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The Politics of Non-Refoulement and the Syrian Refugee Crisis: Any Linkage?

Akinrinde O. Olufemi

1.1. Statement of Problem

The rise of refugee problems across the globe especially the Syrian refugee crisis underlines inherently the definitional and operational deficiencies of the 1951 Geneva Refugee Convention that was designed to facilitate the protection of the rights of refugees and asylum-seekers to safety and express access to neighboring states during emergencies, wars, man-made and natural disasters. Despite the establishment of the Geneva Refugee Convention of 1951 and other International regimes, the rising numbers associated with refugees in Syria and the rest of the world are disturbing. With over five million persons internally displaced and more than two million people seeking refuge in Syria's neighboring states and abroad,¹ the Syrian refugee crisis and every other refugee crisis across the globe now portends unimaginable dangers to the continued corporate global existence.² The Syrian refugee crisis has therefore exposed the definitional and operational lacunas and deficiencies associated with the 1951 Geneva Convention, preventing same from undergoing holistic implementation. Hence, the essence of this paper and the need to interrogate these deficiencies culminating into the politics behind the full implementation of the Geneva Convention.

1.3. Research Questions

Against the background of the problem, the research attempts to answer the following questions:

1. What are the definitional and operational difficulties hindering the full implementation of the 1951 Geneva Refugee Convention?
2. What is the politics surrounding the implementation of the 1951 Geneva Refugee Convention by states especially Syria's neighboring states like Turkey, Egypt and Lebanon?
3. How could 1951 Geneva Refugee Convention be absolved from its inherent definitional and operational difficulties, while making it holistically implementable?
4. What is the way forward for the implementation of the 1951 Geneva Refugee Convention?

1.4. Research Objectives

Basically, the prime goal of this research is to examine the politics surrounding the implementation of the Geneva Refugee Convention. So, the study is set out to achieve the following specific aims;

¹ BBC News (2013). Syria Death Toll Now Above 100,000, Says UN Chief Ban. Jul 25.

² BBC News (2013). Syria Death Toll Now Above 100,000, Says UN Chief Ban. Jul 25.

1. To examine the definitional and operational difficulties hindering the full implementation of 1951 Geneva Refugee Convention.
2. To examine the politics associated with the implementation of 1951 Geneva Convention on Refugee.
3. To examine ways by which the definitional and operational difficulties hindering the full implementation of the 1951 Geneva Refugee Convention could be remedied.
4. To examine way forward from the current Syrian Refugee Crisis

1.5. Research Design/Methodology

This research adopts the qualitative methodology. Data are sourced from secondary sources only, relying on books, journals, newspapers, reports, databases and other archival materials. These data and information will, however, be subjected to pure thematic and content based analysis.

1.6. Conceptual Review

For sufficient understanding of this paper, there is a need to operationalize the inherent concepts in order know the true meaning;

1.6.1. A Refugee

A refugee is can be taken to mean a 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, leaves his or her country of nationality and who is unable to avail himself or herself of the protection of that country owing to such fear of being persecuted, victimized or dehumanized.” A similar definition that is not restricted to events occurring in Europe or before 1951, but inculcated into the United Nations High Commission for Refugees’ statute (UNHCR Statute) was that of the 1967 Protocol which commit States parties to implement Article 1(A) 2 of the 1951 Refugee Convention without reference to the chronological (events occurring prior to 1951) or geographic (events occurring in Europe) restrictions.³

1.6.2. Principle of Non-Refoulement

The principle of non-refoulement, or the prohibition on forced return, found in 1951 Refugee Convention is central to any discussion of entry for persons fleeing persecution in their home-country. The principle clearly states;

³ See the 1967 Protocol, *supra* note 28, art. 1(2).

1. That No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion;

2. That the benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.⁴

1.6.3. The Syrian Crisis

Literally, the Syrian Crisis as an International issue or concern, has since 2009 attracted various interpretations. It is now synonymous to various societal pathologies especially Terrorism, Refugee Crisis, Human Rights Abuses and an example of a Failed State. However, for the purpose of this paper, the Syrian Crisis shall be taken to mean an international security concern or an occurrence of Refugee problem which has led to millions being internally and externally displaced. This paper is therefore intended to examine the Syrian Crisis only from the angle of Refugee Crisis.

