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The Civil War in Syria and the International Response

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Abstract

Both parties involved in the civil war in Syria, reached to secure the support of other states and the control over considerable parts of the territory, but none of them could trigger a comprehensive military defeat against the other. The cost of the conflict where government forces as well as armed rebels continue to commit atrocities has been shocking. Security Council with regard to the problem of Syria was divided between a majority who wanted a strong response to implement the Responsibility to Protect and some who did not want. The debate between Western democracies was based on the fact if foreign governments should militarily intervene in Syria, being that they thought military intervention could aggravate the conflict and could increase the sufferings of ordinary Syrians. However individual countries and regional organizations took actions to maintain their responsibility to protect. The use of the veto by the permanent members of the Security Council to prevent the implementation of the "Responsibility to Protect " which aims to end the massive atrocities is inconsistent with the goals of the United Nations and makes the Security Council inappropriate on the situation when his involvement to resolve conflict situations is an urgent need. State sovereignty can no longer constitute an unrestricted license to mass killings and other atrocity crimes.

Key words: massive crimes, responsibility to protect, the right of veto, the principle of nonintervention, Security Council.

Introduction

The civil war in Syria caused immense destruction and disasters. It was characterized by fierce fighting between many parties that sought to militarily defeat each other. It resulted in various alliances amongst parties involved in the conflict with foreign countries and was accompanied by numerous international diplomatic efforts, aimed at ending disasters. The history of the civil war in Syria proves the existence of certain stages of the conflict that are characterized by severe fightings, achievements of the one party and then of the other one and from the interference of various allies.

The conflict in Syria could be considered to have had as its first stage the fierce fightings from March 2011 until the middle of this year. Initially it was about some small student protests in Deraa during February,¹ but soon a mass movement quickly developed across the country. This movement was characterized by widespread demonstrations, inspired by the revolutions of the "Arab Spring", elsewhere in the region. These demonstrations were faced with an asymmetrical violence in the form of deadly government repression. The government relied on its security forces to shoot down protesters and systematically detain political opponents.

Approximately 850 Syrians were killed by mid-May 2011, as the death toll continued to rise. Although the movement started by the most popular of the country Sunni majority, who constitutes at least 65 % of the population, demonstrators came from all of Syria's diverse communities.²

In the second half of 2011 was increased the number of civilians who joined the newly formed Free Syrian Army or who participated in armed self-defense as well as those who defected the state security forces to join the Free Syrian Army. Free Syrian Army, which was officially formed in June 2011, during September fought a major battle with regime forces in Rastan and expelled government troops police that used to control several towns and villages.³ Shocked by the revival of the political opposition, which continued to organize large protests and already militarily threatened by the Free Syrian Army, the Syrian government changed its strategy.

In early 2012, Assad's government sought militarily seizes opposition centers of resistance. The city of Homs, which was controlled in large part by the opposition was surrounded and attacked. The government hoped that unleashing such forces would terrorize the majority Sunni population that was considered the opposition's core constituency. Although protests against the Syrian regime began to widely spread in March 2011, Assad's forces did not widely utilize helicopters to attack their

¹ "Syria: Clashes at mass Damascus protest," *BBC News Online*, 15 April 2011, <http://www.bbc.co.uk/news/world-middle-east-13097926>.

² "Syria's ethnic and religious divisions," <http://www.fragilestates.org/2012/02/20/syrias-ethnic-and-religious-divides/>.

³ Dr Simons Adams, *Failure to Protect: Syria and the UN Security Council*, Global Centre for the Responsibility to Protect, www.globalr2p.org/media/files/syria

opponents, until February 2012. The number of air strikes by helicopters began to grow rapidly during June.¹

In contrast with the two other phases of the conflict, after the half of 2012 the use of air power against defenseless civilians dominated the behavior of armed hostile actions. Government helicopters were now routinely used to attack the residential neighborhoods where there were armed insurgents. Using a policy of collective punishment, government helicopters and fixed aircraft bombed civilian places gatherings and areas where civilians were exposed, such as schools, clinics etc.² Meanwhile, the Free Syrian Army and other opposition armed groups, became more sophisticated in their military operations. By mid 2012 many parts of the country in the north and southeast of Syria had fallen into rebel hands. Armed rebels opposed, even government control of suburbs of Damascus and Aleppo, which were the political and economic centers of the Syrian government. As the International Committee of the Red Cross announced in May 2012, the country was involved in a full scale civil war.³

In early 2013, the Syrian conflict entered in another phase. Both opposing parties controlled significant parts of the territory, but neither could impose a comprehensive military defeat upon the other. Opposing parties sought additional external assistance to tip the balance of power on the battlefield.

