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Legal Responsibility of the United Nations toward Syrian Displaced Persons: An Analysis through Buzan, Agamben, and Kingsbury with Emphasis on Global Public Law and Domestic Public Law Violations

Shahab. Moshkani[1*]

[1] Department of Public Law, Qo.C., Islamic Azad University, Qom, Iran

*** Corresponding author email address**: shahab.moshkani@iau.ir

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The Syrian displacement crisis represents one of the most significant humanitarian and legal challenges confronting the contemporary international order. Beyond the immediate consequences of armed conflict and forced migration, the crisis raises fundamental questions concerning the legal responsibility of the United Nations, the effectiveness of international protection mechanisms, and the relationship between global public authority and domestic public-law violations. This article analyzes the legal responsibility of the United Nations toward Syrian displaced persons through three complementary theoretical frameworks: Barry Buzan's securitization theory, Giorgio Agamben's concepts of the state of exception and bare life, and Benedict Kingsbury's theory of global public law and global administrative law. The study argues that the limitations of UN protection cannot be explained solely by insufficient humanitarian capacity or by the formal distribution of obligations among states. Rather, they result from the interaction of distorted security priorities, prolonged exceptional legal conditions, geopolitical constraints, institutional fragmentation, and weak mechanisms of accountability. From Buzan's perspective, the securitization of migration and the prioritization of terrorism, borders, sovereignty, and geopolitical rivalry have often marginalized the human-security dimension of Syrian displacement. From Agamben's perspective, refugees and displaced persons may become trapped in prolonged states of legal uncertainty in which humanitarian protection preserves life without necessarily restoring secure political and juridical membership. Kingsbury's framework provides a procedural response by emphasizing transparency, participation, reason-giving, review, and accountability in the exercise of global public authority. The article further demonstrates that global public-law failures and domestic public-law violations are mutually reinforcing. It concludes that effective protection of Syrian displaced persons requires an integrated model combining desecuritization, limitation of exceptional governance, stronger institutional accountability, and the reconstruction of domestic public institutions capable of guaranteeing rights and durable legal protection.

Keywords: *Syrian displaced persons; United Nations; legal responsibility; securitization; state of exception; bare life; global public law; global administrative law; domestic public-law violations; refugee protection*

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1. Introduction

The Syrian displacement crisis constitutes one of the most significant tests of the contemporary international legal order because it has brought together, within a single protracted emergency, mass forced displacement, widespread violations of fundamental rights, geopolitical paralysis, humanitarian dependency,

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and profound uncertainty concerning the responsibility of international institutions. Since the beginning of the Syrian conflict in 2011, millions of people have been forced to leave their homes either as refugees crossing international borders or as internally displaced persons remaining within Syrian territory. The scale and persistence of this displacement have transformed what initially appeared to be an emergency associated with armed conflict into a long-term problem of international governance, public authority, legal accountability, and institutional legitimacy. UNHCR has repeatedly characterized the Syrian situation as one of the world's largest displacement emergencies, reflecting not merely the numerical scale of forced movement but also the durability of displacement and the continuing need for international protection (Unhcr, 2023). More recent assessments continue to demonstrate that Syrian displacement remains a substantial international protection issue rather than a closed historical episode (Unhcr, 2026). The crisis therefore raises a question that extends beyond whether humanitarian agencies have delivered sufficient food, shelter, health care, or registration services. It requires examination of whether the United Nations, as the central institutional expression of the international community and as an actor exercising significant forms of public authority, has adequately discharged its legal and institutional responsibilities toward persons whose displacement resulted from systematic failures of domestic protection and whose subsequent legal status often depends upon decisions taken by international and transnational bodies.

Traditional refugee law provides an indispensable but incomplete framework for answering this question. The modern system of international refugee protection establishes rights and obligations concerning non-refoulement, legal status, access to protection, and the treatment of persons who qualify as refugees, while also recognizing the central role of states in admitting, regulating, and protecting non-citizens. Goodwin-Gill and McAdam emphasize that refugee protection developed within a legal order in which states remain the primary bearers of obligations even where international institutions exercise important supervisory and coordinating functions (Goodwin-Gill & McAdam, 2007). Hathaway similarly demonstrates that refugee rights cannot be reduced to humanitarian benevolence, because the international refugee regime contains substantive legal protections that attach to displaced persons according to their status and circumstances (Hathaway, 2021). The Syrian crisis, however, exposes a structural difficulty in relying exclusively upon this state-centered model. Many Syrians became displaced precisely because domestic public institutions either failed to protect them or themselves participated in practices that undermined life, liberty, security, property, due process, and equal citizenship. Once these individuals crossed borders, their protection became dependent upon host-state policies that frequently varied according to political priorities, temporary protection schemes, border-management strategies, and perceptions of migration as a security concern. The resulting system placed Syrian refugees at the intersection of domestic public law, international refugee law, human rights law, humanitarian governance, and decisions of international organizations. Betts and Collier describe the broader refugee system as structurally deficient where responsibility sharing is weak and neighboring states carry disproportionate burdens without a coherent long-term international strategy (Betts & Collier, 2017). The Syrian case illustrates this fragmentation with unusual clarity because the legal position of displaced Syrians has been shaped simultaneously by the failures of their state of origin, the policies of host governments, the institutional limitations of the United Nations, and the strategic calculations of powerful states.

The problem is particularly important because the United Nations occupies several positions at once. Through the Security Council, it possesses authority relating to international peace and security; through the General Assembly and wider human-rights system, it contributes to the articulation and development of international norms; through UNHCR and other agencies, it participates directly in the administration and protection of displaced populations; and through political mediation and humanitarian coordination, it influences the conditions under which displaced persons may remain abroad, receive assistance, or eventually return. International organizations should therefore not be imagined simply as neutral forums in which states bargain with each other. Barnett and Finnemore demonstrate that international organizations possess bureaucratic authority, produce classifications, define

legitimate conduct, and influence the distribution of opportunities and constraints in world politics (Barnett & Finnemore, 2004). Their institutional autonomy is nevertheless limited by legal mandates, financing, member-state cooperation, and political power. This dual position is central to the Syrian case. The United Nations possesses normative authority and significant administrative capacity, yet the effectiveness of its action depends heavily upon governments that may disagree over the meaning of the crisis, the appropriate response, and even the identity of the principal threat. The resulting discrepancy between normative authority and operational capacity creates what may be described as a responsibility gap: international institutions are expected to protect vulnerable populations, but the legal and political architecture through which they operate may prevent them from implementing that expectation effectively.

The Responsibility to Protect doctrine further intensifies this problem. R2P emerged from the proposition that sovereignty entails responsibility and that populations must be protected against genocide, war crimes, ethnic cleansing, and crimes against humanity. Bellamy explains that R2P sought to reconcile the authority of states with the international community's responsibility where populations face mass atrocity risks (Bellamy, 2015). Syria became one of the most difficult tests of this normative framework because prolonged violence, civilian victimization, mass displacement, and allegations of grave international crimes coexisted with repeated political disagreement within the Security Council. The failure to produce sustained collective action capable of preventing large-scale displacement cannot be attributed solely to the absence of law. Rather, it reveals a deeper disjunction between international normative commitments and the institutional arrangements necessary to implement them. The Syrian case thereby moves the analysis from the existence of formal norms toward the quality of global public authority: who decides, under what procedures, according to which priorities, subject to what forms of review, and with what consequences when institutions fail to act.

The concept of global public law provides a particularly useful framework for examining this institutional dimension. Kingsbury conceptualizes global public law as an attempt to understand and discipline forms of public authority that operate beyond the conventional territorial state (Kingsbury, 2009). Closely related work on global administrative law emphasizes that global governance increasingly involves administrative-type decisions affecting individuals, communities, governments, and other actors, even where no centralized world government exists (Kingsbury, 2005). The relevance of this perspective to Syrian displacement is immediate. Decisions concerning refugee registration, humanitarian eligibility, border cooperation, return assessments, safe-country determinations, sanctions, humanitarian access, and international assistance may substantially affect the rights and life prospects of displaced persons. Yet those affected may have limited opportunities to participate in decision-making, challenge factual assumptions, obtain reasons, or secure independent review. Kingsbury's work therefore enables the problem of Syrian displacement to be framed not only as a question of state compliance with refugee law but also as a problem of the legality and accountability of transnational public power. The question becomes whether international institutions exercising authority over vulnerable populations should themselves be constrained by public-law principles analogous to those governing domestic administrative power.

