

Non-legitimized military intervention in Syria - a possible scenario in the coming months?

The war in Syria, lasting since March 2011, has already caused 35 thousand casualties. Civilians of all ages, men and women, suffer from brutal attacks of both sides of the conflict (children constitute a significant part of the casualties). Their deliberate and mass nature make them similar to genocide, crimes against humanity and war crimes. The actions of both sides have been well documented and are widely known to the international community.

However, the main reaction of countries and international organizations to the situation in Syria is “deep concern” - expressed multiple times - and calls for an immediate stop of the attacks on civilians. Unfortunately, the appeals have no influence on the policy of the regime fighting for its survival, which is responsible for the majority of attacks. The war is still inflicting casualties and destroying the material environment necessary for the functioning of the Syrian local communities. In the face of the mass violations of human rights in Syria, the main body of the UN responsible for global peace and security is powerless. The UN Security Council remains impotent, even though the question of Syria was a subject of its debate numerous times, which was ironically confirmed by a Russian representative in the Council, Vitaly Churkin. During one of the Council meetings, he stated that “it has become a tradition during meetings on Middle Eastern issues to discuss the situation in and around Syria” (UN Doc. S/PV.6847). Despite these debates, contradictory interests of permanent Council members make military humanitarian intervention impossible. Two permanent members of the Council consequently protest against it - China and Russia. Their positions remain unchanged since the beginning of the conflict.

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During the last meeting concerning the Middle East, on 15 October 2012, the representative of China, Li Baodong, maintained the previous statement that the solution of the conflict in Syria “must be based on the respect for Syrian sovereignty and territorial integrity”, and that China is against any external attempts of imposing any solutions on Syria. The statement of the representative of Russia was similar in nature. He called for the support of negotiation efforts, at the same time pointing to the growing number and scale of the “acts of terror and attacks on peaceful citizens” performed by oppositionists armed by external forces. The positions of China and Russia make it impossible to commence a humanitarian intervention in Syria. Both these countries used the right of veto to block resolutions authorizing a potential intervention the Security Council has voted on: 4 October 2011 (the resolution was promoted by France, Germany, Portugal and the United Kingdom; the voting took place in the absence of the representatives of Brazil, India, Lebanon and South Africa), 4 February 2012 (promoted by: Saudi Arabia, Bahrain, Egypt, France, Jordan, Qatar, Colombia, Kuwait, Libya, Morocco, Germany, Oman, Portugal, Togo, Tunisia, Turkey, the USA, the United Kingdom and the United Arab emirates) and 19 July 2012 (resolution promoted by: France, Germany, Portugal, the United Kingdom and the USA; the voting took place in the absence of the representatives of Pakistan and South Africa).

During the debates devoted to the Middle East security, the countries promoting the resolutions expressed their discontent with the positions of China and Russia. On 15 October 2012, the representative of Germany, Peter Wittin, expressed his hope that the Council would quickly reach consensus concerning the political transition and the creation of a new “post-Assad Syria”. On 4 February 2012, Susan Rice expressed “disgust”, on behalf of the United States, with the veto of China and Russia. During the last Council meeting on Middle East (15 October 2012), she declared that “the US will not wait for all members of this Council to get on the right side of history. Together with our allies, we are supporting the opposition as it moves toward an inclusive democratic transition.” The support for the necessary actions of the international community was expressed also by the representatives of Turkey, Belgium, Libya, Singapore and Japan, among others. However, the American determination was not shared by, for example, Pakistan, on behalf of which Masood Khan supported the Chinese position.

The UN Secretary-General, Ban Ki-moon, in the face of the paralysis of the Security Council and the growing conflict in Syria, on September 2012 suggested to the UN General Assembly that the responsibility for ending the conflict in Syria should be taken by the UN and other organizations in the region. The Secretary stated that instead of inactivity “let us by all means continue to talk through the responsibility to protect in all its aspects” (UN Doc.



SG/SM/14490). These words were a direct reference to the concept of “The Responsibility to Protect” (RtoP), which was adopted during a summit of states and governments in 2005 and directed to the Assembly in a covering letter to the next annual report on RtoP, entitled by Ban Ki-moon “The Responsibility to protect: timely and decisive response”.

