



FORUM

The United Nations in Syria and the Responsibility to Protect

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The world has again failed innocent citizens caught up in a civil war. The responsibility to protect and the lessons from Rwanda have not seemingly been learnt. Rwanda saw the world - and to a large extent, the UN - turn its back on 100 days of genocidal killings of near to 1 million people.

In Syria, we have had 1000 days within which the depth and complexity of the terrible conflict has emerged, entangling many different interests both inside and outside of Syria. By mid-June 2013, more than 6500 children had died; by mid-September 2013, a total of 110,000 people have died.

It is clear that what was a civil protest and social movement for change has become one of the bloodiest, dirtiest civil wars in recent times high levels of communal violence.

The unfettered use of chemical weapons in late August 2013 on the civilian population has highlighted a global failure to stop this tragic war.

THE ROLE OF THE UN

The UN plays a vital part in the Syrian war in seven main ways:

- Its role in building international law, norms and supporting their implementation;
- The UN General Assembly and the UN Security Council, their actions and limits;

- The actions of the diplomatic and political parts of the UN;
- The actions of peace keeping capacities of the UN;
- The actions of the human rights components of the UN;
- The actions of the humanitarian agencies of the UN; and
- The actions in partnership with the Organization for the Prohibition of Chemical Weapons on assessing the use of chemical weapons and now working to identify their locations and destroying them in Syria.

But despite the breadth of these areas of interventions, the Deputy Secretary General, Jan Eliasson, summed up the scorecard of the UN in a statement in October 2012, highlighting how Syria has undermined the organisation's credibility:

The United Nations [has] to prove that we can present international solutions that work ... And of course I will admit openly that the fact that the Syria tragedy goes on day after day is very damaging for the standing of the United Nations.¹

First and foremost, we have to understand that the UN is a large body composed of the member states of the UN who hold political and financial power. Despite significant improvements since Rwanda, the room for the UN Secretariat to bring about a resolution for the conflict has been limited. However in researching the paper I would like to acknowledge the positive role the UN continues to play in addressing elements of the conflict and its impact and the search for accountability, resolution and justice.

Legal Obligations

Starting with the normative legal obligations, although limited due to the prickle of sovereignty, international laws and conventions related to engagement in internal armed conflicts have been developed through the United Nations. Such laws frame how the international community and member states clarify their responsibilities to their citizens.

For instance, the responsibility to protect (R2P) norm was adopted by the UN General Assembly in a Resolution in October 2009 as a reminder of the commitment of the international community to this principle.²

After the unlawful and atrocious chemical attacks, the Syrian Government was urged to sign the *1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of*

Chemical Weapons and on their Destruction which entered into force on the 14th October to prevent reoccurrence.

The Role of the UN Executive Bodies

The UN Security Council has passed four main Resolutions since the beginning of the conflict, outlined in Table 1 below. There are obviously a great variety of positions between the members of UN Security Council on the conflict and how to address it, I am sure the diplomats here will address this matter.

Table 1 – UN Security Council Resolutions on Syria

Resolution	Date	Vote	Concerns
2042	14/4/12	Unanimous	The Syrian Civil War observer force resolution
2043	21/4/12	Unanimous	Establishes of the United Nations Supervision Mission in Syria
2059	20/7/12	Unanimous	Renews mandate of Syrian Observer Mission for 30 days
2118	27/9/13	Unanimous	Syrian civil war, Framework for Elimination of Syrian Chemical Weapons.

The UN General Assembly has also been active in finding a peaceful resolution of the conflict. For instance, as an example of its work, it passed Resolution 11266 on the 3 August 2012:

Expressing grave concern at the escalation of violence in the Syrian Arab Republic, in particular the continued widespread and systematic gross violations of human rights and the continued use of heavy weapons by the Syrian authorities against the Syrian population, and the failure of the Government of the Syrian Arab Republic to protect its population.³

It further demanded that all parties ‘immediately and visibly’ commit to ending a conflict that United Nations Secretary-General Ban Ki-moon called ‘a test of everything this Organization stands

for'. It goes on to express concerns over a raft of gross human rights violations being carried out by Syrian Government forces, systematic attacks against civilians, and the increasing use of 'heavy weapons, armour and the air force against populated areas'. It was also concerned by the humanitarian impact of the violence, including repression of fundamental rights, and the influx of Syrian refugees into neighboring countries.

Diplomatic and Political Dialogue for a Transition Government

The United Nations and the League of Arab States were pioneers in cooperating to help explore a peaceful political solution to the conflict in Syria through the nomination of a Joint Special Representative.

