





# SYRIA – A FAILURE TO PROTECT

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## **JCSP 44**

# Exercise Solo Flight

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## **PCEMI 44**

# **Exercice** Solo Flight

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### CANADIAN FORCES COLLEGE – COLLÈGE DES FORCES CANADIENNES

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#### EXERCISE SOLO FLIGHT - EXERCICE SOLO FLIGHT

#### **SYRIA – A FAILURE TO PROTECT**

#### By Commander Peter Robichaud

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#### **SYRIA – A FAILURE TO PROTECT**

#### **INTRODUCTION**

Following the terrorist attacks on the United States (US) in September 2001, President George W. Bush announced that his nation was engaged in a global war on terror (GWOT). Nine years later, and without an internationally agreed upon definition of terrorism, political uprisings in northern Africa and the Middle East began. In its infancy, the Arab Spring, which began in Tunisia in 2010, promised to bring freedom and liberal democracy to the region. Shortly afterwards, uprisings in Libya drew a response from both the United Nations (UN) and the North Atlantic Treaty Organization (NATO). Encouraged by the apparent success in Tunisia, and by the western military response in Libya, other disaffected peoples began or continued their own uprisings in Egypt, Bahrain, Yemen, and Syria. Protests were also held in Algeria, Iraq, Jordan, Kuwait, and Saudi Arabia.<sup>1</sup> Unfortunately, these protests were at best encouraged by the West and global media, and at worst, as seen in Syria, were met by overwhelming political, judicial and military responses from their own states and their allies resulting in extra-judicial killings, imprisonments, displacement, and the seeking of refuge on foreign shores. This paper will demonstrate how the UN failed in its responsibility to protect Syrian civilians from their own government.

<sup>&</sup>lt;sup>1</sup> Stern, Jessica, and Berger J.M. ISIS: The State of Terror. New York: HarperCollins Publishers, 2015, p. 39.

#### BODY

#### **Responsibility to Protect**

Since the inception of the UN in 1945, the UN Charter forbade the use of force between nations. Article 2(4) states "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."<sup>2</sup> Despite this long-held understanding that states hold exclusive jurisdiction within their territory, nations have not always proven able or willing to ensure the safety of their own citizens. During the twentieth century, civilians were six times more likely to die at the hands of their own governments than as a result of interstate conflict.<sup>3</sup> This failure, the failure of a state in its responsibility to protect (R2P) its own citizens, was discussed during the 2005 World Summit held at the UN Headquarters in New York City. Attended by over 170 heads of state, the international community acknowledged that when host governments ". . . when national authorities manifestly fail to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity."<sup>4</sup>

<sup>&</sup>lt;sup>2</sup> United Nations. "Charter of the United Nations". https://www.un.org/en/sections/un-charter/un-charter-full-text/. Last Accessed 22 May 2019.

<sup>&</sup>lt;sup>3</sup> Bellamy, Alex J. "Humanitarian Intervention." In Contemporary Security Studies, 3rd ed, edited by Alan Collins. New York: Oxford University Press, 2013, p. 290.

<sup>&</sup>lt;sup>4</sup> United Nations. "The 2005 World Summit High-Level Plenary Meeting of the 60th session of the UN General Assembly (14-16 September 2005, UN Headquarters, New York)".

https://www.un.org/en/events/pastevents/worldsummit\_2005.shtml. Last Accessed 22 May 2019.

Following this gathering of world leaders during the General Assembly, the UN published its 2005 World Summit Outcome Document which spoke to its desire to address myriad issues such as development, peace and collective security, human rights and the rule of law, and strengthening the UN.<sup>5</sup> Although the document reiterated the sovereign equality of all states and their territorial integrity, it also made clear that governments were ultimately responsible for the protection of their citizens. When states fail to accept this responsibility, the international community through the UN, has a responsibility to use appropriate diplomatic, humanitarian, and other peaceful means to resolve the issue.<sup>6</sup>

The following year, the United Nations Security Council noted in resolution 1674 that it is with "... deep regret that civilians account for the vast majority of casualties in situations of armed conflict. .." and reaffirmed the provisions in paragraphs 138 and 139 of the 2005 Summit Outcome Document.<sup>7</sup> While paragraph 138 provides that states are responsible for the protection of its citizens, paragraph 139 details that the UN "... also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means. .. to help protect populations from war crimes, ethnic cleansing and crimes against humanity including collective action through the Security Council under Chapter VII of the UN Charter ."<sup>8</sup>

<sup>&</sup>lt;sup>5</sup> United Nations General Assembly. "Resolution adopted by the General Assembly 0n 16 September 2005." https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement. Last Accessed 23 May 2019.

