Security Council's draft resolutions regarding Syria, are they really humanitarian based?

Faisal Baraa ALMARASHI

Master's student of political science and international relations, Istanbul Aydin University
e-mail: faisalalmarashi@stu.aydin.edu.tr

Abstract

When the so-called Arab Spring arrived in Syria, it brought with it some serious consequences. Hundreds of thousands of civilians were slaughtered along with the destruction of ancient and modern cities in Syria. In addition to this, the refugee crisis threatened both regional and international peace and security. All these disasters led the UN Security Council to issue a resolution for international humanitarian intervention in Syria along the lines of humanitarian military intervention that took place in Libya, but after several attempts it failed due to the repeated vetoes from Russia and China. This study will focus on two direction in which the first is the response of the United Nations Security Council (UNSC) toward the Syrian Crisis, while the second is the effects of the international community behavior toward the Syrian Crisis. In other words, the aim of this article is to compare the two direction in order to come up with an answer whether the past UNSC drafts resolutions concerning Syria were really humanitarian aimed or not.

Keywords: Humanitarian Intervention, Military, Arab Spring, Civil War, Syria, United Nations, Security Council, ISIS, Peace, Syrian Revolution.

Introduction

In the last three decades after the end of the cold war and shift in the moral norms of the international order, the International Humanitarian Intervention has become one of the most important mechanisms that the international community depended on (more than 15 humanitarian interventions in both armed and unarmed forms) in order to achieve international peace and security. These actions are taken to protect human rights and fundamental freedoms, implement the principle of democracy and provide humanitarian assistance when necessary.

Despite the contradictions of the humanitarian international intervention issue regarding the two main principles, namely the principle of equality in sovereignty and the principle of non-interference in the internal affairs of countries, these two principles did not actually constitute an obstacle to the humanitarian international intervention's approach either from a military or non-military perspective.

This findings portray that there is a fact in protecting human rights and fundamental freedoms, which are the rights that surpass all other principles. These rights have received and are still receiving an increasing amount of attention especially of the international organizations at legal or political levels.

In this context, most scholars still view humanitarian interventions as a tool in the hands of powerful states with high military and economic capabilities in order to conceal themselves when it comes to their interests covered under humanitarianism.

Thus, this article focuses on the Security Council's draft resolutions for the international humanitarian intervention in Syria. This is conducted not by studying the draft resolutions themselves, but

rather by examining the motives and orientations of the countries that govern the mechanism of the decision-making process in the UNSC from a realist perspective.

To understand the nature of the Syrian conflict that left more than 511,000 deaths according to the March 2018 report of a UK-based monitoring group (the Syrian Observatory for Human Rights (Human Rights Watch, World Report: 2019), and left 6.6 million internally displaced people and 5.5 million people around the world according to the United Nations High Commissioner for Refugees (UNHCR, The Refugees Operational Portal 2020), it was necessary to study in-depth the historical background of the Syrian case.

1 - Overview of the Syria crisis

Syria has a complex history of coups and regional conflicts. After the First World War, the Englishmen and the Frenchmen, with the assent of the Russians were secretly negotiating to dismember the Ottoman Empire. In November of 1915, Sir Mark Sykes of Britain and Francois George-Picot of France sat across at a table in a tent and divided Syria among themselves (Sykes-Picot Agreement, 1916).

The negotiations led to the Sykes-Picot Agreement in May 1916. Pursuant to this agreement, Britain was promised Iraq and Palestine (including Palestine and Jordan) whereas France was promised Syria and Lebanon. Subsequently, the Treaty of Versailles in 1919 provided a formal validation for this secret arrangement in the framework of the newly established League of Nations and its Mandate System. The Mandate was an authorization granted to member states of the League of Nations to govern a former German or Turkish colony. The typical imperial justification was that these people were not yet ready for self-government. As a result, France acquired the mandate over Syria and Lebanon (Encyclopaedia Britannica, n.d.).

David Fromkin, in his book 'A Peace to End All Peace,' discusses the notion that the present-day Middle East can not be understood without an appreciation of its formation in the aftermath of the First World War. He states that by 1922 European powers divided the former Ottoman Empire into states and puppet regimes, drawing boundaries and imposing rulers, while ignoring the wishes of those who actually lived there. It was this nature of the division process that led to the creation of states-without-nations in the Middle East. The newly drawn boundaries cut across religious, social and ethnic groups. The presence of such antagonistic and conflicting groups in these drawn-up states posed a huge threat to the subsequent process of nation-building. Such divergent groups are fighting each other in Syria today.