2.0. Background to the Syrian Refugee Crisis

Any discussion concerning refugees or Non-Refoulement, as expected, should begin with a reference to the right of all peoples against forced return in cases of emergencies, war, or natural disasters endemic and injurious to safety and existence of the people. This principle otherwise known as non-refoulement enshrined in the 1951 Refugee Geneva Convention serves as the only global regime on the right of all peoples to seek their safety and safe havens in the face of threatening man-made and natural disasters. Since 1951, states have continued to subscribe to the spirit and letters of this convention in varying degrees. However, only a minority of the neighboring States surrounding Syria, for instance, are either signatory to the 1951 Convention or the 1967 Protocol to the Convention or have passed national asylum or refugee laws implementing anything like the provisions of the Convention in respect of non-refoulement. Even where States are parties to one of the treaties on the protection of refugees, the obligations either remain unimplemented and in most cases, ineffective for the protection of refugees where relevant domestic legislations have been passed. In light of this problematic, this paper seeks to examine the politics of non-refoulement i.e. reasons why some states choose to implement while some states choose not implement the 1951 Geneva Convention. It further seeks to examine the role of the United Nations High Commission for Refugee in the implementation of the convention by states. Added to

⁴ 1951 Refugee Convention, *supra* note 25, art. 33.

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this, it aims at interrogating the definitional and operational difficulties in the implementation of the convention.

April 25, 2011 however marked the beginning of Syrian military's march into Daraa with a force of up to 5,000 men and seven T-55 armored tanks. The Syrian military began an operation to suppress the political opposition within the country down.⁵ The southern city of Daraa first became the focus of political opposition to the Assad regime in March 2011 when some 15 local school children were arrested for painting anti-government slogans on the walls of a school (CNN News, 2012).⁶ Protests spread quickly across the country to Jas-sem, Da'el, Sanamein, Inkhil and then Damascus.⁷ Government security forces had already responded with the wide-spread detention and torture of protesters and, in some cases, live fire.⁸ Heavy armor was first used on April 25, 2011, marking the descent into civil war.⁹ The attendant humanitarian implications for the people of Syria have been devastating since the outbreak of this crisis. Estimates by the United Nations High Commissioner for Human Rights (OHCHR) place the number now killed at upwards of 100,000 people.¹⁰ Over five million have been internally displaced¹¹ and more than two million people have sought refuge abroad.¹² While the intensity of violence has driven some Syrians to seek refuge further afield,¹³ the vast majority of Syrians remain in the five key countries of refuge surrounding Syria: Egypt, Iraq, Jordan, Lebanon and Turkey.¹⁴ Countries within this region have responded to the recent influx of civilians fleeing the violence in Syria with outstanding generosity. Particularly worth mentioning is Lebanese government's generosity towards the refugees. Lebanon has consistently maintained an open-door policy towards those seeking refugee from the Syrian violence.¹⁵ The resulting impact on Lebanese society has been marked. As of October 3, 2013, UNHCR estimates that there are now 779,038 Syrians seeking protection in Lebanon, up from some 20,000 in May 2012.¹⁶ This is in addition to the 425,000 Palestinian refugees registered in Lebanon prior to the war in Syria and the further 50,000 Palestinian refugees who arrived in Lebanon following their displacement from refugee

⁵ BBC News (2011). Syrian Army Attacks Protest City of Daraa. Apr. 25.

⁶ CNN News (2012). Joe Sterling, Daraa: The spark that lit the Syrian Flame. Mar. 1.

⁷ (2011). Khaled Yacoub Oweis, Protests Spread against Assad Rule in Syria. Mar. 25. The Guardian (2011). Katherine Marsh, Syria: Four Killed in Daraa as Protests Spread across South. Mar. 22. Foreign Policy (2011). The Revolution Reaches Damascus. Mar. 18. Human Rights Watch (2011). "We've Never Seen Such Horror", Crimes against Humanity by Syrian Security Forces 8–13.

⁸ Human Rights Watch (2011). "We've Never Seen Such Horror", Crimes against Humanity by Syrian Security Forces 8–13.

⁹ Human Rights Watch (2011). "We've Never Seen Such Horror", Crimes against Humanity by Syrian Security Forces 8–13.

¹⁰ BBC News (2013). Syria Death Toll Now Above 100,000, Says UN Chief Ban. Jul 25.

¹¹ See Regular humanitarian bulletins on the situation in Syria are prepared by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

¹² Regular humanitarian bulletins on the situation in Syria are prepared by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

¹³ UNHCR (2003). Boris Cheshirkov, Bulgaria's Asylum Centres Bursting at the Seams as Syrian Refugees Enter Europe, Sept. 17.