<sup>&</sup>lt;sup>6</sup> Ibid.

<sup>&</sup>lt;sup>7</sup> United Nations Security Council. "S/RES/1674 (2006)".

https://www.un.org/ruleoflaw/blog/document/security-council-resolution-1674-2006-on-protection-ofcivilians-in-armed-conflict/. Last Accessed 21 May 2019. <sup>8</sup> Ibid.

The 2005 World Summit Outcome Document, coupled with United Nations Security Resolution (UNSCR) 1674, held great promise to protect innocent civilians from genocides and war crimes such as seen in previous decades in Rwanda and Bosnia. The United Nations Security Council (UNSC) now had a new tool available to coerce nations into compliance, and failing success, now had authority to intervene militarily to help avoid, or put an end to genocides, ethnic cleansing, and war crimes.

However, given that the Permanent Five members of the UNSC hold veto powers, would their military, economic and other geopolitical considerations trump their duty to protect civilians from being brutalized by their own governments? The people of northern Africa and the Middle East would soon put the R2P principle, the international community, and the UNSC's ability to take collective military action when necessary, to the test.

### **Arab Spring**

Although protests began in Tunisia in December 2010, demonstrations against corruption, inequality and dictatorial regimes spread quickly in the following months throughout the region into Libya, Egypt, Bahrain, Yemen, Syria, and Saudi Arabia.<sup>9</sup> Protests in Tunisia, Egypt, Libya, and Yemen led to the eventual overthrow of their dictatorships whereas the leadership of Bahrain, Syria, Algeria, Iraq, Jordan, Kuwait, and Saudi Arabia remain intact.

<sup>&</sup>lt;sup>9</sup> Stern, Jessica, and Berger J.M. ISIS: The State of Terror, p.39.

After 24 years as president of Tunisia, Zine el Abidine Ben Ali dismissed his government and fled to Saudi Arabia in January 2011.<sup>10</sup> Tunisia has since adopted a new constitution and held both parliamentary and presidential elections in 2014.<sup>11</sup> Similarly, following 30 years of rule over Egypt, President Hosni Mubarak stepped down in February 2011.<sup>12</sup> Egypt has since held presidential elections and approved a new constitution.<sup>13</sup> The Libyan people, with the assistance of the North Atlantic Treaty Organization (NATO), overthrew the 42-year dictatorial regime of Muammar Qadhafi in 2011. Following the death of Qadhafi, a new constitution has been drafted and will be voted upon during an upcoming constitutional referendum.<sup>14</sup> The government leaders of Bahrain, Syria, Algeria, Iraq, Jordan, Kuwait, and Saudi Arabia remain in power.

#### Tunisia

In December 2010, unwilling or unable to pay the bribe demanded of him and following the confiscation of his wares by local police for not having a permit to sell his fruits and vegetables, 26-year old Muhammad Bouazizi set himself alight outside the local governor's office. His self-immolation was a desperate form of protest.<sup>15</sup> He later died of his wounds in a local hospital. News of this tragic event quickly spread throughout the country, helped in part by social media, which led to mass demonstrations demanding

<sup>&</sup>lt;sup>10</sup> Bishku, Michael B. "Is it an Arab Spring or Business as Usual? Recent Changes in the Arab World in Historical Context." Journal of Third World Studies 30, no. 1 (2013), p.57.

<sup>&</sup>lt;sup>11</sup> Central Intelligence Agency. "The World Factbook." https://www.cia.gov/library/publications/theworld-factbook. Last Accessed 23 May 2019.

<sup>&</sup>lt;sup>12</sup> Bishku, Michael B. "Is it an Arab Spring or Business as Usual?", p.65.

<sup>&</sup>lt;sup>13</sup> Central Intelligence Agency. "The World Factbook." Last Accessed 23 May 2019.

<sup>&</sup>lt;sup>14</sup> Ibid.

<sup>&</sup>lt;sup>15</sup> British Broadcasting Corporation. "Tunisia suicide protester Mohammed Bouazizi dies." https://www.bbc.com/news/world-africa-12120228. Last Accessed 24 May 2019.

economic and political reform, and to an end of the rampant corruption within the president's extended family.<sup>16</sup>

