

THE EFFECTIVENESS OF INTERNATIONAL REGIMES IN
STATES WITH LOW INTERNAL CAPACITY: A STUDY OF
INTERNATIONAL REFUGEE REGIME IN AFGHANISTAN,
IRAQ AND SUDAN

A Ph.D. Dissertation

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May 2013

To Suzan and Yakup Güler

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IRAQ AND SUDAN

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of
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ANKARA

MAY 2013

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ABSTRACT

THE EFFECTIVENESS OF INTERNATIONAL REGIMES IN STATES WITH LOW *INTERNAL CAPACITY*: A STUDY OF INTERNATIONAL REFUGEE REGIME IN AFGHANISTAN, IRAQ AND SUDAN

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Nearly one out of the six states in the world is regarded with low *internal capacity* by the Failed State Index 2012. However, having *a priori* assumption on states' *internal capacity* to take decisions and implement them within their own states, scholarly attention has been given to the factors that shape states' behaviors towards international regimes, mainly discussing under what conditions states will comply with them. Thus, the literature on international regimes neglected to study the effectiveness of international regimes in the states with low *internal capacity*. This dissertation deals with the research question of how the presence of states with low *internal capacity* creates implications for the effectiveness of

international regimes and how regimes' institutions can operate in such states to increase regime effectiveness. I examine this research question through quantitative and qualitative analyses and with a specific reference to the 4Rs activities of the international refugee regime in three refugee producing countries, namely Afghanistan, Iraq and Sudan. I argue that international refugee regime was not effective in these countries and I propose six tentative principles to UNHCR and its implementing partners to increase the effectiveness of international refugee regime in refugee producing countries with low *internal capacity*: providing civilian security, overcoming socio-cultural and religious conservatism, increasing government capacity and willingness to cooperate with international community, building trust among local people towards international community and increasing their support for regime activities.

Keywords: International regimes, regime effectiveness, international refugee regime, UNHCR, Afghanistan, Iraq, Sudan.

ÖZET

İÇ KAPASİTESİ DÜŞÜK ÜLKELERDE ULUSLARARASI REJİMLERİN ETKİNLİĞİ: AFGANİSTAN, IRAK VE SUDAN ÜZERİNDEN BİR ULUSLARARASI MÜLTECİ REJİMİ ÇALIŞMASI

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Başarısız Devletler Endeksi 2012 verilerine göre, neredeyse her altı devletten biri *iç kapasitesi* düşük ülke olarak değerlendirilmektedir. Ancak yazında, devletlerin karar alma ve aldıkları kararları kendi ülkelerinde uygulama kapasiteleri ile ilgili *öncül* bir varsayım olduğu için; akademik ilgi, devletlerin uluslararası rejimlere karşı davranışlarını hangi etkenlerin şekillendirdiğine, özellikle de devletlerin hangi şartlar altında uluslararası rejimlerle uyumlu hareket ettiğine odaklanmıştır. Dolayısıyla uluslararası rejim yazını, uluslararası rejimlerin *iç kapasitesi* düşük ülkelerdeki etkinliğini ihmal etmiştir. Bu çalışma *iç kapasitesi* düşük ülkelerin, uluslararası rejimlerin etkinliğini nasıl etkilediği ve rejim kurumlarının bu

lkelerde rejim etkinliđini arttırmak iin nasıl faaliyet gsterebileceđi arařtırma sorusunu ele almaktadır. alıřma bu arařtırma sorusunu, nicel ve nitel analizler erevesinde uluslararası mlteci rejiminin mlteci reten  lkedeki (Afganistan, Irak ve Sudan) 4R faaliyetleri ile incelemektedir. Bu alıřmada, uluslararası mlteci rejiminin bu lkelerde etkin olmadıđı iddia edilmekte ve UNHCR ve uygulama ortaklarının mlteci reten *i kapasitesi* dřk lkelerde rejim etkinliđini arttırabilmesi iin altı muhtemel prensip nermektedir: sivil gvenliđin sađlanması, sosyo-kltrel ve dini muhafazakrlıđın ařılması, hkmetin uluslararası toplum ile iřbirliđi kapasitesinin ve istekliliđinin arttırılması, toplumda uluslararası topluma karřı gven tesis edilmesi ve toplumun rejim faaliyetlerine desteđinin arttırılması.

Anahtar Kelimeler: Uluslararası rejimler, rejim etkinliđi, uluslararası mlteci rejimi, BMMYK, Afganistan, Irak, Sudan.

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CHAPTER 1

INTRODUCTION

Nearly one out of the six states in the world is regarded as countries with *internal capacity* in terms of their political, social and economic indicators.¹ Though they might have relatively high capacities in terms of economic or military capacities, they generally do not have the capacity to provide internal security and essential public services to their citizens. They are also mostly corrupted and lack the authority and governance capacity within its borders. Having *a priori* assumption on states' *internal capacity* to take decisions and implement them within their own states, scholarly attention has been given to the factors that shape states' behaviors towards international regimes, mainly discussing under what conditions states will comply with them. In other words, the literature on international regimes neglected to study the effectiveness of international regimes in the states with low *internal capacity*.

The literature on international regimes focuses on the factors that shape states' behaviors towards international regimes, mainly discussing under what conditions, why and how states establish international regimes and comply with them. However both the mainstream literature, namely realist, neoliberal and

¹ The Failed State Index (2012: 4-5) examines 192 countries and 33 countries among them are listed in the categories of "very high alert", "high alert" and "alert".

constructivist schools of thought and its critiques have *a priori* assumption on states' capacity to comply with international regimes. This *priori* assumption in the literature results in neglecting to study the effectiveness of international regimes in the countries with low *internal capacity*. Accordingly, the literature fails to provide incentives to regimes' institutions to increase regime effectiveness in such countries. Since the beginning of the 1990s, international refugee regime increased its activities in refugee producing counties with low *internal capacity* due to its strategy of prevention and solution. Examining the literature on international refugee regime in particular shows that this literature mainly focuses on the normative discussion of whether and under what conditions United Nations High Commissioner for Refugees (UNHCR) should involve in activities in refugee producing countries. However it neglects an effectiveness-centric focus, discussing how UNHCR can increase the effectiveness of international refugee regime in such countries. Given the gaps in the literature on international regimes in general and on international refugee regime in particular, the research question of this study is: "How does the presence of states with low *internal capacity* create implications for the effectiveness of international regimes and how can regimes' institutions operate in such states to increase regime effectiveness? This research question will be answered with a specific reference to the effectiveness of international refugee regime and UNHCR 4Rs² activities in three refugee producing countries, namely Afghanistan, Iraq and Sudan.

This study is an attempt to generate findings for regimes' institutions to increase the regime effectiveness in countries with low internal capacity. This

² 4Rs are the short term for the activities of Repatriation, Reintegration, Rehabilitation and Reconstruction.

introductory chapter provides a brief summary of the literature on international regimes, the theoretical framework of the study, its theoretical contribution to the literature and limitations of the study. Then it gives a brief outline of the study and introduce its research design.

1.1 Theoretical Framework

Realist school of thought considers international regimes with a minimal influence on states' behavior. According to realists, international regimes do not shape their behaviors independent from states' power considerations, given the anarchical system. Hence, it is assumed that states give *priority* to their national interests over functions of institutions in case of conflict (Morgenthau, 1948). Neorealists also argue that cooperation takes seldom place between states and international regimes because of the feeling of insecurity among states at the system level (Waltz, 1979). Criticizing neorealists assumptions on the importance of states' power capabilities in shaping their relations with international regimes, neo-classical realists emphasize the importance of the choices taken by actual political leaders and elites as a unit level characteristic to shape state policies towards international regimes (Rose, 1998; Taliaferro, 2006).

Different from realist school of thought, neoliberals believe more in the potential role of international regimes to shape states' behavior. According to them, international regimes can constrain states' behaviors and states comply with international regimes but only under restrictive conditions, namely as long as their

interest are realized. (Hasenclever, 1996; Keohane, 1993) Constructivists argue that norms and interests shape states' behaviors and they are subject to change, particularly by shared norms and values. Thus, international regimes can play an important role to change state norms and interests, when they are in conflict with the functions of their institutions. (Onuf, 1998; Hopf, 1998; Wendt, 1992

There are also critiques towards the mainstream literature on international regimes. Strange (1982) criticizes the state-centredness of the literature, arguing the importance of transnational authorities such as industrial cartels and professional associations. Young (1999) criticizes the conservative bias that regimes do only operate in society of states. Instead, according to him, global civil society as a second social system, can affect the effectiveness of international regimes. Haggard and Simmons (1987) stress the importance of domestic structures and processes on state relations with international regimes, arguing that states are not unified actors.

This study uses two theoretical arguments from the literature, summarized above, as its theoretical framework. First, the study derives from the argument of neoclassical realism that unit level characteristics are determinant in regime effectiveness. Being inspired from their focus on the choice of political leaders and elites, the study argues that unit level characteristics, defined as social conditions within state, nature of the relations between government and international community³ and perceptions of the local people in international

³ While UNHCR conducts 4Rs activities in collaboration with various actors, the concept of international community is used in this study in a very broad sense. The definition of international community in the study includes the following actors: UN agencies, such as UNHCR, UNICEF and UNDP, international NGOs such as Norwegian Refugee Council and IOM, donor states and international security missions such as UN and AU peace missions.

community, play a role in shaping the effectiveness of international refugee regime.

Second, the study takes a constructivist stance and assumes a possibility of change in norms, ideas and beliefs of the government officials and local people. Thus, this study argues that it is possible to increase regime effectiveness by changing the unit level characteristic, when they hinder the regime effectiveness, mostly through information campaigns, trust-building activities and awareness campaigns.

1.2 Theoretical Contribution

Regarding the theoretical contributions of the study to the literature on international regimes, three contributions are projected. First, this study adopts a neoclassical realist perspective on the importance of unit level characteristics on the states' relations with international regimes. Neoclassical realists define unit level characteristics as the choices of political leaders and elites. This study extends the content of unit level characteristics to include social conditions within state, nature of the relations between government and international community and perceptions of the local people in international community. According to the study, when these unit level characteristics support and cooperate with the activities of regimes' institutions, the effectiveness of international regimes is likely to increase. Thus, the study contributes to the neoclassical realist school of thought by extending its definition of unit level characteristics.

Second, this study finds out that policy decisions of political leaders and elites can also be shaped by their ethnic and religious affiliations and by their individual interests. Haggard and Simmons (1987) argue that the choices of political leaders and elites can be shaped by domestic and political variables. Thus, the study contributes to the literature on neoclassical realism by including priority of ethnic and religious affiliations and individual interests in addition to domestic and political variables in shaping policy decisions of political leaders and elites.

Third, having *a priori* assumption on states' *internal capacity*, neorealists assume that states do not have security problems within their own borders. They rather focus on the feeling of insecurity among states at the system level, which can restrain states to cooperate with international regimes. The study finds out that the feeling of insecurity is one of the common characteristics of countries with low *internal capacity*. The study argues that the feeling of insecurity at the state level can also hinder the effectiveness of international regimes, in addition the the feeling of insecurity among states.

1.3 Limitations

There are several limitations for the research strategy of this dissertation. First, there can be differences among policies, interests and mandates of the members of international community, namely the UN agencies, international NGOs and their national partners, donor states and international security missions.

They can also be involved in different stages of the 4Rs activities. However, this study treats international community as a single body for the sake of analysis. Thus, the study does not single out among the members of international community in its analysis of the effectiveness of international regimes.

The second limitation, related with the first one, is that the study assumes in theory the neutral character of international community, though it might not be so practice. The study defines neutrality as possessing good will of providing stability to restore order. In examining the implications of case studies to increase regime effectiveness in countries with low *internal capacity*, distrust among local people and government officials in international community is identified. To increase people's support and government cooperation with the activities of international community, several suggestions are proposed in the tentative principles. Thus, the study does not question the impartial and neutral character of international community to increase regime effectiveness. Here, questioning its neutrality character is neither the aim of the study nor feasible given the differences between the members of international community, as pointed out in the first limitation.

Third, there are also countries of asylum with low *internal capacity*, particularly in Africa there are several countries, which are both refugee producing and asylum countries at the same time. However the aim of this dissertation is to provide tentative principles to increase the effectiveness of international refugee regime in countries with low *internal capacity* through examining regimes 4Rs activities within. While, 4Rs activities of international refugee regime aim to prevent reoccurrence of new mass flows and provide voluntary repatriation as a

durable solution in refugee producing countries, the study selects out its case studies among refugee producing countries.

Fourth, making observations and conducting personal interviews in Afghanistan, Iraq and Sudan could improve the quality of the case studies. Thus, this study regards the absence of field research as a limitation, particularly in the qualitative analysis of the cases. The social conditions, relations with the government and perceptions of the local people could be examined in a broader sense when I could have the chance of doing field works. Fortunately, rich sources of field reports, surveys, articles, books, media sources and interview reports conducted mainly by UN agencies and various NGOs are available and this limitation does not create serious problems on the quality of research.

Last, this dissertation examines international refugee regime as an international regime, dealing mostly with countries with low *internal capacity* since 1990s. Thus, it is an attempt to provide specific insights for this particular regime. It can have general implications for the effectiveness of international regimes in such countries and can contribute to the accumulation of knowledge on increasing regime effectiveness in general. However, the study does not have any claim that its findings can have validity for international regimes in general.

Recalling *a priori* assumption of the literature on international regimes and the lack of effectiveness-centric focus in the literature on international refugee regime, this study still contributes to the literature despite its limitations. Because it seeks to analyze how the presence of states with low *internal capacity* creates implications for the effectiveness of international regimes and how regimes'

institutions can operate in states with low *internal capacity* to increase regime effectiveness.

1.4 Thesis Outline

Chapter 2 conducts a literature review on international regimes in general and international refugee regime in particular. The chapter first examines the arguments of three schools of thought, namely realist, neoliberal and constructivist traditions, on states' relations with international regimes and states' compliance with the regimes's basic norms and rules. The problematique identified in this part is that both the mainstream literature and its critiques have *a priori* assumption on states' *internal capacity* to comply with international regimes. The chapter, second, examines the literature on international refugee regime and UNHCR activities in refugee producing countries. The problematique identified in this part is lack of an effectiveness-centris focus on discussing under what conditions international refugee regime can increase its effectiveness in such countries.

Chapter 3 explores first, international refugee regime under temporary agencies and under UNHCR agency including the expansion of its mandate and people of concern. It then examines the environment, in which the regime operated in the beginning the 1990s. It concludes that during the time, states become more reluctant to offer asylum, particularly to the refugees from the Third World, and it resulted in major protracted refugee crises. As being unable to provide protection and solution to refugees in a sufficient manner, UNHCR

adopted voluntary repatriation as the most preferred durable solution and increased its activities in countries of origin. In the beginning of the 1990s, UNHCR introduced its proactive and homeland oriented understanding of prevention and solution to increase the effectiveness of international refugee regime. Complementary to this strategy, in 2002, UNHCR introduced the 4Rs approach. The last part evaluates this 4Rs approach in detail by examining the strategy of prevention and solution, the inter-linked relationship of protection, solution and prevention, conceptual framework and purpose of the 4Rs approach and the interagency collaboration within 4Rs activities.

Chapter 4 questions the effectiveness of 4Rs activities and conditions to increase regime effectiveness in Afghanistan through quantitative and qualitative analyses. It first gives a brief introduction of the political and social structures in Afghanistan to provide the background information for the country's political and social fabric. Second, it examines the history of Afghanistan from the beginning of 20th century until present to understand the roots of Afghanistan's low *internal capacity* and of the forced displacement in the country. Third, it examines the 4Rs activities of UNHCR and its implementing partners⁴ in Afghanistan. It then, questions the effectiveness of international refugee regime in Afghanistan between 2002-2011 through quantitative analysis. The last part conducts a qualitative analysis to identify the principles by which UNHCR and its implementing partners can operate to increase the regime effectiveness.

⁴ While 4Rs activities are beyond the scope and capacity of one agency, it requires an interagency collaboration. Accordingly, UNHCR has implementing partners to conduct 4Rs activities. These partners are mostly among the UN agencies and international and national NGOs. In this study, the concepts of "UNHCR and its implementing partners" and "international community" are used interchangeably.

Chapter 5 questions the effectiveness of 4Rs activities and conditions to increase regime effectiveness in Iraq through quantitative and qualitative analyses. The chapter, first, gives a brief introduction of political and social structures in Iraq and then examine the history of Iraq to understand the roots of Iraq's low *internal capacity* and of the forced displacement waves in the country. Third, it examines the 4Rs activities of UNHCR and its implementing partners in Iraq. Then it questions the effectiveness of international refugee regime in Iraq between 2003-2011 through quantitative analysis. The last part conducts a qualitative analysis to identify the principles by which UNHCR and its implementing partners can operate to increase the regime effectiveness.

Chapter 5 questions the effectiveness of 4Rs activities and conditions to increase regime effectiveness in Sudan through quantitative and qualitative analyses. It, first, gives a brief introduction of political and social structures in Sudan and then examines the history of Sudan to understand both the roots of Sudan's low *internal capacity* and reasons of the forced displacement in the country. Third, it examines the 4Rs activities of UNHCR and its implementing partners in Sudan. Then it questions the effectiveness of international refugee regime in Sudan between 2003-2011 through quantitative analysis. The last part conducts a qualitative analysis to identify the principles by which UNHCR and its implementing partners can operate to increase the regime effectiveness.

Chapter 7 concludes the findings of the study and identifies tentative principles. It first illustrates the theoretical and empirical findings. Then, based on the findings in the case studies, it proposes six tentative principles for international

community to increase regime effectiveness in countries with low *internal capacity*. Last, some suggestions for future researches are made.

Countries with low *internal capacity* do not have the capacity to ensure the security within its borders and can not provide essential basic services to its citizens. Their governments are mostly corrupted and lack the authority and governance capacity within their state. Given these characteristics, the discussions of the literature on international regimes, mainly on the factors that can lead states to cooperate with international regimes, become invalid in such countries. Thus, countries with low *internal capacity* deserve a scholarly attention for the effectiveness of international regimes. Giving this scholarly attention, this study is an attempt to examine the implications of the presence of such countries for the effectiveness of international regimes and to generate findings for regimes' institutions to increase regime effectiveness in countries with low *internal capacity*. Considering this aim, the next part of the chapter introduces the research design of the study.

1.5 Research Design

This part seeks to explain the research design of the study, first to question the effectiveness of international refugee regime in countries with low *internal capacity*, and second, to examine the conditions to increase regime effectiveness in such states. The study defines regime effectiveness as the ability of regimes' institutions to fulfill their mandates. It defines *internal capacity* as the ability of

states to comply with international regimes through making decisions and implementing them within their own states.

This study aims to generate findings of relevance beyond the individual cases. Therefore, the study will use case study method and conduct its analyses through three cases. The case study method will allow the study to shape the research design in a flexible sense, in terms of data gathering and analysis of the subject matter (Fidel, 1984). This part, first, explain the criteria for the case selection. It, then explain how to measure the effectiveness of international refugee regime by its quantitative criteria. Last, it explain the qualitative analysis to examine the conditions to increase regime effectiveness in countries with low *internal capacity*.

1.5.1 Criteria for Case Selection

The study applies three criteria to select the cases. According to the first criterion, cases should be among top refugee producing countries by the end of 2011. The reason for selecting the top refugee producing countries with 4Rs activities is to ensure that they have low *internal capacity*. Second, UNHCR and its implementing partners should conduct 4Rs activities in the cases. Last, cases are selected according to the data availability both for the quantitative and qualitative analyses.

According to the UNHCR Global Trends 2011 report (2011a: 14), the first four top refugee countries by the end of 2011 are as following: Afghanistan with

2,664,400 refugees, Iraq with 1,428,300 refugees, Somalia with 1,077,000 and Sudan with 500,000. These countries are also among the top ten in the list of the Failed States Index 2012. Somalia is in the first, Sudan is in the third, Afghanistan is in the six and Iraq is in the ninth place of the Failed States Index 2012. Based on the data availability, Sudan is selected instead of Somalia. Accordingly, Afghanistan, Iraq and Sudan⁵ are identified as the cases of this study.

1.5.2 Quantitative Analysis

Effectiveness of the international refugee regime is measured by the ability of UNHCR's fulfillment of its mandate. UNHCR, as being the agency of international refugee regime, has the goals of promoting durable solutions for refugees and providing protection to them. Within this framework, UNHCR developed its strategy of prevention and solution to fulfill its goals. Thus, UNHCR aims to provide repatriations as a durable solution and to prevent the reoccurrence of new mass flows through 4Rs activities in countries of origin to increase the effectiveness of international refugee regime.

⁵ South Sudan gained independence on June 9, 2011. In the study, South Sudan is considered as a part of Sudan until mid-2011.

1.5.2.1 Sustainability of Reintegration

Voluntary repatriation, return of the refugees on their countries of origin on voluntary bases, is one of the three durable solutions. The ultimate aim of facilitating or promoting mass repatriations is to provide their sustainability of their reintegration. When reintegration is not sustainable, the phenomenon of back-flows can be witnessed in repatriation operations (UNHCR, 2003a: para.20). Thus, UNHCR considers 4Rs activities as a tool for returnee (UNHCR, 2004b: 25). UNHCR argues that “voluntary repatriation is not a durable solution in the absence of the returnees' reintegration into the local community” (UNHCR, 1996a: §6.1). Being equated with the achievement of sustainable return, reintegration is defined as “the ability of returning refugees to secure the political and social conditions needed to maintain life, livelihood and dignity” (Macrae, 1999: 3).

This study attempts to measure sustainability of reintegration by UNHCR's own criteria. Indicators for the legal, political, economic and social reintegration are selected out from Practical Guide to the Systematic Use of Standards & Indicators in UNHCR Operations (2006), considering their role on capacity building. Indicators for measuring reintegration are as following:

Legal integration: Do all returnees have access to individual identity documentation without discrimination? Are all returnees allowed to vote? Are there reports of security incidents towards returnees?

Economic integration: Percentage of returnees (of working age) employed or engaged in income generating activities.

Social integration / health⁶: Do returnees have access to emergency and primary health care services without discrimination?

Social integration / water: Percentage of families with improved water supply at an adequate level of service.

Social integration / shelter: Percentage of returnees living in adequate dwellings.

Social integration / education: Percentage of Returnee Area school aged population living within reasonable distance from primary school.

To identify reintegration process as sustainable, UNHCR's own standards will be used. According to UNHCR, standards for legal, economic and social reintegration should be 100%, covering the whole returnee population (UNHCR, 2006). If reintegration process reaches to UNHCR standards, sustainability of reintegration will be identified as YES.

⁶ This indicator serves to identify if the legal gaps with regard to access to emergency and primary health care by returnees and it is answered by the Standard of YES/NO. This study, however, uses the standard of this indicator as 100%.

Table 1: Sample for the reintegration process of returnees

	Indicator	Standard	Measurement in standard	Value	Measurement in value
Access to rights	Individual identity documentation	YES	1		
	Allowed to vote	YES	1		
	Reports of security incidents	NO	1		
Access to employment opportunities	Returnees with regular employment	100%	1		
Access to social services	Shelter	100%	1		
	Health	100%	1		
	Education	100%	1		
	Water supply	100%	1		
Total			8		
					Reintegration process:

Time frame for the analysis is determined by the beginning of 4Rs activities in each case and the latest available statistical data. Accordingly, the period that is covered for Afghanistan is identified as 2002-2011, for Iraq 2003-2011 and for Sudan 2005-2011.

Regarding the data evaluation, there are some points to be clarified. First, the standard values will be measured as 0 or 1 for their contribution to the total standard value for the reintegration process. Then, values will be calculated based on measurement in standard and each measurement in value will be summed up and calculated in percentage. While, based on available data, it is not feasible to distinguish partly or fully reintegration processes, this measurement will provide level of reintegration including both partly and fully reintegrated returnees. Second, if the datum has small uncertainties, it will be rounded off (e.g. 19.6%

will be accepted as 20%). In case of failing to find a certain answer to the 5th question, total number of shelters provided by UNHCR will be multiplied with 6 as being the average number of households in a shelter, as will be the case in the analysis of Afghanistan (UNHCR, 2008b: 4). And then percentage of returnees living in adequate dwellings will be calculated based on the total number of returnees. The possibility of returnees having shelter on their own capacity or through other channels will be disregarded.

Third, there can be some refugee groups among returnees, who return spontaneously (return by refugees' own means) along with organized repatriation programs. However, all returnees regardless of the character of their movements will be included into the assessment of effectiveness because of the practical difficulty of separating groups affected by returnee assistance programs. In practice, spontaneous returnees can also return to the same areas of returnees assisted by UNHCR and benefit from the last 3Rs. Fourth, the concept of returnee can cover both refugee returnees and IDP returnees since UNHCR aims to prevent further displacements in both of the groups through the 4Rs activities. Thus, in case of unavailability of separate data on refugee returnees, mixed data on refugee and IDP returnees can be accepted. Fifth, when it is known that there is not a distinguishing difference between returnees and local population in terms of access to basic services, the general data can be accepted also valid for the returnee population, as will be the case in the analysis of Sudan. Last, since it is not the aim of this study is to find out the local differences in terms of the reintegration process, different reintegration processes at rural and urban areas will not be assessed. The study will measure the second goal of UNHCR within the

framework of strategy of prevention and solution by the numbers of asylum-seekers and IDPs during the years examined.

1.5.2.2 Prevention of New Flows

As being the second goal of UNHCR's strategy of prevention and solution, the study will question whether occurrence of new flows has been prevented or not will be examined in numbers. With this aim, the number of asylum-seekers and refugees originating from each case, in the time of 4Rs activities begin, will be compared to the number of asylum-seekers in 2011. Thus, the general pattern of asylum seekers and IDPs will be found to indicate whether the numbers of asylum seekers and IDPs in cases have declined or not. If there is a considerable decline in the numbers of asylum seekers and IDPs by the end of 2011 in comparison with the numbers at the first year of 4Rs activities in each case, prevention of new flows will be indicated as YES.

Table 2: Sample for the effectiveness of international refugee regime

Cases	Sustainability of repatriation (Y/N)	Prevention of new flows (Y/N)	Effectiveness
Afghanistan			
Iraq			
Sudan			

Since effectiveness is a matter of degree rather than an all-or-nothing proposition (Young, 1992: 163), degree of regime effectiveness in the cases will be identified as ‘not effective’, ‘partly effective’ and ‘fully effective’. In the quantitative assessment of regime effectiveness, repatriation as a durable solution and prevention of new flows will be examined for each case study. If both of them are found as YES, then regime will be accepted as fully effective in each case study. If one of them is signed as NO, regime will be regarded as partly effective. If both of them are found as NO, regime will be regarded as not effective.

1.5.3 Qualitative Analysis

This study aims to propose tentative principles for international community to increase regime effectiveness in countries with low *internal capacity*. While this aim goes beyond the limits of qualitative analysis, the study conducts a qualitative analysis to identify conditions to increase regime effectiveness. Qualitative analysis can help to interpret and better understand the implications of qualitative analysis through identifying intangible factors. It is especially effective in obtaining specific information on the values, perceptions, behaviors and social contexts of particular populations. (Family Health International: 1).

The study develops socio-political and socio-cultural categorization for its qualitative analysis:

- The relationship between social conditions within state and 4Rs activities

- The nature of the relationship between government and international community
- Perceptions of the local people in international community

The study defines these categorizations as unit level characteristics within states. It assumes that when these unit level characteristics support and cooperate with the activities of regimes' institutions, the effectiveness of international regimes is likely to increase.

The first categorization questions the main social conditions in cases that lead local people cooperate with or resist 4Rs activities. Identifying these conditions will enable the study to provide suggestions to shape them in accordance with the regime activities. The second categorization examines nature of the relations between governments and international community to identify factors that shape this bilateral relationship. The aim, here, is to provide incentives to international community to increase the cooperative nature of the relations with the government. The last categorization examines how 4Rs activities are perceived by local people and aims to identify the factors that shape their perceptions. This will enable the study to make suggestions to international community to increase people's support for their activities. In sum, this qualitative analysis aims to provide incentives to UNHCR and its implementing partners to increase regime effectiveness in countries with low *internal capacity*.

1.5.4 Collected Data

Almost once per year, UNHCR conducts random surveys, gathers data from local authorities, government sources, makes observations and field monitoring to provide answers to the indicators above based on its Standards and Indicators Reports. However, UNHCR does not share the Individual Standards and Indicators Reports. Thus, quantitative and qualitative data collection requires an extraction from various sources. In terms of these sources, first, UNHCR reports, published on the UNHCR website, will be traced. The dissertation will also use end-year statistics of the latest available data. Second, the study will conduct online interviews, where possible. Last, it will use field reports, surveys, articles, news and interviews, conducted by various NGOs, such as Refugees International, IOM and Norwegian Refugee Council. The study will mainly use news from Integrated Regional Information Networks (IRIN), while it provides detailed insights both for quantitative and qualitative analyses in the case studies. As being the humanitarian news and analysis service from the UN Office for the Coordination of Humanitarian Affairs, IRIN news is regarded as a confidential field source.

CHAPTER 2

LITERATURE REVIEW

In the introduction chapter of the study, the main research question and the theoretical framework of the thesis. Research design of the study was also identified in the previous chapter, explaining how to analyze the research question through quantitative and qualitative analyses.

This chapter conducts a literature review on international regimes in general and international refugee regime in particular. It, hereby, aims to identify the contribution of the thesis for the literature on international regimes. The chapter first examines the arguments of three schools of thought, namely realist, neoliberal and constructivist traditions on states' relations with international regimes and states' compliance with the regimes's basic norms and rules. The problematique identified in this part is that both the mainstream literature and its critiques have *a priori* assumption on states' *internal capacity* to comply with international regimes. Since international refugee regime and UNHCR as its agency operate in countries with low *internal capacity* to increase regime effectiveness, the chapter will second examine the literature on international refugee regime and UNHCR activities in refugee producing countries. The literature on UNHCR activities in refugee producing countries is identified to have

a normative focus, discussing whether and to what extent UNHCR should involve in activities in countries of origin. However it lacks an effectiveness-centric focus on discussing under what conditions international refugee regime can increase its effectiveness in such countries.

2.1 Literature Review on International Regimes

The literature review on international regimes examines realist, neoliberal and constructivist schools of thought and criticisms to this mainstream literature. This review finds out that the literature focuses mainly on the reasons for regime formation and states' compliance with regimes' basic norms and principles. Positions within the literature differ only on the underlying factors that shape states' relations with international regimes. On the one hand, realists address relative gain considerations and distribution of capabilities as the main reasons for states' compliance and neoliberals address calculation of interests through an absolute gains perspective. On the other hand, constructivists argue shared ideas, beliefs and values as reasons for states' compliance with international regimes. The problematique identified in the literature is *a priori* assumption on states' *internal capacity* to comply with international regimes. There are also critiques towards this mainstream literature, which emphasize that states are not unitary actors but rather they are complex collective entities. According to the critics, at the system level, there are transnational authorities such as industrial cartels and professional associations and a growing global civil society of non-state actors

such as interests groups and corporations in addition to society of states. In addition to the systemic level, domestic structures and process can be equally important to shape state behavior towards international regimes at the state level.

2.1.1 Realist School of Thought

The literature on realist school of thought is examined to identify their arguments on states' policy behaviors on international regimes and their related institutions. Realist theory defines state interests in terms of power. According to them, states are in a Hobbesian state of nature and they should protect themselves from external threats on their own. This logic of self-help leads states inevitably to focus on survival and to regard international politics from the lenses of power politics. Thus, according to realists, states consider their relative gains by calculating their own gains in comparison with the gains of other states. In return, such considerations prevent them to cooperate with each other given the 'realities' of the self-help system. In other words, realist school of thought assumes that states, as being primary actors of international politics, establish international regimes and comply with them according to their power consideration and distribution of capabilities. As Krasner (1983:5) points out, realists do not believe that international regimes can matter and shape states' behaviors independent from states' power considerations.

Morgenthau emphasizes priority of national interests over the functions of international organizations and its agencies. He argues that in case of conflict

between the national interests and the operation of such agencies, “national interest wins out over the international objective” (Morgenthau, 1948: 509). In the analysis of effectiveness of international refugee regime in refugee producing countries with low *internal capacity*, the study finds out that there can also be priority of individual interests or sectarian interests over national ones. Mearsheimer (1994-95:12) further argues that institutions are reflections of the distribution of power in the international system and they are mainly based on the interest calculations of great powers. As will be examined in Chapter 6, the Sudanese government’s perception in the international community reflects Mearsheimer’s point of view. The Sudanese government also regards the presence of international security missions and international NGOs as a threat to its sovereignty, arguing that great powers want to recolonize Sudan. Accordingly, the UN agencies and NGOs do not have a visible influence on the policies of the Sudanese government. Concentrating on the assessment of the major international relations theories that employ institutions as a core concept, namely liberal institutionalism, collective security and critical theory, Mearsheimer (1994-95: 7) examines the importance of institutions in international politics with a specific focus on their role of pushing states away from war and promote peace. He concludes that institutions have only a minimal influence on states’ behaviors.

Realist school of thought includes several variations within itself, namely the hegemonic stability theory, neorealism and neoclassical realism. The hegemonic stability theory argues that a regime in a given issue area is created by a hegemon and will only maintain as long as the hegemon preserves its power. It is assumed that other states are persuaded or pressured by the hegemon to comply

with the regime. Thus, as Snidal (1985: 581-82) points out, the theory presents two conclusions. The first one is that the presence of a hegemon provides leadership for the emergence of international regimes in various issue-areas and smaller states gain even more without paying no costs but fully benefiting from the regimes. The second one is that a dominant state will enforce a stable global order for its own benefit and weaker members would be under a coercive leadership. According to the hegemonic stability theory, regimes decline when the power distribution shifts away from the predominant actors. The presence of a hegemon can stabilize the international system by sharing majority of costs of providing public goods and by permitting other states to free ride. Thus, support of a hegemon within a given issue area can avoid the decline of collective action and thereby create and maintain international regimes. (Hasenclever, et.al. 1997: 87-90) Hegemonic stability theory is criticized, arguing that international regimes can not be public goods, providing benefits for all members. Second, it is argued that cooperation among a small number of great powers can theoretically substitute for a single hegemonic power in stimulating emergence of a regime (Hasenclever and et.al., 1997: 95-100).

Hegemonic stability theory is applied to the international monetary system, arguing that international regimes operate smoothly and in stability only when dominated by a single and exceptionally powerful national economy. For example, instability of the interwar gold-exchange standard is ascribed to the absence of a hegemonic power. Likely, the maintenance of the Bretton Woods System until 1971 is attributed to the singular power of the United States (U.S.) in the post-war world. (Eichengreen, 1989) Different from the hegemonic stability theory,

neorealists argue that anarchy determines inter-state behaviors and states' relations with international regimes, rather than the presence or absence of a hegemon in a given issue area. Regarding the neorealist assumptions on distribution of capabilities, Waltz (1979:118) argues that states' behaviors on regimes are based on their power capabilities within the anarchical system. Because political system is self-help and state behavior varies more with differences of power rather than unit level characteristics. Thus, state behaviors are influenced by systemic constraints rather than unit level characteristics such as political systems and cultural-historical backgrounds. He argues that ordering principles of the international system, which is anarchy, forces states to perform the same function regardless of their capacity. Hence, anarchy leads states to maintain a measure of independence and to compete with each other to survive. Cooperation takes seldom place because of the feeling of insecurity and relative gain concerns, created by the self-help system. Thus, neorealism seems to be optimistic neither for the formation of international regimes nor states' compliance with them. As will be illustrated in the cases, the study finds out that in addition to the feeling of insecurity at the system level, insecurity among local people at the state level also affects the effectiveness of international regimes through diminishing people's compliance with the regime activities. The feeling of insecurity among international community, operating within a state also hinders the effectiveness of their activities.

As being a theory of international politics, neorealism does not examine states' behavior in great detail, but instead includes some general assumptions about their motivations. That's why Rose (1998: 146) terms the school of realism,

which gives also importance to the intervening variables at the unit level to shape states' behaviors, as neoclassical realism. According to him, neoclassical realism still argues that states' place in the international system and their relative power capabilities are the most important factors to shape states' foreign policy behaviors. However, the impact of such power capabilities on foreign policy is indirect and complex, being translated through choices of actual political leaders and elites. So their perceptions in the relative power matter and those leaders and elites do not always have complete freedom in shaping their policies as they wish, being contrained both by the systemic forces and by the relations with their societies. (Rose, 1998: 147) In other words, neoclassical realism posits that relative distribution of material power shapes the parameters of states' foreign policy behaviors. However these systemic forces can only influence states' foreign policies through leaders' perceptions and calculations of relative power and prestige (Taliaferro: 2006). Thus, Taliaferro argues that unit level characteristics are determinant for the effect of systemic forces on state behaviors. This dissertation also argues the importance of the unit level characteristics on the effectiveness of international regimes and defines them as the social conditions, nature of the relations between governments and international community and people's perceptions.

In sum, realist school of thought mainly focuses on factors that shape states' behaviors towards international regimes. It defines interests in terms of power and argues that as being rational and unitary actors, states shape their foreign policy behaviors according to their relative gain concerns. Thus, realists ground their arguments on power considerations and distribution of capabilities. In

their arguments, they take states' *internal capacity* as given, arguing that they have the capacity to comply with international regimes' basic norms and principles, when they wish to do so. The next part will examine the neoliberal school of thought to question their arguments on international regimes.

2.1.2 Neoliberal School of Thought

Like realist, neoliberals also regard state as the main actors and the characteristic of the international system as anarchic (Keohane and Martin, 1995:50). Contrary to neorealists, neoliberals define state interests in terms of absolute gains rather than relative gains. In other words, it is assumed that each state seeks to maximize its own gain, being less concerned with the gains of other states. Thus, it is argued that states are more prone to cooperative behaviors than it is assumed in realist explanation. That's why they argue that international regimes and international institutions can mitigate anarchy and constrain state behavior and facilitate cooperation despite the absence of international political authority.

Being optimistic, neoliberals argue that international regimes increase the possibility of inter-state cooperation through playing an essential role in overcoming the barriers of self-help system and collective action problems. They increase the possibility of issue-linkage, enhance transparency and diminish costs of international cooperation (Wallender, 2000; Sterling-Folker, 2006a; Martin, 2007). Keohane (1984) introduces a functional theory of international regimes, questioning reasons of states' comply with international regimes even after the

conditions that facilitated regime formation have disappeared. This functional theory is mainly a response to hegemonic stability theory, arguing that continuation of hegemony is not necessarily essential for regime maintenance (Keohane, 1984: 85). He offers two lines of argument to explain state compliance with regimes. The first one is the value given to regimes by states. States believe that regimes are difficult to construct and their rules should be obeyed to prevent their breakdown (Keohane, 1984: 88). The second line of argument is that regimes create incentives for compliance by linking issues to one another. Throughout issue-linkage, violation in one issue-area would affect other actions in other issue areas (Keohane, 1984: 103).

Regimes facilitate international cooperation, through states' calculations of gains (Keohane, 1984:26). As long as their interests are realized, states comply with regimes or engage in inter-state cooperation (Hasenclever, 1996:183; Keohane, 1993: 29-30). Because state interests constitute the main reasons for states' cooperation with regimes. In other words, neoliberal regime theory argues that regimes can have an impact on related behavior and outcomes but only under restrictive conditions. When state policies are already consistent with regime rules or they are advantaged to states, international regimes can become an intervening variable and serve as a source of influence for states and increase their capabilities (Krasner, 1982: 5). As will be illustrated in Chapter 3, the neoliberal argument on states' compliance with regimes as long as their interests are realized is proved to be right in the evolution of international refugee regime.

In sum, neoliberal school of thought focuses mainly on regimes' role in facilitating inter-state cooperation and questions under what conditions states

comply with international regimes. It defines calculation of state interests from an absolute gain perspective and thus, is more optimistic than realists regarding states' compliance with regimes. Thus, it might be argued that neoliberals have also *a priori* assumption, such as realists do, on states' internal capacities to comply with regimes basic norms and principles. In other words, the literature on neoliberal school of thought seems not to have an emphasis on the possibility of states' low internal capacities to shape their policies according to their interests. The next part will examine the third school of thought on the study of international regimes, namely constructivism.

2.1.3 Constructivist School of Thought

Different from realist and neoliberal schools of thought, constructivists do not take state interests and unit level characteristics such as leaders' perceptions as given. They mainly argue that state policies are shaped by shared norms and values and they are subject to change. These norms and values can lead states to comply with international regimes' basic norms and principles. According to constructivists, social and political world is the product of people's ideas. Thus, anarchical state system is not an objective reality outside and subject to change. Since anarchy is not inevitable, self-help and power politics considerations are also not constant. They argue that shared ideas, beliefs and values create a social structure and behaviors of agents are shaped by this social structure (Onuf, 1998; Hopf, 1998; Wendt, 1992; 1995; Mercer, 1995). Finnemore and Sikkink (1998)

define norms as shared ideas, expectations and beliefs about appropriate behavior and regard them as the source of stability and order in the international system. They argue that states can adopt new norms for domestic political reasons, mainly as a response to international pressure, not to be shamed as non-conformist by the international community. Arguing that social conditions and people's perceptions are also important for the effectiveness of international regimes, the study admits the constructivist point of view in shaping beliefs and ideas.

Thus, constructivists scholars argue that being constrained by shared norms and values, states comply with international regimes can increase. Because shared norms and values have an effect of socialization by transforming state interests and identities and leading them to internalize new roles or community norms. Hence, as Kratochwil and Ruggie (1986) argue, international institutions can change states' norms and perceptions to increase their cooperation with international regimes. Examining international institutions in Europe, Checkel (2005) also concludes that they have an effect of socialization by transforming state interests and identities and by leading them to internalize new roles or community norms.

In addition to norms, states' interests that shape their foreign policy behaviors can change through complex interdependence and issue-linkage (Haas⁷, 1980). Thus, it is possible to change state interests in the way that would lead states to comply with international regimes. Haas mainly criticizes hegemonic stability theory for its explanation on state behavior, namely role of the hegemonic states with their exceptional power in the formation and maintenance of

⁷ Since Peter M. Haas does not take state interest as constant and argues the possibility of change based on perception and cognition, he is included into the constructivist school of thought in this literature review.

international regimes. As Keohane, Haas (1980: 359) argues that a world with complex interdependence and issue-linkage leads variations in state interests through creating a possibility for states to adopt new goals. In other words, complex interdependence and issue-linkage create possibility for states to adopt new goals. Such a possibility with opportunity costs would change the definition of state interests, almost independently from the structure of international power. Thus, Haas (1980: 360) admits that state differentials and hierarchy among states are important but still argues that complex interdependence and issue-linkage can inspire alternative calculations for states.

In sum, unlike realists and neoliberals, constructivist school of thought does not take state interest and leaders' perceptions as given and believes in the power of international regimes to create a society of states or a social structure through shared ideas, beliefs and values. However, similar to realist and neoliberal schools of thought, constructivists focus on reasons for states' compliance. They only differ from realists and neoliberals in terms of their explanations. Realists address relative gain considerations and distribution of capabilities as main reasons for states' compliance while neoliberals address calculation of interests through an absolute gains perspective. Differently, constructivists argue shared ideas, beliefs and values as reasons for states' compliance. However, similar to the literature on realist and neoliberal schools of thought, the literature on constructivist school of thought has also *a priori* assumption on states' internal capacities to comply with international regimes without questioning their capacity to shape policies based on their ideas, beliefs and norms. In the literature, there are also critiques towards the realist, neoliberal and constructivist schools of thought.

It is important to examine these critics to find out whether they criticize the mainstream literature above in terms of their *a priori* assumption on states' *internal capacity*. Thus, the next part will examine the critiques in the literature on international regimes by mainly concentrating on their state-centric focus and treatment of states as unitary actors.

2.1.4 Critiques towards the mainstream literature

One of the first critiques towards international regime studies comes from Susan Strange in the beginning of the 1980s. She criticizes the study of regimes as being “narrow-minded, rooted in a state-centric paradigm that limits vision of wider reality” (Strange, 1982:479). In her critiques, she argues that “state-centeredness” of the literature constrains the study of international political economy by the self-imposed limits of the state-centered paradigm (1982:491-93). Because she argues that regime studies neglect some types of transnational authorities such as industrial cartels and professional associations. According to her, these authorities can shape state behavior towards each other and international regimes by being determinant on their political trends within states. Young also supports Strange's critique on the state-centric focus of the literature. He (1999:8-9) defines this state-centric focus as a “conservative bias” for regime theory. According to him, regime theory fails to confront developments in international and transnational affairs. He argues that “international regimes do not operate in a social vacuum” and there is a growing global civil society including various non-

state actors like interest groups, professional associations and corporations. Thus, a second social system is emerging, in which international regimes operate, in addition to society of states. As will be illustrated in Chapter 3, financial support of the Ford Foundation to UNHCR activities in the absence of the U.S. support in the first half of the 1950s is an example for Young's global civil society argument.

Haggard and Simmons (1987:492,499) criticize the mainstream literature on their treatment of states as unified actors but different from Strange and Young, they emphasize the importance of domestic structure and processes on the states' foreign policy instead of factors at the system level. They criticize the decisive role, given to international structure, disregarding domestic political variables (1987:501). It might be argued that Haggard and Simmon gives importance to the unit level characteristics, similar to the neoclassical realists. While the latter focuses on the choice of actual political leaders and elites, the former one emphasize the importance of domestic political variables. Another study that focuses on the importance of domestic politics argues that domestic constituencies can influence national compliance. Dai (2005) shows the influence of electoral leverage and informational status of domestic constituencies on the governments' compliance decision. In her model, states comply with regimes due to the pressure of powerful domestic constituencies. Thus, government's compliance policy is primarily based on competing domestic interests mainly as a result of the electoral accountability in the democratic governments. Thus she (p.388) argues that there are domestic sources of enforcement to make states comply with international agreements and international institutions can use these sources to influence states' behavior. Puchala and Hopkins (1982: 247) also focus on the domestic politics,

namely the role of non-state actors such as elites. They argue that bureaucrats units or individuals can also create and maintain regimes. Though they still define main actors of regimes as states but emphasize the importance of set of elites to create and maintain regimes.