At the same time, global public law cannot be examined independently from domestic public-law violations. The displacement of Syrians emerged from conditions in which core functions of public authority were severely compromised. Reports concerning Syria have documented continuing problems associated with arbitrary detention, violence against civilians, property deprivation, housing and land insecurity, discriminatory treatment, and barriers to safe and dignified return. Pinheiro's assessment of the Syrian situation emphasizes that serious violations affecting civilians have had enduring consequences, including consequences for those considering return (Pinheiro, 2025). The destruction, confiscation, or uncertain legal status of housing, land, and property is particularly important because displacement cannot be treated as resolved merely when a person physically crosses back into Syrian territory. Return without legal security, effective documentation, property protection, freedom from arbitrary interference, and access to public institutions may simply transfer a person from one form of vulnerability to another. EUAA country guidance

similarly treats conditions in Syria as requiring differentiated assessment rather than a generalized presumption that protection concerns have disappeared (Euaa, 2026). These issues reveal a reciprocal relationship: domestic public-law failures produce displacement, while weaknesses in global protection may leave displaced persons exposed to further domestic or host-state violations.

This reciprocal relationship is especially visible in contemporary debates over return. As host states confront economic pressures, domestic political opposition to refugee presence, and changing assessments of the Syrian political landscape, policies increasingly focus on return, reduced temporary protection, or the reclassification of Syrian protection needs. Reports concerning Turkey, for example, indicate that temporary protection and return policy have become central components of the governance of Syrians who have lived outside their country for extended periods (Daily, 2026). At the European level, migration cooperation and the externalization of migration management have likewise raised questions about whether refugee protection is being subordinated to border control and political bargaining (European, 2025). Such developments make the theoretical problem of security particularly significant. When displaced persons are framed primarily through the categories of irregular migration, border pressure, social instability, terrorism, or demographic threat, the protection-oriented legal framework may gradually be displaced by emergency-oriented practices. Frontex's risk-oriented approach to migration management illustrates how mobility becomes incorporated into institutional categories of border security (Frontex, 2016). The legal significance of this transformation lies in the fact that security framing can change which institutions dominate decision-making, what evidence counts as relevant, and which exceptional measures become politically acceptable.

Barry Buzan's theory of security and securitization provides the first major analytical lens for understanding this process. Buzan's earlier work broadened the concept of security beyond narrow military threats and demonstrated the multiple sectors within which insecurity may be socially and politically constructed (Buzan, 1991). The Copenhagen School later developed securitization as a framework explaining how political actors constitute issues as existential threats requiring extraordinary action beyond ordinary political procedures (Buzan et al., 1998). Applied to Syrian displacement, this framework makes it possible to analyze how refugees may be transformed discursively from rights-bearing persons in need of protection into perceived threats to national identity, welfare systems, public order, borders, or political stability. Huysmans's analysis of migration and asylum in Europe demonstrates how insecurity can be produced through precisely such political and administrative processes (Huysmans, 2006). Herta similarly shows how the Syrian refugee crisis was represented through security-oriented speech acts that contributed to emergency-centered responses (Herta, 2017). The important issue is not simply that security concerns exist, but that the categorization of refugees as security objects may reorder legal priorities and normalize restrictions that would otherwise require stronger justification.

Giorgio Agamben supplies a second and more structural framework. Agamben's concept of homo sacer describes the production of bare life, namely human existence stripped of secure political membership and placed in a zone in which law simultaneously applies and withdraws its protection (Agamben, 1998). His theory of the state of exception develops the claim that modern legal orders frequently preserve themselves through mechanisms that suspend ordinary guarantees in the name of emergency (Agamben, 2005). For refugees, the relevance is profound because displacement frequently separates universal human rights from effective membership in a political community capable of enforcing them. Camps, temporary protection systems, detention facilities, and legally ambiguous border spaces may therefore become locations in which humanitarian management substitutes for full political and legal recognition. Turner's analysis of refugee camps demonstrates that camps are not merely physical shelters but political spaces whose organization shapes the rights, agency, and identities of displaced persons (Turner, 2016). Ager likewise emphasizes that the refugee experience involves complex processes of dislocation and institutional dependency rather than a simple movement from danger to safety (Ager, 2011). The Syrian case thus provides a particularly important setting in which to ask whether international humanitarian governance

sometimes alleviates suffering while simultaneously stabilizing prolonged conditions of legal exception.

Benedict Kingsbury provides the third framework and offers a more institutional and reform-oriented perspective. Whereas Buzan emphasizes the politics through which threats are constructed and Agamben exposes the deeper relationship between sovereignty and exclusion, Kingsbury examines how public power beyond the state may be subjected to principles of legality, participation, transparency, reason-giving, and review (Kingsbury et al., 2005). His later work emphasizes both the promise and limits of procedural reform in international organizations (Kingsbury, 2025). This approach is particularly valuable because a theory of UN responsibility must move beyond diagnosis toward the question of institutional design. If displaced persons are affected by decisions of international organizations but lack meaningful mechanisms through which to challenge those decisions or institutional omissions, global public law remains incomplete. The central objective of this article is therefore to analyze the legal responsibility of the United Nations toward Syrian displaced persons by integrating Buzan's securitization theory, Agamben's concepts of the state of exception and bare life, and Kingsbury's conception of global public law. The analysis seeks to demonstrate that the limitations of UN protection cannot adequately be explained by any single doctrinal or theoretical perspective. Rather, they arise from the interaction of distorted security priorities, structural zones of legal exception, and insufficiently developed mechanisms for accountability in global public administration. The article further argues that global public-law failures and domestic public-law violations operate dialectically: failures at one level reinforce vulnerability at the other, making institutional accountability essential to any sustainable system of protection.

2. Legal and Theoretical Framework of United Nations Responsibility toward Syrian Displaced Persons

The legal responsibility of the United Nations toward Syrian displaced persons must be distinguished carefully from the international responsibility of states and from the individual criminal responsibility of perpetrators of international crimes. The Syrian crisis involves all three dimensions, but the focus here is narrower: the extent to which the United Nations, through its organs and specialized protection structures, exercises forms of public authority that generate expectations of legality, protection, accountability, and institutional justification. Classical international law remains strongly state-centered, and the primary obligations concerning the treatment of refugees continue to rest upon states. Goodwin-Gill and McAdam explain that refugee status and protection are embedded in a legal framework in which states possess extensive authority over admission, status determination, residence, and removal while being constrained by international obligations (Goodwin-Gill & McAdam, 2007). Hathaway similarly emphasizes that refugee protection consists of legally recognizable entitlements rather than discretionary humanitarian generosity (Hathaway, 2021). Nevertheless, this conventional allocation of responsibility does not eliminate the legal significance of international organizations. Where the United Nations coordinates humanitarian systems, defines protection categories, influences return policy, establishes standards, allocates resources, supervises refugee-related processes, and shapes the political conditions in which international responses are adopted, it participates in the production and exercise of public authority. The central legal problem is therefore not whether the UN replaces states as the primary bearer of refugee-law obligations, but whether its own exercise or non-exercise of authority should be subjected to public-law principles where the rights and interests of displaced persons are substantially affected.

The distinction between responsibility for conduct and responsibility for governance is important in this regard. An international organization may not have directly caused the original displacement, yet its institutional conduct may materially shape the vulnerability, protection, or prolonged insecurity of displaced populations. Barnett and Finnemore show that international organizations produce rules, categories, and bureaucratic practices with independent effects upon international society (Barnett & Finnemore, 2004). Their authority is therefore not merely derivative in a sociological sense, even if their formal legal competences originate in constituent instruments and member-state consent. This insight helps explain why an analysis confined to attribution of internationally wrongful conduct may be too narrow for the Syrian displacement

context. Many of the most consequential questions concern omission, institutional paralysis, procedural inadequacy, inconsistent policy, and the absence of effective review. The failure of the Security Council to respond decisively to mass atrocity risks, for example, differs legally from a direct violation committed by a state, but it may nevertheless produce profound consequences for the credibility and protective function of the international legal system. Similarly, the inability of humanitarian agencies to guarantee durable legal status cannot simply be classified as wrongful conduct, because such agencies operate under mandates constrained by resources and host-state sovereignty. A public-law framework is therefore useful precisely because it asks not only whether a specific international obligation has been breached, but how power is organized, constrained, justified, and reviewed.

