

SYRIA - THE FAILURE OF HUMANITARIANISM

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Abstract: *The Syrian Revolution aimed to remove the dictatorial regime from power and liberate the Syrian people. Following the example of other peoples, such as the Libyan and Egyptian, Syrian citizens began protests, initially peaceful, against the authorities. Authorities' response was harsh, punishing very hard protesters of all ages. More and more people came out to protest; more and more people have been arrested by authorities, imprisoned under inhuman conditions, tortured, murdered. The authorities resorted to starving the civilians to force them to give up protests. Supported by deserted soldiers, the protesters organized and began the armed struggle against government forces. The dictatorial regime resorted to many illegal means and methods of war to maintain its power: killings, torture, bombings without discrimination, use of chemical weapons, collaboration with criminal and terrorist organizations, starvation of civilians, retaliation, etc. Unfortunately, the international community has remained powerless in the face of these atrocities. Thus, the gaps and inequities of the functioning of the international system for the defence of international peace and security, human rights and international humanitarian law are observed once again.*

Keywords: Syria, armed conflict, United Nations, international humanitarian law

1. Introduction

What will history textbooks write about the times we live in? How will events such as the armed conflicts in Rwanda, Congo, the former Yugoslavia, Somalia, Chechnya, Sudan, Iraq, Afghanistan, Libya, Ukraine, Syria be described? How the United Nations (UN) will appear in this macabre picture of the globalization era.

We look with horror at the past for the atrocities of history: wars, crimes, tyrannies, torture, slavery and other known or unimaginable atrocities. And we return to the present, in the civilized era in which we claim to live, and what we see: the same things! People are as cruel as ever, even crueller than ever, because now they have the means and methods to destroy anything. The two world wars scared humanity a little, but not enough. The UN was

established, but it remains dependent on imperialist principles and the Great Powers. It is preached in vain the equality between states, it does not exist. This can be seen in the way the Security Council works. The UN is the toy of several powerful states, competing for global or regional influence. Because of these global political games, many states and peoples are suffering. Even though human rights, international humanitarian law, the outlawing of war of aggression, the responsibility to protect, human security, tons of international treaties in all areas have been invented, analysing the reality on the ground, they seem just a theatre scenario from which the great international actors remember a sentence from time to time! In this context, the armed conflict in Syria has emerged, with extremely serious

destructive consequences, and the international community is looking helplessly, waiting for it to go out on its own.

2. The history of the armed conflict in Syria

The armed conflict in Syria began in the context of a dictatorial political regime. In early 2011 (February-March) peaceful anti-government demonstrations began in Syria, under the influence of popular actions in several countries in similar situations (Libya, Egypt), which led to the overthrow of dictatorial regimes. Although apparently the regime announced that it would comply with the protesters' demands, in reality it reacted very violent from the beginning, detaining protesters, including children, whom they tortured and even killed. The protests escalated in the following period, covering more and more cities in Syria. Although the protests were largely peaceful, the authorities continued the policy of repression, including the use of armed forces and war ammunition. Authorities resorted to assassinations, the siege of some localities and the starvation of the population, arrests and torture, enforced disappearances of persons, etc [1]. At this level we are in the stage of internal tensions and disturbances, the international humanitarian law not yet being applicable, but the international human rights law being seriously violated.

The situation changed in the summer of 2011, when the protesters organized themselves into an armed group (with defecting military nucleus). In this context, the violence in Syria meets the minimum criteria to be considered an internal armed conflict (organization of the parties and intensity of fighting). By June 2011, there were already more than 100 deaths among government forces. In the following period, the forces involved in the armed conflict multiply, on both sides. More and more non-state armed groups are opposing the regime. On the other side, the government

armed forces are supported by state and paramilitary security and militia forces, but also by external armed groups (Iranian forces, Hezbollah) [2].

In 2012, violence swept across the country and reached the capital, with rebels trying to seize power. The lack of unity of the rebel forces, but also the lack of financial and military resources prevented the rebel forces from achieving victory [3]. The fighting continued in the following period, the asymmetry of the forces becoming more and more visible. The year 2013 made this imbalance of forces even more visible, with pro-government forces using missile attacks, airstrikes, artillery, tanks and chemical weapons. The use of chemical weapons and the inability of the UN Security Council to react promptly led some states (United States, United Kingdom and France) to launch attacks on targets of government forces [4]. This attack is the basis of an international armed conflict that was to end the humanitarian disaster in Syria. But this conflict has not occurred, resumed to sporadic and inefficient attacks.