Though, the above critiques are mainly towards the realist and neoliberal arguments, Legro criticizes constructivist emphasis on the role of norms in shaping state behavior. He (1997: 34) argues that norms do indeed matter but do not necessarily matter in the way it is argued. Thus, constructivist studies can sometimes become biased toward the norm that is studied. According to him, the norms studied are already effective norms that would have obvious positive consequences to shape state behaviors. However it is equally important to examine why some norms are not effective in shaping or enabling particular identities, interests, belief or actions. Similarly, Florini criticizes constructivist studied not to provide a theoretical understanding for why one norm rather than another becomes institutionalized. She (1996: 367) argues that norms govern much state behavior and questions why some norms are effective in shaping state behavior while others are not. She introduces an explanation of natural selection. Accordingly, norms are in competition with other norms for time and attention and are subjected to natural selection.

In sum, critiques towards the realist and neoliberal literature argue that states are not unitary actors but rather they are complex collective entities, given the various international and domestic actors that can influence states' policies. Critiques towards the constructivist school of thought mainly focus on studying and understanding of norm effectiveness. However it is found out that critiques

towards the mainstream literature do not question whether states have the capacity to shape their policies and comply with international regimes. Both the mainstream literature, namely realist, neoliberal and constructivist schools of thought and the critiques focus on the factors that shape states' behaviors towards international regimes. They all seem to have *a priori* assumption on states' capacity to comply with international regimes, once their behaviors are shaped either by power considerations, interest calculations, norm and values or the pressure from global or domestic actors. This taken for grantedness prevents the studies of international regimes to question states' *internal capacity* to comply with regimes. This gap results in neglecting to study how the presence of states with low *internal capacity* affect the effectiveness of international regimes and how regimes' institutions operate in states with low *internal capacity* to increase regime effectiveness. The literature review on international regimes in general identified the problematique in the literature, namely the presence of *a priori* assumption on states' *internal capacity*.

As being operated in countries with low *internal capacity*, the literature on international refugee regime needs also be reviewed to question whether it provides an answer to the research question of the study. Thus, the next part will examine the literature on international refugee regime and UNHCR activities, as its lead agency. Given the activities of international refugee regime in countries with low *internal capacity*, this part seeks to question how this literature deals with such states.

2.2 Literature Review on International Refugee Regime and UNHCR

Activities

The literature on UNHCR activities in countries of origin with low *internal capacity* mainly focus on a normative discussion, questioning whether and to what extent international refugee regime should be involved in such countries. One strand of the literature has a root causes approach, justifying the humanitarian intervention and discussing UNHCR's increasing involvement in refugee producing countries to prevent the reoccurrence of new mass flows. Other strand of the literature has several critiques towards the literature on root causes approach.

2.2.1 Root Causes Approach

The literature on root causes approach discusses whether intervention, including humanitarian one, to states' internal sovereignty can be justified in case of their low *internal capacity* to protect its own citizens. This root causes approach advocates the diminishing importance of internal sovereignty in case of governments' inability or unwillingness to protect its own citizens (Loescher, 1993; Abramowitz, 1994; Weiner, 1995). It is argued that since the root causes of refugee flows are not only humanitarian, but chronic insecurities, their political causes should be dealt militarily (Loescher, 1993; Schmeidl, Jenkins, 1998; Clark 2004; Loescher, Milner, 2005). Therefore, if necessary, humanitarian intervention

can also be one of the assets for prevention of new refugee flows (Drücke 1990; Gilbert 1997; Davies, Gurr, 1998; Van Walvaren 1998). Dowty and Loescher (1996: 44-45) advocates the necessity of “hard forms of intervention” including military action when there are internal conflicts, accompanied with widespread violations of human rights. Their reasoning is based on spillover effects of refugees in destabilizing neighboring countries and thus in national security interests of states. Thus, they argue that intervention to prevent refugee flows may be justified on security grounds.

The literature also questions to what extent and under what conditions UNHCR should involve in refugee producing countries. In the literature, UNHR’s involvement in activities in refugee producing countries is mainly discussed regarding its involvement with IDP protection. Lanz (2008) argues that as being a humanitarian organization, UNHCR should act based on the humanitarian necessity rather than rigid normative criteria and should extend its people of concern to include IDPs. In the literature, there are also pluralist views. Phuong (2004) admits Lanz’s position but with caution. According to her, UNHCR should still continue its activities relating to IDPs through focusing on protection activities in post-conflict situations, especially in clear linkages with refugee repatriation, for which it has experience and expertise. But she warns that UNHCR should not be given full responsibility for IDPs since it may lead UNHCR to become an agency for ‘populations in need’ and create serious operational problems. It is also argued that UNHCR’s direct engagement in activities in refugee producing countries during conflict and post-conflict situations would overstretch the regime to its limit and prevent it to concentrate on its original

humanitarian protection role (Loescher, 1994; 2000; 2001a; 2003; Zolberg and Benda, 2001).

Such reservations are widely accepted in literature, arguing that UNHCR should not have the sole responsibility for the IDP protection and an inter-agency collaboration is needed for responsibility sharing (Bagshaw, 2005; Weiss and Korn, 2006). Betts (2009: 93) suggests that both the country of origin and the country of asylum need to promote initiatives, engaging the donor and resettlement countries. Because according to him, “UNHCR did not have to provide all of the political momentum for the initiative in isolation”. Loescher (1994:369) also argues that UNCHR needs an inter-agency cooperation “including development agencies, human rights networks, peacekeeping and conflict resolution mechanisms and traditional relief organizations”. Once the emergency relief phase is over, a more effective inter-agency planning is needed, through which UNDP would fill the gap between immediate assistance and long-term development.

In sum, the literature on root causes approach mainly discuss whether and to what extent UNHCR should involve in solution, protection and prevention activities in refugee producing countries. The next part will examine the critiques towards this literature, questioning whether they deal with countries with low *internal capacity* from a perspective to discuss how to increase regime effectiveness in such countries.

2.2.2 Critiques towards the Mainstream Literature

There are three main critiques towards this mainstream literature on international refugee regime and UNHCR activities. First, humanitarian interventions and diminishing importance of internal sovereignty are criticized in terms of their potential manipulative use. Second, UNHCR's mandate of prevention and solution through its involvement in refugee producing countries is criticized because of the risk of UNHCR's politicization as a non-politic humanitarian agency. Last, 4Rs activities are seen as an attempt to restore state-citizen relations and thereby protect international state system instead of refugees.

The first critique reminds that humanitarian intervention and 4Rs activities under the framework of strategy of prevention and solution have the risks of being manipulated by powerful states, mainly by countries of asylum. Criticizing the potential manipulative use of humanitarian intervention, Castles (2003: 17-18) considers global migration crisis as one facet of the crisis in North-South relations. He argues that humanitarian actions and military interventions into the country of origins should not be treated as neutral. Instead they have the aim of adopting northern economic structures, political institutions and value systems that fit the interests of the North. Duffield (2001) also disagrees with the benefits of the humanitarian and development assistance and argues that they serve the Northern hegemonic strategy to transform and subordinate the South and rather than resolving the underlying causes of the conflict. Betts (2009:134) also argues that humanitarianism and development assistance have been motivated by North's self-interests, but still accepts the humanitarian and development assistance "as the

best available means to prevent human sufferings in the short run”. Bellamy (2009: 118) warns that Responsibility to Protect (R2P) could not be used to legalize unilateral interventionist governments and ill-defined concepts of prevention and intervention can create the problem of abuse for armed intervention. So he argues that R2P “should be seen less as a normative vocabulary that can catalyze action, and more as a policy agenda in need of implementation” (2010: 144).

Regarding 4Rs activities, it is widely believed in the literature that repatriation as the main choice of solution by UNHCR resulted in erosion of asylum as an institution of international protection and in erosion of the principle of non-refoulement causing returnees to become IDPs (Chimni, 1998; 2000; Tjore, 1998; Loescher 2001a; Lui, 2002; Castles, 2003; Schmeidl, Maley, 2008). Stein and Cunly (1994:28) argue that UNHCR’s strategy on repatriation as the most preferred durable solution diminishes the consideration of other durable solutions. It leads to protracted refugee situations in closed camps and restricted settlements with the only option to return and involuntary repatriations to ongoing conflicts. Frelick (1992) criticizes the concept of preventive protection in the case of Bosnia and Herzegovina and argues that this concept is prone to misinterpretation and manipulation by governments. Barutciski (1996) argues that in-country activities are unlikely to prevent root causes of refugee flows. Instead, these activities can be used by asylum states to contain potential refugee flows and to deny their right of asylum. According to him (2002: 367-70), UNHCR intervention in the conflict zones opens ways for other forms of intervention so that UNHCR needs to take a

less ambitious and more modest role that reduces the chance of external manipulation.

The second critique is UNHCR's lack of firm institutional and legal basis for in-country activities and IDP protection due to its non-political and humanitarian nature (Loescher, 1994). Goodwin-Gil (1999) also admits this position, arguing that UNHCR's non-political and neutral nature do not allow the protection of persons within their own country and such politicized and conflict-ridden situations have the risk of jeopardizing UNHCR's independence, neutrality and impartiality. As will be shown in the qualitative analysis in Chapter 4, 5, and 6, case studies seem to prove his concern on the impairment of neutral and impartial character of international community due to the increasing increasing activities in country of origin.

In terms of the last critique, it is argued that the 4Rs approach is an attempt to restore states with low *internal capacities* into the state system. Keely (1996: 1057-58) argues that forced migration, caused by the lack of their state's normal protection, means a serious failure of the state system. He regards repatriation as an attempt to regain state-citizen relationship. International refugee regime protects the international system of states, which is threatened when states fail to fulfill their proper roles. Gallagher (1994: 429) treats the concept of durable solutions "in the light of restoring or maintaining permanent relationships between individuals and states". McDowell and Van Hear (2006: 154) criticize returns for legitimizing new democratic regimes which are of great strategic importance to the UN donors and many Western states. Thus, the 4Rs approach addresses the political and institutional challenges that refugees pose to the state system rather

than the problems of refugees to create a secure life. According to them (2006: 176), 4Rs approach is shaped according to a neo-liberal reform agenda, especially through the involvement of powerful institution such as the World Bank. Similarly Haddad (2003: 9) argues that “if we assume that the international system asks that all individuals belong to a state, refugee regime can be seen as an attempt to make refugees into ‘quasi-citizens’ ”. In other words, according to her, any attempts at refugee protection serve to the interests of national and international security instead of refugees.

Both the literature on root causes approach and its critique deal with countries with low *internal capacity* in terms of discussing whether and to what extent UNHCR should involve in activities in such countries. The literature focuses mainly on UNHCR’s role in refugee producing countries and the content of its activities. It questions humanitarian intervention to refugee producing countries despite internal sovereignty and the extent of UNHCR’s mandate, especially towards IDPs. Critiques towards this mainstream literature question similarly whether UNHCR activities in refugee producing countries result in serving national interests of potential countries of asylum and in restoring state system. In other words, adopting a normative focus on whether and to what extent UNHCR should increase its activities in refugee producing countries, the literature on international refugee regime and UNHCR activities mainly lacks discussions how UNHCR can operate to increase regime effectiveness. Though UNHCR has already increased its involvement within refugee producing countries under the framework of the strategy of prevention and solution, the literature does not discuss how UNHCR can operate to increase the effectiveness of international

refugee regime in such countries. This dissertation aims to develop tentative principles to increase regime effectiveness in the presence of states with low *internal capacities*. To do this, it will question relations between historical conditions of the state and UNHCR activities, the structure of the relationship between government and local administrations and UNHCR and people's understanding of UNHCR and 4Rs activities in three refugee producing countries, namely Afghanistan, Iraq and Sudan.

2.3 Conclusion

The literature review on international regimes and UNHCR activities in refugee producing countries aimed to identify the problematique in the literature and to make clear in what way this dissertation would contribute to the literature on international regimes. The first part of the literature review examined the literature on international regimes, focusing mainly on states' relations with international regimes and state compliance with the regimes' basic norms and principles. This part included regime approaches of the realist, neoliberal and constructivist schools of thought and critiques towards this mainstream literature. Concentrating on the factors that shape states' policies, the literature mainly discussed in what conditions, why and how states can establish international regimes and comply with them. However both mainstream literature and its critique seem to have *a priori* assumption on states' *internal capacity* to comply with international regimes. This gap results in neglecting to study how the

presence of states with low *internal capacity* affect the effectiveness of international regimes and how regimes' institutions operate in states with low *internal capacity* to increase regime effectiveness.

Since international refugee regime and UNHCR as its agency operate in countries with low *internal capacity* to increase regime effectiveness, the chapter also reviews the literature on international refugee regime and UNHCR activities in such countries. This part includes the mainstream literature and critiques towards this literature. However, this literature also seems not to deal with such countries from an effectiveness-centric focus. It instead has a normative discussion on whether and to what extent UNHCR should involve in activities in refugee producing countries. It mainly focuses on UNHCR's role in refugee producing countries and the content of its activities. Thus, this study aims to question, first, whether international refugee regime is effective in three case studies, namely Afghanistan, Iraq and Sudan, and second, to examine the conditions to increase regime effectiveness in such states. In other words, this dissertation aims to contribute to the literature on international regimes through developing tentative principles on how to increase regime effectiveness in states with low *internal capacity*.

The next chapter will analyze the evolution of international refugee regime and examine 4Rs activities within the framework of its strategy of prevention and solution. This chapter will first seek to examine how UNHCR's mandate is extended to the countries with low *internal capacity* both in geographical terms and the scope of its activities. It will then analyze the underlying logic of the

UNHCR's strategy and 4Rs activities in terms of their final aim of increasing the effectiveness of international refugee regime.

CHAPTER 3

EVOLUTION OF THE INTERNATIONAL REFUGEE REGIME AND UNHCR's 4Rs APPROACH

In Chapter 2, the literature on international regimes in general and on international refugee regime in particular was reviewed to identify the contribution of the study to this literature. It found out that the literature on international regimes, namely realist, neoliberal and constructivist schools of thought and their critiques mainly focuses on the factors that shape states' policies towards international regimes. Thus, it has *a priori* assumption on states' *internal capacity* to comply with the regimes, once they decided to do so. Being operated also in countries with low *internal capacity*, the literature on international refugee regime and UNHCR activities was also studied to question how it deals with such countries. This review also found out that it mainly has a normative focus on whether and mainly UNHCR should involve in activities in refugee producing countries. However, lacking an effectiveness-centric focus, it does not question how the effectiveness of international refugee regime can be increased in such countries. Thus, this dissertation aims to question the effectiveness of international regimes in countries with low *internal capacity* and the conditions to increase their

effectiveness with a specific reference to international refugee regime activities in three refugee producing countries, namely Afghanistan, Iraq and Sudan.

In order to understand the scope and underlying logic of UNHCR activities in refugee producing countries, the study examines the evolution of international refugee regime and its 4Rs activities, namely Repatriation, Reintegration, Rehabilitation and Reconstruction, within the framework of its strategy of prevention and solution.

The first part of the chapter will explore international refugee regime under temporary agencies and under UNHCR agency including the expansion of its mandate and people of concern. The second part will examine the environment, in which the regime operated in the beginning the 1990s. It concludes that states become more reluctant to offer asylum, particularly to the refugees from the Third World, and it resulted in major protracted refugee crises. As being unable to provide protection and solution to refugees in a sufficient manner, UNHCR adopted voluntary repatriation as the most preferred durable solution and increased its activities in countries of origin. In the beginning of 1990s, the UNHCR introduced its proactive and homeland oriented understanding of prevention and solution to deal with the global refugee problem in a more effective way. Complementary to this strategy, in 2002, UNHCR introduced the 4Rs approach (Repatriation, Reintegration, Rehabilitation and Reconstruction) as an attempt for capacity building through interagency collaboration. Thus, the last part will be dedicated to evaluate 4Rs approach in detail. It will first examine the strategy of prevention and solution as the foundation stone of the 4Rs approach with the aim of understanding its underlying logic. Once the strategy is examined,

including its dual purpose of prevention and solution and inter-linked relationship of protection, solution and prevention, conceptual framework and purpose of the 4Rs approach will be explained. Last, interagency collaboration, which is regarded as necessary for the implementation of 4Rs approach, will be examined.

The chapter first argues that UNHCR strategy of prevention and solution and 4Rs approach in countries of origin own their roots in the evolution of international refugee regime and extension of UNHCR mandate. Second, the shift in the understanding of UNHCR's preferred durable solution in the beginning of the 1990s led the development of strategy of prevention, together with the increasing activities in countries with low *internal capacity*. This shift resulted in a change within the understanding of the regime's effectiveness, mainly from a reactive response in countries of asylum to proactive policies in countries of origin. In sum, 4Rs activities, conducted mainly in countries with low *internal capacity*, are an attempt to increase the effectiveness of international refugee regime through providing sustainability of repatriations and preventing the reoccurrence of mass refugee flows.

3.1 Evolution of International Refugee Regime

International refugee regime has evolved from temporary agencies with limited mandates to a world-wide refugee organization with a competence of mandate for all actual or potential refugees without any geographical or time limitation. Thus, it might be argued that necessary conditions for UNHCR such as

the extension of its geographical scope and mandate, to be able to involve in refugee producing countries, were evolved together with the evolution of international refugee regime. This part seeks to examine the evolution process of international refugee regime from temporary agencies to UNHCR as its global agency. It also seeks to explore how international refugee regime comes to the point of operating in countries with low *internal capacity* despite its limited mandate and geographical scope at the beginning.

3.1.1 The Regime under Temporary Agencies

Refugee affairs began to be regulated internationally only in the aftermath of World War I, though mass refugee movements have occupied the agenda of international relations long before 1920s, In the period between 1918-22, nearly 1,5 million Russian refugees fled from the Bolshevik revolution, the civil war and great famine in 1921. In 1923, nearly 320,000 Armenians sought asylum in the Middle East, Balkans and Europe. There was also a refugee group of 300,000 people including Turks, Assyrians, and Christians (Holborn, 1975: 4). After the Greek and Turkish population exchange at the aftermath of the War of Independence, refugee flows continued with Jewish refugees from Germany and with the people displaced during World War II. In other words, refugees became heavy burdens for the post-war states and required to be dealt by international cooperation (Künçek, 1997: 16). Until UNHCR was established in 1951, there were organizations and agencies responsible for refugees with a limited mandate

and of short duration. These organizations and agencies were the High Commission for Refugees, the Nansen International Office for Refugees, the High Commission for Refugees from Germany, the High Commission for All Refugees, the Intergovernmental Commission for Refugees (IGCR), UN Relief and Rehabilitation Agency (UNRRA) and Preparatory Commission of International Refugee Organization (IRO).

In 1921, the High Commission for Refugees was established by the League of Nations (LofN) under the direction of Fridtjof Nansen (1921-1930) from Norway. The mandate of the first High Commissioner for Refugees first covered Russian refugees and then it was extended to include Armenian refugees and Greek and Turkish refugees. The High Commission provided material assistance and legal and political protection to refugees. In 1929, it was brought for one year under the direction of the Secretariat of the LofN. In 1930, with the death of Dr. Nansen, it was replaced by the Nansen International Office for Refugees under the LofN. Thus, in practice, the High Commission for Refugees was abandoned. The new Office was established for 10 years. According to Künçek (1997: 29), it was a sign of states' concerns on the problem of refugees, believing that it would not last in the short-term.

Since Germany did not permit the Nansen Office to assist refugees from Germany, in 1933, the LofN created the High Commissioner for Refugees from Germany with the mandate of negotiating with the host government for resettlements and emigration plans. Its mission was solely based on technical issues such as questions of work permits and travel documents rather than stressing the political dimension of the refugee problem (Loescher, 1993: 43). In

1938, the Office's mandate was expanded to assist also Austrian refugees fleeing from the Nazis. In 1938, both offices were dissolved and a new agency for refugees, the High Commissioner for All Refugees under the LofN was established and continued to provide both material and administrative assistance and legal and political protection to refugees until it was terminated in 1946.

In 1938, the IGCR was created at the Evian Conference outside the LofN structure to negotiate with Germany on Jewish migration. The aim was the same as in 1938, namely assisting refugees originating from Germany and Austria. Its mandate was to assist them by integrating them locally or resettling them in a third country of asylum. In case of resettling, the IGCR was responsible for the resettlement process. (Salomon, 1990:160) There were three main reasons to answer the termination of the IGCR in 1947. First, the problem, with which IGCR dealt, namely Nazi pressure on Jews, was regarded as temporary. Second, since German government had not recognized the IGCR, it was, in practice, not possible for it to operate in an effective and coordinated manner. Last, primary concern of the IGCR and also of the LofN was the security threats posed by Germany, Italy and United Soviet Socialist Republic (USSR) rather than concerns on refugees. (Künçek, 1997: 39-40)

In November 1943, the UNRRA was established to provide relief to the persons displaced during World War II. Since its main mission was to provide assistance for people in post-war countries, it focused on promoting and overseeing repatriation movements. Thus, the UNRRA was a temporary emergency assistance agency to assist displaced persons, not specifically to refugees. It was also not authorized to assist citizens of former enemy states.

(Carlin, 1989: 10) As a result of the U.S. initiatives, the UNRRA was financially blocked in 1947 and the same year the IRO was established. It was established for 3 years with broader authority. Its policy was based on three durable solutions with the aim of normalizing the lives of refugees: Providing voluntary repatriation of refugees, resettlement in a third country or local integration in the host community. The IRO treated repatriation as the most preferred durable solution. (Salomon, 1990: 162).

The IRO was scheduled to be dissolved in 1951 and the United Nations General Assembly (UNGA) decided to establish the UNHCR as of 1 January 1951 with headquarters in Geneva, Switzerland (UNGA, 1949: Sect. A, para.1, 12). The UNGA adopted its Statute on 14 December 1950. The Office⁸ was established as a temporary agency with 3 years mandate and the UNGA would review “whether the Office should be continued beyond 31 December 1953” (UNGA, 1950: para.5). Until 2003, the Office’s mandate was extended every five years. Finally in 2003, UNGA removed the time limitation and decided to “continue the Office until the refugee problem is solved” (UNGA, 2004, para.9).

In sum, since the interwar period, international refugee regime had temporary agencies with specific mandates. The fulfillment of its mandate, namely its degree of effectiveness was accordingly limited with the geographical scope and activities of these temporary agencies. Until 2003, UNHCR was also a temporary agency, though its mandate was extended regularly. At the beginning, it was a global agency, by only being mandated for a particular group of refugees in a given geographical limitation. The next part will examine the evolving mandate and geographical scope of UNHCR activities. The extension of international

⁸ In the study, ‘UNHCR’ and ‘the Office’ will be used interchangeably.

refugee regime under UNHCR agency also created the necessary ground for its increasing activities in refugee producing countries in the beginning of 1990s.

3.1.2 The Regime under UNHCR

During the Cold War, UNHCR's people of concern extended from a very limited definition of refugees to non-conventional refugees and people in refugee-like situations. And its scope of mandate also extended from Europe to the Third World through introducing and further stretching the good offices approach. Thus, throughout decades, UNHCR's mandate evolved both in terms of its people of concern and its regional scope in line with the humanitarian and political considerations of the Cold War period and in a way prepared the agency for its strategy of prevention and solution in the 1990s.

3.1.2.1 Extension of its people of concern

The 1951 Convention relating to the Status of Refugees (hereafter the 1951 Convention) defines refugees as any person, who

as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is

unable or, owing to such fear, is unwilling to return to it (UNGA, 1951: Article I. A(2)).

In 1967, the Protocol relating to the Status of Refugees (hereafter the 1967 Protocol) extended UNHCR's people of concern⁹ by removing the time limitation (Article I.2)¹⁰. According to Loescher (2001b: 124), the most important effect of the 1967 Protocol was that it brought the 1951 Convention into line with the universal mandate of the UNHCR's Statute. The refugee definition of the 1951 Convention only covers the persons who escape from persecution and excludes the persons displaced by other reasons. As a result, regional institutions in Africa and Central America revised this refugee definition according to their regional needs. In the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (hereafter the OAU Convention), the Organization of African Unity (OAU) accepted the refugee definition of the 1951 Convention but extended the reasons of flight to include "external aggression, occupation, foreign domination or events seriously disturbing public order" (OAU, 1969: Article 1.2). The Cartagena Declaration on Refugees in 1984 similarly enlarged the concept of a refugee, in addition to containing elements of the 1951 Convention, the 1967 Protocol and the OAU Convention, as to cover also generalized violence, internal conflicts and massive violations of human rights (Americas - Miscellaneous, 1984: para.3).

Alongside the enlarged definition of a refugee, the people of concern to UNHCR were extended throughout its mandate to cover not only Convention

⁹ The concept of 'people of concern' was gradually produced by the UNGA's distinction in 1960. 'People of concern' was referred to non-Convention refugees, who are assisted by the good offices of the High Commissioner. (Bilgiç, 2013: 9)

¹⁰ Article I.2: For the purpose of the present Protocol, the term "refugee" shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and ..." "and the words" ... "a result of such events", in article 1 A (2) were omitted.

refugees but also non-Convention refugees and individuals in refugee-like situations. Inclusion of other displaced persons to the concern of UNHCR would mean an extension of its mandate to the refugee resettlement and rehabilitation and protection and assistance for Internally Displaced Persons (IDPs) and stateless persons. In 1970s, the UNGA requested the High Commissioner to become involved with stateless persons. He was required “provisionally to undertake the functions foreseen under the Convention on the Reduction of Statelessness in accordance with its article 11¹¹” (UNGA, 1974: para.1) and the UNGA requested UNHCR “to continue to perform these functions” (*Question of the establishment*, 1974). In addition to its extension of people of concern including IDPs and stateless persons, UNHCR mandate was also extended together with its geographical scope.

3.1.2.2 Extension of its mandate and geographical scope

As being the lead agency for refugees, UNHCR has two main functions derived from its Statute (Article 1): providing international protection under the auspices of the UN and seeking permanent solutions for the problem of refugees. The permanent solutions are defined as facilitating voluntary repatriation or assimilation within new national communities through local integration in the country of first asylum or through resettlement in a third country. The Office was

¹¹ Article 11: The Contracting States shall promote the establishment within the framework of the United Nations, as soon as may be after the deposit of the sixth instrument of ratification or accession, of a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the appropriate authority.

designed for the European refugees created by the World War II and its original scope was limited to persons who became refugees as a result of events occurring before 1 January 1951. Hence, the first article of the Statute states that UNHCR should assume its functions “to refugees who fall within the scope of the present Statute” and repeats the time limitation of the 1951 Convention, “events occurring before 1 January 1951” for the person to whom High Commissioner’s competence shall extend (Article 6). Since the UNHCR shall not be borne on the budget of the United Nations (UN) excluding its administrative expenditures and its activities shall be financed by voluntary contributions (UNGA, 1950: Article 20), the implementation of its mandate has been based directly on the donor contributions. So, although the scope of its mandate was limited, UNHCR still needed funds from donor states to put its mandate into practice. In the first year, due to the U.S. opposition to UNHCR and lack of its governmental support, the Office was not in a position to realize its mandate. Therefore, UNHCR’s first High Commissioner Gerrit Jan Van Heuven Goedhart (1951-1956) from Netherlands turned to the private sector to find the required financial assistance for its mandate. In July 1952, the Ford Foundation granted \$2.9 million for local integration programs and this grant enabled the Office for the first time to administer assistance for refugees in West European states (Loescher, 2001b: 67). As discussed in Chapter 2, this determining role of the Ford Foundation in regime activities presents an example for Young’s argument of a growing global civil society of non-state actors, in which regimes can operate,. In 1955, the US Congress finally approved its first financial contribution to the UN Refugee Fund when it was convinced that UNHCR’s activities would support the American struggle against communism in

strategic countries to US such as Austria, Germany, Italy and Greece (Loescher, 2001b:74). Such a U.S. policy change supports the neoliberal argument that states can cooperate with international regimes only when regime authorities serve to their interests.

The Hungarian Revolution transformed UNHCR as the lead agency for large scale emergency operations. UNHCR under Auguste R. Lindt (1956-1960) from Switzerland had to cope with the mass exodus of refugees resulting from the invasion of Hungary by the Soviet army on 4 November 1956. Major resettlements of the Hungarians in the host countries of Austria and Yugoslavia showed how the Office successfully handled its first mass asylum crisis (Loescher, 2001b: 81-82). Since resettlement discredited the communist regimes, the Hungarian revolution also resulted in American solid acceptance of UNHCR activities. This event also supports the neoliberal argument on state cooperation under restrictive conditions, as examined in Chapter 2.

Due to the limitation by its Statute and the 1951 Convention, Africa and Asia were “uncharted territories” for UNHCR’s mandate (Loescher, 2001b: 91). However, beginning in the late 1950s, mass refugee crises resulted from violent decolonization and post-independence strife in Asia and Africa dominated the agenda of UNHCR and extended the scope of the Office’s mandate to the Third World through Western support and encouragement to reorient its program from Europe to the Third World. Involvement with activities in the Third World would have caused a broadening of UNHCR’s people of concern through including also non-Convention refugees as category of displaced persons, who fall within UNHCR’s *de facto* competence. According to Loescher (1994: 360-362; 2001b:

105), Western states supported such an extension as long as majority of refugees stayed in their regions of origin. Because as the Cold War moved from Europe to Africa and Asia and refugees were viewed as part of the East-West struggle, unresolved refugee problems causing instability would be exploited by the Soviet Union to extend communism in the Third World and it would be to the interest of the Western states to deal with such problems through UNHCR. Thus, with the backing of the Western powers, legal limitations were solved by the good offices formula to make UNHCR's involvement possible in the Third World and implemented for the first time to the Chinese refugees in Hong Kong. In 1957, the UNGA adopted its first good offices resolution specifically for the Chinese refugees in Hong Kong and authorized UNHCR to "use his good offices to encourage arrangements for contributions" (UNGA, 1957: para.2). Two years later, UNHCR would not even need to seek authorizations for each new refugee group since the UNGA authorized the High Commissioner "to use his good offices in the transmission of contributions designed to provide assistance" for the refugees who do not come within the competence of the UN (UNGA, 1959, para.2). The distinction between 'mandate refugees' and 'good offices refugees' was abandoned with the removal of geographical limitation in 1967 Amendment. Thus, as Bilgiç (2013: 10) points out, "UNHCR was officially accepted as the organization globally responsible for the protection of all refugees".

The Algerian refugee crisis fleeing to Morocco and Tunisia (1957-1962) signalized UNHCR's extension both into the Third World and to the mandate of returnee resettlement and rehabilitation. The Office under Felix Schnyder (1960-1965) from Switzerland oversaw the large repatriation operations for the Algerian

refugees from Tunisia and Morocco. In 1961, the UNGA requested the High Commissioner (UNGA, 1961: para.a, b) to continue his present action by organizing repatriations of Algerian refugees and to facilitate their resettlements in their homeland when necessary and as soon as circumstances permit. This resolution extended UNHCR's mandate of voluntary repatriation as to facilitate returnee resettlement. In 1965, UNGA requested "UNHCR to pursue his efforts with a view to ensuring an adequate international protection of refugees and to providing satisfactory permanent solutions to the problems affecting the various groups of refugees within his competence" (UNGA, 1965: para.1). In 1976, the UNGA authorized the High Commissioner to promote assistance for the rehabilitation of returnees and requested the Office to promote permanent and speedy solutions to the problems faced through assistance for the rehabilitation of returnees alongside the problems faced through voluntary repatriation, resettlement and local integration (UNGA, 1976: para.3).

When Prince Sadruddin Aga Khan (1965-1977) from Iran became the fourth UN High Commissioner for Refugees in December 1965, UNHCR was already extended to Asia, Latin America and Africa. Giving priority to the UNHCR relations with the Third World, he strengthened the relations with African governments and increased inter-agency cooperation within the UN agencies to address problems of mass displacement in sub-Saharan Africa and Asia. (UNHCR, *Previous High Commissioners*)

In his first years, Prince Sadruddin opposed to assist IDPs arguing that these groups of displaced persons were beyond the mandate of his Office and such an involvement would make the Office vulnerable to such other requests. Thus,

UNHCR was not involved in the massive human suffering in the Indonesian coup (1965), South Vietnam (1966) and Nigerian Civil War (1967-1970). However, in early 1970s, the UNGA requested the High Commissioner to coordinate UN humanitarian assistance on behalf of the entire UN system. Thus, the Office became involved in assistance for returnees and IDPs in South Sudan (1972), Cyprus (1974), Guinea-Bissau (1974), Angola (1974), Mozambique (1974) and Vietnam and Laos (1974) ((Loescher, 2001b: 144-150).

The South Sudan Operation laid the groundwork for UNHCR's further involvement with other refugee mass repatriation movements and humanitarian emergencies in Asia, Latin America and Africa through stretching good offices approaches towards returnees, IDPs and stateless persons. The UNGA used "other displaced persons" in relation with UNHCR for the first time in its resolution concerning the Sudanese refugees and recommended the Office to coordinate relief and resettlement operations of both refugees and other displaced persons (ECOSOC, 1972: para.2). Since at least 1972, UNHCR's relief and rehabilitation programs for refugees and returnees have also included IDPs. In 1972, Economic and Social Council (ECOSOC, 1972: para.1) urged "governments, the United Nations High Commissioner for Refugees, specialized agencies and other international organizations associated with the United Nations and non-governmental organizations concerned, to provide the assistance required for the voluntary repatriation, rehabilitation and resettlement of the refugees returning from abroad, as well as of persons displaced within the country".

The evolution of international refugee regime together with the extension of UNHCR's scope of activities during sixty years can also be observed in figures.

In 1951, UNHCR had a budget of \$300,000 and a staff of 33 officers (Loescher, 2001b: 50-51). In 2012, its budget reached more than \$3.59 billion and it has a staff of more than 7735 officers working in 123 countries. The Office provides protection and assistance for 10.5 million refugees, 14.7 million IDPs, and 2.2 million returned IDPs (UNHCR, *Figures at a Glance*).

In sum, the extension of UNHCR's people of concern including IDPs and stateless persons and the scope of its mandate both in terms of its activities and geographical limitation paved the way for the Office's increasing activities in refugee producing countries to increase regime effectiveness. Particularly the conditions in the beginning of 1990s, namely increasing reluctance of states to provide asylum and emergence of the Protracted Refugee Situations (PRSs) led UNHCR to pursue voluntary repatriation as the most preferred durable solution. This shift among the preferred durable solution from resettlement and local integration to voluntary repatriation has also resulted in a shift in the understanding of effectiveness. Since regime mandate was rather limited with the activities in countries of asylum through focusing more on the resettlement and local integration, its understanding of effectiveness was reactive limited to the refugees in countries of asylum. However, the shift in the understanding of the regime mandate to sustain the repatriation process and prevent the reoccurrence of new mass flows resulted in a proactive understanding of effectiveness, operating in countries of origin and covering not only refugees and returnees but also IDPs and local people in need. This shift also led the Office to develop its strategy of prevention and solution to increase regime effectiveness refugee producing countries, mainly with low *internal capacity*. The next part will examine the

reasons for UNHCR's shift in the preference of durable solutions in the beginning of 1990s and the underlying logic of its strategy of prevention and solution to increase regime effectiveness in refugee producing countries.

3.2 The Regime in the beginning of the 1990s

When UNHCR was established in 1951, voluntary repatriation was not regarded as a viable option. France and the U.S. objected its inclusion to the durable solutions as a part of UNHCR's functions. The reason was mainly the Cold War considerations, because repatriation would mean sending refugees back to their communist states (Holborn, 1975: 325-27). The High Commissioners also shared the concerns on the voluntary repatriation. The High Commissioner Goedhart in 1955 and High Commissioner Lindt in 1957 made clear that they did not consider voluntary repatriation as a real solution and that UNHCR did not have a real mandate of pursuing repatriation. (Coles, 1989: 105, 109-110) The statistics on UNHCR's assistance for durable solutions also shows the priority given to local integration and resettlement. Over the period 1955-62, UNHCR directly assisted 53,681 refugees to locally integrate, 16,613 refugees to resettle and only 251 refugees to repatriate (UNHCR, 1963: 4).

In the early 1990s, the situation has changed dramatically and UNHCR began to focus on voluntary repatriation as the preferred solution. The Office stated that its actions for durable solutions to refugee problems have been oriented in a manner to enable refugee to return home in safety and dignity (UNHCR,

1996a, preface). The High Commissioner Sadako Ogata (1990-2000) from Japan has also considered repatriation as the primary objective of UNHCR and in 1991, she declared the 1990s as the decade of voluntary repatriation.

Though UNHCR stated that local integration and resettlement should also continue to be among the durable solutions pursued for refugees (UNHCR, 1996d: para.11), the Office considered resettlement as a last resort “when neither voluntary repatriation nor local integration is possible and resettlement remains the only available measure to guarantee protection and/or offer a refugee a future commensurate with fundamental human rights” (UNHCR, 1991a: para.2). Hence, the Office would request resettlement only for small numbers and the aim would be protection rather than seeking durable solutions: “UNHCR may continue to call for less resettlement assistance annually. Such assistance, however, will be inextricably linked to protection cases” (UNHCR, 1991a: para.15). In other words, voluntary repatriation became the preferred durable solution for UNHCR and it began to assume a more active role in voluntary repatriation “from facilitating to actively creating” (Zieck, 1997: 83). The study identified the main reasons for this turn as the reluctance of potential countries of asylum to support resettlement and local integration as durable solutions, emergence of the major PRSs and UNHCR’s perception, mainly shaped by these reasons. This change in the preferences of durable solutions also shifted the understanding of regime effectiveness. Accordingly, UNHCR thought that international refugee regime can increase its effectiveness mostly when it operates proactively and in a prevention and solution-oriented manner in refugee producing countries. Loescher, *et.al.*

(2008: 100) describe this situation, in which international refugee regime operated in the beginning of 1990s as a “global crisis of asylum”.

3.2.1. Reluctance of the Countries of Asylum

Normally, there is no priority among durable solutions and it depends on the sources available to UNHCR in terms of the conditions in the countries of asylum and countries of origin. The individual decision of the refugee itself is determinant particularly in voluntary repatriation as a durable solution. However, in practice, hierarchy among durable solutions is determined more often according to governments’ expectations and preferences rather than refugee preferences (Gallagher, 1994: 430). Similarly, during the Cold War, priority among durable solutions to massive refugee outflows was mainly determined by the ideological confrontation between the Communist and Capitalist blocs. This situation supports the neoliberal argument that states’ interests shape their behaviors towards international regimes, as examined in the literature review chapter.

The ideological confrontation during the Cold War gave UNHCR the opportunity to resettle a considerable number of refugees from the Eastern European communist states since the escapees were seen as warriors against communism and as a strategic and political tool to discredit the communist regime. For the Western governments, refugee plights were something to prove the inadequacies of the communist system. So they encouraged the flow from East to West and opened their borders to resettle refugees fleeing from persecution in

their communist regimes (Loescher, 2001b: 54). For example the Hungarians in 1956 could be resettled easily due to the acceptance from West European countries and overseas countries like Canada, USA and Australia. Thus, during the Cold War, the priority among durable solutions was given to resettlement since repatriation would denote the desirability of the conditions in the communist states. Local integration in the country of first asylum in Europe was also concentrated as a durable solution among Western powers. Under the High Commissioner Goedhart, the Office supported local integration instead of overseas resettlement or emergency reliefs in camps and the Ford Foundation program intended to concentrate on local integration through self-help projects in areas of housing, agriculture, youth projects or vocational training (Loescher, 2001b:66-69). Contrarily, the Soviet Union opposed both repatriation and local integration as the primary goal since plights from communist regimes would discredit these regimes and weaken their ideological power (Loescher, 2001b: 51).

Interestingly, the Soviet and Western positions for resettlement were valid only for the refugees fleeing from communist regimes since the political and strategic dimensions led different considerations in the Third World, namely composed of countries in Africa, Asia and Latin America. The refugee crises in the Third World were not desirable by the West since they could be exploited by the Soviet Union as a source of instability (Loescher, 2001b: 123). Thus, Western powers supported repatriation as a durable solution for the refugee crises in the Third World and became reluctant to receive refugees from Africa unless there was a strategic or political importance such as Vietnamese escaping from communist Vietnam. In sum, as realists and liberals argue, Western states shaped

their policies towards international refugee regime based on their political and strategic calculations.

The Western states have gradually shifted their policy of asylum to the policy of containment to limit the asylum and contain refugees in their region of origin, which is mainly the Third World. Thus, refugees began to constitute a problem for the countries in the Third World, mainly after the reluctance of Western states. When most of refugees began to remain in their regions of origin, countries in the Third World have responded to mass arrivals of refugees and their protracted presence by limiting both the quantity and quality of asylum. They became reluctant to provide local integration for significant numbers of refugees within their borders. For their declining commitments to refugee protection, they have cited security concerns and economic and social costs in the absence of support in sharing the burdens of refugees. Thus, Third World countries did not comply with international refugee regime mainly because of their low *internal capacity* to offer local integration for mass refugee flows. They have in return imposed tighter border controls, forced refugees to repatriate, confined them in closed camps and rejected to integrate them in local communities (Kelley and Durieux, 2004: 11).

In sum, both the Western states and potential host countries of asylum in the Third World have been reluctant to offer durable solutions to refugees unless there were strategic or political interests. Three main reasons were identified for this “global crisis of asylum”, namely security concerns, social reactions such as racist attitudes towards refugees and economic reasons.

Security concerns have caused new restrictions on asylum in both Western and Third World states. The High Commissioner Thorvald Stoltenberg (January 1990-November 1990) from Norway recognized in 1990 the difficulties faced by governments and the insecurity felt by the general public because of the increasing pressure of refugee flows. Given the increasing numbers of asylum-seekers, governments of developing countries could build barriers against asylum applications. That's why he defined voluntary repatriation as "the best solution for refugees, the most productive use of resources and a concrete contribution to peace and security". (UNHCR, 1990) Supporting Stoltenberg's recognition, UNHCR observed "a growing awareness that refugee movements can constitute a serious threat to national, regional and even international security, particularly when they involve countries of asylum which have weak economies, fragile ecologies and a delicate balance of ethnic groups" (UNHCR, 1996c: para.2). Security concerns have led the Western states to support the protection in the region of origin, which would include both local integration and IDP protection. Thus, it might be argued that IDP protection has been intended to be used as a substitute for asylum in the West together with local integration in the Third World (Loescher, *et.al.*, 2008: 124). As discussed in the first critique of the root causes approach in the literature review, there has been a risk that UNHCR activities in the countries of origin can have been used manipulatively by the Western states to support their own interests. It is further argued that security concerns legitimizes derogations of human rights, suspension of civil liberties, reinforced border control and forcible deportation and refoulement (Betts, 2009b: 72). In other words, it is likely that states' interests are prioritized over refugee

interests, as Morgenthau argues and the Western states preferred to contain refugees in their regions of origin. In 2005, UNHCR counted the fear of some states that ‘international protection may provide a cover for those involved in terrorist activities’ as one of the factors that prevent effective international protection (UNHCR, 2005b: 12). Especially in the post 9/11 period, states are more concerned on asylum and refugee issues through security lenses. With the threat of transnational terrorism, they have developed tighter border control regimes and identified refugee camps with terrorist camps (Betts and Loescher, 2011: 10).

As Haggard and Simmons (1987) stress in arguing that states are not unitary actors, behaviors of the Western democracies are also shaped by the domestic political variables, in addition to interests and power considerations. Related with the issue of security, asylum-seekers and refugees have become more vulnerable to political manipulation and this has led to increasing xenophobic and racist attitudes and even violence against refugee populations (UNHCR, 2005b: 12). In return, reluctance of the society has forced democratic governments to limit their support for resettlement and local integration as durable solutions.

The economic costs of hosting refugees have also limited the availability of resettlement and local integration as durable solutions. Increasing states’ reluctance to host refugees (UNHCR, 2005b: 12) and reluctance of donor countries to provide refugees indefinite protection and assistance at the absence of a durable solution prospect (UNHCR, 1996c: para.2), have blocked ways for an effective refugee protection. As a result, refugees have stayed in camps without any prospect of durable solutions in a definite future.

It was not always possible to promote voluntary repatriation without the denial of non-refoulement. Accordingly, relentless violent situations in the countries of origin in Africa prevented the Office to promote voluntary repatriation and instead led it focus on resettlement in neighbor states. However, whereas UNHCR tried to protect the legal rights of refugees in Africa and sought durable solutions like local settlement, the reluctant governments in Africa forced for repatriation because the burden of refugees stretched the African governments' sources to the limit considering their fragile economy, ethnic composition or scarce environmental resources.

In sum, none of the three solutions could be sufficiently provided by UNHCR in the beginning of 1990s. First, there remained no political or ideological reasons for the Western states to resettle large numbers of Third World refugees. Second, local integration was mostly perceived as politically and economically infeasible, since most of the host countries were coping with volatile security situations and social instability. Last, most countries of origin were neither in a situation nor had an interest to promote repatriation due to the engagement of refugees in guerilla resistance movements and due to the reluctance of donor governments to support expensive repatriation operations (Loescher, 2001b: 225). Thus the Cold War has both positive and negative effects on UNHCR mandates of refugee protection and solution. On the one hand, ideological motives and political interests of the West increased the resettlement opportunities for refugees from the Communist bloc. On the other hand, protracted conflicts during the Cold War decreased the mass repatriation opportunities indefinitely and refugees found themselves in camps without any durable solution

prospect in the near future. Some countries had also an interest in keeping refugees in camps close to their countries of asylum as they were linked to the political struggles in their country against communism (Gallagher, 1994: 432-434). As a result, lack of states' support for durable solutions, together with increasing number of refugees resulted in PRSs in camps.

3.2.1 Protracted Refugee Situations

During the 1980s, UNHCR still sought resettlement as the prior durable solutions among other alternatives. However, the dramatic rise in internal-regional conflicts involving external powers and decreasing opportunities for resettlement and local integration caused PRSs in camps. UNHCR defines PRSs as one “in which refugees find themselves in a long-standing and intractable state of limbo” and “their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile” (UNHCR, 2004c). It identifies a major protracted refugee situation as one “where more than 25,000 refugees have been in exile for more than five years” (UNHCR, 2004c: para.5).