Syria remained under French rule until its independence on the 24th October 1945 (Khan & Khan, 2017, pp.589). In the post-independence period, the fundamental problem faced by the new state was its ethnically, religiously and socially heterogeneous population. The population profile of the country consisted of a majority of Sunni Muslims along with a minority of Alawites, Druze, Turkmen, Assyrian, and Christians. On top of that, the Syrian society had been starkly divided into the rich townsmen on the one hand and the poor peasants and nomads on the other hand. The country faced a series of coups that ultimately led to a Baathist Coup on March 1963. Later in 1970, General Hafez al-Assad seized power.

Afterwards, Hafez al-Assad was sworn in as the president on 14 March 1971 and shaped the nature of the Syrian polity. Throughout his regime, he was popular because he pursued policies of economic development, promotion of education, strengthening of the military and vehement opposition to Israel. However, a nexus emerged between the Baath Party, the military and the bureaucracy, who repressed all opposition through a vast intelligence apparatus.

After the death of Hafez al-Assad in 2000, his son, Bashar al-Assad assumed power and continued on with his father's policies with hopes for democratic change in 2000 Damascus spring, but according to Human Rights Watch report issued just before the beginning of the 2011 uprising that he had failed to substantially improve the state of human rights since taking power (Human Rights Watch, 2015).

Beside many internal causes, there are many external causes behind the present Syrian conflict. At an international level, Syria's attitude has always been pro-Palestine on the Israel-Palestine conflict, which is the biggest West Asian issue currently. The other factors are its closeness to Russia and Iran, socialist policies, and support for Hezbollah in Lebanon. Nevertheless, Syria's relations with Saudi Arabia and other GCC (Gulf Cooperation Council) countries are poor because of their closeness to the U.S., which has made it vulnerable to the American economic sanctions and international isolation since President Hafez al-Assad came to power.

Due to the combinations of internal, economic and external factors as well as following the protests of what is described as the 'Arab Spring' in various Arab countries from March 15th, 2011, popular protests demanding reform in Syria commenced in the Daraa and Homs provinces and spread to all Syrian governorates.

A response from the government took approximately 15 days. In a speech made on March 31st, 2011, Syrian President Bashar al-Assad mentioned that he intended to delay the response to the protests until he has a full understanding of the situation. Al-Assad acknowledged in his speech the legitimacy of peaceful protests and expressed his intention to carry out reforms and form a new government after the resignation of the then-Prime Minister Mohammed Naji Otri's government. But simultaneously, the speech contained a certain vision for protests in Syria that differed from what happened in Tunisia, which in brief was the 'Arab Spring'. Also as he expressed in his speech, these Syrian protests could be exploited for an external plot aiming at undermining Syria, especially in light of the spread of the so-called 'Arab Spring'. As he blatantly stated it, in the protests, three concepts (sedition, reform and daily needs) were confused with one another and attract those who went out of good faith (AL Jadeed News, 2014).

The protests quickly turned into an armed conflict between the protesters and the police. These protests killed hundreds of people from both sides and displaced millions of Syrians from their homes. While the Syrian government said that the Syrian crisis has been aggravated, because armed movements was made among citizens that aimed to sabotage and spread chaos among the people, the activists and political opponents at home and abroad considered that the aforementioned movement is a popular revolution in which it could transfer from peaceful protest to an armed one as a result of the Syrian government's lack of response to the protestors' demands (Kayali, 2013).

In September 2011 after the recurrence of human rights violations, which included excessive use of force, arbitrary detention, enforced disappearances, torture, violations of children's rights and of economic and social rights, the Human Rights Council called for Independent International Commission to inquire about the human rights violations in Syria. The Commission reached the conclusion that "the levels of excessive force used against civilians, the scale of the attacks, their repetitive nature and their coordination lead the Commission to conclude that these crimes have apparently been committed pursuant to State policy." (Chairperson, 2011).

Unfortunately, the acts of violence increased greatly that made the International Committee of the Red Cross (ICRC), as a guardian of the Geneva Conventions, to take action in order to regulate the conduct of armed conflict and limit its effects. The ICRC concluded on July 15th, 2012 that "the crisis in Syria is a non-international (internal) armed conflict." (ICRC, July, 2012)

According to the Article 3 of the Geneva Convention of 1949 and Article 1 of Additional Protocol II, a non-international armed conflict refers to "a situation of violence involving protracted armed confrontations between government forces and one or more organized armed groups or between such groups themselves, arising on the territory of a state." As well as the International humanitarian law requires that two criteria should be met to be able to speak about a non-international (Internal) armed conflict: (1) The armed groups involved must show a minimum degree of organization and (2) The armed confrontations must reach a minimum level of intensity. The fulfillment of these criteria is determined on a case-by-case basis, by weighing up a number of factual indicators (ICRC, July, 2012).