Since 2013 Syria was no longer in a political conflict with sectarian tones. The weakest Syrian minorities, especially Christians stayed loyal to the regime.⁴ The government organized paramilitary forces by these communities and used them to attack neighboring Sunni communities, which allegedly were disloyal to the regime. The civil war in Syria had divided the country into military unstable areas competing among themselves. Nobody had sovereignty on Syria as a whole. Political and economic fragmentation, as a result of the civil war has plunged millions of people into extreme poverty.⁵

Syria had become a proxy war in which different regional and international players were supporting one or the other side in the conflict. Some Iranian forces and many

¹ Elizabeth O'Bagy, Christopher Harmer, Jonathan Dupree and Liam Durfee, "Syrian Air Force and Air Defense Capabilities," Institute for the Study of War, May 2013, <http://www.understandingwar.org/>

² Human Rights Watch, "Death from the skies: Deliberate and indiscriminate air strikes on civilians." www.hrw.org/reports/2013/04/10/death-skies

³ Neil MacFarquhar, "Syria denies attack on civilians, in crisis seen as civil war," New York Times, 15 July 2012, <http://www.nytimes.com/2012/07/16/world/middleeast/syria-denies-use-of-heavy-weapon-sin-deadly-village-fight.html>.

⁴ Dr Simons Adams, Failure to Protect: Syria and the UN Security Council, Global Centre for the Responsibility to Protect, www.globalr2p.org/media/files/syria

⁵ Jihad Yazigi, "Syria's war economy," Policy Brief, European Council on Foreign Relations, 7 April 2014, 1, http://www.ecfr.eu/publications/summary/syrias_war_economy.

Lebanese Hezbollah fighters joined the military offensive in Syria, in June 2013.¹ Meanwhile, Turkey, Qatar and Saudi Arabia and behind them many major Western democracies continued to support the various components of the armed opposition including the Free Syrian Army. Although complete victory remained unachievable during 2013 and 2014 the Syrian government forces continued gradually to retake numerous villages along Lebanese border as well as areas surrounding Aleppo and Damascus, which were previously controlled by the rebels. The civil war in Syria now threatens the peace and stability of the entire Middle East.

Security Council's reaction to Syrian conflict

It is now known the fact that at the United Nations World Summit in 2005, was achieved the adoption of the doctrine of Responsibility to Protect, which gave priority to the Security Council, in situations where a State was unwilling or unable to uphold its sovereign responsibilities. On the basis of this document, the governments of the participating countries committed themselves to take collective actions, as and when appropriate, through the Security Council, in accordance with the United Nations Charter, including Chapter VII, on a case by case basis and in cooperation with relevant regional organizations. The Responsibility to Protect was intended mainly as a preventive doctrine.

By the time when Syria crisis emerged in March 2011 and the Syrian conflict has worsened in the summer of 2011, it raised the question of the need to impose an arms embargo and other sanctions on the Syrian government by the United Nations Security Council. The Security Council held a formal position in principle on the conflict, condemning the widespread violations of human rights and the use of force against civilians by the Syrian authorities. The Security Council urged "an immediate end to all forms of violence" and urged all parties to the conflict to refrain from the "reprisals, including attacks against state institutions". The Security Council statement taking into account the commitments of alleged Syrian authorities to reform reaffirmed that the Security Council would respect the sovereignty, independence and territorial integrity of Syria.²

In the present situation when the barbaric mass atrocities were committed by the Syrian government, amongst the Security Council members began the debate between a majority who wanted a strong response to these crimes through the implementation of the Responsibility to Protect, and a small part who did not want. However in February 2012, when Russia and China used their right of veto on a draft

¹ Will Fulton, Joseph Holliday and Sam Wyer, "Iranian strategy in Syria," Joint Report of AEI's Critical Threats Project and Institute for the Study of War, May 2013, 21-23, <http://www.understandingwar.org/sites/default/files/>

