

ROLE OF THE UN AND THE EUROPEAN UNION IN THE SYRIAN REFUGEE CRISIS

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Abstract

A serious humanitarian crisis has erupted in the wake of the Syrian war, which began in March 2011. A pro-democracy protest, which turned into a deep crisis, has taken more than 500,000 Syrians lives. According to a report by United Nations High Commissioner for Refugee (UNHRC), in 2014 about 4.8 million refugees escaped to different countries of the Middle East, especially Jordan, Lebanon and Turkey, as well as Germany followed by Hungary and Sweden in Europe. In total about 1.5 million refugees are living in the 27 member states of the European Union EU). With the evolving refugee crisis worldwide, it has become essential for the two humanitarian agencies, United Nations (UN) and the EU to formulate policies that protect refugees' rights and empower them with the basic provisions of life. This paper examines the role played by UN and EU in managing the Syrian refugee crisis, the policies pursued as a response and the challenges faced in return as well as recommendations for improving frameworks dealing with protection of refugees.

Key Words: Syrian refugees, UNHCR, European Union, Humanitarian crisis, Displacement

Introduction

In the beginning of the 20th century, almost fourteen million people were living as refugees who were forced to live across the international borders. The number kept on increasing because of civil wars, political instability, lack of governance and the absence of human rights within territorial boundaries of states. This drove people to escape their country devastated and desperate.¹ In the 21st century, where the

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¹ Susan F. Martin, New Issues in Refugee Research: Forced Migration and the Evolving Humanitarian Regime, (*Institute For The Study of International Migration*, 2010), <http://www.refworld.org/pdfid/4ff5860e2.pdf>, 2-41.

world is complex and globalized, this category of people has been divided into various other groups such as asylum searchers, internally displaced people, stateless and migrated people. This complexity leads to the question as to what actually qualifies a person to be called a 'refugee'. A refugee is a person who is forced to leave the country in order to escape war, persecution, or natural disaster. He is essentially a protection-seeker in another state. A refugee crisis is a core issue when it comes to serving human rights.

The Syrian refugees, who were forced to flee their country as a result of the Syrian crisis that erupted in 2011, represent the devastating humanitarian crisis of current times. In 2011, the revolutionaries of Syria started to protest against the regime of President Bashar al Assad. The government reacted brutally against the uprising groups. This led to escalation of violence and the situation deteriorated into the civil war by the mid of 2011. Since then, thousands of Syrian people have made their way to Europe by sea or land. Moreover, in the year 2014, the terrorist group Islamic State of Iraq and Syria emerged and spread in a short period of time. This conflict has resulted in a humanitarian crisis and violation of rights of the Syrian people.² During this period, more than five million people were displaced and are now refugees. Further, almost seven and a half million people were internally displaced in Syria who were forced out of their homes and are living without basic necessities.³ Most of the Syrian refugees are women and children as the men are opting to fight for their homes and identity which makes the status of these women and children more susceptible and vulnerable.⁴

With time, the concern for international refugee crisis has drawn attention to the need for an international legal framework that can enable assistance and security for refugees. The role of United Nations as well as European Union has evolved over time. The EU Charter follows the rules of the Geneva Convention 1951 and the protocol of 1967.⁵ The European Union has done an impressive job at responding to the refugee issue; that is why the UN follows EU policies and collaborates with EU institutions on asylum matters. This research analyses the implementation of the UN legal framework for refugees as enshrined in major resolutions and conventions

² BBC, "Syria: The Story of the Conflict", *BBC News*, March 11, 2016, <https://www.bbc.com/news/world-middle-east-26116868>.

³ Ibid.

⁴ Thomas Gaist, "UN report: Syria Faces Worst Refugee Crisis in Recent History," 2015, *World Socialist Website*, <https://www.wsws.org/en/articles/2015/07/10/syri-j10.html>.

⁵ The 1951 United Nations Convention Relating to the Status of Refugees had limited refugee status the ones who suffered any situation before 1 January 1951", moreover, categorizing the situation with territorial boundaries. The 1967 Protocol removed both territorial and time restrictions.

of the organization including those related to the rights of children and women the second is the responses of states in EU towards helping the refugees.