Moreover, the level of intensity of the violence is determined from a variety of indicators such as the duration, gravity of the armed clashes, the type of government forces involved, the number of fighters and troops involved, the types of weapons used, the number of casualties, and the extent of the damage caused from fighting. The level of organization of the armed group is assessed by checking factors such as the existence of a chain of command, the capacity to transmit and enforce orders, the ability to plan and launch coordinated military operations, and the capacity to recruit, train and equip new fighters (ICRC, December, 2012).

2 - How the Security Council responded to the Syrian Crisis?

To this date, the Council has not agreed to take definitive action in Syria. In addition to a few presidential statements and a couple of draft resolutions, the first draft was issued on October 4th, 2011, (S/2011/612). It condemned the systematic human rights violations, demanded the Syrian government to stop the use of force against civilians and called for an inclusive peace process. The draft also expressed the Council's intention to impose sanctions under Article 41 of the Charter of the United Nations against the Syrian government in case of non-compliance. The draft received nine positive votes. Brazil, India, South Africa, and Lebanon abstained, while China and Russia voted against the draft and thus blocked the resolution.

The second draft was introduced on February 4th, 2012, (S/2012/77). Its main purpose was to support the Arab League's Plan of Action and withdraw all Syrian military and armed forces from cities and towns. It was also made to ensure the return of the military forces to their original home barracks. However, it stipulated the Council's review of compliance and considered to take further measures in case of non-compliance. As a result, 13 members of the Council voted in favor of the draft. China and Russia, by voting against the draft, blocked its adoption.

On the 16th March of 2012, Kofi Annan submitted to the UN Security Council a six-point peace plan for Syria that included, " (1) commit Syrian government to work with the Envoy in an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people (2) commit to stop the fighting and achieve urgently an effective United Nations supervised cessation of armed violence in all its forms by all parties to protect civilians and stabilize the country and immediately cease troop movements towards and end the use of heavy weapons in population centers, and begin pullback of military concentrations in and around population centers, (3) ensure timely provision of humanitarian assistance to all areas affected by the fighting and to this end, as immediate steps, to accept and implement a daily two-hour humanitarian pause and to coordinate exact time and modalities of the daily pause through an efficient mechanism, including at local level, (4) intensify the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, (5) ensure freedom of movement throughout the country for journalists and non-discriminatory visa policy for them and (6) respect freedom of association and the right to demonstrate peacefully as legally guaranteed." (Al Jazeera, 2012). The Security Council's action deployed a small, short-lived observer mission to Syria on April of 2012, in order to

monitor the six-point peace plan that had been implemented by Kofi Annan, the joint UN-LAS Special Envoy (Binder, 2016, pp. 218).

Upon the increasing violence in the country and a generalized non-compliance with Annan's peace plan, a third draft of a resolution was put up for a vote on 19th July 2012 (S/2012/538). This draft welcomed the Syrian Opposition held under the approval of the League of Arab States in Cairo on July 3rd, 2012, as part of the efforts of the League of Arab States to engage with Syrian opposition on a wider spectrum and encouraging greater cohesion among the opposition. In addition, the Syrian government was asked to withdraw troops and heavy weapons from population centers in a verifiable way or to face the imposition of sanctions by the Council. Once again, Russia and China voted against the resolution, even though it, on the contrary, secured 11 affirmative votes (South Africa and Pakistan abstained) and thus again blocked the proposed resolution from being adopted.

As both sides did not respect the ceasefire, the mission of the Security Council was terminated on August 19th 2012 (UNSMIS Background). For more than a year, the Council could not agree on taking any further measures due to the repeated vetoes from both Russia and China.

In August 2013, the Syrian government faced allegations of having used chemical weapons in six separate attacks, killing almost 1,500 Syrian citizens (Kupferschmidt, 2019). The August incidents resulted in threats of the USA to carry out limited military strikes against Syria without receiving any authorization from the Security Council. Russia responded to these pressures by suggesting that Syria should join the Chemical Weapons Convention, which implied the Syrian government to destroy its chemical arsenal under the international supervision (Borger, 2018). The Syrian government acceded to the Chemical Weapons Convention. Upon a joint initiative of the USA and Russia, the Security Council adopted Resolution 2118 on September 27th, 2013, which condemned the use of chemical weapons in Syria and stipulated the details of the procedures to destroy Syria's chemical weapons program and the verification.

