

At a Glance

AN EDUCATIONAL TOOL BY THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

Q&A: THE RESPONSIBILITY TO PROTECT (RtoP) AND SYRIA

Note: For more details on the crisis, as well as sources and links for all the information provided below, please visit our "Crisis in Syria" page at www.responsibilitytoprotect.org.

Q: What is going on in Syria?

A: In March 2011, peaceful protestors demanding the release of political prisoners were met with brutal violence from the Syrian government. President Bashar al-Assad, who refused to respond to calls to cease attacks and implement meaningful reforms, instead countered by arbitrarily detaining and torturing civilians (who he dismissed as terrorists), as well as deploying and using heavy artillery. Opponents of Assad began to loosely organize into opposition groups, eventually resorting to violence in August 2011 with the goal of overthrowing the Syrian government and ending the attacks on civilians. Reports then emerged that these opposition groups were committing grave human rights violations as well. Though opposition forces came together to create the National Coalition for the Syrian Revolutionary Force and Opposition Force in November 2012 (which has steadily gathered international recognition as the legitimate representative of the Syrian people), managerial gaps, ideological barriers between members, and the steady gain of extremist Islamist groups (the Al-Nusra Front and the Islamic State in Iraq and Syria (ISIS)) have increasingly fragmented the opposition. The conflict has divided Syria, the region, and the entire international community, impeding any serious action to end the crisis.

Q: Why does the international community have a Responsibility to Protect Syrians?

A: In 2005 (see box at right), UN Member States agreed that they had a collective responsibility to protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. In September 2011, the Human Rights Council established an independent International Commission of Inquiry to investigate alleged human rights violations in Syria. The Commission has since produced nine reports, concluding that both the Syrian regime and rebel forces had committed war crimes and crimes against humanity.

Q: How has the international community upheld its RtoP in Syria?

A: Though many have pointed to Syria as a clear case in which "RtoP has failed", citing the ongoing crimes against humanity, many in the international community have assumed their RtoP and tried to protect civilians by taking strong actions within their mandates. The Human Rights Council has passed 12 resolutions since the outbreak of the crisis, while the General Assembly has passed five. The veto power held by the five permanent members of the Security Council, some of whom have perceived national interests in maintaining the old status quo in Syria, has prevented the Council from taking more robust action to prevent mass atrocities. To date, four UN Security Council resolutions on Syria, which sought to find a solution to the crisis, have been struck down by China and Russia. Nevertheless, members did briefly overcome internal divisions to pass Resolution 2118 in September 2013, which required Syria to destroy its current stockpile of chemical weapons and prohibits Syria from using, developing, stockpiling, and transferring chemical weapons. Furthermore, in February 2014, the Security Council passed Resolution 2139 to ensure access for humanitarian aid in Syria.

The Arab League and the Organization of the Islamic Conference suspended Syria in November 2011 and August 2012, respectively. Several states, including Norway, U.S. Switzerland, Japan, Australia, Canada, Turkey and the EU have passed sanctions on Syria. Meanwhile, neighboring countries, particularly Lebanon, Jordan, and Turkey, have absorbed millions of Syrian refugees, despite the heavy economic and social toll on their countries. In addition, UN Secretary-General Ban Ki-moon has sent observers, chemical weapons investigators, and a Special Representative. Both he and other various high-level UN officials have repeatedly reminded Syria of its responsibility to protect its populations.

Civil society groups have consistently monitored the crisis, with the Syrian Observatory for Human Rights serving as the only organization keeping a death toll after the UN announced it could no longer verify reports. ICRtoP member Human Rights Watch has tracked human rights violations, including through, inter alia, the use of torture in 27 detention facilities and the use of barrel

THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*.

- **Pillar One:** The state bears the primary responsibility to protect their population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations.
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, and humanitarian measures, and should peaceful means prove inadequate, coercive measures, including the use of force as authorized by the Security Council and in accordance with the UN Charter.

bombs and cluster munitions on civilians. Amnesty International uncovered the use of starvation as a tactic of war by the Syrian regime. ICRtoP member Permanent Peace Movement held a training for Syrian activists on civilian protection and conferences on the possession/use of small arms and light weapons in Syria.

