechanism for the current refugee crisis, referred to as one of the greatest humanitarian crises since the Second World War,[[108]](#footnote-108) requires finding ways to convince states that using refugee resettlement as an R2P measure aligns with their interests. The traditional approach for appealing to states is to argue that expanding the measures for practical implementation of R2P means more tools at the ready for responding to varying contexts of mass atrocity which saves more lives[[109]](#footnote-109) and less reliance on using military force for humanitarian intervention means appeasing domestic constituencies that wish to avoid more foreign wars.[[110]](#footnote-110) Additionally, ‘[o]rgani[s]ed sharing means more predictable responses, greater international order, and lower transaction costs during a refugee/migration emergency, which are goods that states value and pursue through organi[s]ed international cooperation’[[111]](#footnote-111). However, such pragmatic arguments have yet to significantly impact state behaviour in terms of linking refugee protection to protection from mass atrocities.

Therefore, it is worth considering some reasons for using resettlement as a tool of R2P that may encourage states to remain committed to R2P while balancing their interests and the pressures from domestic constituencies. While expanding R2P beyond military options in practice may bring civil society on board, it may scare states away if they are required to increasingly facilitate and offer asylum to refugees. While linking R2P to refugee protection (via asylum) may erode state commitment to the norm, linking R2P to resettlement may have a different result. First, resettlement occurs on a far smaller scale than asylum, which may be more politically palatable to states with economic concerns and domestic constituencies resistant to immigration. Selling the link between R2P and resettlement to states allows state control over immigration in terms of numbers and pre-screening in the anti-terrorism climate while reconceptualising states as good actors. Discharging R2P via resettlement in cases like Syria could be made palatable to states like the UK who want to maintain control over immigration because states have wide discretion in selecting which refugees they will offer resettlement to and some already operate resettlement programs. For example, the UK’s Syrian Vulnerable Persons scheme (SVP) offers resettlement to vulnerable Syrians such as children and those with serious medical conditions.[[112]](#footnote-112) From a purely pragmatic understanding, the UK’s decision to offer resettlement to 20,000 Syrian refugees over five years, in addition to being the one of the largest donors of financial assistance to the region, may not be enough on a moral scale, but may be all that is required by R2P in terms of ‘helping’ to protect populations from mass atrocities. This may appear superficial at first, as the UK’s current response to Syria would be enough to meet the obligations under the R2P norm, which has not been enough to solve the Syrian crisis. However, importantly, R2P’s text does not require states to do more than *help* protect populations. It is a baseline, a minimum and anything more will have to result from humanitarian advocacy because states are not interested in hearing about their R2P and the public does not even know the norm exists or that their government has endorsed it.[[113]](#footnote-113) Indeed, many of the organisations I interviewed felt that R2P was an abstract global norm associated with elites in New York that is far removed from those it intends to protect.

Clearly, linking existing small scale resettlement and R2P does not replace other state responsibilities such as asylum, but doing so may help solidify resettlement as a protective response to mass atrocities. This is critical for building space for further public and organisational education and advocacy around increasing resettlement in states. This is not a way for states to remain complacent and maintain the status quo because linking the two norms will push states to create more resettlement opportunities over time.[[114]](#footnote-114) Linking R2P and resettlement gives CSOs a platform for advocacy, which may influence state behaviour over time. State behaviour is not only influenced by interests, but by ideas, those of civil society and the public in a representative government.[[115]](#footnote-115) Indeed, the SVP program in the UK was a response to public outcry from the pictures of Aylan Kurdi, a casualty of the Syrian conflict and a symbol of states’ failures to provide adequate protection.[[116]](#footnote-116) Importantly, resettlement programs can foster empathy and support from the general public, which helps develop more advocacy and pressure on governments to increase resettlement opportunities. For example, during the NATO intervention in Kosovo, the Kosovar refugees who entered the UK as part of the humanitarian evacuation programme were received more favourably than those who entered as asylum seekers due to the advocacy around their personal stories, which were often depicted in the newspapers and resulted in successful charity appeals for money and donations.[[117]](#footnote-117)

In sum, there is reason to believe that R2P support would be reinvigorated for states, CSOs and humanitarian organisations if its connection to non-coercive measures would take precedence over its military option.[[118]](#footnote-118) Linking R2P to existing resettlement programs could help achieve this, which would result in protection and new opportunities for advocacy and education leading to increased protection through resettlement. This is not an argument for complacency because state behaviour and the methods for responding to mass atrocity are not static. Instead, linking resettlement to R2P provides a mechanism for engaging state interests and the concerns of humanitarian organisations and civil society while creating a trajectory for further practical realisation of each norm’s aspirational goal of more comprehensive protection.

## Conclusion

This article addressed how resettlement conceptually serves as a method for discharging the international community’s responsibility to protect populations from mass atrocities. Policies aimed at keeping Syrians in Syria (or in the surrounding states where they are increasingly unwanted) without an effective response that can end the mass atrocities, compounded by air strikes near the remaining Syrian population, do not equate to protection. If saving Syrians from mass atrocities means anything, it has to at least mean facilitating a way out when nothing else is protecting them. Once the displaced become refugees, offering resettlement encourages those states surrounding the crisis to keep their borders open and prevents *refoulement* by ameliorating the enormous burden felt by states proximate to those conflicts producing mass refugee flows.