² United Nations Security Council, "Statement by the President of the Security Council on the situation in the Middle East," S/PRST/2011/16, 3 August 2011, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2011/16.

resolution, the 13-to other members of the Security Council were clearly in favor of the international diplomacy and multilateral sanctions in order to stop mass atrocities in Syria. (No 47 of Syria) The most typical statement was that of the Guatemalan foreign minister who insisted that: Non-intervention in the internal affairs of sovereign states and the respect for their territorial integrity are cardinal principles of our foreign policy, but we also acknowledge the obligation of all states to observe certain norms of conduct in relation to their own populations. For this reason, in an era when the situation requires the application of the doctrine of the Responsibility to Protect, we need to support that principle.¹

Although the Security Council reached a consensus on the issue of Syria, individual states and regional organizations took actions to enforce their responsibility to protect. The League of Arab States, European Union, Turkey and many other countries publicly condemned the Syrian government's actions and diplomatically isolated Syrian regime. In March 2012, a year after the conflict, at least 49 countries had imposed sanctions, while some other countries had closed their embassies in Damascus.²

Between 2011 and September 2014 the Human Rights Council in Geneva passed thirteen resolutions condemning the mass atrocities in Syria between 2011 and September 2014 and established a Commission of Independent Research to document such violations of human rights. The General Assembly also passed seven resolutions condemning the Syrian atrocities.³

Disagreements in the Security Council to act on Syria allowed during the conflict encouraged more extreme forms of lethal violence. In this context, perhaps the most obvious shortcoming diplomatic over a year and a half of the conflict in Syria was the failure to enforce the Responsibility to Protect and to implement the efforts of the former Secretary General Kofi Annan to achieve a ceasefire and to negotiate for ending the conflict. Kofi Annan's plan for Syria in 2011 and 2012 included the implementation of the cease-fire, the withdrawal of government troops and tanks from cities, the release of political detainees, freedom of movement for journalists, freedom of association and the right to demonstrate, provision of humanitarian assistance to besieged civilians and initiation of political negotiation process led by Syrians. However in the period leading up to the scheduled ceasefire, the security

¹ Statement by H.E. Harold Caballeros, Minister of Foreign Affairs of Guatemala, at the United Nations Security Council Debate on the Situation in the Middle East on 31 January 2012.
www.guatemalaun.org/bin/documents/SCMESiria-Jan31-2012

² Global Centre for the Responsibility to Protect, "Timeline of International Response to the Situation in Syria" <http://www.globalr2p.org/publications/135>.

³ General Assembly resolutions, <http://www.un.org/documents/resga.htm>.

forces intensified their attacks on areas that were regarded as the main points of opposition.¹

With a rarely display of unanimity on 21 March 2012, the Security Council issued a second presidential statement, through which expressed regrets about the deterioration of the situation and affirmed the support for the Annan Plan. On 21 April 2012 the Security Council established a 90-day Supervision Mission of the United Nations to monitor the ceasefire and the implementation of the Annan Plan.² In late April it became clear that the Annan Plan was at risk because of the numerous violations of ceasefire, by government troops and the armed rebels, together with the lack of will on the part of the Syrian government to seriously implement the other main provisions of the plan.

In particular, the success of Annan Plan depended upon the full and rapid deployment of the Supervision Mission through Syria, which the government barriers and the increasing of violence made impossible. Despite numerous obstacles due to the chaotic and dangerous situation, the Supervision Mission investigated and documented different atrocities committed by all sides in the conflict. They compiled summaries of atrocities and the forces suspected of perpetrating these atrocities.

But at a time when civil war was expanding, when the two opposing sides were engaged to achieve the military victory and the rest of the ceasefire was violated by all sides in Syria, the Supervision Mission was no longer a relevant way to resolve the situation.

Debates of the West and Russia's stance on Syria crimes

Starting since 2011 and during all stages through which the conflict in Syria passed intensifying, both parties as government forces as well as armed rebels have committed massive crimes and have caused a staggering human cost.