Theoretically, the civil war in Syria had to be simple to describe: the population, organized and armed, fought against the dictatorial regime to remove it from power and establish democracy. But in reality, as it has evolved over time, the internal armed conflict has become a very complex and twisted phenomenon, especially due to political, ethnic and religious factors, but also due to divergent external interests. From year to year, more and more rebel groups emerged, with their own interests and goals (it is estimated that there are hundreds of such groups), being extremely difficult to follow and know the whole picture of violence [5].

The conflict in Syria has entered a new stage with the emergence of a new actor in 2013, namely ISIS (the Islamic State in Iraq and the Levant). This non-state organization, very well organized and armed, succeeded to take control of vast territories in Syria

and Iraq by the end of 2014 [6].

In August 2015, Russia's military operations began in support of the Syrian authorities and against ISIS and other rebel groups. With the support of the two allies, Iran and Russia, the Syrian authorities managed to drive ISIS out of its territory by the end of 2019 and regain control of most areas that were controlled by other rebel groups. Ironically, an important support for Syria against ISIS was also the US-led anti-ISIS coalition, which launched thousands of airstrikes against ISIS in Syria, while also acting in Iraq [7].

Another sequence of the conflict is Turkey's involvement in hostilities, in particular to prevent the Syrian Kurdish ethnic group on the border with Turkey from organizing into a state entity. However, Turkey's actions are limited due to the presence of Syrian and Russian troops in the area [8].

In parallel, Israel has conducted military operations against Syria and non-state armed groups operating in Syria. These actions can be seen as part of an older international armed conflict between Israel and Syria. Similarly, US military operations against Syria are considered to meet the character of an international armed conflict [9].

3. Serious violation of international humanitarian law

Despite widespread violence and a consistent presence of rebel forces that have managed to control some territories, the Independent International Commission of Inquiry on the Syrian Arab Republic (established in August 2011 by the United Nations Human Rights Council to investigate serious violations of human rights in Syria) only in its August 2012 report (A / HRC / 21/50) considered that the conditions for the application of the international humanitarian law in the event of an internal armed conflict had been met; (in this case Article 3 common to the 1949 Geneva Conventions and customary law) [10].

Serious violations of the international humanitarian law and the human rights law

have been committed by all parties to the conflict, as evidenced by the multitude of official reports of international organizations.

A very serious violation is the non-discriminatory or disproportionate attack on civilians and civilian property. It is estimated that in some localities in Syria 90% of the buildings in the rebel-controlled areas have been destroyed [11].

Serious violations of children include: deprivation of liberty, recruitment and use in armed action, abduction, murder and mutilation, torture, rape and other forms of sexual violence, assault on schools and hospitals, use of children in suicide bombings, starvation, not allowing humanitarian access [12]. As of 2017, there have been more than 1,200 attacks on schools in Syria (information refers to attacks in 9 governorates) [13].

One of the most serious violations of the international humanitarian law is the use of chemical weapons against the civilian population in the localities, producing thousands of victims. Although Syria is not a signatory to the 1993 Convention banning such means and methods of combat, it is appreciated that this prohibition is also covered by the customary international humanitarian law [14]. Despite the fact that in 2013 Syria assumed to the UN that it would respect this convention, it did not honour its commitment.

4. The reaction of the United Nations

The UN has expressed concern over the events in Syria since the beginning of the violence. Since 2011, the UN has been negotiating with the Syrian government to stop the violence in this country [15]. One by one these negotiations failed, the resolutions adopted by the UN having no effect on armed conflict in Syria [16]. (Security Council Resolutions 2042 (2012), 2043 (2012), 2118 (2013), 2139 (2014), 2165 (2014), 2170 (2014), 2175 (2014), 2178 (2014), 2191 (2014), 2199 (2015), 2235 (2015), 2249 (2015) and 2254 (2015))

and Presidential Statements of 3 August 2011 (S / PRST / 2011/16), 21 March 2012 (S / PRST / 2012/6), 5 April 2012 (S / PRST / 2012/10), 2 October 2013 (S / PRST / 2013/15), 24 April 2015 (S / PRST / 2015/10) and 17 August 2015 (S / PRST / 2015/15)).