¹⁴ Inter-agency Information Sharing Portal, supra note 14

¹⁵ UNHCR (2013). Inter-agency Regional Response for Syrian Refugees, 1 Sept. 19–25, 2013.

¹⁶ UNHCR (2013). Inter-agency Regional Response for Syrian Refugees, 1 Sept. 19–25, 2013.

campus in Syria.¹⁷ Putting this in the right perspective, the number of refugees in Lebanon alone now amounts to almost a quarter of the total Lebanese population estimated at 4.2 million.¹⁸ In these circumstances it would be naive to expect such generosity to persist indefinitely. Egypt, Iraq, Jordan and Turkey have begun to actively limit the number of Syrians permitted to seek refuge on their territory by imposing quotas on those allowed to cross the border from Syria each day, refusing entry to particular classes as defined in relation to gender and/or age or by closing the border altogether. Those Syrians prevented from crossing are left exposed to the worst effects of the conflict and, in particular, the depredations of the Syrian military, which now seems increasingly inclined to directly attack border.¹⁹ However, States must endeavor to comply with the legal requirements as regards refugees within the limits of their capacity. It is therefore, of the first importance to identify public international law resources that bind States experiencing a refugee influx.

3.0. The Definitional and Operational Deficiencies of the Principle of Non-Refoulement as contained in the Geneva Refugee Convention

One prominent definitional itch associated with the Geneva Convention on Refugee or the principle of Non-refoulement was the issue of admission of refugees or persons seeking asylum on grounds of persecution, disasters, civil wars and other emergencies. The Geneva Convention has not been able to clear the dust as regards the controversies surrounding the admission or otherwise of persons seeking refuge during emergencies or persecution. The provisions as well as the principle of Non-refoulement contained in the Geneva Convention of 1951 did not capture the need and right of persons seeking refuge from persecution or emergencies to be admitted into any neighboring states. It was more concerned about the forceful ejection of already admitted refugees or persons fleeing persecutions. To that effect, the Geneva Convention's Non-refoulement only frowns at forceful ejection of refugees and not their rights to be admitted even when threatened by emergencies or periods of persecution. This definitional deficit has placed the essence of the Geneva Convention at the mercy of states. They determine who to admit and who not to admit during emergency periods in neighboring states. This therefore creates a lacuna in the whole convention and as a consequence, limits the potency of the principle of Non-refoulement. In fact, with this lacuna, the principle of Non-refoulement becomes of no use and irrelevant. This is so because without adequate provision and guarantees for the admission of refugees or persons fleeing persecution from their parent states into

¹⁷ Human Rights Watch (2013). Egypt: Do Not Return Asylum Seekers to Syria, Jul 10.

¹⁸ Human Rights Watch (2013). Egypt: Do Not Return Asylum Seekers to Syria, Jul 10.

¹⁹ Al-Jazeera News (2013). Syrian Warplane Attacks Lebanese Border Area, Aug 3.

neighboring states in times of emergencies, civil wars, disasters and humanitarian abuses, the goal and essence of the principle of Non-refoulement may continue to be a mirage while refugee crisis continues to multiply in alarming proportions.

Further, the principle of Non-refoulement of the Geneva Convention exists with another definitional ambiguity. While the principle outlaws forceful ejection of refugees or victims of persecution and others, it is surprisingly silent on ejections on grounds of national security. A signatory state to the convention could decide to eject a refugee or persons if he or she is purportedly considered to be of threat to the corporate survival or security of the host state. This excuse could be put forward as a strong case for violating or inhibiting the principle of Non-refoulement especially in this contemporary period where terrorism holds sway. United States and a few other Western countries have been holding firm against admission of refugees with radical Islamic background especially those affiliated to the Islamic State in Iraq and Syria, from the Syrian crisis.

Finally on this, the Geneva Convention of Non-refoulement remains operationally deficient because it is yet to amass the needed mechanism for implementation.

4.0 The Politics of Non-Refoulement

To begin with, it is evidently clear that only a minority of the States surrounding Syria are signatory to either the 1951 Convention or the 1967 Protocol to the Convention or have passed domestic asylum/refugee laws implementing anything like the provisions of the Convention in respect of non-refoulement. Even where States are par-ties to one of the treaties the obligations either remain unimplemented or, where relevant domestic legislation has been passed, ineffective for the protection of refugees. Nevertheless, reference to both general international human rights and humanitarian law discloses an extensive set of legal norms which, if used effectively, will support a very comprehensive right of non-refoulement for individuals displaced from Syria to the neighboring states.