Although reforms were promised by President Ben Ali who ruled the nation for 23 years following a coup in 1987, his security forces met the demonstrations with force. Live ammunition and tear gas were used on the protestors, killing an estimated 338 civilians.<sup>17</sup> Thousands of Tunisians fled the upheaval, travelling by sea to the Italian island of Lampedusa in the Mediterranean, foreshadowing the mass migration of disaffected peoples and refugees which was to follow from nations throughout northern Africa and the Middle East.<sup>18</sup> The protests persisted and in January 2011, President Ben Ali dismissed his government and fled to Saudi Arabia with his wife Leila Trabelsi. As an authoritarian ruler, Ben Ali and his wife enriched not only themselves, but also their extended family, while they held power. The Trabelsi clan was heavily involved in all sectors of the economy including banking, insurance, transportation, tourism and properties.<sup>19</sup> In speaking of the family, author Nicolas Beau is quoted as saying "There was a climate of fear and terror, so when people from the clan required Tunisians to give up their houses or land, they normally obeyed."<sup>20</sup> Further, in a diplomatic cable leaked by Wikileaks, a former US ambassador referred to Ben Ali's family as a "quasi-mafia" and the "nexus of Tunisian corruption".<sup>21</sup>

<sup>&</sup>lt;sup>16</sup> Bishku, Michael B. "Is it an Arab Spring or Business as Usual?", pp. 57-63.

<sup>&</sup>lt;sup>17</sup> Ibid, p.63.

<sup>&</sup>lt;sup>18</sup> Ibid, p.64.

 <sup>&</sup>lt;sup>19</sup> British Broadcasting Corporation. "Tracking down the Ben Ali and Trabelsi fortune." https://www.bbc.com/news/world-africa-12302659. Last Accessed 24 May 2019.
<sup>20</sup> Ibid.

<sup>&</sup>lt;sup>21</sup> Ibid.

Shortly after Ben Ali fled to Saudi Arabia, a national unity government assumed power of Tunisia. Elections were held later in the year and chose a new Constituent Assembly and interim president. The Constituent Assembly drafted a new constitution which was formally adopted in January 2014, three years after protests began.<sup>22</sup>

#### Libya

Following what appeared to be successful demonstrations in neighboring Tunisia, the people of Libya began their own rebellion in January 2011. Under the orders of Muammar Qadhafi, Libya's army and air force moved quickly to quell the uprisings by using force against protesting civilians. Canada, along with like-minded nations, began evacuating its citizens from Libya. Under the lead of the Department of Foreign Affairs and International Trade (DFAIT), Canada's Non-Combatant Evacuation Operations, Operation *Mobile*, evacuated 191 persons from Libya. This group was comprised of 61 Canadian entitled persons and 130 foreign nationals.<sup>23</sup>

Libya's ongoing vicious response against demonstrators was condemned by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference. On 26 February 2011, the UNSC approved Resolution 1970. This UNSCR underlined Libya's responsibility to protect its citizens and demanded an immediate cessation of violence. It also called on member states to evacuate foreign nationals that were so inclined, referred the situation to the International Criminal Court (ICC), imposed

<sup>&</sup>lt;sup>22</sup> Central Intelligence Agency. "The World Factbook." Last Accessed 23 May 2019.

<sup>&</sup>lt;sup>23</sup> Government of Canada. "Operation MOBILE." https://www.canada.ca/en/department-nationaldefence/services/operations/military-operations/recently-completed/operation-mobile.html. Last Accessed 9 May 2019.

an arms embargo on the Libyan regime, and placed a travel ban and froze assets of select members of the regime.<sup>24</sup>

Subsequent to the ongoing escalation of violence, the UNSC adopted UNSCR 1973 on 17 March 2011. UNSCR 1973 once again reminded Libya of its responsibility to protect its population. It imposed further travel bans and financial sanctions as well as authorizing member states to take ". . . all necessary measures. . . to protect civilians and civilian populated areas. . ."<sup>25</sup> UNSCR 1973 was quickly followed by a NATO military campaign, joined by Jordan and Qatar, against the Qadhafi regime. Canada contributed to this mission first under Operation *Mobile* which became a combat mission followed by Operation *Unified Protector*.<sup>26</sup> This was the first time the UNSC, under UNSCR 1973, authorized the use of force against a sovereign state for the protection of its citizens under the R2P principle. Both China and Russia abstained from the UNSC vote authorizing the use of force.<sup>27</sup>

#### Syria

Syria is a nation which has been led by a military dictatorship for nearly 50 years, first by General Hafez al Assad who came to power in 1970, and following his death in 2000 by his son Bashar Al Assad.<sup>28</sup> Small protests were held in both Damascus and Aleppo in March 2011 following the apparent success of similar demonstrations in Tunisia and

<sup>&</sup>lt;sup>24</sup> United Nations Security Council. "S/RES/1970 (2011)". https://www.un.org/securitycouncil/s/res/1970-%282011%29. Last Accessed 9 May 2019.