Global administrative law emerged as an attempt to identify principles capable of regulating public authority exercised in transnational and international settings. Kingsbury and associated scholars argue that global governance increasingly contains administrative features: decisions are made by international organizations, transgovernmental networks, regulatory bodies, and hybrid institutions that affect individuals and communities beyond the traditional bilateral model of international law (Kingsbury, 2005). The concept does not presuppose a global state. Instead, it asks whether certain basic public-law requirements can apply whenever authoritative decisions are made outside conventional domestic structures. These requirements include transparency, participation by affected interests, reason-giving, review, legality, and institutional accountability. Kingsbury's broader conception of global public law extends the inquiry by asking how public authority beyond the state can be understood within a legal framework that recognizes its constitutional and normative implications (Kingsbury, 2009). Applied to Syrian displacement, this approach permits an examination of UN conduct that would be difficult to capture through traditional refugee law alone. Refugees may be affected by eligibility rules, registration practices, humanitarian prioritization, return assessments, data systems, funding allocations, intergovernmental agreements, and institutional determinations concerning safety. These may not resemble legislation in the domestic constitutional sense, yet they can determine whether an individual receives documentation, assistance, relocation opportunities, or recognition of continuing protection needs.

The principles of global public law are particularly significant because displaced persons often possess weak political voice. Domestic public law ordinarily assumes some relationship between administrative power and a political community in which individuals can access courts, legislatures, ombuds institutions, elections, media scrutiny, and other mechanisms of accountability. Refugees often lack many of these channels because they are outside their state of nationality while lacking full membership in the host state. International institutions may therefore exercise authority over people who have minimal capacity to influence the structures governing them. Kingsbury's emphasis on procedural safeguards seeks to address this democratic and legal deficit by requiring at least some combination of information, participation, justification, and review (Kingsbury, 2020). Yet the limits of this approach are substantial. Haines criticizes global administrative law on the ground that procedural legitimacy cannot fully substitute for democratic legitimacy, particularly where decision-makers are not electorally accountable to those affected by their choices (Haines, 2012). Marks likewise warns that administrative-law reform may leave deeper inequalities of political and economic power untouched (Marks, 2011). Scriven's postcolonial critique further questions whether supposedly universal standards of global administration may reproduce normative assumptions associated with dominant Western institutional traditions (Scriven, 2018). These critiques are relevant to Syrian displacement because they caution against treating better procedure as a complete solution to geopolitical and structural inequality.

Nevertheless, procedural legality remains important where displaced persons are subject to administrative decisions with major consequences. Alter's account of international courts demonstrates that judicial and quasi-judicial mechanisms can alter the behavior of international and transnational actors by introducing legal review into domains previously dominated by diplomacy (Alter, 2014). This does not establish that every UN decision should be justiciable before an international court, nor does it eliminate the political foundations of international organizations. It does,

however, suggest that the absence of any meaningful review can permit institutional discretion to become effectively insulated. Cassese similarly emphasizes the growing importance of administrative principles in global governance while recognizing that the distinction between administrative, legislative, and political functions is less clear internationally than within centralized states (Cassese, 2010). The Security Council illustrates this difficulty because it combines political discretion, legally consequential decision-making, and institutional authority under the UN Charter. The Syrian crisis therefore raises a foundational problem for global public law: how can principles designed to constrain public administration operate where the relevant institution is simultaneously political, diplomatic, security-oriented, and legally authoritative?

The doctrine of Responsibility to Protect represents one attempt to respond to extreme failures of domestic public authority. Bellamy describes R2P as based upon the proposition that states bear the primary responsibility to protect populations from mass atrocity crimes, while the international community has responsibilities of assistance and, in appropriate circumstances, collective response (Bellamy, 2015). The Syrian crisis illustrates the fragility of this arrangement when collective action depends upon agreement within the Security Council. The doctrine does not establish an automatic legal mechanism capable of bypassing disagreement among permanent members. Accordingly, the existence of an articulated international responsibility may coexist with institutional inaction. From the perspective of global public law, the difficulty lies not only in substantive disagreement but also in the accountability structure surrounding non-action. Populations facing atrocity risk do not possess an effective procedure through which they can compel the Security Council to act, demand legally binding reasons for a veto, or obtain independent review of the consistency between Council paralysis and the purposes of international protection. Thus, the institutional architecture contains a striking asymmetry: global authorities possess extraordinary capacity to act when political agreement exists, but those affected by inaction possess almost no comparable ability to contest the failure to exercise that capacity.

The relationship between UN responsibility and domestic public-law violations must therefore be analyzed dynamically. Syrian displacement did not emerge merely from generalized insecurity. It was connected with the collapse or distortion of domestic legal protection, including threats to life, physical integrity, personal liberty, fair process, property, housing, documentation, and equal treatment. Pinheiro's analysis underscores the continuing significance of impunity and the legal insecurity confronting civilians, including those contemplating return (Pinheiro, 2025). Housing, land, and property questions are especially important because they connect displacement to public-law administration. A person may be formally entitled to return while being practically unable to recover property, prove ownership, obtain civil documentation, or challenge confiscatory measures. Such conditions affect whether return can genuinely be considered safe and dignified. EUAA guidance reflects the necessity of examining contemporary conditions in Syria through a differentiated protection analysis rather than treating political change as equivalent to universal safety (Euaa, 2026). The legal significance of return therefore depends not only upon the absence of active hostilities but upon the restoration of functioning public institutions capable of guaranteeing basic rights.

Domestic public-law violations also occur in host-state contexts. Syrians residing abroad may face restrictions on residence, labor, education, movement, family unity, or access to services depending on the legal regime under which they are admitted. Temporary protection can provide indispensable security while simultaneously institutionalizing uncertainty if individuals remain for years without a stable pathway to permanent status. Recent reporting on Turkey illustrates the growing importance of return within the administration of Syrian temporary protection (Daily, 2026). From an Agambenian perspective, such long-term temporariness may resemble a legal threshold between inclusion and exclusion; from a Kingsburian perspective, it raises questions concerning procedural fairness, reason-giving, and review; from a Buzanian perspective, it may reflect the securitization of migration and the political construction of refugee presence as a societal burden. These perspectives are analytically distinct but converge on the recognition that legal vulnerability is produced through institutions rather than merely inherited from the original act of displacement.

The European response provides a further illustration of the interaction between global and domestic public authority. The management of Syrian migration has increasingly involved externalized border governance, cooperation with neighboring states, and arrangements intended to reduce irregular arrivals. Huysmans's account of the politics of insecurity helps explain why migration policy can become structured through threat perceptions rather than solely through rights-based reasoning (Huysmans, 2006). Frontex's institutional risk analysis reflects the border-security logic through which migratory movements are assessed as operational challenges (Frontex, 2016). The implementation of European cooperation with Turkey has likewise generated debates concerning accountability, rights protection, and the extent to which migration control objectives shape refugee governance (European, 2025). Kingsbury's later work on refugee governance emphasizes that global public law must address precisely these hybrid arrangements in which public authority is fragmented across national governments, international institutions, and transnational mechanisms (Kingsbury, 2024). The problem is not simply identifying which actor has formal jurisdiction; it is ensuring that fragmentation does not create an accountability vacuum in which each institution attributes responsibility to another.

Agamben's theory clarifies the consequences of such fragmentation for the displaced person. The refugee can become an individual surrounded by law yet deprived of secure legal membership. Homo sacer is not literally outside every legal rule; rather, the concept captures the paradoxical condition in which sovereign power defines a person through exclusion (Agamben, 1998). The state of exception similarly describes the suspension or displacement of ordinary legal guarantees through emergency logic (Agamben, 2005). Camps provide an especially visible institutional form of this relationship. Turner argues that the camp should be understood as a political and social form, not merely a humanitarian location (Turner, 2016). Deetsc's analysis of displacement and religious life around Sayyida Zaynab complicates the assumption that displaced persons become completely passive bare life, showing that agency and forms of qualified life may persist even within exceptional conditions (Deetsc, 2012). This nuance is essential. An Agambenian framework should not be used to erase refugee agency; rather, it reveals how legal and political structures can render rights contingent while displaced persons continue to construct social, religious, economic, and political forms of life.