PRSs have been caused by the failure of states to provide any kind of durable solutions but rather to provide refugees only temporary asylum in camps. In addition to the political unwillingness of states to seek political solutions to the long-standing regional conflicts, UNHCR and NGO officials also believed in the 1980s that they could better supply food, shelter, clean water and health care when refugees would assemble in one place (Loescher, 2001b: 226). However though

UNHCR's care and maintenance operations towards PRSs required a significant funding in the absence of any durable long term solutions, donor states sought ways to limit their overseas aid expenditures (Loescher, 2001b: 227). In addition, although camps save lives in the emergency phase, when the stay becomes protracted, camps waste the lives they saved. Because in a PRS, a refugee "is prevented from enjoying those rights – for example, to freedom of movement, employment, and in some cases, education – that would enable him or her to become a productive member of a society" (UNHCR, 2004c: para.10). Thus, the "global crisis of asylum" together with PRSs put pressure on UNHCR and in 1990s, the Office focused on voluntary repatriation as the preferred durable solution to find solutions to the global refugee problem.

3.2.2 Voluntary Repatriation as the Most Preferred Durable Solution

Based on its reason of existence, UNHCR needs to realize its mandate of protecting refugees and seeking durable solutions to the refugee problem. Accordingly, the reasoning of UNHCR to promote voluntary repatriation as the preferred durable solution is twofold. First, UNHCR considers voluntary repatriation as the only practical solution in a political environment where host states are reluctant to give more permanent commitments for local integration and there are limited opportunities for resettlement in third countries (Gallagher, 1994: 430). As Loscher (2003: 4) rightly states that "UNHCR often walks a tightrope, maintaining a perilous balance between the protection of refugees and the

sovereign prerogatives and interests of states”. Thus, in addition to discussions in the literature on international regimes’ effectiveness on state behavior, it might be argued that international refugee regime has shaped its own policies according to states’ policies to increase state cooperation with the regime. Second, UNHCR has considered voluntary repatriation as the only feasible alternative to the problem of PRSs, created again by state policies, and protracted care and maintenance to refugees. The High Commissioner Jean-Pierre Hockè (1986-1989) from Switzerland identified voluntary repatriation as “the only realistic alternative to indefinite subsistence on charity” (quoted by Loescher, 2001b: 249). According to him, the Office should be involved with not only countries of asylum but also countries of origin. Thus, as countries of origin are part of the problem they need to be also considered as part of the solution. The High Commissioner Hockè had also the backing of the Executive Committee (ExCom) to actively pursue the promotion of voluntary repatriation, where there were appropriate conditions (UNHCR, 1985: para.e). Additionally, the Office believes that voluntary repatriation has been usually seen as the most desirable long-term solution not only by the international community but also by the refugees themselves (UNHCR, 1996a, preface). To UNHCR, refugees would also prefer repatriation since

voluntary repatriation in safety and dignity is in principle the most satisfactory remedy to forced exile because it involves the resumption by the State of its responsibility for safeguarding the fundamental rights of its people, including the right of everyone to remain in safety in their own country and the right of refugees to return home (UNHCR, 1993a: para. 35).

According to Barnett and Finnemore (2004: 94-97), UNHCR officials saw voluntary repatriation as the preferred durable solution to respond to the new circumstances in the post-Cold War context. At the beginning, they have worried about their traditional protection mission, particularly about the right of non-refoulement. Within UNHCR, the fundamentalist camp pursued a more legalistic approach, arguing that repatriations should only be authorized when returns are indeed voluntary. On the other hand, the pragmatist camp argued for flexibility and to make the best of the given situation to protect refugees instead of inaction with abstract principles. However, over time, UNHCR developed a repatriation culture with formal and informal rules that led UNHCR officials to see repatriation as nearly synonymous with protection.

In sum, state policies and preferences both during and after the Cold War brought international refugee regime to a situation of protracted exiles in camps and led the Office to promote 'early' voluntary repatriation as the preferred durable solution. In return, UNHCR focused on activities in countries of origin including preventive measures to compromise its mandate of protection and solution with state policies. UNHCR has also treated repatriation as an important mechanism for rebuilding confidence and successful peace building in countries of origin (UNHCR, 1995c: 107). Accordingly, UNHCR has developed its 4Rs approach to increase the effectiveness of international refugee regime in refugee producing states through promoting the sustainability of returns and preventing the recurrence of new mass flows. The next part will examine the 4Rs approach including its foundation stone of the strategy of prevention and solution. In the case studies, 4Rs activities of UNHCR and its implementing partners will be

examined, questioning the effectiveness of international refugee regime and conditions to increase regime effectiveness in countries with low *internal capacity*.

3.3 The 4Rs Approach

UNHCR introduced the 4Rs approach in 2002 with the aim of enhancing the sustainability of repatriation and preventing recurrence of new flows. It mainly borrowed its logic and purpose from the strategy of prevention and solution, developed in the early 1990s. In the beginning of 1990s, number of refugees increased constantly and dramatically as a result of the new conflicts in the Middle East, Balkans and Africa. Number of refugees was 14.7 million in 1989 and increased to 17.2 million in 1990 and to 18.3 million in 1993. (Ambrosso, 2011: 2) During the same period, number of refugees repatriating to their country of origin also increased dramatically, from around 1.2 million between 1985-1990 to at least 9 million refugees between 1990-1995 (Crisp, 2001:8). Accordingly, UNHCR preferred to increase its activities in countries of origin. This part will first examine the activities in countries of origin under the framework of the strategy of prevention and solution and second, explore the concepts and purpose of 4Rs approach and the interagency collaboration. The aim will be to understand the underlying logic of UNHCR activities in refugee producing countries with the final aim of increasing regime effectiveness.

3.3.1 Its Foundation Stone: The Strategy of Prevention and Solution

Loescher stresses that (2001b: 352-53) international refugee regime has always adapted itself to the specific needs of the challenges to its authority from interwar years to the post-Cold War era. Thus, increasing UNHCR activities in countries of origin and its strategy of prevention and solution have also been a response to the significant challenges to the authority of international refugee regime. Hence, the regime reached a situation of deadlocks in which UNHCR could neither provide international protection nor seek permanent solutions for the problem of refugees. The increasing number of refugees in protracted camps, who could neither be resettled nor repatriated, led the Office to focus on removing the root causes of refugee flows to prevent further displacements. And promoting voluntary repatriation as the preferred solution required increasing in-country activities in terms of returnee reintegration and rehabilitation. As a result, not only UNHCR but also the UNGA and states recognized the need for a new strategy to seek permanent solutions for the problem of refugees with “a legitimate interest in the prevention of refugee movements by means of operational activities within countries of origin” (UNHCR, 1996c: para.2).

Thus, when Ogata became the eighth UN High Commissioner for Refugees by the end of 1990, the Office introduced a new protection emphasis through a strategy of prevention and solution (UNHCR, 1991c: para.41). This led a further extension of UNHCR’s mandate through an increase in UNHCR’s activities including post-repatriation programs and emergency assistance for large numbers of IDPs in countries of origin, mostly countries with low *internal*

capacity. This new approach had a proactive and homeland oriented character, shifting also the understanding of regime effectiveness from reactive policies in countries of asylum to proactive activities in countries of origin.

3.3.1.1 The dual purpose of prevention and solution

UNHCR identified the older paradigm in search for solutions to refugee problems as “reactive, exile-oriented and refugee-specific” and characterized the new orientation as “proactive, homeland-oriented and holistic” (UNHCR, 1995c: 43). This new orientation has two main aims:

- Activities in the countries of origin and involvement with the plight of refugees would prevent further displacements (UNHCR, 1994b: para.248) and
- Involvement with post-repatriation operations and preventive measures would ensure the durability of the voluntary repatriation (UNHCR, 1996b, para1).

UNHCR’s reactive response to the refugee crises placed the sole responsibility for the mandate of protection and solution on the countries of asylum. Thus, this holistic approach also seeks to place responsibility for prevention and durable solutions on the authorities of the refugee-producing countries as supplementary to the obligations of asylum countries (UNHCR, 1996b: para.1). Ogata has made prevention an integral part of this strategy since she was convinced that refugee emergencies would not come to an end until root causes of forced displacement are dealt with effectively. Hence, UNHCR has oriented itself to alleviate situations in countries of origin that threaten to create

internal displacement and new refugees and also that prevent refugees to return home (UNHCR, 1993a: para.4). In other words, the strategy of prevention and solution has been seen as a tool to increase the effectiveness of international refugee regime by fulfilling its mandate through increasing activities in refugee producing countries.

The logic of this strategy was stressed in the report of Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights. He stated that “a large number of displaced persons would not have to seek refuge abroad if their security could be guaranteed and if they could be provided with both sufficient food supplies and adequate medical care” (UNCHR, 1992). Also UNHCR stated that “the experience of UNHCR staff in the field suggests that humanitarian presence has helped to avert or mitigate some of the worst crimes, in addition to facilitating the delivery of food and other supplies to the victims, helping to avoid even greater displacement and, in some situations, helping to pave the way for possible solutions” (UNHCR, 1993a: para.54).

UNHCR activities in the countries of origin have led the Office to be involved with IDP protection alongside its responsibilities for IDPs on the basis of its humanitarian expertise at the request of the UNGA or the ECOSOC. UNHCR has assumed operational responsibilities for certain groups of IDPs in the context of its strategy of prevention and solution (UNHCR, 1994b: para.2). In this framework, UNHCR can involve IDP protection both with the aim of preventing new refugee flows and of promoting voluntary repatriation through returnee linked programs. Because according to the Office, taking measures necessary to prevent internal displacement would also remove the immediate cause of refugee flows

(UNHCR, 1994a: para.3). UNHCR defines the situations of internal displacement, except the ones resulting from natural disasters, as “the inability or the unwillingness of the national authorities to ensure effective protection, in particular the right of individuals and even whole communities to remain in safety in their homes” (UNHCR, 1994a: para.18). Since both internal and external displacements are the results of the same phenomenon of coerced displacement, UNHCR “has increasingly considered activities on behalf of the internally displaced to be indispensable components of an overall strategy of prevention and solutions” (UNHCR, 1994a: para.4). In the strategy of prevention and solution, UNHCR attempts to involve in IDP protection only in clear linkages with refugee repatriation. In addition to IDP involvement, ExCom encourages the High Commissioner “to continue its activities on behalf of stateless persons, as part of its statutory function of providing international protection and of seeking preventive action” and stresses “that the prevention and reduction of statelessness and the protection of stateless persons are important in the prevention of potential refugee situations” (UNHCR, 1995a: para.a).

The next part will examine the logic of the protection, solution and prevention to identify the inter-linked relations among them. The aim here is to show that UNHCR can also provide protection to refugees through its strategy of prevention and solution and in return increase regime effectiveness by fulfilling its mandate.

3.3.1.2 *The inter-linked relations between protection, solution and prevention*

International protection basically means ensuring the right of asylum, non-refoulement and nondiscrimination through immediate protection and material and administrative assistance and for individual refugees. It might be argued that UNHCR's 4Rs activities in countries of origin are supplementary to its mandate of protection since protection, solution and prevention are inextricably inter-linked. Thus, UNHCR assumes that its presence in countries of origin "would allow UNHCR to work to create conditions conducive to repatriation as well as undertake preventive work through training, promotion and advisory services and, as appropriate and feasible, to develop in-country protection possibilities" (UCHR, 1992: para.27).

The relation between protection and solution is two-sided. Providing international protection and seeking permanent solutions are inseparably inter-linked since the ultimate aim of international protection is the pursuit of durable solutions (UNHCR, 1996d: para.3). The High Commissioner Ogata also emphasized UNHCR's position by stating that "the best protection is to find a lasting solution so that refugees are no longer in need of international protection" (UNHCR, 1995b). Though this approach puts seeking solutions prior to protecting as the ultimate aim of protection, on the other hand protection is the *sine qua non* of the mandate of seeking durable solutions as it governs the entire process towards solution (UNHCR, 1991b: para.1). As Goodwin-Gil (1996: 207) puts out, provision of international protection has the primary importance since solution can not be provided without protection.

Since the ultimate aim of protection is solution, the purpose of international protection is “to ensure the individual’s renewed membership of a community and the restoration of national protection” rather than remaining a refugee forever (UNHCR, 1996a, preface). Similarly, the strategy of prevention and solution aims to maintain the link of citizenship between individuals and governments (UNHCR, 1993a: para.36). Thus, protection, solution and prevention serve all the same goal through different aspects of a single process. According to Kourula (1997: 211), international protection has been gradually shifted to a more operational approach through activities from covering respect for the rights of asylum seekers and refugees in the receiving countries to including assistance in countries of origin in connection with voluntary repatriation. In other words, as will be examined in cases of Afghanistan, Iraq and Sudan, UNHCR extends protection and assistance from countries of asylum to countries of origin through being directly present in such countries with the aim of increasing the effectiveness of international refugee regime.

Since prevention of further refugee flows is open to exploitation by the reluctant states to offer asylum, critics (for example, Barutciski, 2002; Frelick, 1992, Mertus, 1998) have argued that the right to remain would prevent the right to seek and enjoy asylum and undermine the protection mandate of the Office. However, UNHCR has underlined that its activities within countries of origin is not “incompatible with and must not in any way undermine the institution of asylum or the individual’s access to safety” and defined the objective of prevention as “not to obstruct escape from danger or from an intolerable situation, but to make flight unnecessary by removing or alleviating the conditions that force

people to flee” (UNHCR, 1993a: para.37). The goal of preventing the reoccurrence of new mass flows aims to develop a concerted, comprehensive strategy to prevent involuntary movements and address the consequences of displacement within the region” (UNHCR, 1996b: para.9). Since UNHCR’s activities in the field of prevention would support the Office’s international protection responsibilities, it is assumed that prevention would not be realized at the expense of the institution of asylum (UNHCR, 1993b: para.19u). Thus prevention in its nature does not aim to erect barriers to make departure impossible and contain the ‘potential’ refugees within their countries of origin but the goal of prevention instead aims to eliminate the causes of departure so that people will not feel compelled to leave. In other words, stressing prevention is not a substitute of asylum, the Office aims to reduce or contain cross-border movements before a situation of exodus becomes unmanageable in terms of both humanitarian and political sense (UNHCR, 1991c: para.43; 1992, para.26). Thus, UNHCR would like international community to perceive the phrase of “address causes of refugee movements” in the meaning of “prevention of refugee movements” (Zapater, 2010: 7).

Once the Office seeks to ensure voluntary repatriation as the preferred solution, UNHCR has no more assessed positively whether conditions are sufficiently safe to encourage and has instead actively involved promoting a safe environment for returning refugees (UNHCR, 1993a: para.59). In other words, promotion of voluntary repatriation in its nature contains the need of post-repatriation activities since it is possible that the conditions in the country of origin have not fundamentally changed. Chapters 4, 5 and 6 will illustrate post

repatriation activities in each case study. UNHCR admits that securing the sustainability of repatriations as a durable solution “is a long-term undertaking that exceeds the mandate and resources of UNHCR” (UNHCR, 2004b: 7). Thus, focusing on voluntary repatriation as the preferred solution, the High Commissioner Ruud Lubbers (2001-2005) from Netherlands initiated a new partnership in March 2002 between UNHCR, UNDP and World Bank (WB) given their clear repatriation, rehabilitation and reconstruction mandates (Lippman and Malik, 2004: 9). Accordingly, in 2003, Lubbers introduced the concept of repatriation, reintegration, rehabilitation and reconstruction, known as the ‘4Rs approach’¹² (Muggah, 2006).

3.3.2 The 4Rs Approach: Its Conceptual Framework and Purpose

4Rs approach is a flexible and country specific framework for institutional collaboration, particularly conducted in refugee producing countries to provide durable solution for refugees and to prevent the reoccurrence of new mass flows. Within the framework of 4Rs activities, UNHCR, together with its implementing partners organize voluntary repatriation operations, provide reintegration and rehabilitation activities to ensure the sustainability of repatriations and implement capacity building activities through reconstruction of governance capacity. Thus, it

¹² To ensure the durability of other solutions – resettlement and local integration – the Office also developed the notion of Development Assistance for Refugees and Development through Local Integration. For a detailed information, please see UN High Commissioner for Refugees, *Framework for Durable Solutions for Refugees and Persons of Concern*, 16 September 2003, EC/53/SC/INF.3.

might be argued that it basically aims to mainstream reintegration activities into national development plans and programs (Muggah, 2006).

The first R of the 4Rs concept is Repatriation. It is defined by UNHCR as “the free and voluntary return of refugees to their country of origin in safety and dignity” (UNHCR, 2004b: 8). The second R symbolizes Reintegration, defined as the ability of refugees and IDPs “to secure the necessary political, economic, legal and social conditions to maintain their life, livelihood and dignity” upon their return (UNHCR, 2004b: 8). Reintegration activities are regarded as an integral part of UNHCR’s responsibility to ensure the sustainability of returns (*UNHCR’s Role*, 2008: para.1). Reintegration activities can be considered as a process for progressive establishment of conditions, “which enable returnees and their communities to exercise their social, economic, civil, political and cultural rights, and on that basis to enjoy peaceful, productive and dignified lives” (*UNHCR’s Role*, 2008: para.7)

The third R is reserved for Rehabilitation, which is defined as “the restoration of social and economic infrastructure destroyed during conflict in areas of return to enable communities to pursue sustainable livelihoods” (UNHCR, 2004b: 8). The activities in the context of rehabilitation include “investments in shelter, potable water, schools, primary health care, agricultural activities, income generation opportunities, micro-credit schemes, and skills training” (UNHCR, 2008a: para.65). For such activities, UNHCR engages in partnerships with UNDP, United Nations Children’s Fund (UNICEF), International Labor Organization (ILO), Food and Agricultural Organization (FAO), World Food Programme

(WFP) and specialized NGOs. Rehabilitation activities can be considered to have a supportive role for the reintegration activities.

The last R indicates Reconstruction, which is defined as “the (re)establishment of political order, institutions and productive capacity to create a base for sustainable development” (UNHCR, 2004b: 8). It addresses medium and long term needs of a refugee producing country to prevent the recurrence of forced displacement.

4Rs activities aim to promote durable solutions for refugees through ensuring linkages between all four processes. The underlying logic behind 4Rs approach is to address short, medium and longer-term needs of returnees with the aim of ensuring the sustainability of reintegration and prevent the phenomenon of back-flows to their country of asylum (UNHCR, 2003a, para.10). UNHCR sees 4Rs approach both as a tool for reintegration and for capacity building efforts, attempting to ensure a smooth transition from emergency relief to long-term development (UNHCR, 1995c: 33). Thus, 4Rs approach aims to bring together humanitarian, transition and development approaches in a structured manner (UNHCR, 2003a: 19) to prevent the recurrence of mass outflows and to promote the sustainability of refugee returns through capacity building efforts.

UNHCR defines capacity building as “the reinforcement of human, institutional or community performance, skills, knowledge and attitudes on a sustainable basis” (UNHCR, 1999a). In countries of origin, capacity building efforts are basically considered within the context of transition from war-to-peace. In this respect, UNHCR has two main aims: First, it aims to promote a sustainable reintegration through progressively transferring the responsibility in providing

protection and ensuring the people's access to essential basic services to the states. Second, UNHCR aims to prevent forced displacement through building capacity in refugee producing countries, which would in return diminish the people's need to seek refugee (UNHCR, 1999a).

4Rs approach, particularly the last 3Rs require an important degree of development assistance in addition to humanitarian assistance. Ogata reminds that in the absence of development assistance, fragile peace situations often deteriorate and cause new insecurities and new human displacements. Hence she suggests implementing the notion of 4Rs as comprehensively as possible including both humanitarian and development assistance (UNHCR, 1999b). Thus, as shown in the case studies, the Office pursues a collaborative approach, in which the UNDP, UNHCR and the WB together with UNICEF and WFP to realize the 4Rs program (UNHCR, 2003a: para.17).

3.3.3 Interagency Collaboration

In the interagency collaboration, one or more international agencies take the lead for each phase of 4Rs approach. In the first phase (Repatriation), UNHCR takes the lead to organize returns in safety and dignity. In the second phase (Reintegration), UNHCR and the UNDP would take the lead together, while UNHCR focuses on the initial reintegration process, the UNDP consults with the local officials and people in countries of origin and organizes aid for communities. In the third phase (Rehabilitation), UNDP takes the lead in coordination with other

development agencies. Lastly, the WB and UNDP take the lead together in the phase of Reconstruction. (UNHCR, 2003a: 22) The interagency collaboration between UNHCR and its implementing partners will be examined in case studies to question the effectiveness of international refugee regime and to identify tentative principles to increase regime effectiveness in countries with low *internal capacity*.

Since it is obvious that UNHCR could not manage 4Rs approach on its own ensuring the sustainability of reintegration and preventing new flows require an interagency collaboration. Together with the Inter-Agency Standing Committee (IASC), UNHCR and the UNDP attempt to increase collaboration and ensure greater accountability and predictability in responding to prevent and resolve humanitarian crises (Muggah, 2006). The “Delivering as One” initiative seeks to link displacement-related concerns into common needs assessment and programming frameworks by including returnees and returnee areas in country-level strategic documents. It also allows including displacement-related concerns into system-wide efforts such as the UN Development Assistance Framework and Post-Conflict Needs Assessment (UNHCR, 2008a: para.9)

It is also important to note that there are large-scale returns to non-secure environments, lacking a state with established legitimacy and authority. In these cases, peacekeeping forces or other external military actors play an essential role to provide security of returning refugees and IDPs. And integrated missions for post-conflict recovery in war-torn societies provide an important opportunity for coordination with such actors (UNHCR, 2008a: para. 25). UNHCR examines the opportunities for interagency collaboration in each area and attempts to capitalize

upon them by establishing early and strategic cooperation with key partners (UNHCR, 2008a: para.29).

3.3.4 Conclusion

The chapter on international refugee regime and UNHCR activities in the framework of 4Rs approach sought to explore the evolution of international refugee regime from its temporary agencies to UNHCR as a global agency, including UNHCR's activities in refugee producing countries in a preventive and solution-oriented manner. The first part of the chapter explores international refugee regime under temporary agencies and under UNHCR agency including the expansion of its mandate and people of concern. It was argued that such an evolution of international refugee regime created the necessary conditions for increasing activities in refugee producing countries in the 1990s. The second part examined the environment, in which the regime operated in the beginning 1990s. In the early 1990s, UNHCR began to focus on voluntary repatriation as the preferred solution. The High Commissioner Ogata also considered repatriation as the primary objective of UNHCR and in 1991, she declared the 1990s as the decade of voluntary repatriation. The main reasons for this turn were identified as reluctance of potential countries of asylum to support resettlement and local integration as durable solutions, major protracted refugee crises and UNHCR's perception, mainly shaped by these reasons. This turn both led the development of strategy of prevention and solution and 4Rs approach to increase regime

effectiveness and shifted the understanding of regime effectiveness from countries of asylum to countries of origin.

The last part evaluated 4Rs approach, first by examining the strategy of prevention and solution as the foundation stone of this approach. Increasing UNHCR activities in countries of origin and its strategy of prevention and solution have been a response to the significant challenges to the authority of international refugee regime since the regime reached a situation of deadlocks in which UNHCR could neither provide international protection nor seek permanent solutions for the problem of refugees. The increasing number of refugees in protracted camps, who could not be resettled and repatriated, led UNHCR to focus on voluntary repatriation. Thus, the underlying logic of this strategy became both to promote conditions conducive to sustain repatriations and to remove root causes to prevent reoccurrence of mass flows through increasing activities in countries of origin. Improvements in solution and prevention would in return serve to an increase in the effectiveness of international refugee regime, since protection, solution and prevention are considerably inter-linked. Given that creating conditions conducive for sustainable return and prevention of new flows is far beyond the UNHCR's mandate and capacity, the Office developed 4Rs approach to encourage interagency collaboration in refugee producing countries.

This chapter concludes that the conditions in the beginning of the 1990s led UNHCR to prefer voluntary repatriation as the most viable durable solution and to increase its activities in refugee producing countries. The strategy of prevention and solution in the early 1990s and 4Rs approach in the early 2000s

have focused on countries of origin, being a tool for UNHCR to increase the effectiveness of international refugee regime.

The next chapter will examine Afghanistan, as the first case study with low *internal capacity*. It will first aim to question the effectiveness of international refugee regime in Afghanistan. 4Rs approach will be examined through quantitative criteria of sustainability of reintegration and prevention of new flows, as explained in the research design of the study. The chapter will, second, qualitatively analyze the social conditions, nature of the relations between the Afghan government and international community and perceptions of the local people to identify conditions to increase regime effectiveness in Afghanistan. The implications, derived from the case studies will in return provide tentative principles for international community, in terms of operating to increase regime effectiveness in countries with low *internal capacity*.

CHAPTER 4

CASE STUDY 1: AFGHANISTAN

In Chapter 3, the study examined the evolution of international refugee regime and UNHCR's 4Rs approach together with the strategy of prevention and solution. It concluded that the extension of UNHCR's people of concern and geographical scope created the background for the regime's increasing activities in refugee producing countries. In the beginning of the 1990s, UNHCR began to shift its understanding of effectiveness from reactive activities in countries of asylum to proactive policies in countries of origin through its strategy of prevention and solution and 4Rs activities. Thus, the study argued that 4Rs approach has become a tool for UNHCR to increase the effectiveness of international refugee regime in countries with low *internal capacity*.

The aim of this dissertation is to question whether international regimes are effective in states with low *internal capacity* and to provide tentative principles for regimes' institutions to increase regime effectiveness in such countries. Since international refugee regime has activities in countries with low *internal capacity*, namely refugee producing countries, the study attempts to answer this question with a specific reference to international refugee regime in three refugee producing countries, namely Afghanistan, Iraq and Sudan. Thus, the study will

examine three cases in Chapter 4, 5 and 6. This chapter seeks to examine 4Rs activities in Afghanistan, as being the largest refugee producing country.

It will first give a brief introduction to political and social structures in Afghanistan to provide the background information for the country's political and social fabric. The second part will examine the history of Afghanistan from the beginning of 20th century until present to understand the roots of Afghanistan's low *internal capacity* and of the forced displacement in the country. The third part of the chapter will seek to examine the 4Rs activities of UNHCR and its implementing partners in Afghanistan. The next part will question the effectiveness of international refugee regime in Afghanistan between 2002-2011 through quantitative analysis. The last part conducts a qualitative analysis to identify the principles, by which UNHCR and its implementing partners can operate to increase the regime effectiveness.

This chapter argues that international refugee regime was not effective in Afghanistan during the period 2002-2011. By the quantitative analysis, it is found out that 4Rs activities in Afghanistan have been inefficient to reintegrate returnees in a sustainable manner and to prevent the recurrence of new mass flows. The qualitative analysis seems to show that 4Rs activities had a limited effect in Afghanistan due to insecurity and strict religious and social conservatism in the Afghan society. The relations between government and international community, namely the UN agencies, international NGOs and their national partners and donor states, seem to dissatisfy both sides due to the corruption and insecurity in Afghanistan. Perceptions of the Afghan people's in international community are

also not positive given their critiques towards insufficient level of support, aid dependency and lack of authority on aid spending.

4.1 A General Overview

The Islamic Republic of Afghanistan has 652,230 sq km land territory and has borders with six neighbor states: Pakistan (2,430 km), Tajikistan (1,206 km), Iran (936 km), Turkmenistan (744 km), Uzbekistan (137 km) and China (76 km) (UNHCR, 2009d: 14). Afghanistan has a population of nearly 30,5 million. In the country, the ethnic majority belongs to Pashtun with 42%. While the second major ethnic group is Tajik with 27%, Hazaras and Uzbeks each constitute 9% of the population. There are also ethnic groups of Aimaks with 4%, Turkmens with 3% and Balochs 2%. (CIA, 2013a) The numbers of Tajiks, Uzbeks and Turkmens in Afghanistan increased through refugee flows from Tajikistan, Uzbekistan and Turkmenistan in 19th and 20th century. The Pashtuns have been the dominant political group since the establishment of the country as a monarchy. They mainly live in the south and north of the Hindu Kush. Tajiks are mainly concentrated in the north of Hindu Kush, from east to west. Hazaras mainly live in the mountainous parts of the country. Uzbeks and Turkmens live in the north-central border regions. (Wahab and Youngerman, 2010: 14-16)

There are two official languages in Afghanistan, namely Afghan Persian (Dari) and Pashto. Half of the population speaks Dari and 35% of the population speaks Pashto. Turkic languages are also spoken in Afghanistan (11%), primarily

among the ethnic groups of Uzbek and Turkmen. 4% of the population speaks 30 different minor languages. Turkic languages together with these minor languages constitute the third official languages in areas, where they are spoken by the majority. (CIA, 2013a) Dari has traditionally been used as the language of literature and government. All Tajiks speak Dari and most of Afghans can speak both Dari and Pashto (Wahab and Youngerman, 2010: 18). Religion of the most of the population is Sunni Muslim (80%) while 19% of the population believes in Shia Muslim. Other religions constitute the remaining 1%. (CIA, 2013a) Nearly all Hazaras are Shiite Muslims (Wahab and Youngerman, 2010: 16).

Afghanistan has 34 provinces in terms of administrative divisions, of which the capital is Kabul. It has a mixed legal system of civil, customary and Islamic law. Hamid Karzai is the President of Afghanistan since December 2004 and he is both the chief of state and the head of government. In August 2009, he was reelected as president and the next election is to be held in 2014. In the legislative branch, Afghanistan has a bicameral National Assembly, *Meshrano Jirga* (House of Elders) and *Wolesi Jirga* (House of People). The government may also convene a *Loya Jirga* (Grand Council) on issues of independence, national sovereignty and territorial integrity. The last election was held in September 2010 and next election is expected in 2015. (CIA, 2013a)

The country has a GDP (purchasing power parity) of US\$ 29.74 billion in 2011, ranked in 111st in the world. Its GDP real growth rate is 5.8% in 2011, ranked in 49th in the world. Afghans have a GDP per capita US\$ 1,000 in 2011, ranked in 217 in the world. (CIA, 2013a) Thus, Afghanistan is indicated as a country with low *internal capacity* according to the various indexes. According to

key economic, political, security and social welfare criteria, Index of State Weakness (Rice, Patrick, 2008: 10) ranked Afghanistan in the 2nd place among 141 countries. Using key social-economic and political-military indicators, the Failed State Index of Fund for Peace (2012: 4) ranked Afghanistan in 6th of 177 countries. According to the index, the country was at 11st in 2005 (*Failed State Index*, 2005) and within 7 years, its rank was decreased to 6th. Human Development Index (HDI) of the UNDP (2011: 126) ranked Afghanistan in 172 of 187 countries. According to the index, Afghanistan increased its development ranks within the last 10 years, having very low development rank. Its HDI was 0.230 in 2000, 0.340 in 2005 and became 0.398 in 2011.

In sum, based on the various indexes, it can be concluded that Afghanistan is a country with low *internal capacity*. It is also the world's largest refugee producing country. By the beginning of 2012, Afghanistan hosts 447,547 IDPs and more than 2,5 million refugees abroad, mainly in Pakistan (1,7 million) and Iran (840.500). (UNHCR, 2011a: 21) The next part of the study will examine the history of Afghanistan with the aim of identifying main causes of the country's low *internal capacity*.

4.2. A Brief History of Afghanistan

This section seeks to understand the roots of the Afghanistan's low *internal capacity* through examining its political evolution during the past century.

With this aim, the section will study the period before the Soviet invasion, the Soviet era, the Taliban era and the post9/11 period.

4.2.1. The Period before the Soviet Invasion

Ahmad Shah Durrani managed to unify the tribes in Afghanistan and in 1747, he established monarchy under the unifying name of Afghanistan (the ‘land of the Afghan’) (Edwards, 2010: 972). However power of monarchs in Afghanistan was constantly undermined by civil wars and foreign invasions (*Modern History*).

King Amanullah Khan reigned the country for ten years from 1919 and attempted to establish a Western style constitutional monarchy. However *Loya Jirga*, which is a traditional forum for tribal elders to settle affairs, rejected most of his proposals. (Edwards, 2010: 972) He fought for independence from Britain and gained complete independence by the Treaty of Rawalpindi, signed on 8 August 1919 (Katzman, 2009:50). He was overthrown by the traditionalists in a rebellion. His successor King Nadir Shah took into consideration the constant division between modernizers and traditionalists and tried to consolidate his power by appeasing the mullahs. His constitution in 1931 stated that religious law would be the basis of law in Afghanistan. However his reign ended in three years with his assassination by a high-school student. (Edwards, 2010: 973)

His son King Zahir Shah reigned between 1933-1973. He made a constitution in 1964 and established a constitutional monarchy with national

legislature (Katzman, 2009:50). The constitution introduced an independent judiciary based on a secular legal system, though most power remained with the king (Edwards, 2010: 973). In his reign, Afghanistan joined the UN in 1946. He also established close relations with the Soviet Union. De Bree (2008:3) argues that deteriorating relations with Pakistan led Zahir Shah to develop Afghanistan relations with Soviet Union. Afghanistan became economically isolated when Pakistan closed the border with Afghanistan as a result of Zahir Shah's statement that the Pashtuns living in Pakistan has the right to be autonomous. Katzman (2009:50) rather argues that he established significant political and military relations with the Soviet Union to limit its support to communist factions in Afghanistan. There was a growing dissatisfaction among the unemployed in Kabul, mainly as a result of tension between migrants from rural areas and elites in Kabul. This dissatisfaction prepared the base for a growing interest in both Islamist and Marxist ideas. Accordingly in 1965, Marxist People's Democratic party of Afghanistan (PDPA) was founded. (De Bree, 2008:3) The PDPA had two wings, comprising rural Pashtuns and left-leaning urbanities (Edwards, 2010: 973).

In 1973, Zahir Shah was overthrown by his cousin Mohammad Daoud. He declared Afghanistan a republic and became president of the country (*Modern History*). He was a military leader and established a strong dictatorship in Afghanistan and increased the state involvement in the economy. (Katzman, 2009:50) The PDPA killed Daoud in a coup in April 1978 and established a Marxist regime in Afghanistan. PDPA leader Noor Muhammad Taraki became the new President (*Modern History*). The new regime made some reforms in the areas

of economic, land, education and female rights. Such reforms created a tension among rural Afghans. Detentions and executions of the PDPA increased the unrest. (De Bree, 2008:3) In later 1978, there was an armed revolt against communists by the Islamists and ethnic leaders and in September Taraki was overthrown and later killed. His successor Hafizullah Amin also could not manage to suppress the rebellion and the government weakened especially in rural areas of Afghanistan. (*Modern History*) Due to the unrest, the first wave of refugees from Afghanistan to Pakistan and Iran occurred in 1978. On December 27, 1979, this increasing unrest together with the internal division among PDPA members led the Soviet Union to invade Afghanistan to prevent a seizure of power by the Islamist, namely *mujahedin* (Islamic fighters) and to protect the existence of Marxist regime in the country. (De Bree, 2008:3; Katzman, 2009: 50) Within two years (1979-80), 1.7 million Afghan were forced to flee Afghanistan, mainly to Pakistan and Iran (UNHCR, Statistical Online Population Database).

In sum, Afghanistan enjoyed a relatively stable political administration for forty years during the reign of Zahir Shah. It was a period that the country had the capacity to have a political stance in its foreign policy, as in the example of relations with Pakistan. It could also make strategic calculations on its relations with the Soviet Union, such as the attempts to decrease its support to the communist fractions in Afghanistan. However, beginning from 1973, the country witnessed short-termed governments, mainly ended by coup d'états as a result of the unrest between the Communist and Islamists. During this period, Afghanistan turned to be a country with low *internal capacity*, mainly due to the increasing unrest and internal division within the country. The invasion of the Soviet Union

in Afghanistan in favor of one side, namely the Communists, increased this unrest and division, which led further mass flows from the country.

4.2.2. The Soviet Period

Upon its invasion, the Soviet Union replaced Hafizullah Amin with their ally Babrak Karmal. However given the Cold War conditions, the U.S. provided military equipments and assistance for the *mujahedin* and the Soviet Union could not manage to pacify Islamists against communists. The U.S. provided again about \$3 billion military aid to the Afghan *mujahedin* between 1980-1986. In 1986, Karmal was replaced by Najibullah Ahmedzai, the Director of the Afghan intelligence service and the leader of PDDA. (Katzman, 2009: 50-51) He became president in November 1987. As a result of UN Secretary-General Javier Perez de Cuellar's good offices, the Soviet forces began to withdraw in April 1988 under the UN auspices. The withdrawal was completed in February 1989. (*Modern History*) However the withdrawal of Soviet troops did not end the civil war. The civil war had already begun before the Soviet invasion and Soviets could not manage to eliminate *mujahedin*. Thus, after the withdrawal, the fight between *mujahedin* and Najibullah government continued. The civil war resulted in the second wave of forced displacement between 1989-1992. In 1991, Afghan refugees reached to 6.3 million (UNHCR, Statistical Online Population Database). *Mujahedin* ranged from traditionalist groups to minority Shi'a groups and the more fundamentalist Islamist groups. In addition to the civil war, Afghanistan

faced a new crisis: an economy based on drug production, a country with full of weapons and a devastated civil society. (Edwards, 2010: 974)

4.2.3. The Taliban Period

After the withdrawal of the Soviet forces, Najibullah managed to remain in power until 1992 and fought against *mujahedin*. However the collapse of the Soviet Union decreased Moscow's capacity to support Najibullah government and in 1992, the ethnic Tajik branch of *mujahedin* forces seized the power in Kabul. Burhannudin Rabbani, head of the Islamic Society, a largely Tajik party, was declared President of the Islamic State of Afghanistan in July 1992. Though he would only serve until December 1994, he did not step down from power. While Afghanistan was traditionally governed by the domination of Pashtuns, the Pashtun resistance forces, supported also by ethnic Hazaras and Uzbeks, did not accept a Kabul ruled by Tajiks. This increased tension among other *mujahedin* factions, especially so called Prime Minister Gulbuddin Hikmatyar (a Pashtun) accused Rabbani of monopolizing power. (Katzman, 2009: 52)

In 1994, a movement emerged named as Taliban (students). The Taliban were mostly sons and orphans of *mujahedin*, raised in refugee camps in Pakistan (*Modern History*). It was composed by rural Pashtuns from Kandahar, who were educated in the Sunni religious schools of Pakistan, supporting a strict implementation of *Shari'a* (Islamic law). Taliban quickly gained power in Pashtun areas of the country with the support of Pakistan and there was also a popular

support for Taliban with the hope of ending the factional fighting. In 1998 the Taliban movement already controlled most of the country and *Shari'a* law was put in practice. (De Bree, 2008: 4; Katzman, 2009: 52) The Taliban regime was led by Mullah Muhammad Umar. He became the head of State and had close relations with Osama bin Laden, who was the head of the jihadist organization of al Qaeda. Taliban regime lost international and domestic support because of its strict adherence to Islamic customs and harsh punishments and executions to enforce strict Islamic practices. Umar banned television, Western music, dancing and female attendance to schools and working outside the home. (Katzman, 2009: 52) Meanwhile, Rabbani, head of the Islamic Society, joined an opposition alliance, the United Islamic Front for the Salvation of Afghanistan (Northern Alliance). Fighting continued between the Northern Alliance and Taliban between 1997-2000 and caused new forced displacements. Number of Afghan refugees reached to about 3.8 million in 2001 (UNHCR, Statistical Online Population Database).

In sum, the withdrawal of the Soviet forces and its decreasing support to the Najibullah government caused a power vacuum in Afghanistan. With the weakening of the common enemy, the remaining power centre, namely the *Mujahedden*, turned to have ethnic divisions and unrest within itself. The overwhelming success of the Pashtuns under the organization of Taliban with a fundamentalist view of Islam deepened the unrest and division in the country. In 1997, a civil war began between the two major ethnic groups, Pashtuns and Tajiks, which caused a new mass flow from Afghanistan.

4.2.4. The post 9/11 Period

The U.S. accused the Taliban regime of providing a safe haven to al Qaeda terrorists, whom the U.S. held responsible for 9/11 terrorist attacks. Thus, the U.S. and its allies supported Northern Alliance to remove the Taliban regime from Afghanistan. US started to supply arms to the Tajik *mujahedin* resistance forces and started Coalition attacks on 7 October 2001. (De Bree, 2008: 4) After the removal of the Taliban regime, Agreement on Provisional Arrangements in Afghanistan Pending the Reestablishment of Permanent Government Institutions, known as the Bonn Agreement was signed on 5 December. As a peace agreement, it aimed to establish a democratic government in Afghanistan. Hamid Karzai has been installed as the new leader of the Interim Administration in Kabul. In sum, the U.S. and its allies intervened on behalf of one party of the civil war, as the Soviets did on behalf of the Communists about twenty years ago.

However there was no agreement between the parties and as a result “progress with reconstruction, rehabilitation and peace-building has been relatively unsuccessful” (Bialczyk, 2008: 14). After the fall of the Taliban regime in October, the U.S. invited Northern Alliance and major Afghan factions except Taliban leaders to the conference in Bonn (Katzman, 2009: 56). That’s why, one can not regard Bonn Agreement as a peace agreement that put an end to the internal conflict. For example, the AI did not regard Afghanistan in 2003 as a country that has crossed over into a post-conflict situation (Amnesty International, 2003: 20). Indeed, in 2003 and 2004, several local clashes between groups supporting different warlords were reported (Danish Immigration Service, 2004:

6). As another example, UNHCR referred the year 2007 as the highest number of security incidents since the fall of the Taliban (UNHCR, 2007: 7). In other words, the U.S. and its allies could not pacify the internal division and unrest within Afghanistan. The ongoing insecurity both deepened the low *internal capacity* of the country and hampered the effectiveness of 4Rs activities, conducted in Afghanistan.

The external intervention on behalf of one side resulted in a regardless support on every anti-Taliban groups, which caused various power centres within the government. Nojumi *et.al.* (2009: vxii) indicate that significant number of Afghan warlords and former militia commanders have integrated into powerful government positions at national and provincial levels. Weakness of the central government provided them the possibility of maintaining their criminal networks and ethnic-based factionalism within government. They enjoy both having the most powerful blocs in the government and access to resources from international assistance. Thus, Nojumi *et.al.* (2009: vxii) further argue that the warlords and former militia commanders constitute a considerable threat to the reformist officials within the government.

Continuing armed conflict between Afghan/international forces and Taliban groups decreased the *internal capacity* further by preventing access to health care, education and humanitarian aid especially in south and south-east of the country, where Taliban forces have been particularly dominant (Amnesty International, 2010). In April 2002, the U.S. and its allies met in Geneva to address threats to Afghan security and established a security reform strategy. Accordingly, the U.S. would train the Afghan National Army (ANA) and

Germany would lead reconstitution efforts of Afghan National Police (ANP). (Katzman, 2009: 4) The International Security Assistance Force (ISAF) was deployed in 2001 to assist the Afghan government in the maintenance of security in Kabul. However, its main aim was to enable the Afghan authorities as well as the UN personnel to operate in a secure environment, rather than providing security for civilians. In August 2003, NATO took command of ISAF and its mission was expanded to outside of Kabul. NATO's primary objective in ISAF is to transition responsibility to the Afghan National Security Forces by focusing on training, advising and assisting the Afghan forces. Thus, ISAF is not mandated for providing security of the Afghan local people but its mission has an indirect effect on civilian security, through enabling the Afghan government to provide effective security across the country. (NATO, *ISAF's Mission*) In July 2011, the Afghan transition process started and was planned to be complemented by the end of 2014. By April 2012, ISAF completed the first and second phases of transition and gave responsibility to Afghan national security forces in 17 out of the 34 provinces. (World Bank, 2012b) Despite the transitional process, there are concerns about the future security of Afghanistan, given the existence of the Taliban forces within the country.

In sum, Afghanistan has a history of short reigns until 1933, a relatively stable and capable period under the reign of King Zahir Shah, coup d'états and foreign interventions. In 1994, Taliban movement, dominated by Pashtuns, gained control in almost all the country and has been accused by providing support to terrorist organization al Qaeda. However Taliban is still active in southern and southeastern provinces of Afghanistan.

The short-termed governments due to several coup d'états, civil wars due to the ideological divisions between the Communists and Islamists, foreign interventions by the Soviet Union and the U.S. and ethnic divisions between Pashtuns and Tajiks were identified as the factors that weakened the *internal capacity* of Afghanistan to provide security within its borders and to provide basic public services to its own citizens. The same causes of the country's low *internal capacity* constituted also the roots of the forced displacements in Afghanistan. During its history, Afghanistan produced mass refugee flows, mainly to Pakistan and Iran and became the largest refugee-producing country since 1979. The first forced displacement from Afghanistan occurred in 1978 due to the armed revolt against communists by the Islamists and ethnic leaders. The second wave of the forced displacement was between 1989-92 as a result of the civil war between the Najibullah government and the *Mujahidden*. The civil war from 1992-1996 because of the ethnic tension between Pashtuns and Tajiks caused the third wave of forced displacement. The last wave of displacement occurred until 2001 due to the rise of Taliban movement.

Accordingly, UNHCR together with its implementing partners has conducted its strategy of prevention and solution and the 4Rs program in the country, namely Repatriation, Reintegration, Rehabilitation and Reconstruction. Before examining their effectiveness through quantitative analysis, the next part of the chapter will provide brief information on the 4Rs activities in Afghanistan. Being conducted since 2002, the 4Rs operations aim to increase the effectiveness of international refugee regime by building the *internal capacity* of Afghanistan through humanitarian, economic, military and development aids.

4.3. 4Rs Activities of UNHCR and its Implementing Partners

Recalling the shift in the understanding of effectiveness from reactive to proactive policies, as examined in Chapter 3, UNHCR shifted its activities mainly to countries of origin by being directly present in Afghanistan. This part examines 4Rs activities of UNHCR and its implementing partners to increase the effectiveness of international refugee regime in Afghanistan.

4.3.1. Repatriation¹³ Activities

Voluntary repatriation is among the solutions, mandated to UNHCR and it became the preferred option for UNHCR in its Afghan refugee operations. To ensure the integrity of the repatriation process, UNHCR signed tripartite agreements with major host countries Pakistan and Iran. It also signed such agreements with non-neighboring countries, including United Kingdom, the Netherlands, Norway, Denmark, Switzerland, France and Sweden. UNHCR provides repatriation assistance for Afghan refugees in cooperation with the Ministry of Refugees and Repatriation. UNHCR has the supervisory role in the repatriation process, facilitating safe and dignified returns. It monitors encashment centres¹⁴ and ensures the voluntary nature of returns. UNHCR also provides

¹³ Since the voluntary character of mass repatriations is questionable in general, the study refrains from defining repatriations from Afghanistan as ‘voluntary repatriations’.