3 - Is protecting civilians was the first objective of the intervention in Syria?

The draft resolutions submitted to the Security Council concerning Syria included stopping the use of violence against civilians and returning all Syrian forces to their barracks. The policies of Western countries, on the contrary, were calling for a regime change in Syria and pushing for Assad's removal.

Moreover, some parties in Syria have been supplied with weapons including night vision materials, communication systems and information about the movements and whereabouts of government forces. The commandos and operatives from the British MI6, Special Forces Support Group (SFSG), Special Air Service (SAS) and Special Boat Service trained opposition combatants in Syria since 2011. This was a step further from supplying armaments and signals intelligence (SIGINT) similar to that of Libya where British SAS were on the ground prior to the launching of NATO's military intervention (Chossudovsky, 2012).

In November 2011, the newspaper Le Canard Enchaîne revealed that agents of the French Directorate General of External Security (Service Action de la Direction Générale de la Sécurité Extérieure - DGSE) and Special Operations Command (Commandement des Opérations Spéciales - COS) of France had been in Syria training defectors from the Syrian army in urban guerrilla warfare and organizing the so-called Free Syrian Army. The training camps were located in southern Turkey and northeastern Lebanon. The Gulf countries were paying the Free Syrian Army, which included many deserters, trying to encourage more defections from Bashar al-Assad's regular army. According to sources in the Pentagon, the CIA was operating many unarmed drones over Syrian airspace in order to monitor the Syrian army's troops movements and the attacks against the insurgents (Bandeira, & Alberto, 2017, pp.246).

Therefore, research made by Alamailes and Yurtsever titled "Syrian Crisis in Scope of the US-Russian Competition in the Middle East" suggests that the militarization of the protests in Syria might reflect that the object of the intervention is neither for humanitarian reasons nor democratization of Bashar al-Assad's regime but to change the balance of forces and redraw the geopolitics of the Middle East in accordance to the interests of the United States and its partners in the European Union.

The Syrian crisis was based on the US - Russian competition in Syria in three main fields. First, geopolitical field; aimed to prevent the expansion of the Russian influence and replace it with the US. Second; in the energy field by protecting the US economy from any shocks it may suffer as a result of the interruption of the flow of oil or even unexpected rise in oil prices and third is finding a new market to increase the weapon exports (Alamailes, & Yurtsever, 2018, pp. 40).

4 - How did the international community act with the absence of a permit for military humanitarian intervention in Syria?

After the numerous failed attempts of the U.S through the Security Council to intervene in Syria due to the Russian and Chinese vetoes, the U.S. President, Barrack Obama, authorized the CIA to run a covert program, known as "Timber Sycamore," to train and arm thousands of insurgents in order to fight the Syrian forces and topple al-Assad in early 2013. The program aimed to arm some of the rebels and train them in Jordan due to the country's proximity to the Syrian battlefields. This support included a number of supplies such as small arms, which included rifles, rocket-propelled grenades and valuable anti-tank guided missiles. This program also included financial support to pay salaries, in which without this financial support commanders could not recruit or retain fighters who would protect civilians from extremist groups (Mazzetti, 2016).

The United States and Saudi Arabia were the biggest contributors to this initiative, with Saudi Arabia contributing both weapons and large sums of money and with the C.I.A. providing paramilitary operations that took the lead in training the rebels in the use of Kalashnikovs, mortars, antitank guided missiles and other weapons. Although, they were providing these services, the Jordanian security services would take the responsibility in transporting the weapons (Dreyfuss, 2015).

These acts provided other states the chance to support the armed parties in Syria in order to gain some benefits and design the new regime of Syria. As a result, this program worsened the Syrian conflict by turning it into a proxy war for regional hegemony especially since the rise of jihadist organizations like Jabhat al-Nusra, ISIS (Alkaff, Yussof, 2016, pp. 8-11).

As mentioned before, the absence of a comprehensive strategy from the West and its regional allies in Syria contributed to the emergence of an extremist and jihadist group such as ISIS, which controlled half of Syria and 80% of its oil and gas resources.

All that led to the aggravation of the conflict and human suffering in Syria. In the middle of 2014, the High Commissioner for Human Rights (OHCHR) announced the death of more than 191,000 people since the beginning of the crisis in mid-March 2011 until mid-April 2014. That is 98,000 more death comparing with what OHCHR was recorded in its previous report in 2013 (Russia Today, 2014).