Buzan's framework, in contrast, identifies the discursive and political processes that help produce exceptional governance. Securitization occurs where an issue is successfully represented as an existential threat warranting extraordinary measures (Buzan et al., 1998). Syrian displacement became entangled with concerns about terrorism, border control, national identity, demographic change, welfare capacity, and political stability. Herta demonstrates the relevance of speech acts in constructing the Syrian refugee crisis as a security issue (Herta, 2017). More recent Buzanian analysis emphasizes how security priorities surrounding Syria affected international responses and the interpretation of humanitarian danger (Buzan, 2024). The legal significance of securitization is that emergency framing can reorder the balance between individual rights and collective interests. Measures that would be difficult to justify under ordinary refugee governance may become normalized once migration is treated as a security crisis. The responsibility of the United Nations must therefore include attention to how its own institutions reproduce, resist, or accommodate such security narratives.

The legal and theoretical framework developed here consequently rejects a simple equation between UN responsibility and direct causal responsibility for displacement. Instead, the relevant responsibility arises from the United Nations' position within a multilayered structure of public authority. The organization cannot be held responsible for every domestic violation committed in Syria or every restrictive policy adopted by a host state. Yet neither can it be treated as an external humanitarian observer lacking legal and institutional significance. Where the UN exercises authority, coordinates protection, legitimizes policy, structures humanitarian administration, or possesses unique institutional capacity to respond to mass atrocity, principles of global public law demand scrutiny of how that authority is exercised. The analytical task is therefore to identify the mechanisms through which protection fails. Buzan explains how security priorities can distort political attention; Agamben explains how emergency governance can reduce displaced persons to

precarious legal existence; and Kingsbury supplies a framework for examining whether international authority is constrained by procedures capable of protecting those affected by it. Together, these theories provide a foundation for analyzing Syrian displacement as a crisis not only of refugee protection but of public law across domestic and global levels.

3. Explaining the Failure of Protection through Buzan and Agamben

Buzan's securitization framework offers a powerful explanation for why the Syrian displacement crisis has repeatedly been processed through categories of threat rather than exclusively through categories of legal protection. Security, in this framework, is not merely an objective condition determined by measurable danger. It is also a political practice through which actors identify valued referent objects, represent particular developments as existential threats, and seek acceptance for measures that exceed ordinary political routines. Buzan's earlier sectoral understanding of security widened the field beyond traditional military defense to include political, societal, economic, and environmental dimensions (Buzan, 1991). The Copenhagen School subsequently formalized the concept of securitization by focusing on the speech acts and social processes through which issues are moved from ordinary politics into an emergency register (Buzan et al., 1998). In the Syrian context, this theoretical move is crucial because the same displaced population can be constructed in radically different ways. From a refugee-protection perspective, Syrians are persons displaced by conflict, persecution, generalized violence, institutional collapse, and severe rights violations. From a securitized perspective, however, the same population may be represented as a potential channel for terrorism, an economic burden, a challenge to border sovereignty, a source of demographic change, or a threat to national identity. The legal treatment of displacement changes when the second vocabulary displaces the first.

European migration politics provide a clear illustration of this transformation. Huysmans shows that migration and asylum in Europe have long been embedded within a politics of insecurity in which questions of identity, welfare, public order, and borders become mutually reinforcing (Huysmans, 2006). The Syrian refugee crisis intensified this dynamic because unusually large movements of people coincided with terrorist attacks, political polarization, and public controversy over migration. Herta's analysis specifically demonstrates how discourse surrounding Syrian refugees framed the crisis in terms of existential insecurity and thereby legitimized emergency-oriented responses (Herta, 2017). Border agencies also institutionalize security-centered interpretations through risk assessment and operational planning. Frontex's risk analysis reflects an administrative environment in which migratory flows are systematically processed through border-management and security categories (Frontex, 2016). None of this means that states lack legitimate security interests or that border management is inherently incompatible with refugee law. The problem arises when security framing becomes sufficiently dominant to marginalize individualized protection, proportionality, procedural guarantees, and the presumption that persons fleeing grave danger are rights-bearing subjects. The Syrian case also demonstrates what may be described as mis-securitization at the level of collective security. The Security Council confronted multiple possible referent objects: the territorial integrity and political independence of Syria, regional stability, civilian life, the spread of terrorist organizations, chemical weapons, humanitarian access, and the mass displacement of civilians. These concerns did not carry equal political weight. Buzan's recent analysis of the Syrian crisis highlights the consequences of competing security priorities and the difficulty of producing a coherent international response where major powers interpret threats through divergent geopolitical frameworks (Buzan, 2024). A critical application of securitization theory suggests that the central failure was not a complete absence of security discourse, but its selective organization. Terrorism was successfully constructed as an existential international threat capable of mobilizing extraordinary attention and resources, while the mass production of displacement never acquired the same sustained institutional priority. Civilians became central when their suffering intersected with strategic concerns, but protection itself did not consistently function as the dominant organizing principle of collective action.

This distortion had direct implications for R2P. The doctrine presupposes that international concern should intensify when populations face genocide, war crimes,

ethnic cleansing, or crimes against humanity (Bellamy, 2015). Yet its implementation is mediated by the Security Council, where political agreement is indispensable to coercive collective action. The Syrian experience revealed that normative recognition of responsibility cannot by itself overcome competing security constructions. Some actors emphasized state sovereignty and the dangers of externally imposed regime change; others emphasized atrocities and the legitimacy of stronger intervention; still others prioritized counterterrorism. As these narratives hardened, the protection of displaced civilians became entangled with strategic competition. The resulting paralysis was not simply institutional but discursive: the international system lacked a commonly accepted characterization of the crisis sufficient to sustain a unified protective response. From a Buzanian perspective, therefore, UN failure was partly a failure to establish human security and mass displacement as overriding security concerns capable of disciplining competing geopolitical agendas.

The concept of desecuritization is equally relevant. If securitization allows extraordinary measures, desecuritization seeks to return issues to ordinary political and legal processes. Buzan's later treatment of desecuritization emphasizes that reversing security narratives is difficult because threat constructions become institutionally embedded (Buzan, 2025). This problem is visible in contemporary Syrian refugee policy. Even where the intensity of armed conflict changes, refugees may remain categorized through security and migration-management frameworks developed during earlier stages of crisis. Political pressure for return can therefore emerge before the institutional conditions for secure reintegration are fully established. UNHCR's continuing statistical and protection work indicates that Syrian displacement remains a significant protection issue (Unhcr, 2026). EUAA's updated country guidance similarly demonstrates that contemporary protection analysis requires attention to differentiated conditions within Syria rather than an assumption that all previous risks have vanished (Euaa, 2026). Desecuritization should therefore not mean declaring the refugee issue "normal" in order to remove protection. It should mean restoring ordinary legal safeguards, individualized assessment, procedural review, and rights-based administration in place of emergency logic.

Agamben's theory begins precisely where this emergency logic becomes normalized. Whereas Buzan explains how an issue enters the realm of exceptional politics, Agamben asks what happens when exception becomes a durable mode of governance. In Homo Sacer, Agamben develops the idea of bare life to describe human existence exposed to sovereign power without secure political qualification (Agamben, 1998). The refugee occupies a paradigmatic position in this framework because the refugee reveals the fragility of rights that are proclaimed as universal but are institutionally secured through political membership. A person may possess human rights in principle while lacking an effective political community capable of enforcing those rights. This tension is especially pronounced where displacement becomes prolonged. Syrians who have spent years under temporary protection, in camps, in irregular status, or dependent upon humanitarian institutions may be physically protected from immediate violence while remaining legally uncertain concerning residence, work, movement, family reunification, property, or future return. The humanitarian system may therefore preserve biological life without fully restoring political and legal membership.

The state of exception deepens this critique. Agamben argues that modern legal systems frequently respond to crises by suspending ordinary legal constraints in order to preserve the political order (Agamben, 2005). Exception is thus neither simply lawlessness nor external to law; it is a zone in which law authorizes its own suspension. In migration governance, this logic appears wherever emergency measures create spaces or procedures in which ordinary safeguards are weakened. Camps, transit zones, closed reception facilities, accelerated return procedures, or border practices may operate under legal rules, yet those rules can reduce access to ordinary procedural guarantees. Agamben's later return to the camp as a paradigmatic political form underscores the continuing relevance of spatialized exception in modern governance (Agamben, 2024). The camp matters not because every refugee camp is equivalent to the most extreme historical forms of confinement, but because it demonstrates how populations can be administered collectively in spaces where ordinary political membership is suspended.

