OPEN PEER REVIEW

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

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1. Round 1

1.1. Reviewer 1

Reviewer:

The Introduction states that “the resulting discrepancy between normative authority and operational capacity creates what may be described as a responsibility gap.” This is potentially one of the article’s most important original concepts, but it remains insufficiently defined. The authors should specify whether the “responsibility gap” refers to a discrepancy between legal obligation and enforcement capacity, between institutional mandate and material resources, between normative expectations and legally enforceable duties, or between authority and accountability. A concise operational definition should be introduced at the first use of the term and then applied consistently throughout the article. It would also strengthen the argument to distinguish this concept from the “normative gap” and “enforcement gap” discussed elsewhere, because these terms currently appear conceptually adjacent but not clearly differentiated.

The paragraph beginning “The Responsibility to Protect doctrine further intensifies this problem” requires greater doctrinal precision regarding the status of R2P. The sentence stating that “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” is accurate at a general level, but the article should distinguish political commitment, normative doctrine, and binding legal obligation. Because the article’s title expressly refers to “legal responsibility,” the discussion should avoid implying that the failure to implement R2P automatically constitutes a breach of an enforceable legal duty attributable to the United Nations. The authors should explain whether R2P is being used as a legal standard, an institutional expectation, an interpretive framework for Charter responsibilities, or a normative benchmark against which UN performance is assessed.

The Introduction asserts that "the United Nations occupies several positions at once," including functions associated with the Security Council, General Assembly, UNHCR, and humanitarian coordination. This institutional aggregation is analytically useful but legally problematic unless the article differentiates among UN organs, subsidiary bodies, programs, and specialized protection structures. The legal competences, decision-making authority, institutional autonomy, and accountability mechanisms of the Security Council are fundamentally different from those of UNHCR. The article should therefore avoid referring to "the United Nations" as if it were a unitary actor whenever responsibility is at issue. Each substantive discussion should identify which UN organ or institutional component exercised, failed to exercise, or lacked the relevant authority; otherwise, institutional responsibility may become overly generalized.

The sentence "The concept of global public law provides a particularly useful framework for examining this institutional dimension" introduces Kingsbury's framework effectively, but the article needs a sharper distinction between "global public law" and "global administrative law." At several points, these concepts appear nearly interchangeable, although they are analytically different in scope. Global administrative law is primarily concerned with administrative-type governance and procedural principles such as transparency, participation, reason-giving, and review, whereas global public law is potentially broader and includes questions concerning the public character and legitimacy of authority beyond the state. The authors should provide a short conceptual clarification explaining why both terms are used, how they relate to each other, and which one constitutes the article's principal analytical framework.

The discussion of Security Council paralysis states that displaced populations "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." This is an important observation, but the article should distinguish the absence of judicial remedies from the absence of accountability altogether. The Security Council remains subject to political, diplomatic, institutional, and reputational forms of accountability even where direct judicial review is unavailable. The authors should therefore refine the claim by specifying that the problem is the absence of enforceable individualized or institutional review mechanisms rather than a complete absence of accountability. This distinction would make the analysis more legally precise and avoid overstating the institutional vacuum.

The paragraph stating that "return is sustainable only if public institutions can guarantee basic legality" should distinguish among the legal concepts of voluntary return, safe return, dignified return, and sustainable reintegration. These terms are related but not synonymous. The article currently moves from property protection and documentation to the broader conclusion that territorial return may not restore legal personhood. The argument would be strengthened by explaining which public-law conditions are indispensable for a legally meaningful return: access to civil documentation, restoration or compensation for property, protection against arbitrary detention, non-discrimination, access to courts, freedom of movement, and administrative recognition. This would also create a clearer connection between the article's theory of domestic public-law violations and its practical conclusions regarding displacement.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The paragraph discussing domestic public-law violations states that these violations include threats to "life, liberty, security, property, due process, and equal citizenship." This section would benefit from a more rigorous definition of "domestic public-law violations." The phrase is central to the title but is not a standard autonomous category in international refugee law. The authors should specify whether it encompasses constitutional-law violations, administrative-law violations, criminal-procedure violations, unlawful exercises of executive power, and failures of judicial protection. They should also clarify whether violations committed by non-state armed groups are properly included under "domestic public law," since such groups do not necessarily exercise public authority in the same juridical sense as state institutions. A clear definitional boundary is essential if the concept is to serve as one of the article's principal analytical axes.

The second section states that "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," which is an important clarification, but the article should go further by explicitly engaging the concept of the international responsibility of international organizations. At present, the discussion moves quickly from formal legal responsibility toward public-law accountability. The authors should explain whether they deliberately exclude the rules governing attribution, breach, circumstances precluding wrongfulness, and consequences of internationally wrongful acts by international organizations, and why. If the purpose is instead to develop a broader public-law conception of responsibility, this methodological departure should be stated expressly so that readers do not assume that conventional responsibility doctrine has simply been overlooked.

The sentence "The distinction between responsibility for conduct and responsibility for governance is important in this regard" introduces a promising analytical distinction that should be developed into a central part of the article. At present, "responsibility for governance" appears normatively persuasive but lacks identifiable legal criteria. The authors should explain what triggers such responsibility, which institutions are subject to it, whether it is derived from the exercise of public authority, and what consequences follow from its violation. For example, does governance responsibility require only transparency and reason-giving, or does it include a substantive duty to prevent foreseeable rights violations? This distinction could significantly strengthen the article's originality if it is formulated as an explicit conceptual model rather than used descriptively.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.
Editor in Chief's decision: Accepted.