UN General Assembly resolution A / RES / 71/248 of December 2016 established The International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. This body has the role „to closely cooperate with the Independent International Commission of Inquiry on the Syrian Arab Republic to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law” (paragraph 4 of the resolution).

This is the result of 9 years of UN peace efforts. A long chain of bureaucracy and documents that had no effect on the misfortunes endured by millions of people in Syria.

5. Was it worse in Libya?

In October 2011, the first political bodies of the rebel forces, the Syrian National Council and the Kurdish National Council, were established. In November 2012, together with other revolutionary bodies, they formed the National Coalition for the Syrian Revolutionary and Opposition Forces [17]. Similarly, at the beginning of the conflict in Libya, the National Transitional Council was set up (February 2011) as a political body coordinating the

military actions of the rebel forces. It is noteworthy that the initial strength and organization of the rebels in both states were similar. The actions of the authorities of the two states against the demonstrators (brutal intervention, including with the armed forces) were similar.

What is not similar is the UN's reaction to the armed conflict in Libya. Thus, the Security Council adopted Resolution 1970 (February 27, 2011) which called on the parties to cease fire and stop human rights violations and to solve misunderstandings peacefully. This resolution had no effect, so by resolution 1973 (17 March 2011) the Security Council decided on international military intervention in Libya to support rebel forces and against the totalitarian regime. The mandate was given to NATO. By that time, several hundred deaths had been reported in Libya [18].

More than 3,500 civilians died in Syria by November 2011 [19]. By the end of 2018, more than half a million deaths, more than 5 million refugees, and more than 6 million displaced people had been registered [20]. In terms of the number of victims and crimes committed, the conflict in Syria can be considered one of the worst humanitarian disasters in recent decades, being incomparably more tragic and destructive than the Libyan war.

6. Conclusions

Are the UN and the Security Council structurally and functionally obsolete? Do the standards of 1945 and of the end of imperialism still correspond today? Is imperialism over? These are questions to which, although all states know the answer, they avoid stating it.

Are international treaties in the field of protection of human rights, international humanitarian law, international security and peace sufficient for humanity and individuals to be protected? Mankind needs a new concept of socio-political organization, a new system of international security. The theory and practice of the

Responsibility to Protect (R2P) are insufficient to resurrect the rigid and inequitable system of the international community achieved 75 years ago. Unfortunately, international peace and security, the protection of human rights and the enforcement of international humanitarian law are not international legal obligations, but only political obligations assumed by states, subject to the veto right of members of the Security Council. When two presidents consider themselves friends, it doesn't matter how many legal, political and moral obstacles stand in their way. Moreover, Russia, instead of supporting the Security Council's intention to stop the atrocities in Syria, intervened militarily in favour of the Syrian authorities, at a difficult time for them, when they were on the verge of losing power. With Russia's help, the Syrian totalitarian regime regained control of the country and continued its policy of brutal repression.

And the Security Council has only succeeded in creating a body to inventory the crimes committed in the armed conflict in Syria, in the event of a surprising appearance of a court to try them. We will probably wait, as we wait for the crimes committed in the Second World War to be judged (and I am not referring here to those committed by Germany and Japan).

The sovereignty of states is like virginity, at

some point we must give it up to ensure the continuity and progress of the human species! We cannot have a strong and objective system of international law with a feudal international organizational system! It is obsolete!

The armed conflict in Syria is comparable, in terms of the horrors committed, to the atrocities committed by the Nazis in World War II. In order to be able to prevent such events, and even some at the international level, the system of international bodies must be rethought. The UN cannot prevent such catastrophes, nor can it prevent a major international armed conflict. The first thing that needs to change is the Security Council's voting system and the disproportionate discretionary power enjoyed by some Member States. No one could stop Syria from using the chemical weapon. There are so many nuclear-weapon states! Who will be able to prevent them from using these weapons?

The intervention in Libya did not turn the Libyan people into a happy one either. The armed conflict has resumed and the tragedy continues. And there are plenty of other examples: Darfur, Somalia, Congo. The truth is that we live on a barrel of dynamite, and humanity is far from quenching its thirst for blood.

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