Conceptual Framework

A few researches have been conducted on the role of the UN and the EU with respect to the Syrian refugee crisis in particular. Tsourdi and De Bruycker in *EU Asylum Policy* stated that the asylum system of the EU has some flaws in regulating the distribution of responsibilities among member states on fair grounds.⁶ In an article, *'Is Europe living up to its Obligations to Refugees?'* Geoff Gilbert said that the "EU is a major actor in the European region." The charter of European Union pledges to protect refugees who apply for asylum, but there are many hurdles in the process due to the restrictive policies of member states. The basic problem is the absence of any supervisory body in EU; the member states have pursued independent policies. Geoff criticized many aspects of European Union policies regarding refugees, like the issue of refugee burden sharing, the fusion of immigration and refugee status. It seems that the commitments of the 1951 convention have been left far behind. It was discussed in a conference organized by Amnesty International in 2016 that Canada, United States and Australia have made no prominent pledge to take in refugees from Syria though they highlighted the need for more resettlement programs. Canada is the only country among these three which has contributed more than its reasonable share keeping in view the size of the economy of 26,000 refugees, 9,000 have been hosted through the private sponsorship facilities by the state.⁷

In *'European Integration and Refugee Protection: The Development of Asylum Policy in EU'*, Esther Ezra argues that the increasing influx of refuge seekers in Western Europe has motivated the EU members to coordinate and review their policies. She has discussed the ripostes of Germany, Sweden, the United Kingdom and the United States to the Syrian refugee issue. She analysed that these four states have augmented various steps to protect Syrian refugees through resettlement and asylums since 2012.

⁶ Evangelia Tsourdi and Philippe De Bruycker, *EU Asylum Policy: In Search of Solidarity and Access to Protection* (Migration Policy Centre Research Report: May 2015) cadmus.eui.eu/bitstream/handle/1814/35742/MPC_PB_2015_06.pdf?sequence=1.

⁷ Philippe Fargues & Christine Fandrich, *The European Response to the Syrian Refugee Crisis, What Next?* (Migration Policy Centre Research Report: 2012), <http://www.migrationpolicycentre.eu/docs/MPC%202012%2014.pdf>, 1-13.

The Role of the UN in Protecting Refugees

The United Nation is significantly helping Syrian refugees with the assistance of its organs i.e. UNDP, UNESCO, UNICEF and UNHCR. Among them, UNHCR is playing a key role in managing the issues and conflicts related to refugees. In December 2015, UN Security Council passed a resolution to enhance the role of UN in ensuring peace in Syria while saying that “the UN should establish credible, inclusive and non-sectarian governance in Syria”⁸

It is believed that “Syria is the biggest humanitarian and refugee crisis of our time, a continuing cause of suffering for millions which should garner a groundswell of support around the world.”⁹ The United Nations High Commissioner for Refugees (UNHCR) was recognized in 1950 for the purpose of protecting refugees. ‘Refugee’ is a legal term used for denoting expatriate people with certain conditions. The main role of this agency is to keep improving the standards of the systems and programs through which they provide assistance. The agency is responsible for designing the solutions and frameworks which facilitate the refugees and ensure long-term solutions by developing long-term settlement and rehabilitation programs.

UNHCR has developed a “cluster approach” which involves many humanitarian agencies united to help the displaced and stateless people around the world, either by helping refugees settle back in their own homeland when the conflict ends or by regulating the assistance activities for the Internally Displaced Persons (IDPs) such as in Syria, Columbia and Iraq. Responding to the crises and conflicts immediately is an important feature of this agency, when displaced people are in dire need of help and security e.g. successive emergency teams were deployed in Syria and Africa in 2013 to ensure the protection of people who were leaving their own homeland.¹⁰ The most eminent role played by the UNHCR is that of “coordination”. It has been able to organize the camps’ administration, shelter facilities, provide food and other related necessities. It has been effectively synchronized with other NGOs and helps aid agencies in relocating programs for durable camp facilities, coordinating with host countries, and developing socio-economic sustainable programs. In this context, a conference was held in March 2016, in Geneva, which aimed at

⁸ BBC, “*Syria War: UN Security Council Unanimously Backs Peace Plan*,” BBC News, December 18, 2015, <https://www.bbc.com/news/world-middle-east-35138011>.