¹⁴ Encashment centres are centres that Afghan returnees should visit to receive the transportation and reintegration cash assistance. At these centres, returnees also have access to a variety of services, such as landmine awareness training, basic medical assistance and legal aid. (UNHCR, Voluntary Repatriation Leaflet, 2009)

information to Afghan refugees on the current situation of Afghanistan through mass information projects, to ensure that refugees are fully informed before their decision to return. It also provides cash grants – though as a timely and short-term aid – for the transportation and initial reintegration assistance for the returnees under the voluntary repatriation program. (UNHCR, 2009b)

In the case of Afghanistan, UNHCR began its voluntary repatriation operation in March 2002. In total, over 5.7 million Afghan refugees returned home by the end of 2012 and over 4.6 million of them received assistance from UNHCR. (UNHCR, 2012a: 1) Since the strategy of prevention and solution requires post-repatriation activities in its nature, UNHCR and its implementing partners also operate reintegration, rehabilitation and reconstruction activities in Afghanistan. Thus, the remaining of this part will examine the last 3Rs.

4.3.2. Reintegration Activities

UNHCR has increased its activities in the country of origin in terms of both ensuring sustainable returnee reintegration and IDP protection since 2002. UNHCR also entered a Partnership Agreement with the Afghan Independent Human Rights Commission in 2005 with the aim of addressing human rights problems in a more efficient manner. It entered another partnership with the Norwegian Refugee Council to address legal safety issues arising during the process of voluntary repatriation (*Protection Leaflet*: 2-3). In addition to UNHCR, a variety of IOs/NGOs have activities in Afghanistan, such as UNDP, IOM, UN

Assistance Mission in Afghanistan, World Bank Coordination of Humanitarian Assistance, Human Dignity Society and New Noor Rehabilitation Organization, to list some of them (UNHCR, 2011e).

To provide the sustainability of repatriation, UNHCR has developed “complementary programs such as Shelter & Water management, as well as Cash for Work projects (CFW), Income Generating Activities (IGA), and Vocational Skills Training (VT)”, particularly in the areas where job opportunities are scarce and community members are most vulnerable. (Altai Consulting, 2006: 56) UNHCR’s initial reintegration support is to provide cash grants, shelter, water and some income-generation and vocational training activities. Cash grants constitute the bulk of UNHCR expenditures and Ministry of Refugees and Repatriation (MoRR) is its biggest national implementing partner. In terms of shelter, UNHCR provides the construction materials and beneficiaries have to provide labor for construction under a self-help scheme. (OIOS, 2009: para.3-5)

To prevent IDPs becoming refugees abroad, UNHCR pursues and advocates for local integration in cooperation with the Afghan national and provincial authorities, especially on the issues related with shelter, land for agriculture and access to social services. According to UNHCR data, 493,556 IDPs were assisted by UNHCR to return from 2002 until 2009, which means nearly 30% of the total IDP population during those years. UNHCR return and reintegration assistance for the IDPs includes medical screening prior to travel, transportation means, transit support and initial reintegration support. (UNHCR, 2009a).

In 2011, UNHCR began a new project aiming to provide comprehensive development assistance to areas with high refugee returns. The difference of this pilot project lays on its focus on village by village through a package program. Only after finishing one village's development, another village is focused for the development program. This project has the benefit of pooling resources and directing them to one area of high refugee return. UNHCR has identified 48 Areas of high return areas across Afghanistan to implement this project. (IRIN news, 27 February 2012)

4.3.3. Rehabilitation Activities

While there are many rehabilitation projects in Afghanistan, the study will only illustrate some examples of them to give a general idea on the rehabilitation projects in the country. Decades of conflict destroyed Afghanistan's infrastructure such as roads, bridges and crucial buildings including schools and hospitals. Emergency Infrastructure Rehabilitation and Reconstruction Project by Asian Development Bank aims to rehabilitate 447 km primary national roads, power transmission lines in the northern provinces and gas production, transmission and distribution facilities in Sheberghan. Such projects are an attempt to push economic development and reduce poverty through generating employment opportunities and increasing access to basic services. (Asian Development Bank, 2012: 4)

The US Agency for International Development (USAID) launched the Afghan Infrastructure and Rehabilitation Program in 2006. It mainly aims to provide economic recovery and political stability through rehabilitation of essential physical infrastructure in Afghanistan. (Louis Berger Group) Under this program, nearly 2000 km road has been constructed, a capacity building program was launched to teach road construction and maintenance techniques to the local staff. The program has created more than 16,000 jobs in the region and has positively impacted the lives of an estimated 9 million people. (*Afghanistan Infrastructure Rehabilitation*)

4.3.4. Reconstruction Activities

The reconstruction efforts in Afghanistan mainly aim to rebuild key governance institutions. In an interview with IRIN (3 February 2004), Javier Solana, the European Union (EU) High Representative for the Common Foreign and Security Policy stated that the EU set the full implementation of the Bonn Agreement, assistance to Afghanistan to become a fully-fledged member of the international community as a democracy as political priorities.

One of the goals of the reconstruction of Afghanistan is the reconstitution of the ANP, which began in February 2002. The ultimate goal is to establish a multiethnic, sustainable police service committed to the rule of law, protecting the right of citizens and maintaining civil order. (Katzman, 2009:6) UNDP has played an important role in the process of rebuilding civilian police, believing that ANP

has “the potential to contribute to regional and global security” and to serve as a symbol of national identity (*State Building and Government*, 2008:6)

One of the crucial implementing partners of UNHCR in Afghanistan’s reconstruction is UNDP, particularly on disarmament, institution building, security sector reform and rural development. In 2005, UNDP began to focus also on state building, democracy and civil society empowerment and sustainable livelihoods. UNDP has three basic aims in Afghanistan, namely enhancing government’s ability to deliver public services, consolidating a participative democracy including a responsible civil society and creating a secure environment for sustainable livelihoods. (*State Building and Government*, 2008:3)

UNDP’s Afghanistan Sub-national Governance Program aims to restructure and rationalize government machinery to ensure a fiscally sustainable political administration. UNDP also aims to reform civil service functions of the government to reflect its core functions and responsibilities. UNDP’s Capacity for the Afghan Public Service Program aims for capacity development in Afghanistan. It has developed a novel approach of coaching and mentoring Afghan civil servant both at national and sub-national levels. (*State Building and Government*, 2008:13.18)

Security Council established a political mission in 2002, the UN Assistance Mission in Afghanistan (UNAMA), to assist the Afghan government for sustainable peace and development. It has rather a pro-active role, promoting peace and stability in Afghanistan by leading international community, regional cooperation and the work of all UN agencies, funds and programs. (*Mandate*, UNAMA)

In Afghan reconstruction efforts, World Bank is an essential implementing partner of UNHCR. The Bank aims to expand rural programs in the areas with high returns to create economic outputs and poverty reduction. (World Bank, 2013: xvii) As of April 2012, it has 25 active projects in Afghanistan and by the end of October 2012, the Bank provided more than \$2.35 billion for development and emergency reconstruction projects (World Bank, 2012b).

UNICEF is also one of the leading partners of the Afghan government and the leading one for the reconstruction of education sector since 2002. UNICEF provides teaching and learning materials to instructors and students, work to increase school enrollment, establishes community based schools and accelerated learning centres and literacy centres. (UNICEF, 2011) In addition to the school enrollment of millions of boys and girls, thousands of government judges have entered into legal training. Together with education, newly established private radio stations, TV channels, and print media have enabled the civil society in Afghanistan begin to expand. (Nojumi *et.al.*, 2009: xv) Thus, USAID funded an initiative to increase the role and viability of civil society. In this effort, organizations showing potential to be sustainable and effective have been support by capacity-building training programs. However, Nojumi *et.al.* (2009: xxi) argue that such initiatives failed to cover rural Afghanistan and institutions could not become sustainable in the select urban centers.

In sum, UNHCR and its implementing partners have conducted 4Rs activities in Afghanistan since 2002. The main aim of 4Rs activities has been to increase the effectiveness of international refugee regime in Afghanistan through providing durable solutions to Afghan refugees and preventing the reoccurrence of

new mass flows. The next part will question whether international refugee regime was effective in Afghanistan during 2002-2011 through examining 4Rs activities.

4.4. Effectiveness of International Refugee Regime in Afghanistan: A Quantitative Analysis

Questioning the effectiveness of international refugee regime in Afghanistan through a quantitative analysis as explained in the research design of the study, this part examines, first, the repatriation as a durable solution by the sustainability of reintegration process. It then questions whether international refugee regime could prevent the reoccurrence of new mass flows from Afghanistan by 4Rs activities, as assumed in the strategy of prevention and solution.

4.4.1. Repatriation as a Durable Solution: Sustainability of Reintegration

As explained in the research design of the study, repatriation movements as a durable solution need to be sustainable in terms of the reintegration of returnees. This study will use three criteria to measure the sustainability of reintegration process: access to rights, access to employment opportunities and access to social services.

The indicators for the criterion of access to rights are whether all returnees have identity documents, whether they are allowed to vote and whether they are reports of security incidents towards returnees. Based on the data provided by a senior officer in Afghanistan (Online Interview, 23 October 2011), all returnees have individual identity documentation, are allowed to vote and no security incidents towards returnees, excluding any personal feuds and disputes. Peter Erben, chief electoral officer at the Afghan-UN Joint Electoral management Body, stated that in September 2005 parliamentary and provincial council elections, all returnees under the UNHCR's voluntary program had the opportunity to get voter registration cards for their province of residence. However, unofficial returnees could not get their registration cards in the absence of any proof of identity. (IRIN news, 30 September 2005)

The indicators for the criteria of access to employment opportunities and social services are the percentage of returnees with regular employment, shelter, health, education and clean water supply. According to the latest available data, covering one third of the assisted returnee population, only around 20% of returnees have regular employment (*Community-based Snapshot Survey*, 2011: 2). UNHCR has provided shelters over 216,000 since 2002 (Online Interview, 23 October 2011), which means 1,296,000 returnees have benefited from shelter and thus the rate of the returnees having adequate shelter is calculated as 23%. The snapshot survey (2011c: 3) reports that half of the returnee populations has only partial access to basic health services and only half of the returnee children have

full access to school.¹⁵ According to the survey (2011: 3), less than 20% of the returnee population has full access to clean drinking water. According to UNICEF data (UNICEF, 2011), total population with access to safe drinking is 48%, which is also relatively low, though higher than returnee's access. Table 3 summarizes the latest reintegration level of the Afghan returnees.

Table 3: Reintegration process of the Afghan refugee returnees, 2011.

	Indicator	Standard	Measurement in standard	Value	Measurement in value
Access to rights	Individual identity documentation	YES	1	YES	1
	Allowed to vote	YES	1	YES	1
	Reports of security incidents	NO	1	NO	1
Access to employment opportunities	Returnees with regular employment	100%	1	20%	0.20
Access to social services	Shelter	100%	1	23%	0.23
	Health	100%	1	50%	0.50
	Education	100%	1	50%	0.50
	Water supply	100%	1	20%	0.20
Total			8		4.63
					Reintegration process: 57%

Mohammad Hanif Atmar, the Afghan Minister of Rural Rehabilitation and Development stressed the huge challenges in rural areas of Afghanistan. He counted food security, access to health and education, lack of basic infrastructure

¹⁵ "The majority of returnee children living in central highlands attend school, but only around 5% of those living in the eastern region have similar access" (*Community-based Snapshot Survey*, 2011: 3).

and insecurity as the basic survival challenges for the communities in rural Afghanistan. (IRIN news, 4 July 2005) Regular employment opportunities are scarce for returnees. 80% of them have mainly partial or full access to irregular employment and 75% of returnees have no access to regular employment (MoRR, 2012: 2).

In government controlled areas, access to healthcare system has increased. In 2001, only 9% of Afghans could access to public health while the percentage increased to 65% by the end of 2010. (Amnesty International, 2011: 6) Indeed, international assistance has improved health care system to a considerable degree by establishing a public health institute, developing primary and secondary care and reforming the Ministry of Health. However, there are still important gaps both in the presence of health facilities and in their access by the population. In southern Afghanistan, it is estimated that there are one health centre per two hundred thousand residents. (Nojumi *et.al.*2009: xix) According to IRIN news (1 November 2012), nearly 30% of the population has no or very poor access to primary health care but in areas of conflict, it is estimated to increase to 70%. Thus, as average, 50% of the population is accepted to have access to healthcare facilities, which supports also the UNHCR survey among returnee population. Lack of access to health facilities causes also increase in opium consumption. Unfortunately, the Afghan people, especially women, use opium as a pain killer. (Nojumi *et.al.*2009: xx)

Enrollment in primary school increased dramatically, though it still does not cover the whole population. In 2001, the number of children, enrolled in school was 900.000 and girls' enrollment to school was around 5000. In 2011, 7

million children were enrolled to the school and 2.5 million of them were girls. Despite these numbers, however, rates of dropping out or absenteeism remain very high, namely 22% for girls and 11% for boys. (Amnesty International, 2011: 6) According to UNICEF data (2011), there are still 2.5 million girls out of school. As will be shown in the qualitative analysis, primary reasons for low female enrollment are identified as insecurity and socio-cultural and religious conservatism.

Table 3 attempts to show the latest situation of the reintegration process in Afghanistan by 2011. According to the findings, during 10 years, 4Rs activities are able to integrate only 57% of the returnees in general. In terms of economic and social rights, a considerable majority of returnees do still not have regular employment, adequate shelter, health services, education and clean drinking water. The percentage is even lower in the criteria such as access to regular employment (20%), access to adequate shelter (23%) and clean water (20%). A UNHCR survey, conducted during 2011, also supports this finding. UNHCR survey covered 30% of the UNHCR-assisted refugee returnee population in Afghanistan and found out that more than 43% of them failed to reintegrate and have poor living standards. (UN, 2012: 11) While UNHCR's own standard for success is full reintegration (100%), it is regarded that international refugee regime has failed to promote sustainability of reintegration. It seems that reintegration of the Afghan returnees failed to be sustainable, mainly because of the low *internal capacity* of the country, namely poor access to basic services, lack of basic infrastructure and insecurity at the state level. The next part examines whether UNHCR's 4Rs activities in Afghanistan have managed to prevent occurrence or recurrence of

mass refugee flows in terms of diminishing the numbers of asylum-seekers and IDPs.

4.4.2. Prevention of the New Mass Flows

The number of asylum seekers from Afghanistan decreased steadily (56%) between 2002-2006 and have increased (%69) since 2006, as shown in Figure 1. In 2011, the number of asylum-seekers reached 43.440, which means a big increase of 12.548 people (40%) in comparison with the date on 2002. In the absence of sustainable reintegration, the number of asylum seekers is likely to continue increasing. Because access to land or housing and employment are indicated as the key factors and root causes for secondary flow. A recent survey by the Post-war Reconstruction and Development Unit of University of York (2012: 39) demonstrates that insecurity (39%), lack of income opportunities (36%), better services and conditions (19%) in their home of origin as their main drivers of displacement. Accordingly, it is estimated that 91.000 people fled their homes in the first five months of 2011, an obvious increase compared to 42.000 for the same period in 2010. Since the increased insecurity is an important cause for the increase in displacement, it is expected that the withdrawal of international forces from Afghanistan in 2014 would also cause further displacements. (The Study, 2012: 41)

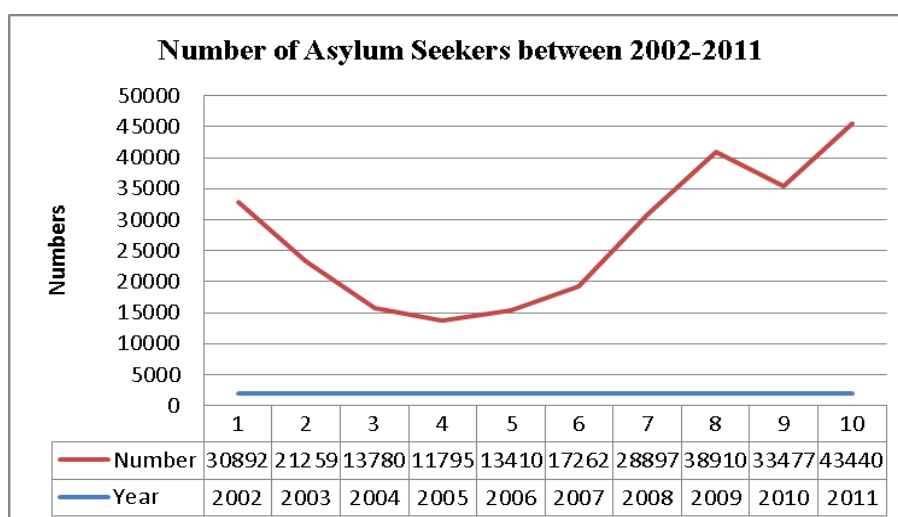


Figure 1: Asylum-seekers, originating from Afghanistan, 2002-2011¹⁶

The sustainability of repatriation is also closely linked to prevention of further displacements. The failure in providing sustainability of repatriation in Afghanistan means majority of the population lacks access to basic services. This would also increase the potential for further displacements. A recent UNHCR survey (MoRR, 2012: 2) finds out that 44% of the rural secondary migration are directed to foreign countries and the remaining to urban. The survey indicates the search for employment as the primary motive for the secondary migration of rural communities. Inadequate shelter and landlessness and food shortages constitute the secondary reasons. In the southern provinces, poor security becomes the main motivation and 63% secondary migration in the South are directed to foreign countries, mostly to Pakistan (63%) and Iran (30%).

¹⁶ The data for Figure 1 has been extracted from UNHCR Statistical Online Population Database.

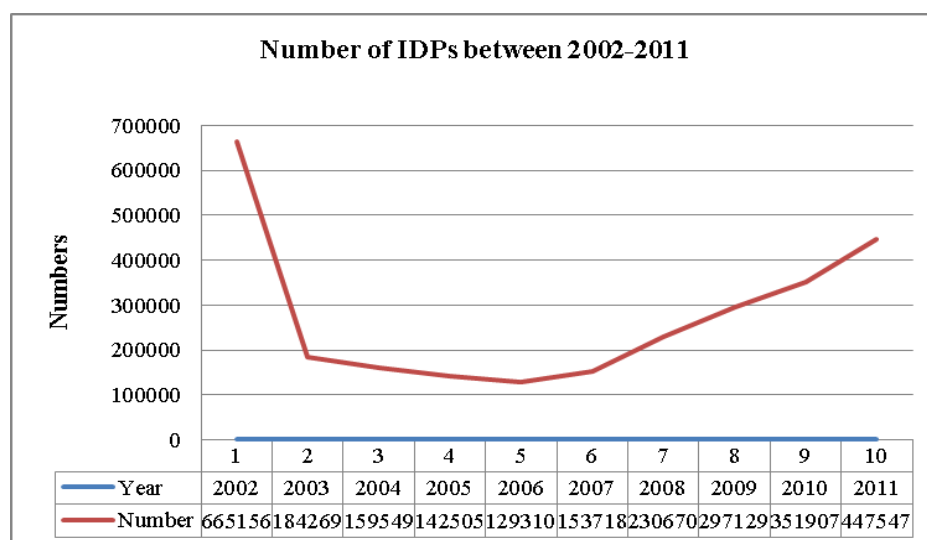


Figure 2: Number of IDPs in Afghanistan, 2002-2011¹⁷

In addition to the prevention of the asylum-seekers, the study questions also the change in number of IDPs. Because in addition to preventing secondary movements, another core aim of the prevention strategy is to prevent IDPs to become refugees through increasing their access to basic services. IDPs in Afghanistan indicate three major protection priorities, namely employment, food and water and housing. However, a recent survey conducted by Norwegian Refugee Council (2012: 7) shows that unemployment rates are below national averages and only less than a tenth of IPDs have received employment assistance. IDPs experience food shortage, spend over three quarters of their income on food and have still nutritional deficiencies as those displaced 10 years ago. Water is also in short supply. As Figure 2 shows, number of IDPs in Afghanistan decreased 30% between 2002-2011. However number of IDPs increased dramatically between 2006-2011. In 2006, number of IDPs was 129.310 and in 2011, it increased to 447.547 with a sharp increase of 246%.

¹⁷ The data for Figure 2 has been extracted from UNHCR Statistical Online Population Database.

In sum, examining the two goals of UNHCR's strategy of prevention and solution, the analysis first concludes that international refugee regime has failed to reintegrate Afghan returnees fully to provide the voluntary repatriation as a durable solution. Instead only half of the returnees have been reintegrated in general sense. The section, second, finds out that the goal of prevention of new mass flows or secondary flows could not be fulfilled. Especially since 2006, an increase of 44% has been observed for the number of asylum seekers from Afghanistan and a dramatic increase of 246% has been observed for the number of IDPs. The study concludes that the reasons of failure in prevention are unsustainable process of reintegration and the ongoing insecurity. These reasons are also among the main characteristics of countries with low *internal capacity*. Based on the findings of the qualitative analysis, it is concluded that international refugee regime has not been effective in Afghanistan, mainly because of its low *internal capacity*. In other words, the Afghan case shows that the effectiveness of 4Rs activities are hindered by the factors that 4Rs activities intended to overcome, namely low *internal capacity*.

The next section will first question the main social conditions in Afghanistan that lead the Afghan people cooperate with or resist 4Rs activities. Identifying these conditions will enable the study to provide tentative principles to shape them in accordance with the regime activities. Second, it will question the nature of the relations between the Afghan government and international community to identify factors that shape this bilateral relationship. The aim, here, is to provide incentives to international community to increase the cooperative nature of the relations with the government. Last, it will examine how 4Rs

activities are perceived by the Afghan people again to identify the factors that shape their perceptions. This will enable the study to make suggestions to international community to increase people's support for their activities. This qualitative analysis aims to provide incentives to UNHCR and its implementing partners to increase regime effectiveness in Afghanistan as a country with low *internal capacity*.

4.5. Conditions to Increase Regime Effectiveness in Afghanistan: A Qualitative Analysis

4.5.1. Social Conditions

A senior officer in Kabul (Online Interview, 30 January 2013) states that current volatile and dynamic socio-economic conditions prevent any program to be fully effective and consistent with the social conditions of Afghanistan. Since 4Rs activities are largely donor-driven, donors' preferences mostly shape the level of attention to such aspects of the environment. However it is still attempted as much as possible to be consistent with the social conditions of Afghanistan and work under the given political climate to adequately support and assist the socio-economic needs of its people of concern. In Afghanistan, main social conditions that prevent the effectiveness of 4Rs programs are identified as the lack of security for years and socio-cultural and religious conservatism. Thus, it might be argued that contrary to the neorealist claim of the importance of states' power capabilities

within the anarchical system This study supports the importance of the unit level characteristics such as social conditions in making implications for regime effectiveness. Thus, identifying such characteristics can provide incentives to regimes' institutions to increase regime effectiveness in countries with low *internal capacity*.

As Cole (2012) stresses, conventional development efforts that have worked in elsewhere can not be functional in volatile regions like Afghanistan. For example, demobilization efforts for small arms to increase security level for returnees and local people became ineffective in Afghanistan. Because the lack of security for long years created a culture of bearing arms to provide security in the absence of distrust in central government and national security forces. An in-depth report on the small arms (Guns out of Control, 2006: 24) quoted Abdul Hamid Mubarez, former deputy Minister of Information and Culture, stating that “many people feel obliged to keep guns for their personal safety because of a lack of security”. It is also stated in the report that Afghanistan is still an ungovernable land of local power struggles and traditional law is still maintained by village courts and the use of guns. Thus, as will also be illustrated in the Iraqi case, there is a culture of bearing arms in Afghanistan, which are perceived as necessary for providing security.

Insecurity has also implications for parents' decision on education of their children. Attacks of Taliban insurgencies on schools lead parents prefer their children to be illiterate but alive. (Nojumi *et.al.*2009: xviii) In the Afghan case, insecurity can prevent children access to schools in a general sense, regardless of male or female enrollment. However, as the Iraqi and Sudanese case will show,

insecurity can have also specific implications for girls' attendance to school. Having a *a priori* assumption on states' *internal capacity*, neorealists do not question whether state can provide security within its borders. Accordingly, they focus on the states' feeling of insecurity at the system level and argue that the anarchical nature of the international system constrains states to cooperate with international regimes. However, the Afghan case shows that in states with low *internal capacity*, there can be feeling of insecurity among society at the state level, which in return prevents cooperation of people with 4Rs activities. In other words, similar to the feeling of insecurity at the system level, the feeling of insecurity at the state level can prevent people's cooperation with the regime activities, as in the example of Afghanistan. Thus, providing civilian security can increase the regime effectiveness in countries with low *internal capacity*.

The suspicion among the Afghan society, due to socio-cultural and religious conservatism, is also likely hindering the effectiveness of a health project. Recently, WFP and the Global Alliance for Improved Nutrition began a new project. It aims to reach 15 million Afghans with fortified foods. It will fortify wheat flour, vegetable oil and ghee "to reduce the prevalence of vitamin and mineral deficiencies among the general population and vulnerable groups such as children under five and women of reproductive age" (WFP News, 8 September 2012) Regarding the project, however an Afghan analyst states that

Are Afghans prepared to eat this food? How are you going to convince people that something added to their food is good for them? Afghanistan is full of conspiracy theories. And then there is corruption; how can this be implemented so those who buy the fortified wheat flour are not taking it out of the bag and filling it with other flour? In a large project like this, mullahs [religious leaders] and tribal elders need to be key advocates, otherwise it won't work. (IRIN news, 4 October 2012)

Thus, the Afghan people can trust religious leaders and tribal elders more than their government. Due to socio-cultural conservatism, there is suspicion on government and involvement of international NGOs within a project can not always be sufficient enough to build people's trust. So the involvement of religious leaders and tribal elders can support trust-building activities in Afghanistan, 4Rs projects are more likely to be effective through people's acceptance and support. In other words, norms including shared ideas, expectations and beliefs as defined by Finnemore and Skkink (1998) can be subject to change as constructivists argue in the literature review. And this study proposes the inclusion of religious leaders and tribal elders in addition to government, to the trust-building and awareness raising activities to increase people's support to 4Rs activities.

Many Afghan families do also not allow their girls to continue their education beyond primary school due to socio-cultural and religious conservatism, as the Iraqi case will also illustrate. In an IRIN interview (13 October 2003), Nadya, a female teacher in the southeastern province of Paktika, said that Afghanistan is a conservative society and there would be more girls at schools when there were more female teachers. There is also a low level of awareness on the benefit of education in the public. "Some families still say if their daughters study higher classes they will forget their cultural values. Many parents still prefer their daughters to learn traditional embroidery and handicrafts rather than literacy and other subjects." In 2004, Karin Sham Poo, UNICEF deputy Executive Director stated that UNICEF has worked with religious leaders and the Ministry of Religious Affairs. The reason for working with them is to reach the ordinary man

and woman and convince them for the equal participation of girls and boys in primary schools. UNICEF is also aware of the importance of school location closer to home and of the female teachers in schools especially for the participation of girls to the school. Thus, it talks religious leaders to create learning spaces at the community level. (IRIN news, 5 April 2004)

In sum, unit level characteristics such as social conditions including the ongoing insecurity for years and socio-cultural and religious conservatism decrease the effectiveness of 4Rs activities in Afghanistan. Thus, social conditions in Afghanistan can not support the activities on disarmament, health and education, as the exemplified areas in this section. First, the ongoing insecurity together with the distrust in national government and national security forces decrease the effectiveness of disarmament activities to increase security in Afghanistan. Second, again the feeling of insecurity and socio-cultural and religious conservatism hinder the effectiveness of reintegration activities for female enrollment. Last, suspicion among local people on projects due to socio-cultural and religious conservatism is likely to decrease effectiveness of the project on improved nutrition. These implications, derived from the analysis of social conditions in Afghanistan will provide insights for the tentative principles, to be proposed in Chapter 7.

The next part will question the nature of the relations between the Afghan government and international community, namely the UN agencies, international NGOs and their national partners and donor states. While they are mostly related with the conditions within state, the factors that shape the nature of this bilateral relationship are regarded among the unit level characteristics. Because. Identifying

these factors will enable the study to provide incentives to international community to increase regime effectiveness in Afghanistan.

4.5.2. Nature of the Relations between the Government and International Community

Since the nature of relations between the government and international community is presumed to be determinant in the effectiveness of 4Rs activities, this section will attempt to analyze relations between the Afghan government and international community based on the views of both international community and the Afghan officials. This study identifies the critiques towards the corruption within government, allegations of the involvement of government officials in the opium trade and working difficulties in Taliban-controlled areas as the factors that determine the nature of the relations of international community with the Afghan government. It also finds out that complains of the Afghan officials about the insufficient level of support, lack of authority to use international aid and dependency of the government on foreign aid as the factors that shape the nature of the government's relation with the international community.

There are both political and administrative corruptions in Afghanistan. On the one hand, political corruption has visible negative impacts on political decision-making and good governance in the country. On the other hand, administrative corruption has impacts on the lives of Afghans by limiting their right to access public services and eroding their trust in government. (UNODC,

2012: 3) Thus, as will also be illustrated in the Iraqi case, it might be argued that corruption is a common problem in Afghanistan. Accordingly, the UNSC mission to Afghanistan calls on the Afghan government to address corruption among its officials and the judiciary in a more effective way. (IRIN news, 7 December 2006)

Being related with corruption, opium cultivation is also a major issue in Afghanistan and makes up an estimated 50% of the actual GDP (Nojumi *et.al.*2009: xx). The UNODC has the role of strengthening the capacity of criminal justice system to enable the government to deal with the opium trade. Doris Buddenberg, head of UN Office on Drugs and Crime (UNODC) stated that there are allegations for the involvement of key government figures in the opium trade in Afghanistan. Thus, corruption in the government as a recognized problem can prevent the effective implementation of a drug-control strategy. (IRIN news, 30 November 2004)

Antonio Maria Costa, executive director of the UNODC also expressed his concerns on the opium trade and argued that it is the opium trade that corrupts officials and demonstrates that the government is inefficient. Thus, he argues that a centre of gravity for the responsibilities and institutions should be built together with a coalition of honest people to fight against corruption. (IRIN news, 2 August 2004)

As the Iraqi case will also show, states with low *internal capacity* can have corruption problem, which can in return diminish the effectiveness of international regimes. When the corruption problem once exists, it is also likely that choices of political leaders and elites are shaped by their individual interests. Making policy decisions by individual interests rather than national interests, can in return damage the cooperative nature of the relations between the government and international community.

In addition to corruption and opium trade, international community has difficulties to work in Taliban-controlled areas. Taliban leaders mostly oppose to aid missions when they think they are linked to international military operations or seen to counter Afghan traditional values. Qari Yousuf Ahmadi, a Taliban spokesman stated that Taliban is not against health facilities as long as they obey the Islamic law. He said that they welcome and support them when they come to treat poor people. (IRIN news, 14 January 2009) According to IRIN news (12 December 2012), the UN agencies have contact with the Taliban groups with the aim of delivering humanitarian aid. A major problem in Afghanistan is that there are a lot of fragmentations, which are operating quite autonomously. Robin Waudo, the ICRC spokesman in Afghanistan, told IRIN (12 December 2012) that there is not one single body in Afghanistan to deal with. There are armed ethnic gangs, village protection forces and semi-official militia, which complicate the delivery of aid. Thus, as IRIN news (5 April 2013) stated, the war in Afghanistan is more than a fight between Taliban insurgent groups and the government and the international forces. There are in reality local armed groups, who frequently operate in a kind of grey area between and among these sides.

Apart from critiques towards the Afghan government, international community makes also self-critiques¹⁸. According to the aid workers in Afghanistan, billions of dollars of aid have not been spent based on needs but instead driven by short term political and military aims. Laurent Saillard, head of the European Commission's humanitarian aid arm in Afghanistan, admits that humanitarian community is partly to blame while it allowed the government to

¹⁸ The 'self' in the concept of self-critique will be used within the broad definition of international community, namely UN agencies, international NGOs, donor countries and international security missions.

defer its responsibilities. Because the Afghan government have used the excuse of lack of capacity and kept the right actors outside the game. (IRIN news, 30 January 2012) Analyst Barnet Rubin (IRIN news, 20 June 2006) also criticizes international actors in putting primary emphasis on military action and thus arming a large number of uncoordinated and mainly criminalized militias. This led the transfer of power from Taliban forces to a group of criminalized and armed groups. The leaders of those groups have been funded by the drug economy and there emerged huge centres of illegitimate power in these armed groups. Instead, international actors should have first form the government with political legitimacy before starting the military effort. An IRIN analysis (*Towards more sustainable solution*, 2012) also criticizes international aid. According to the analysis, the main reason of failure in getting the desired effect of international aid over the last decades is the priority given to political and military goals instead of humanitarian and developmental needs. These critiques together with the conditions in Afghanistan, examined above will provide incentives to the study in proposing tentative principles for the regime effectiveness.

Since the nature of relationship between the government and international community is shaped by both of the parties, the remaining of the section will examine the concerns of the Afghan officials on the policies of international community.

In general, the Afghan government has been pleased with the support of international community in reconstruction efforts and improving security situation in Afghanistan. Though, Afghan officials mostly find the support as being not enough and demand more, the Afghan officials seem to admit that international

aid is not a one-way relationship. Dr. Ashraf Ghani, the Afghan Finance Minister, told IRIN (28 August 2003) that the Afghan government should be accountable for the international aid, having measurable criteria of success in using this money. Thus, major improvements should be made in transparency, accountability, anti-corruption and management. However the Afghan officials have also critiques in terms of the level of support, the level authority given to the government and the dependency in the absence of economically self-sufficient Afghan government.

The Afghan officials are not satisfied with the level of support, given by the international community. Afghan leaders told the UNSC mission to Afghanistan that the government and international community failed to provide basic services, governance and security to rural communities. And this failure led in return increase in the Taliban insurgency. In relation with the insurgency within the state, they also criticized international community not to support the government enough to develop its own security forces. (IRIN news, 7 December 2006) Though they admit their failures in preventing insecurity and corruption, the Afghan officials blame the international community for providing insufficient resources. IRIN (18 October 2006) reports that Qadam Ali Nikpai, Public Information Officer at the Afghan Upper House of Parliament, says “our government is not even able to pay the salaries of its own employees or train enough police to maintain security, so how is it possible to tackle the problems of corruption and opium without firm support from the international community?” In an interview with IRIN (18 October 2006), Barnett Rubin also stated that international actors underinvested in security sector. According to him,

international actors did not fund adequately in rebuilding of administration and they delayed the reconstruction and development programs. Such delays prevented Afghan government to have enough capacity to implement the programs.

Mohammad Hanif Atmar, the Afghan Minister of Rural Rehabilitation and Development stated that the funding provided to the Ministry of Rural Rehabilitation and Development in 2005 was more than the money provided over the past 47 years. But it is still a drop in the ocean considering what is required in rural areas. (IRIN news, 4 July 2005) Habibullah Qadiri, the chief adviser to the Afghan government on refugees and returnees argued that there was also not enough humanitarian assistance by the donor countries for returnees. He stated that the Afghan government received US\$ 200 million for the return process in the previous years and in 2004 the funding was decreased to US\$ 100 million. He criticized the donors to be less interested in humanitarian assistance, which is crucial for the sustainability of return process and on the development of the country. (IRIN news, 28 December 2004)

The Afghan officials also criticize international community in terms of the level of support, provided to outside of Kabul, particularly to the rural areas. In 2003, Mohammad Ali Jalali, the Governor of southeastern border province of Paktika, stated that no reconstruction and development aid has taken place in isolated and unstable Paktika, where is deprived of any school, hospital and other essential services. (IRIN news, 16 October 2003) The WB prediction of that reduction in aid flow will have little impact on poverty levels proves this critique right. Because the WB argues that much of the aid was never targeting the poorest. (IRIN news, 26 March 2012)

In terms of the lack of capacity and authority, there are critiques towards both the government itself and international community. For example, in 2010, the Ministry of Public Health (MoPH) officials stated that the main problem in the health sector in Afghanistan is not little funding but ineffective spending and a lack of national institutional capacity. Saadia Fayege Ayubi, Director of Reproductive Health at the MoPH criticized the foreign agencies arguing that the MoPH has only a symbolic role with extremely low capacity. She stated that donors give money to NGOs and other implementing agencies and the MoPH could not even monitor the projects implemented by these agencies. (IRIN news, 9 June 2010) The report of the International Development Committee (2012) also indicates that massive aid effort bypasses the Afghan government. This in turn limits the ability of the government to build public services and strengthen its governance systems. The Afghan Government estimated that 82% of external aid between 2002-10 bypassed the government. However the report also states that the Afghan government does have a limited capacity for absorption. That's why much of the funding goes through the UN agencies and NGOs. The WB also admits that large aid flows have brought problems for Afghanistan in addition to its benefits. Afghanistan's national economy is heavily aid dependent. Civilian aid constitutes \$6 billion a year, nearly %40 of the GDP. Most of the aid is outside the government budget and directly delivered by donors. In 2010/11, the core budget was only \$1.9 billion (%12) whereas \$13.8 billion (%88) was the external budget, executed by donors and their implementing partners. (World Bank, 2012a: 1)

In sum, the Afghan government does mainly not have the governance capacity to cooperate with international community, particularly due to corruption

within government as a common characteristic in countries with low *internal capacity*. It is identified that corruption lead international community to bypass the Afghan government in the allocation of international funds and operation of 4Rs projects. This bypass tendency in return is likely to hinder the capacity-building process of governments further, by causing a vicious circle.

There are also critiques towards international community in terms of doing too much for Afghanistan rather than too little. President Karzai argues that the biggest part of the corruption in Afghanistan is imposed on the government by the foreign countries. He accuses foreigners of attempting to gain influence over the government through giving contracts to high-ranking Afghan officials. This, according to him, in return, paves the way for corruption. He argues that Afghanistan “is still depending on relations with foreign countries. In order to fight graft, we must reform our administrative system and make sure we pay enough salary to our employees and make sure their future is guaranteed”. (Radio Free Europe, 22 December 2012)

Astri Suhrke argues that adding more troops, more money and more consultants became counterproductive in Afghanistan. For example, external aid provided to Afghanistan is far beyond the absorbing capacity of the Afghan economy and constructed a dependent state with vulnerable foundations. Thus, Afghan elites have been given more incentives for corruption and they adopted their behaviors according to international donors instead of Afghan citizens. (Omestad, 2011) The report released by the Feinstein International Center (Fishstein, Wilder, 2012: 3) argues that the international aid is destabilizing Afghanistan by fuelling massive corruption and generating competition over aid

resources and conflict along factional, tribal or ethnic lines. Peter Graaff, Country Representative of the WHO told IRIN (12 October 2009) that the MoPH has only a small government budget to cover running costs and the major development projects and specific health projects are funded by international and multinational donors. Thus, Afghan public health system is a donor-dependent one, which threatens the long-term sustainability of the existing health services.

In sum, this section concludes that the nature of relations between government and international community are not cooperative and that there is a reciprocal dissatisfaction between Afghan government officials and international aid community in terms of provision of 4Rs activities. The factors that shape their relationship are identified for international community as corruption in Afghanistan government and allegations for the government officials' involvement in opium trade and fragmentation in Afghanistan due to the existence of Taliban controlled areas. The factors that shape government relations with the international community are identified as critiques towards the level of support, lack of authority to control aid spending, dependency on foreign aid.

This study seeks to examine the unit-level characteristics of Afghanistan to derive implications for regime effectiveness in countries with low *internal capacity*. In addition to social conditions, the nature of the relations between the Afghan government and international community are examined so far. The next part seeks to examine the perceptions of the Afghan people in order to give incentives to UNHCR and its implementing partners to increase people's support for 4Rs activities.

4.5.3. Perceptions of the Local People in Afghanistan

The Afghan people mostly welcome 4Rs activities of the international community and almost half of them have confidence in the activities of international and national NGOs. However more than half of them have still distrust in international community, mainly because of their belief on that international community serves its own interests rather than the Afghan people and that their distribution of international aid is unfair.

In 2004, Sima Samar, the head of the Afghan Independent Human Rights Commission (AIHRC) stated that in the beginning, there were allegations to prevent the increase in public awareness on human rights issues, arguing that the commission was against the Afghan culture and was instead spreading the Western culture. However in three years, perception of the Afghan people in AIHRC began to change positively, considering AIHRC as a platform to share their concerns and complaints. (IRIN news, 22 December 2004) In an interview with IRIN (17 November 2004), a disarmed female ex-combatant Bubany Khairandesh stated very positive views on the Disarmament, Demobilization and Reintegration (DDR) program. She believed that DDR is a good process serving for the prosperity of the Afghan nation.

Despite their welcome on the international community, it seems that Afghans have also distrust in international community. As will also be explained in the case of Iraq and Sudan, the feeling of distrust among local people can create adverse implications for the operation of 4Rs activities. Thus, it is important to identify the reasons of distrust are important in providing tentative principles to

increase effectiveness of international refugee regime in countries with low *internal capacity*. The main reasons of distrust in international community in Afghanistan are different than Iraq and Sudan. As will be shown in Chapter 5, main reasons of distrust among the Iraqi people in international community are the existence of fake local aid agencies, the belief on its contact with intelligence services and the Christian missionary activities. As will be illustrated in Chapter 6, the Sudanese people have distrust in international community because of a different reason, namely their unmet expectations from the presence of international missions. However, in Afghanistan, people's belief on that international community serves its own interests rather than the Afghan people and that distribution of international aid is unfair mainly create distrust among them in the international community.

According to the surveys conducted by the Asian Foundation Afghanistan Office annually, the percentage of the people who have a great deal or fair amount of confidence in international and national NGOs was stable at around 65% and 60% (Asia Foundation, 2007: 22; 2008: 24; 2009: 24). However in 2010 (p.10) and 2011 (p.69) surveys, a significant fall in confidence in NGOs were identified. Confidence of the Afghan people towards international NGOs decreased to 54% and in national NGOs decreased to around 55%. In 2011 survey (p.112) nearly half of the respondents (47%) think that officials in national NGOs act in their own interests rather than public's interests. Also 47% of the respondents think that international NGOs consider their own interests when making decisions and policies rather than the interests of the Afghan public. As Betts (2009) indicates, 4Rs activities are motivated by North's self-interests.

In terms of the second critique of the Afghan people on international community, concerns on the unfair distribution of international aid between the regions are raised. Mullah Najibullah, a village elder from the northern Afghan province of Faryab criticizes international community to pour much of the resources into the volatile southern provinces of Kandahar and Helmand since they mainly fight against insurgents in these provinces. Meanwhile, the northern provinces could not benefit fairly from development aid. He told IRIN (26 March 2012) that “we keep calm and support our government, so no development projects come here. People are unhappy about this”. The report of Feinstein International Center, Tufts University (Fishstein, Wilder, 2012: 42) finds out that the critique of international aid as being unfair and not enough is a widely accepted one. The consistent refrain is that international aid has been inequitably distributed among other regions, ethnic groups, tribes and villages. The Afghan people complain also on a “peace penalty”, which means donor resources are mainly directed to the less secure areas. In the report by the Feinstein International Center (Fishstein, Wilder, 2012: 3), it is found out that many Afghans viewed aid projects negatively because of the injustice in benefiting from the international assistance. A few corrupt officials and powerbrokers were the main beneficiaries of the international assistance at the expense of the majority of Afghans. Thus, it might be argued that as Goodwin-Gil (1999) warns in his critique of root causes approach in the literature review, 4Rs activities jeopardize the neutrality and impartiality of international organizations in Afghanistan. Interestingly enough, international community and the Afghan people have different views on the same phenomena. On the one hand, UNHCR and its implementing partners in

Afghanistan provide the security situation in southern Afghanistan as an excuse for their inactivities in some parts of Afghanistan, particularly in Taliban-controlled areas. On the other hand, the Afghan people complain about injustice distribution of aid, as a result of the priority given to the more problematic areas of Afghanistan by international community.

In sum, the Afghan people welcome 4Rs activities and about half of the Afghan people have confidence in international and national NGOs, which means nearly half of them do not. Though the Afghan people welcome 4Rs activities, tow factors are identified: international community serves its own interests rather than the Afghan people and their support is unfair and insufficient.

4.6. Results of the Quantitative and Qualitative Analyses

Questioning two main goals of UNHCR's strategy of prevention and solution, the chapter first concludes that international refugee regime failed to reintegrate Afghan returnees to ensure the voluntary repatriation as a durable solution. Instead only half of the returnees have been reintegrated. The study finds also out that the goal of prevention of new mass flows or secondary flows could not be fulfilled. Thus, it is concluded that international refugee regime was not effective in Afghanistan, during the years 2002-2011. The main reasons for the ineffectiveness of international refugee regime in Afghanistan is found as the main reasons that motivated UNHCR to conduct 4Rs activities in the country, namely *low internal capacity*. In other words, international refugee regime attempted to

increase its effectiveness in Afghanistan since the country diminishes its effectiveness by being a refugee producing country. In return, the main characteristics of the low *internal capacity* hindered the effectiveness of 4Rs activities in Afghanistan. Table 4 illustrates the findings of regime effectiveness in Afghanistan between 2002-2011.

Table 4: Effectiveness of international refugee regime in Afghanistan, 2002-2011

Case	Sustainability of repatriation (Y/N)	Prevention of new flows (Y/N)	Effectiveness
Afghanistan	NO	NO	NOT EFFECTIVE

The qualitative analysis first questions the main social conditions in Afghanistan that lead the Afghan people cooperate with or resist regime activities. Second, the nature of the relations between the Afghan government and international community are examined and the factors that shape this relationship have been identified. Last, the nature of people's perceptions in 4Rs activities are questioned and factors that shape people's perceptions are identified.

The main reasons for the ineffectiveness of international refugee regime in Afghanistan are identified as the lack of basic public services and insecurity at the state level. While these factors are attributed to the characteristics of the low *internal capacity*, it is argued that Afghanistan's low *internal capacity* created adverse implications for the effectiveness of international refugee regime. The

chapter conducted also a qualitative analysis to identify tentative principles for UNHCR and its implementing partners to increase regime effectiveness in countries with low *internal capacity*.