As an injunction, the principle of non-refoulement does not provide a right of entry as such. However, as long as admission to the territory of the Asylum State will, in practice, be the only practical step to avoiding an asylum-seeker being returned to the “frontiers of territories where his life or freedom would be threatened, this will frequently amount to a forceful or de facto right of admission.²⁰

Thirdly, out of the five key reception States surrounding Syria, only Egypt and Turkey are States parties to either the 1951 Refugee Convention or the 1967 Protocol to the Convention and only

²⁰ James C. Hathaway, *Refugees and Asylum*, in *Foundations of International Migration Law* 177, 193 (Brian Opeskin, Richard Perruchoud & Jillyanne Redpath, eds., 2012).

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Lebanon and Turkey have passed domestic laws governing the definition and protection of asylum-seekers and refugees in the whole of that territorial axis. Although there are about 144 States parties to the 1951 Refugee Convention and 145 to the 1967 Protocol, countries in the Middle East and North Africa (MENA) region continue to have a very low and discouraging rate of membership to either treaty. In large part this is due to the continuing concern among Arab States with the issue of Palestinian refugees. In fact, Arab States supported the exclusion of Palestinian refugees from the terms of the 1951 Refugee Convention and the United Nations High Commission for Refugees Statute.²¹ These States were concerned that if Palestinian refugees were to be included in the terms of any of the documents, they may end becoming submerged with other categories of refugees that could further relegate it to a position of minor importance in that region.²² The 1951 Refugee Convention, again, has created a model of protection in displacement based on the fundamental rights of non-refoulement of refugees. In contrast with the fear of persecution and the right of non-refoulement that concerns many asylum-seekers, Palestinian refugees demand a right to return to Palestine in line with the terms of General Assembly Resolution 194. This explains why Arab States have been hesitant to accede to the Convention on grounds that the Convention has failed to present a model of protection that is relevant to the needs of Palestinians.²³ Hence, the low acceptability and recognition of the 1951 Geneva Convention amongst the Arab countries in general.

Like the 1951 Refugee Convention itself, the Turkish law has a stand-alone non-refoulement provision. It is, however, framed in a manner that negates the other elements of the law while becoming virtually inscrutable. Article 4 of the new law forbids return “to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment, or where his or her life or freedom may be under threat. However, while Article 4 purports to extend this guarantee to all individuals who fall “under the scope of this Law,” it goes on to limit the actual effect of the non-refoulement provision to those individuals whose “life or freedom may be under threat on the pretext of their race, religion, nationality, membership of a particular social group or political opinion. This clause appears to restrict the provision’s application to those defined as refugees in Article 61 of the law, thereby excluding individuals granted subsidiary protection pursuant to Article 63 or temporary protection pursuant to Article 91 from its gamut. As will be recalled, the refugee definition in Article 61 is itself limited to those fleeing “events occurring in Europe,” but this restriction is not reflected in

²¹ 1951 Refugee Convention, *supra* note 25, art. 33

²² Lex Takkenberg, *The Status of Palestinian Refugees in International Law* 66 (1998).

²³ See Refugee Studies Center Working Paper Series No 64, 2010. This is further elucidated in Lex Takkenberg, “The Status of Palestinian Refugees in International Law 66 (1998)” where Takkenberg stressed the need for more depths in the Convention in order to be relevant to peculiar cases such as the Palestinian refugees.

Article 4. The end result is that the Article 4 non-refoulement provision is in some way inconsistent with each of the new law’s qualification provisions.

Again, another politics surrounding the implementation of the Geneva Convention on Refugee in Syria is the fact that not all Syria’s neighboring states have domesticated or legislated on the principle of Non-Refoulement. Egypt, for instance, is a party to both the 1951 Refugee Convention and the 1967 Protocol, it has not yet promulgated relevant domestic asylum law or developed the procedures or institutions necessary to comply with their obligations under the Convention.²⁴ In accordance with a memorandum of understanding signed with the United Nations High Commission for Refugee in 1954 the government has devolved virtually all aspects of refugee protection, including the provision of social welfare and status determination, to the UNHCR.²⁵

The provisions of the 1962 Lebanese laws on non-refoulement are restricted, quite specifically, to granting political asylum only and so would most likely exclude any claims made by the Syrians fleeing civil disorder and violence in their own country. However, this remains a matter of speculation since no steps have been taken to implement these provisions through either the promulgation of regulations or the development of State institutions for the determination of refugee claims and/or the protection of asylum-seekers yet. As such, the Lebanese State continues to treat all asylum-seekers as, in essence, illegal immigrants and extends its protection to them on a wholly discretionary basis.