⁹ UN High Commissioner for Refugees, “*Syria conflict at 5 years: the biggest refugee and displacement crisis of our time demands a huge surge in solidarity*,” Refworld, 15 March 2016, <http://www.refworld.org/docid/56e7dc264.html>.

¹⁰ Philippe Fargues & Christine Fandrich, *The European Response to the Syrian Refugee Crisis, What Next?* (Migration Policy Centre: 2012), 1-13.

convincing the international community to increase the programs of resettlement especially for the refugees coming from Syria along with opening the gateways towards legal rehabilitation procedures in order to dissuade the use of dangerous sea routes.

Unfortunately, the responses of the 92 member states were not according to expectations, while a few were discreet by obstructing the goals of the agency for refugees.¹¹ The UNHCR and NGOs like Oxfam tried to push the member states to help the additional 10 percent refugees of Syria along with expanding the resettlement framework with legal facilities of reunion visas, educational scholarships and other labour flexibility schemes.¹² Moreover, it should be noted here that the humanitarian organizations of the United Nations are almost on the threshold of bankruptcy financially and are incapable of meeting the needs of millions of refugees. Of particular concern is the worsening condition of Lebanon and Jordan where the lack of food, shelter and other healthcare facilities have become a problem for the 4 million Syrian refugees. In 2016, the UN and other humanitarian agencies invoked aid of \$8 billion for helping Syrian refugees. In August 2015, due to a shortfall of millions of dollar in United Nations fund, the World Health Organization was obliged to shut down almost 184 health care clinics in many districts of Iraq, due to which many internally displaced people were deprived of basic health facilities.¹³ Moreover, according to the director of the emergency risk management department of World Health Organization, people are not being vaccinated, and are suffering from malnutrition along with mental health problems and permanent health deterioration. The WHO was also forced to cut down the rations of almost 1.6 million Syrian refugees.¹⁴

Many more conferences were held to deal with such refugee crises. The Geneva Conference that took place in March 2016 under UNHCR came up with the proposal of resettlement places for refugees. It also focused on responsibility sharing for refugees by states. UNICEF is providing Syrian refugee children necessities of food, clean water, medicine, schooling, safe places, winter clothing and vaccinations. UNICEF has a six-point agenda for betterment in Syrian refugees' lives which is summed up as follows:

¹¹ Susan F. Martin, *Forced Migration and the Evolving Humanitarian Regime* Working paper no. 20 (Washington DC, July 2000), <https://www.refworld.org/docid/4ff5860e2.html>. 2-41.

¹² Kristy Siegfried, "Rich countries fall way short on Syrian refugee resettlement," *IRIN*, last modified 2016, <http://www.irinnews.org/news/2016/03/30/rich-countries-fall-way-short-syrian-refugee-resettlement>.

¹³ Jhon Psaropoulos, "Greek Asylum System Reaches Breaking Point," *IRIN*, March 31, 2016, <http://www.irinnews.org/news/2016/03/31/greek-asylum-system-reaches-breaking-point>, accessed April, 2016.

¹⁴ Ibid.

- *No trafficking, exploitation and providing protection.*
- *Children should not be locked up in any circumstances.*
- *Family reunification must be ensured for separated children.*¹⁵

UNESCO has noted how Syrian humanitarian crisis has created a huge educational gap in the youth affecting their development in relation to other countries of the region. According to a UNESCO report, there are 8.1 million Syrian children and youngsters with whom UNESCO is working to reduce the educational gap while assisting host countries. Further, UNESCO has been active in protecting the cultural heritage of Syria.¹⁶ Along with other UN agencies, UNDP is also playing a significant role in Syria and its development. In 2013, UNDP spent 3.5 billion US dollars on humanitarian assistance of Syrian refugees. Other humanitarian funding comprised of 1.4 billion US dollars by UNDP.¹⁷ UNDP is working for providing basic health facilities, and arranging jobs. Moreover, it is helping with treatment and prevention of infectious diseases and assisting neighbouring countries to manage refugee related economic and infrastructural needs. Presently, humanitarian agencies are confronted with a huge financial crunch. It is becoming difficult to manage as the refugee crisis is escalates.

The Role of the European Union

In an anarchic world order, which is characterized by rising conflicts, human rights abuses, displacements etc., the European Union has become more significant than ever. The EU charter respects and follows the rules of the Geneva Convention 1951 and the protocol of 1967. The European Union has done an impressive job for refugees. There are an increased number of people migrating and taking asylum in western European countries which has dramatically changed the situation at the European border, putting pressure on the EU member states and motivates the European Union to review and coordinate their refugee and asylum policies.