In the first part, it is concluded that social conditions such as ongoing insecurity for years, distrust in Afghan government, socio-cultural and religious conservatism decrease the effectiveness of 4Rs activities in Afghanistan. Regarding the implementation of the social conditions on the possible ways of increasing the effectiveness of international refugee regime in Afghanistan, three suggestions are identified. First, the Afghan people do not comply with the demobilization program because of the ongoing insecurity and access to education can also be prevented due to insecurity. In the example of demobilization program, if civilian security is provided through the mandate of international missions, effectiveness of 4Rs activities in Afghanistan is likely to increase, as the case in the Iraqi disarmament efforts. Thus, insecurity that civilians have faced for long years seems to decrease the effectiveness of 4Rs activities. Second, suspicion among local people on 4Rs projects due to socio-cultural and religious conservatism can cause difficulties to convince people to cooperate with a health project on improved nutrition. Thus, in addition to government, involvement of religious leaders and tribal elders as key advocates in large 4Rs projects can increase the effectiveness of 4Rs activities in Afghanistan. Third, through trust-building activities, socio-cultural and religious conservatism seems to prevent the effectiveness of education projects in the framework of 4Rs activities. If the level of awareness on the benefits of education among public increase and schools are

located closer to home with more numbers of female teachers, it is likely that girls' attendance to schools will increase in Afghanistan.

The second part finds out that the nature of relations between Afghan government and international community are not cooperative and that there is a reciprocal dissatisfaction. From the international community side, corruption in Afghanistan government and government involvement in opium trade and fragmentation in Afghanistan due to the existence of Taliban controlled areas are identified as the main factors that cause dissatisfaction from the Afghan government. The factors that shape government relations with international community are identified as critiques towards the level of support, dependency on foreign aid and lack of authority to control aid spending. Regarding the implementation of the relations between government and international community on the possible ways of increasing the effectiveness of international refugee regime in Afghanistan, two suggestions are identified.

First, corruption among Afghan government officials and allegations for the involvement of key government figures in the opium trade can prevent effective implementation of 4Rs activities. If government institutions pursue their responsibilities in a transparent and accountable way, bilateral relations between international community and government is likely to be more cooperative, which would in turn can increase the effectiveness of 4Rs activities in Afghanistan. Thus, funding government sufficiently to increase its capacity of rebuilding its administration can increase the Afghan government's capacity to deal with corruption. The fragmentation of politics can also hinder the effective implementation of 4Rs activities, when there is more than one center of gravity,

such as local commanders, other armed groups and criminal gangs. They all can have different preconditions to support 4Rs activities and it can be different for international community to contact with them to pursue its 4Rs activities. In other words, the presence of a single body in Afghanistan to be dealt with can increase the likelihood of cooperation between government and international community. The insufficient level of support can also decrease the government ability to cooperate with international community in the implementation of 4Rs activities. If international actors fund the Afghan government adequately to rebuild administration and to develop its own security forces, it is likely that government capacity to implement 4Rs programs will increase. Second, as the Iraqi case will also illustrate, lack of government authority on aid spending and monitoring projects can diminish the cooperation between Afghan government and international community. Because, bypassing the government can limit its ability to build and strengthen the governance systems. Additionally, dependence on foreign aid can diminish government capacity to sustain 4Rs activities. Thus, activities to increase government authority on aid spending and 4Rs projects and government core budget are likely to increase cooperation between government and international community in Afghanistan.

In the last part, nature of the perceptions of the Afghan people is identified as distrustful, namely because of the belief on that international community serves its own interests rather than the Afghan people and their support is unfair and insufficient. Distrust among the Afghan people in national and international NGOs can hinder people's confidence and support on the 4Rs activities. Regarding the implementation of perceptions of the Afghan people on the possible ways of

increasing the effectiveness of international refugee regime in Afghanistan, two suggestions are identified. First, trust building activities to convince people on the neutrality of international community can increase effectiveness of international refugee regime through developing positive perceptions in 4Rs activities. Second, given the absence of any real improvement on the lives of Afghan people, difficult process of transition in countries with low internal capacity can create a feeling of a fair and equal distribution of aid, which is likely to increase regime effectiveness in implementing 4Rs activities in Afghanistan.

4.7. Conclusion

Afghanistan, as a country with low *internal capacity*, has produced the world's largest refugee flows and decreased the effectiveness of international refugee regime by its continuing insecurity and low political, economic and social performance. This chapter first examined Afghanistan's political, social and cultural structure and its history, with the aim of understanding the historical background of its fragile political structure. During its history, Afghanistan produced mass refugee flows and became the largest refugee-producing country since 1979. As being a refugee producing country, the strategy of prevention and solution and the 4Rs program have been conducted in Afghanistan by UNHCR and its implementing partners since 2002. Thus, the third part of the chapter provided brief information on the 4Rs activities in Afghanistan, which aim to build the *internal capacity* of Afghanistan through humanitarian, economic,

military and development aids. In other words, the main aim of 4Rs activities has been to increase the *internal capacity* of Afghanistan to increase the effectiveness of international refugee regime in Afghanistan, through fulfilling its mandate of durable solutions and protection to refugees.

The quantitative analysis in this chapter questioned whether international refugee regime has been effective in Afghanistan through its 4Rs activities between 2002-2011. It measured regime effectiveness through criteria of sustainability of reintegration and prevention of new flows. It is concluded that international refugee regime was not effective in Afghanistan between 2002-2011. The regime failed to reintegrate 100% of the Afghan returnees to provide the voluntary repatriation as a durable solution. Instead only half of the returnees have been reintegrated in general sense. In terms of the second goal, the study found out that occurrence of new mass flows or secondary flows could also not be prevented. Especially since 2006, an increase of 44% has been observed for the number of asylum seekers from Afghanistan and a dramatic increase of 246% has been observed for the number of IDPs.

The qualitative analysis questioned whether 4Rs activities implemented in Afghanistan are consistent with the social conditions of Afghanistan, how the international community and Afghan government perceive each other and how 4Rs activities are perceived by the Afghan people. It found out that international aid community could not shape their activities in accordance with the country's social conditions due to given difficulties such as security, religious believes or traditional behaviors. A reciprocal dissatisfaction between Afghan government officials and international aid community was also found. Similarly, it was found

out that the Afghan people have critiques towards international aid as being unfair and not enough. They have also complaints on the dependency on international aid to be able to sustain their lives.

Several implications for the regime effectiveness are derived from the case of Afghanistan. In terms of social conditions, increasing civilian security and overcoming socio-cultural and religious conservatism are likely to increase the regime effectiveness in Afghanistan. In terms of the relations between the Afghan government and international community, funding government sufficiently to increase its capacity of rebuilding its administration can increase the Afghan government's capacity to deal with corruption. Activities to increase government authority on aid spending and 4Rs projects are likely to provide cooperative nature of the bilateral relations. Regarding the perceptions of the Afghan people, trust-building activities on the neutrality of international community and information campaigns on the difficult process of transition in Afghanistan can develop positive perceptions among Afghan people towards the 4Rs activities.

The next chapter will continue with the second case of the study, namely Iraq. It will first aim to question the effectiveness of international refugee regime in Iraq through the quantitative criteria of sustainability of reintegration and prevention of new flows. The chapter will, second, qualitatively analyze the social conditions, nature of the relations between the Iraqi government and international community and perceptions of the local people to identify conditions to increase regime effectiveness in Iraq. The implications, derived from the case studies will in return provide tentative principles for international community, in terms of how to operate to increase regime effectiveness in countries with low *internal capacity*.

CHAPTER 5

THE CASE STUDY 2: IRAQ

In Chapter 4, the first case study, Afghanistan, was examined through qualitative and quantitative analyses both to question the effectiveness of international refugee regime in the country and to derive implications for tentative principles in Chapter 7. By the analysis of the reintegration level of the Afghan returnees by the end of 2011 and prevention of further displacements, the chapter found out that international refugee regime was not effective in Afghanistan during the years 2002-2011. Examining the socio-cultural and socio-political categorizations, identified in the research design to increase regime effectiveness, the chapter also found out that social conditions and perceptions of the local people were not supportive of the 4Rs activities in Afghanistan and the nature of the relations between the Afghan government and international community was not cooperative. The implications derived from this qualitative analysis would be used together with the implications from Iraq and Sudan in providing tentative principles for international community to increase regime effectiveness in countries with low *internal capacity*.

This chapter examines the second case study through quantitative and qualitative analyses to question whether international refugee regime was effective

in Iraq, as being a refugee producing country with low *internal capacity* and to derive implications for the conditions to increase regime effectiveness. The chapter will first give a brief introduction to the political and social structures in Iraq and then examine the history of Iraq to understand the roots of Iraq's low *internal capacity* and of the forced displacement waves in the country. The third part will seek to examine the 4Rs activities of UNHCR and its implementing partners in Iraq. The next part will examine the effectiveness of international refugee regime in Iraq between 2003-2011 through quantitative analysis. The last part will seek to derive implications for the principles to increase regime effectiveness in countries with low *internal capacity* by qualitatively analyzing the social conditions, nature of the relations between the Iraqi government and international community and the perceptions of the local people on the activities of international community in Iraq.

This chapter argues that international refugee regime was not effective in Iraq during the period 2003-2011, based on the findings of the quantitative analysis. 4Rs activities in Iraq became inefficient to reintegrate returnees in a sustainable manner and to prevent the recurrence of new mass flows. The activities of UNHCR and its implementing partners had also a limited effect due to volatile security situation and conservative and social structure in Iraq. The nature of the relations between the Iraqi government and international community, namely the UN agencies, international NGOs and their national partners and donor states, remain uncooperative due to the bilateral critiques and particularly due to the problems within Iraqi government. Last, the Iraqi people have perceived

international community with suspicion and have confidence problem towards local and international NGOs.

5.1 A General Overview

The Republic of Iraq has 438,317 sq km territory, including 950 sq km water land with six neighbor states: Iran (1,458 km), Saudi Arabia (814 km), Syria (605 km), Turkey (352 km), Kuwait (240 km) and Jordan (181 km). (CIA, Iraq, 2013) However, Iraq's southern border with Iran has not been finally settled. Also its border with Kuwait was agreed by Iraq in 1993 under the UN pressure and it is still contentious. (Marr, 2012: 9) Iraq has a population of about 31,1 million. In Iraq, Arabs constitute the major ethnic group with 75-80% of the population. While the largest minority belongs to Kurds with 15-20%, Turkmen, Assyrian and others constitute the remaining 5%. (CIA, 2013b) Turkmen are village dwellers and mostly live in the northeastern Iraq, while Assyrians are the descendants of ancient Mesopotamian peoples (Chanaa, 2007). The Arab Sunni minority traditionally dominated Iraqi politics and economy, particularly during the Saddam regime. Thus, many Arab Shiites had the feeling that they were excluded from the country's politics and received very little dividend from its wealth. (UNHCR, 2003b: 4)

Arabic and Kurdish are official languages in Iraq. Turkmen and Assyrian are also official languages but only in areas where they constitute a majority of the population. (CIA, 2013b) Majority of the population believes in Islam, though

there is a strong sectarian division among Shiite Muslim (60-65%) and Sunni Muslim (32-37%) (CIA, 2013b). As being a minority in the Arab world as a whole, Shiite Muslims constitute the majority in Iraq. Christians, Jews, Yazidis and Sabians constitute the remaining 3%. During the Saddam regime, Christians made up nearly 4% of the Iraqi population. (Chanaa, 2007) According to CIA data (2013c) the overall Christian population may have dropped by 50% since the fall of Saddam regime, with many fleeing to Syria, Jordan and Lebanon. Sunnis tend to be more secular and thus prefer a less religious form of government. Since many Kurds are Sunni Muslims, most of the Sunni population live in northern Iraq and dominate the urban population in the cities of Iraq. (Hunt, 2005: 6)

Iraq has 18 governorates of which the capital is Baghdad. It has a mixed legal system of civil and Islamic law. As being a parliamentary democracy, Jalal Talabani is the President of Iraq since April 2005. Prime Minister Nuri al-Maliki is the head of government since May 2006. In November 2010, both Talabani and al-Maliki were reelected as the chief of state and head of government and the next election is to be held in 2014. In the legislative branch, Iraq has a unicameral Council of Representatives. Last election for the council was in March 2010 and the next election is to be held in 2014.

Iraq has better economic indicators in comparison with Afghanistan. Its GDP (purchasing power parity) is US\$ 155.4 billion in 2012, ranked in 61st in the world (Afghanistan is ranked in 111st). Its GDP real growth rate is 10.2 % in 2012, ranked in 7th in the world (Afghanistan is ranked in 49th). Iraqis have a GDP per capita of US\$ 4,600 in 2012, ranked in 160th in the world (Afghanistan is ranked in 217th). (CIA, Iraq, 2013) Iraq also has the world's 4th largest oil

reserves, namely 141.35 billion barrels proven crude oil reserve (OPEC, 2012). However Iraq is still indicated as weak, failed and underdeveloped. According to the key economic, political, security and social welfare criteria, Index of State Weakness (Rice, Patrick, 2008: 10) ranked Iraq in the 4th place among 141 countries. Using key social-economic and political-military indicators, Failed State Index of Fund for Peace (2012: 4) ranked Iraq in 9th of 177 countries. According to the index, the country was at 4th in 2005 (*Failed State Index*, 2005) and within 7 years, its rank was increased to 9th. HDI of UNDP (2011: 126) ranked Iraq in 132 of 187 countries. According to the index, Iraq increased its development ranks within the last 7 years, despite its still very low development rank. Its HDI (2011: 133) was 0.552 in 2005 and with a small increase in 2011, became 0.573.

In sum, it can be concluded that Iraq is still a refugee producing country with low *internal capacity*. By the beginning of 2012, Iraq hosts about 1,332 million IDPs and about 1,428 million refugees abroad (UNHCR, 2011a: 43), mainly in Jordan and Iran. The next part of the study will examine the history of Iraq with the aim of identifying main causes of the country's low *internal capacity*.

5.2. A Brief History of Iraq

This section seeks to understand the roots of the Iraq's low *internal capacity* through examining its political evolution during the past century. With

this aim, the section will study the independence process of Iraq, the period under the Saddam rule and the Operation Iraqi Freedom.

5.2.1. Iraq as an Independent State

Iraq hosted a number of the earliest civilizations such as Sumerians, Akkadians, Babylonians and Assyrians. In the 8th century, Baghdad became a famous centre for learning and arts. (Chanaa, 2007) Iraq had been under foreign rule for four centuries. Ottoman rule began in Iraq in 1535 and lasted in 1918. Iraq allied with Germany and Austria-Hungary during World War I and when the Ottoman Empire was defeated, it came under British occupation. In 1920, Iraq became a British mandate until its transition to independence. (Fattah and Caso, 2009: 154) British granted Sunni Muslims control over Iraq and set Faisal I as the King of Iraq. This Sunni Muslims' political dominance over Shiite majority created a sectarian tension that still exists.(Hunt, 2005:57) Iraq gained independence in 1932. However, only one year later of its independence, a small minority uprising, namely Christian Assyrian community, led a violent crackdown of the government. Domestic politics remained turbulent since many factions compete for power and late in 1936, the first military coup of the Iraqi history happened. (Chanaa, 2007)

From 1932 to 1958, Iraq was ruled by monarchy from the Hashemite family in the Hijaz (Fattah and Caso, 2009: 154). The last monarch of Iraq was King Faisal II and massacred together with his family by a bloody coup in 1958

(Fattah and Caso, 2009: xvi). In 1958, Iraq was declared as a Republic and Islam became its national religion. Early Republican governments in Iraq could not survive effectively because of the problems stemming from having a fragmented society. Thus, Iraq went through several years of instability and in 1962, Abdul-Karim Qasim's government was itself overthrown. Qasim's political ideology was Iraqi nationalism, which then paved way for the pan-Arabism. (Fattah and Caso, 2009: 188) Accordingly, Ba'ath (renaissance in Arabic) Party was founded in Syria in the 1940s as having an ideology of socialism and secular nationalism. It was a pan-Arab party, regarding individual Arab states as part of the larger Arab nation. The Iraqi Ba'ath Party was founded in 1951 and seized the power in 1963. However within months, the party was overthrown and returned to power in July 1968 by a coup. (Chanaa, 2007)

In the aftermath of the overthrown of monarchy, the Kurds, Iraq's largest minority, began to split from the Arabs. They expected to become equal partners with the Arabs in the Iraqi new provisional constitution. However, after the 1958 revolution, their hopes began to slip away. As a result, the Kurds engaged in a revolt against central government in 1961. (Fattah and Caso, 2009: 192)

In sum, Iraq remained under foreign rule for about four centuries and gained its independence in 1932. However, beginning from the first years, the Iraqi history witnessed political unrest, several coup d'états and ethnic division between the Kurds and Arabs. During this period, Iraq became a country with low *internal capacity*, by the increasing internal unrest and divisions, similar to the situation in the history of Afghanistan.

5.2.2. Iraq under the Saddam Rule

Saddam Hussein was the power behind the President Ahmed Hassan Bakr and in 1979, Saddam Hussein personally came to power when Bakr resigned. In the 1980s, the ideology of Ba'ath Party stepped in to liberal economy and national industries were privatized. In 1980, eight years of war with Iran began and caused mutual destruction. Under the auspices of the UN, a ceasefire ended the war in 1988. Remaining isolated, Saddam continued his repressive policies and armament after the end of the war with Iran. (Chanaa, 2007) He also deployed the army against its internal enemies, especially against the Kurds. (Fattah and Caso, 2009: 219) In August 1990, Iraq invaded Kuwait and declared its annexation, accusing Kuwait of flooding world oil markets. After the international trade sanctions imposed by the UN, US-led coalition forces retook Kuwait through air attacks on Iraq and a ground invasion. Despite the heavy casualties, Saddam remained in power, but under some conditions. First, the UN officials inspected the country and Iraq destroyed at least some chemical weapons found by the UN inspectors. Second, in May 1996, Iraq accepted the UN trade sanctions, allowing Iraq to sell US\$ 1 billion's worth of oil in every three months. This money would be used for food, medicines and compensation to Kuwait. (Chanaa, 2007)

5.2.3. The ‘Operation Iraqi Freedom’ and Its Afterwards

In November 1997, the UN inspectors were expelled from Iraq when they found information on biological arms, chemical weapons and missiles. As Iraq ceased to cooperate with the UN, the U.S. and Britain began attacking Iraqi military targets and oil refineries in December 1998. Finally in March 2003, the ‘war on terrorism’ was expanded to Iraq under the name of ‘Operation of Iraqi Freedom’ accusing Iraq to have weapons of mass destructions and alleged links to al Qaeda. (Chanaa, 2007) This operation had two main aims. First was a regime change by military intervention, namely removing Saddam Hussein from power. Second was to recover his supposed cache of weapons of mass destructions. (Fattah and Caso, 2009: 246) The U.S. troops began a “deBaathification” process, which dissolved the Iraqi army and annulled the Ministry of Defense and Information. Throughout this process, the aim was to have a national government, being clean from the Ba’athist past. (Fattah and Caso, 2009: 268) In May 2003, Coalition Provisional Authority was authorized by the UN to ease Iraq’s transition to democracy and carry on reconstruction of the country, lasting until June 2004. (Fattah and Caso, 2009: 250) The UN Assistance Mission for Iraq (UNAMI) was established in August 2003, as a political mission in its nature. It is mandated to advise and assist the Iraqi Government and Iraqi people in political dialogue, national reconciliation, electoral process and promoting the protection of human rights and judicial and legal reform. UNAMI is also mandated to work with government partners and civil society to coordinate the humanitarian and development efforts in Iraq. (UNAMI, *Mandate*)

Upon the coalition invasion in Iraq, insurgency and sectarian violence increased. Sunnis were regarded as the ousted Ba'athists and Sunni religious elements constituted the main opposition to the coalition forces. With the fall of the Ba'athist regime, Shiite Arabs and Kurds wanted to enjoy their 'emancipation' from the Saddam's repressive rule. In terms of Shiite opposition, Muqtada al-Sadr led a group of poor and disaffected Shiites to oppose the coalition forces. These Militants attacked against Iraqi and the U.S.-led forces. In the face of growing opposition, US decided to turn sovereignty over a national administration by June 2004. As a result of the elections in 2005, Kurds were given power in the north, Shiites in the center and south. In October 2005, the new Iraqi constitution was approved and it created an autonomous Iraqi Kurdistan in the northern Iraq as a federal entity (Article 113). Its government is Kurdistan Regional Government (KRG), having three governorates of Duhok, Erbil and Suleymaniyah and its president became Massoud Barzani.

In December 2005, the Kurdish leader Jalal Talabani became President of Iraq and in May 2006, the Shiite politician Nuri al-Maliki was selected as the head of government. As a result of Sunnis' marginalization, a sectarian war in Baghdad began in 2006 (Marr, 2012: 258). The sectarian violence reached its climax with the February 2006 al-Askari attack by the Sunni extremists. Maliki government strengthened its position in 2008, at least in Arab dominated areas. Iraqi security forces together with the U.S. forces launched a nationwide crackdown against Sunni and Shiite militants in 2011 (IRIN news, 23 December 2011). This relatively increased stability allowed the Iraqi government to agree with the U.S. to withdraw its forces from Iraq by the end of 2011. After the withdrawal of the

U.S. forces by 18 December 2011, concerns about the capability of Iraqi security forces to handle Iraqi security challenges, particularly from a resurgence of Sunni militant groups and al-Qaeda in Iraq increased (IRIN news, 23 December 2011). Indeed, Sunni groups coordinated several high profile bombings across the country throughout 2012. IRIN (31 December 2012) reported that the situation is likely to get worse with the Syria's deteriorating situation. Indeed, since the U.S. withdrawal, wave of attacks carried out mainly by Sunni extremists from Al-Qaeda in Iraq against the Shiite communities has increased. Increasing tension between the Sunni and Shiite communities can be observed also in the political scene with the arrest warrant for the Sunni Vice-President Tariq al-Hashemi by the Shiite-led government (BBC news, 20 December 2011). IRIN (19 January 2012) reported that "many fear the current violence could send the country back to the days of 2006-07 when Shiite-Sunni conflict left thousands of people dead and millions of others displaced. A few families have already packed their bags and others are contemplating leaving."

In sum, Iraq has a history of foreign rules, a short monarchy, a repressive Republic and sectarian violence. Political unrest due to several coup d'états, ethnic divisions between the Kurds and Arabs, war with Iran and the invasion of Kuwait, foreign intervention by the U.S. lead coalition forces and sectarian war between Shiite and Sunni Arabs weakened the *internal capacity* of Iraq. The same reasons constitute also the roots of the forced displacements in Iraq. UNHCR have conducted its strategy of prevention and solution in Iraq since 2003 to increase the effectiveness of international refugee regime. The next chapter will provide brief information on the Iraqi 4Rs activities,

5.3. 4Rs Activities of UNHCR and its Implementing Partners

Recalling the shift in the understanding of effectiveness from reactive to proactive policies, as examined in Chapter 3, UNHCR shifted its activities mainly to countries of origin by being directly present in Iraq. This part examines 4Rs activities of UNHCR and its implementing partners, namely Repatriation, Reintegration, Rehabilitation and Reconstruction, to increase the effectiveness of international refugee regime in Iraq.

5.3.1. Repatriation¹⁹ Activities

Upon the fall of Saddam's regime, many Iraqi refugees wanted to repatriate and UNHCR facilitated their return and redirected the money, staff and equipment towards repatriation (IRIN news, 28 July 2003). Though UNHCR began to organize convoys from Iran to Iraq in November 2003, it did not encourage people to return due to the volatile security situation in Iraq. UNHCR monitored borders, conducted interviews with returnees and distributed information on conditions in Iraq to ensure that refugees have sufficient knowledge to make informed choices about their return (UNHCR, 2010a). The agency provided a package of relief items, including tents, blankets, plastic sheeting, kitchen sets and one-month's food ration. It also provided them travel assistance and mine-awareness training. (IRIN news, 18 August 2004)

¹⁹ Since the voluntary character of mass repatriations is questionable in general, the study refrains from defining repatriations from Iraq as 'voluntary repatriations'.

In total, 530,695 refugees have returned between 2003-2011²⁰ either with UNHCR assistance or spontaneously (UNHCR Statistical Online Population Database). Since the Syrian conflict started in March 2011, more than 58,000 Iraqis returned to Iraq (UNHCR, 2012b: 4). Since the strategy of prevention and solution requires post-repatriation activities, UNHCR and its implementing partners also operate reintegration, rehabilitation and reconstruction activities in Iraq. Thus, the remaining of this part will examine the last 3Rs.

5.3.2. Reintegration Activities

Since the 1980s, UNHCR has been present in Iraq to protect refugees and asylum seekers. However, after the fall of Saddam regime, the agency began to expand its responsibility to assist also IDPs. (UNHCR, 2010a) UNHCR implements reintegration activities to ensure the sustainability of return. In that respect, it focuses on shelter, protection and legal assistance, cash assistance and reintegration activities together with its implementing partners. (UNHCR, 2009c: 2)

UNHCR has community based activities in returnee-affected communities to ensure access to basic services. It initiated a small-scale income generating project and it provides literacy training and landmine-awareness training. (UNHCR, 2004a: 2) UNHCR has Protection and Assistance Centers and launched Return, Integration and Community Centers in mid-2009. They provide legal

²⁰ The data on total returnees to Afghanistan is based on UNHCR Statistical Online Population Database, irrespective of UNHCR assistance. However it does not include deportations since UNHCR does not support the forcible return of refugees.

services, protect monitoring, coordinate operations, assess needs and provide social and information assistance. (UNHCR, 2010a). UNHCR established Community Return Centres and expand its presence in Iraq through a national NGO network. In case of restricted access to Iraq, national NGOs and Community Return Centres maintains the link between vulnerable communities and aid community. (UNHCR, 2009c: 6)

UNHCR leads Protection and co-leads Shelter with UN-HABITAT and collaborates with other UN agencies on the ground to sustain the repatriation of Iraqi refugees and to reintegrate IDPs. (UNHCR, 2010a) In 2008-2009, UN-HABITAT provided comprehensive temporary shelter assistance for the Iraqi government through the construction of a model accommodation of 400 low-cost units. The aim was to respond to the needs of IDPs and returnees in Kerbala/Najaf, Babylon, Thi Qar and Erbil Governorates. (UN-HABITAT, Improving Access)

In terms of shelter, UNHCR distributes non-food items, construction material, rehabilites damaged houses and construct basic shelter units and implement community-based projects directly related to housing, mainly water and sanitation. (UNHCR, 2009c: 7) UNHCR began also a pilot project in August 2012, to provide shelter to the returnees and IDPs. It is projected to build proper housing units for 700 Baghdad's displaced. However according to UNHCR, it will take more than 10 years to convert all the settlements in line with this model. (IRIN news, 4 September 2012)

The WHO was withdrawn from Iraq after the August 2003 deadly attack and it returned to Iraq in June 2008. During its absence in Iraq, WHO tried to maintain its presence in the country by sending missions from its office in Jordan

to respond to humanitarian challenges. It maintained to supply medicines and oxygen cylinders to hospitals and provide health services for IDPs and returnees. (IRIN news, 23 July 2008) In terms of water and sanitation, UN HABITAT and UNICEF support Iraq at modernizing its public sector and at developing of a national water and sanitation policy. Also, FAO, WHO and UNICEF assist KRG to enhance the quantity and quality of water (IAU, 2011) UNICEF also supports the Ministry of Education to provide children education services. It implemented an Accelerated Learning Program, which enabled over 60,000 children who have missed out on primary school to catch up with their primary education. (UNICEF, Iraq, Education) The U.S. Agency for International Development (USAID), working closely with the Iraqi government, UN and WB, have also activities to restore essential services such as health, education, water and electricity (USAID, Iraq).

5.3.3. Rehabilitation Activities

In Iraq, UNHCR has many implementing partners for Iraqi rehabilitation, such as ICRC, UN-HABITAT, UNDP and WB. While there are many rehabilitation projects in Iraq, the study will only illustrate some examples of them to give a general idea on the rehabilitation projects in the country. For example, ICRC implemented projects to repair and upgrade Iraqi water infrastructure to increase the access to the clean water, mainly in rural and neglected areas prone to violence. Throughout its activities, some 1.5 million Iraqis have better access to

clean water. (ICRC, 2012) UN-HABITAT and Counterpart International's Community Rehabilitation project addressed the rehabilitation of houses in run-down urban areas “to improve the living standards of low-income groups through rehabilitation of houses and basic infrastructure, enhancing the capacity of small contractors and generation of income and employment” (Counterpart International). The WB implements also a nationwide school construction and rehabilitation project to increase access to basic education (World Bank, 2011).

However, Khudhair Jassim Ali, an Iraqi analyst lecturing at university, told IRIN (14 July 2010) that lack of funding, corruption and lack of cooperation between the government and the related companies have delayed badly the needed infrastructure projects in Iraq. Government officials from Ministry of Municipality and Public Works and Ministry of Reconstruction cited corruption and violence as the main reasons of delays in infrastructure projects. Millions of dollars lost in corruption, especially in the oil sector, which then causes lack of funding for the projects. Hundreds of schools and hospitals need to be repaired but terrorist attacks cause delays in such projects. (IRIN news, 18 February 2007; IRIN news, 25 December 2006)

5.3.4. Reconstruction Activities

Iraqi reconstruction efforts aim to increase capacity of the Iraqi government institutions. USAID (Iraq) has activities to increase Iraqi capacity in terms of strengthening the effectiveness of government and civil society,

expanding private sector opportunities and supporting focused stabilization activities. In 2009, it began to build Iraq's capacity to reconstruct and govern itself effectively. UNDP (Iraq) cooperates with Iraqi government to build state capacity in terms of domestic governance and strengthening accountable and responsive governing institutions with international standards. UNICEF, together with the WB and UNESCO, develop and implement projects to increase *internal capacity* of the country, such as a National Education Strategy to improve quality education from pre-school to Grade 12 and a Child Friendly Schools strategy to ensure primary schools adopt minimum standards that enable children to learn in a healthy and happy environment. (UNICEF, Iraq, Education)

UN-HABITAT also launched a three-year Country Program for 2009-2011 with US\$ 70 million budget to provide technical assistance and capacity building to ministries and local authorities for urban governance, housing, infrastructure and basic services. (IRIN news, 30 July 2009) WHO begins a three-year comprehensive capacity-building program to support the Government of Iraq, and in particular the Ministry of Health, to increase the quality of health services in Iraq. It will cost 10 million Euro, which will be funded by the EU. (WHO, 2013)

In sum, UNHCR together with its implementing partners, have conducted 4Rs activities in Iraq since 2003. The main aim of these activities has been to provide repatriation as a durable solution and to prevent reoccurrence of new mass flows in order to increase the effectiveness of international refugee regime in Iraq. The next part will question whether international refugee regime was effective in Iraq during 2003-2011 through examining 4Rs activities.

5.4. Effectiveness of International Refugee Regime in Iraq: A

Quantitative Analysis

Questioning the effectiveness of international refugee regime in Iraq through a quantitative analysis as explained in the research design of the study, this part examines, first, the repatriation as a durable solution by the sustainability of reintegration process. It then questions whether international refugee regime could prevent the reoccurrence of new mass flows from Iraq by 4Rs activities, as assumed in the strategy of prevention and solution.

5.4.1. Repatriation as a Durable Solution: Sustainability of Reintegration

As explained in the research design of the study, repatriation movements as a durable solution need to be sustainable in terms of the reintegration of returnees. This study will use three criteria to measure the sustainability of reintegration process: access to rights, access to employment opportunities and access to social services. The indicators for the criterion of access to rights are whether all returnees have identity documents, whether they are allowed to vote and whether they are reports of security incidents towards returnees. The indicators for the criteria of access to employment opportunities and social services are the percentage of returnees with regular employment, shelter, health, education and clean water supply.

According to the data provided by IRIN news (1 April 2004; 24 November 2004), it is found out that all Iraqi returnees have individual identity documentation and are allowed to vote. However, there have been security incidents reported to UNHCR (Refugee Returning Monitoring, 2011: 10). According to the latest available data, nearly half of the returnee population has access to regular employment and shelter. In terms of access to health services and education, 58% of the population has access to health facilities (IOM, 2011: 8) and 63% of the returnee population reports to have access to education (IOM, 2009b: 9). Table 5 summarizes the latest available reintegration level of Iraqi returnees.

Table 5: Reintegration process of the Iraqi refugee returnees, 2011

	Indicator	Standard	Measurement in standard	Value	Measurement in value
Access to rights	Individual identity documentation	YES	1	YES	1
	Allowed to vote	YES	1	YES	1
	Reports of security incidents	NO	1	YES	0
Access to employment opportunities	Returnees with regular employment	100%	1	25%	0.25
Access to social services	Shelter	100%	1	50%	0.50
	Health	100%	1	58%	0.58
	Education	100%	1	63%	0.63
	Water supply	100%	1	60%	0.60
Total			8		4.56
					Reintegration process: 54,5%

Regarding the returnee access to ID cards, Mohammed Safu al-Naimi, spokesman for the Ministry of Migration and Displacement stated that returnees usually have their original documents or a national ID card. The registration documents supplied by the UN or by neighboring countries are also accepted. Iraq can also issue a temporary national certificate for the ones who were denationalized during the Saddam Hussein's rule (IRIN news, 1 April 2004). In terms of voting, in an IRIN interview (24 November 2004), Hussain Hindawi, the President of the Independent Electoral Commission of Iraq, stated that returnees without registration to vote can register themselves with an identification card such as passport or their old papers showing they are residents of Iraq. Thus, all returnees are entitled to vote when they have the proper documents. Regarding the security incidents, in 2011, UNHCR (2011b: 10) stated that 10% of refugee returnee families monitored reported security incidents including kidnapping, murder, large explosion and harassment. IOM (2008) also reported several episodes of violence targeting returnees, even including murders of entire returnee families. UNHCR (2010b) also notes that the majority of the returnees have regretted their decisions, particularly because of the astonishing levels of insecurity, namely instances of explosions, harassment, military operations and kidnapping occurring in their areas of return.

In terms of access to employment and welfare situation, the percentage of the general population below poverty line²¹ is more than 20% and nearly 75% of the population depends on public distribution system for food (IRIN news, 22 December 2011). The Planning Ministry also confirms that about 25% of the population lives under poverty line (IRIN news, 21 February 2011). UNHCR (

²¹ Poverty line means earning US\$66 a month or less (IRIN news, 8 November 2009).

2009: 3) stated that unemployment ranges from 40% to 50% and even higher within IDP and returnee communities and the majority of IDPs do not receive assistance from public distribution systems. According to IRIN news (7 December 2010), an IOM survey on female returnees found out that 71% of the female returnees with the ability to work are unemployed. Thus, without a regular income, they are heavily depended on aid for their basic needs. According to UNHCR (2011b: 15) monitoring, 75%, of returnees stated that their household's current income was not sufficient to meet their families basic needs. They also indicated the prevalence of not only unemployment, but also underemployment. 2011 study of IOM (2011: 7) reports that 75% of the IDP families cite access to work as their most pressing need. Thus, the study accepts the unemployment rate among returnee population as 75% and employment rate as 25%, as Table 5 indicates. The returnees with regular employment are only 5% higher than in the percentage of Afghan returnees with access to regular employment.

Regarding access to adequate shelter in general, UN-HABITAT (2009: 8) reports that more than 60% of the population lives in inadequate shelters which require major rehabilitation. In terms of returnee access to shelter, the Norwegian Refugee Council (2011: 43) reports that 20% of the IDPs live in self-made dwellings, while nearly 14% live in public or military buildings and some 9% live with host families. The IOM report (2011: 7) confirms this finding, citing that 48% of the IDPs state shelter as their most pressing need. IOM-assessed returnee families, including both refugee and IDP returnees told IOM (2011: 8) that about 50% of them live in a shelter with good condition. Thus, the study accepts the

access to adequate shelter indicator as 50%. This percentage is more than twice of the percentage of the Afghan returnees with adequate shelters.

In terms of access to health facilities, the WHO states that number of primary health care units and centres per 10.000 population is even less than 1, namely 0.7 (WHO, 2011). The Norwegian Refugee Council (2011: 46) reports that 30% of the IDPs lack access to required health services and 25% could not benefit from health services because of health care fees. IOM (2011: 8), also reports that it is often difficult to access hospitals or health care facilities because of their distance from villages or towns. There is also a lack of personnel in health services since many of them have fled. In its assessment on returnee families, IOM (2011: 8) found out that 42% of them cite health as their one of top priority needs. Thus, the study accepts 58% of returnees as having access to basic health services. This percentage is relatively better than the Afghan returnee access to health services (50%).

Regarding the education, the immediate post-war level of school attendance in 2003 was almost 100% (IRIN news, 18 October 2006). The situation in access to education in Iraq worsened, however. In 2009, it is reported that nearly nine in 10 children under the age of 15 do not attend primary school regularly and the main reasons are identified as insecurity or distance to school (UN IAU, 2009: 46). According to the Norwegian Refugee Council report (2011: 48), only about 30% of the boys and 22% of the girls from IDP families attend school, mainly because of cultural and social differences and language barrier. Of the returnee families IOM assessed, 63% reported having school-age children and

that their children were attending (IOM, 2009b: 9). The percentage is 13% higher than the percentage of the returnee access to education in Afghanistan.

One of the general problems in Iraq regarding water is the access rights with Turkey and Iran for the water levels in the Tigris and Euphrates rivers. Though the country's primary sources of surface water is these two rivers, The UN states that the water levels in these rivers decreased to less than a third of normal capacity since 2003 (IAU, Water in Iraq, 2011). As a result, for example, the amount of drinking water piped daily in Baghdad was about 2 million cu. m. in 2008 while the daily demand was at least 3.25 million cu. m (IRIN news, 23 October 2008). Another general problem for the Iraqi water system is the absence of safe water for human consumption. Water pipelines are over 30 years old and mainly because of that, water gets contaminated through either sewage or underground water (IRIN news, 23 October 2008). Iraqi Health Ministry reported that at least 17% of the water in the nationwide and more than 30% in Baghdad is not safe (UPI, 23 October 2008).

According to the UN, 20% of the population does not have access to safe drinking water. The percentage goes even higher in rural areas, up to the 57%. (IAU, Water in Iraq, 2011) In general, UN-HABITAT (Country Program, 2009: 7) reports that only half of the Iraqi population has access to regular safe water supplies. In 2011, 20% of the IDPs relied on open water sources or broken water pipes and 6% relied on water delivered by trucks (Norwegian Refugee Council 2011: 46). 44% of the returnee families also cited water as their priority needs (IOM, 2011: 8). Accordingly, UNHCR (2009c: 3) states that 40% of the returnees lack access to clean water. Thus, the study accepts that 60% of the returnees have

access to clean drinking water. This percentage is triple of the Afghan returnees with access to clean water supply.

Table 5 attempts to show the latest situation of the reintegration process in Iraq by 2011 and only a little more than half of the returnees (%54,5) are able to reintegrate during 9 years. The level of reintegration for Iraqi returnees is almost the same with the reintegration level of Afghan returnees (57%). Though Iraqi returnees have enjoyed more access to shelter, education and water supply, the underlying reason of Iraqi returnee reintegration to be almost equal with the level of Afghan returnee reintegration is the security incidents in Iraq, reported targeting returnees. In the quantitative analysis, lack of returnee security decreases the general level of reintegration process. According to UN Inter Agency Information and Analysis Unit (IRIN news, 20 July 2011), the level of reintegration is lower in mine contaminated areas. The people in such areas have lower per capita income and their access to basic services is poorer than the people living in the areas without mines. There are economic inequalities and differences also between rural and urban areas in Iraq. According to Iraqi Ministry of Planning and Development Cooperation, the highest poverty rate is in the southern regions with maximum 49% and the lowest rates are in the northern provinces of Kurdish region with minimum 3% (IRIN news, 24 May 2009). In terms of regional differences, Food and Agriculture Organization (FAO: 2) also reports that 69% of the Iraqis living in extreme poverty and food insecurity reside in rural areas. It is expected by the Iraq Red Crescent that thousands of Iraqi refugees returning from Syria will also create pressure on the sustainability of reintegration, including employment and basic services (IRIN news, 27 July 2012). It seems that reintegration of the Iraqi

returnees failed to be sustainable, mainly because of the low *internal capacity* of the country, namely poor access to basic services, lack of basic infrastructure and insecurity at the state level. The next part examines whether 4Rs activities in Iraq was able to prevent reoccurrence of mass exodus from Iraq, during the years 2003-2011.

5.4.2. Prevention of the New Mass Flows

The number of asylum seekers from Iraq decreased steadily (33,5%) between 2003-2005 and began to increase sharply in 2006, as shown in Figure 3. In 2007, number of asylum seekers from Iraq increased by 64% of the 2003 numbers. It began to decrease in 2008, a trend continued until 2010 and in 2011, the number of asylum seekers decreased by about 8% in comparison with 2003 numbers. Insecurity and lack of access to basic services constitute the main causes of further displacements in Iraq, as also the case in Afghanistan. Despite almost the same reintegration level of Afghan and Iraqi returnees, however, in Afghanistan, number of asylum seekers increased by 40% (please see Figure 1) though in Iraq it decreased by about 8%. This difference may come from better level of access to basic services in Iraq (47%) than in Afghanistan (33%). Accordingly, the main determinant for Iraqi displacement in post-2003 period became insecurity. For example, IOM survey (2011: 6) shows that 81% of returnees were displaced, mainly for the second time, due to the direct threats to life and the fear of generalized violence.

Minorities, who subscribe to a religion other than Shi'a or Sunni Islam make up between 17-22% of the Iraqi refugees (IRIN news, 5 December 2011). Though the general trend is decreasing numbers of asylum seekers, Iraqi minorities have displaced due to increasing level of threats and violence, destruction of their homes and worship places (Minority Rights Group, 2011: 3). For example, on 31 October 2010, a Syriac Catholic church in Baghdad was attacked and 68 people were killed. Helene Caux, UNHCR's senior external relations officer in Erbil, told IRIN (23 December 2010) that since the church attack, Christians constituted 30% of the new refugee arrivals in Jordan.

According to a UNHCR Poll (2010b) survey of 2,353 Iraqi returnees between 2007 and 2008, 61% of the returnees regretted returning to Iraq and 34% of them considered to seek asylum again. The survey found out that the main reasons for the regret to return to Iraq were physical insecurity, economic hardship and a lack of basic public services. 87% of the interviewed said their income was insufficient and 80% indicated their fear of direct persecution. According to IOM (2011: 6), returnees were mainly displaced due to direct threats to life (58%) and fear of generalized violence (23%). Thus, an increasing threat in displacement is expected with the withdrawal of US security forces from Iraq.

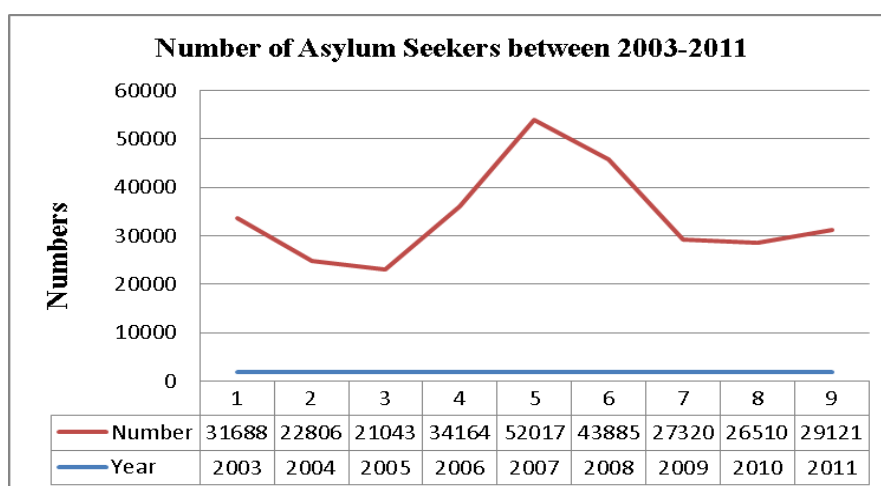


Figure 3: Asylum-seekers, originating from Iraq, 2002-2011²²

In addition to the prevention of the asylum-seekers, the study questions also the change in number of IDPs. Since the IDP statistics before 2005 are not available, the comparison for the prevention will be made by the year 2005 and as Figure 4 shows, number of IDPs in Iraq dramatically increased by 120% between 2005-2008. Though it began to decrease in the post-2008 period, UNHCR statistics show that number of IDPs is still 11% more than 2005 numbers.

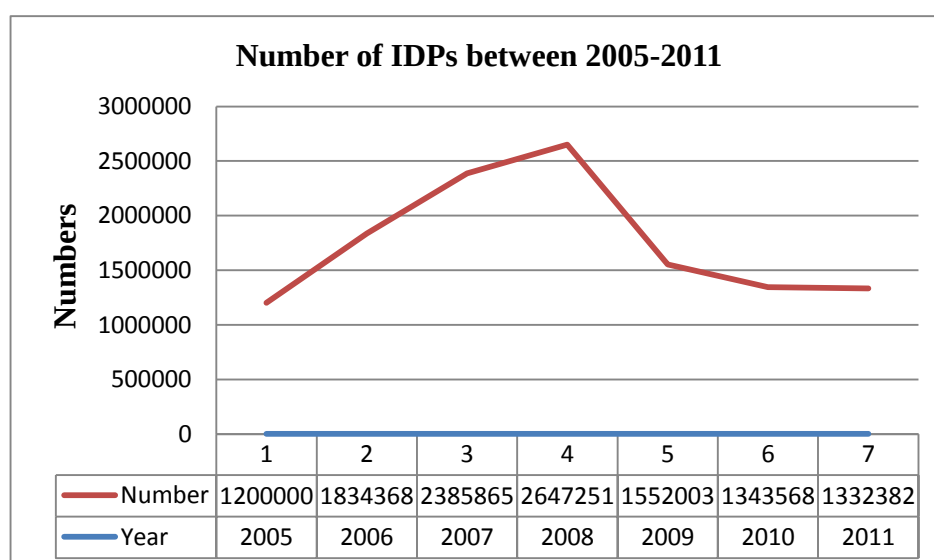


Figure 4: Number of IDPs in Iraq, 2005-2011²³

²² The data for Figure 3 has been extracted from UNHCR Statistical Online Population Database.

