

Syria and the Crisis of Humanitarian Intervention

Written by Michael Aaronson

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MICHAEL AARONSON, FEB 11 2014

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The human suffering in the Syrian crisis since February 2011 is, above all, a tragedy for the Syrian people, but also demonstrably a crisis of international intervention. The international community has failed to protect and assist civilians who in large numbers are being killed, injured, brutalised, bereaved, displaced, or impoverished by the conflict. Given the prevailing approach to international intervention since the end of the Cold War, this failure is, sadly, unsurprising. Specifically, the conflation over time of political and humanitarian objectives has damaged the concept of impartial humanitarian action, without which—as Syria shows—innocent civilians are without protection. This essay will argue that respect for humanitarian principles provides a better defence than so-called “humanitarian intervention.”

According to the UN Under-Secretary General for Humanitarian Affairs, “the appalling suffering inflicted on ordinary women, children, and men by this conflict is completely unacceptable... words, despite their ability to shock, cannot really paint a picture of the grim and gruesome reality of Syria today.”[1] As of December 2013, 9.3 million people inside Syria needed humanitarian assistance, including 6.5 million who had been forced to flee their homes and faced one of the harshest winters ever in Syria; the number of Syrian refugees in neighbouring countries was approaching 2.3 million; 3 million people were unemployed; 3 million children had been forced to leave their education.[2]

There is also confirmed evidence of the deliberate targeting of civilians and humanitarian workers. These constitute war crimes and crimes against humanity and are justiciable at the International Criminal Court (ICC). One of the most shocking reports, produced by the Oxford Research Group, showed that by the end of August 2013, 10% of all recorded civilian deaths in the conflict were of children under 18 (11,420 out of an overall total of 113,735). Of these, seven out of ten were caused by explosive weapons and one in four by small arms fire “including children summarily executed and targeted by snipers.” Of the 764 children recorded as summarily executed, “112 were reported to have been tortured, including some of infant age.”[3]

Since September 2011, the Independent International Commission of Inquiry on the Syrian Arab Republic has charted the many violations of human rights in the conflict.[4] In September 2013, it described “the deliberate targeting of hospitals, medical personnel and transport, the denial of access to medical care, and ill-treatment of sick and wounded,” mainly—but not exclusively—by government forces.[5] The International Committee of the Red Cross (ICRC), while maintaining its tradition of neutrality, has called “on all parties to comply with the rules of international humanitarian law” and to allow humanitarian agencies “to deliver aid, including much-needed medical supplies, to all people in need whoever they may be.”[6] This is against the background of the deaths, as of November 2013, of no less than 32 Syrian Arab Red Crescent aid workers.[7] This lack of respect for humanitarian impartiality—while not unique to Syria—is nevertheless one of the most concerning dimensions of the crisis.

The failure by the Permanent Members of the UN Security Council, the P5, to help the government of Syria and its opponents find a political solution has been catastrophic. From the early days of the crisis in 2011, P5 members locked horns over regime change, with the West's call for President Assad to go blocked by the newly-assertive Russians and Chinese. Thus, Kofi Annan's role as mediator was doomed from the start.[8] By allowing themselves to

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disagree so publicly and outspokenly (for example, Susan Rice, the US Ambassador to the UN, called the Russian and Chinese decision to block a Security Council Resolution “disgusting and shameful”[9]) the P5 forfeited the chance to place the weight of their collective moral authority behind the independent humanitarian action of the ICRC and the other humanitarian agencies. When neutrality went out of the window in New York, impartiality became impossible in Syria.[10]

Syria thus represents the low point of the liberal interventionism that was born in 1991 in response to the humanitarian crisis in the mountains of northern Iraq, reached its apogee in 1999/2000 with Tony Blair’s Chicago speech and the military interventions in Kosovo and Sierra Leone, was discredited by the 2003 invasion of Iraq, and has arguably been in steady decline ever since.[11] It was labelled “humanitarian intervention,” not a new term, but, in this context, used somewhat uncritically by politicians and scholars alike. Not only does this usage fail to acknowledge the essentially political nature of such interventions, it also degrades the notion of humanitarianism.