The proposition of the Secretary-General is an attempt to find new, more effective ways of exerting influence on the governments of countries attacking civilians. Even though Ban Ki-moon is expanding on a concept proposed in 2001 by the International Commission on Intervention and State Sovereignty (ICISS) and adopted by the countries during a World Summit in 2005, he does not return to the original idea of implementing an authorization, substitute towards the Security Council, in order to perform the humanitarian intervention, which could be done by: the UN General Assembly (in case of an inability to act of the Security Council) or a regional organization (in case of the inactivity of the Council and Assembly). Even though the proposition of the ICISS to approve a substitute legitimization was an effect of wide negotiations with representatives of different continents, it was not adopted by the majority of countries, mainly because of the overuse of the right to military interventions by the United States and its coalition partners in 2001 (in Afghanistan) and 2003 (in Iraq). The military actions in these countries caused fear of further abuse of law to legitimize the use of force under the pretext of protecting civilians.

However, Ban Ki-moon considered the current situation in the area of civilian protection as highly inadequate and leading - in his evaluation - to future apologies for the current inactivity towards the crimes against humanity and genocide taking place in Syria, just like the international community now has to apologize for its previous passiveness with regard to Rwanda and Srebrenica. The Secretary-General, therefore, suggests the development of a system of extramilitary sanctions, managed by individual countries, regional organizations and specialized global agendas, which they are authorized to impose in accordance with chapters VI and VIII of the UN Charter. He mainly points to the necessity of their much faster implementation, especially emphasizing the importance of preventive actions.

However, the solutions proposed by the UN Secretary-General are not suitable for the conflict in Syria. Primarily because of the advanced nature of the conflict and the lack of effectiveness of previous actions. The political and economic sanctions, imposed on the regime of Bashar al-Assad on the basis of chapters VI and VIII of the UN Charter by several countries and international organizations, have not had any influence on the policy of the Syrian authorities. The political actions of the League of Arab States and joint Special Representatives of the UN and the League - Kofi Annan and his successor, Lakhdar Brahimi - turned out ineffective. The lack of support from the Security Council with the simultaneous



help of the permanent Council members towards opposing sides of the conflict (the regime is supported by Russia, while the opposition by the USA) made it impossible to regulate the conflict. Instead of de-escalating, the conflict increased its intensity and became international - military actions affected the territories of Turkey, Lebanon and Jordan.

The Syrian shelling of Turkey, in which five Turkish civilians were killed, led to a retaliatory Turkish attack on Syrian military facilities. The Turkish parliament reacted decisively as well, providing the government on 4 October 2012 with a year-long authorization for military actions against Syria, if the government discerns any threats to the Turkish security. Turkey also received aid from NATO and requested the deployment of Patriot missiles along its borders. Even though the Turkish government assured that the use of force against Syria would only be of deterring nature, it also calls for decisive actions against the Syrian regime. On 30 August 2012, during a debate on the forum of the Security Council, the Turkish Minister of Foreign Affairs, Ahmet Davutoğlu, stated that the unsolved situation in Syria was a serious threat for the peace and security in the region and required an immediate action of the international community. He recalled the events in Srebrenica, Halabija and Gaza and emphasized that “there is no reason to make this infamous list even longer” (UN Doc. S/PV.6826). Is the use of military force by Turkey only a matter of time? Humanitarian premises and the important security interests of the Turkish state might be suggestive of a military intervention in Syria. However, it is withheld by the danger of disturbing the delicate balance of the security interests in the region, especially in the Islamic Republic of Iran. Reading the Turkish declarations in the context of the statements of the USA may suggest their readiness (as well as of their allies) to provide help to the Syrian opposition on a wider scale than before in order for them to end the military conflict and overthrow President Bashar al-Assad. It is likely that the military actions may take the form of a limited military intervention on the Syrian territory, which will be justified by the primary idea forming the concept of Responsibility to Protect - the necessity of protecting civilians against mass attacks on their lives and the need to stabilize the area near the Turkish border against uncontrolled use of military force.

The President of Syria, Bashar al-Assad, warns the West against a direct intervention. On 8 November 2012, he warned against its global consequences and stated that “nobody is able to determine what will happen next [after the intervention]” („Russia Today”). The threat of the destabilization of the Middle East in the case of an intervention is indeed very real, because Syria is strongly supported by Iran and the Lebanese Hezbollah. A military intervention in a complicated, international conflict may have uncontrollable results, just as the lack of it. International forces are facing important challenges and a difficult choice between a relatively discreet support for the military actions of the opposition and a



diplomatic neutralization of the Syrian allies and creating such a reason for the intervention which will not only be related to humanitarian issues, but also to the protection of one of the neighboring countries. The alternative for these actions is resigning from the intervention and limiting to ineffective, political appeals for the respect for the life and rights of civilians.

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