The failure in providing sustainability of repatriation has reflections on the prevention of Iraqi IDPs. Hence, according to Norwegian Refugee Council (2011: 46), 25% of the IDPs and 44% of the IDP returnees still consider water *a priority* in 2009. Access to work is also listed as the top priority for 75% of the IDPs in 2011 (Norwegian Refugee Council, 2011: 47). Minorities make up between 10% percent of the Iraqi IDPs (IRIN news, 5 December 2011) and the Society for Threatened Peoples (2010) stated that since 2003 more than three quarters of the 400,000 Christian inhabitants have fled the Baghdad. Attack at the al-Askari shrine, one of the holiest sites in Shi'a Islam in February 2006 and counter attacks at Sunni mosques increased the sectarian violence in Iraq (BBC news, 22 February 2006). IOM (2009a) states that following the bombing of the Al-Askari mosque, more than 1.6 million people were internally displaced. Since the church attack in October 2010, UNHCR (2010c) also reported a "slow but steady exodus" of the Christian communities fleeing Baghdad and Mosul to the Kurdistan Regional Government Region. According to IOM assessment (2011: 5), IDP families continue to flee their homes, mainly due to direct threats to their lives (30%) and due to fear or generalized violence (25%).

In sum, examining the UNHCR's goals of providing sustainability of reintegration and prevention of further flows, the chapter concludes first that international refugee regime could not reintegrate Iraqi returnees. Instead, about 57% of the returnees have been reintegrated. UNHCR itself also concluded that "shelter and livelihood has been major difficulties, facing returnees and preventing their sustainable reintegration" (UNHCR, 2009c: 4). The study, second, finds out

²³ The data for Figure 4 has been extracted from UNHCR Statistical Online Population Database and the statistics before 2005 are not available.

that the goal of prevention of new mass exodus could not be fulfilled. Especially in 2007, when sectarian violence reached its peak level, number of asylum seekers increased by 64% in comparison with 2003. In 2011, the number of asylum seekers decreased by only about 8% in comparison with the number of asylum seekers in 2003 and the number of IDPs increased by %120 between 2005-2008. The study concludes that the reasons of failure in prevention are unsustainable process of reintegration and the ongoing insecurity. These reasons are also among the main characteristics of countries with low *internal capacity*. Based on the findings of the qualitative analysis, it is concluded that international refugee regime was not effective in Iraq between 2003-2011, mainly because of its low *internal capacity*. In other words, as was the case in Afghanistan, the Iraqi case shows that the effectiveness of 4Rs activities are hindered by the factors that 4Rs activities intended to overcome, namely low *internal capacity*.

The next section will first question the main social conditions in Iraq that lead the Iraqi people cooperate with or resist 4Rs activities. Identifying these conditions will enable the study to provide suggestions to shape them in accordance with the regime activities. Second, it will question the nature of the relations between the Iraqi government and international community to identify factors that shape this bilateral relationship. The aim, here, is to provide incentives to international community to increase the cooperative nature of the relations with the government. Last, it will examine how 4Rs activities are perceived by the Iraqi people again to identify the factors that shape their perceptions. This will enable the study to make suggestions to international community to increase people's support for their activities. This qualitative analysis aims to provide incentives to

UNHCR and its implementing partners to increase regime effectiveness in Iraq as a country with low *internal capacity*.

5.5. Conditions to Increase Regime Effectiveness in Iraq: A Qualitative Analysis

5.5.1. Social Conditions

According to Irene Khan, the head of AI, the biggest challenge in 2003 was the absence of human rights culture in Iraq, as a country suffered under a repressive regime for decades (IRIN news, 19 June 2003). Indeed, the socio-cultural and religious conservatism in Iraq prevents the effectiveness of 4Rs activities, as in the examples of female employment and female enrollment. Security is also another condition that hinders the operation of 4Rs activities, in the examples of female enrollment and disarmament. Thus, it might be argued that contrary to the neorealist claim of the importance of states' power capabilities within the anarchical system, the study argues that unit level characteristics such as social conditions, play also a role in regime effectiveness by creating implications for the regime effectiveness. As in the case of Afghanistan, identifying social conditions and their affects on the 4Rs activities will support the aim of providing tentative principles to increase regime effectiveness in countries with low *internal capacity*.

In terms of the reintegration activities, international community attempts to increase female employment, which is particularly crucial for the self-sufficiency of female-headed families. However, insurgents and militias are against the employment because of socio-cultural and religious conservatism and threaten NGOs to stop their activities to increase female employment. According to Nuha Salim, a spokeswoman of a local NGO, Women's Freedom, there are two main motivations for the insurgents and militias to force women out of the work environment. First is the religious belief against sharing the same space with men who are not close relatives. However, religious belief is not the only reason, since Shiite militias also prevent women to teach other women. Thus, second reason is social belief on women traditional role of staying at home for cooking and cleaning. (IRIN news, 30 May 2007)

According to Salama Smeisim, an Iraqi activist and former lawmaker, a new approach towards female employment should be taken by the government and local and international NGOs. She stressed that social norms, discrimination in the society, lack of awareness on their rights and corruption in the government make the Afghan women to find work very difficult though women need to work, especially when they head the families in the absence of their men. She argued that a special program for raising awareness among women on their rights should be operated and government and NGOs should support women to start projects, which would provide a steady income for them. (IRIN news, 7 December 2010)

However as Sarah Muthulak, a spokeswoman for Women's Rights Association, told IRIN (30 May 2007), many NGOs have been developing projects for the free

education of women but most of them have been threatened and forced to stop due to security reasons.

In Iraq, international community attempts to increase access to education for girls. For example, a local NGO Keeping Children Alive tries to equally encourage both boys and girls to get education and tries to raise awareness among families that when girls work at home instead of attending to school, their future will be destroyed as well as the future of the country. (IRIN news, 29 October 2007) However, conservatism again prevents activities to increase female enrollment as the case in Afghanistan. Particularly in rural areas, where conservative values are more dominant, fathers do not allow girls attend to school because of the conservative norms. Khalid Hassan, a Mahdi Army Officer, told IRIN (30 May 2007) that

Girls and women don't need to read. They should be good mothers and housewives. The schools are just imbuing them with new and modern ideas that are inconsistent with Muslim women's duties. We have threatened all teachers near our villages, telling them to stop teaching, especially teaching women and girls.

The study argues that more incentives given to the awareness raising activities on the benefit of women's access to employment and education for girls can still increase the effectiveness of 4Rs activities on employment and education in Iraq. As the Afghan case also illustrated, involvement of religious leaders and tribal elders in addition to government can support awareness raising activities. (IRIN news, 29 October 2007)

Regarding the education in Iraq, reintegration activities to increase girls' attendance rate to school is prevented not only by conservative norms but also by security reasons, as also the case in Afghanistan and Sudan. Different from Iraq,

insecurity has a general effect on the low school enrollment in Afghanistan and it has specific implications for women enrollment in Sudan, due to women's insecurity such as the danger of sexual assault and harassment. In Iraq, the general insecurity and violence have two specific implications for the female enrollment. First, families do not send girls to school because they have the fear of losing their children. Um Nour Zeid, a mother of four in Baghdad, told IRIN (29 October 2007) that "it is sad to see my two girls losing their future like this but it is better than losing their lives". Second, many families have lost one of their adults and according to Sinan Zuhair, a media officer for the Ministry of Labor and Social Affairs, in such families girls are asked to stay at home to help housework. He told IRIN (29 October 2007) that "they are the ones paying the price of the violence since they have to forget about their future to be able to help the lives of their brothers".

In Iraq, ongoing security hampers also disarmament attempts as the case in the attempt for demobilization of small arms in Afghanistan. The ongoing violence in Iraq has led people to provide their security on their own and thus armament among the Iraqi people is very common. While there is an official prohibition on selling weapons, there emerged a black market for obtaining guns. Thus, little progress could have been achieved in terms of increasing public understanding of disarmament. (IRIN news, 26 October 2006) As in the case of Afghanistan, there are also security problems at the state level in Iraq, as being a state with low *internal capacity*. The feeling of insecurity among the Iraqi people can also hinder the regime effectiveness in addition to the feeling of insecurity among states at the system level, as neorealists argue. Thus, the study argues that

providing civilian security is likely to increase the regime effectiveness, particularly in countries, where insecurity within state is a common characteristic.

In sum, unit level characteristics such as the social conditions including socio-cultural and religious conservatism and insecurity decrease the effectiveness of 4Rs activities in Iraq. In the exemplified areas of employment, education and demobilization, it is concluded that social conditions in Iraq do not support the activities of international community. First, socio-cultural and religious conservatism prevent international community activities on female employment to be effective. Second, again socio-cultural and religious conservatism, together with insecurity decrease the effectiveness of activities on female enrollment. Last, efforts on demobilization of small arms are hindered due to the ongoing insecurity conditions in Iraq. These implications, derived from the analysis of social conditions in Iraq will provide insights for the tentative principles, to be proposed in Chapter 7.

The next part will question the nature of the relations between the Iraqi government and international community, namely the UN agencies, international NGOs and their national partners and donor states. While they are mostly related with the conditions within state, the factors that shape the nature of this bilateral relationship are regarded among the unit level characteristics. Because. Identifying these factors will enable the study to provide incentives to international community to increase regime effectiveness in Iraq.

5.5.2. Nature of the Relations between the Government and International Community

This section attempts to analyze the relations between Iraqi government and international community to determine the nature of this bilateral relationship and to identify factors that shape this relationship. The study identifies the concerns of national and international NGOs about security and corruption as factors that shape the perception of international community in the Iraqi government. The study also finds out that the critiques towards the Iraqi officials on the lack of authority and unfair distribution of international aid as the factors that shape the nature of their relations with international community.

As will also be illustrated in the Sudanese case, general insecurity and violence particularly directed towards humanitarian workers seem to prevent the effectiveness of 4Rs activities in Iraq through hindering operations of international community and its access to the population in dire need. The militant groups in Iraq constitute a constant threat for the international and local staff of the humanitarian aid agencies. Especially the international staff of the Western agencies is regarded by some extremists as an extension of the US-led forces. (IRIN news, 18 August 2009) Due to the violence against aid workers, UN agencies and international NGOs relocated their staff to neighboring countries, particularly to Jordan. On 19 August 2003, terrorists blew up the UN headquarters in Baghdad and Sergio Vieira de Mello, the top UN envoy in Iraq, was killed (UN News Centre, 19 August 2003). This terrorist attack forced the UN mission to withdraw its mission to Jordan and to carry out its activities from there. In 2005,

the UN mission returned to the Green Zone in Baghdad, though Iraq was still not safe enough for aid workers. One of the aid workers, who personally present in Iraq told IRIN (18 August 2009) that he uses different names and has more than one ID card. He stated that he works in the dark, living in fear for offering help.

Especially in 2006 and 2007, when the sectarian violence reached to its top level in Iraq, local aid workers reported IRIN (3 October 2007) the lack of access to the needy people due to the serious security situation. The first problem is that militants do not recognize and respect the neutrality of aid agencies. Therefore they try to prevent them from delivering humanitarian assistance for groups opposed to them. According to the Nafie Obeidi, Vice President of the Iraq Aid Association, there are checkpoints controlled by different factions every kilometer of the Diyala province, eastern central Iraq and this feeling of insecurity leads volunteers prefer to turn back rather than to confront insurgents or militants. Second, it is stated that local security forces do not support and protect local NGOs and volunteers of aid workers can even face detention when they deliver supplies to areas where insurgents can be hiding. Cedric Turlan, NGO Coordination Committee in Iraq reminds the legal responsibility of the Iraqi government to prevent violations and regulate and facilitate NGOs efforts to access vulnerable populations (IRIN news, 18 December 2006).

Corruption is the second factor that the study identifies for the side of international community. As the case of Afghanistan, it is a common problem in Iraq and corruption within the Iraqi government seems to hinder the effectiveness of international aid projects. For example, in 2009 Abdul-Falah al Sudani, former Iraqi Trade Minister, was arrested and charged with corruption in food imports

unfit for human consumption (Bakri, 2009). According to Sheikh Sabah al-Saidi, the Chairman of the Parliament's Integrity Committee, billions of dollars have not been spent effectively. As a result of the corruption in the Public Distribution System, citizens have received either no or bad food items (IRIN news, 19 May 2009). Basil Abdul-Wahab al-Azawi, head of the Commission of Society Enterprises (CSE), a coalition of over 1,000 Iraqi NGOs, stressed the essential potential impacts of overriding corruption on the effectiveness of 4Rs activities in Iraq. According to him, spending money with accountability and for the benefit of the Iraqi people would reduce violence, poverty and deteriorated social situation in Iraq. It would work to absorb anti-government elements by bringing the society with the government. (IRIN news, 13 April 2008) The vicious circle, found in Afghanistan can be observed also in the Iraqi case. The tendency of international community to bypass the Iraqi government in the allocation of international funds and operation of 4Rs projects, due to corruption can hinder the capacity-building process of governments further.

Ahmed Hassan Rasheed from the NGO Human Relief Foundation said that absence of cooperation with some ministries is one of the important obstacles NGOs faced to do their jobs. According to him, government officials lack the understanding of the importance of the NGO presence and essential role of their partnership with the government. (IRIN news, 7 March 2010) In terms of lack of cooperation, the local NGOs in Iraq have critiques towards not only government but also the UN agencies and international NGOs. For example, Basil al-Azawi, head of the CSE, criticizes the insufficient support both from Iraqi government and international community. He states that their support meets only 2% of real

needs. He argues that both the government and international community have disregarded the needs of deteriorated humanitarian situation with poor public services. (UNAMI, 2008: 2) According to him, the Iraqi NGOs have not got any direct financial support from the Iraqi government and the support from international bodies has been only symbolic, limited and conditional rather than being effective. This conditionality, such as not using international funding to pay salaries or to rent offices, leads some of the local NGOs cheat and diminishes the quality of projects by using the money to cover other expenditures. (IRIN news, 24 July 2008) These critiques together with the conditions in Iraq, examined above will provide incentives to the study in proposing tentative principles for the regime effectiveness.

Since the nature of relationship between the government and international community is shaped by both of the parties, the remaining of the section will examine the concerns of the Iraqi officials on the policies of international community.

Different from the Sudanese case, the Iraqi government mostly welcomes the international support. Ibrahim al-Jaffari, interim Vice-President of Iraq told IRIN (2 March 2005) that Iraq needs aid agencies and the government has the responsibility to provide their security. Reminding the difficulties of the absence of the UN in Iraq, Sorya Isho Warda, the Minister of Displacement and Migration told IRIN (9 December 2004) that, the Ministry should substitute the UN missions through opening offices all over the country during those years. Narmin Othman, the Iraqi Environment Minister, also welcomed international support, particularly

on the qualified specialists and financial support to clear landmines and unexploded ordnance in Iraq (IRIN news, 8 June 2009).

In an interview, Akram Mantik, Governor of Erbil, also told that what Iraq needs more is not money but instead people with experience and skills on humanitarian reconstruction and cooperation with (IRIN news, 16 December 2003). Indeed, contrary to the situation in Afghanistan, Iraq has the financial capacity for self-management thanks to the rich oil reserves²⁴. Thus, the Iraqi government itself could make financial contributions to the international NGOs, operating in Iraq. For example, the Iraqi government contributed US\$40 million to WFP in 2008 for the provision of food assistance for Iraqi IDPs. WFP (News, 27 May 2008) stated that through Iraqi contribution, 85% of the WFP's operation in Iraq could be funded.

Though they mostly welcome 4Rs activities in Iraq, the Iraqi officials have also critiques towards international community, namely for the lack of authority on aid spending and unfair distribution of international aid. Regarding the critiques towards lack of authority, Akram Mantik, the Governor of Erbil, criticized the UN's allocation of the funds for Iraq, similar to the Afghan officials' critiques towards bypassing the Afghan government on major aid efforts. He told that the Kurdish Regional Government would like to have more authority on the reconstruction projects and more control on where the money spent. (IRIN news, 16 December 2003) The Refugees International (Younes, Rosen, 2008: 6) also reported that the local Iraqi officers believe that aid have been unfairly distributed, particularly based on a sectarian discrimination. Local officials in Sunni areas think that aid is more available in Shiite governorates, though the situation has

²⁴ Iraq has a US\$155.4 billion GDP and Afghanistan has a US\$ 29.74 billion.

more to do with access difficulties due to the security reasons, Refugees International argued. As in the case of the Afghan people's perceptions in the unfair distribution of aid, the Iraqi officials also think that international community is not neutral. Thus, critique of Goodwin-Gil (1999) on the 4Rs activities in refugee producing countries proves to be right also in Iraq. Increasing activities in countries of origin seem to jeopardize the impartiality and neutrality of UNHCR and its implementing partners, as he argues.

The lion share of the critiques from the Iraqi officials belongs to themselves. In Iraq, government officials' critiques towards the insufficient funding are mostly directed to their own government rather than to the donor countries, UN agencies and international NGOs as the case in Afghanistan. Azhar Al-Mousawi, the Deputy Minister for Displacement and Migration, stated that his ministry was allocated only US\$ 250 million in 2011 to meet the needs of IDPs and returnees. He informs that, the allocated budget was nearly half of the required though the general budget was US\$ 82.6 billion. (IRIN news, 28 February 2011) In 2008, Parliament's committee on displacement and migration appealed for a separate budget. According to the appeal, the committee required to receive either 3-5% of the Iraq's oil revenues or US\$ 2 billion to meet the needs of IDPs and returnees. However, given the priorities to other issues such as municipal services and security, both suggestions were rejected. (IRIN news, 5 January 2010)

In terms of corruption, Sheikh Sabah al-Saidi, head of the Iraqi Parliament's anti-corruption committee, warned that if more money were reallocated for development and reconstruction projects, it would pave the way for corruption and the Iraqi citizens would again not get benefit from the financial

resources of Iraq. Instead, he, thus, urged the Parliament to reallocate funding to social welfare programs rather than development and reconstruction projects. (IRIN news, 13 April 2008) Hazim Ibrahim, deputy head of Baghdad's water directorate, criticizes the government for neglecting the implementation of the strategic water projects since 1985. He defines corruption as the biggest catastrophe in all governmental ministries (IRIN news, 16 March 2008). In terms of critiques towards corruption within the Iraqi government, Salah Obaidi, a spokesman for the Ministry of Reconstruction, accepted that corruption together with violence has hampered reconstruction efforts in Iraq. He admitted that “many funds allocated for the rebuilding of the country have unfortunately gone into the wrong hands”. (IRIN news, 21 March 2007)

It might be argued that Iraq has different motivations than Afghanistan to root out corruption within government. The Afghan government officials have been motivated to cope with corruption by the availability of international funds. They have thought that the donor countries would not support Afghanistan's 4Rs program as long as the corruption continues in the country. Different from Afghanistan, Iraq needs to cope with corruption to increase security within Iraq. According to Barak Ibrahim, a political analyst and professor at Mustansiriyah University in Baghdad, improvement in economic conditions will bring peace and security to Iraq. He argues that Iraqi people's welfare would increase through economic stabilization. Having a relatively better economic welfare, they would not tend to support insurgencies any more to look after their families. (IRIN news, 2 August 2006)

In sum, the analysis of the relations between Iraqi government and international community finds out that the nature of this bilateral relationship is not cooperative. There are dissatisfactions and critiques from both parties in terms of the provisions of 4Rs activities. From the international community side, critiques towards the insecurity and corruption are identified as the main factors that cause dissatisfaction towards the Iraqi government. The factors that shape government relations with international community are also identified as concerns on the lack of authority on 4Rs projects and unfair distribution of international aid.

International community criticizes the Iraqi government on the insecurity and violence against humanitarian workers. They experience working difficulties since the militant groups in Iraq constitute a constant threat for the international and local staff of the humanitarian aid agencies and the Iraqi government does not provide their security. According to international community, militants do not accept their neutral character and the Iraqi government does not provide security for them, though it has such a legal responsibility. Last, international community argues that corruption within the Iraqi government decreases the aid effectiveness since aids are not spent with accountability and in an effective manner.

Since Iraq has considerably a better economy than Afghanistan, the Iraqi officials do not criticize international community for the insufficient level of support, contrary to the case in Afghanistan. Instead, they direct their critiques towards the insufficient level of support for their own government, given its financial capability. Thus, in Iraq, government does not criticize government dependency on foreign aid. They instead demand more authority on reconstruction projects and more control on where the money is spent. This is a critique, very

similar to the Afghan officials' on the lack of authority to control aid spending. As in the Afghan case, Iraqi local officials also criticize international community to distribute international aid unfairly, though by different reasons. In Afghanistan, it is argued that international community fails to provide basic services, governance and security to rural communities. Thus, the critique goes on the priority given to central cities. In Iraq, the reasoning has a sectarian base. The Sunni officials believe that there is a sectarian discrimination in aid distribution, arguing that governorates receive more aid.

This study seeks to examine the unit-level characteristics of Iraq to derive implications for regime effectiveness in countries with low *internal capacity*. In addition to social conditions, the nature of the relations between the Iraqi government and international community are examined so far. The next part seeks to examine the perceptions of the Iraqi people in order to give incentives to UNHCR and its implementing partners to increase people's support for 4Rs activities.

5.5.3. Perceptions of the Local People in Iraq

It might be argued that Iraqis have more confidence in international NGOs than to their own government. They mostly welcome 4Rs activities of the national and international NGOs, as the case in Afghanistan. This relative confidence in international community comes mainly from the government-related reasons, namely the insufficient provision of basic services in comparison to Saddam

period and their beliefs on the sectarian discrimination. However, the Iraqi people have still critiques towards international community. The factors identified for their negative perception and non-confidence are aid dependency, insufficient level of support, distrust due to the existence of local fake aid agencies, Iraqis' beliefs on international NGOs' contacts with intelligence services and Christian missionary activities.

As mentioned above, the Iraqi people have more trust in international community mainly due to the government-related reasons. The Iraqi people have several critiques towards their government, particularly when they compare their life conditions with the Saddam period.

According to IRIN news (6 January 2010), Iraqis have welcomed the involvement of WFP in Iraqi food aid system. Iraqis believes that food aid system will be more secure and better governed through the control of the WFP, rather than the Iraqi government.

The perception of Iraqis in this example reflects their general distrust in the Iraqi government. In terms of security, people also do not regard the government as eligible to provide security in Iraq. According to Basra residents, the government is losing control to criminal groups and they demand resignation of provincial police and army chiefs. (IRIN news, 12 March 2008) According to an army officer, the government and the US forces force Iraqis to join the terrorists through humiliating the country and its people with no economic opportunities (IRIN news, 10 July 2007). The Arabs in Kirkuk think that they have been forced to leave Kirkuk to be able to make the city a part of the Iraqi Kurdistan region. According to the people in Kirkuk, the government has not been

taking any action to support and protect them against the Kurds. (IRIN news, 16 December 2007)

There is a widespread belief among the Iraqi people that Saddam period was far better than Maliki administration. According to recipients and specialists, the food system worked almost perfect under Saddam. Food rations were nearly double of the current quantity and quality was also better. (IRIN news, 9 September 2007) Mustafa Abdul-Muta'al, an IDP in Iraq, thinks that the promised democracy is flawed and life was better during the Saddam regime: "...our children were studying, our wives wore good clothes and more importantly, we had a house to sleep in and good food to eat. I thought that was democracy but they have given it a different meaning now." (IRIN news, 28 May 2007) In terms of basic services, Sahira Salah, a local people in Baghdad said that they used to have safe water and good sewage systems during the Saddam period (IRIN news, 18 February 2007). Fawaz Ahmed Ajil, another resident of Baghdad, also told IRIN (1 February 2007) that they prefer Saddam's days when there was no much corruption as now and when people were not subjected to death every single moment as now. Asif Muhammad, an Iraqi engineer misses the solidarity among the society during the Saddam regime. According to him, the Iraqi people have lost faith in each other. During the Saddam regime, people would help each other but now they have to first think their own lives. (IRIN news, 8 May 2007) In addition to Iraqis, Fu'ad Ahmed, a Palestinian refugee in Iraq, expressed his aspirations in the Saddam era. His family could not get support from the government, being treated as ex-regime supporters. He told IRIN (14 March 2007) that being treated very well treated and respected during Saddam Hussein's time,

they “were like any other Iraqi, receiving monthly food rations, free health and education and working in any place without trouble”.

In addition to people’s dissatisfaction on their state of welfare in comparison with the Saddam period, the Iraqi people criticize their governments also on sectarian discrimination. According to Refugees International (Younes, Rosen, 2008: 6), While Ministry of Migration is controlled by Sadrist sympathizers, which is a Shiite organization, Sunni Iraqis perceive Ministry of Migration as having a strong bias in favor of Shiites.. In interviews, conducted by Refugees International in Sunni areas of Falluja, Kirkuk and Mosul, many IDP families told that Shiites displaced in the south received much more attention from the central government. In addition to Ministry of Migration, Ministry of Trade is also perceived by the Iraqi people as being in favor of Shiites. This ministry is particularly important since it is in charge of Public Distribution System. Also within Baghdad, Refugees International reports that there are critiques within Baghdad, arguing that the government services are distributed according to a sectarian bias and for example Shiite areas get more hours of electricity than Sunni areas. However sectarianism argument in Iraq is not one-sided. Aid groups argue that Shiites also face sectarian bias and receive an inferior quality of help in the Sunni areas. In the Iraqi example, it is possible to argue that political leaders and elites can make their choices on state policies by their religious/sectarian affiliations.

In addition to the critiques towards the Iraqi government, the Iraqi people have also critiques. The chapter identifies aid dependency, insufficient level of support, confidence and neutrality problems as factors that shape Iraqis’ perceptions in international community. Abu Hassan, a displaced people, told

IRIN (27 March 2007) that they depend on the assistance from NGOs and unfortunately this aid is not always available. Similarly, a Shiite Arab, who was displaced because of his religious sect, said that all families living in camp in Kerbala are totally dependent on local NGOs in terms of food, clothes and medicines. Thus when the aid does not come, they have no money to survive. (IRIN news, 11 January 2007)

In terms of people's perceptions in the insufficient level of support, Rastgo Muhammad Barsaz, a spokesman for the Kurdistan Campaign to Help Victims of War, thinks that there is not enough support from NGOs near the Iraqi border in terms of basic supplies such as food, tents, potable water and clothes. (IRIN news, 5 November 2007) Adeela Harith, a widow and mother of three, told IRIN (31 May 2007) that she tries to find food in rubbish bins and her children beg in the street to buy water and milk. According to her, no one cares with the deteriorating situation in Iraq any more. Regarding the reasons for such critiques, Kim Bolduc, head of the UN Office of the Humanitarian Coordinator for Iraq in southern Iraq, stated that Iraqis are "impatient for real change". First, the Iraqi people expect a real change together with the increasing level of freedom in the post-Saddam dictatorship. Second, people expect this change quickly in a wealthy country like Iraq. (10 June 2003) Thus, informing Iraqis on the difficult process of transition in countries like Iraq can remove such critiques.

In addition to the critiques towards their own government, the Iraqi people have also critiques towards international community. Refugees International (Younes, Rosen, 2008: 7) reports that most Iraqis perceive international NGOs as nonactors in Iraq, being physically not in the field. Most of

them are unaware of the UN activities thinking that it is only active only in green zone to support the central government. Most of them also are not aware of the international assistance available to them. According to Refugee International, many Iraqis also criticize remote decision making process from Amman. Being absence in Iraq was regarded by the Iraqis equal to be disconnected from the reality of Iraq (Younes, Rosen, 2008: 8). It is also argued that UN assistance activities in Iraq do not have any impact to the real life. Hamza Salih, an Iraqi taxi driver, said that "... meetings inside and outside Iraq resulting in tens or hundreds of agreements with millions and billions of dollars to help Iraqis, but we haven't seen any improvement in our life." (IRIN news, 14 August 2008) Kim Bolduc, accepted that there is clearly some anger in the streets against the occupying forces. However the informed population is aware of the difference between the UN and coalitions forces. The UN tries to show people that the UN officials are civilians, do not carry guns and work for the population. (IRIN news, 10 June 2003) In an IRIN interview (24 March 2005), Ashraf Qazi, the UN Special Representative for Iraq, also told that absence of UN in Iraq after the tragedy in 2003 was understood by the people and the UN has the best image in Iraq, compared with any other institution.

In terms of the feeling of distrust among the Iraqi people, the chapter identifies the existence of fake local aid agencies, Iraqis' beliefs on the international NGOs' contacts with intelligence services and with Christian missionary activities. As explained in the Afghan case and will also be explained in the case of Sudan in Chapter 6, distrust among the local people can negatively affect the operation of 4Rs activities. Thus, reasons of distrust are important in

identifying tentative principles to possibly increase effectiveness of international refugee regime in countries with low *internal capacity*. The main reasons of distrust in international community in Iraq are different than Afghanistan and Sudan. As shown in Chapter 4, the main reasons of distrust among the Afghan people in international community were people's belief on that international community serves its own interests rather than the Afghan people and that distribution of aid is unfair mainly create distrust among them in international community. As will be illustrated in Chapter 6, the Sudanese people have distrust in international community because of completely different reason, namely their unmet expectations from the presence of international missions. However, in Iraq, existence of fake local aid agencies harm confidence in aid agencies and belief on the contact of international community with intelligence services and Christian missionary activities create a neutrality problem among them towards the international community. It seems that as Goodwin-Gil (1999) warns in his critique of root causes approach in the literature review, 4Rs activities can indeed jeopardize the neutrality and impartiality of international community on the eyes of the Iraqi people, as the case in Afghanistan.

Regarding the problem of fake local aid agencies, according to Dawood Pasha, director-general at the Ministry of State for NGOs, there are thousands of aid agencies in Iraq that exist only on paper, even without an office. Their main aim is to misuse the money coming from outside Iraq. Some of these aid agencies can betray people by taking their money and by giving them worthless papers for the so-called government land. Mainly because of these fake aid agencies, many people lost confidence in these organizations. (IRIN, 23 December 2004)

The distrust among Iraqis in international NGOs includes suspicions on their neutrality. On 27 May 2003, Sergio Vieira de Mello, the UN High Commissioner for Human Rights, was appointed by UN Secretary-General Kofi Annan as his Special Representative for Iraq. Sergio Vieira de Mello told IRIN in an interview on 14 July 2003 that UN is seen to be independent by the Iraqi people: “We are seen to be independent, we are seen to be here to support them and achieve full self-government, that is full sovereignty, as soon as is possible.” Unfortunately, only one month later, he was killed by terrorist bombings at the UN headquarters in Baghdad (UN News Centre, 19 August 2003). Dawood Pasha, director-general at the Ministry of State for NGOs, said that the general view of the Iraqi people on aid agencies is that aid agencies are not neutral, having contacts with intelligence services such as Mosad or CIA. To put it differently, the Iraqi people don’t believe that NGOs are just in Iraq to help Iraqis. (IRIN news, 13 December 2004)

The feeling of distrust among the Iraqi people also includes suspicions on missionary activities. The Iraqi people regarded NGOs as Christian missionaries in Iraq, using aid to convert young Muslims to Christianity (IRIN news, 23 May 2007). Thus, it seems that international NGOs experience difficulties to gain confidence of the Iraqi people and to convince them that on their intention. Eduardo Marotto, spokesman for a missionary Christian organization (Christ’s Peace Organization) argued that they don’t force people or promise them money to convert. They can just find people, during their assistance work, who want to know more about Christ and his belief. (IRIN news, 23 May 2007) It can be true or not, but Professor Mustafa Abdallah, a humanitarian analyst at Mustansiriyah

University in Baghdad, suggested international NGOs to be clear about their intention and highlight their neutrality and impartiality (IRIN news, 23 May 2007).

In sum, the Iraqi people have relatively more confidence in international NGOs than in their government both in terms of providing aid and security to them. Thus, they mostly welcome 4rs activities in Iraq. However, this relative confidence inward international community is mainly because of government-related reasons. The Iraqi people compare the Maliki administration with the Saddam period in terms of their access to basic services and they complain about their current quality of life. They also criticize the central government and/or governorates for sectarian discrimination. Sunni Iraqis argue the existence of a strong bias in favor of Shiites and Shiites particularly living under Sunni governorates argue a bias in favor of Sunnis.

The study identified factors, which lead critiques towards international community, namely aid dependency, insufficient level of support and distrust due to the existence of local fake aid agencies, beliefs on international NGOs contacts with intelligence services and Christian missionary activities. Such as the case in Afghanistan, that the Iraqi people are disturbed of being aid dependent, since this aid would not be always available and when it is the case, they would not have resources to survive. Again as Afghan people, Iraqis criticize insufficient level of support among local people for the NGOs. Iraqi people have also distrust in international NGOs, mainly because they don't believe in their neutrality and sincerity. There is a widespread belief among local people that international NGOs have contacts with intelligence services, such as CIA or MOSSAD and thus they

have other purposes rather than helping Iraqi people, including Christian missionary activities.

5.6. Results of the Quantitative and Qualitative Analyses

Examining the UNHCR's goals of providing sustainability of reintegration and prevention of further flows, the quantitative analysis concludes that international refugee regime has been inefficient to reintegrate Iraqi returnees. Instead, about 57% of the returnees have been reintegrated. The study also finds out that the goal of prevention of new mass exodus could not be provided. Thus, it is concluded that international refugee regime was not effective in Iraq between 2003-2011. In other words, international refugee regime attempted to increase its effectiveness in Iraq since the country diminishes its effectiveness by being a refugee producing country. In return, the main characteristics of the low *internal capacity* hindered the effectiveness of 4Rs activities in Iraq. Table 6 illustrates the findings of regime effectiveness in Iraq, as was the case in Afghanistan.

Table 6: Effectiveness of international refugee regime in Iraq, 2003-2011

Case	Sustainability of repatriation (Y/N)	Prevention of new flows (Y/N)	Effectiveness
Iraq	NO	NO	NOT EFFECTIVE

The qualitative analysis first examines the main social conditions in Iraq to find out whether they lead Iraqi people to cooperate with 4Rs activities. Second, the nature of the relations between the Iraqi government and international community are examined and factors that shape this relationship have been identified. Last, the Iraqi people's perceptions in the 4Rs activities are questioned and factors that shape people's perceptions are identified.

The main reasons for the ineffectiveness of international refugee regime in Iraq are identified as the lack of basic public services and insecurity at the state level. While these factors are attributed to the characteristics of the low *internal capacity*, it is argued that Iraq's low *internal capacity* created adverse implications for the effectiveness of international refugee regime. The chapter conducted also a qualitative analysis to identify tentative principles for UNHCR and its implementing partners to increase regime effectiveness in countries with low *internal capacity*.

In the first part, it is concluded that social conditions such as insecurity and socio-cultural and religious conservatism decrease the effectiveness of 4Rs activities in Iraq by causing people's resistance to 4Rs activities. Regarding the implementation of the social conditions on the possible ways of increasing the effectiveness of international refugee regime in Iraq, two suggestions are identified. First, religious and socio-cultural conservatism seems to hinder the effectiveness of activities to increase female employment and female enrollment in Iraq. Thus, awareness-raising activities on women's access to employment and education for girls are likely to increase effectiveness of 4Rs activities on employment and education in Iraq. Second, as in the cases of Afghanistan and

Sudan, insecurity and violence can also prevent 4Rs activities on female enrollment and disarmament in Iraq. Thus, international refugee regime is more likely to become effective if security for civilians is provided through the mandate of international missions.

The second part finds out that the relations between Iraqi government and international community are not cooperative and there are dissatisfactions and critiques from both sides in terms of provisions of 4Rs activities. From the international community side, critiques towards insecurity and corruption are identified as the main factors that cause dissatisfaction from the Iraqi government. The factors that shape government relations with international community are identified as critiques towards the lack of authority on 4Rs projects and unfair distribution of aid. Regarding the implementation of the relations between government and international community on the possible ways of increasing the effectiveness of international refugee regime in Iraq, two suggestions are identified. First, as Sudanese case will also illustrate, general insecurity and violence against humanitarian aid workers in Iraq hinders effectiveness of 4Rs activities through preventing access to the people in dire need. The local officers' beliefs on unfair distribution of aid due to sectarian discrimination can prevent cooperative nature between government and international community. When Iraqi government would cooperate with international community in terms of providing security to the workers of international community and if militants would recognize and respect the neutrality of aid agencies, 4Rs activities of international regime is more likely to become effective. Thus, information campaigns on the neutrality of international community and trust-building activities can convince

government officials on the neutrality and real intention of international community, namely to help Iraqi people. Second, corruption within Iraqi government can prevent effectiveness of 4Rs activities through wasting aid spending. As the Afghan case, spending money with accountability and for the benefit of the Iraqi people is likely to increase effectiveness of 4Rs activities. Funding government sufficiently to increase its capacity of rebuilding its administration can increase the Afghan government's capacity to deal with corruption. Third, as the Afghan case, KRG's critiques towards the lack of authority on aid spending and 4Rs projects seem to prevent cooperation with international community. Thus, increasing authority in regional governments can give them incentives to cooperate with international community on 4Rs activities.

In the last part, nature of the perceptions of the Iraqi people is identified as dissatisfied and non-confidence, namely because of aid dependency, insufficient level of support and distrust due to existence of local fake aid agencies, beliefs on international NGOs contacts with intelligence services and Christian missionary activities. Regarding the implementation of perceptions of the Iraqi people on the possible ways of increasing the effectiveness of international refugee regime in Iraq, four suggestions are identified. First, the Iraqi people feel that they are dependent on assistance from NGOs, which can not be always available. Since people are aid dependent instead of having their own income to survive, people's perceptions in international community can be negative when this aid is not available. Thus, when 4Rs activities implement projects to increase people's economic self-sufficiency, their support to international community can increase, which would in turn increase the effectiveness of international refugee regime in

Iraq. Second, the Iraqi people's perceptions in insufficient level of support from NGOs can diminish their support to 4Rs activities, which can in turn diminish the effectiveness of international refugee regime. The reasons for critiques seem to be impatient expectations for real change in Iraq and lack of proper knowledge on the activities of UN agencies. Thus, information campaigns on the process of transition in Iraq and UN activities can increase people's support to international community and increase the effectiveness of 4Rs activities. Third, distrust among Iraqis in national and international NGOs can prevent effectiveness of 4Rs activities in Iraq. If the existence of fake local aid agencies can be prevented, it is likely that people would have more confidence in national NGOs. Last, information campaigns to convince Iraqis on the neutrality of aid agencies are also likely to increase the effectiveness of 4Rs activities.

5.7. Conclusion

Iraq, being a country with low *internal capacity*, has produced refugee flows and decreased the effectiveness of international refugee regime by its continuing insecurity and low political, economic and social performance. The 4Rs activities in Iraq became ineffective to reintegrate returnees in a sustainable manner and have also failed to prevent the recurrence of new mass flows. The activities of UNHCR and its implementing partners had limited effect due to volatile security situation and cultural and religious beliefs, uncooperative behavior of Iraqi government and confidence problem of the Iraqi people.

This chapter first examined Iraq's political, social and cultural structure and then its history, with the aim of understanding the historical background. As being a refugee producing country, the strategy of prevention and solution and the 4Rs program have been conducted in Iraq by UNHCR and its implementing partners since 2003. Thus, the third part of the chapter provided brief information on the 4Rs activities in Iraq.

The quantitative analysis of the chapter questioned whether international refugee regime was effective in Iraq through its 4Rs activities between 2003-2011. It first quantitatively measured regime effectiveness through criteria of sustainability of reintegration and prevention of new flows. The analysis concluded that international refugee regime was not effective to reintegrate 100% of the Iraqi returnees. Instead, about 57% of the returnees were reintegrated. The study also found out that the goal of prevention of new mass exodus could not be provided. Especially in 2007, when sectarian violence reached its peak level, number of asylum seekers increased by 64% in comparison with 2003 and number of IDPs increased by %120 between 2005-2008.

The chapter sought to comprehensively understand the relations between 4Rs activities and social conditions of the country, the Iraqi government and the local people. It found out that social conditions in Iraq, such as the feeling of insecurity and socio-cultural and religious conservatism, diminished the effectiveness of 4Rs activities. The nature of the relations between the Iraqi government and international community was not found cooperative, mainly due to the feeling of insecurity among the UN agencies and international organizations and corruption within the Iraqi government. Last, it was found out that perceptions

of the Iraqi people were not supportive of the regime activities, given their confidence problem.

The case study on Iraq identifies several implications for the regime effectiveness, derived from the qualitative analysis. In terms of social conditions, awareness raising activities on the importance of women's education and employment and increasing civilian security are likely to increase the regime effectiveness in Iraq. In terms of the relations between the Iraqi government and international community, information campaigns on the neutrality of aid agencies and funding the government sufficiently to increase its capacity of rebuilding its administration seem to increase the regime effectiveness in Iraq. Regarding the perceptions of the Iraqi people, implementing projects to increase people's economic self-sufficiency, information campaigns on the difficult process of transition in Iraq, on the neutrality of aid agencies and prevention of the activities of fake local aid agencies are likely to develop supportive perceptions among the Iraqis in international community.

The next chapter will continue with the third case of the dissertation, namely Sudan. It will first aim to question the effectiveness of international refugee regime in Sudan through the quantitative criteria of sustainability of reintegration and prevention of new flows. It will then qualitatively analyze the social conditions, nature of the relations between the Sudanese government and international community and perceptions of the local people to identify conditions to increase regime effectiveness in Sudan. The implications, derived from this case study, together with the implications from Afghanistan and Iraq will in return

provide tentative principles for international community, in terms of operating to increase regime effectiveness in countries with low *internal capacity*.

CHAPTER 6

CASE STUDY 3: SUDAN

Chapter 5 examined Iraq as the second case of the study. It questioned the effectiveness of international refugee regime and sought to derive implications for tentative principles in Chapter 7. The chapter found out that international refugee regime was not effective in Iraq during the years 2003-2011. It also examined the social conditions, the nature of the relations between the Iraqi government and international community and perceptions of the local people. It was found out that social conditions in Iraq, such as the feeling of insecurity and socio-cultural and religious conservatism, diminished the effectiveness of 4Rs activities. The nature of the relations between the Iraqi government and international community was also found as uncooperative, mainly due to the feeling of insecurity among the UN agencies and international organizations and corruption within the Iraqi government. Last, Perceptions of the Iraqi people were not supportive of the regime activities, given their confidence problem.

This chapter analyses the last case study of the dissertation, Sudan. The first part of the chapter will give a brief introduction of political and social structures in Sudan and then the second part will examine the history of Sudan to understand both the roots of Sudan's low *internal capacity* and reasons of the

forced displacement in the country. The third part will seek to examine the 4Rs activities of UNHCR and its implementing partners in Sudan. The next part will examine the effectiveness of international refugee regime in Sudan between 2005-2011 through quantitative analysis. The last part aims to identify the principles by which UNHCR and its implementing partners can operate to increase the regime effectiveness.

This chapter argues that international refugee regime was not effective in Sudan²⁵ during the period 2005-2011, based on the findings from quantitative analysis. The 4Rs activities in Sudan were not effective to reintegrate returnees in a sustainable manner and to prevent the recurrence of new mass flows. The activities of UNHCR and its implementing partners had a limited impact on the regime effectiveness, mainly due to lack of security and government cooperation. The relations between the Sudanese government and international community, namely the UN agencies, international NGOs and their national partners and donor states, diminished the effectiveness of 4Rs activities in Sudan. The Sudanese local people have also lost confidence in international aid community, since they think that their presence does not change their quality of life considerably.

²⁵ The study refers Republic of Sudan since Republic of South Sudan was also a part of it until July 2011.

6.1 A General Overview

The Republic of Sudan has 1,861,484 sq km territory with seven neighbor states: South Sudan (2,184 km²⁶), Chad (1,360 km), Egypt (1,275 km), Ethiopia (769 krrm), Eritrea (605 km), Libya (383 km) and Central African Republic (175 km). Sudan has a population of about 34,2 million.²⁷ (CIA, 2013c) In Sudan, there are three major regional groups, those of African descent, those of Arab descent and those who share both ethnicities through intermarriages (Essien and Falola, 2009: 5). Sudanese Arabs constitute the major ethnic group (about 70%) and others constitute the remaining 30%. (CIA, 2013c). Sudanese Arabs control the political, social and economic structures of the country. The two largest non-Arab groups include the Dinka and the Beja people (Essien and Falola, 2009: 5-6).

Sudan has two official languages, namely Arabic and English. Nubian, Ta Bedawie and Fur are also regional languages. (CIA, 2013c) There are actually over 500 major languages in Sudan, which are associated with people from different cultural groups. However, Arabic can be regarded as the national language though English is also spoken in most urban areas. Dinka languages are the widely spoken non-Arabic language in the south. (Essien and Falola, 2009: 6). The Majority of the population is Sunni Muslim and there is also a small Christian minority in the country (CIA, Sudan, 2013). The north and south Sudan can be distinguished in terms of ethnicity and religion, since people from the north are

²⁶ Sudan-South Sudan boundary can be subject to change, dependent on the final sovereignty status of Abyei region (CIA, 2013d).

²⁷ Sudan had also until recently the land and population of South Sudan, which meant an additional 644,329 sq km land and 10,6 million population (CIA, 2013d).

mostly Arabs and Muslims while most people in the south subscribe to traditional religions or Christianity (Essien and Falola, 2009: 7).