This article then exposed the conceptual and practical divide between R2P’s scholars, states, civil society, humanitarian organisations, and practitioners in terms of how each envisions the link between R2P and refugee protection. The academic literature considers the link between R2P and refugee protection, but it is too focused on asylum, which states are successfully avoiding and it relies on normative arguments that fail to engage state interests. The realities faced by states cannot be dismissed: The P5 are unlikely to ever acquiesce their UN Security Council powers and become apolitical, and democracies are dependent on the voice of their constituencies regardless of moral suasion. However, resettlement as an R2P mechanism may rectify these different interests, which will preserve its normative future and increase protection in practice. The use of resettlement as an R2P measure across states, even if modest, encourages civil society support of R2P and provides an advocacy tool for inspiring the public and states to take more refugees. It also respects the current limits of state behaviour and ensures continued endorsement of R2P, which may arguably require little from states in terms of helping populations at the moment, but is better than the alternative whereby the norm degenerates completely. This would have profound effects because the vacuum left by R2P’s disappearance would be seen as a great failure after a period of global fanfare around the norm, which would remove any remaining deterrent for using mass atrocities for political gain.

Importantly, this article is not an argument to keep states’ obligations to a minimum. Instead, the realities that inhibit a more comprehensive implementation of R2P, such as using resettlement, need to be confronted and inform how we can effectively address those real limitations. The best way of influencing states to increase avenues of protection and further the actual protection goals of both the R2P and resettlement norms, is to balance accepting the reality of states’ interests, and to provide a platform for public and organisational engagement that may move and influence behaviour around those interests. At best, aligning R2P and resettlement can go from offering the current minimal practical protection to comprehensive protection over time. If linking R2P and resettlement does not ultimately result in increasing political momentum for resettlement, then resettlement numbers will likely remain unchanged, which means there is no harm in trying to find alternative methods and wider support for protecting people from mass atrocities.

1. Pillar III encourages the timely and decisive response from the international community where a state is manifestly failing its protection duties. Ban Ki-moon, *Implementing the Responsibility to Protect: Report of the Secretary-General*, A/63/677, 12 January 2009, para. 68. [↑](#footnote-ref-1)
2. ‘2005 World Summit Outcome’, UNGA Res. 60/1, 16 September 2005. Fieldwork is ongoing, which aims to illuminate whether a link between the two frameworks is also feasible and practical. While this research is interdisciplinary, the article relies on a political science lens to explore the theoretical links between R2P and resettlement. The article does not consider a legal perspective, which would consider the link’s value to or effect on international refugee law, a discussion that is forthcoming in another article by the author. [↑](#footnote-ref-2)
3. Even those states considered most welcoming of refugees have restricted their asylum policies. Germany operated an open-door policy that welcomed 900,000 refugees in 2015 and another 280,000 in 2016. See, ‘Germany's Schaeuble admits “mistakes” in refugee policy’, *Reuters*, 29 January 2017, available at <http://www.reuters.com/article/us-europe-migrants-germany-idUSKBN15D0CO>, accessed 1 August 2017. Similarly, Sweden, ‘one of the most welcoming countries of refugees’ has restricted its asylum policy. See, Dan Bilefsky, ‘Sweden Toughens Rules for Refugees Seeking Asylum’, *New York Times*, 21 June 2016, available at <https://www.nytimes.com/2016/06/22/world/europe/sweden-immigrant-restrictions.html>, accessed 1 August 2017. [↑](#footnote-ref-3)
4. ‘Secretary-General Presents His Annual Report to General Assembly’, Press Release

SG/SM/7136 GA/9596, 20 September 1999, available at <http://www.un.org/News/Press/docs/1999/19990920.sgsm7136.html>, accessed 16 May 2016; International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: IDRC, 2001). [↑](#footnote-ref-4)
5. Independent International Commission on Kosovo, The Kosovo Report, “Executive Summary,” sections on “The NATO Air Campaign” and “The Future of Humanitarian Intervention”, 2000, available at http://reliefweb.int/sites/reliefweb.int/files/resources/F62789D9FCC56FB3C1256C1700303E3B-thekosovoreport.htm, accessed 21 June 2017. [↑](#footnote-ref-5)
6. ICISS, *The Responsibility to Protect*, p.viii. [↑](#footnote-ref-6)
7. A/RES/60/1, 16 September 2005, (p.31). [↑](#footnote-ref-7)
8. See, Justin Morris, ‘Libya and Syria: R2P and the Spectre of the Swinging Pendulum’, *International Affairs* 89/5: 1265-1283 (2013), p.1270; see also, Sarah Brockmeier, Gerrit Kurtz & Julian Junk, ‘Emerging norm and rhetorical tool: Europe and a responsibility to protect’, *Conflict, Security & Development*, 14/4: 429–460 (2014). [↑](#footnote-ref-8)