Kofi Annan, ex Secretary General of the UN and Nobel Peace Prize winner in 2001, was appointed as the first Joint Special envoy to Syria in February 2012. His main achievements include the shaping of a six point plan and sending a UN peacekeeping mission from April to August 2012.

He organized an international summit on Syria in Geneva ('Geneva I') in June 2012 with the presence of both representatives of Assad's administration and the rebels. The Geneva I summit concluded on the agreement to forge a transition government in Syria but which was never approved by the UN Security Council so was never translated into effect. The lack of cooperation among the UN Security Council and from the Assad's government is the main reasons why Kofi Annan resigned in August 2012.

He was replaced by Lakhdar Brahimi, ex UN Special Representative to Haiti, South Africa, Afghanistan and Iraq, who is still in function. His peace-building attempts include a cease fire for the Muslim holiday of Eid which collapsed quickly, the organization of regular meetings between the U.S. and Russia to try to reach consensus among the UN Security Council and repetitive warnings to Western members of the Security Council not to take military action without a mandate.

His present goal is to organize as soon as possible a second Geneva meeting ('Geneva II') and he has currently moved its headquarters in Geneva to prepare the venue and get ready for the conference to begin in January 2014. However, he laments that the conditions are not ready to start the conference with a 'reasonable chance of success' as the Syrian opposition wishes to have

guarantees that Assad would not be part of a future transition government before attending the conference.

A Peaceful Resolution

As mentioned earlier, as part of Kofi Annan's efforts to find a peaceful resolution of the conflict, peacekeepers were sent to Syria. 300 unarmed military observers, plus an appropriate civilian component were allowed to go on the ground to monitor a cessation of armed violence.

However, due to the intensification of armed violence and to threat to the personal security of the peace keepers, the UNSMIS mandate came to an end in August 2012.

Human Rights

In the area of human rights, the UN has brought together a great team to implement a strong Human Rights Council resolution. The Independent International Commission of Inquiry on the Syrian Arab Republic has a mandate to investigate all alleged violations of international human rights law since March 2011, with a view of ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.

Since beginning its work, the Commission has produced four reports, plus four periodic updates, exposing human rights violations committed throughout the country based on interviews with witnesses and victims in camps and hospitals in Syria and neighbouring countries. The commission also reviews photographs, video recordings, satellite imagery, forensic and medical, reports from Governments and non-Governmental sources, academic analyses and United Nations reports. To make a finding, the commission requires that incidents be corroborated to a level where the commission had 'reasonable grounds to believe' that the incidents occurred as described.

The language of the Commission and the UN High Commissioner has been very direct. The director of the Commission, Paulo Sérgio Pinheiro, stated in September 2013 that:

In Syria, fighting rages on. Civilians across the country face daily indiscriminate shelling and bombardment by Government forces. Many towns and villages remain besieged, while torture is systematically employed in Government detention centres. Extremist anti-Government armed groups have targeted civilians in

attacks across the northern governorates. The methods of warfare used spread terror among the civilian population. Tens of thousands of lives have been lost.⁴

The UN High Commissioner for Human Rights, Navi Pillay, on the 27th May 2013, also warned that the rights violations in Syria had 'reached horrific dimensions,' describing the situation in the country as 'an intolerable affront to the human conscience'. She elaborated:

Confronted with the flagrant disregard of international law and human life on every side, I feel utter dismay ... we in the international community are failing to meet our fundamental obligations to the victims.⁵

Humanitarian Aid

For the past two years, the bulk of humanitarian aid has been provided first by NGOs transiting from the Turkish border and the Red Cross movement through the Syrian Arab Red Cross. More latterly the UN has scaled up its response.

The delivery of significant volumes of humanitarian aid in Syria came very late primarily due to precarious access of humanitarian workers to people in need, above all in disputed areas. Humanitarian workers experience serious danger and violence, transportation issues and cumbersome administrative and operational restrictions such as visa restrictions. Currently, only 12 international aid groups are approved by the Syrian government to work in the country. The UN humanitarian agency, OCHA, is in charge of coordination.

The humanitarian figures are alarming.

- In September 2013, the UN High Commissioner for Refugees stated that 6.8 million persons are in need of humanitarian assistance.
- 4 million persons are directly in need of food.
- There are more than 2.1 million refugees principally located at the border of Lebanon, Jordan and Turkey, half of which came only since January 2013.
- Women and children make up three-quarters of the refugee population.
- 4.25 million people are internally displaced. It is the largest population displacement in the world for over 30 years.