It is a well understood fact that the influx of refugees is not going to stop in coming years. Attention must be given to the root causes, which have forced such migration. Tackling this issue efficiently and rationally is

¹⁵ "Children Uprooted: UNICEF's Agenda for Action", UNICEF, <https://www.unicef.org/children-uprooted/agenda-for-action>.

¹⁶ Ekaterina Sediakina, *UNESCO's Educational Response to the Syrian Crises: Towards Bridging the Humanitarian Development Divide* (UNESCO 2016), <http://unesdoc.unesco.org/images/0024/002462/246279e.pdf>.

¹⁷ UNDP, *How Humanitarian Funds Syria Crisis Were Spent* (UNDP, 2013), http://www.undp.org/content/dam/rbas/doc/SyriaResponse/KuwaitII/KuwaitII_How_Humanitarian_Funds_Syria_Crisis_Were_Spent_Eng_10Jan%20.pdf.

only possible through a collective effort by all member states. The European Union regardless of being the largest sponsor of humanitarian aid in Syria is showing unwillingness to accept the UNHCR's all-encompassing and extensive proposal for the program of resettlement and rehabilitation. The International Organization for Migration (IOM) estimates that more than 1,011,700 migrants arrived by sea in 2015, and almost 34,900 by land. Almost 218,000 people have fled to the European countries among which 3,500 people have lost their lives because of under-taking the journey on boats.

In 2015, it was reported that a boat carrying about 800 people capsized in the sea off Libya. Currently there is an inadequate arrangement to rescue refugees who have adopted sea route.¹⁸ The European Union initially adopted the policy of maintaining and protecting the refugees of Syria but later in March 2016, the joint plan of Turkey and the European Union to end the migration crisis made these countries a less likely terminus for refugees, along with threats of detention, and deportation especially for those refugees who adopted the illegal sea route.¹⁹ Not only this, even the refugees who do not belong to the state of Syria such as those of Afghanistan and Iraq, are still destitute due to lack of employment rights in Turkey. As stated by the new EU rules regarding refugees, Syrian refugees do not need to have a valid visa but they are still being deprived of basic facilities; they have to pass through stringent procedures in order to get employment and are being given the status of B grade citizens. Presently, Greece is incapable of helping the Syrian refugees mainly because of the poor state of domestic economy. Greece is a prime destination for the Syrian refugees. Applications from almost 3,545 asylum seekers have been registered and more than 31,929 people are still awaiting settlement many of whom are illegal. The illegal route, which the refugees have adopted, is from the shoreline of Turkey to the Islands of Chios, then Lesbos and from Samos to Greece. On this route, many die because of the small, frail boats in the treacherous waves of the Mediterranean Sea. Up until now, 2,500 people have died on this route. According to the IOM, more than 3,770 migrants reportedly died while trying to cross the Mediterranean in 2015. The most treacherous routes are considered North Africa to Italy, and the Aegean crossing from Turkey to Greece.

¹⁸ "UNHCR Urges Beefed up Search and Rescue Capacity as at Least 29 Die off Italy", UNHCR, February 10, 2015, <http://www.unhcr.org/54d9e9e46.html>.

¹⁹ European Commission, *Addressing the Refugee Crisis in Europe: The Role of EU External Action* (Joint communication to the European Parliament and the council, 2015), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_on_addressing_the_external_dimension_of_the_refugee_crisis_en.pdf.

Many additional problems have arisen due to the economic crisis in Greece with an unemployment rate of 55 percent and more than \$320 billion of debt; hence, there is almost no chance for those penurious refugees to support their families with the necessities of housing, food or clothing anymore. According to the analysis of UNHCR, many refugees have chosen Greece because it serves as a gateway to the rest of the European countries.²⁰

Article '18' of the European Union charter of fundamental rights states that "the right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention 1951 and the protocol of 1967, relating to the status of refugees and in accordance with the treaty of European Union and the treaty on the functioning of European Union."²¹ The European Union has done an impressive job regarding the refugee's issue. It has committed to work for a common European asylum system, based on the UN refugee convention. The EU laws and mechanism with respect to asylum and refugees have had a visible influence on the policies of other countries as well.