Q: How has the international community failed to uphold its RtoP in Syria?

A: Nevertheless, the ongoing crimes against humanity, the 3.7 million refugees, and the estimated 220,000 deaths in Syria make it clear that the above actions have not been sufficient to protect Syrians. Both the Assad regime and the many rebel groups in Syria have continued to commit war crimes and crimes against humanity in what has become a deadlocked civil war. In addition to the parties involved, many place the blame for the ongoing stalemate on the Security Council and its inability to send hardly any clear, forceful messages to the parties, due to the use of the veto power by certain permanent members. In addition, despite the measures listed above, many actors, including the League of Arab States, the OIC, and regional states failed to take early preventive action when the conflict was in its nascent stage. However, as RtoP is a norm intended to steer action, saying that “RtoP has failed” is misguided. Rather, it is the international community that has failed to meet its obligations and live up to its RtoP. This failure further highlights the need for swift, preventive action before a crisis devolves into a state in which consensus by an often-divided international community is needed.

Q: Why don't states bypass the Security Council to stop the bloodshed?

A: Over the past three years, states have allegedly considered bypassing the Security Council for a unilateral intervention in Syria, as Russia and China would be certain to veto any resolution authorizing military force under Chapter VII of the UN Charter. However, the Responsibility to Protect norm, as agreed to in the World Summit Outcome Document of 2005, **does not sanction unilateral interventions or an intervention by a “coalition of the willing.” Any military response under RtoP must be authorized by the Security Council in accordance with the UN Charter.** The Responsibility to Protect norm should also not be equated with humanitarian intervention, as it implies military action without collective UNSC authorization; is ill-defined in terms of what is considered “humanitarian”; and is only focused on military measures. Moreover, the use of force is only one tool under the RtoP norm. As it is unclear whether a military intervention would ensure that Syria would uphold its responsibility to protect both in the present and in the future, many have noted the importance of continuing to prioritize diplomatic measures. In the long-term, accountability for those who have committed war crimes/crimes against humanity, an inclusive political peace and reconciliation process, and ensuring the protection of the human rights of all ethnic groups will be needed to protect against future mass atrocities.

Q: How has the rise of ISIS affected the crisis in Syria?

Continued warfare and insecurity in Syria allowed for the free movement and expansion of militants across Syria and Iraq, facilitating the emergence and consolidation of the Islamic State in Iraq and Syria (ISIS). In June 2014, ISIS launched its full-scale military insurgency with a scale and speed that shocked the international community. The militants began to capture enormous corridors of territory in both Syria and Iraq, proclaiming an Islamic state in Iraq and Syria on June 29th 2014. Establishing Raqqa as its stronghold, ISIS advanced towards the Syrian city of Kobani in September 2014, in an attempt to consolidate the few areas in the northwest that weren't under its control and gain access to a long stretch of the Turkey-Syria border. As ISIS advanced, 400,000 people from Kobani and the surrounding villages fled to neighboring Turkey and fears of a large-scale massacre developed. An international response, led by an estimated 700 US airstrikes over the span of several months, effectively pushed ISIS out of Kobani. Despite this gain, the international fight against ISIS has also proven to distract attention from the continued abuses conducted by the Assad regime. Many fear that the ongoing Syrian conflict, which is entering its fifth year, is increasingly forgotten about as efforts are mobilized to eradicate ISIS. Furthermore, the perception exists that fighting ISIS in Syria indirectly favors Assad, as the Syrian government does not need to commit resources to battle the militants but rather can focus more intensely on its battle with the Free Syrian Army. Indeed, reports confirm that the Syrian government dramatically intensified air and ground assaults on moderate rebels, attempting to deliver “crippling blows” as international attention shifted to combatting ISIS.

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The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to continue close scrutiny of the consistent implementation of the third pillar and develop effective methods to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

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