- The total appeal is estimated at US\$5 billion by the UNHCR, making it the largest appeal in history.

On a recent visit to Damascus, UN humanitarian chief Baroness Valerie Amos observed that ‘the politics of Syria are everywhere, but the people nowhere to be seen’.⁶

Chemical Weapons

The vast majority of the conflict’s casualties result from unlawful attacks using conventional weapons such as guns and mortars. The Russian Government provided a report on a chemical weapons tragedy which occurred on 19 March 2013 in a report to the Secretary General on 9 July 2013. Subsequently it has been confirmed through a UN report that chemical weapons were also used on civilians on the 21st of August 2013 in the region of Ghouta in multiple attacks in different locations in a short time-span in early morning. Estimate of the death toll differ among agencies (more than 1400 according to the USA) and with a great number of injured persons (approximately 4000). The UN condemns the attacks which occurred ‘on a relatively large scale resulting in numerous casualties, particularly among civilians and including many children’.⁷

This event contributed to changing the nature of the war. The use of chemical weapons is a war crime strongly proscribed by international customary law and numerous international Conventions.

A UN investigating mission on the use of chemical weapons was *already* of the ground when the Ghouta attacks happened due to alleged presence of such weapons and was able to confirm the use of sarin on civilians. It estimated that there was a ‘high probability’ that those attacks were the responsibility of the Syrian government but could not give tangible proof. It is worth noting that the Syrian government and opposition almost immediately blamed each other for the attacks.

The confirmation of the use of chemical weapons on civilian population came as an electroshock for the UN Security Council reached which signed the Resolution 2118 for the elimination of the Syrian chemical weapons.⁸

Twenty inspectors of the Organization for the Prohibition of Chemical Weapons were mandated as experts by the UN to destroy over one thousand tons of chemical weapons scattered 45 sites before June 2014. They officially started their mission on the 1st of

October 2013 and operate under the neutrality of the UN. It is one of the most ambitious mandates and dangerous missions attempted so far in the world regarding elimination of chemical weapons.

CONCLUSIONS

While the UN per se cannot stop the conflict unilaterally, the various bodies of the UN are providing the methodology, framework and body of evidence to enable its member states to do so. We are a long way forward from the abject failure of Rwanda.

The UN is trying to bring together parties and actors to address the humanitarian and development impact of the conflict; promote spaces for a peaceful resolution; and to secure justice for those abused and killed unlawfully in the conflict.

Monitoring on the ground remains one of the key ways in which proof is supplied to the international community regarding the plight of civilians and which infringements of international law can bring perpetrators (on both sides) to be held accountable. The UN has remained committed to this monitoring as the unrest spread in Syria.

It would seem that there is no choice in a multi-polar world but to seek the widest consensus possible to take action effectively that addresses a complex context like Syria. Instability in the region as a whole is why the UN worked with the Arab League in the first place.

The existence of chemical weapons in countries like Syria highlights the value of the UN's work to rid the world of such terrible indiscriminate weapons.

Sadly, only the first chapter has been written so far on the Syrian tragedy. The UN will have a significant role in the ongoing crisis and the very long process that will be needed to secure justice and reconstruction in Syria and in the region.

NOTES ON CONTRIBUTOR

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NOTES

- ¹ He made these comments in a press conference on 2 October 2012, and they were widely reported in the media.
- ² See UN General Assembly Resolution (A/RES/63/308), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/63/308&Lang=E
- ³ See UN General Assembly Resolution (A/RES/66/253 B), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/66/253%20B
- ⁴ Statement by Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, at the HRC 24th regular session, Geneva, 16 September 2013, at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13733>
- ⁵ Opening Statement by UN High Commissioner for Human Rights Navi Pillay at the 23rd session of the Human Rights Council, Geneva, 27 May 2013, at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13358&LangID=E>
- ⁶ Valerie Amos, 'The Action We Can Take on Syria', *The Guardian*, London, 9 September 2013, at <http://www.theguardian.com/commentisfree/2013/sep/09/action-syria-united-nations>
- ⁷ United Nations, 'Report on the Alleged Use of Chemical Weapons in the Ghouta Area of Damascus on 21 August 2013', New York, 2013, at http://www.un.org/disarmament/content/slideshow/Secretary_General_Report_of_CW_Investigation.pdf
- ⁸ See UN Security Council Resolution (S/RES/2118), available at: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2118.pdf