The European Union institutions i.e. European Commission, European Council, European Court of Justice and European Parliament have considerable power in legislative, executive and judicial areas, directly relevant to UN mandate for refugees. That's why the UN follows EU policies and collaborates with EU institutions.²² Thus, the continuing and swelling waves of refugees at the European border has sparked discussion on how to deal with this issue and what will be the impact on the European economies and societies. It is a fact that the refugee population leaves a severe impact on the host country. The host country experiences long-term economic, political and social impacts due to refugees.

The economic impact is most visible and in the case of the EU, the swelling wave of refugees is surely a burden on European economies. Refugees also on occasion have a potential social impact, in the form of social tensions, ethnic imbalance and other social conflicts. The refugee often feels isolated in the foreign land, and finds it difficult to assimilate in the host society. Furthermore, refugees affect public finance, the labour market, and health care system while increasing security risks as well.²³

²⁰ Samuel Davidoff-Gore, *Compliance without obligation: Examining the state responses to the Syrian Refugee Crisis* (Brown University, 2015), https://watson.brown.edu/ir/files/ir/imce/honors/Davidoff-Gore_Final2015.pdf.

²¹ ECRE Weekly, "Refugees in the EU," EREC, 2014, <http://www.ecre.org>.

²² "Working with the European Union," UNHCR, <http://www.unhcr.org/working-with-the-european-institutions.html>.

²³ UNHCR Standing Committee, "Social And Economic Impact of Large Refugee Populations on Host Developing Countries Social And Economic Impact of

A wave of refugees from the war-torn areas of Middle East is making its way in different states of the European Union. In 2015, about 1.2 million migrants took asylum in Europe while their number is continuously increasing. This grave issue forced European leaders to sit together and decide how to face this challenge. Many conferences were held in Brussels, to discuss how to stop the continual influx of asylum seekers. Although, German Chancellor Angela Merkel raised her voice for the sake of refugees and offered to open the doors of Germany for asylum seekers, but the situation got worse due to many tragic events and all efforts failed.²⁴ The issue of refugees is still unresolved in the European Union. The member states of the European Union are divided on this matter and altogether following independent policies. However, in the present deplorable situation, the European Union's initiative to make a deal with Turkey to resolve this crisis is a ray of hope. The expectation that the integrated Europe will give more liberalized policies for refugees proved to be wrong and more restrictive policies turned out to be more politically correct. The EU member states, instead of bearing the burden of refugees, focused more on their national interests; therefore, restrictive policies regarding refugees are more popular. For the EU, to resolve this issue peacefully, more humanitarian and harmonized policies are needed.

European Union's Contributions for the Protection of Refugees

The years following 2011 were tough for Europe as refugees from Syria fled to European states and 2014 experienced the largest number of migrations to Europe.

The European Union, up till now has spent 4.2 billion Euros on the welfare of Syrian refugees in different aspects, which includes relief and recovery assistance to Syria. It has a fully established Common European Asylum System and has made UNHCR the supervisory body. It effectively deals with the refugees' issue inside and outside the union and other states have followed EU steps regarding refugee protection mechanisms. Various European Union institutions have powers directly relevant to the mandate of UNHCR. The European Union's response to the Syrian conflict and refugees can be divided into three categories. First is the liberal response to reflect in immigrants open-door policies. Second is the moderate one that believes in assistance of refugees but with the help of the EU as a

Large Refugee Populations on Host Developing Countries," January 6, 1997, <http://www.unhcr.org/excom/standcom/3ae68d0e10/social-economic-impact-large-refugee-populations-host-developing-countries.html>.

²⁴ Charles Lane, "Angela Merkel Tried to help Syrian Refugees — and it Cost her", *Chicago Tribune*, <https://www.chicagotribune.com/news/opinion/commentary/ct-angela-merkel-germany-refugees-20161208-story.html>.

whole organization and the third response is restrictive, introducing anti-immigration policies for the refugees.²⁵

The European Union proved to be an influential actor in the management of refugee crisis. The European Commission has evolved a comprehensive approach to deal with the Syrian refugee crisis under the European Agenda for Migration. It introduces a framework of different policies such as reducing the incentives for irregular migration, saving lives, securing external borders and a strong asylum policy.

