



STRENGTHENING  
**REGIONAL  
MECHANISMS**

**WE CAME, WE SAW AND WE KEPT WATCHING: HOW THE UN AND THE LEAGUE OF ARAB STATES FAILED THE PEOPLE OF SYRIA**

– ZIAD ABDEL SAMAD AND JOEL GHAZI

**GOOD PRACTICES ON CSO PARTICIPATION AT THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

– PAN-AFRICAN HUMAN RIGHTS DEFENDERS

**HOW TO MAINTAIN THE INDEPENDENCE OF A HUMAN RIGHTS BODY WITHIN AN INTERGOVERNMENTAL STRUCTURE: THE CASE OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IN THE ORGANIZATION OF AMERICAN STATES**

– JEFFERSON NASCIMENTO AND RAISA CETRA

**WORKING TO REENERGISE THE COMMONWEALTH**

– KIRSTY WELCH

# WE CAME, WE SAW AND WE KEPT WATCHING: HOW THE UN AND THE LEAGUE OF ARAB STATES FAILED THE PEOPLE OF SYRIA

ZIAD ABDEL SAMAD  
AND JOEL GHAZI  
ARAB NGO NETWORK FOR  
DEVELOPMENT (ANND)

## INTRODUCTION

Given the amount of media attention the conflict has attracted, writing and talking about Syria might seem redundant. However, when daily atrocities are still being committed, the need to stop them cannot be emphasised enough. And words, it seems, are almost all that the international community can offer the people of Syria. Many analysts have pointed out how events in Syria demonstrate the failure of the international community, but these failings were seen before Syria – in Afghanistan, the Democratic Republic of Congo, Iraq, Kosovo, Rwanda, and Somalia, among others – and will probably remain after it. It seems as if the world has taken Khalil Gibran's words to heart when he said "forgetfulness is a form of freedom"; in our case, freedom from guilt.

At the time of writing, the Syrian conflict has claimed the life of more than 110,000 people and has driven "6.5 million others from their home [...] since March 2011".<sup>1</sup> The conflict is also having tremendous economic and material costs. Estimates that date back to 2012 indicate that US\$60 billion would be needed to rebuild Syria.<sup>2</sup> Others estimate that the damage done to the health sector will take up to 10 years to be remedied. Experts estimate that it will cost US\$300,000 per month just to cover the treatment of casualties and injuries.<sup>3</sup> This is not to mention that as long as the war goes on, a generation of Syrians is not attending school, and they will have to rebuild Syria, with no education, no means to rebuild state structures and only knowledge of destruction and massacres.

Dubbed as a proxy war by some, a people's struggle by others, or even a war on terrorism, the conflict now has regional and global dimensions that surpass the early Homs and Daraa uprisings of 2011. It could even be said that the initial objective of the Syrian people's revolution – toppling the Assad regime – is now sidelined in the mainstream media, as well as in the general discourse and political arrangements concerning Syria. Therefore, any solution to the Syrian crisis has to take on a global dimension. Given the complexity of the Syrian conflict, many believe that stopping the carnage will ultimately have to involve a concerted push for a politically negotiated settlement.

## EVENTS AND ACTORS TO DATE

The League of Arab States (LAS) has exerted some political pressure on Syria. Its response came at the early stages of the crisis, before the conflict became internationalised and more complex. Nine months after the start of the crisis, LAS introduced a peace plan that called on the Assad government to halt violence, release prisoners, allow for media access and remove military presence from civilian areas. When the regime failed to do so, LAS suspended Syria's membership and, in November 2011, imposed economic sanctions. Syria then signed a peace deal, mandating an Arab observer mission<sup>4</sup> to observe and report on the crisis, but LAS suspended the mission on 29 January 2012<sup>5</sup> due to "critical" conditions in Syria.

If the purpose of the mission was to halt the violence, it failed to do so. Media outlets recorded 400 deaths two weeks after the LAS observers entered Syria.<sup>6</sup> The mission ended when its chief, Sudanese General Mohammed al-Dabi (who incidentally has been criticised for his actions in Darfur, where the government is accused of genocide), resigned after spending one month in Syria.<sup>7</sup> From a political standpoint, the failure of the mediation effort reflects the overall ineffectiveness of Arab regional integration in general and the LAS in particular. This regional body was unable to protect

civilians and pave the way for a political solution, while Assad's regime was keen on surviving and protecting itself no matter what the cost and has been able to do so.