While Turkey has also acceded to the 1967 Protocol it continues to limit its protection obligations to those persons fleeing persecution as a result of “events occurring in Europe.” This restriction, reflected in the new Turkish law, excludes those fleeing the Syrian conflict. However, the new law introduces an, admittedly discretionary, provision for the temporary protection of individuals in the context of mass influx. There is also provision for the subsidiary protection of individuals who do not come within the terms of the domestic refugee definition. Individuals who may face “the death penalty or execution punishment,” and/or torture or inhuman or degrading treatment or punishment” or a “serious threat to his or her person by reason of indiscriminate violence” upon return to his or her country of origin, are legally catered for and protected by the law.

All available regimes and laws enacted for the protection of individuals fleeing the violence in Syria premised on either the 1951 Convention or the domestic law of the key receiving States suffers, as seen over the years, from two key protection gaps. First, as noted, only two out of the five States (Egypt and Turkey) are States signatories to the two key international refugee protection instruments;

²⁴ UNHCR (2013). Inter-agency Regional Response for Syrian Refugees, 1 Sept. 19–25, 2013

²⁵ UNHCR (2013). Inter-agency Regional Response for Syrian Refugees, 1 Sept. 19–25, 2013

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and neither of which has begun to implement the instruments in a comprehensive manner. Secondly, where and when the provisions of these instruments are binding on the receiving States, it remains unclear whether Syrians seeking protection in these States will have refugee claims that conform to the requirements of Article 1(A) 2 of the 1951 Convention. This latter issue warrants further discussion, particularly in light of the UNHCR’s recent approach with respect to those fleeing the Syrian conflict.

Basically therefore, the “well-founded fear of persecution” must be “for reasons of race, religion, and nationality, as well as membership of a particular social group or political opinion in order to qualify for refugee status under the Article 1(A) 2 definition.” The persecution feared must be causally related to one of the grounds enumerated in Article 1(A) 2.²⁶ This is commonly referred to as the “causal nexus.” While some Syrians have certainly fled their country due to a well-founded fear of persecution for reasons of religion or political opinion, in accordance with Article 1(A) 2 of the Refugee Convention, many will have fled due to their fear of generalized violence and civil disorder unrelated to a Convention ground.²⁷ The poser here, therefore, is, can this “causal nexus” be established as a result of generalized violence or chaos? This is not to suggest, however, that there is an obligation to show a differential impact on those fleeing civil situations of conflict of large-scale civil disorder or that such a finding is limited to any particular number of individuals. There is no basis in the text of the 1951 Convention to impose a higher or differential burden on claimants seeking to make out a claim to refugee status in the context of armed conflict. Moreover, while the Convention ground must contribute meaningfully to the cause of the persecution feared, it needs not be the sole or even the predominant cause of that persecution. The significance of a particular ground is to be judged subjectively by reference to the perspective of the prosecutor (rather than the refugee). This view forms the core of the rationale behind the establishment of causal nexus between prosecutor’s view and that of the refugee. This follows from the wording of Article 1(A) 2, which requires the persecution to be “for reasons of” a Convention ground. It is irrelevant for the purposes of establishing the nexus whether the particular ground is true or has merely been imputed to the refugee (rightly or wrongly) or, indeed, whether the ground of persecution is known to the refugee at all (1951 Geneva Convention). Should a persecutor acts on a belief related to an enumerated Convention ground, it automatically establishes the causal nexus regardless of whether that belief is mistaken or, indeed, implausible, presumably.

²⁶ James C. Hathaway, *The Michigan Guidelines on Nexus to a Convention Ground*, 23 *Michigan Journal Of International Law* 211, 213, 1 (2002) (hereinafter *Michigan Guidelines*).

²⁷ James C. Hathaway, *The Michigan Guidelines on Nexus to a Convention Ground*, 23 *Michigan Journal Of International Law* 211, 213, 1 (2002) (hereinafter *Michigan Guidelines*).