UNHRC and the EU are working together on various projects to improve asylum related policies to improve the quality of asylum opportunities. Both of these actors are coordinating to resolve the issues of stateless people. The UNHRC, as well as the EU are also coordinating through their judicial involvement. UNHRC as a competent body assists to interpret legislations in accordance with international asylum law. The European Council on Refugees and Exiles (ECRE) promotes the European asylum policies. This body started working in 1974 with the purpose of increasing cooperation among member states to ensure the protection of refugees. The European Union has established the Common European Asylum System (CEAS), which aims to provide protection to persons seeking asylum. ECRE supports the project of CEAS on the ground that this step will help to improve asylum laws and policies, the refugees will be treated humanely and in this way good practices will be shared among states.

The European Union is also working for refugees outside the sphere of the Union in the form of material aid for the refugees. The EU provided humanitarian aid to the World Food Program (WFP) to assist refugees and has become the largest donor to the organization. The European Union has given 1 billion Euros to WFP in order to facilitate host countries to manage their refugee communities. The EU has spent many years to build institutions like CEAS, which aims to ensure the protection of refugees residing in its member states' in line with international law. The system set out a procedure to process asylum applications. The European Union has revised the European Agenda on migration, in order to improve the condition of refugees seeking protection in Europe.²⁶ The European Commission has also launched an inquiry system against its member states who failed to abide by the laws of granting decent environment to refugees and asylum seekers.

²⁵ Maria Hoel, *The European Union's Response to the Syrian Refugee crisis*, European Studies (Thesis, Trondheim NTNU, November, 2015), <https://brage.bibsys.no/xmlui/bitstream/handle/11250/2388042/Hoel%2c%20Maria.pdf?sequence=1&isAllowed=y>.

²⁶ Magyar, "Understanding Migration and Asylum in the European Union," Open Society Foundations, June 2015. <https://www.opensocietyfoundations.org/explainers/>.

The refugee crisis is addressed by the Europeans Commission's humanitarian aid and civil protection program in various ways; urgent material aid to the refugee influx or by acting as a global donor for refugees. The European Union's humanitarian aid assists directly the affected refugees irrespective of their race, nationality, gender, religion, political affiliation or ethnicity. The emergency assistance is used within the EU to provide faster and more responsive help to member states to address the issue.

Criticism of European Union's Response to the Refugee Crisis

There is also a wide range of criticism on many aspects of the European Union's policies for refugees. Firstly, it is said that the European Union has clubbed immigration with asylum. Immigration law is all about check and control on entry while refugee law is related to providing shelter. There is a greater restriction on the external border of European Union due to the EU's border policy which is internal and applicable among member states; this affects the status of refugees who are applying from outside the European Union sphere.

It is also said that the EU pursues a cherry picking policy while granting refugee status to asylum seekers and prefers qualified and skilled persons. However, refugee status should be assigned to individuals irrespective of their qualification, as its major purpose is to provide protection to humanity. There is no harmonization of refugee law among member states due to the absence of any supervisory tribunal. The EU is trying hard to harmonize refugee policies amongst the member states, but the target is hard to achieve with 28 member states when every state has its own judiciary and police force. All states have developed the interpretation of laws independently. Therefore, there is a need of a common asylum policy.

The European court of justice had no jurisdiction with respect to the refugee issue, prior to the Treaty of Amsterdam. Later, the EU established a tribunal for refugees but still it did not treat the cases of refugees like other the EU cases. The EU henceforth restricts the protection provided to asylum seekers or refugees under the Convention of 1959. The European Union sparingly issues humanitarian visas; there is no EU scheme for issuing these visas and the provisions in EU visa code are very ambiguous. ECHR does provide international security to individuals of the member states, but when it comes to individuals outside the union, they do not enjoy the same security net.²⁷

²⁷ Geoff Gilbert, "Is Europe Living Up to its Obligations to Refugees," *The European Journal of International Law*, 2004, <http://ejil.org/pdfs/15/5/399.pdf>.