<sup>&</sup>lt;sup>25</sup> United Nations Security Council. "S/RES/1973 (2011)".

 $https://www.un.org/en/ga/search/view\_doc.asp?symbol=S/RES/1973\%282011\%29. \ \ Last \ Accessed \ 9 \ May \ 2019.$ 

<sup>&</sup>lt;sup>26</sup> Government of Canada. "Operation MOBILE." Last Accessed 9 May 2019.

<sup>&</sup>lt;sup>27</sup> Bellamy, Alex J. "Humanitarian Intervention", p.302.

<sup>&</sup>lt;sup>28</sup> Stern, Jessica, and Berger J.M. ISIS: The State of Terror, p.40.

Egypt. However, the Syrian uprisings truly gained momentum following the arrest of school children for defacing a wall with graffiti that said, "Down with the regime."<sup>29</sup> Like many dictatorial regimes, all speech, especially speech against the regime, is heavily censored. When the news was spread about the arrests and subsequent torture suffered by the 15 students, protestors took to the streets and were met by Assad's security forces who opened fire on those assembled.<sup>30</sup> As in Libya and Tunisia, social media helped with the organization of protestors who were calling for nation-wide marches to denounce the brutality of the Assad regime, to ask for an end to emergency powers permitting arrest without charge, to support the legalization of political parties, and to call for an end to corruption.<sup>31</sup> Although Assad did offer to lift the state of emergency which had been in place for nearly 50 years and offered additional concessions including the legalization of political parties, his response was contradicted both his intentions and actions. In less than three months, his state security apparatus had also murdered one thousand Syrian citizens.<sup>32</sup> In May 2011, the burned, bullet-ridden body of a 13-year-old child with his genitalia removed, was returned to his family in Daraa where the school children had been arrested three months earlier for defacing a wall. An estimated 50,000 protestors gathered outside the town to once again denounce the regime and its brutality, but were met by security forces who opened fire, followed by the shutting down of Syrian internet services.<sup>33</sup> Syria continued its spiral into an all-out civil war and quickly became a hotbed for terrorists. Active terrorist organizations within Syria today include home-based Al-

<sup>&</sup>lt;sup>29</sup> Bishku, Michael B. "Is it an Arab Spring or Business as Usual?", p. 68.

<sup>&</sup>lt;sup>30</sup> Stern, Jessica, and Berger J.M. ISIS: The State of Terror, p.40.

<sup>&</sup>lt;sup>31</sup> Central Intelligence Agency. "The World Factbook." Last Accessed 25 May 2019.

<sup>&</sup>lt;sup>32</sup> Stern, Jessica, and Berger J.M. ISIS: The State of Terror, p. 40.

<sup>&</sup>lt;sup>33</sup> Ibid.

Nusrah Front, Hay'at Tahrir al-Sham (HTS), Islamic State of Iraq and ash-Sham (ISIS), and foreign-based groups of Abdallah Azzam Brades (AAB), al-Qa'ida (AQ), Ansar al-Islam (AAI), Hizballah, Kata'ib Hizballah (KH), Kurdistan Workers' Party (PKK), Mujahidin Shura Council in the Environs of Jerusalem (MSC), Palestine Liberation Front (PLF), PFLP-General Command (PFLP-GC), and the Popular Front for the Liberation of Palestine (PFLP).<sup>34</sup> The goal of many of these organizations is to overthrow the government, including Al-Nusrah Front, HTS, AQ, AAI, and establish either a regional caliphate, international caliphate, or simply establish a government which operates according to sharia law. Networks seeking to preserve the Assad presidency include Hizballah, KH, and PFLP-GC.<sup>35</sup> Syria continues to insist that it is fighting terrorists supported by foreign powers and that it is not suppressing the voices of innocent civilians calling for change.

Several early attempts were made to censure the Assad regime. In August 2011, Western nations called upon Assad to step down from power and in November of the same year, the Arab League suspended Syria's membership when it refused to cooperate with their plan to end the bloodshed.<sup>36</sup> In 2012, The UN Human Rights Council tabled a resolution condemning the Assad government of massacre. Two of the regime's closest allies, Russia and China, along with Cuba, voted against the resolution.<sup>37</sup> Russia has both economic and military reasons to back the regime – it is Syria's largest supplier of

<sup>&</sup>lt;sup>34</sup> Central Intelligence Agency. "The World Factbook." Last Accessed 25 May 2019.

<sup>&</sup>lt;sup>35</sup> Ibid.

<sup>&</sup>lt;sup>36</sup> Bishku, Michael B. "Is it an Arab Spring or Business as Usual?", pp. 68-69.