Finally, it is worth mentioning here that the standards relevant to the determination of the causal nexus are general and thus, no particular or special requirements apply where the refugees originate from a country in which there is widespread violence or civil disorder. While asylum-seekers from a country in this position are not automatically refugees, they are entitled to recognition on the same terms as any asylum-seeker where they meet the requirements of Article 1(A) 2.69. In the view of UNHCR, most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention relating to the Status of Refugees, since they will have a well-founded fear of persecution linked to one of the Convention grounds. For many civilians who have fled Syria, the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict (1951 Geneva Convention).²⁸

If one takes the subjectivity inherent in the Convention grounds seriously, we will however admit that the sweeping and even erratic imputation of particular grounds to broad sections of the convention were needless. The question is not whether such imputations are accurate or even plausible but whether they serve to motivate the conduct of the persecutors. As UNHCR explains in reference to Syria, parties to the conflict reportedly employ broad interpretations of whom they may consider as being associated with the other party, including based on an individual’s family links, religious or ethnic background or mere presence in an area considered as being “pro” or “anti-Government.” This is illustrated by the methods and tactics of warfare that have been documented in Syria and include, the systematic besieging, bombarding, raiding, pillaging and destruction of residences and other civilian infrastructure in neighborhoods, purportedly for reason of real or perceived support to the enemy’s wing. This account is plausible on one hand and laudably sensitive to the particular conditions of the Syrian conflict on the other hand. It is consistent with the subjectivity of the Convention grounds to admit of their attribution on even very general terms. Certainly this would include the grounds provided by the UNHCR, of “family links, religious or ethnic background or mere presence in an area.” In any case, there is not yet a settled body of case law in respect of their refugee status. As such, any conclusions as to the correct application of the causal nexus in this context must remain somewhat speculative.

²⁸ 1951 Refugee Convention, supra note 25, art. 1(A) (2).

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5.0 Conclusion and Recommendations

Driven by its statement of problem, this paper has been able to examine the politics surrounding the implementation of the Geneva Convention's principle of Non-refoulement in the Syrian refugee crisis. This was done with a special reference to the definitional and operation deficiencies and lacunas associated with the principle of refoulement. The problem as to why the world continues to experience cases of refugee crisis and violations of the principle of Non-refoulement despite the convening and adoption of the 1951 Geneva Convention on Refugee formed part of the problem statement that informed this paper. This paper however discovered that the rising profile of refugee crisis in Syria and across the globe was due to the definitional lacunas inherent in the 1951 Geneva Convention. First, it was discovered that the principle of Non-refoulement as contained in the 1951 Geneva Convention only reckons with the protection of the right of refugees against forceful ejection by the government of the host state. The principle does not cover nor guarantee the right of refugees to be admitted into any neighboring country during emergencies such as civil wars, natural disasters and persecution. Secondly, it was discovered why the Syrian crisis continues to deteriorate is in part due to the fact that most Syria's neighboring countries with the exceptions of Turkey and Egypt, are yet to subscribe to the 1951 Geneva Convention. Syria's neighboring states (excluding Turkey and Egypt) like other non-subscribing states continue to rely on the non-binding effect of the Geneva Convention on non-members by opting to remain non-members of the convention. Thirdly, the principle of non-refoulement has, over the years, become a victim of politics as a result of the definitional loophole in the 1951 Geneva Convention. The principle of non-refoulement, as evident in the Syrian crisis, could be rendered ineffectual when subscribing states decide to suspend or ignore this principle on the grounds of threats to national security. Turkey is now reconsidering its open policy to the Syrian refugees by citing the threats posed by the some remnants of the ISIS to its national security. Finally, the absence of an implementation mechanism has significantly contributed to the failure of the principle of non-refoulement. Subscribing states are only enjoined to ensure compliance without any mechanism that would compel their compliance.

Conclusively therefore, the actualization of the essence of the principle of non-refoulement may continue to be a mirage if the identified grey areas otherwise known as the definitional deficiencies of the principle continue to exist unabated. It is therefore recommended that an implementation mechanism that would compel total compliance amongst states be instituted. Again, since refugee crisis is of global concern, all states without exception should be convinced and made to

embrace the principle as contained in the 1951 Geneva Refugee Convention. The aspect of the unalloyed right of persons fleeing persecution, civil war etc. to be admitted into safe neighboring states should be incorporated into the principle of non-refoulement and the 1951 Geneva Refugee Convention in extension. This coupled with adequate domestication of the principle of non-refoulement and other rights of a refugee at state level would go a long way in resolving the current Syrian refugee crisis and ones in the foreseeable future.

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