

## Right to Intervene and Right to Protect: The Dilemmas of Humanitarianism in Syria

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Despite more than 3,500 victims of the repression already and the recent outcome of the Libya case, the international community still looks very divided and cautious on the appropriate measures to be adopted in Syria. Amid serious difficulties in obtaining reliable information, it is clear that persistent violations of human rights carried out by security forces and the government against civilians, protesters and arrested people have been documented since the beginning of the anti-Assad protests, in March 2011.

The international community is therefore being faced with many dilemmas about toughening their positions or undertaking further actions to end the human rights abuses, occurring within the country. Certainly, the position of the Syrian government within the Arab community, as compared to the isolated Gaddafi in the Libyan case, as well as its strong ties with key actors in the region, such as Iran and Hezbollah, are making the external powers particularly cautious about military interventions and diplomatic moves. In addition, the Syrian case poses particular reflections regarding the international community's responses to humanitarian crises and human rights violations committed by states.

The broad term "international community" refers in this particular instance to three actors: the international organizations responsible for strengthening and defending human rights, the Arab nations concerned about the regional stability, and Western nations, which contributed to shaping the concepts of "humanitarian intervention" and "responsibility to protect."

Those two terms vigorously entered the post-Cold War lexicon of international politics and supported, for example, NATO's interventions in Libya in 2011 as well as in Kosovo in 1999. "Humanitarian intervention" translates in the use of military force against a state where human rights violations are perpetrated and aims at ending these abuses generally, through a multilateral military intervention. In the case of Syria, many doubts remain about who would have the legitimacy to intervene. Furthermore, many insist on preventing "humanitarian interventions" from becoming a justification for the breach of state sovereignty or for regime-change in pariah states, labelled as "rogue."

The UN, regional organizations or the so called “coalitions of the willing” are the traditional multilateral actors tasked with this kind of interventions. It is undeniable that, despite the progressive shrinking of military capabilities from contributing states, the United Nations still retains the highest degree of legitimacy as the only truly international representative body, watching over the protection of human rights above national interests. Yet, in the light of China and Russia’s veto power within the Security Council, which has already blocked a resolution to further condemn Assad’s repression, a UN authorization for intervention looks highly unlikely in the short and medium term.

The other two named actors, including regional organizations and the “coalitions of the willing,” should therefore undertake a military intervention, deprived of the formal legitimacy given by a UN authorization, while facing many potential threats of escalation and retaliation in the region. For the regional organizations potentially involved in this kind of operation, on the one hand, we have the Arab League and the Arab states, which despite condemning the violence against civilians and the recent suspension of Syria from the organization, have not called yet for an external intervention to end the massacres, as they did for Libya. They also do not retain a united and resolute position regarding the stepping down of Assad, as they however did for the ousting of the Arab leadership, Moammar Gaddafi.

On the other hand, there are many Western nations, headed by the United States and France, who call for toughening the measures to be taken against the Syrian government. In absence of a UN authorization and an Arab League formal request, a Western-led intervention, likely to be carried out by NATO, would rather appear as a highly illegitimate attempt against the sovereignty of a state. Since its first intervention out-of-area against Milosevic in 1999, the North Atlantic Treaty Organization seemed to have increasingly assumed the role of “Global Cop,” intervening for halting human rights violations in non-NATO nations, mainly due to its vast military capabilities and expertise.

The legitimacy of a NATO intervention would be even further threatened by the fact that this regional player is recognized for representing mainly Western powers. Even more, it is known for being a U.S.-led body and over the years, proved being particularly selective, regarding the countries where to engage. A UN authorization was not always deemed a prerequisite for intervention, especially when human rights violations were perpetrated by the so-labelled “rogue states,” as the Serbia case showed.

### **From “Humanitarian Intervention” to “Responsibility to Protect”**

As a consequence of the doubtful effectiveness of the “right to intervene” and “humanitarian interventions,” another international norm, referring to the principle of “responsibility to protect” (R2P), was created to justify external intervention in the case of human rights violations committed by a state. This norm, whose importance has been remarked in various UN resolutions and reports, prompts the international community’s intervention when a state does not fulfil its responsibility to protect its citizens from what are defined “mass atrocities.” According to the R2P doctrine, sovereignty is seen as a “responsibility” and the state is retained accountable for its citizens’ wellbeing.

R2P comprises a broader range of peaceful tools such as political, economic and social measures in order to prevent and halt these crimes perpetrated in a state and uses military force as the last resort. Parts of the R2P measures are therefore economic sanctions, which have already been multilaterally implemented against Syria, as well as the different degrees of diplomatic engagement.

Yet, there can be also some incongruences pointed out regarding the attitude of the international community towards the application of this norm, which has been called upon for the intervention in Libya. First of all, it calls for the international community's intervention – with the UN acting as governing body – only when the crimes committed reflect one of the four mentioned categories. For Rwanda and Srebrenica, cases of genocide could be recognized as such only after the massacres had been accomplished and the victims could be counted. Secondly, it seems highly unlikely that given the veto power within the Security Council, an objective assessment of human rights violations will be applied, for example towards Chechnya, as it has been applied against an isolated leader such as Gaddafi.