<sup>&</sup>lt;sup>37</sup> Ibid, p.68.

military hardware and maintains a Mediterranean naval base in Tartus, Syria.<sup>38</sup> China, for its part, is heavily invested in the Syrian petroleum industry.<sup>39</sup>

In 2012, the group Human Rights Watch accused the regime of not only imprisoning and torturing opposition fighters, but also arresting and torturing the hospital staff who treated their wounds.<sup>40</sup> In its November 2018 report, the Independent International Commission of Inquiry on the Syrian Arab Republic noted that atrocities were being committed by all sides in the conflict, but singled out the Syrian regime as the most flagrant human rights abusers "After being taken to Government-run detention facilities, detainees were often severely beaten, many of whom later perished due to torture, inhuman living conditions, lack of adequate medical assistance, or willful neglect."<sup>41</sup>

With a population estimated at 19.4 million people, Syria continues to be one of the most significant humanitarian crises since the end of World War II.<sup>42</sup> War dead, which include Syrian forces, civilians, and insurgents are estimated at over 400,000.<sup>43</sup> Approximately 6.2 million, or nearly one third of the population, is internally displaced while 5.7 million Syrians are registered as refugees in nearby countries.<sup>44</sup>

Despite clear violations of international law, the UNSC has so far refused to implement its R2P in Syria. This is not surprising since Russia and China, both of whom are allies of

<sup>&</sup>lt;sup>38</sup> Ibid.

<sup>&</sup>lt;sup>39</sup> Ibid.

<sup>&</sup>lt;sup>40</sup> Stern, Jessica, and Berger J.M. ISIS: The State of Terror, pp. 40-41.

<sup>&</sup>lt;sup>41</sup> Independent International Commission of Inquiry on the Syrian Arab Republic. "Death Notifications in the Syrian Arab Republic."

https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx. Last Accessed 25 May 2019.

<sup>&</sup>lt;sup>42</sup> Central Intelligence Agency. "The World Factbook." Last Accessed 25 May 2019.

<sup>&</sup>lt;sup>43</sup> Ibid.

<sup>&</sup>lt;sup>44</sup> Ibid.

Syria, and both Permanent Five members of the UNSC would likely veto such a resolution were it put forward. While the UN has not taken military action in Syria, some western nations including the US, United Kingdom (UK), and France have occasionally launched targeted and limited air strikes against the country targeting both the Syrian military as well as terrorist groups. In April 2017, the US launched 59 tomahawk cruise missiles against a Syrian military base responsible for a chemical attack against civilians.<sup>45</sup> The following year, the US, France, and the UK launched a further 100 cruise missiles in response to Syria attacking civilians with chemical weapons.<sup>46</sup> The launches targeted chemical weapons facilities, a scientific research center, and a chemical weapons storage facilities.<sup>47</sup>

### CONCLUSION

The UN, when it adopted the R2P principle in 2006, gave hope to the world that atrocities such as those witnessed in Rwanda and Bosnia would never be repeated. Five years after its adoption, several nations of northern Africa and the Middle East put this principle to the test. Uprisings in northern Africa and the Middle East began in 2010 and continue to this day. In its infancy, the Arab Spring, which began in Tunisia promised to bring freedom and liberal democracy to the region. Shortly afterwards, the uprisings in Libya drew a response from both the UN and NATO. Encouraged by the apparent success in Tunisia and the western military response in Libya, other disaffected peoples began or

<sup>45</sup> British Broadcasting Corporation. "UK government 'fully supports' US air strike in Syria." https://www.bbc.com/news/uk-39524685. Last Accessed 26 May 2019.

<sup>46</sup> The Guardian. "Syria: US, UK and France launch strikes in response to chemical attack."

https://www.theguardian.com/world/2018/apr/14/syria-air-strikes-us-uk-and-france-launch-attack-on-assad-regime. Last Accessed 26 May 2019.

<sup>&</sup>lt;sup>47</sup> Ibid.

continued their own uprisings in Egypt, Bahrain, Yemen, and Syria. Protests were also held in Algeria, Iraq, Jordan, Kuwait, and Saudi Arabia. Unfortunately, the Syrian people did not receive the assistance they needed resulting in over 400,000 deaths, 6.2 million people internally displaced, and further 5.7 million people who have sought refuge in foreign lands. The overwhelming political, judicial and military response from the Syrian regime towards its own people should have drawn a military response from the UNSC as did Libya. This paper has demonstrated how the UN, with veto powers for the Permanent Five members of the UNSCR with varying economic, military, and other geopolitical considerations, has failed in its responsibility to protect Syrian civilians from their own government.

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