UN Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, insisted upon her visit to Damascus that the international community needed "to do more" to assist the 9.3 million Syrians affected by "the dire humanitarian situation."<sup>8</sup> In a series of public statements, the Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect (R2P) voiced their concern over the Syrian government's systematic and widespread attacks on civilians and reminded the government of its responsibility to protect its population.<sup>9</sup>

According to the Special Adviser on the Prevention of Genocide, "Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility where States are accountable for the welfare of their people. This principle enshrined in Article 1 of the Genocide Convention and is embodied in the principle of 'sovereignty as responsibil-

ity' and in the concept of the Responsibility to Protect."<sup>10</sup> Further, one of the three main pillars of the Secretary-General's 2009 report on implementing R2P is that, "The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations."

The UN Human Rights Council and Office of the High Commissioner for Human Rights (OHCHR) mandated in August 2011<sup>11</sup> an independent Commission of Inquiry<sup>12</sup> to investigate human rights violations in Syria.

For its part, the UN Security Council made several attempts at resolutions to intervene in the conflict, but they were met with vetoes from China and Russia. Later on, it appointed a special envoy and established a supervision mission in Syria (UNSMIS). With these moves, the Council sought to take preventive action. Unfortunately, the situation had already escalated to a point of extreme

violence, leaving very limited room for political negotiations between the disputing parties. As such, UNSMIS immediately faced many technical difficulties on and off the ground, including limited freedom of movement due to restrictions by the government, blocked access to sites of mass violence and the rejection of some observers' visas. These factors, alongside the ongoing violence, led to the Mission's suspension on 15 June 2012.

Just recently, the United Nations stopped updating the death toll from Syria. It says it can no longer verify the sources of information that led to its last count of at least 100,000 people dead, in late July 2013. A spokesman for the UN Office of the High Commissioner for Human Rights, Rupert Colville, said that the organisation lacked feet on the ground in the country and that it was unable to verify "source material" from those with access. "It was always very close to the edge in terms of how much we could guarantee the source material was accurate," he said. Colville continued, "It reached a point where we felt we could no longer cross that line. So for the time being, we're not updating those figures."<sup>13</sup> Colville also said the UN could not endorse counts put forward by other bodies, including the widely quoted figures from the Syrian Observatory for Human Rights, whose latest tally at the time of writing is more than 130,000.

They say that truth is the first victim of any conflict. For political reasons, the UN is bury-



ing its head in the sand. Choosing to discredit activists that are gathering information and counting deaths, including the Observatory and local Coordination Committees in Syria, in the run up to the Geneva II conference, has political significance. One can only guess that there is intention to undermine documentation efforts to reduce the amount of blame the regime is receiving.

The turning point came in August 2013, when

some states became convinced that the Assad regime had used weapons of mass destruction (WMD) on its population in Ghouta, on the outskirts of Damascus. Several governments asserted that they had credible reports of Sarin gas being used in Ghouta, with most placing blame on the Syrian government. The UN Mission investigating the possible use of chemical weaponry returned from Syria two weeks later and stated in its report that there was “clear and convincing evidence” that Sarin gas had been used in Ghouta, though it stopped short of declaring which side had deployed it. Speculation about Assad’s role continued, and some states announced that a “red line” had been crossed. Dynamics of political outbidding were now initiated.

***“...a fragile and unsettling consensus has emerged between Western powers and Russia.”***

Led by the United States (US), United Kingdom and France, several countries seriously considered a military operation in order to respond to the chemical weapons attack. However, several other states and many CSOs, regional and global, questioned whether a military action solely in response to the August chemical weapons attack would have the purpose of protecting civilians or if it would mostly be intended to punish the Assad

regime – or even give these states a facade of potency. Ultimately, diplomacy led for the first time to a consensus in the UN Security Council by passing

Resolution 211814 (2013), which requires Syria to destroy its current stockpile of chemical weapons. It further prohibits Syria from using, developing, stockpiling and transferring chemical weapons. Should Syria not fulfil the terms of the resolution, with compliance overseen by the Organisation for the Prohibition of Chemical Weapons (OPCW), the Security Council may consider penalties under Chapter VII of the UN Charter.<sup>15</sup>

Many observers noted that large numbers of Syrians were killed by conventional weapons

before and after the WMD episode, without it prompting similar reactions. It seemed that Assad agreeing to dismantle his chemical arsenal was enough to calm the West’s urge to fulfil its responsibility to protect civilians. One could conclude that interventionist talk had achieved its aim of stripping the regime of a particular ‘means of persuasion’, irrespective of continuing atrocities being committed against the Syrian people. Overall this episode’s outcome was rather favourable to the regime, as it continues to enjoy impunity, with conventional massacres and bombings flaring up after it. The relative flexibility showed by the regime in the discussions bolstered its image on the international scene. Russia and China’s roles as interlocutors with the regime were also reinforced. However, seeing as the regime is reluctant to dismiss its arsenal of chemical weaponry, this might play out to its disadvantage and that of Russia and China.