As Beate Jahn has put it, the debate around “humanitarian intervention” centres on whether we believe the world is becoming more moral and, therefore, a new kind of “humanitarian” intervention is possible, or whether we think morality is essentially unchanging, but that we need a term to justify intervention in support of a particular political project, in which case labelling it “humanitarian” is inappropriate.[12] She argues that history reveals morality and politics to be mutually constitutive and that “the concept of humanitarian intervention therefore does not describe new policies; instead it serves to hide the political nature of these policies today.”[13]

One might also claim that “humanitarian intervention” is merely a way of going to war without having to declare it. In 1945, the UN was created to “save succeeding generations from the scourge of war”.[14] there is no mention in the UN Charter of war as a legitimate arm of policy. The only circumstances justifying the use of force are self-defence (Art. 51) or where the Security Council identifies a threat to international peace and security (Art. 42). Neither of these applies to situations of human rights or humanitarian crisis, although in the era of “humanitarian intervention,” the Security Council has stretched Article 42 to provide a justification for intervention, e.g. in Somalia in 1993 and Libya in 2011. However, without a consensus in the Security Council, this cannot happen.

Thus, in Darfur from 2003-6, without a negotiated political solution to the crisis, only a full-scale war—which was politically impossible—would have delivered human protection; in this sense, as Alex de Waal has argued, “chasing the chimera of humanitarian intervention distracts us and impedes the search for real solutions.”[15] The bottom line in the Syrian crisis is that, whereas in Libya in 2011, the US superpower, encouraged by its French and British allies, was prepared to go to war to topple the regime of Muammar Gaddafi (who had no friends), in Syria it was not prepared to do the same to get rid of Bashar El Assad (who has many, including the Russians), despite the fact that violations of human rights were incomparably worse. Thus, the West’s wishful thinking about “humanitarian intervention” has been a cruelly false friend to the Syrian people.

In 2005, the UN adopted “The Responsibility to Protect” (R2P).[16] which responded not only to failures to intervene in Rwanda and Srebrenica, for example, but also to G77 anxieties about “humanitarian intervention” itself.[17] However, while R2P is an impeccable statement of the obligations of states towards their own citizens and those of the wider international community in the face of mass atrocity crimes, it does not fundamentally change anything when states attack their own people. No new enforcement powers or mechanisms have been agreed (it is hard to see how they could be without a fundamental revision of the UN Charter reinstating the notion of a “Just War”), and any decision to apply the principles of R2P in a given situation depends on the existence of political will to do so.

However, what R2P does entail is that even where a political consensus for coercive intervention is lacking, everything should be done to protect and assist civilians, as a succession of Security Council Resolutions affirms.[18] Nothing illustrates the failure of the P5 better than the fact that only in October 2013—by which time it was far too late—was there an unequivocal statement to this effect from the Security Council (and even then in the form of a non-binding Presidential Statement rather than a Resolution).[19] If the P5 cannot agree to go to war to protect human life, they can at least insist on compliance with international humanitarian and human rights law, and articulate practical measures to make them a reality, e.g. freedom of access for humanitarian workers and the evacuation of civilians from war zones. It would be useful to understand why this did not happen in the Syria case; the P5 were

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never going to agree on Assad, so why did they call each other names, rather than focus on human protection? Was it a failure of diplomacy, did it reflect a different view of the world, or was it just an old-fashioned question of power and interests? Whatever the reasons, the humanitarian dimension has been marginalised in Syria, and the Syrian people have paid a terrible price.

[1] United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), "Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Valerie Amos: Security Council briefing on Syria, New York, 25 October 2013." Accessed at <https://docs.unocha.org/sites/dms/Documents/25%20Oct%2013%20Valerie%20Amos%20Statement%20to%20Security%20Council%20on%20Syria.pdf> (Jan. 14, 2014).

[2] UNOCHA, "Humanitarian Bulletin: Syrian Arab Republic," Issue 39 (3-16 December 2013). Accessed at <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20No%2039.pdf> (Jan. 14, 2014).

[3] Hana Salama and Hamit Dardagan, "Stolen Futures: The hidden toll of child casualties in Syria," Oxford Research Group (24 November 2013). Accessed at http://www.oxfordresearchgroup.org.uk/publications/briefing_papers_and_reports/stolen_futures (Jan. 14, 2014).

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[5] OHCHR, "Assault on medical care: a distinct and chilling reality in Syria" (8 October 2013). Accessed at <http://www.ohchr.org/EN/NewsEvents/Pages/AssaultOnMedicalCare.aspx> (Jan. 14, 2014).