The Syrian refugee experience illustrates this ambiguity. Turner emphasizes that refugee camps are simultaneously spaces of protection, governance, control, waiting, and social formation (Turner, 2016). Humanitarian agencies provide services that may be indispensable to survival, yet camp administration can also institutionalize dependency and prolonged temporariness. Ager's broader analysis of forced migration likewise demonstrates that refugee experience includes psychosocial, institutional, and political dimensions that cannot be reduced to material assistance (Ager, 2011). To describe refugees as bare life is therefore analytically provocative but must be used carefully. It does not mean that displaced Syrians lack agency, identity, family structures, religious life, or political subjectivity. Deetsc's study of Sayyida Zaynab demonstrates precisely that displaced communities can reproduce forms of qualified social and religious life within conditions resembling exception (Deetsc, 2012). The value of Agamben's framework lies instead in revealing the legal architecture within which such agency operates: refugees may create meaningful lives while still lacking secure membership and enforceable rights.

The most significant implication for UN responsibility is the possibility that humanitarian governance itself may reproduce exception. UN agencies often operate under extraordinary constraints. They must negotiate access with governments, depend on donor funding, coordinate with host states, and deliver assistance to populations whose legal status is defined by domestic law. Their humanitarian mandate may prioritize urgent needs such as shelter, food, health, documentation, and protection monitoring. These activities are essential and should not be dismissed as mechanisms of domination. Yet Agamben's critique raises a deeper question: what happens when humanitarian administration becomes a substitute for political and legal resolution? A displaced population can remain protected as a humanitarian category for years while lacking a durable status capable of restoring effective citizenship, secure residence, property rights, or political participation. In that situation, humanitarian success at sustaining life may coexist with institutional failure to end exceptional legal existence.

This contradiction becomes particularly visible in return policy. Agamben's recent framing of return and bare life emphasizes that ostensibly voluntary decisions can be shaped by broader structures of legal and economic vulnerability (Agamben, 2025). A return is not meaningfully voluntary merely because no official physically forces a person across a border. If temporary protection is progressively narrowed, employment opportunities are restricted, social hostility increases, benefits are withdrawn, or legal uncertainty becomes unbearable, the distinction between voluntary and compelled return becomes difficult to sustain analytically. Reporting concerning Turkey's temporary protection framework and Syrian returns demonstrates the contemporary relevance of this issue (Daily, 2026). A global public-law approach therefore requires procedures capable of examining the conditions under which return decisions are made, while an Agambenian approach asks whether "voluntariness" can be genuine where the displaced person remains structurally excluded from stable political membership.

Domestic public-law violations in Syria reinforce this concern. Return is sustainable only if public institutions can guarantee basic legality. Pinheiro's assessment indicates that the legacy of violations and impunity remains relevant to civilians and returnees (Pinheiro, 2025). Housing, land, and property insecurity can convert formal return into renewed vulnerability. If individuals cannot recover homes, secure documents, challenge administrative decisions, or trust public authorities, the restoration of territorial presence does not necessarily restore legal personhood. EUAA's country guidance similarly reflects the need for detailed assessment of present conditions rather than generalized political assumptions (Euaa, 2026). Agamben's framework thus connects domestic and global exception: where domestic institutions fail to guarantee rights, refugees depend more heavily on international protection; where international protection remains temporary, conditional, or politically constrained, they may be pushed back toward domestic structures that have not fully regained legitimacy.

Buzan and Agamben can consequently be read as complementary rather than competing theorists. Buzan explains the political production of exceptional measures through securitization; Agamben explains how those exceptional measures may become embedded in legal and institutional structures. The movement from one to the other can be observed in Syrian migration

governance. Political actors first construct refugee movements as threats to borders, identity, or security. Those threat constructions then legitimate exceptional policies, including intensified border controls, externalization, temporary status, restrictions on mobility, and accelerated return. Once normalized, these mechanisms become administrative routines rather than visibly exceptional measures. The result is what might be called the bureaucratization of exception. The extraordinary becomes ordinary not because the crisis has been resolved, but because emergency governance has been institutionalized.

The EU–Turkey framework illustrates this transition. European policy has treated cooperation with Turkey as a central mechanism for managing migration flows and reducing irregular arrivals, producing a governance structure in which protection and migration control are closely interconnected (European, 2025). A Buzanian analysis emphasizes the securitization of irregular movement and border control that gives political legitimacy to externalization. An Agambenian analysis emphasizes the legal consequences for individuals positioned between European asylum systems, Turkish temporary protection, and uncertain return prospects. A Kingsburian perspective, developed more fully below, asks whether such hybrid governance is transparent, reasoned, reviewable, and accountable. The theoretical significance of the Syrian crisis therefore lies in its ability to show that securitization, exception, and administrative fragmentation can operate sequentially and simultaneously.

The failure of UN protection should accordingly not be reduced to the claim that the organization did "nothing." UN agencies have provided enormous humanitarian assistance, registration, shelter, resettlement support, protection monitoring, and coordination over the course of the Syrian crisis. The relevant criticism is more precise. Humanitarian action has operated within an international political structure that failed to prevent the production of mass displacement and has struggled to establish durable legal solutions for those displaced. The Security Council's political paralysis contributed to the persistence of conditions driving displacement, while the humanitarian system managed many of the consequences. In Buzanian terms, protection remained subordinate to competing security constructions. In Agambenian terms, humanitarian governance risked administering populations whose exceptional legal status became prolonged. This distinction is fundamental to a legal analysis of responsibility because it avoids the inaccurate conclusion that operational humanitarian agencies bear responsibility for political failures beyond their mandates while still recognizing that the UN system as a whole contains institutional contradictions that affect displaced persons.

The deeper problem is therefore one of fragmented responsibility. States of origin, host states, donors, Security Council members, humanitarian agencies, regional organizations, and border institutions each possess only part of the relevant authority. This fragmentation can create a situation in which every actor is able to identify another institution as primarily responsible. Global public law is required because conventional bilateral responsibility cannot adequately address this diffusion of authority. Buzan and Agamben explain why fragmentation becomes especially dangerous under crisis conditions. Securitization permits institutions to privilege emergency interests, while exception weakens ordinary guarantees. The Syrian displacement crisis thus demonstrates that the greatest threat to refugee protection may not always be explicit rejection of law. It may be the gradual reorganization of legal institutions around security, temporariness, and administrative discretion, producing a system that continues to speak the language of rights while leaving displaced persons without a stable institutional location from which those rights can be effectively claimed.

4. Kingsbury, Global Public Law, and an Integrated Model of United Nations Accountability

Kingsbury's conception of global public law provides an institutional response to the problems diagnosed by Buzan and Agamben because it focuses on the legality of authority exercised beyond the state. The starting point is the recognition that global governance involves more than treaties negotiated among sovereign governments. International organizations and transnational institutions make decisions that structure access to resources, determine regulatory classifications, influence mobility, affect sanctions and security, and shape the practical realization of individual rights. Kingsbury's work on the concept of law in global administrative law seeks to identify the legal qualities of

these emerging structures and the principles capable of distinguishing accountable public authority from unconstrained managerial power (Kingsbury et al., 2005). Global public law expands this inquiry by treating international and transnational authority as forms of public power requiring legal justification (Kingsbury, 2009). The Syrian displacement crisis is particularly suitable for this approach because refugees are governed through overlapping domestic, international, regional, and humanitarian regimes. The relevant question is no longer simply which state has jurisdiction. It is how legal responsibility should be understood where multiple institutions participate in decisions that affect the status, movement, safety, and future of displaced persons.

The first principle of this approach is transparency. Public authority cannot be meaningfully contested if affected persons do not know the criteria, evidence, and institutional processes underlying decisions. In the refugee context, transparency becomes relevant to protection assessments, return policies, country-of-origin information, eligibility determinations, administrative cooperation, and the allocation of humanitarian resources. Kingsbury's global administrative law framework treats access to information as a condition of accountability rather than as an optional administrative virtue (Kingsbury, 2020). This principle is particularly important in relation to changing assessments of Syria. When governments or international institutions alter assumptions concerning safety or return, displaced persons should be able to understand the evidence and reasoning supporting those changes. EUAA's updated guidance exemplifies the continuing need for structured, evidence-based country assessment (Euaa, 2026). Transparency therefore serves both legal and epistemic functions: it allows affected persons to know why a decision has been made and allows external actors to evaluate whether institutional conclusions are supported by credible information.