Sudan has 17 states²⁸, of which the capital is Khartoum. It has a mixed legal system of Islamic law and English common law. It is a federal republic, ruled by the National Congress Party (NCP). The Comprehensive Peace Agreement (CPA) mandated Government of National Unity for the government. Since 16 October 1983, President Umar Hassan al-Bashir is both the chief of state and head of government. Last elections were held in April 2010 and next elections are to be held in 2015. In the legislative branch, bicameral National Legislature consists of a Council of States and a National Assembly. Last election for the legislative branch was held in April 2010 and next election is to be held in 2016. (CIA, 2013c)

Sudan has better economic indicators in comparison with Afghanistan but worse than Iraq. Its GDP (purchasing power parity) is US\$ 80.43 billion in 2012, ranked in 80th in the world (Afghanistan is ranked in 111st and Iraq 61st). Its GDP real growth rate is -11.2 % in 2012, ranked in 216th in the world (Afghanistan is ranked in 49th and Iraq 7th). Sudanese have a GDP per capita of US\$ 2,400 in 2012, ranked in 182nd in the world (Afghanistan is ranked in 217th and Iraq 160th). (CIA, 2013c) According to the key economic, political, security and social welfare criteria, Index of State Weakness (Rice, Patrick, 2008: 10) ranked Sudan in the 6th place among 141 countries. Using key social-economic

²⁸ Red Sea, Gezira, Khartoum, Gedaref, White Nile, Blue Nile, Northern, Western Darfur, Southern Darfur, Southern Kordofan, Kassala, River Nile, Eastern Darfur, Northern Darfur, Northern Kordofan, Sinnar and Central Darfur. While Sudan is geographically too fragmented and this fragmentation is also felt in practice, the detailed list of the Sudanese states are provided, different from the cases of Afghanistan and Iraq.

and political-military indicators, the Failed State Index of Fund for Peace (2012: 4) ranked Sudan in 3rd of 177 countries. According to the index, the country was at 3rd in 2005 (*Failed State Index*, 2005) and within 7 years, its rank did not change. HDI of the UNDP (2011: 126) ranked Sudan in 169 of 187 countries. According to the index, Sudan increased its development ranks within the last 7 years, despite its still very low development rank. Its HDI (2011: 133) was 0.383 in 2005 and with a small increase in 2011, became 0.408.

In sum, this part concludes that Sudan is a refugee producing country with low *internal capacity*. By the beginning of 2012, Sudan hosts about 2,422,520 IDPs and about 491,013 refugees abroad (UNHCR, 2011a: 44), mainly in Chad. The next part of the chapter examines the political history of Sudan with the aim of identifying main causes of the country's low *internal capacity*.

6.2. A Brief History of Sudan

This section seeks to understand the roots of the Sudanese low *internal capacity* through examining its political evolution during the past two centuries. With this aim, the section will study the period until the Sudanese independency, the first and second civil wars, the Darfur conflict and the 2005 CPA and its afterwards.

6.2.1. Sudan as an Independent State

Sudan hosted the Funj Sultanete, established between northern, central and southern Sudan in the 16th century. The Sultanete was a form of monarchy with a centralized government, which was controlled by the Arabs and Muslims. Its formation created an enmity between the local Africans and Arabs, seen as foreign invaders. The Funj Sultanete increased Arabization and Islamization of Sudan in 18th century. The divisions in the Sultanete on the inclusion or exclusion of non-Arabs in the administration and sentiments among various ethnic groups paved the way for the Ottoman conquest in the early 19th century. (Essien and Falola, 2009: 26)

The Ottoman Empire, together with Muhammad Ali and Egyptian army ruled Sudan between the years 1821-1885. The Arabs felt threatened by the Turco-Egyptian rule and organized more better than the local African people, given their common ethnic and religious faith. (Essien and Falola, 2009: 27) A religious resistance, known as the Mahdist Revolt under Mohammad Ahmed El Mahdi, revolted against the Ottoman leadership to liberate Muslims. In 1885, the Mahdists killed the General Charles Gordon, a British governor and military general, who was sent by the British government to assist the Egyptian army. They captured Khartoum in the same year. Although British conquered the Mahdists in 1898, the Revolt became the first major nationalist movement and evoked a political consciousness to end foreign domination. (Essien and Falola, 2009: 27-28)

Beginning in 1899, the Anglo-Egyptian rule constituted the last colonial period in the Sudanese history. National sentiments against the Anglo-Egypt rule began to increase in the beginnings of 1920s by Ali Abdel Latif, who proclaimed that Sudan should be governed by the Sudanese. He formed the White Flag League to challenge the colonial rule. In 1938, some reformation groups emerged among the educated class, claiming independence and freedom of the people of Sudan. In late 1938, violence increased against colonial officials and Sudanese society was divided over the question of either towards independence or an alliance with Egypt. (Essien and Falola, 2009: 29-31) In January 1956, Sudan became independent.

In sum, the Sudanese history was a history of foreign rules until mid 20th century. There was also an ethnic and religious division within the society, with the dominant character of the Arabs and Muslims over the local African people, whose are mainly Christian or believe in traditional religions.

6.2.2. The First Civil War

The first civil war in Sudan started on 18 August 1955, about four months before the independence of Sudan and it ended in 1972, when the South gained regional autonomy. (Hovil, 2010: 8) In the first major election after independence, The Sudanese Prime Minister Ismail al-Azhari was defeated by the alliance between the People's Democratic Party and the Umma Party in 1956. Abdallah Khalil became the Prime Minister. However, his leadership lasted only two years,

due to his inability to create a bridge between the north and south Sudan. He was overthrown by the first military coup in November 1958 and the army leader Ibrahim Abboud became the Prime Minister until 1964. His military government solidified the power of northerners. As a result, rebellions in the south together with the large-scale protests for economic problems weakened the government. He was overthrown after the October Revolution in 1964. The second military coup in 1969 ended the new leadership of Sirr al-Khatim al-Khalifah. Colonel Jaafara al Nimeiri, the chairman of the Revolution Command Council, was elected as the President of Sudan in 1971. Nimeiri signed the 1972 Addis Ababa Agreement, attempting to bridge the gap between the south and north. (Essien and Falola, 2009: 33-34) The most important political implication of this civil war was a self-governed South by the Agreement of Addis Abab. However in 1983, the agreement fall apart, mainly because of the discovery of oil in the South and Southerners' fears on a potential Arab Islamic state due to the increasing ties of Khartoum with Arab governments. (Hovil, 2010: 8)

In sum, the Sudanese history witnessed an 18 years-long civil war, based on the ethnic and religious division between the North and South. During the civil war, it also experienced tow military coup d'états, which instabilized the government.

6.2.3. The Second Civil War

The Addis Ababa Agreement in 1972 guaranteed the southern autonomy and distribution of oil profits to improve the infrastructure in the south. However John Garang-led Sudanese People's Liberation Army (SPLA) was unsatisfied with the conditions for southern freedom of equality with the rest of the country, and continued its revolts and attacks against the central government. (Essien and Falola, 2009: 34) Dr. John Garang de Mabior founded the Sudan People's Liberation Movement (SPLM) in July 1983, with the intention of creating a new Sudan united under a socialist system. The SPLM was structured along the SPLA's military line. (Gallab, 2008: 2) The SPLA was formed in the south and took control of much of South Sudan in the late 1980s. In 1991, SPLA was divided into factions, which went into a bloody war with each other. (Elnur, 2009: 73) Two major fractions were based on two competing ideas: the ideology of separatism versus unity. These two sides were later took an ethnic profile, as a Nuer-Dinka conflict. (Hovil, 2010: 8) This bloody civil war continued until the signing of CPA in 2005.

In the meantime, the President Nimeiri introduced the *sharia* law in 1985 with the aim of stabilizing Islamization and Arabization in the country. This imposition of the Islam values on the rest of the population awakened the old feud and animosity among the local African people. It also showed that political leaders and can make their policy decisions by their ethnic and religious affiliations. Nimeiri was overthrown by a coup in May 1985. The civilian rule of Sadi al-Mahdi of the Umma Party lasted only four years, when another military coup in

June 1989 gave power to General Omar Hassan al-Bashir. He banned political activities in the country and attempted to impose Islamic codes. (Essien and Falola, 2009: 34-35) Thus, with this coup, the period of the first Islamist republic began. In 1999, the second Islamist republic was initiated, when al-Bashir removed al-Turabi, who was the primary architect of the first Islamist republic. (Gallab, 2008: 1)

In sum, after the first civil war, Sudan had to deal with another civil war, until 2005, again based on the ethnic and religious divisions both between the north and south and within the south. The country had also two military coup d'états within four years. Given the civil wars and political unrest, Sudan became a country with low *internal capacity*.

6.2.4. The CPA in 2005 and its Afterwards

In 2001, a serious peace process began and on 9 January 2005, the CPA was signed between Sudanese President Umar al-Bashir and chairman of SPLM/A John Garang. It foresaw a six-year transitional period, after which south Sudan would vote for its future, namely to unite with the north or separate from it. (BBC news, 1 August 2005) The UN Mission in the Sudan (UNMIS) was established in 2005 to support the implementation of the CAP, to protect and promote human rights and to assist parties in governance, recovery and development. In terms of providing civilian security, UNMIS is mandated to observe and monitor movement of armed groups and redeployment of forces in the areas of UNMIS

deployment. It is also mandated to coordinate international efforts in the protection of civilians and protect civilians under imminent threat of physical violence in the areas of deployment of its forces and within its capabilities. (UNMIS, *Mandate*) With the completion of the interim period in July 2011, a successor mission to UNMIS, namely the UN Mission in South Sudan (UNMISS) as established. In addition to UNMIS and UNMISS, the UN Security Council also established the African Union/Un Hybrid operation in Darfur (UNAMID) in July 2007 and the African Union Mission in Sudan (AMIS) was established in 2004 as a peacekeeping force, operating primarily in Darfur. As will be shown in the qualitative analysis, limitations on their movements, imposed by the Sudanese government and their lack of military capability prevent UNMIS, UNAMID and AMIS to provide effective security for civilians. In return, their presence in Sudan is likely to create disappointment and distrust among the Sudanese people in the absence of any real improvement in civilian security.

The South Sudan referendum took place in January 2011 and 98.83% voted for secession (Southern Sudan Referendum Commission, 2011: 2). The country became independent on 9 July 2011 and Juba became its capital (BBC news, 9 July 2011). Garang returned to Khartoum and became the First Vice President on 9 July. However, he was killed on 20 July 2005 in a helicopter crash (BBC news, 1 August 2005). The Republic of South Sudan as a new nation state has the difficult task of state building. In addition to the difficulties of a stagnant economy, a multi-ethnic and multi-religious society and millions of displaced people, the disappearance of the common enemy (Khartoum) constitutes a serious security challenge for the new state. The Refugees International (2012: 1) stresses

that in the absence of a common enemy, competing tribal and ethnic interests are fueling internal conflict. To ensure a successful transition to a functioning nation, it also suggests a Sudanese identity regardless of the person's color, faith, tribe, ethnicity, etc.

According to Barltrop (2011: 4), the CPA was not comprehensive enough since it excluded the conflict in Darfur as well as lower-level conflicts in Eastern Sudan and parts of Southern Sudan. The CAP, signed in 2005 was to end the North-South conflict in Sudan and thus it was an attempt to solve only one conflict in Sudan. As John Ashworth, an independent analyst on Sudan said, "you can not have peace in one part of the country while war continues in other parts". (IRIN news, 15 April 2005) Regarding South Sudan, there are still important issues, yet to be solved. First, the border region of Abyei would normally hold a separate referendum to become part of north or south. However, due to the deadlock on voting demand of the 'temporary' residents of Misseriya community, the referendum could not be held. Hence, Misseriya community travels through region annually to graze their cattle and Dinka Ngok people, who largely support to be part of Bahr el Ghazal of South Sudan, reject the demand of Misseriya community. (IRIN news, 8 February 2011) Second, an estimated 75% of all the former Sudan's oil reserves are in South Sudan, though the refineries and the pipeline are in Sudan. In January 2012, South Sudan halted oil production and halved public spending on all but salaries due to the breakdown of talks on the sharing of oil revenues. Finally in March 2013, it is decided that Sudan would resume pumping South Sudanese oil in May and create a demilitarised border zone. (BBC news, 14 March 2013)

In sum, the CPA in 2005 put an end to the second civil war in Sudan by paving the way for the independency of South Sudan and in June 2011, South Sudan became independent, as country being devastated from the long years of war and deprived from the governance and essential infrastructures. Other rooted conflict of Sudan, which also weakens its *internal capacity* is the Darfur conflict.

6.2.5. The Darfur Crisis

Barltrop (2011: 4) argues that the Darfur conflict is not an entirely separate and unconnected war from the much larger and more persistent war between the government and SPLM/A. According to him, Darfur (the land of the Fur) crisis can be described as the conflict between local nomads and Arabs, a live tension from Sudanese history. The region contains mostly ethnic Black Africans and some Arab population. Since 1983, two main rebel groups, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) have fought against the Sudanese government, mainly because of its policies of discrimination, marginalization and underdevelopment of their region. The violence in Darfur turned to a heavy war in 2003, when rebel forces attacked on the military section of the El Fashir airport in March and April 2003. The government gave an ethnic-based response, which caused a humanitarian crisis in Darfur. (Islam, 2006: 355)

The Sudanese government sponsored a group of Arab militias, called *Janjaweed* to assist Sudanese groups in their response against civilians perceived

to be helping the rebels. *Janjaweed* have been alleged by systemic crimes of ethnic cleansing and slavery towards the southern native black Africans. (Islam, 2006: 356) The report of International Commission of Inquiry on Darfur also held the Sudan government and *Janjaweed* responsible for the serious violations of human rights (2005: 3):

the Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. In particular, the Commission found that Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur. These acts were conducted on a widespread and systematic basis, (...).

On 5 July 2005, the Sudan government signed a Declaration of Principles with SLM/A and JEM (African Union, 2005). The parties committed themselves to undertake negotiations to end the conflict in Darfur in good faith (Preamble, Art.7). About one year later, on 5 May 2006, Darfur Peace Agreement was signed between the Sudanese government and the main Darbul rebel group, Minni Minnawi's faction of the SLA. (IRIN news, 26 May 2006). However, Darfur has continued to remain an extremely violent and unstable place and the peace agreement has so far not brought security to Darfur (Reliefweb, 9 Jun 2006). The main reason was the refusal of two other rebel factions to sign the agreement, arguing that it did not meet their basic demands (IRIN news, 26 May 2006). Especially the rebel group, led by Mohamed al-Nur has a substantial popular support among the Fur ethnic group and there occurred violent clashes between Minnawi's faction and al-Nur. (IRIN news, 19 June 2006)

In sum, Sudan has a history of foreign rule, three long civil wars based on ethnic and religious divisions and military coups. The civil wars between north and south, within the north and within the south, based on ethnic and/or religious divisions and the political unrest due to military coups weakened prevented the Sudanese governments to build their *internal capacity*. Different from the cases of Afghanistan and Iraq, the Sudanese government of Bashir has been alleged to be involved in the civil wars and violence against its own citizens.

The factors mentioned above also caused mass forced displacements from Sudan. The first wave of displacement occurred in south Sudan during the first civil war and over one million people were displaced, of which 220,000 were refugees. Many of them returned after the 1972 peace agreement. The second major displacement was caused by the second civil war and estimated four million people were displaced between 1983 and 2005. (Ashkenazi, et.al., 2008: 8) In 2005, there were an estimated 613,000 southern Sudanese refugees outside the country and some 4.5 million displaced within Sudan. In addition, some 200,000 refugees and 1.8 million displaced people have fled the western Sudanese region of Darfur between 2003 and 2005. (IRIN news, 1 September 2005)

Accordingly, in 2005, UNHCR and its implementing partners began 4Rs activities in Sudan with the aim of increasing capacity of Sudan, particularly the south, where a major repatriation movement occurred after the signing of CPA. Before examining the effectiveness of 4Rs activities in Sudan, the next part will provide brief information on 4Rs activities in Sudan, which aims to ensure that returnees would be reintegrated in a sustainable manner and south Sudan would not produce secondary or new displacements.

6.3. 4Rs Activities of UNHCR and its Implementing Partners

Recalling the shift in the understanding of effectiveness from reactive to proactive policies, as examined in Chapter 3, UNHCR shifted its activities mainly to countries of origin by being directly present in Sudan. This part examines 4Rs activities of UNHCR and its implementing partners, namely Repatriation, Reintegration, Rehabilitation and Reconstruction, to increase the effectiveness of international refugee regime in Sudan. According to the Joint Assessment Mission report (2005: 23), the first two “Rs” would be concentrated during the period between July 2005 and end of 2007 to repatriate and reintegrate returnees. From 2008 to mid-2011, until the time schedule of South Sudanese independence, the last two “Rs” of reconstruction and rehabilitation will be undertaken for major infrastructure programs and capacity building.

6.3.1. Repatriation²⁹ Activities

Emmanuel Nyabera, the spokesman for UNHCR in Kenya told IRIN (2 March 2005) that in the Sudanese repatriation operation, UNHCR had time to ensure that the repatriations were organized and dignified, instead of rushing the process. The main reason for this was that there is no government pushing UNHCR to repatriate refugees as soon as possible, as Guterres stated (IRIN news, 20 December 2005). Accordingly, UNHCR envisaged a phased approach for the

²⁹ Since the voluntary character of mass repatriations is questionable in general, the study refrains from defining repatriations from Sudan as ‘voluntary repatriations’.

return of Sudanese refugees in 2004. According to this approach, UNHCR conducted preparatory activities for early warning and monitoring of the returnees prior to peace agreement. In the second phase, adequate human and material resources were deployed in South Sudanese field offices and border crossing points, way-stations, and major repatriation routes were opened upon conclusion of peace agreement. The Tripartite Agreements concluded between hosting countries, Sudanese government/SPLA/M and UNHCR. (UNHCR, 2004d: 109)

In late 2005, official voluntary repatriation by UNHCR to South Sudan began (IRIN news, 20 December 2005) and 371,846 refugees returned to home by the end of 2011. Along the major return routes, agencies provided food, water, primary health services, protection and emergency transportation (IRIN news, 18 March 2005). Upon their arrival, returnees were provided non-food items including blankets, mattresses, plastic sheeting, mosquito nets, jerricans, kitchen sets, water buckets and soap (IRIN news, 3 May 2006) Since the strategy of prevention and solution requires post-repatriation activities, UNHCR and its implementing partners also operate reintegration, rehabilitation and reconstruction activities in Sudan. Thus, the remaining of this part will examine the last 3Rs.

6.3.2. Reintegration Activities

To ensure the sustainability of return, UNHCR has taken responsibilities in improving conditions upon return, such as drilling boreholes and building schools and health clinics in the south (IRIN news, 1 September 2005). On 1 April 2006,

UNICEF also launched 'Go to School' initiative in south Sudan, aiming to increase primary school enrollment rate. In 2009, significant progress has been achieved with the total enrollment rate at about 1.6 million up from an estimated 343,000 in 2005. UNICEF has provided assistance for the development and implementation of an English-language based curriculum and supported the training of teachers through ongoing intensive English language courses. (UNICEF, News note, 31 March 2009)

IOM, together with the EU Instrument for Stability, initiated the Peace and Stability Quick Impact Fund Grants Program to help to create an environment for peaceful coexistence among communities in the border states. Thus, it would contribute the sustainability of reintegration through strengthening mutual confidence and trust among community members. (IOM Mission, 2013: 1)

Conflict Development Fund of the WB has improved access to essential services for 2 million people in rural Sudan through its support on education, health, water and solar energy facilities (Work Bank, news).

In addition to providing food and nutrition assistance in Darfur, in the eastern part of Sudan and in south Sudan, the WFP initiated its Food for Work program in south Sudan to provide food aid to individuals on the condition of being active in certain productive activities, such as cultivation or community service. Thus, this program also encourages the beneficiaries to be self-sufficient, which would in return contribute sustainable development of the country. (Ashkenazi, et.al., 2008: 11)

However, the security at the state level has considerably hampered the reintegration efforts in Sudan. For example, attacks on trucks contracted by the

WFP to transport food to Darfur and south Sudan resulted in cuts in the amount of food transported (IRIN news, 10 April 2008). When the increased violence caused new displacements, UNHCR needs to redirect its priorities away from return and reintegration activities towards emergency response (UNHCR, 2013: 76).

6.3.3. Rehabilitation Activities

In south Sudan, the most challenging part of the rehabilitation activities is the complete absence of infrastructure and buildings of basic services. Accordingly, Guterres stated that “during centuries, very little has been done in southern Sudan. We have not a problem of reconstruction; we effectively have a problem of construction. Most things are missing” (IRIN news, 1 September 2005). Starting from almost null, UNHCR and its implementing partners began rehabilitation activities in south Sudan. While there are many rehabilitation projects in Sudan, the study will only illustrate some examples of them to give a general idea on the rehabilitation projects in the country. The Multi-Donor Trust Fund for South Sudan was established in 2005 to support the implementation of various projects and to rebuild conflict-affected areas. In terms of rehabilitation, the Fund renovated key government buildings and the Juba hospital and water supply system, including the improvement and maintenance of 1000 km roads.(MDTF, Projects) As being an operational arm of the UN, the UN Office for Project Services (UNOPS) assists a range of partners to implement aid and development projects. It has also been operational in south Sudan since 2005 and implemented

infrastructure projects, including construction of roads and bridges, rehabilitating airstrip and building government offices, schools, police and justice facilities. (UNOPS, web page)

6.3.4. Reconstruction Activities

As being a USAID-funded development program, Building Responsibility for the Delivery of Government Services (BRIDGE) aims to transform humanitarian relief to a sustainable development in Sudan. It is an attempt to empower local government and communities to manage resources and solve their own problems. (Sudanbridge, web page) Erik de Mul, the head of the UNDP in southern Sudan, stated that the leadership, ministers and vice-ministers in south Sudan are well-trained, well-educated and experienced people. However, they lack basic government administrative structures. The country is divided into 10 states and all need to be built up. (IRIN news, 18 April 2006) Accordingly, the UNDP has also implemented projects in Sudan to build capacity. In August 2006, UNDP created the projects of capacity building of the Sudan judiciary, together with the WB and the Ministry of Finance to support the implementation of the CAP (UNDP, projects). Another UNDP project, named Sudan post-conflict community based recovery and rehabilitation program, links rehabilitation to development. Since 2005, 44 NGOs work together across 10 locations for capacity building, improvements in livelihoods and provision of basic services. In terms of capacity building, administrative and financial trainings have been organized.

Administration offices have been built and equipped. Village development committees have also been organized and local government authorities have directly been included in the management of project activities. (UNDP, projects).

In sum, UNHCR and its implementing partners have conducted 4Rs activities in Sudan since 2005. The main aim of these activities has been to increase the effectiveness of international refugee regime by ensuring the sustainability of repatriations and preventing the reoccurrence of further displacement. The next part will question whether international refugee regime was effective in Sudan during 2005-2011 through examining 4Rs activities.

6.4. Effectiveness of International Refugee Regime in Sudan: A

Quantitative Analysis

Questioning the effectiveness of international refugee regime in Sudan through a quantitative analysis as explained in the research design of the study, this part examines, first, the repatriation as a durable solution by the sustainability of reintegration process. It then questions whether international refugee regime could prevent the reoccurrence of new mass flows from Sudan by 4Rs activities, as assumed in the strategy of prevention and solution.

6.4.1. Repatriation as a Durable Solution: Sustainability of Reintegration

As explained in the research design of the study, repatriation movements as a durable solution need to be sustainable in terms of the reintegration of returnees. This study will use three criteria to measure the sustainability of reintegration process: access to rights, access to employment opportunities and access to social services. The indicators for the criterion of access to rights are whether all returnees have identity documents, whether they are allowed to vote and whether they are reports of security incidents towards returnees. The indicators for the criteria of access to employment opportunities and social services are the percentage of returnees with regular employment, shelter, health, education and clean water supply.

According to UNHCR (2011d: 53), an overwhelming majority of returnees in the south (90%) have the same access to basic rights as other citizens. Thus, this part would use the data on the general population including local people, where specific data for returnees are not applicable.

Basic services in South Sudan were already very poor before the mass repatriations to the region put pressure on South Sudanese economic and social resources in the post-2005 period. Brophy (2003: 3) states that in 2003, only 30% of school-aged children were enrolled in schools in South Sudan. In terms of water, only 30% of the population could have access to clean water (IRIN news, 25 March 2005). Bishop Caesar Mazzolari of the diocese of Rumbek told in an interview in 2005 (IRIN news, 13 April 2005) that “the south has not been rehabilitated, and in most ways - no rehabilitation of roads - the infrastructure in

southern Sudan does not exist. (...) Education does not exist. (...) As people come we have discovered that we have no medicine to share with them”. In sum, the situation of basic services in South Sudan had already been very poor and devastated by the long civil war. In 2005, UNHCR and its implementing partners have begun 4Rs activities to increase the capacity of South Sudan with the aim of ensuring the sustainable reintegration of mass returns. Table 7 summarizes the latest available reintegration level of Sudanese returnees.

Table 7: Reintegration process of the South Sudanese returnees, 2011

	Indicator	Standard	Measurement in standard	Value	Measurement in value
Access to rights	Individual identity documentation	YES	1	NO	0
	Allowed to vote	YES	1	YES	1
	Reports of security incidents	NO	1	YES	0
Access to employment opportunities	Returnees with regular employment	100%	1	16%	0.16
Access to social services	Shelter	100%	1	27%	0.27
	Health	100%	1	33%	0.33
	Education	100%	1	44%	0.44
	Water supply	100%	1	55%	0.55
Total			8		2,75
					Reintegration process: 34,3%

In terms of access to ID cards, UNHCR (2010d: 64) has provided assistance for the government to issue identity documents to returnees in Southern Sudan. However, according to UNHCR (2012-13: 80), large sections of the

population do not have the necessary documents to prove their nationality. The problem is particularly observed for the Southerners without sufficient documentation or for individuals with mixed origin. Different from Afghanistan and Iraq, in South Sudan, uncertainties still continue to exist in the post-CPA period, particularly because of further displacements in the frontline region and because of continuing repatriations to South Sudan. Regarding voting, a majority of south Sudanese refugees returned to south Sudan to be able to vote in the referendum in January 2011. The returnees could vote as long as they reside in South Sudan (Gurtong, 11 August 2010), which means to be registered once they returned home. At least 3.4 million Sudanese registered to vote in the referendum. (All Africa, Photo Essays, 2011) Regarding the security incidents, a survey conducted by Bonn International Center for Conversion (Ashkenazi, et.al., 2008: 11) found out that 45% of respondents have encountered prejudice by community members upon their return, such as accusations to bring HIV into community, to flee during the war and to 'steal' all the jobs with their education and skills. Thus, such prejudices can prevent the increase in the level of cooperation and integration between returnees and local people. 40% of returnees reported their belief on security problems in the future because of their status as returnees. Supporting the findings of the survey above, OCHA reported in 2011 (para.8) that returnees feel insecure and being harassed in their return communities. Especially the presence of SPLA soldiers and other militia groups causes fear among returnees to leave populated areas.

In terms of population below poverty line, Southern Sudan Centre for Census, Statistics and Evaluation (SSCCSE) indicates that 51% of the population

lives below the poverty line (SSCCSE, 2011: 1) Centre for Strategic Analyses and Research (2012: 17) surveyed 445 returnees and 274 host community members in Northern and Western Bahr El Ghazal in 2012. In terms of economic reintegration, the survey found out that 24.8% of female returnees and 23% of male returnees are unemployed. 12.7% of female returnees³⁰ and 13.5% of male returnees³¹ have only part time, irregular jobs or no paid employment. Thus, according to the latest available data, 37.5% of female returnees and 36.5% of male returnees do not have access to regular employment. According to the survey, 8.4% of female returnees and 24.2% of male returnees have full time jobs. As average, only 16.3% of returnees do access to regular employment. The percentage of returnees with regular employment is the lowest among case studies. However, there is still relatively little differences among them considering the percentage of Afghan returnees with regular employment is only 20% and of Iraqi returnees only 25%.

In terms of shelter, according to UNHCR's (2013: 77) latest data only 30% of the IDPs live in adequate dwellings. IRIN (28 April 2008) reports that many of the returnees have settled in or near minecontaminated areas, since they could not find anywhere else to build their shelters. SSCCSE (2011: 7) reports that 83% of the South Sudanese population lives in tukul, which is accepted as an inadequate dwelling. Tukul is a cone-shaped mud hut, usually with a thatched roof and covered with plastic sheeting (Care International). Thus, it is accepted that only 27% of the population lives in adequate dwellings. This percentage is relatively

³⁰ 5% of female returnees have part time jobs, 4.7% have irregular jobs and 3% have no paid employment.

³¹ 5.3% of male returnees have part time jobs, 6.5% have irregular jobs and 1.7% have no paid employment.

close to the percentage of the Afghan returnees with adequate shelters and nearly half of the Iraqi returnees.

According to the survey conducted by Bonn International Center for Conversion (Ashkenazi, et.al., 2008: 12) 60% of respondents have poor quality of health facilities and a lack of qualified doctors. According to the IOM (2009c: 25-26) village assessments in Northern Bahr el Ghazal State between December 2008 and June 2009, 93% of the villages assessed have no healthcare facilities and 77% of the population viewed access to existing health facilities as a serious concern. 62% of them have access to health units by more than 60 minutes walking. Thus, the study accepts that only 33% of the population has access to health services. This percentage is the lowest among the case studies, since the percentage of returnees with access to health facilities is 50% in Afghanistan and 58% in Iraq.

Regarding access to education, according to OCHA (2012: 2), net enrollment rate for primary schools in South Sudan is 44.4%. Thus, the study accepts the percentage of returnees with access to primary education as 44%, which is the lowest rate in comparison with Afghanistan (50%) and Iraq (63%). According to the survey conducted by Bonn International Center for Conversion (Ashkenazi, et.al., 2008: 12), 40% of respondents reported poor quality of education facilities, including lack of infrastructure and qualified teachers. IOM (2009c: 21) reported that 31% of the children attending school have to walk more than 60 minutes and 36% of them have to walk between 15 and 60 minutes. According to the report, access to the nearest school is very problematic and indicated as the main reason for nonenrollment in school and for early dropouts. Interestingly enough, security or religious beliefs are not indicated as the main

reasons for nonenrollment in South Sudan, being different from the cases of Afghanistan and Iraq. However distance is still related with security, given the presence of landmines and unexploded ordnance along the roads and footpaths to the schools (Ashkenazi, et.al., 2008: 11).

In terms of access to clean drinking water, IOM (2009c: 16) stated that only 30% of the villages assessed had access to improved drinking water. The remaining 70% had unimproved drinking water sources such as unprotected wells, river water, lakes and springs and hafeers. Peter Pal Riak, the state's minister for physical infrastructure stressed that the water from river is a source of disease, mainly for cholera (IRIN news, 30 April 2008). In terms clean water in the Southern Sudanese capital Juba, it is reported that the sources of water are often contaminated and Juba has not a functioning water and sewerage system (IRIN news, 23 May 2008). According to the survey conducted by Bonn International Center for Conversion (Ashkenazi, et.al., 2008: 12) 43% of respondents reported poor quality of drinking water. Accordingly, SSCCSE (2011: 1) data provides that just over half of the population (55%) have improved access of drinking water. This percentage is closer to the percentage of Iraqi returnees with access to clean water supply (60%) and considerably higher than Afghan returnees, which is only 20%.

In sum, returnee's access to basic services such as employment, shelter, health, education and drinking water is very poor. Table 7 attempts to show the latest situation of the reintegration process in Sudan by 2011 and nearly 35% of the returnees are able to reintegrate during 6 years. One underlying reason for the relative little progress is the lack of resolution to Sudan's conflicts such as Darfur

and Abyei. According to Hilde Frafjord Johnson, the deputy executive director of the UNICEF, the conflicts require a lot of capacity from the international community and take away a considerable part of their resources. (IRIN news, 21 May 2008) Thus, reintegration level of South Sudanese returnees is the lowest among case studies of this study. Most importantly, the South Sudanese returnees lack ID documents and have also less access to basic services of economic security and social integration. It seems that reintegration of the Iraqi returnees failed to be sustainable, mainly because of the low *internal capacity* of the country, namely poor access to basic services, lack of basic infrastructure and insecurity at the state level. The next part examines whether UNHCR's 4Rs activities in Sudan have been able to prevent the recurrence of mass flows from Sudan.³²

6.4.2. Prevention of the New Mass Flows

The number of asylum seekers between 2005-2007 decreased steadily (57%) and began to increase in 2008, as shown in Figure 5. It increased 112% during 2008-2011 in comparison with 2007 numbers. In 2011, the number of asylum seekers from Sudan was only about 9% lower than the situation in 2005.

³² Though 4Rs activities are conducted in south Sudan, there is no available separate data on the number of asylum seekers and IDPs, originated from Sudan and south Sudan for the period 2005-June 2011. Thus, the study questions the prevention of new flows from Sudan in general. This will also enable the study to include Darfur, where international community also conducts humanitarian and military activities and to include the transitional areas of Abyei, Blue Nile and South Kordofan.

In 2009, the LRA rebels' attack in Southern Sudan forced some 400,000 people to flee for a second time, especially in bordering regions of the Democratic Republic of Congo and the Central African Republic (UNHCR, 2009e: 59). After the secession of South Sudan in July 2011, insecurity and worsening humanitarian situation in border areas between Sudan and South Sudan, namely South Kordofan, Blue Nile states and Abyei caused new displacements. As IRIN (9 December 2011) reported, some 20,000 people fled South Kordofan and some 30,000 people fled Blue Nile state to South Sudan since July 2011. It is also estimated that another 36,000 Sudanese refugee fled to Ethiopia from Blue Nile state. UNHCR (Global Report, Sudan, 2011: 61) reported that conflict in Abyei in May 2011 displaced up to 110,000 people into South Sudan. Thus, further displacements also caused increase in the registered numbers of asylum seekers from Sudan.

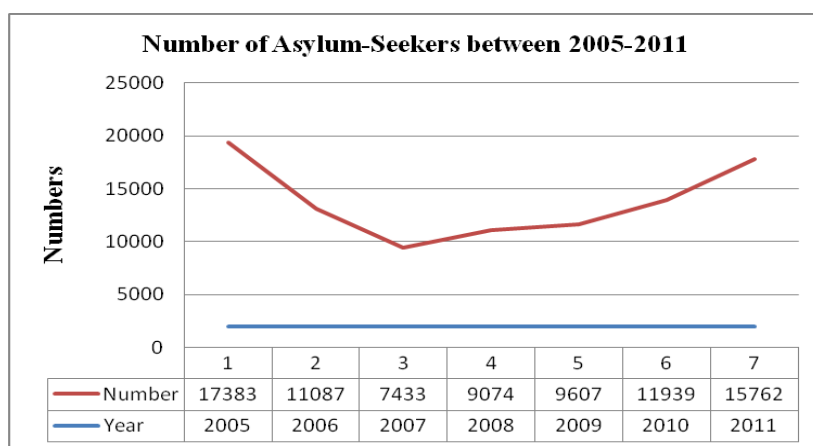


Figure 5: Asylum-seekers, originating from Sudan, 2005-2011³³

In addition to the prevention of the asylum-seekers, the study questions also the change in number of IDPs. Figure 6 illustrates the increasing trend of IDPs in Sudan. The number of IDPs in Sudan increased about 57% between 2005-

³³ The data for Figure 5 has been extracted from UNHCR Statistical Online Population Database.

2006. Thus, it had a relative decreasing period between 2007-2009 with a nearly 22% decrease. However, number of IDPs began a sharp increase in 2010 (almost 50%). It continued to increase in 2011 with more than 50%. In 2011, the number of Sudanese IDPs reached an increase of about 178% in comparison with the IDP number in 2005.

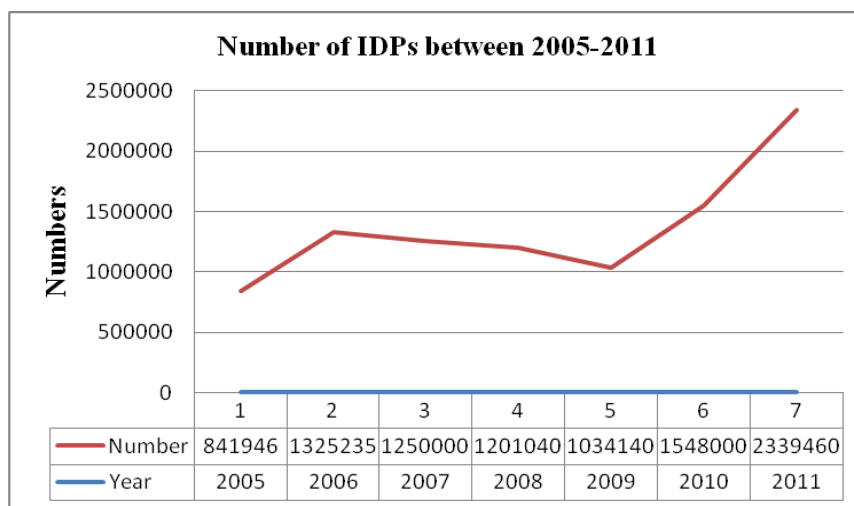


Figure 6: Number of IDPs in Sudan, 2005-2011³⁴

In Sudan, the insecurity and ongoing conflict have not only caused further displacements but also ‘prevented’ humanitarian community to pursue its activities to prevent further flows. In 2006, UNICEF estimated that over 100,000 IDPs in North Darfur and more than 184,000 IDPs in West Darfur were isolated by poor security and could not be reached by the humanitarian community (IRIN news, 9 March 2006). In addition to poor access to the volatile regions, as IRIN (9 March 2006) reported, government forces and proxy militias alleged civilians to support for enemy group and target civilians, which provoked further displacements of thousands of people from Darfur. 70,000 people were forced to flee their homes, often for the second or third time (IRIN news, 13 February

³⁴ The data for Figure 6 has been extracted from UNHCR Statistical Online Population Database.

2006). Ethnic and armed conflicts also forced people in South Sudan to displace. For example in 2008, 187,000 people were displaced in South Sudan (IRIN news, 26 March 2009). Violence between the Southern army and rebel groups forced another 100,000 displaced in the first three months of 2011 (IRIN news, 26 April 2011).

In addition to the violence and insecurity as the main cause of further displacements, lack of progress in reintegration process in South Sudan constitutes also a major case for not ‘preventing’ further displacements. For example, Ayuen Samuel, a returnee from northern Uganda, told IRIN (20 April 2006) that “It just didn’t feel like home. I felt like going back the same night”. Another returnee from Kenya in Jonglei State, James Anyang asked IRIN “how can you bring your child if there is no school, no health facility and no road?” (IRIN news, 20 April 2006).

In sum, examining the situation between 2005 and 2011 in terms of sustainability of reintegration and prevention of further flows, the study concludes first that international refugee regime has been ineffective to reintegrate Sudanese returnees. A majority of them (about 67%) have not been reintegrated, lacking ID cards, security and access to basic social services. The study second finds out that the goal of prevention to prevent further flows could not be provided. The number of asylum seekers decreased only 9% in comparison with 2005, while the number of IDPs increased by 178% between 2005-2011. The study concludes that the reasons of failure in prevention are unsustainable process of reintegration and the ongoing insecurity. These reasons are also among the main characteristics of countries with low *internal capacity*. Based on the findings of the qualitative

analysis, it is concluded that international refugee regime was not effective in Sudan between 2005-2011, mainly because of its low *internal capacity*. In other words, as was the case in Afghanistan and Iraq, also the Sudanese case shows that the effectiveness of 4Rs activities are hindered by the factors that 4Rs activities intended to overcome, namely low *internal capacity*.

The next section will first question the main social conditions in Sudan that lead the Sudanese people cooperate with or resist 4Rs activities. Identifying these conditions will enable the study to provide suggestions to shape them in accordance with the regime activities. Second, it will question the nature of the relations between the Sudanese government and international community to identify factors that shape this bilateral relationship. The aim, here, is to provide incentives to international community to increase the cooperative nature of the relations with the government. Last, it will examine how 4Rs activities are perceived by the Sudanese people again to identify the factors that shape their perceptions. This will enable the study to make suggestions to international community to increase people's support for their activities. This qualitative analysis aims to provide incentives to UNHCR and its implementing partners to increase regime effectiveness in Sudan as a country with low *internal capacity*.

6.5. Conditions to Increase Regime Effectiveness in Sudan: A

Qualitative Analysis

6.5.1. Social Conditions

This study advocated the importance of the unit level characteristics, including social conditions within a state in determining regime effectiveness. Because social conditions can create implications for the local people to cooperate with or resist the activities of regimes' institutions. In Sudan, social conditions that prevent the effectiveness of 4Rs program and lead international community to shape their projects accordingly are identified as economic factors, insecurity against women and socio-cultural and religious conservatism.

It is stated that during the war between the north and south parts of Sudan, only one in five children was in school in south Sudan and only one girl in 100 children completed primary school (IRIN news, 13 July 2009). UNICEF states that low female enrollment in south Sudan is caused mainly by economic reasons and women's insecurity. According to UNICEF, girls are seen as a realistic primary source of income and girls are married to get a bride price, usually paid in cows and once a girl is married, it means the end of her education. (IRIN news, 13 September 2005) Sexual and gender-based violence is very common in South Sudan, where at least four out of ten women have experienced one or more forms of violence (UNMISS, 25 November 2012). Accordingly, parents in south Sudan may regard early marriage as a protection mechanism for the danger of sexual assault or as a care of a male guardian. Thus, the feeling of insecurity is likely to

be a factor for low female enrollment. (UNICEF, Southern Sudan, 7 September 2005) According to UNICEF, parents are also reluctant to send girls' to school because of the unfriendly environment of some schools, where students experience sexual harassment and early pregnancy (Sudan Tribune, 1 June 2010). Thus, though in Afghanistan and Iraq, general insecurity can cause low female enrollment, in South Sudan, it is mainly the insecurity targeting women in the form of sexual assault and harassment that can prevent girls' attendance to schools.

As a response to the reluctance of parents due to economic reasons and women's insecurity, UNICEF builds girl community schools with the hope that female enrollment rate would increase (IRIN news, 19 April 2005). These schools deliver basic education at an accelerated pace and provide a protective environment for young girls. Within this project, the WFP provides food rations to parents as an incentive for girls' school attendance. (UNICEF, Southern Sudan, 7 September 2005) Despite the efforts of international community, UNICEF stated that access to education still remains one of the biggest challenges in South Sudan, especially among girls. Nearly half of a primary school age girls do not go to school (Sudan Tribune, 1 June 2010). As in the cases of Afghanistan and Iraq, there is feeling of insecurity also within the Sudanese society at the state level, which in return is likely to prevent the effectiveness of international refugee regime. However, in the Sudanese case, increasing security can not be sufficient enough to increase regime effectiveness on girls' access to education. Since increase in general security can not automatically mean increasing security for

women, awareness raising among the Sudanese society on women's security is more likely to increase effectiveness of 4Rs activities on girls' enrollment.

In terms of health activities, in 2005, the UNDP launched Fighting HIV/AIDS Project in Sudan, where awareness of HIV/AIDS is very low. Only 53% of the population was aware of the sexual transmission risk in 2002, though an estimated of 500,000 people in Sudan live with HIV/AIDS, according to the survey in 2002. (UNDP, Fighting HIV/AIDS) Local leaders advocate instead marriage as an AIDS-prevention strategy, though many young men could not afford marriages because of widespread poverty. (IRIN/PLUS news, 2008: 11) Thus, economic constraints are likely to prevent the proposal of marriage to be an effective AIDS-prevention strategy. Awareness campaigns on AIDS can become also problematic because of cultural and religious conservatism. For example, talking about condoms is regarded by many Sudanese as encouraging "illegal" sexual activity. UNICEF, together with its partners, also works on prevention of HIV/AIDS amongst youth and on care and treatment. Paula Claycomb (2005), UNICEF's Communication Officer in Sudan, stated that principles to address the battle against an increase in HIV prevalence should be tailored according to cultural, religious differences and traditional practices. Accordingly, UNICEF provides information and educational materials on HIV prevention not only to children and teachers but also to religious and community leaders. (IRIN news, 13 October 2010) Indeed, the assistance of religious leaders can become crucial in the awareness campaigns to reach out a larger number of the Sudanese population. Recognizing the strong influence of religious leaders on the Sudanese social fabric, the UNDP and the Sudanese National AIDS Program organized a number

of workshops across Sudan on HIV/AIDS in collaboration with the Ministry of Religious Guidance and Endowment. (UNDP, 25 May 2009 As the Iraqi case on women employment and enrollment, awareness raising campaigns with the support of religious leaders on HIV/AIDS prevention can diminish the prejudices of conservatism and increase the effectiveness of 4Rs activities on health projects. Thus, the study argues that as constructivists argue, norms and beliefs can be subject to change. Awareness raising activities and involvement of religious leaders can increase people's cooperation with the regime activities.

In sum, unit level characteristics such as social conditions including economic reasons, insecurity against women and socio-cultural and religious conservatism decrease the effectiveness of 4Rs activities in South Sudan and lead UNHCR and its implementing partners to shape their activities accordingly. In this section, education and health are exemplified, namely female enrollment and prevention of HIV/AIDS. First, economic reasons and insecurity against women prevent UNICEF to increase girls' attendance to schools. As a response, UNICEF established girl community schools to diminish the security concerns of the parents and WFP distributed food rations as an incentive for parents, who may regard their daughters as an economic income by bride price. Second, socio-cultural and religious conservatism require international community to tailor its approach on preventing increase in HIV prevalence. These implications, derived from the analysis of social conditions in Sudan will provide insights for the tentative principles, to be proposed in Chapter 7.

The next part will question the nature of the relations between the Sudanese government and international community, namely the UN agencies,

international NGOs and their national partners and donor states. While they are mostly related with the conditions within state, the factors that shape the nature of this bilateral relationship are regarded among the unit level characteristics. Because. Identifying these factors will enable the study to provide incentives to international community to increase regime effectiveness in Sudan.

6.5.2. Nature of the Relations between the Government and International Community

In this section, nature of the relations between the Sudanese government and international community will be attempted to analyze to identify the factors that shape this relationship. However, different from Afghanistan and Iraq, there is an important factor in Sudan, which hinders any cooperative possibility of the relations from the beginning and makes the relations very complex. The government of Sudan and its sponsored groups *Janjaweed* are alleged for systemic crimes of ethnic cleansing and slavery against the southern native black Africans. Thus, UN agencies and national and international NGOs raise their concerns the involvement of government in violence, both against civilians and against the aid workers. They have also self-critiques towards the insufficient level of support, on security forces for the ongoing insecurity in Sudan and for neglecting some emergencies. On the other hand, as being alleged by international community, the Sudanese officials criticize NGOs for not being neutral and for being politicized.

This distrust causes their reluctance for the deployment of the UN forces and for the humanitarian aid of international NGOs.