Syrian government forces have used aircraft, tanks, heavy artillery and cluster munitions to terrorize and kill anyone presumed to be supporting the regime's opponents, including civilians living in areas controlled by the opposition in Aleppo, Damascus, etc. Other barbaric crimes already documented include the targeting of the wounded fighters and civilians injured by state forces; the routinely use of government snipers to terrorize, kill or maim civilians.³ Snipers's victims are often left to die from bleeding in the street, while civilians who approached to assist them,

¹ Dr Simons Adams, Failure to Protect: Syria and the UN Security Council, Global Centre for the Responsibility to Protect, p. 18, www.globalr2p.org/media/files/syria

² United Nations Security Council, "Statement by the President of the Security Council on the situation in the Middle East," S/PRST/2012/6, 21 March 2012, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2012/6

³ Human Rights Watch, "Syria: Widespread use of incendiary weapons," 10 November 2013, <http://www.hrw.org/news/2013/11/10/syria-widespread-use-incendiary-weapons>.

are also killed. The medical personnel serving in areas controlled by opponents had also been targeted. By government forces and their allied groups is forcibly prevented the arrival of aid and medical equipments necessary for civilians in besieged areas, which constitutes a direct violation of the Geneva Conventions. Regarding the detainees, government forces have used torture and other forms of cruel, inhuman or degrading treatment.¹

Armed opposition groups have also committed war crimes, including deadly reprisals against minority communities, destruction of religious sites and extrajudicial execution of captured government soldiers. These groups are assisted in their activity by increased foreign funding and increased access to weapons and a large influx of foreign fighters.²

Based on these discovered facts, in December 2013, the High Commissioner of the United Nations on Human Rights stated that: "The responsibility for performing these massive barbarous crimes belongs to the highest levels of the Syrian government". This situation of raising massive barbarian crimes, the western governments responded by publicly criticizing the Syrian government, by imposing sanctions against the government and urging President Assad to end the violence. But in fact the Syrian government, showed no sign of change in behavior and Assad did not return.

In Western democracies began a strong debate in 2012 about whether foreign governments should militarily intervene in Syria. Some United States intellectuals, argued for humanitarian corridors and safe havens near Turkey, Lebanese borders, or Jordan to be forcibly created, in order to protect ordinary Syrians.³ Meanwhile other influential people urged Washington to lead a coordinated airstrikes against Syria's armed forces. In fact nobody wanted to encourage a wider regional conflict in the Middle East. In the discussions that took place in the western world diplomatic circles, prevailed the idea that foreign military intervention would aggravate the conflict and would increase the suffering of ordinary Syrians.

Western governments also debated on whether to further support Syrian rebels or not, in a moment that armed rebels were centered around the opposition Free Syrian Army and the documented list of the war crimes committed by rebel forces had increased from mid-2013. Different governments had different views on the delivery of heavy weapons although publicly calling the overthrow of Assad because they

¹ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations Human Rights Council, A/HRC/25/65, 12 February 2014, 11-13, www.ohchr.org/EN/HRBodies/HRC/.../Session25/.../A-HRC-25-65

² Human Rights Watch, "Syria: Armed opposition groups committing abuses," 20 March 2012, <http://www.hrw.org/news/2012/03/20/syria-armed-opposition-groups-committing-abuses>.

³ Anne-Marie Slaughter, "How to halt the butchery in Syria," *New York Times*, 23 February 2012, http://www.nytimes.com/2012/02/24/opinion/how-to-halt-the-butchery-in-syria.html?_r=2&

pretended that more arms could increase the level of atrocities and further destabilize the region.¹

While killings continued and the flow of refugees across Syria's borders increased, was also increased the exasperation of a growing number of senior officials of the United Nations. Under Secretary General of the United Nations, argued in February 2013 that: "We have a responsibility to protect. We have obligations. Some of these obligations are set out in international humanitarian law. Many international humanitarian laws are often ignored. But even beyond the legal obligations we have a responsibility to each other as human beings."²

The Western world faced during its efforts to end the civil war in Syria with Russian barriers, which not only blocked the Security Council, but encouraged the Syrian government activity and somehow aggravated the civil war. While civil war worsened, Russian shipments of weapons and other supplies, which were sent to Damascus, rose. Rejecting through the use of multiple vetoes the resolutions of the Security Council on Syria, Russia continued the support for the Assad government. Russia was in a contradictory position. She publicly supported the Annan Plan for Syria, but did nothing when the Syrian government failed to implement the key provisions of this plan.

Since the beginning of the conflict in Syria, Russian diplomats argued their opposition to the resolutions of the United Nations Security Council, which aimed to end atrocities in Syria, claiming that they were aiming at the protection of a sovereign state. The Russian government claimed that its efforts in the Security Council were aimed at defending the sovereignty of Syria rather than to provide a political cover for a dictatorship that was killing its own people.