Participation represents a second principle. Syrian displaced persons are frequently discussed as objects of policy rather than participants in its formation. Decisions concerning camps, temporary protection, return, assistance, border arrangements, and integration may be designed by governments and international institutions without meaningful involvement of those most affected. Global administrative law challenges this asymmetry by treating participation as one component of legitimate transnational governance (Kingsbury, 2005). Participation need not mean that every refugee possesses a veto over public policy. It means that institutional processes should create channels through which affected populations, civil society, community representatives, and relevant experts can provide evidence and contest assumptions before decisions become entrenched. This is especially important when governments portray return as safe or desirable while displaced communities report continuing fears associated with documentation, property, security, or political affiliation. Pinheiro's observations regarding continuing rights concerns in Syria demonstrate why formal political narratives must be tested against the experiences of affected populations (Pinheiro, 2025). Participation can therefore improve both legitimacy and factual accuracy.

Reason-giving is the third principle and is particularly important where institutions exercise broad discretion. A public authority that merely announces a decision without explaining its legal and factual basis prevents meaningful review. In domestic administrative law, reason-giving disciplines decision-makers by requiring them to connect evidence, law, and outcome. Kingsbury argues that analogous requirements can perform a legitimating and constraining function in global governance (Kingsbury, 2009). In Syrian refugee governance, reason-giving is relevant to determinations that protection needs have changed, that assistance should be reduced, that particular areas are safe for return, or that restrictive border measures are necessary. A security-centered statement that migration presents a risk is insufficient by itself. Buzan's securitization theory demonstrates why threat claims must be examined critically: speech acts can elevate issues into emergency categories and thereby justify extraordinary policies (Buzan et al., 1998). Requiring reasons creates a procedural barrier against purely rhetorical securitization by demanding that institutions explain the nature, evidence, and proportionality of claimed threats.

Review is the fourth and perhaps most difficult principle. If an affected person cannot challenge a decision before an independent body, transparency and reason-giving may have limited practical value. Alter's analysis demonstrates how international judicialization can constrain political and administrative authority by

opening decisions to legal contestation (Alter, 2014). Yet the international system lacks a general administrative court competent to review all decisions of the United Nations or other global institutions. This deficiency is especially significant for refugees because they may be subject to interlocking decisions taken by organizations that enjoy immunities or operate outside ordinary domestic judicial structures. Kingsbury has emphasized the potential of judicial and quasi-judicial review to improve the accountability of global institutions (Kingsbury, 2020). The experience of international sanctions governance, although substantively different from refugee protection, demonstrates that procedural safeguards can gradually be introduced even into security-sensitive areas. The implication for refugee governance is not that one existing sanctions mechanism should simply be copied, but that international institutions should not assume that security or humanitarian mandates are incompatible with independent review.

The case for review becomes stronger where the international institution itself contributes to the decision affecting the individual. For example, where UN-generated country assessments, databases, recommendations, or operational policies materially influence domestic decisions concerning protection or return, it is insufficient to treat the organization as legally invisible simply because the final formal order is issued by a state. Global public law focuses on functional authority rather than formal labels. Kingsbury's analysis of refugee governance emphasizes the growing importance of public-law constraints within systems in which international and domestic powers are deeply intertwined (Kingsbury, 2024). This is especially relevant to externalized migration governance. European cooperation with Turkey illustrates how policies affecting Syrian refugees may be produced through arrangements that distribute authority among governments, regional bodies, international agencies, and administrative structures (European, 2025). Fragmentation can make judicial accountability difficult because courts may encounter disputes over attribution, jurisdiction, standing, or the legal character of the contested arrangement.

The limits of procedural reform must nevertheless be acknowledged. Kingsbury himself increasingly emphasizes that institutional procedure cannot by itself resolve structural conflicts of power (Kingsbury, 2025). This limitation is central to the Syrian case. Greater transparency in the Security Council would not eliminate the veto. Participation by refugees would not by itself overcome strategic rivalry among permanent members. Reason-giving would not guarantee humanitarian access where parties to a conflict refuse cooperation. Review mechanisms could improve accountability without creating the political consensus necessary for collective enforcement. Haines's criticism of global administrative law therefore remains significant: procedural legitimacy may provide some accountability but cannot reproduce the democratic foundations associated with domestic constitutional systems (Haines, 2012). Marks goes further by arguing that procedural reform may leave underlying distributions of power substantially untouched (Marks, 2011). These criticisms caution against presenting Kingsbury's framework as a complete institutional solution.

The postcolonial critique adds another dimension. Scriven questions whether global administrative principles may universalize governance models derived from particular legal traditions while obscuring structural inequalities between global institutions and populations subject to their authority (Scriven, 2018). Syrian displacement illustrates this concern because many important decisions are shaped by institutions based outside the region or by donor governments whose policy priorities may differ from those of displaced communities. Participation must therefore be substantive rather than symbolic. A consultation mechanism that invites refugee representatives to comment after policy has effectively been decided does little to change underlying power relations. Similarly, transparency that releases large quantities of technical information without making it intelligible to affected communities may satisfy formal standards while failing functionally. Global public law must consequently be evaluated not by the existence of procedures alone but by whether those procedures alter the capacity of individuals to understand, contest, and influence decisions.

Cassese's work further demonstrates that global administrative law faces conceptual difficulties because international institutions do not fit neatly within domestic categories of legislative, executive, and judicial power (Cassese, 2010). This point is particularly

relevant to the Security Council. The Council may adopt binding decisions, authorize coercive action, establish subsidiary bodies, and make determinations concerning threats to peace. Treating it as an ordinary administrative agency would therefore be conceptually misleading. Yet the absence of a perfect domestic analogy does not justify the absence of public-law restraint. Rather, it suggests that accountability mechanisms must be adapted to the specific type of authority being exercised. Security Council accountability could include greater transparency concerning vetoes in atrocity situations, stronger requirements of public justification, institutionalized assessment of humanitarian consequences, and procedural opportunities for affected populations to have their interests formally represented. Such mechanisms would not eliminate political discretion, but they could increase the legal visibility of decisions and non-decisions affecting displaced populations.

The interaction between global public law and domestic public-law violations is where Kingsbury's framework acquires its greatest analytical importance. Violations within Syria created the conditions for mass displacement, but the continuation of vulnerability cannot be explained solely by those original violations. Once individuals became displaced, international and host-state institutions determined the practical conditions of protection. If global institutions fail to establish adequate accountability, domestic violations may become less costly because governments and armed actors expect limited international consequences. Conversely, severe domestic violations increase pressure on international systems, exposing their institutional weaknesses. This relationship is reciprocal rather than linear. Global governance does not merely respond to domestic failure; its own strengths and weaknesses influence the incentives, expectations, and options of domestic actors. Pinheiro's continuing concern with accountability and impunity illustrates why international institutional weakness matters for the domestic rule of law (Pinheiro, 2025). A durable refugee solution therefore requires both international protection and the reconstruction of domestic public institutions capable of guaranteeing rights.

Agamben provides a structural critique of Kingsbury's procedural optimism. If the legal order itself produces the exception, then greater transparency or review may simply render exclusion more procedurally sophisticated without eliminating it. Agamben's state of exception suggests that modern public authority can incorporate emergency within law itself (Agamben, 2005). From this perspective, temporary protection regimes and humanitarian camps may become legally regulated forms of prolonged exclusion rather than accidental failures of administration. His recent analysis of voluntary return further suggests that procedural consent cannot be understood independently from the material conditions shaping displaced persons' choices (Agamben, 2025). A return decision may be formally voluntary and procedurally documented while still occurring within a structure that leaves the refugee with no genuinely secure alternative. Kingsbury's framework must therefore be supplemented by substantive attention to the distribution of legal membership, power, and vulnerability.