9. Jennifer M. Welsh, ‘Implementing the Responsibility to Protect: Where Expectations Meet Reality’, *Ethics and International Affairs*, 24/4 (Winter 2010), p.4; Jennifer M. Welsh, ‘Authorizing Humanitarian Intervention’ in Richard Price and Mark Zacher (eds.), *The United Nations and Global Security* (New York: Palgrave Macmillan, 2004), p.177-92; Jennifer M. Welsh, ‘Turning Words into Deeds? The Implementation of the “Responsibility to Protect”’ *Global Responsibility to Protect* 2: 149-154 (2010). [↑](#footnote-ref-9)
10. Morris, ‘Libya and Syria’, p.1270. [↑](#footnote-ref-10)
11. Jennifer M. Welsh, ‘Norm Contestation and the Responsibility to Protect’, *Global Responsibility to Protect* 5: 365-396 (2013), p.370. [↑](#footnote-ref-11)
12. UNGA, Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/S-17/2/Add.1, 23 November 2011, <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>, accessed 26 June 2017. [↑](#footnote-ref-12)
13. Syria Emergency, UNHCR, <http://www.unhcr.org/uk/syria-emergency.html>, accessed 21 June 2017; Syria Regional Refugee Response, UNHCR, 19 June 2017, <http://data.unhcr.org/syrianrefugees/regional.php>, accessed 21 June 2017. [↑](#footnote-ref-13)
14. ‘Moving Europe Beyond Crisis’, Migration Policy Institute, <http://www.migrationpolicy.org/programs/moving-europe-beyond-crisis?gclid=EAIaIQobChMImd_FiLnR1AIVR7XtCh2gqg9JEAAYAiAAEgLAu_D_BwE>, accessed 21 June 2017. [↑](#footnote-ref-14)
15. *Ibid.* [↑](#footnote-ref-15)
16. Stuart Gottlieb, ‘Syria and the Demise of the Responsibility to Protect’, *The National Interest*, 5 November 2013, <http://nationalinterest.org/commentary/syria-the-demise-the-responsibility-protect-9360>, accessed 21 June 2017. [↑](#footnote-ref-16)
17. See, Spencer Zifcak, ‘The Responsibility to Protect After Libya and Syria’, *Melborne Journal of International Law*, 13/1: 59-93 (2012); see also, E. Tendayi Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, *Minnesota Law Review*, 100/2: 687-762 (December 2015), p.749; see, Gottlieb, ‘Syria and the Demise of the Responsibility to Protect’. [↑](#footnote-ref-17)
18. Jason Ralph and Jess Gifkins, ‘The Purpose of United Nations Security Council Practice: Contesting Competence Claims in the Normative Context Created By the Responsibility to Protect’, *European Journal of International Relations* (2016), DOI: 10.1177/1354066116669652; Jason Ralph, Jack Holland, and Kalina Zhekova, ‘Before the Vote: UK Foreign Policy Discourse on Syria 2011-2013’, *Review of International Studies* 2017, 1-23 (Accepted), DOI: 10.1017/S0260210517000134. [↑](#footnote-ref-18)
19. *Ibid.* [↑](#footnote-ref-19)
20. There is evidence that the opposition and other non-state actors have also committed mass atrocities, though on a smaller scale. A/HRC/S-17/2/Add.1, 23 November 2011, <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>, accessed 26 June 2017. [↑](#footnote-ref-20)
21. See for example, ‘One Year On From the EU-Turkey Deal: Challenging the EU’s Alternative Facts’, MSF, March 2017, <http://www.statewatch.org/news/2017/mar/eu-refugee-crisis-turkey-deal-msf-report.pdf>, accessed 21 June 2017. [↑](#footnote-ref-21)
22. The refugee protection regime considered here includes refugee law, asylum, resettlement, and international customary law including the principle of *non-refoulement*. [↑](#footnote-ref-22)
23. The hard law quality of R2P is embodied by Pillar I, which recognises states’ responsibilities to protect their own populations from mass atrocities, articulated as early as the sixteenth century. For further reading on R2P’s historical roots and the meanings of responsibility, see, Luke Glanville, ‘On the Meaning of “Responsibility” in the “Responsibility to Protect”’, *Griffith Law Review*, 20/2: 482-504 (2014); Luke Glanville, ‘The Antecedents of “Sovereignty as Responsibility”’, *European Journal of International Relations*, 17: 233-255 (2011); The international responsibilities under R2P’s Pillars II and III derived from a moral imperative and were not intended to create any new legal duties that would bind states into acting. Welsh, Norm Contestation and the Responsibility to Protect’, p.371, 376. [↑](#footnote-ref-23)
24. Jennifer M. Welsh, ‘Fortress Europe and the Responsibility to Protect: Framing the Issue’, European Union Institute Forum, 17-18 November 2014, p. 3. [↑](#footnote-ref-24)
25. While the protection of refugees dates back several centuries, administration for international protection of refugees came from the League of Nations. Gilbert Jaeger, ‘On the history of the international protection of refugees’, ICRC, 83/843: 727-737 (September 2001). Asylum seekers who arrive on a state parties’ territory will have to prove they meet the definition of a refugee. [↑](#footnote-ref-25)
26. Indeed, my interviews with civil society organisations and humanitarian organisations revealed that they feel more comfortable advocating that states provide asylum to refugees fleeing mass atrocities because the source of responsibility is legal which is seen as more convincing to states. [↑](#footnote-ref-26)