The international reaction after the use of chemical weapons against the Syrian population

After all the troubles and disasters that had caused the conflict in Syria, a conflict that continued for more than two years and after a long time of diplomatic efforts by the Western countries and the Security Council of the United Nations to resolve the conflict, the population of the Syrian plain faced another disaster. Syrian government used chemical weapons against its people, although only a few weeks before using those chemical weapons, the Syrian government had denied to possess chemical weapons.³ On August 21, 2013 rocket containing Sarin gas were thrown over in two

¹ Simon Adams, "The world's next genocide," *New York Times*, 15 November 2013, <http://www.nytimes.com/2012/11/16/opinion/the-worlds-next-genocide.html>.

² Judy Dempsey, "Syria: 'We have a Responsibility to Protect,'" *Strategic Europe*, Carnegie Europe, 18 February 2013, <http://carnegieeurope.eu/strategieurope/?fa=50963>.

³ Anne Barnard, "In shift, Syrian official admits government has chemical arms," *New York Times*, 10 September 2013, <http://www.nytimes.com/2013/09/11/world/middleeast/Syria-Chemical-Arms.html>

residential areas of Damascus, causing within a few hours the death of approximately 1,400 civilians, including a large number of children. The Syrian government tried to deny this action and accused armed rebels for chemical attack, but reliable investigations showed that the most likely source of the rocket was a base near the Republican Guard.¹

The extremely serious crime of the use of chemical weapons by the Syrian government caused a strong reaction globally. It is widely known that chemical weapons are considered illegal by the Hague Convention of 1899 because of the nature of these weapons, which do not distinguish, are inhumane and immoral. After the Hague Convention of 1899, another step that the international community undertook to curb the use of these weapons launched from the horror that caused the use of gas during the World War I, was the Geneva Protocol of 1925 which established the international ban on the use such weapons.

After the attacks of 21 August 2013, Iran's foreign minister, condemned the use of chemical weapons and described the chemical weapons as weapons that "constituted a crime against humanity". Iran's new president, Hassan Rouhen, urged the international community to take all measures to stop the use of chemical weapons anywhere in the world, while former Iranian President Akbar Hashemite Rafsanjani went further, stating that Syrian civilians "became the target of chemical attacks from their own government".² Iran has been one of the first countries that had signed the convention against chemical weapons and therefore the use of chemical weapons by the Syrian government caused a major moral objection to chemical weapons across Iranian society. The use of chemical weapons in the suburbs of Damascus also complicated relations between Iran and Syria.

Despite the fact that the Syrian government officially blamed armed rebels for the attack of August 21, it was clear that the large-scale of use of the chemical weapons was unacceptable for the supporters of Assad in Teheran. Public awareness on the attack with chemical weapons also posed a threat to the Iranian official support for Assad.

A strong reaction came after the use of chemical weapons by the United States and France that immediately after the attack with chemical weapons on August 21 began their air strikes against Syrian military targets which caused an intersection of diplomacy in the United Nations's Security Council. The Council quickly adopted a

¹ "Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013," A/67/997-S/2013/553, 16 September 2013, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_553.pdf.

² Reuters, 24 August 2013, available at: <http://www.reuters.com/article/2013/08/24/us-syria-crisis-iran-idUSBRE97N06P20130824>;

resolution supporting a US-Russian agreement, under which Syria must give up from the use of its chemical weapons. The Security Council failed to take a unanimous decision over the Syrian conflict. Resolution 2118 of 27 September 2013 was an immediate response to the use of an illegal weapon of mass destruction. The real importance of the resolution on the Chemical Weapons was the temporary space policy that was created for the Security Council in order to allow the Council to find other areas of cooperation to end the civil war in Syria.

On August 20, 2012, two years before going on the attack with chemical weapons, The President Obama of the United States had commented that if the Syrian government will use chemical weapons, it would cross the "red line" and would face retaliation military punishment.¹

At the same time, President Putin of Russia considered Russia as an impartial protective force of the international rule, claiming that Russia is not protecting Syrian government, but international law. We believe that to respect the rule of law in today's complex and turbulent world is one of the few ways to maintain international relations, so that they do not slide into chaos. The law is the law and we have to apply it, the pleasing or not. The use of force under current international law, is allowed only for self-defense or according a decision of the Security Council. Any other use of force is unacceptable under the Charter of the United Nations and may constitute an act of aggression.² Still, according to Putin, "to avoid the use of force against Syria, would improve the atmosphere in international politics and will open the doors for other cooperation with basic matters".