Buzan offers a different critique. Procedural reform will remain limited where security framing determines the boundaries of acceptable policy before administrative processes begin. If refugees are widely perceived as existential threats, procedural mechanisms may operate within an already securitized field. Buzan's analysis of Syrian security politics demonstrates how geopolitical and security priorities can dominate humanitarian concerns (Buzan, 2024). His later work on desecuritization is therefore essential because public-law reform requires some restoration of ordinary politics and law (Buzan, 2025). Participation, reason-giving, and review are most meaningful when policymakers accept that refugee governance should be governed through ordinary legal standards rather than permanent emergency. Accordingly, Kingsbury's procedures cannot substitute for desecuritization; they function best as institutional mechanisms through which desecuritization becomes legally embedded.

The three theories can therefore be integrated into a layered model of responsibility. At the first level, Buzan explains the normative-political construction of the crisis. This level concerns how threats are defined, whose security is prioritized, and how language moves issues from ordinary politics into emergency governance. The Syrian refugee becomes vulnerable when protection is displaced by narratives of border insecurity, terrorism, demographic pressure, or geopolitical competition. At the second level, Agamben

explains the structural-legal consequences of this transformation. The refugee may be placed in temporary, exceptional, or liminal legal categories in which rights exist formally but membership remains insecure. Camps, externalized borders, temporary protection, and prolonged humanitarian dependency become manifestations of this condition. At the third level, Kingsbury provides institutional mechanisms through which authority can be made more accountable. Transparency, participation, reason-giving, and review do not dissolve sovereign power or geopolitical rivalry, but they can reduce arbitrariness and create sites of legal contestation.

This integrated model is especially useful for analyzing return. Consider a policy shift toward encouraging Syrian refugees to return. At the Buzanian level, the first question is how return is framed: is continued refugee presence constructed as a security, economic, or identity threat, and does that framing produce pressure for exceptional measures? At the Agambenian level, the question is whether refugees possess a genuine legal choice or remain trapped between temporary status in the host state and uncertain protection in the state of origin. At the Kingsburian level, the question is whether return policy is transparent, participatory, reasoned, evidence-based, and subject to review. Contemporary protection data from UNHCR remain relevant to evaluating the scale and continuing character of Syrian displacement (Unhcr, 2026), while EUAA guidance is relevant to individualized assessments of conditions inside Syria (Euaa, 2026). Reports on Turkey demonstrate that return policy is intertwined with the operation of temporary protection (Daily, 2026). No one of the three theoretical frameworks captures all these dimensions, but together they provide a more complete test of legality and responsibility.

The same model can be applied to the Security Council. Buzan directs attention to the construction of Syria as a site of competing security threats. Agamben directs attention to the normalization of emergency and the populations left exposed by institutional paralysis. Kingsbury asks whether a global organ exercising extraordinary public authority is adequately constrained by procedures of justification and accountability. The result is a richer conception of UN legal responsibility. Responsibility does not mean that the United Nations guarantees protection against every harm. Such a standard would be institutionally unrealistic and legally unsustainable. It means that where the organization possesses relevant authority, it must exercise that authority in accordance with the purposes for which it exists and through procedures compatible with the rights and interests of those affected. Where it lacks authority because of structural constraints, public-law analysis should make those constraints visible rather than allowing institutional failure to disappear behind generalized references to state sovereignty.

An integrated account also clarifies the distinction between humanitarian assistance and legal accountability. UNHCR and other humanitarian bodies have played indispensable roles in the Syrian crisis, and the existence of institutional limitations should not be confused with an allegation that humanitarian protection itself is illegitimate. The critical issue is whether humanitarian administration becomes the endpoint of international responsibility. Betts and Collier's critique of the refugee system emphasizes the need to move beyond models that preserve refugees in prolonged dependency without durable institutional solutions (Betts & Collier, 2017). A system that feeds, shelters, registers, and medically assists refugees while leaving their legal future indefinitely unresolved may be humanitarianly necessary but legally incomplete. Global public law requires attention to the transition from emergency relief to durable rights, stable status, and accountable governance.

The principal implication is that UN responsibility toward Syrian displaced persons must be conceived as multilayered. It includes the responsibility to organize humanitarian protection competently, but it also includes a broader responsibility to ensure that the exercise of international public authority does not deepen legal marginalization. It requires awareness of the security narratives through which refugee policy is justified, scrutiny of the exceptional legal structures in which displaced persons are placed, and the gradual development of mechanisms through which international institutions can be held answerable for decisions affecting individual rights. Kingsbury's procedural program provides the most immediately actionable component of this model, but Buzan and Agamben prevent it from becoming narrowly technocratic. Buzan shows that procedures operate within fields structured by political threat construction,

while Agamben shows that legality itself can coexist with profound exclusion. The most defensible conception of global public law must therefore combine procedural accountability with substantive sensitivity to security politics and structural vulnerability.

5. Conclusion

The Syrian displacement crisis demonstrates that the legal responsibility of the United Nations cannot be adequately evaluated through a single doctrinal framework centered exclusively on refugee law, humanitarian assistance, or the international responsibility of states. The scale and duration of Syrian displacement have exposed a more fundamental problem concerning the exercise of public authority across domestic and international levels. Syrians were displaced in circumstances marked by the breakdown, distortion, or violent exercise of domestic public power, yet their subsequent protection has depended upon an international system in which authority is distributed among host states, United Nations organs, humanitarian agencies, regional institutions, donors, border authorities, and other transnational actors. This fragmentation has produced a corresponding fragmentation of accountability. Each actor possesses only part of the capacity required to protect displaced persons, while no single institution provides a comprehensive mechanism through which refugees can demand prevention, protection, durable status, and effective remedies. The result is a responsibility gap in which extensive normative commitments coexist with limited mechanisms for enforcing institutional accountability.

The analysis has shown that Buzan's securitization framework explains an important part of this gap. Syrian displacement has not been governed solely as a matter of humanitarian protection. It has repeatedly been framed through the languages of national security, terrorism, border control, demographic pressure, economic burden, and societal stability. Such framing has affected both the international response to the conflict and the treatment of refugees after displacement. At the level of the Security Council, competing constructions of the Syrian crisis prevented the emergence of a stable consensus in which civilian protection and mass displacement consistently functioned as overriding security priorities. At the level of host-state and regional policy, the representation of refugee movements as security challenges contributed to exceptional forms of migration management and to the gradual displacement of protection-centered reasoning by containment and return-oriented strategies. The critical point is not that security considerations are inherently illegitimate. Governments and international organizations necessarily address real concerns involving terrorism, public order, borders, and social stability. The problem arises when the category of security becomes sufficiently expansive to subordinate refugee rights and render extraordinary restrictions politically normal.

Agamben's framework reveals the structural consequences of this transformation. The Syrian refugee frequently occupies a condition of incomplete inclusion: protected from some forms of danger but deprived of secure political membership, admitted temporarily but without certainty of permanent status, supplied with humanitarian assistance but unable to determine the institutional conditions governing the future, or encouraged to return without complete assurance that domestic public institutions can guarantee rights. This condition is accurately described as liminal because it is neither full exclusion nor full incorporation. Refugees remain governed by law, yet the law may preserve their temporary and exceptional status for prolonged periods. Humanitarian camps, temporary protection schemes, border procedures, and uncertain return mechanisms demonstrate how exception can become administrative routine. The central insight derived from Agamben is therefore that international protection must not be evaluated exclusively by its capacity to preserve physical survival. Legal responsibility must also concern the restoration of political and juridical status capable of transforming vulnerable life into a rights-bearing existence supported by functioning institutions.

At the same time, the analysis has rejected an overly deterministic reading of bare life. Syrian refugees are not passive objects of sovereign or humanitarian power. They establish communities, exercise economic agency, sustain families, create religious and social institutions, challenge administrative decisions, pursue education, participate in political debate, and develop strategies for navigating complex legal systems. An adequate legal theory must preserve this agency. The importance of Agamben's critique lies not in denying the social and political capacities of refugees but in identifying the

institutional structures that make the exercise of those capacities precarious. The problem is therefore structural vulnerability rather than absolute powerlessness. This distinction matters because a rights-based system should seek to expand the institutional space within which displaced persons can act as legal subjects rather than treating them permanently as recipients of humanitarian management. Kingsbury's global public-law approach provides the clearest institutional framework for converting these criticisms into principles of reform. The contemporary international order contains numerous bodies that exercise forms of public authority without possessing the constitutional structure of a domestic state. Their decisions may nevertheless affect individuals as deeply as domestic administrative decisions. Syrian displacement makes this reality especially visible. International and transnational institutions influence the allocation of protection, the production of country information, the coordination of humanitarian services, migration cooperation, return policy, and the practical interpretation of safety. Where such authority exists, legality should require more than institutional competence in the narrow sense. It should require transparency concerning decision-making criteria, meaningful opportunities for affected persons to participate, reasons capable of connecting evidence to legal conclusions, and procedures through which decisions can be reviewed or contested.