In the current gloomy economic climate, where many Europeans are unemployed, there is a divide amongst member states on the issue of how to share the refugee burden. The burden sharing has emerged as a big issue within Union. The refugee burden is shared unequally by member states. Moreover, if we take into account the refugees absorption capacities of the member states and compare it with the refugee influx in EU states, we will find it disproportionate and highly unjust. The comprehensive burden sharing approach will benefit both the member states and refugees as well. The policy harmonization²⁸ and quota-based approach can give satisfactory results.²⁹ One of the major hurdles and flaws in pursuing an effective refugee policy is that the member states of the European Union view every matter with a nationalist lens.

Though the EU claims liberal policies and it has moved on from the traditional model of nation state, but it still has not been able to escape from the pressures of nation states. Europe has become more sensitive and concerned about the influx of foreigners. That's why non-European migrants and refugees face restrictions from entering the EU and enjoying the same rights.

The EU members' interior ministers have failed to bring all member states to common agenda, regarding the distribution of refugees. Thus, the EU is still at odds over the quota of refugees. Some countries are planning to fence their borders against refugees. The demand to shut doors on refugees is inhumane. The EU member states are pursuing individual actions, such as erecting fences along borders. At first, such countries were criticized for imposing border control but later other countries also followed suit. The European Union should rethink its policies for refugees, however, the political leaders of the member states of the EU have continued to adopt a hard-line approach when it comes to asylum policy. There are not enough provisions in the EU to accept and receive refugees on an immediate basis. There is also a lack of awareness among the EU public about the necessity to take in refugees.

Thus, the EU faces many problems such as reception and distribution of refugees, division of funds and many more.³⁰ In initial phases the EU made effort to focus on asylum seekers inside the EU, the

²⁸ With regards to European Union, Policy Harmonization is to create similar and common standards across the whole market.

²⁹ Eiko R. Thielemann, *Towards A Common EU Asylum Policy: The Political Economy of Refugee Burden-Sharing* (California: University of California, San Diego, 2004), https://pdfs.semanticscholar.org/564e/fad51ecb17402a8d660a51c9ae1abd673fb3.pdf?_ga=2.23274172.744726270.1541399870-1856485809.1541399870.

³⁰ Jochen Oltmer, "EU needs to rethink its refugee policy," *DW*, last modified 2014, <https://www.dw.com/en/eu-needs-to-rethink-its-refugee-policy/a-17188912>.

focus of attention has now shifted to a default position where efforts are directed at discouraging people from entering the EU, and the EU started deporting people who do not have a legal asylum status.³¹ The heads of EU states and governments discussed this issue but talks proved to be unproductive. It seems that overcoming differences among member states and achieving a consensus in views has become difficult in the EU. The asymmetrical impact of this refugee crisis on member states of EU is itself a big hurdle in achieving a coherent and collective response. It is clear from the recent refugee influx from the Middle East and Africa to European states, that the European Union made very little effort for asylum seekers. A great number of casualties occurred as a result of European refusal to receive refugees. It is politically a very sensitive issue and the EU failure to handle the situation may further exacerbate the influx of refugees in the coming years. Currently, the EU is in dire need of a comprehensive solution.

Conclusion

The Syrian civil war indeed represents the worst humanitarian refugee crisis and requires a common EU and UN response. The United Nations and the EU member states need to work in close collaboration in order to protect the rights of refugees and every state should prioritize assisting their basic needs especially for the resettlement programs so that they would not feel alienated in the host country. This can only be done if a non-discriminatory approach is followed in providing education, employment and health facilities to the refugees, without any delay or restrictions. There is also a need to develop a standardized legal framework, which can permit them to work freely and to move freely on the occasions of reunion.

The United Nations and the European Union should utilize this opportunity to create an all-inclusive and harmonious legislation for refugees. Many Middle Eastern states have been ravaged by war since 2011 resulting in a massive influx of refugees seeking asylum in the European continent. The EU states initially committed to address this refugee crisis and pledged to work for achieving a common asylum policy. In view of a massive refugee influx, they struggled to give an effective and coordinated response. There is no doubt that EU has generously spent on the refugee but there are still many gaps in the system. Countries like Germany, France and Sweden opened their borders for refugees; contrarily, Britain and Hungary refused to welcome any refugees. Similarly, states like Ukraine and Slovakia did not openly welcome all the refugees; they just allowed entry to Christian refugees. Thus, we see that

³¹ Stefan Lehne, "How the Refugee Crisis Will Reshape the EU," *Carnegie Europe*, 2016, <http://carnegieeurope.eu/2016/02/04/how-refugee-crisis-will-reshape-eu-pub-62650>.

due to political divisions and internal dynamics, the EU and its member states have struggled to find a solution to this grave crisis.