After the adoption of the resolution on Chemical Weapons, the Security Council had still three very important matters seeking solutions. The first and foremost was the matter of humanitarian access to ordinary Syrians, nearly 5 million (almost a quarter of the population) who were displaced and for 2 million that were made refugees across the borders of Syria at the end of 2013. The United Nations estimated that millions of Syrians were in urgent need of humanitarian assistance as they were under threat of dying from cold, diseases or starvation except other threats caused by the war.

On 2 October 2013 the Security Council adopted a Declaration on the urgent need for humanitarian access, pointing to the "obligation to distinguish between the civilian population and combatants and the prohibition of attacks that do not discriminate". The statement reemphasized that "Syria lacked the responsibility to protect its own people" and urged all parties to facilitate safe and unhindered humanitarian access

¹ James Ball, "Obama issues Syria a 'red line' warning on chemical weapons," *The Washington Post*, 20 August 2012, <http://www.washingtonpost.com/world/national-security/obama-issues-syria-redline-warning-on-chemical-weapons/>.

² Vladimir V. Putin, "A plea for caution from Russia.", www.nytimes.com/.../putin-plea-for-caution-from-russia-on-syria.html

to the population in need of assistance in all areas under their control and through lines border. Despite this statement, the situation for Syrian civilians didn't improve. Syrian government besiege of the civilians continued, while millions more were displaced and were in a desperate need of humanitarian assistance. On 22 February 2014 after further negotiations the Security Council unanimously adopted Resolution 2139, which urged all parties in Syria to allow the humanitarian access to the civilians displaced or besieged.¹ The resolution required that "all parties should undertake appropriate steps to protect civilians, including members of ethnic and religious communities" and stressed particularly that "the primary responsibility to protect its population belongs to the Syrian authorities".²

Another issue that could have impact on the political solution, making peace talks have any hope for success, was that the main regional powers including Iran, Saudi Arabia, Qatar and Turkey to understand and accept the need for non-military engagement in the Syrian conflict, because a wider sectarian war was in the regional strategic interests of no one. Beside these powers, the Arab League, the United States and Russia had a key role to play as potential guarantors of any settlement through negotiations. It was also important that the Security Council showed its determination to punish each violation of any peace agreement.

Another issue seeking solutions was that of the responsibility for the three years of mass atrocity crimes in Syria. The Security Council's Commission of Inquiry on Human Rights had published numerous reports attending mass atrocities committed by all sides. They published details on how the government forces and their allies had been responsible for large-scale massacres, war crimes and major violations of international humanitarian law. In the absence of accountability for the atrocities can have neither peace nor justice. The impunity gave heart to all parties to become even more resistant toward a negotiated settlement of the Syrian conflict. The Security Council would refer the Syrian situation to the International Criminal Court for further investigations.³

The necessity of restricting the use of veto

Many attempts were made in the Security Council by drafting many draft resolutions that aimed to condemn the mass atrocities that have affected civilians, to respond to

¹ United Nations Security Council, "Statement by the President of the Security Council on the situation in the Middle East," S/PRST/2013/15, 2 October 2013, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2013/15.

² Valerie Amos: Statement to the press on Security Council briefing on Syria. www.unocha.org/media-resources/usg-statement-speeches

³ United Nations, Annex to the letter dated 2 April 2014 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council, "A report into the credibility of certain evidence with regard to torture and execution of persons incarcerated by the current Syrian regime," S/2014/244, 4 April 2014, http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/244.

threats to international peace and security caused by terrorist acts and to outline the primary responsibility of Member States to protect the civilian populations in their own territories. But these resolutions could not be adopted due to the fact that the five permanent members of the Security Council did not reach an agreement. The same thing happened with the French draft resolution on 22 May 2014 which asked that the situation in Syria to be referred to the International Criminal Court for investigations. This draft resolution was stymied by Russia and China who used their right of veto, although many international non-governmental organizations supported the resolution and requested for its adoption.¹ This was in fact the fourth draft resolution intended to stop mass atrocities in Syria since the conflict began in 2011, which was hampered by Russia and China.