27. See for example, MSF, ‘One Year On From the EU-Turkey Deal: Challenging the EU’s Alternative Facts’. See also, Randall Hansen, ‘Constrained by its Roots: How the Origins of the Global Asylum System Limit Contemporary Protection’, Migration Policy Institute, January 2017, <file:///Users/cmgilgan/Downloads/TCM_Development-Hansen-FINAL.pdf>, accessed 21 June 2017. [↑](#footnote-ref-27)
28. Pillar I affirms a state’s responsibility to protect its own population from mass atrocities; Pillar II concerns international assistance and capacity-building to states to help them uphold their Pillar I responsibilities; and, Pillar III encourages the timely and decisive response from the international community where a state is manifestly failing its protection duties. Ban Ki-moon, *Implementing the Responsibility to Protect: Report of the Secretary-General*, A/63/677, 12 January 2009, para. 68. [↑](#footnote-ref-28)
29. R2P is made up of a collection of norms, some legal (Pillar I) and several political (Pillar III). Alex J. Bellamy, *The Responsibility to Protect: A Defense*, (Oxford: Oxford University Press, 2015). [↑](#footnote-ref-29)
30. UNHCR Resettlement Handbook, p.3, <http://www.unhcr.org/46f7c0ee2.pdf>, accessed 20 June 2017. The author realises there are certain exclusions to refugee status under international refugee law and thus, where an individual was excluded from refugee status, he would not be entitled to resettlement and thus would arguably not benefit from protection from mass atrocity in terms of resettlement. This discussion is beyond the scope of this article. For more information on the procedures, documents, requirements and eligibility for resettlement, see UNHCR, ‘Resettlement Flow Chart’, <http://www.unhcr.org/uk/protection/resettlement/3bd58ce9a/resettlement-procedures-case-identification-determination-process.html>, accessed 20 June 2017. [↑](#footnote-ref-30)
31. Resettlement has been an important mechanism for international protection since the early 20th century. See, UNHCR Resettlement Handbook, p.55. [↑](#footnote-ref-31)
32. Aidan Hehir, ‘Assessing the Influence of the Responsibility to Protect on the UN Security Council during the Arab Spring’, *Cooperation and Conflict*, 51/2: 166-183(2016). [↑](#footnote-ref-32)
33. This article defines ‘R2P populations’ as those fleeing mass atrocities where a state is manifestly failing to protect them. [↑](#footnote-ref-33)
34. 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, Resolution 2198 (XXI) adopted by the United Nations General Assembly, <http://www.unhcr.org/3b66c2aa10.html>. [↑](#footnote-ref-34)
35. This does not mean that every person or population with a well-founded fear of persecution was facing mass atrocities. Thus, not all refugees are R2P populations. [↑](#footnote-ref-35)
36. UNHCR Resettlement Handbook, p.81, 88. See also, Susan Martin, ‘Forced Migration, the Refugee Regime and the Responsibility to Protect”, *Global Responsibility to Protect*, 2:38-59 (2010), p.50. [↑](#footnote-ref-36)
37. See, Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* (“OAU Convention”), 10 September 1969, 1001 U.N.T.S. 45; see, Cartagena Declaration on Refugees, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984. International law includes as refugees those fleeing attacks on a racial, political, religious, ethnic or other groups in the context of internal war, which includes ethnic cleansing and inter-clan conflict in unstable or failing states. *Salibian* v*. Canada* (1990) FCJ 454 (Canada, Federal Court of Appeal); *Knezevic* v. *Ashcroft*, 367 F.3d 1206; 2004 US App. LEXIS 10162 (US Court of Appeals for the 9th Circuit); *S* v. *Federal Ministry of Interior*, Austrian Administrative Court, 26 Jan 1994, 93/01/0034; *Hagi-Mohammed v. Minister for Immigration and Multicultural Affairs* (2001) FCA 1156. [↑](#footnote-ref-37)
38. Thomas G. Weiss, *Humanitarian Intervention: War and Conflict in the Modern World* (Cambridge: Polity Press 2007), Ch. 4, 'New Thinking: The Responsibility to Protect', p.89. [↑](#footnote-ref-38)
39. Based on personal email correspondence with the Global Centre for the Responsibility to Protect, Ralph Bunche Institute for International Studies in New York, 5 April 2016; see also, Alex J. Bellamy, ‘The Responsibility to Protect and the ‘Migrant Crisis’’, <https://protectiongateway.com/2016/04/02/the-responsibility-to-protect-and-the-migrant-crisis/>, accessed 27 April 2016. [↑](#footnote-ref-39)
40. Alex J. Bellamy, ‘Mainstreaming the Responsibility to Protect in the United Nations System: Dilemmas, Challenges and Opportunities’, *Global Responsibility to Protect*,5: 154-191 (2013), p.157. [↑](#footnote-ref-40)
41. *Ibid,* p.158. [↑](#footnote-ref-41)
42. Ban Ki-moon, *Implementing the Responsibility to Protect*, para. 68. See also, Bellamy, ‘Mainstreaming the Responsibility to Protect in the United Nations System’. According to the Cambridge Dictionary, mainstreaming means to bring together ‘the ideas, attitudes, or activities that are shared by most people and regarded as normal or conventional’, <http://dictionary.cambridge.org/dictionary/english/mainstream>, accessed 27 April 2016. Mainstream suggests integrating seemingly disparate themes that share common goals. Brian Barbour and Brian Gorlick, ‘Embracing the ‘Responsibility to Protect:’ A Repetoire of Measures including Asylum for Potential Victims’, *International Journal of Refugee Law*,20/4: 533-566 (2008), p.536. [↑](#footnote-ref-42)