[6] International Committee of the Red Cross (ICRC), "Syria: Escalation in hostilities and severe winter weather exacerbate suffering" (22 December 2013). Accessed at <http://www.icrc.org/eng/resources/documents/update/2013/12-22-syria-escalation-winter-exacerbate-suffering.htm> (Jan. 14, 2014).

[7] ICRC, "The International Red Cross and Red Crescent Movement deplores the death of another aid worker in Syria" (19 November 2013). Accessed at <http://www.icrc.org/eng/resources/documents/statement/2013/11-18-syria-death-aid-worker.htm> (Jan. 14, 2014).

[8] Michael Aaronson, "Has Kofi Annan failed in Syria?" e-International Relations (May 30, 2012). Accessed at <http://www.e-ir.info/2012/05/30/has-kofi-annan-failed-in-syria/> (Jan. 14, 2014).

[9] "Russia and China's Syria veto 'disgusting and shameful', says US - video," *The Guardian* (7 February 2012). Accessed at <http://www.theguardian.com/world/video/2012/feb/07/russia-china-syria-veto-us-video> (Jan. 14, 2014).

[10] Mike Aaronson, "Neutrality, Impartiality, and the Syrian Crisis," University of Surrey Centre for International Intervention (26 February 2012). Accessed at <http://www.uniofsurreyblogs.org.uk/cii/2012/02/26/neutrality-impairtiality-and-the-syrian-crisis/> (Jan. 14, 2014).

[11] Tony Blair, "The Blair Doctrine" (transcript), *PBS NewsHour* (April 22, 1999). Accessed at: http://www.pbs.org/newshour/bb/international/jan-june99/blair_doctrine4-23.html (Jan. 14, 2014).

[12] Beate Jahn, "Humanitarian Intervention - What's in a name?" *International Politics* 49 (2012), 36-58.

[13] *Ibid.*, 36.

[14] United Nations, Preamble to UN Charter. Accessed at <http://www.un.org/en/documents/charter/preamble.shtml>

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[15] Alex de Waal, "No Such Thing as Humanitarian Intervention," Global Policy Forum (March 21, 2007). Accessed at <http://www.globalpolicy.org/component/content/article/154/26062.html> (Jan. 14, 2014).

[16] International Commission on Intervention and State Sovereignty, "The Responsibility to Protect" (Ottawa: International Development Research Centre, December 2001). Accessed at <http://responsibilitytoprotect.org/ICISS%20Report.pdf> (Jan. 14, 2014). International Coalition for the Responsibility to Protect, "Paragraphs 138-139 of the World Summit Outcome Document" (September 2005). Accessed at http://www.responsibilitytoprotect.org/index.php?option=com_content&view=article&id=398 (Jan. 14, 2014).

[17] Group of 77 South Summit, "Declaration of the South Summit, Havana, Cuba, 10-14 April 2000," paragraph 54. Accessed at http://www.g77.org/summit/Declaration_G77Summit.htm (Jan. 14, 2014).

[18] The principal reference is United Nations Security Council "Resolution 1674 (2006)" (28 April 2006). Accessed at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1674%282006%29 (Jan. 14, 2014).

[19] United Nations Security Council, "Statement by the President of the Security Council" (2 October 2013). Accessed at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2013/15 (Jan. 14, 2014).

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Professor Sir Michael Aaronson was Director General (chief executive) of Save the Children UK from 1995-2005, and from 1988-1995 was the charity's Overseas Director. He first joined Save the Children in 1969, spending two years as a relief worker in Nigeria after reading philosophy and psychology at St John's College, Oxford. Between 1972 and 1988 he held various posts in the UK Diplomatic Service, serving in London, Paris, Lagos, and Rangoon. He is a founder member, and from 2001-2008 was Chair of the Board, of the Centre for Humanitarian Dialogue, a Geneva-based private foundation working to improve the international response to conflict, in particular through independent mediation. Since January 2004 he has been a Visiting Fellow of Nuffield College, Oxford. In September 2008 he was appointed an Honorary Visiting Professor and in May 2011 a Professorial Research Fellow in the Department of Politics at the University of Surrey, where he is also Co-Director of cii – the Centre for International Intervention. He is a Senior Adviser to NATO, working on the political/military aspects of NATO transformation, and is an occasional lecturer at the UK Defence Academy on civil/military collaboration in conflict situations.