The failure of all permanent members of the Security Council to agree, amongst whom there was a substantial share of the possibility of using the Responsibility to Protect had hindered the ability of the Security Council to end the civil war in Syria. Russian and Chinese barriers to action in order to limit the Assad government and others who had committed mass atrocities, the lack of an action in a timely manner from the international community, had affected the severity of the conflict in Syria.

During the 68-th session of the General Assembly held in New York on September 24, 2013, 154 of the 193 member states of the United Nations confirmed the terror that had caused the civil war in Syria. Many countries discussed the possibility of reforming the Security Council, and some specifically sought to limit the right to use the veto by permanent members of the Security Council in situations of mass atrocities.²

Regarding the debate the representative of Liechtenstein stressed that he believed in the application of the doctrine of the Responsibility to Protect, to protect populations from mass atrocities and that the use of the veto or the threat to use it is in a way incompatible with the purposes of the Nations Nation. All the five permanent members of the Security Council must be able to give the world one public commitment that they will not use their right of veto to block international action aimed at ending or preventing atrocious crimes. This will be essential to enhance the effectiveness of the Security Council and its credibility.³

¹ Michelle Nichols, "Russia calls U.N. vote on Syria 'publicity stunt,' vows to veto," *Reuters*, 21 May 2014, <http://www.reuters.com/article/2014/05/21/us-syria-crisis-un-icc-i>

² Global Centre for the Responsibility to Protect, "The Responsibility to Protect at the Opening of the 68th Session of the United Nations General Assembly," 4 October 2013, 60-61, <http://www.globalr2p.org/publications/264>.

³ Remarks delivered by Permanent Mission of Liechtenstein to the United Nations, quoted in Global Centre for the Responsibility to Protect, "The Responsibility to Protect at the Opening of the 68th Session of the United Nations General Assembly.", www.globalr2p.org/media/files/2013-ga-quotes-summary

More or less the same position also held France when it proposed that the Security Council should develop a code of conduct by which its permanent members collectively agree to restrict the use of the veto in cases of mass atrocity crimes, that the doctrine of the Responsibility to Protect is assumed that should prevent.¹

Such debates no matter how less important and effective can be to resolve the conflict in Syria as they are somewhat delayed in the concrete case of Syria, after so much suffering caused by the atrocities committed there, however, they have a fundamental importance for the open path to the future implementation of Responsibility to Protect. They are also an excellent base to achieve the realization of the goal of a reform of the United Nations meaningfully. The case of the civil war in Syria and the many problems that the spread of international terrorism have caused, are facing the United Nations with the confrontation with new challenges, challenges of the XXI century, which the United Nations must be able to respond.

Conclusions

The conflict in Syria was marked by several different stages of development of events, based on the circumstances in which fighting took place and the temporary victory of one party or the other.

The opposing sides control significant parts of the territory, but none managed to trigger a comprehensive military defeat of the other, although additional external assistance was demanded to skew the balance of power.

The international community should be guided towards the protection of the vulnerable and must not allow mass atrocities to occur in the XXI century.

The United Nations must commit specifically to prevent genocide, crimes against humanity, war crimes and ethnic cleansing in order to respond to the challenges that the new reality has brought, through the implementation of the United Nations commitment assumed in 2005 Responsibility to Protect.

In cases where a government is unable to protect the human rights of its own people or it itself is responsible for the violations of these rights, state sovereignty should stay apart and create the possibility for the use of the Responsibility to Protect.

The principle of respect for national sovereignty should not pose an infinitely license for killings and other mass atrocity crimes at the expense of massive vulnerable people. Permanent members of the Security Council have the responsibility to fulfill the main objectives of the United Nation, therefore, they must be very objective in using their right of veto in extreme cases, when the world is confronting many dangerous crimes.

¹ Laurent Fabius, "A call for self-restraint at the U.N.," *New York Times*, 4 October 2013, http://www.nytimes.com/2013/10/04/opinion/a-call-forself-restraint-at-the-un.html?_

Despite the difficulties facing the Security Council is obliged to help to end war crimes and crimes against humanity in Syria, solving all issues dealing with humanitarian access, negotiations for a political solution and an end to impunity for mass atrocities committed by all parties to the conflict.

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