43. Ban Ki-moon, *Implementing the Responsibility to Protect,* para. 35*.* [↑](#footnote-ref-43)
44. UNHCR Resettlement Handbook, p.45. [↑](#footnote-ref-44)
45. Bellamy, ‘The Responsibility to Protect and the ‘Migrant Crisis’’. Furthermore, creating safe routes to asylum would obviate the need for trafficking and smuggling of refugees. [↑](#footnote-ref-45)
46. See, Alex J. Bellamy, *The First Response: Peaceful Means in the Third Pillar of the Responsibility to Protect*, Policy Analysis for The Stanley Foundation (December 2015), <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/6053-the-stanley-foundation-the-first-response-peaceful-means-in-the-third-pillar-of-the-responsibility-to-protect>, accessed 27 April 2016. [↑](#footnote-ref-46)
47. Barbour and Gorlick, ‘Embracing the ‘Responsibility to Protect’, p.536. Furthermore, ‘the use of force to prevent refugee flows is a high-risk strategy’. See, Angus Francis, “The Responsibility to Protect and the International Refugee Regime” in Vesselin Popovski and Charles Sampford (eds.), *Norms of Protection: Responsibility to Protect, Protection of Civilians and Their Interaction* (United Nations University Press, 2012), p.222. For example, the NATO intervention in Kosovo triggered Serbia’s forced displacement of Albanians and ethnic cleansing continued even with a foreign military presence. Jack Synder, ‘Realism, Refugees, and Strategies of Humanitarianism’, in Alexander Betts and Gil Loescher (eds.), *Refugees in International Relations* (Oxford: Oxford University Press, 2011) pp.29-52. See also, Michael Barutciski, ‘A Critical View on UNHCR’s Mandate Dilemmas’, *International Journal of Refugee Law* 14/2-3: 365-381 (2002). [↑](#footnote-ref-47)
48. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.749. [↑](#footnote-ref-48)
49. Marcos Tourinho, Oliver Stuenkel and Sarah Brockmeier, ‘Responsibility while Protecting:’ Reforming R2P Implementation’, *Global Society*, 30/1: 134-150, (2016), DOI: 10.1080/13600826.2015.1094452. See, also, Amitav Acharya. ‘The R2P and Norm Diffusion: Towards a Framework of Norm Circulation’, *Global Responsibility to Protect* 5: 466-479 (2013). [↑](#footnote-ref-49)
50. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.707. [↑](#footnote-ref-50)
51. ‘Without a visible and tangible demonstration of international solidarity and responsibility sharing, the protection environment for refugees can be expected to deteriorate rapidly’. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.707, note 95. [↑](#footnote-ref-51)
52. ‘Neighbouring states [to Syria] have fulfilled their R2P heroically by accepting refugees’. Jennifer M. Welsh, ‘The Responsibility to Protect and the Crises in Libya and Syria’, Plenary Address, University of Westminster, 5 December 2013, ESRC Series, *The Responsibility to Protect and Prosecute: The Political* Sustainability of Liberal Norms in an Age of Shifting Power balances, <http://iisr2p.leeds.ac.uk/current/responsibility-to-protect-and-prosecute/>, accessed 21 October 2015. [↑](#footnote-ref-52)
53. Indeed, there is ambiguity in terms of who bears the responsibility, which allows some states to shirk their obligations. See, James Pattison, *Humanitarian Intervention and The Responsibility To Protect: Who Should Intervene?* (Oxford: Oxford University Press, 2010), p. 9. See, Tony Paterson, ‘Angela Merkel: “It's our damned duty to help refugees”’, *The Independent*, <http://www.independent.co.uk/news/world/europe/angela-merkel-its-our-damned-duty-to-help-refugees-a6686631.html>, accessed 15 December 2016. This does not necessarily mean that EU states see a link between refugee protection and the specific R2P framework that has emerged since 2005. [↑](#footnote-ref-53)
54. Bellamy, *The First Response,* p.44-45. [↑](#footnote-ref-54)
55. *Ibid.* [↑](#footnote-ref-55)
56. Barbour and Gorlick, ‘Embracing the ‘Responsibility to Protect’, p.562; see also, Samantha Power, *A Problem from**Hell: America and the Age of Genocide* (New York: Basic Books, 2002) p.36. [↑](#footnote-ref-56)
57. Gil Loescher, *The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection in the 21st Century*, (Hoboken, NJ: Taylor & Francis 2008), p.50. See, Phil Orchard, ‘The Perils of Humanitarianism: Refugee and IDP Protection in Situations of Regime-Induced Displacement’, *Refugee Survey Quarterly* 29/1: 38-60 (2010); See also, Francis, ‘The Responsibility to Protect and the International Refugee Regime’. [↑](#footnote-ref-57)
58. James Souter, ‘Why the UK has a special responsibility to protect its share of refugees’, *The Conversation*, 15 May 2015, <https://theconversation.com/why-the-uk-has-a-special-responsibility-to-protect-its-share-of-refugees-41773>, accessed 24 November 2016. Such an argument can be applied in the cases of Iraq, Afghanistan and Libya where states like the UK have militarily intervened and caused displacement of populations, which we are witnessing during the current refugee crisis. See also, Jason Ralph and James Souter, ‘A Special Responsibility to Protect: the UK, Australia and the Rise of Islamic State’, *International Affairs* 91/4: 709-723 (2015). [↑](#footnote-ref-58)