Such as the case in Iraq, insecurity and violence prevent the effectiveness of 4Rs activities in Sudan through hindering the operations of international community. As discussed in the Afghan and Iraqi cases, the literature on international regimes has *a priori* assumption on states' *internal capacity*, to provide security within their own borders. However, insecurity seems to be a common problem at the states level in states with low *internal capacity* and it is a factor that hinders the regime effectiveness. Jan Egeland, the UN emergency relief coordinator, told IRIN (29 March 2005) that Sudan must have a muscular political process, by which political groups, including government, ethnic leaders and rebels, should be pressured to stick their agreement and to stop attacks against unarmed civilians and humanitarian workers. UNHCR (News Stories, 19 April 2005) has also urged the Sudanese government to provide more protection to displaced people in Darfur, since it is the government's responsibility for its own citizens. Human Rights Watch (2005: 1) argued that President Omar El Bashir and other senior government officials, the regional administrative officials in Darfur, military commanders, and militia leaders should be investigated for crimes against humanity. Kolawole Olaniyan, director of AI's Africa program, expressed serious concerns about the safety of human rights defenders in Sudan and targeted the Sudanese government: "Detaining and harassing human rights defenders is a clear violation of Sudan's obligations under international and regional standards, including the Constitutive Act of the AU." (UNMIS Media Monitoring Report, 25 January 2006) OHCHR (UN Press Release, 18 May 2007) also stated that

government has not taken any effective action to prevent attacks or bring the perpetrators to justice. A panel of the UN experts accused the Sudanese government, together with the rebels and SLA of exacerbating ethnic tensions. The panel concluded that the government of Sudan failed to take appropriate measures to disarm *Janjaweed* militia groups. (IRIN news, 28 April 2006) On the other hand, the Sudanese government denied any involvement in attacks, stressing that it was a partner of the AU to pacify the region (Sudan Tribune, 06 February 2013). However, Ambassador Baba Gana Kingibe, the AU special representative in Sudan, stated in a press briefing (Sudan Tribune, 1 October 2005) that “there is neither good faith nor commitment on the part of any of the parties”. That’s why AMIS could not be successful in Darfur, though the mechanisms were in place and could have been worked if parties had cooperated.

According to the EU, attacks against NGOs in North Darfur have prevented humanitarian workers to operate and the government’s unwillingness for the deployment of the hybrid force increased the instability in the region (IRIN news, 12 February 2007). When the Sudanese authorities did not allow Jan Egeland to visit Darfur in April 2006, Egeland felt being prevented and blocked to conduct his visit. He stated that this obstruction was symptomatic of the lack of government cooperation in the work of the UN, which is to coordinate the biggest humanitarian operation in the world. According to him, as long as the Sudanese government does not cooperate with the international humanitarian community and prevent NGOs from doing their work, there will be less protection for the people in dire need. (IRIN news, 5 April 2006) As a response to the visit mentioned above, the government made an explanation, stating that it is in full

cooperation with the UN and welcomes Egeland's visit. According to the Sudanese side, the government has just asked him to postpone his visit until the end of the Prophet Mohammed birthday celebrations. (IRIN news, 5 April 2006)

John Holmes, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator criticized the government to deny access to certain areas and to prevent aid workers from doing their jobs (OCHA, 24 March 2007). A top UN official also urged the Sudanese government to end restrictions on humanitarian operations in Darfur, stating that "the denial of visas, the harassment of aid workers and other measures, have created the impression that the government of Sudan is engaged in a deliberate campaign of intimidation". (IRIN news, 16 April 2007)

International community has also self-critiques towards international donors for insufficient level of support, for the ongoing insecurity in Sudan and for neglecting some emergencies. In an IRIN interview (29 March 2005), Egeland criticized donor states outside the northwestern corner of the world. According to his statement, apart from Saudi Arabia and Japan, the UN did not get financial support from Arab and Asian countries for its Sudan operation. For example, in 2005, the UN could only receive 14% of the required funds and even 95% of the US contribution was food, though the UN mission needed cash for non-food items and water sanitation. Dawn Elizabeth Blalock, the spokesperson for the UN humanitarian coordinator in Sudan, told IRIN (18 March 2005) that US\$ 500 million were required for recovery and development assistance in southern Sudan in 2005, but only US\$ 25 was received and a further US\$ 25 million was

promised. By mid-November in 2011, projects related to South Sudan received US\$ 327 million, which is 53% of the total requirements (OCHA, 2012: 1).

Egeland have also critiques towards international community for not doing enough to improve security in Sudan. According to him, the world should have done more than sending humanitarian personnel to Sudan. (IRIN news, 29 March 2005) Jan Eijkenaar, the Coordinator of the Southern Sudan Program for the European Commission Humanitarian Aid Directorate General (ECHO) criticized NGOs not to be able to deal with the multiple Sudan emergencies as a whole. According to him, Darfur emergency was dealt almost separately, causing 'neglect' for other emergencies, such as transitional areas between north and south Sudan. There is a variety of issues and emergencies in the same country and dealing with them separately can cause compartmentalized approaches. (IRIN news, 18 January 2006) These critiques towards together with the conditions in Sudan, examined above will provide incentives to the study in proposing tentative principles for the regime effectiveness. Since the nature of relationship between the government and international community is shaped by both of the parties, the remaining part of the section will examine the concerns of the Sudanese officials on the policies of international community.

The Sudanese government regards NGOs as politicized and unneutral, mainly because of the arrest warrant, issued by International Criminal Court for President Bashir. In 2009, the Sudanese government accused several aid agencies of involving in Sudanese politics and working with their own government against Khartoum. In March 2009, 13 international NGOs were expelled, including Oxfam, Save the Children, the Norwegian Refugee Photo and IRC and 3 Sudanese

relief organizations were closed by the Sudanese government. More than 200 Sudanese organizations would take over the offices of expelled agencies, to fill the void. (IRIN news, 12 March 2009)

The attempt of ‘nationalization of aid community’ has been mainly caused by the distrust of the government in international and some national NGOs. For example, in 2006, the Sudanese government lifted restrictions on the UN relief operations and instructed local authorities in Darfur to suspend all UNMIS activities except life-saving operations of UNICEF and the WFP. The Sudanese Ministry of Foreign Affairs accused UNMIS of allegedly transporting a commander of the rebel SLM/A. Thus, the government considered the incident “a flagrant violation of the country’s sovereignty and a violation of the agreement under which the UN operates in Sudan” (Sudan Tribune, 25 June 2006). In accordance with the distrust and control-desire of the Sudanese government, Sudan rejected the proposal to transform AMIS in Darfur to a UN operation for years, accusing the UN of infringing on the country’s sovereignty (IRIN news, 23 February 2006). The Sudanese government stated that it would allow AU peacekeepers to remain in Darfur only if the troops are not part of a proposed UN force (IRIN news, 4 September 2006). The underlying logic of this instant rejection was explained by President Bashir as “[the UN] wants to make a pretext through the Darfur issue to control us and to recolonise Sudan” (Lobe, 26 September 2006). It seems that the Sudanese government agrees with Mearsheimer (1994-95) in his argument that international regimes reflect the distribution of power and operate by the self-interests of the great powers.

Hassabo Mohammed Abdel Rahman, Humanitarian Affairs Commission chief, stated that some NGOs were governmental and either ambassadors or governments involved within these NGOs. (IRIN news, 5 March 2009) El-Gack (2012: 201) cited a gender specialist from the Federal Ministry of Agriculture and Forestry, stating that many members of the national or regional NGOs “are spies working against their country and looking after their personal benefits”. In other words\ different from the neutrality problem among Iraqi officials in terms of distribution of aid, the Sudanese government has *a priori* assumption on the politicized and unneutral character of international community. In Afghanistan and Iraq, the critiques towards the neutrality of international community come upon the activities of the international community, namely the UN agencies, UN security missions, international and national NGOs. However, in the Sudanese case, it is found out that the partial and unneutral character of international community is already taken as given by the Sudanese government. It seems that in addition to Mearsheimer’s argument, the Sudanese government also admits Castles (2003) critique on the UNHCR’s root cause approach in the literature review, arguing that humanitarian actions should not be treated as neutral. This distrust in humanitarian community has also led increasing control on the work of the NGOs and civil society, in addition to the nationalization policy. In 2006, Sudan approved the voluntary and Humanitarian Work (Organization) Act (National Legislative Bodies, 2006), which increased the level of government control over NGO activities. It allows the voluntary and humanitarian commission to regulate NGO funding through a governmental-approval system (Art. 7). It also paves the way for including limitations on NGO, since the commissioner is

responsible for organizing, coordinating and evaluating the organizations work (Art. 21(1h)).

In sum, this section concludes that the Sudanese government hardens the international aid workers' operation or 4Rs activities and the nature of the relations between the Sudanese government and international community is far from being cooperative. Moreover, different from the Afghan and Iraqi cases, there is a mutual distrust between the Sudanese government and international community, rather than the feeling of dissatisfaction. International community mainly criticizes the government for not providing security to the humanitarian community and alleges it by systemic crimes of ethnic cleansing and slavery. The international community also criticizes international donors to cut and not release the funds, international security forces not to provide enough security in Sudan and aid workers not to deal with all emergencies from a unitary emergency approach. The government does also not have any trust in the international NGOs and UN security forces. This situation causes government's attempt to nationalize the aid community and increasing government control on the NGOs, operating in Sudan.

This study seeks to examine the unit-level characteristics of Sudan to derive implications for regime effectiveness in countries with low *internal capacity*. In addition to social conditions, the nature of the relations between the Sudanese government and international community are examined so far. The next part seeks to examine the perceptions of the Sudanese people in order to give incentives to UNHCR and its implementing partners to increase people's support for 4Rs activities.

6.5.3. Perceptions of the Local People in Sudan

Different from the Sudanese government's attitude towards international community, many of the Sudanese people welcome 4Rs activities of the international community since they are in dire need of help. However, as in the cases of Afghanistan and Iraq, local people in Sudan still have distrust in international community, which even causes violence against the UN agencies and NGOs. In the Sudanese case, the underlying factors that shape the perception of the Sudanese people are considerably different from the cases of Afghanistan and Iraq. The study identifies importance given to personal relations with NGO workers and the feeling of distrust in international community due to unmet expectations from the existence of international forces and misconceptions of their mandates as factors that shape perception of local people in international community.

Based on the research conducted in South Sudan, Beattie (2011) states that participants indicated their good relations with NGOs without exception and they stressed the presence of mutual respect among them. The people interviewed stressed their awareness that humanitarian community in South Sudan "come and help us in our homes just like a friend does" (Beattie, 2011). However the lack of basic services and security 'force' people to demand more help. Mary Yar Makut, a returnee in southern Sudan asked for more help from relief agencies to build homes and grow their own food (IRIN news, 19 April 2005). Abisa Anyieth, an IDP in South Sudan, told IRIN (2 October 2006) that she appreciates the help from UNHCR but the life at the camp is not easy and they need more help at the right

time. She argues that people could not get the right medicine when they need it, though they hear medicine has been donated for them. In addition to basic services, IDPs in Darfur express their concern on limited degree of security, despite the presence of the African peacekeepers nearby (IRIN news, 5 September 2006).

In terms of the factors, determinants that shape local people's perceptions in the UN agencies and NGOs, the importance given to personal relations with NGO workers and distrust in international community due to unmet expectations and misconceptions are found out. According to Beattie (2011), in South Sudan, people relate to and respect individuals rather than organizations. Accordingly, change in their staffs can cause a deterioration of the relations between the local people and the relevant NGO. People can pursue the change in even one staff member as being left behind. Thus, in South Sudan, staff attitude towards people can affect people's perception. For example, the report by the Save the Children Federation (2011: 5) cited expression of local community informants on the NGO staff. According to them, NGOs are here to help them, which is a good purpose. However the NGO staff can not be as good as their purpose. In a clearer sense, the community feel treated as inferior by the foreigners, especially Ugandans and Kenyans. Since only 27% of South Sudanese is literate (CIA, South Sudan, 2013), they think that foreign staff and even local staff from South Sudan with an education background treat them as inferior, thinking that they are wiser than local people. That's why they would like to have NGO staff for a given project among the residents of their own towns or village. (Save the Children Federation, 2011: 9)

Goodwin-Gil (1999) warns in his critique on the root causes approach in the literature review, 4Rs activities jeopardize the impartiality and neutrality of UNHCR. As in the cases of Afghanistan and Iraq, increasing activities in countries of origin seem to result indeed in distrust in international community among the Sudanese people. However, in the Sudanese case, distrust is mainly directed to the military side of international community, rather than humanitarian one. Their unmet expectations from the UN missions and misconceptions on their mandate seem to lead violence against humanitarian personnel and aid convoys. The Sudanese people have a clear expectation from international community to bring peace to the region since the government is not capable of doing this. A local man told IRIN (5 September 2006) that “We have five additional governments now: SLA-Minnawi, SLA-Abdelwahid, JEM, NRF and the Janjawid. That’s why we need the United Nations force to come”. In Darfur, there are also unmet expectations and confidence in the UN mission. According to local leaders in Abu Shouk camp for displaced Darfuris, unlike AMIS, deployment of UN peacekeeping force would provide local people adequate level of security. (IRIN news, 13 March 2007) Particularly, the presence of large numbers of international military peacekeepers, namely AMIS and UNMIS, has created expectations among the local people to be protected in case of violence (Refugees International, 2009: 2). However, their officials remind the lack of military capability with UNMIS’ primarily non-interventionist mandate. Thus, UNMIS does not have resources to provide such sort of protection to local people. The mission has also severe limitations on movement, imposed by the Sudanese Government. (Refugees International, 2009: 3) Epimaque Kayitare, company commander at the

UNAMID base in Tawila told IRIN (20 October 2008) that the main weapon of UNAMID is negotiation, acting as a mediator. An AU commander also said that people attach importance to security and the service that the AU mission provided but they only investigate and report when something happens, doing nothing about it. He stated that the lack of fuel and vehicles hampered even the routine work, such as monitoring ceasefire violations. (IRIN news, 5 September 2006) Thus, the international missions in Sudan mainly argue that the Sudanese people misconceptualize their mandates and capacity.

These unmet and to some extent right expectations of local people from before AMIS and now UNMIS/UNAMID have caused widespread disappointment and distrust among them. As cattle-herder Suleiman Basha told IRIN (20 October 2008), UNAMID troops have nothing to offer them, not even security. According to him, they could not stop the Sudanese government or rebel groups to attack civilians. So it is not more than too much talk since promises are not kept. As a result, when the expectations of local people have not been met in terms of security, UNMIS is regarded as “Unnecessary Mission in Sudan”. (Refugees International, 2009: 3)

Due to the disappointment among local people in Sudan, armed clashes and violence have increased on NGOs. Jan Pronk, the Special Representative of the UN Secretary-General to Sudan, stated that the number of attacks on NGOs was 75% higher and attacks against the AU peacekeepers went up 900% in the first half of 2006 in comparison with the first half of 2005. Attacks against the UN decreased by 10%, but the decrease was mainly because the UN personnel moved less outside towns due to insecurity. (IRIN news, 10 August 2006) Mike

McDonagh, Senior humanitarian affairs officer at the UN Office for the Coordination of Humanitarian Affairs in Khartoum, stated that the main reason for increasing attacks on aid workers was the tension and disappointment among the local population, together with frustration and lack of hope (IRIN news, 3 August 2006).

In sum, though the Sudanese people mostly welcome 4Rs activities, they regard them as insufficient. The factors that lead the disappointment and the feeling of distrust among local people are identified as the importance given to personal relations with NGO workers and their unmet expectations and misconceptions. First, they prefer local hiring for the projects in their own region since they feel being treated as inferior by foreigners or the Sudanese outside of their local community. Second, local peoples expect international security forces, namely UNMIS, UNAMID and AU, to protect them in case of violence, since they regard the Sudanese government as a part of the violence within country. However, they mostly misconceptualize the mandate of international security forces, UNMIS, UNAMID and AU argued. UNMIS states that it has a non-interventionist mandate and UNAMID stresses its role of acting as a mediator. The AU officials also indicate that they only investigate and report in case of violence and do not take any action. These unmet expectations and misconceptions cause disappointment and distrust among local people and thus, violence against aid workers increases.

6.6. Results of the Quantitative and Qualitative Analyses

Examining the situation between 2005 and 2011 in terms of sustainability of reintegration, the quantitative analysis concludes that international refugee regime was ineffective to reintegrate Sudanese returnees. The analysis also finds out that the UNHCR's goal of preventing further flows could not be provided. Thus, it is concluded that international refugee regime was not effective in Sudan between 2005-2011. In other words, international refugee regime attempted to increase its effectiveness in Sudan since the country diminishes its effectiveness by being a refugee producing country. In return, the main characteristics of the low *internal capacity* hindered the effectiveness of 4Rs activities in Sudan. Table 8 illustrates the findings of regime effectiveness in Sudan, with the same results of the cases of Afghanistan and Iraq.

Table 8: Effectiveness of international refugee regime in Sudan, 2005-2011

Case	Sustainability of repatriation (Y/N)	Prevention of new flows (Y/N)	Effectiveness
Sudan	NO	NO	NOT EFFECTIVE

The qualitative analysis first questions the main social conditions in Sudan. Second, the nature of the relations between the Sudan government and international community are examined and factors that shape this relationship

have been identified. Last, the nature of the Sudanese people's perceptions in 4Rs activities is questioned and factors that shape people's perceptions are identified.

The main reasons for the ineffectiveness of international refugee regime in Sudan are identified as the lack of basic public services and insecurity at the state level. While these factors are attributed to the characteristics of the low *internal capacity*, it is argued that Sudan's low *internal capacity* created adverse implications for the effectiveness of international refugee regime. The chapter conducted also a qualitative analysis to identify tentative principles for UNHCR and its implementing partners to increase regime effectiveness in countries with low *internal capacity*.

In the first part, it is concluded that social conditions such as economic reasons, insecurity against women and socio-cultural and religious conservatism can prevent the effectiveness of 4Rs activities in Sudan. Since economic reasons and insecurity against women in Sudan prevent the increase in girls' attendance to schools, UNICEF, as a response, established girl community schools to diminish the security concerns of the parents and WFP distributed food rations as an incentive for parents, who may regard their daughters as an economic income by bride price. Additionally, socio-cultural and religious conservatism requires international community to tailor its approach towards preventing increase in HIV prevalence. Thus, regarding the implementation of the social conditions on the possible ways of increasing the effectiveness of international refugee regime in Sudan, four suggestions are identified. First, when 4Rs activities implement projects to increase people's economic self-sufficiency, parents' support to female education can increase. Second, awareness raising campaigns among parents on

the importance of female education can prevent them to marry girls at school age to get a bride price. Third, increasing women's security through awareness raising on women's rights, is likely to increase girls' access to education. Last, involvement of religious leaders and tribal elders on HIV/AIDS prevention campaigns can overcome socio-cultural and religious conservatism, which in turn is likely to increase the effectiveness of health projects in Sudan.

The second part finds out that the nature of relations between Sudan government and international community as far from being cooperative and that there is a mutual distrust. From the international community side, critiques towards not providing security to the humanitarian community and even for being responsible for the insecurity are identified as the main factors that cause dissatisfaction from the Sudan government. The factors that shape government relations with international community are identified as distrust in international NGOs and UN security forces. This situation causes government's attempt to nationalize the aid community and increasing government control on the NGOs, operating in Sudan. Thus, mutual distrust between international community and Sudanese government seems to hinder any starting point for trust-building activities and cooperative nature of the relations. However, two suggestions are still identified regarding the implementation of the relations between government and international community on the possible ways of increasing the effectiveness of international refugee regime in Sudan. International community has concerns on government responsibility for the ongoing insecurity and violence in Sudan. Thus, since general insecurity and violence against NGOs hinder the operation of 4Rs activities in Sudan as the case in Iraq, if government acts in a way to pursue

its responsibility in protecting its own citizens and humanitarian workers, it is likely that effectiveness of international refugee regime will increase. First, information campaigns on the neutrality of international community are likely to increase the willingness of the government officials to cooperate with them. The distrust of Sudanese government in international community, critiques towards the NGOs as politicized, unneutral and being spies, sprit away any cooperation ground with international community. Thus, second, trust building activities can convince government on the neutrality and intention of international community to help the Sudanese people.

In the last part, nature of the perceptions of the Sudan people is identified as dissatisfied, disappointed and distrusted, namely because of importance given to personal relations with NGO workers, unmet expectations and misconceptions. Regarding the implementation of perceptions of the Sudanese people on the possible ways of increasing the effectiveness of international refugee regime in Sudan, two suggestions are identified. First, people give more importance to personal relations with NGO workers rather than the NGOs itself. The feeling of being insulted can affect their support for international community, which can in turn decrease the effectiveness of 4Rs activities. Thus, hiring of local people for local projects and giving more importance to personal relations between NGO workers and local community are likely to increase regime effectiveness. Second, the Sudanese people expect AMIS, UNMIS and UNAMID to increase security for them as a logical result of their presence. However, their expectations seem to be unmet and the widespread disappointment and distrust among local people are likely to cause insecurity and violence against NGOs. In other words, people's

unmet expectations are likely to lead negative perceptions in international community, far from being supportive for the 4Rs activities. Thus, meeting people's expectations through 'real' mandates with 'real' capacities and informing them on the difficult process of transition in countries with low *internal capacity*, such as Sudan, are likely to increase the effectiveness of international refugee regime through gaining their support.

The case study on Sudan identifies several implications for the regime effectiveness, derived from the qualitative analysis. In terms of social conditions, providing civilian security, particularly for women and overcoming socio-cultural and religious conservatism are likely to increase the regime effectiveness in Sudan. In terms of the relations between the Sudanese government and international community, information campaign and trust-building activities to convince government officials on the neutrality of aid community seem to increase the regime effectiveness in Sudan. Regarding the perceptions of the Sudanese people, giving more importance to relations between NGOs' staff and local people and information campaigns on the difficult process of transition in Sudan are likely to develop supportive perceptions among the Iraqis in international community.

6.7. Conclusion

This chapter first examined the Sudanese political, social and cultural structure and then it explored the country's history to understand the historical

background of its fragile political structure. The third part of the chapter provided brief information on the 4Rs activities in Sudan. Next, the chapter questioned whether international refugee regime was effective in Sudan between 2005-2011. It quantitatively measured the regime effectiveness through criteria of sustainability of reintegration and prevention of new flows. The analysis found out that a majority of the Sudanese returnees (about 67%) have not been reintegrated, lacking ID cards, security and access to basic social services. The study also found out that the goal of prevention to prevent further flows could not be provided.

The chapter examined the social conditions in Sudan, the nature of the bilateral relations between the Sudanese government and international community and perceptions of the Sudanese people to derive implications for regime effectiveness in countries with low *internal capacity*. In this qualitative analysis, the study found out that social conditions in Sudan, such as the feeling of insecurity and socio-cultural and religious conservatism, diminished the effectiveness of 4Rs activities. The nature of the relations between the Sudanese government and international community was defined far from being cooperative, mainly due to the feeling of insecurity among the UN agencies and international organizations and the mutual distrust between the parties. Last, it was found out that perceptions of the Sudanese people were not supportive of the regime activities, given their disappointment and distrust in the international community.

CHAPTER 7

CONCLUSION

This dissertation questioned how the presence of states with low *internal capacity* create implications for the effectiveness of international regimes and how regimes' institutions should operate in states with low *internal capacity* to increase regime effectiveness. Seeking to answer this research question through studying international refugee regime in Afghanistan, Iraq and Sudan, the dissertation concluded that international refugee regime was not effective in these countries in terms of providing sustainability of reintegration and prevention of new mass flows. Based on the findings of the qualitative analysis, the study proposes six tentative principles to give incentives to UNHCR and its implementing partners to increase the effectiveness of international refugee regime in refugee producing countries with low *internal capacity*: providing civilian security, overcoming socio-cultural and religious conservatism, increasing government capacity and willingness to cooperate with international community, building trust among local people and increasing their support for international community

7.1 Theoretical Findings

Based on the evolution of international refugee regime and analysis of the case studies, the study identified four theoretical findings. First, the study found out that unit level characteristics such as social conditions within states, nature of the relations between government and international community and perceptions of the local people play a role in determining the effectiveness of international regimes. The study extended the definition of unit level characteristics from the choices of political leaders and elites to include a variation of socio-political and socio-cultural factors. It identified the feeling of insecurity and socio-cultural and religious conservatism as common social conditions in three case studies. It is also found out that such conditions decrease the effectiveness of UNHCR's 4Rs activities. In terms of the relations between government and international community, concerns on corruption, feeling of insecurity among the staff of the UN agencies and international NGOs, lack of government capacity and authority on aid spending and mutual distrust were identified. These factors are also found to create implications for the regime effectiveness in Afghanistan, Iraq and Sudan. Regarding perceptions of the local people, disappointment, distrust, aid dependency, relations with NGOs' staff and insufficient level of support were identified as the factors that shape local people's perceptions. The study found out that such factors can also create implications for regime effectiveness.

Second, having *a priori* assumption on states' *internal capacity*, the literature on international regimes assumes that states have security within their own borders. Accordingly, neorealists argue that the feeling of insecurity among

states at the system level prevent them to cooperate with international regimes, given the anarchical nature of the international system. (Waltz, 1979) However, insecurity within state seems to be a common problem in all of the three cases of Afghanistan, Iraq and Sudan, as being countries with low *internal capacity*. The cases showed that there can be feeling of insecurity among people at the state level, which in return hinders the effective implementation of 4Rs activities. It is also found out that there is feeling of insecurity among international community, namely among the humanitarian and development workers of international NGOs. The feeling of insecurity among people in Afghanistan and Iraq hinders the effectiveness of 4Rs activities on disarmament, education and employment. In the case of Sudan, the feeling of insecurity among the international staff prevents them to operate their activities and restricts their access to the people in dire need. In sum, the study found out that in addition to the feeling of insecurity at the system level, the insecurity within state can also hinder the effectiveness of international regimes.

Third, neoclassical realists argue the importance of choices, made by the political leaders and elites, on the regime effectiveness (Rose, 1998; Taliaferro, 2006). Haggard and Simmons (1987) identify domestic structure and process as factors that can shape the policy choices of political leaders and elites. This study found out that political leaders and elites can make choices based on their ethnic and religious affiliations and individual interests rather than their concerns on the national interests. The cases of Afghanistan and Iraq showed that government officials can be corrupted and made their choices by giving priority to their individual interests. The Sudanese case showed that political leaders can shape

their policies based on their ethnic and religious affiliations, as in the example of President Nimeiri's and Bashir's policies of Arabization and Islamization of the local African people.

Last, in the evolution of international refugee regime in Chapter 3, the study found supports for the neoliberal argument that states cooperate with international regimes only under restrictive conditions (Hasenclever, 1996; Keohane, 1993). In Chapter 3, the study found out that the U.S. was convinced to support UNHCR only when its activities would support the American struggle against communism in strategic countries. As an another example, the Western states supported the broadening of UNHCR's people of concern only as long as the majority of refugees stayed in their region of origin, namely in the Third World. During the Cold War, the priority over durable solutions was also determined according to the ideological confrontations. UNHCR also shaped its policies in the post-Cold War period according to the interests of the Western states to gain their support by providing voluntary repatriation as the most preferred durable solution.

7.2. Empirical Findings

Based on the analyses of the three case studies, the study identified five empirical findings. First, the study found out several common characteristics among the causes of low *internal capacity* in Afghanistan, Iraq and Sudan. The political history of Afghanistan witnessed short-termed governments due to

several coup d'états, ideological divisions between the Communists and Islamists, ethnic divisions between Pashtuns and Tajiks and foreign interventions by the Soviet Union and the U.S. led forces. Similarly, Iraq has a history of bloody coup d'états, ethnic divisions between Kurds and Arabs, sectarian war between Shiite and Sunni Arabs, war with Iran and invasion of Kuwait and foreign intervention by the U.S.-led coalition forces. The causes of the Sudanese low *internal capacity* are found as three long civil wars between northern and southern parts of Sudan, within north Sudan and within south Sudan. The civil wars have been mostly based on ethnic and religious divisions. In sum, coup d'états, ethnic and religious/sectarian divisions and foreign interventions were found to be almost common characteristics of the three cases.

Second, the study found out common characteristics among the cases, attributed to their low *internal capacity*. Afghanistan, Iraq and Sudan have all insecurity within their borders, by being unable to provide security of their citizens or by being also a part of it, as in the case of Sudan. Their governmental units are mostly corrupted and they are incapable of providing basic services to their own citizens. Due to long years of wars, they lack very poor and old infrastructures, which directly affects their ability to provide basic public services. Last, socio-cultural and religious values are considerably strong within their societies, particularly in the rural areas with poor economic conditions.

Third, the study found out that low *internal capacity* creates adverse implications for the regime effectiveness. Insecurity and violence hinder the operations of 4Rs activities in Afghanistan, Iraq and Sudan both by restricting humanitarian access to the people in need and by creating a resistance within local

people to cooperate with 4Rs activities, as in the examples of activities on disarmament, education and employment. Strong socio-cultural and religious values also diminish people's support for regime activities. The lack of basic infrastructure and poor access to basic services also hamper the regime effectiveness, particularly in reintegration activities. Corruption within governments, as will be explained in the next finding in detail, also decrease the effectiveness of regimes by discouraging international community to transfer the authority and control over the aid spending and 4Rs projects to the governments.

Fourth, as assumed in the research design, cooperative nature of the relations between government and international community is likely to increase the effectiveness of international refugee regime. However, in countries with low *internal capacity*, governments mainly lack the governance capacity to cooperate with international community, particularly due to corruption within government as a common characteristic. The study found out that corruption can lead international community to bypass governments in the allocation of international funds and operation of 4Rs projects. This bypass-tendency of donor states and UN agencies is in return likely to hinder the capacity-building process of governments further, by creating a vicious circle for the regime effectiveness. Moreover, lacking sufficient funds and authority in the activities of international community, government can develop distrust in international community. In return, this emergence of mutual distrust seems to harm the cooperative nature of relations. Accordingly, in order to increase the effectiveness of international refugee regime, governance capacity of government to cooperate with international community needs to be increased despite the presence of corruption.

Last, the study found out that increasing involvement of activities in countries of origin is likely to jeopardize the impartiality and neutrality of the regime's institution, as Goodwin-Gil (1999) argues. And this jeopardized impartiality and neutrality of international community can decrease the effectiveness of international refugee regime. For example, confidence problem among government officials in international community is likely to decrease their willingness to cooperate with international community in Afghanistan and Iraq. In Sudan, government suspicions on the ultimate aims of international community, such as the suspicion on its intention to colonize Sudan, caused increasing restrictions on the activities of international community and dismissal of several international NGOs. The feeling of distrust among local people in international community also diminishes their support for the 4Rs activities in all cases. Their unmet needs and expectations can also lead local people regard the presence of international community as unnecessary as in the case in Sudan.

Table 9: Summary of the findings from the quantitative and qualitative analyses in the case studies

		QUALITATIVE ANALYSIS				
		QUANTITATIVE ANALYSIS				
		Sustainability	Prevention	Social Conditions	Relations between Government and International Community	Local People's Perception
AFGHANISTAN	57%	-Asylum seekers: 40% increase -IDPs: 30% decrease Reasons: ineffective reintegration and insecurity	- insecurity -socio-cultural and religious conservatism	-corruption -fragmentation -level of support -lack of capacity and authority -aid dependency	-distrust	
	54,5%	-Asylum seekers: 8% decrease -IDPs: 11% increase Reasons: ineffective reintegration and insecurity	-socio-cultural and religious conservatism -insecurity	-insecurity -corruption-lack of authority -unfair distribution of aid	-aid dependency -insufficient level of support -distrust	
SUDAN	34,3%	-Asylum seekers: 9% decrease -IDPs: 178% increase Reasons: ineffective reintegration and insecurity	-economic reasons -women's insecurity - socio-cultural and religious conservatism	-insecurity -mutual distrust	-importance of personal relations with NGO workers -disappointment/ distrust	

7.3. Tentative Principles for the Regime Effectiveness

Based on the comparative analysis of the case implications, summarized in Table 9 the dissertation identifies six tentative principles and suggestions for them, as shown in Table 10. These tentative principles are an attempt to provide suggestions for the UN agencies, national and international NGOs, donor countries and international security missions to shape their policies accordingly to increase the effectiveness of international refugee regime in countries with low *internal capacity*. Each tentative principle offers one or more suggestions, namely “Do”s, for the related principle³⁵.

1. Providing civilian security

The feeling of insecurity among people as a unit level characteristic is likely to diminish the effectiveness of international refugee regime in countries with low *internal capacity*. People’s compliance with demobilization/disarmament programs in Afghanistan and Iraq and women’ access to education in Afghanistan, Iraq and Sudan seem to be hampered due to ongoing insecurity and violence and particular insecurity against women. Thus, 4Rs activities of international refugee regime are more likely to become effective if security for civilians is provided. To increase civilian security, there are two suggestions, based on the findings in case studies.

³⁵ It can be questioned why countries would ever agree with such tentative principles and “Do”s. Therefore, it is important to remind that international community does not conduct such activities in such countries despite the will of them. Thus, international community has already some leverage to operate in such countries and the study aims to provide principles to increase the effectiveness of its present activities.

- Do ensure that international missions are mandated to provide improvements in the civilian security

There are international security missions in the cases, such as ISAF in Afghanistan, UNAMI in Iraq, UNMIS and UNMID in Sudan. They have mainly either do not have any mandate for civilian security or could not have any real improvement in the lives of civilians. NATO's ISAF mission in Afghanistan has primarily the mandate of assisting the Afghan government in the maintenance of security. However, rather than having any particular mandate of providing civilian security, it attempts to maintain security to enable a secure environment for the Afghan authorities and UN personnel to operate. UNAMI's mandate is to advise and assist the Government in political dialogue and national reconciliation, facilitating regional dialogue and protection of human rights and judicial and legal reform. Thus, it has a political mission in general and does not have any mandate for the provision of civilian security. UNMIS mandate mainly includes supporting the implementation of the CAP in 2005. It is also authorized to protect civilians under imminent threat of physical violence and to coordinate international efforts in the protection of civilians. UNAMID, the hybrid operation of UN and AU in Darfur, has the mission of contributing the restoration of necessary security conditions for its own personnel and humanitarian workers. It has also been mandated to protect civilian populations under imminent threat of violence and prevent attacks against civilians within its capability and areas of deployment.

Thus, among three case studies, the only case, mandated with providing civilian security is Sudan. Interestingly enough, however, the presence of UNMIS and UNAMID, together with AMIS, seems to fail in meeting people's

expectations through increasing security for them, as discussed in the Sudanese case. Limitations on their movements, imposed by the Sudanese government and their lack of military capability prevent UNMIS, UNAMID and AMIS to provide effective security for civilians. In return, mostly observing and reporting insecurity and violence, without any real improvement in civilian security is likely to create disappointment and distrust among the Sudanese people.

- *Do increase level of awareness among people on women's security*

As shown particularly in the Sudanese case, increase in general security can not be sufficient enough to increase the effectiveness of 4Rs activities on girls' access to basic services such as education. Hence, an increase in overall security can not automatically mean increasing security for women. Insecurity targeting women mostly takes place in the form of sexual assault and harassment. Thus, awareness raising campaigns on women's right conducted by international and national NGOs and in cooperation with government where possible can also increase the effectiveness of international refugee regime.

2. Overcoming socio-cultural and religious conservatism

Socio-cultural and religious conservatism such as the traditional role of women in the society as housewives, fear of identity change by obtaining new and modern ideas, suspicions on the fortified nutrition and refraining from talking on HIV/AIDS prevention can hinder the effectiveness of activities in increasing access to female enrollment and improved nutrition in Afghanistan, female employment and enrollment in Iraq and HIV/AIDS prevention in Sudan. Thus, the effectiveness of 4Rs activities, mainly in education, employment and health

sectors are likely to increase when socio-cultural and religious conservatism can be overcome. To overcome such conservatism, the study identifies three suggestions based on the findings in case studies.

- *Do increase level of awareness among people on the importance of 4Rs activities*

In the cases of Afghanistan and Iraq, socio-cultural and religious conservatism seems to prevent the effectiveness of activities to increase women's access to education and employment. If the level of awareness on the general human rights culture and the benefits of female education and employment for the development of society is increased through information campaigns, it is likely that effectiveness of international refugee regime will also increase in the fields of education and employment. Involvement of religious leaders and tribal elders as key advocates to convince conservative people can also support activities to raise awareness among society. In the Sudanese case, people can refrain from talking on HIV/AIDS prevention and resist to become conscious on the transmission and prevention methods of the disease, due to conservatism. Thus, assistance of religious leaders can be crucial to reach a wide part of the population through workshops and information campaigns.

- *Do conduct trust-building activities among people*

Trust-building activities are likely to increase the effectiveness of 4Rs activities through people's acceptance and support in education and health projects. In Afghanistan and Iraqi cases, locating schools closer to home and increasing numbers of female teachers in schools are likely to increase girls' enrollment to schools by building trust among parents. In the example of fortified

nutrition project to improve public health in Afghanistan, involvement of religious leaders and tribal elders can also support trust-building activities as well as awareness raising ones. People in countries with low *internal capacity*, where conservative values are relatively dominant, can sometimes have more trust in religious leaders and tribal elders than their government and international communities.

3. Increasing government capacity to cooperate with international community

A government with low governance capacity is more likely to spend aid ineffectively due to corruption and international community is more likely to bypass such governments during the allocation of international funds and providing authority on aid spending. Thus, as a vicious circle, on the one hand, lacking capacity in governments to cooperate leads international community to bypass the governments in Afghanistan and Iraq. On the other hand, being funded insufficiently and not given authority on aid spending, government's ability to increase its capacity is likely to decrease. Thus, as a precondition of the cooperative nature of the relations between government and international community, government needs to have capacity to cooperate with international community. In other words, increasing government capacity to cooperate with international community is likely to increase effectiveness of international refugee regime through building necessary ground for a possible cooperative nature of the relations between government and international community. Based on the findings

in cases, the study identifies two suggestions to support government in dealing with corruption and act in a transparent and accountable way.

- *Do fund government sufficiently to increase its capacity of rebuilding its own administration*

Corruption within government is likely to diminish the effective implementation of 4Rs activities, both through creating distrust among international community and through wasting aid spending. However, different from Iraqi government, Afghanistan lack oil reserves and has worse economic indicators. Thus, government in countries with low *internal capacity*, such as Afghanistan, can need considerable financial support under the supervision of international community to rebuild its own administration. In return, it is likely that it would have the capacity to deal with corruption and to provide basic services, governance and security to its own people. Thus, government capacity to cooperate with international community in implementing its 4Rs program can increase through funding governments sufficiently.

- *Do increase government authority on aid spending and 4Rs projects*

Both Afghanistan and KRG in Iraq criticize international community for limiting their ability to build public services and strengthen governance systems by bypassing them in major aid efforts. International community can indeed bypass government with low governance capacity and can not give them authority on aid spending and monitoring 4Rs projects, arguing that such governments do not have enough capacity for absorption of funding, which can lead further corruption within government. However bypassing government can further limit its ability to build public services and strengthen its governance system. Thus,

instead of bypassing government with low governance capacity, policies to increase its authority on aid spending and 4Rs projects under the supervision of international community can increase government capacity to cooperate with international community.

4. Increasing government willingness to cooperate with international community

As well as increasing government capacity, it is equally important to increase its willingness to cooperate with international community. The suspicions on the impartiality and neutrality of international community, especially of international and national NGOs working directly in the field and international security missions, can hinder the cooperative nature of relations between government and international community. Thus, based on the findings in case studies, three suggestions are identified to increase government's willingness to cooperate with international community.

- *Do convince government officials and militant groups on the neutrality of aid agencies*

In the cases of Afghanistan and Iraq, government officials have critiques towards international community for unfair and unequal distribution of aid within the framework of 4Rs projects. Such critiques can decrease their willingness to support international community in their activities in Afghanistan and Iraq. Thus, information campaigns on the neutrality of international community are likely to increase willingness of government officials to cooperate with international

community by making clear the underlying reasons of alleged discriminations, such as insecurity and access difficulties.

In the Iraqi and Sudanese cases, the suspicions on the neutrality character of international community lead even violence against aid workers and increasing restrictions in their operations. Militant groups in Iraq seem to regard international staff of the Western agencies as an extension of the US-led forces. In Sudan, government's belief on politicized and unneutral character of international NGOs leads increasing restrictions on their activities. Violence and restrictions against aid workers can in return prevent international community to get access to people in dire need. Such distrusts in international community can also prevent any potential for cooperative nature of the relations between government and international community. Thus, trust-building activities and information campaigns can convince government on the neutral and humanitarian intentions of international community.

5. Building trust among local people in international community

Beliefs of local people on those international NGOs consider their own interests rather than the interests of local people and their respective country, beliefs on their contact with intelligence services and Christian missionary activities, existence of fake local aid agencies and the disappointment from their unmet expectations from the presence of international missions can cause distrust among local people. In all of the three cases, distrust among local people in international community, namely international and national NGOs and international security missions seems to diminish the effectiveness of 4Rs

activities. Thus, the study identifies four suggestions to build trust among local people in international community, which is in return likely to increase the effectiveness of international refugee regime through developing positive perceptions in 4Rs activities.

- *Do make clear the neutrality of aid agencies for local people*

Afghans and Iraqis seem to have distrust in international NGOs, mainly because of their suspicions on their neutrality, serving their own interest or intelligence services. Thus, informing local people on the difference between the UN and coalition forces, on the civilian nature of their officials and on the humanitarian aims of international NGOs is likely to make clear the neutral character of UN agencies and international NGOs.

- *Do prevent the activities of fake local aid agencies*

In the case of Iraq, it is found out that the existence of fake local aid agencies can harm local people's confidence on aid agencies. In order to prevent their existence and activities, a control mechanism to monitor national NGO's activities can be established before allocating international and national funds.

- *Do inform people on the difficult process of transition in countries with low internal capacity*

As the cases of Afghanistan and Iraq show, local people can have distrust in international community on unequal distribution of aid in relatively secure areas and on the absence of any real improvement in their daily life. In such cases, informing people on the difficult nature of humanitarian aid and development work in countries with low *internal capacity* can increase their trust in international community.

- *Do not disappoint local people through 'nominal' presence of international missions*

As the case of Sudan shows, in the absence of their government ability or willingness, local people can have clear expectations from the presence of UN and AU security mandates, such as being protected in case of violence. However, as discussed in case studies, international security missions, including ISAF in Afghanistan, UNAMI in Iraq, UNMIS, UNAMID and AMIS in Sudan, lack either mandates or capacity to provide civilian security. They can also have restrictions, on their movements imposed by the governments due to their suspicions on the intentions of their mandates. The unmet expectations from international security missions can cause widespread disappointment and distrust among local people, which can even turn into violence on NGOs. Thus, meeting people's expectations through 'real' mandates and 'real' capacities is likely to increase the effectiveness of international refugee regime by building trust among local people in international community.

6. Increasing support among local people for the activities of international community

In addition to building trust among local people, it is equally important to increase their support for 4Rs activities. Though trust-building activities are also likely to increase people's support, the study still has two more suggestions to increase people's support for international community.

- *Do give particular importance to the projects that seeks to increase people's economic self-sufficiency*

UNHCR and its implementing partners have already projects to increase people's economic self-sufficiency within the framework of 4Rs activities, such as Quick Impact Projects, vocational programs and Food for Work. However, giving such projects particular importance and extending them in numbers are likely to increase the effectiveness of international refugee regime. Hence, the Iraqi case shows that displaced people seem to be dependent on aid assistance from NGOs. Thus, in the absence of their own income to survive, people's perception in international community can be affected negatively when this aid is not available. In other words, implementing more projects to increase people's economic self-sufficiency is likely to increase their support on the presence of international community.

- *Do give more importance to personal relations between NGO workers and local community*

The Sudanese case shows that people can relate to and respect individuals rather than organization. Thus, developing better personal relations between local people and NGOs workers is likely to increase people's support to 4Rs activities. Hiring of local people for local projects and training of international staff on the sensitivities of local people, such as the inferior feeling of illiteracy as in the example of Sudanese case, can help NGOs to develop better personal relations with local people.

Table 10: Summary of the tentative principles to increase regime effectiveness in countries with low *internal capacity*

Social Conditions	- Do ensure that international missions are mandated to provide improvements in the civilian security - Do increase level of awareness among people on women's security	Providing civilian security
	- Do increase level of awareness among society on the importance of 4Rs activities - Do conduct trust-building activities among society	Overcoming socio-cultural and religious conservatism
Relations between governments and international community	- Do fund government sufficiently to increase its capacity of rebuilding its own administration - Do increase government authority on aid spending and 4Rs projects	Increasing government capacity
	- Do convince government officials and militant groups on the neutrality of aid agencies	Increasing government willingness
Perception of local people	- Do make clear the neutrality of aid agencies for local people - Do prevent the activities of fake local aid agencies - Do inform people on the difficult process of transition in countries with low <i>internal capacity</i> - Do not disappoint local people through 'nominal' presence of international missions	Building trust among local people in international community
	- Do give particular importance to the projects that seeks to increase people's economic self-sufficiency - Do give more importance to personal relations between NGO workers and local community	Increasing the support among local people for the activities of international community

7.4. Suggestions for Future Works

In terms of future work on the effectiveness of international regimes in countries with low *internal capacity*, several suggestions can be provided based on the limitations of this study and the implications from case studies.

First, this study concentrates on refugee producing countries to provide tentative principles for increasing the effectiveness of international refugee regime. However, examining regime effectiveness in countries of asylum with low *internal capacity* can also give further insights to increase the effectiveness. Future research can have a research strategy of questioning compliance of such states with the cardinal principles of international refugee regime, such as non refoulement and right of asylum.

Second, assuming international community as a single body results in common tentative principles for international community to increase its effectiveness of international refugee regime. Thus, dividing international community into groups as UN agencies, international and national NGOs, donor countries and international security missions and examining their specific relations with the government officials and local people would like to provide insights for specific members of international community to increase the effectiveness of their activities.

Last, this study examines the activities of international refugee regime, as being an international regime dealing mostly with countries with low *internal capacity* since the beginning of the 1990s. Accordingly, it is an attempt to provide insights for UNHCR and its implementing partners to increase the effectiveness of

international refugee regime. Tentative principles and suggestions for international community can still have implications for international regimes in general. However, other international regimes having activities in countries with low *internal capacity*, such as international human rights regime, can also be studied in terms of their effectiveness in such countries. This would both provide specific insights for a particular international regime and contribute to the accumulation of the general knowledge on increasing regime effectiveness in countries with low *internal capacity*.

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