Procedural accountability, however, cannot be treated as a complete answer. The Syrian case demonstrates that the most carefully designed administrative procedures cannot remove geopolitical inequality, abolish the veto, reconstruct domestic institutions, or compel political actors to abandon deeply entrenched security narratives. This limitation does not render procedure irrelevant. Rather, it determines the proper scope of procedural reform. Transparency cannot guarantee justice, but it can expose the assumptions underlying decisions. Participation cannot redistribute international power entirely, but it can reduce the exclusion of affected communities from decisions concerning their lives. Reason-giving cannot eliminate political discretion, but it can make arbitrary or contradictory policies more difficult to sustain. Review cannot prevent every institutional failure, but it can create a legal space in which individuals cease to be entirely dependent upon administrative benevolence. These mechanisms should therefore be understood as instruments for constraining power rather than substitutes for politics.

The principal theoretical contribution of the analysis is the integration of Buzan, Agamben, and Kingsbury into a three-level model. At the normative-political level, Buzan explains how security is constructed and how threat narratives determine which problems receive exceptional attention. At the structural-legal level, Agamben explains how emergency governance produces spaces of incomplete legal membership and normalizes exclusion. At the institutional-procedural level, Kingsbury identifies mechanisms through which global public authority may be subjected to accountability. Each level answers a different question. Buzan asks why protection priorities become distorted. Agamben asks what kind of legal subject is produced by emergency governance. Kingsbury asks how the institutions exercising authority over that subject can be constrained. Their combination therefore provides a more complete account than any theory could offer independently.

This integrated model also clarifies the relationship between global public law and domestic public-law violations. The two levels should not be conceived as separate legal worlds. Domestic violations in Syria contributed directly to forced displacement, but weaknesses in global public authority affected the international consequences of those violations. Where the global system is unable to impose meaningful costs for grave abuses, domestic actors may operate within an environment of reduced accountability. Conversely, the scale of domestic collapse places extraordinary pressure upon international institutions and exposes the limitations of their mandates and enforcement capacity. The relationship is therefore reciprocal. Global failures can permit domestic violations to persist, while domestic violations intensify the demands placed upon global institutions. An effective legal response must address both sides simultaneously.

This conclusion has particular relevance to return. The end or reduction of armed conflict cannot by itself establish that displacement has been resolved. A durable return requires functioning public institutions capable of protecting life, liberty, physical integrity, property, documentation, due process, and equal citizenship. It

also requires that return decisions be made without coercive pressure generated by deteriorating conditions in host states. The voluntariness of return should therefore be assessed substantively rather than formally. A refugee whose legal status, employment, social protection, or residence security is progressively weakened may technically sign a voluntary-return declaration while confronting circumstances that leave few realistic alternatives. A global public-law approach requires that institutions involved in return policy examine these conditions transparently and provide mechanisms for individualized assessment and review.

The same reasoning applies to temporary protection. Temporary protection can be an indispensable response to mass influx because ordinary individualized asylum procedures may be incapable of processing very large numbers of arrivals quickly. Yet temporariness becomes legally problematic when it persists for many years without pathways toward stable rights. The longer a population remains displaced, the weaker the justification for treating its legal position as purely exceptional. Long-term refugee governance must gradually move from emergency management toward durable legal status, institutional participation, and predictable rights. Otherwise, exceptional protection risks becoming a permanent administrative category that preserves insecurity rather than resolving it.

For the United Nations, this means that humanitarian assistance should be understood as one component of responsibility rather than its completion. Humanitarian agencies cannot themselves resolve the political causes of displacement or reconstruct domestic governance. Nevertheless, the UN system should avoid institutional arrangements that normalize indefinite legal uncertainty. Protection policy should increasingly connect humanitarian programming with access to documentation, property restitution, legal remedies, education, employment, family unity, and durable status. Where return becomes a major policy objective, UN institutions should preserve their independence from political pressures seeking rapid numerical reductions in refugee populations. Their central criterion should remain whether the legal, institutional, and material conditions necessary for genuinely safe, voluntary, and dignified return exist.

At the Security Council level, the Syrian experience supports stronger accountability concerning the exercise of exceptional global authority. The veto is embedded within the constitutional structure of the United Nations and cannot realistically be eliminated through interpretive argument alone. Yet the use or threat of the veto in situations involving mass atrocity and displacement should not remain insulated from legal and public scrutiny. Stronger expectations of justification, systematic assessment of humanitarian consequences, greater transparency concerning competing legal positions, and institutional procedures for presenting the interests of affected populations could reduce the opacity surrounding non-action. Such mechanisms would not transform the Council into a judicial institution, but they could narrow the distance between political discretion and public-law accountability.

More broadly, the Syrian case demonstrates the need to conceptualize global public law as a framework for governing fragmented authority. Contemporary refugee protection is increasingly produced through networks rather than single institutions. National asylum agencies rely on international information. Regional organizations negotiate migration arrangements with neighboring states. Humanitarian agencies operate under domestic permission while implementing internationally funded programs. Border agencies participate in joint operations. Courts review some components of these systems but may lack jurisdiction over others. This institutional complexity makes it easy for responsibility to be displaced from one actor to another. The central function of global public law should therefore be to prevent fragmentation from becoming impunity. Wherever an institution exercises a materially significant form of public authority, the legal system should seek mechanisms through which that authority can be identified, justified, and challenged.

The Syrian displacement crisis ultimately reveals the inadequacy of an international order that recognizes universal rights while continuing to make their practical realization heavily dependent upon territorial membership and geopolitical agreement. Refugees expose this contradiction more clearly than almost any other category of persons because their vulnerability is defined precisely by the disruption of the relationship between individual and state. The United Nations was created partly to moderate the consequences of state failure and international conflict, yet its own institutional

design remains dependent upon state consent and great-power politics. This tension cannot be eliminated completely. It can, however, be governed more responsibly.

The appropriate response is therefore neither to abandon the United Nations as structurally incapable of protection nor to assume that incremental procedural reform will solve every problem. A defensible approach requires simultaneous action at three levels. Security narratives must be reoriented so that displaced persons are understood primarily as rights-bearing human beings rather than presumptive threats. Exceptional legal regimes must be prevented from becoming permanent structures of exclusion. International institutions must be subjected to stronger principles of transparency, participation, reason-giving, and review. These three requirements correspond respectively to the insights developed through Buzan, Agamben, and Kingsbury.

The legal responsibility of the United Nations toward Syrian displaced persons should consequently be understood as a responsibility to protect within the limits of institutional competence, a responsibility to exercise public authority lawfully and accountably, and a responsibility not to contribute to the normalization of legal exclusion. The organization cannot guarantee that every domestic violation will be prevented, nor can it independently compel durable political settlement. It can, however, ensure that its own institutional practices do not reproduce the conditions that leave displaced persons without meaningful legal voice. It can strengthen accountability when global institutions make decisions affecting refugee rights. It can resist premature normalization of unsafe return. It can promote reconstruction of domestic public institutions capable of protecting rights rather than merely restoring territorial control. Above all, it can treat Syrian displacement not as a temporary humanitarian anomaly to be administratively contained, but as a fundamental public-law problem requiring the alignment of international authority with the rule of law.

The broader significance of the Syrian experience is therefore constitutional in the widest sense. It concerns the terms under which public power is exercised in a world where authority no longer resides exclusively within states but where effective legal accountability remains largely organized through state institutions. Syrian refugees have occupied the gap between these two realities. Their experience demonstrates that the globalization of public authority has advanced further than the globalization of public-law remedies. Closing that gap is the central challenge revealed by the crisis. A strengthened system of global public law would not replace domestic constitutional and administrative law, nor would it abolish sovereignty. Its purpose would be to ensure that when international institutions exercise powers capable of shaping human rights and legal status, those powers are subjected to principles appropriate to public authority. The Syrian displacement crisis shows why such a development is no longer merely theoretical. It is necessary to prevent the persistent separation between universal rights and effective legal protection from becoming a permanent feature of international governance.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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