59. Cathryn Costello and Michelle Foster, Chapter 10, ’Non-refoulement as Custom and Jus Cogens? Putting the Prohibition to the Test’, in [*Netherlands Yearbook of International Law*](https://link.springer.com/bookseries/8913) *Jus Cogens: Quo Vadis?* (Maarten den Heijer, Harmen van der Wilt (Eds.) (2015). [↑](#footnote-ref-59)
60. Further research needs to be done on whether those states engaging in agreements that result in *refoulement* give rise to direct or indirect responsibility for mass atrocity crimes. [↑](#footnote-ref-60)
61. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.718. [↑](#footnote-ref-61)
62. Anne Barnard, ‘Hundreds of Syrians Are Turned Back at Beirut Airport’, *The New York Times*, 8 January 2016, <http://www.nytimes.com/2016/01/09/world/middleeast/hundreds-of-syrians-are-turned-back-at-beirut-airport.html?_r=0>, accessed 18 May 2016. [↑](#footnote-ref-62)
63. Norwegian Refugee Council, *No Escape: Civilians in Syria Struggle to Find Safety Across Borders*, Norwegian Refugee Council and International Rescue Committee, November 2014, <http://www.nrc.no/arch/img.aspx?file_id=9187534>, accessed 18 May 2016. A report based on interviews with humanitarian organisations and agencies and refugees by Amnesty International indicates that hundreds of refugees from Syria have been forcibly returned across the border from Jordan, see Amnesty International, *Growing Restrictions, Tough Conditions: The Plight of those Fleeing Syria to Jordan*, 2013, p.12, <https://www.amnesty.org/en/documents/MDE16/003/2013/en/>, accessed 18 May 2016. [↑](#footnote-ref-63)
64. Suzan Akram, ‘Protecting Syrian Refugees: Laws, Policies and Global Responsibility- Sharing’, Talk at St. Joseph University, Beirut, 9 March 2015, <http://www.sciences-po.usj.edu.lb/pdf/Talk%20of%20Suzan%20Akram.pdf>, accessed 17 May 2016. [↑](#footnote-ref-64)
65. Credit for this idea belongs to Professor Nina Caspersen at the University of York. [↑](#footnote-ref-65)
66. Tim Midgley et al., *World Vision, Advocacy Report: Under Pressure—The Impact of the Syrian Refugee Crisis on Host Communities in Lebanon*, July 2013, [http://www.worldvision.org/resources.nsf/main/press-reports/$file/Syria-Under-Pressure-Report\_20130715.pdf](http://www.worldvision.org/resources.nsf/main/press-reports/%24file/Syria-Under-Pressure-Report_20130715.pdf), accessed 28 April 2016; Rasim Ozan Kutahyali, ‘Syrian Refugees Under Attack in Turkey’, *ALMONITOR*, 14 August 2014, <http://www.al-monitor.com/pulse/originals/2014/08/kutahyali-syrian-refugees-under-attack-turkey-gaziantep.html>, accessed 28 April 2016; Fernande van Tets, ‘Syrian Spillover into Lebanon Intensifies with Clashes in Sidon’, *The Independent*, 18 June 2013, <http://www.independent.co.uk/news/world/middle-east/syria-spillover-into-lebanon-intensifies-with-clashes-in-sidon-8664117.html>, accessed 28 April 28 2016. For example, there have been reports of Lebanese intelligence forces arming Lebanese Alawites who identify with the Assad regime to prevent border crossings by Syrian refugees who identify as Sunni. See, Mitchell Prothero, ‘Lebanese police send fleeing Syrians back to face Assad regime's violence’, *The Guardian*, 10 May 2011, <http://www.theguardian.com/world/2011/may/10/syrians-sent-back-assad-regime>, accessed 16 May 2016. [↑](#footnote-ref-66)
67. Indeed, some refugees in Lebanon and Jordan facing starvation have voluntarily returned to Syria where they remain unprotected from mass atrocities. See, International Rescue Committee, ‘Syrian Refugees Warn They Have No Choice but To Return to Syria After Aid Cuts to Food, Health’, 3 December 2014, <http://www.rescue.org/press-releases/syrian-refugees-warn-they-have-no-choice-return-syria-after-aid-cuts-food-health-2262>, accessed 28 April 2016; ‘One Year On From the EU-Turkey Deal: Challenging the EU’s Alternative Facts’, MSF, March 2017, available at <http://www.statewatch.org/news/2017/mar/eu-refugee-crisis-turkey-deal-msf-report.pdf>, accessed 21 June 2017. [↑](#footnote-ref-67)
68. ICISS, *The Responsibility to Protect*, p. 354; see also, Francis, ‘The Responsibility to Protect and the International Refugee Regime’, p.224. [↑](#footnote-ref-68)
69. Francis, ‘The Responsibility to Protect and the International Refugee Regime’, p.224; see also, Alice Edwards, ‘Human Security and the Rights of Refugees: Transcending Territorial and Disciplinary Boundaries’, *Michigan Journal of International Law* 30: 763-807 (2008-2009), p.775; B.S. Chimni, ‘Globalization, Humanitarianism and the Erosion of Refugee Protection’, *Journal of Refugee Studies* 13/3: 243-263 (2000), p.252; Susan Harris Rimmer, ‘Refugees, Internally Displaced Persons and the “Responsibility to Protect”’, *New Issues in Refugee Research*, (March 2010)UNHCR Research Paper No.185. [↑](#footnote-ref-69)
70. Francis, ‘The Responsibility to Protect and the International Refugee Regime’, p.224. [↑](#footnote-ref-70)
71. *Ibid*; Rimmer, ‘Refugees, Internally Displaced Persons and the “Responsibility to Protect”’. [↑](#footnote-ref-71)
72. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.755. [↑](#footnote-ref-72)
73. Some argue ‘R2P’s scope of application operates ratione personae, not ratione loci’. See, Chiara Redaelli, ‘The Responsibility to Protect Refugees Stemming from Foreign Interventions in their Country of Origin, The Responsibility to Protect and the Refugee Crisis: How Should Europe Respond?’ Workshop at the University of Leeds, POLIS, 18 January 2016. This is also a common presumption in my discussions with R2P academics. [↑](#footnote-ref-73)
74. *Ibid.* [↑](#footnote-ref-74)
75. There have been reports of *refoulement* of Syrian refugees, but the actual numbers remain unknown. [↑](#footnote-ref-75)
76. See, Ban Ki-moon, *Implementing the Responsibility to Protect,* paras. 10(b), 17; Rimmer, ‘Refugees, Internally Displaced Persons and the “Responsibility to Protect”’, p.6. [↑](#footnote-ref-76)
77. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.708. [↑](#footnote-ref-77)
78. This is not to argue that they are legally or politically deficient in upholding their obligations under other laws and treaties, such as the Refugee Convention. However, refugees who cannot easily access state parties’ territories will be unable to claim asylum and there is no explicit *legal* obligation to facilitate arrivals or responsibility-share refugees under the Convention. [↑](#footnote-ref-78)
79. Alex J. Bellamy, *The Responsibility to Protect: A Defense*, (Oxford: Oxford University Press, 2015). [↑](#footnote-ref-79)
80. Bellamy, ‘The Responsibility to Protect and the “Migrant Crisis”’. [↑](#footnote-ref-80)
81. *Ibid*; Ban Ki-moon, *Responsibility to Protect: Timely and Decisive Response*, Report of the Secretary-General, A/66/874-S/2012/578, 25 July 2012, (para. 13). [↑](#footnote-ref-81)
82. Bellamy, ‘The Responsibility to Protect and the “Migrant Crisis”’. [↑](#footnote-ref-82)
83. However, European member states may be violating EU laws in avoiding responsibility sharing of the 1.2 million refugees already in orbit within Europe. [↑](#footnote-ref-83)
84. For example, James Souter argues for an holistic approach to protection due to the external causes of displacement—military interventions, support for oppressive regimes, or the result of economic policies—which requires asylum as reparation. James Souter, ‘Bringing Human Rights Home: Refugees, Reparation, and the Responsibility to Protect’, in Lennox, C. (ed.) *Contemporary Challenges in Securing Human Rights*, (London, Institute of Commonwealth Studies, 2015), p.33,

<http://www.sas.ac.uk/hrc/publications/open-access-publications/contemporary-challenges-securing-human-rights>, accessed 26 April 2016; James Souter, ‘Towards a Theory of Asylum as Reparation for Past Injustice’, *Political Studies*, 62: 326–342 (2014), DOI: 10.1111/1467-9248.12019; Jason Ralph and James Souter, ‘A Special Responsibility to Protect’. However, this special responsibility to protect only applies in contexts where a potential causative link exists between intervention and displacement. In those cases where there is no link between intervention and displacement, the argument that R2P responsibilities apply outside the manifestly failing state are more tenuous. [↑](#footnote-ref-84)
85. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.708. [↑](#footnote-ref-85)
86. These issues are being further researched through current fieldwork. [↑](#footnote-ref-86)
87. Alex J. Bellamy, *The First Response*,p.12. [↑](#footnote-ref-87)
88. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.707-708. [↑](#footnote-ref-88)
89. Bellamy, ‘Mainstreaming the Responsibility to Protect in the United Nations System’. For a discussion on those Council members committed to the Protection of Civilians wishing to avoid any association with R2P to prevent contamination on progress, see Welsh, ‘Implementing the Responsibility to Protect’, p.4. Welsh discussed how this has improved among UN agencies at the conference, ‘Putting the Responsibility to Protect at the Centre of Europe’, Plenary, 13-14 October 2016, University of Leeds. [↑](#footnote-ref-89)
90. Bellamy, ‘Mainstreaming the Responsibility to Protect in the United Nations System’. [↑](#footnote-ref-90)
91. Barbour and Gorlick, ‘Embracing the ‘Responsibility to Protect’. [↑](#footnote-ref-91)
92. For example, see ‘UN agency urges Europe to develop coherent response to refugee crisis’, *UN News Centre,* 15 September 2015, <http://www.un.org/apps/news/story.asp?NewsID=51874#.VyIikGM4nnU>, accessed 28 April 2016; see also, Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.708. [↑](#footnote-ref-92)
93. Francis, ‘The Responsibility to Protect and the International Refugee Regime’, p.219; see also, Michael Barutciski and Astri Suhrke, ‘Lessons from the Kosovo Refugee Crisis: Innovations in Protection and Burden-Sharing’, *Journal of Refugee Studies*,14/2: 95-134 (2001). [↑](#footnote-ref-93)
94. This means framing requests to states in politically acceptable terms. See, Gil Loescher, ‘The UNHCR and World Politics: State Interests vs. Institutional Autonomy’, *International Migration Review* 33: 33-56 (2001). [↑](#footnote-ref-94)
95. Based on personal interviews with civil society organisations particularly those working in the mass atrocity prevention context. [↑](#footnote-ref-95)
96. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.718; *Statement of the Special Advisors of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect on the Situation in Syria*, UN News Centre, 14 June 2012, <http://www.un.org/apps/news/infocus/Syria/press.asp?sID=44>, accessed 26 April 2016. [↑](#footnote-ref-96)
97. Barbour and Gorlick, ‘Embracing the ‘Responsibility to Protect’. [↑](#footnote-ref-97)
98. *Ibid*. [↑](#footnote-ref-98)
99. Fabrice Weissman, ‘“Not In Our Name:” Why Medecins Sans Frontieres Does Not Support the ‘Responsibility to Protect’, *Criminal Justice Ethics*, 29/2: 194-207 (2010). [↑](#footnote-ref-99)
100. *Ibid*. [↑](#footnote-ref-100)
101. Edmund Cairns, ‘R2P and Humanitarian Action’, *Global Responsibility to Protect* 6: 146-161 (2014) p.150. [↑](#footnote-ref-101)
102. *Ibid.* [↑](#footnote-ref-102)
103. *Ibid*, p.153-154. [↑](#footnote-ref-103)
104. *Ibid*, p.155. [↑](#footnote-ref-104)
105. Based on personal interviews with migration practitioners, there is lack of support for linking R2P to refugee protection. [↑](#footnote-ref-105)
106. Instead, refugee law scholars have considered the link between international refugee law and international humanitarian law. See, David James Cantor and Jean-Francois-Durieux (eds.), *Refuge from Humanity? War Refugees and International Humanitarian Law* (Leiden: Koninklijke Brill NV, 2014). [↑](#footnote-ref-106)
107. Barbour and Gorlick, ‘Embracing the “Responsibility to Protect”’, p.564, FN 144. [↑](#footnote-ref-107)
108. P. J. Tobia, ‘The Worst Humanitarian Crisis since World War II’, PBS News Hour, 29 July 2015, <http://www.pbs.org/newshour/updates/worst-humanitarian-crisis-since-world-war-ii/>, accessed 16 May 2016. However, states have not embraced cost-sharing refugee protection in the past either. Responsibility-sharing mechanisms were debated and rejected by Europe during the Kosovo refugee crisis. The UK and France were judged to be low intake countries not unlike the debates occurring today in re the Syrian refugee crisis. See, Astri Suhrke, ‘Burden-sharing during Refugee Emergencies: The Logic of Collective versus National Action’, *Journal of Refugee Studies* 11/4: 396-414 (1998). [↑](#footnote-ref-108)
109. Barbour and Gorlick, ‘Embracing the “Responsibility to Protect”’, p.551. [↑](#footnote-ref-109)
110. Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’. [↑](#footnote-ref-110)
111. Suhrke, ‘Burden-sharing during Refugee Emergencies’, p.398; Achiume, ‘Syria, Cost-sharing, and the Responsibility to Protect Refugees’, p.756. [↑](#footnote-ref-111)
112. In January 2014, the UK Government enacted the Syrian Vulnerable Persons Resettlement programme overseen by the UK’s Home Office. The programme intends to resettle 20,000 Syrian refugees from refugee camps in Jordan, Lebanon, Iraq, Egypt and Turkey over the period from September 2015 to May 2020. [↑](#footnote-ref-112)
113. Based on personal interviews with civil society and humanitarian organisations working with refugees and on influencing government policy on Syria. [↑](#footnote-ref-113)
114. Thank you to Associate Professor Sara E. Davies for pointing out that historically resettlement has been in decline even within UNHCR circles, which needs to be addressed. While this may be true, my field interviews suggest that a main reason for this pull back is due to the need to balance the advocacy for particular outcomes with existing political sensitivities, a tension that is always present when interacting with states and their interests. Potentially, building a space for advocacy and education around resettlement in terms of an R2P response as suggested here would also help reinvigorate support of the resettlement norm. [↑](#footnote-ref-114)
115. Martha Finnemore and Kathryn Sikkink, ‘International Norm Dynamics and Political Change’, *International Organization* 52/4: 887-917 (Autumn 1998). [↑](#footnote-ref-115)
116. For example, following a campaign led by the Refugee Council and considerable public pressure (after newspaper pictures of Aylan Kurdi surfaced) the UK increased its resettlement places to 20,000. This is what Oxfam has called ‘Active citizenship’ whereby the public impacts policy after responding to personal stories/photos of those suffering, not abstract global concepts like R2P. See, ‘Policy and Practice’, Oxfam, available at <http://policy-practice.oxfam.org.uk/our-work/governance-citizenship/active-citizenship-case-studies>, accessed 21 June 2017. [↑](#footnote-ref-116)
117. Alice Bloch, ‘Kosovan refugees in the UK: The Rolls Royce or Rickshaw Reception?’, FMR 5 August 1999, <http://www.fmreview.org/sites/fmr/files/textOnlyContent/FMR/05/08.htm>. After fleeing ethnic violence in the former Yugoslavia, Kosovar evacuees were airlifted out of camps in Macedonia and resettled in the UK. [↑](#footnote-ref-117)
118. Based on my interviews with CSO and humanitarian organisations, avoiding using R2P in their advocacy for a response to Syria came from their experience that UK government officials did not want to hear about R2P, mostly because it is a political disaster to be associated with it and the Libya intervention in 2011. [↑](#footnote-ref-118)