## GENEVA II

The recap of events above shows that the people of Syria have been let down by both the UN and the League of Arab States. The political deadlock in the Security Council is not likely to break, and without it, any effective action seems highly improbable. However, recent rapprochement between the US and its long-term nemesis, Iran, suggests that there might be a shift in the attitude towards Syria. The deal that was concluded in November 2013 amongst the permanent

members of the Security Council (China, France, Russia, the United Kingdom and the United States), Germany and Iran hasn't yet been implemented, but it certainly includes chapters on Lebanon, Iraq, Syria, the Gulf and Turkey, and it undoubtedly did not please Gulf petro-monarchies.

The Geneva I peace conference, held in June 2012, paved the road for political solutions. These consist of the formation of a government of national unity representing the different actors, including the regime and the opposition, and a need by the ruling regime to agree on a new constitution that entails political and administrative reforms and that will lead to the election of a new president.<sup>16</sup> These conclusions were summarised in a final communiqué made public on 30 June 2012. The recognition of these conclusions was a precondition to the Geneva II conference. Failure to implement this agreement was followed by Geneva II, with Iran absent due to its public rejection of a transitional government in Syria and other measures of the Geneva I communiqué.

Ideally Geneva II should have enabled the participants to come up with an implementation strategy, find solid ground to end the violence and launch the political process. This was not achieved. However, regardless of the results, the meeting and discussion process can be seen as successes in themselves. Talking and sitting around the

same table might not directly result in ending the violence, but as Freud once said, "the first human to hurl an insult instead of a stone was the founder of civilisation." Even if exchanges were tense between the two parties, this process represented a good step.

On 25 November 2013, UN Secretary-General Ban Ki-moon announced that peace talks would be convened on 22 January 2014 in Geneva;<sup>17</sup> the conference came to be known as Geneva II. This conference was preceded by important developments on the ground. With the help of Hezbollah, Abu Fadl al-Abbas fighters from Iraq, the Iranian Revolutionary Guard and the flow of arms from Russia, the regime was able to seize several key cities and regions. Most notably, the regime regained control of the Homs highway by seizing Nabak, Yabrud and the Qalamoun mountains. These advances were made easier due to the disarray amid rebel forces. Clashes erupted between Jihadist fronts – notably between the Islamic State in Iraq and the Levant (ISIL) and the Islamic Front (IF) – and with Free Syrian Army factions.

Both the first and second rounds of Geneva II peace conferences failed to produce any significant results on a political resolution to the conflict or on the improvement of the humanitarian situation, but rather chose to focus on 'fighting terrorism'. The government refused to discuss the transition plan and the demission of Bashar al-Assad. After Geneva

II, the exiled Syrian National Council tried to replace General Salim Idris but was met with opposition from unit commanders inside Syria. After the conference, the US and Saudi Arabia decided to increase their supply of weapon to rebels who reorganised themselves into a southern front. On the other hand, regime forces are preparing air raids and field strikes to strengthen regions they re-occupied (namely, the capital's vicinities, the coastal area and the road between the two).

In short, Geneva II only was characterised by strategic manoeuvring on the ground at the expense of political solutions and deteriorating humanitarian conditions. The London-based Syrian Observatory for Human Rights (SOHR) said that the number of civilians killed daily since the beginning of the talks was higher than the onset of the civil war.

## CONCLUSION

In the aftermath of the chemicals weapons deal, a fragile and unsettling consensus has emerged between Western powers and Russia. It is based on three shared objectives: ending the violence in Syria; preserving the unity and structures of the Syrian state (including the army); and eliminating radical Islamist groups. However, the probability that any of these objectives will be realised is small, mainly because Russia and the West still disagree on many points.

These challenges and others are significant; however, if no peaceful solution is found, Syrians will continue to suffer. Putting aside political and strategic analyses, actions on the ground still need to be taken to improve coordination among relief organisations, mitigate corruption in the field and build the capacities of Syrian civil society in such a way that it is able to respond to present and future needs. Widespread violence is smothering the voices, visibility and actions of non-violent movements and CSOs that have tried to preserve the revolution's peacefulness and non-sectarian aspects. Emerging Syrian civil society needs Arab and international support. This support also has to be channelled via UN agencies.