The policies adopted in response seem unclear. Although, the EU portrays its liberal policies and claims that it has evolved from the traditional model of nation states, yet it couldn't escapes from pressures of nation state and Europe has become even more sensitive and concerned about the influx of refugees. European Union harbors some concerns regarding the Syrian refugees such as radicalization and a threat to the socio-political fabric of Europe. The current debate in the western public sphere shows that stereotypical perceptions of Muslims are still pervasive in Europe. The crisis calls for a coordinated global response and contribution. The basic question is what action should be taken to protect human lives? To answer this question, all states must join hands, find out the root causes of the crisis, solve the issues, which led to immigrants' influx and states must take off their nationalist lens. This is about formulating a genuine policy to address the very causes of population movements, displacements. It is about resolving crises and ensuring development.

Recommendations

There should be a continuous evaluation of the frameworks for the protection of refugees, which will maintain regulatory procedures for ensuring proper assistance to the refugees. This can happen through friendly collaboration with the help of host government and other organized programs introduced by UNICEF (United Nations Children's Emergency Fund) and WFP (World Food Program) for achieving shared goals.

The UN agencies should maintain a systematic communication channel with the refugees so that there would be no room for misunderstandings while ensuring the rights of refugees and their future. There should be an effective dialogue with the refugees in order to better understand their problems and provide improved solutions.

Apart from the solution of Cluster Approach, there is another concept known as 'One United Nations concept', which should be implemented effectively. According to this concept, the United Nations is liable to work in a more cohesive manner at the individual, regional and global level with a standard assistance framework. According to the Amnesty International conference proceedings, there should be a paradigm of protection for the refugees including actions and implementations by the developed countries. The role of the international society in sharing the responsibility of helping the increasing number of refugees is essential.

The foremost concern is the ratification of the present conventions regarding refugees, as there is insufficient aid, especially for the asylum

seekers. There is a need for states to develop impartial domestic measures in order to provide refugees with fundamental rights and long-term settlement commitments. States should also offer protection to refugees who are victims of human trafficking and ensure their appropriate legal status as well. States should not penalize the asylum seeker for their domestic economic or social problems. In order to cope with this situation, they should develop rehabilitation programs and a separate financial framework for long-term humanitarian relief.

Moreover, the EU should ensure effective protection of the asylum seekers, guarantee respect for the rights of refugee on the EU territory and border. There is a need for a quota system among members to share the financial burden of refugees equally, as coherent policies and stronger institutions demand additional finance. Efforts should be made to normalize the conditions for refugees in their home states, and they should be sent back with the proper arrangements for their protection.

In this regard, intensive engagement and collaboration is needed with the transit countries to ensure the safe arrival of asylum seekers and to control the inflow of migrants. For the sake of harmonized migration policies, there is a need for well-resourced institutions. EU should grant freedom of travel and open well-managed channels to ensure legal migration of refugees and develop some more robust policies in order to counter illegal migration. To overcome xenophobic and more extreme nationalist tendencies, a very sensitive and cautious approach is needed and for this, political leadership should play their part.

To respond to the migration challenge, there is a need to develop a credible strategy, mobilize necessary resources, and create appropriate instruments and all this demands resolute political will and continued efforts. The EU must ensure efficient asylum-seeking procedure and guarantee adequate conditions for reception. The asylum laws must be strictly followed and must be supervised by European Court of Justice (ECJ). Lives should be saved through rescue and search operations along the transit route, measures should be adopted for transparent proceedings and backlogs prevented as well as the delays in the relocation or rehabilitation mechanism for refugees. The EU must encourage increased refugee resettlement, family reunification and provide safe channels to discourage dangerous and illegal routes. Cooperation should be strengthened with security, police force and other governments too, to avoid any kind of mishap or human rights violation. Humanitarian visas must be issued on an urgent basis to individuals whose lives are at stake or vulnerable. Foremost attention must be given to tackle the root causes, which have forced the migration or seeking asylum. If these suggestions are followed then these combined efforts could give impetus to the UN and the EU for securing the lives of Syrian refugees.