On the other hand, economic sanctions, used as diplomatic tool against violent regimes, appeared to have collected in the past twenty years more failures than successes. The humanitarian crisis and increased wealth of organized crime in Saddam Hussein's Iraq as well as the worsening economic conditions leading to stronger nationalism in Milosevic's Serbia before the Kosovo War are just the most evident examples. In Libya, they were considered successful in forcing Gaddafi to abandon his plans related to stockpiling weapons of mass destruction. Yet, they have remarkably affected the long-lasting economic stagnation of the country and as the latest events showed, they were not overall very effective in changing the nature of the regime.

It is important to remark at this point that the unrest in Syria is without any doubt related to the democratic inspiration brought by the "Arab Spring." However, the worsening economic conditions of the country, following the liberalization of the market in 2005 and the higher rate of unemployment are certainly another fundamental reason behind the civil uprising. Since the beginning of the protests, not only is the oil sector being hit by the multilateral sanctions, but also other sectors such as tourism, trade and foreign investments are almost completely halted. Toughening non-targeted economic sanctions against Syria will affect not only the regime, but especially the population, who is likely to face another kind of humanitarian crisis, not exclusively related to the government's violent repression.

In addition, during the past twenty years of sanctions, experience showed that it has been easy for the regimes to fuel the propaganda machine in the attempt of linking the worsening economic conditions to the external intervention, while alliances between already corrupted regimens and organized crime are even more likely to take place through smuggling and trafficking activities. Such a scenario can be possible even to a greater extent for Syria, where a still divided and an unorganized opposition does not seem able to effectively counteract the regime's moves in this regard. This is also making it difficult for the international community to engage in diplomatic dialogue with the

opposition.

The inability of the opposition factions and parties to organize themselves in one strong front, as they managed to do in Libya with the National Transitional Council, leaving also many doubts about their ability to guarantee effective protection of civilians in the sectarian and multi-confessional Syria. The Alawite minority fears predictable retaliations after decades of Baath party ruling, and the Christian community is even more concerned after the latest events witnessed in Egypt. The Syrian National Council (SNC) has only been constituted many months after the bursting of the civil uprising and although supported by the U.S., EU, it has not yet received effective recognition as Syria's legitimate authority, with the exception of the Libyan authority and some recognition from Turkey as "a political framework, which represents the will of the Syrian People." This situation is especially due to the fact that the SNC's governing authority is undermined not only by the traditional division between Secularist and Islamists but also by many other internal fragmentations, reflecting Syria's complicated sectarian and religious composition.

In this scenario, another form of support, such as the supply of weapons to opposition forces becomes extremely dangerous and proven to turn into possible cause of violent civil conflicts, especially in the absence of a legitimate and recognized ruling authority. It is a remarkable impediment to R2P principles that the huge economic interests of the UN Security Council members in their trading of weapons with their allies, despite their formal commitment to principles such as disarmament, demobilization and reintegration (DDR). In the case of Syria, Russia is still providing the Syrian government with extensive supplies of weapons, according to the established contractual obligations, while formally supporting the interruption of violence against civilians.

### **Ensuring "Human Security"**

Overall, a more consistent humanitarian engagement of the international community in Syria, following the doctrines of humanitarian intervention and R2P, appears undermined by many contradictions and concerns. These go beyond the domino effect that such an intervention could have in the region. A non-authorized military intervention by NATO or other external powers would seriously challenge the legitimacy of such a coercive measure. On the other hand, the biased and contradictory positions of Western, Arab and GCC states towards these military interventions may progressively strengthen the perception that this measure is mainly finalized to regime-change in non-ally countries or "rogue states." rather than having real humanitarian motivations.

If the final goal of the measures embraced by humanitarian interventions and R2P is to guarantee "human security" for the citizens of a state, then an approach with longer-term views should be adopted. "Human security," as defined by the UN, aims at guaranteeing "freedom from fear and freedom from want" to the citizens of a country and opposes the traditional conception of national security, because it links national, regional and global stability to people-centred security, rather than to state security against external threats.

International assistance exclusively to the deposition of a brutal dictatorship without an

objective assessment of the risks to the political, economic and social contexts of a country, is not likely to produce security, peace and well-being for the population. A regime-change occurring for external intervention and nation-building implemented exclusively by the international community are more likely to build puppet or failing states, rather than sustainable and democratic statehood in Syria. The interventions occurring in the past fifteen years provide many of these examples.

A strong democratic consciousness clearly is emerging from Syria; the international community is now calling to assist the formation of democratic structures that could guarantee a real resolution of the situation in Syria. To achieve this goal, a more coherent and unbiased approach towards human rights protection and violations is required from the international and regional organizations involved, as well as from Western, Arab and GCC countries. If the final aim is to protect civilians from state violence in a sustainable way, it must be recognized that humanitarian interventions and R2P measures might be too narrow scope. As long as national political and economic interests prevail over real “human security” goals, the principles of humanitarianism in international politics will be seriously endangered. Syria is now posing many of these dilemmas to the international community.

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