CSOs need help in developing their capacities to be able to play an active role during and after the end of the conflict, particularly in such areas as mediation, peacebuilding and conflict resolution. The current situation requires CSOs capable of responding to the growing needs of Syrian citizens on the ground, and CSOs must be free from all the complexities, red tape and failures of the global and regional governance systems outlined above. Syrian CSOs need to be empowered and freed of the international community's political bargains over the people of Syria.

<sup>1</sup>Syria: Senior UN officials strongly condemn attacks on health personnel, facilities, UN News Centre, 7 December 2013, available at: <http://www.un.org/apps/news/story.asp?realfile/html/story.asp?NewsID=46683&Cr=Syria&Cr1=#.U0-y8vmSyum>.

<sup>2</sup>L Hatoum, World News: Cost of Rebuilding Syria Estimated at \$60 Billion, The Wall Street Journal, 21 November 2012, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=50adc95f5>.

<sup>3</sup>R Khiani, Can Syria Rebuild Its Devastated Health Infrastructure? Huffington Post UK, 31 October 2013, available at: [http://www.huffingtonpost.co.uk/resham-khiani/syria-health-infrastructure\\_b\\_4176764.html](http://www.huffingtonpost.co.uk/resham-khiani/syria-health-infrastructure_b_4176764.html).

<sup>4</sup>Arab League Observers arrive in Syria, The Independent, 27 December 2011, available at: <http://www.independent.co.uk/news/world/middle-east/arab-league-observers-arrive-in-syria-6281910.html>.

<sup>5</sup>Arab League suspends Syria mission amid violence, CNN, 30 January 2012, available at: <http://edition.cnn.com/2012/01/29/world/meast/syria-unrest>.

<sup>6</sup>Syria Unrest: Arab League observer mission head quits, BBC, 12 February 2012, BBC, available at: <http://www.bbc.co.uk/news/world-middle-east-17001032>.

<sup>7</sup>Ibid.

<sup>8</sup>V Amos, The world must do more, United Nations Office for the Coordination of Humanitarian Affairs, 12 January 2014, available at: [http://reliefweb.int/sites/reliefweb.int/files/resources/12Jan2014\\_USG-ERCAmos\\_Syriamission\\_pr\\_FINAL%20%28en%29.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/12Jan2014_USG-ERCAmos_Syriamission_pr_FINAL%20%28en%29.pdf).

<sup>9</sup>Special Advisers of the United Nations Secretary-General on the Prevention of Genocide, Francis Deng, and on the Responsibility to Protect, Edward Luck, on the situation in Syria, UN Press release, 2 June 2011, available at: <http://www.un.org/en/prevent-genocide/adviser/pdf/OSAPG%20statement%20Syria%202%20June%202011%20FINAL%20ENGLISH.pdf>.

<sup>10</sup>Further information on the responsibility to protect is available at: <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>.

<sup>11</sup>Report of the independent international commission of inquiry on the Syrian Arab Republic, Independent International Commission of Inquiry on the Syrian Arab Republic, UN Doc A/HRC/21/50, 16 August 2012, available at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf).

<sup>12</sup>Commission of Inquiry on Syria: civilians bearing the brunt of the "unrelenting spiral of violence," Office of the High Commission of Human Rights, 18 September 2012, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/ClonSyriaciviliansunrelentingpiralofviolence.aspx>.

<sup>13</sup>K Gander, UN to stop updating death toll in Syria conflict, The Independent, 7 January 2014, available at: <http://www.independent.co.uk/news/world/middle-east/un-to-stop-updating-death-toll-in-syria-conflict-9045096.html>.

<sup>14</sup>Security Council requires Scheduled Destruction of Syria's Chemical Weapons, Unanimously Adopting Resolution 2118, UN SC/11135, 27 September 2013, available at: <http://www.un.org/News/Press/docs/2013/sc11135.doc.htm>.

<sup>15</sup>M Gordon, UN Deal on Syrian Arms Is Milestone After Years of Inertia, New York Times, 26 September 2013, available at: [http://www.nytimes.com/2013/09/27/world/middleeast/security-council-agrees-on-resolution-to-rid-syria-of-chemical-arms.html?%20r=1&\\_r=2&](http://www.nytimes.com/2013/09/27/world/middleeast/security-council-agrees-on-resolution-to-rid-syria-of-chemical-arms.html?%20r=1&_r=2&).

<sup>16</sup>Final Communiqué, Action Group for Syria, 30 June 2012, available at: <http://www.un.org/News/dh/infocus/Syria/Final-CommuniqueActionGroupforSyria.pdf>.

<sup>17</sup>Statement attributable to the Spokesperson for the Secretary-General on convening of the Geneva conference on Syria, United Nations, 25 November 2013, available at: <http://www.un.org/sg/statements/index.asp?nid=7305>.