In a statement to the United Nations Humanitarian Emergency Relief Coordinator, Valerie Amos, in front of the UNSC, she announced that more than 7 million Syrians are in need of humanitarian assistance, noting that 4.25 million have been displaced within the country and 1.3 million of refugees fled to neighboring countries. Amos reiterated that because of insecurity, restrictions and insufficient funding,

UN agencies may soon be forced to suspend some of their basic humanitarian operations." (Al-Riyadh Newspaper, 2013).

On the basis of Amos's statements and the data provided indicating the extent of the human suffering in Syria, the Security Council at its 7216th meeting, on 14 July 2014 adopted its resolution S/RES/2165 which states in its second article that " The United Nations humanitarian agencies and their implementing partners are authorized to use routes across conflict lines and the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha, in addition to those already in use, in order to ensure that humanitarian assistance, including medical and surgical supplies, reaches people in need throughout Syria through the most direct routes, with notification to the Syrian authorities" and confirms meeting this urgent need for the use of all border crossings efficiently for the purposes of humanitarian operations of the United Nations.

It also decides in its third article of the decision "to establish a monitoring mechanism under the authority of the United Nations Secretary-General to monitor with the consent of the relevant neighbouring countries of Syria, the loading of all humanitarian relief consignments of the United Nations humanitarian agencies and their implementing partners at the relevant United Nations facilities and any subsequent opening of the consignments by the customs authorities of the relevant neighbouring countries for passage into Syria across the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha and with notification by the United Nations to the Syrian authorities in order to confirm the humanitarian nature of these relief consignments;"

Shortly after providing humanitarian aid, specifically on September 10th, 2014, U.S. President Obama ordered airstrikes in various locations in Syria to destroy many places in which ISIS was located. Soon after, 80 countries joined and formed a Global Coalition Against Daesh. All coalition countries agreed not to send armed ground forces and limited their operations to airstrikes and training the "moderate Syrian opposition" and Kurdish forces (Aljazeera, 2015, January 6).

Following this operation, the Security Council unanimously adopted its Resolution 2249 on the 20th November 2015. The Council notably called upon all member states to double their efforts against both ISIS and the al-Nusra Front as well as other al-Qaeda affiliates (Aljazeera, 2015, November 22).

On October 25, 2013 in a previous speech of Amos' presenting the Syrian developments to the Security Council indicated that the situation on the ground in Syria is increasingly complex and dangerous, mentioning that some estimates that there are up to 2,000 armed opposition groups in Syria. And that clashes are increasing between these groups, which leads to cutting off the main humanitarian access routes due to the heavy fighting (UN Office, 2013). But the Western powers insisted on supporting some Kurdish and opposition factions.

The support for both the Kurds and the moderate Syrian opposition boosted the progress of both of these groups, which led the Syrian government on September 2015 to request military aid from Russia against Syrian oppositional militant groups, including the Syrian National Coalition, the Islamic State of Iraq and the Levant, al-Nusra Front and the Army of Conquest (McDonnell, 2015).

Shortly after the beginning of the operation, Russian officials were cited as saying that Russia's goal will not be limited to fighting terrorist organizations such as ISIS, but includes helping the Syrian government to regain control of their territory from different anti-government groups that are labeled by the United States and the Global Coalition as the "moderate opposition". This was also an objective to curb the U.S.'s influence (Arkhipov, Kravchenko, and Meyer 2015).

The countries with close ties to Russia, including China, Egypt, Iraq and Belarus have generally supported this contribution. While many governments close to the US and Human Rights Watch denounced Russia for its role in the war and accused it of complicity in the war crimes in Syria (Human Rights Watch, 2018).

Conclusively, it can be argued that it was difficult for the Security Council to make the decision regarding the humanitarian intervention under the Russian and Chinese vetoes, especially after the world witnessed many interventions that were based on humanitarian goals that were meant to protect civilians from crimes against humanity. They instead achieved military operations as they happened in both Iraq and Libya.

Conclusion

As the Syrian crisis worsens and enters into its ninth year, the Security Council's responses regarding Syria remain stalled and still governed by the great powers' motivations and orientations.

This study aimed to provide an understanding of how the states' behavior affects the Security Council's draft resolutions as well as to discover whether the Security Council's draft resolutions on Syria were issued solely and truly for humanitarian purposes or if they were to be issued for by other means.

Following these discussions, it is possible to reach the conclusion that the Security Council is not a major element in regard to international relations and international humanitarian intervention. It is also possible to claim that the pattern in which Western countries behaved, such as arming and training the rebels in Syria, clearly identified that any decisions made to intervene would not be for humanitarian purposes but for various other reasons designed to protect the interests of the great powers.

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