

Legitimacy of International Intervention in the Syrian Crisis

Dr.Brichi Belkacem
Faculty of Law University Center Aflou
b.brichi@cu-aflou.edu.dz

Send Article Date: 01/05/2024 Date of acceptance of the article: 12/05/2024

Abstract:

The Syrian conflict witnessed many stages, represented by the international intervention through international and regional organizations and the military intervention in which the major countries, led by the United States of America, Russia and Turkey, contributed with humanitarian justifications to protect civilians, The Arab League had a role in the beginning of the conflict by interfering with the obligation of the Syrian regime to respect human rights, respect the right to demonstrate, and not use force against demonstrators, while making the political change demanded by the Syrian people, As for the United Nations, it demanded the necessity of implementing the recommendations of the League of Arab States, respecting human rights, not using force against demonstrators, and respecting the sovereignty of the Syrian state. In addition to its right to legitimate defense stipulated in Article 51 of the Charter of the United Nations.

key words: humanitarian intervention, protection of civilians, international responsibility, the Syrian crisis.

Introduction:

The importance of humanitarian intervention during conflicts is significant, as it helps civilians overcome the harm inflicted upon them by protecting them and providing necessary aid. Intervention by international organizations or states aims to mitigate or halt conflicts by providing necessary conditions for peaceful settlement as stipulated in the United Nations Charter or regional organizations' charters. However, military intervention, in accordance with the UN Charter and

Legitimacy of International Intervention in the Syrian Crisis

resolutions of the Security Council, may be resorted to if the conflict poses a threat to international peace and security, or in cases of legitimate defense¹, or in the face of terrorist threats posed by international terrorist organizations or in protecting civilians².

Intervention in Syria has had various dimensions due to the nature of the conflict, the number of involved states, and the strategies employed by each party. Therefore, studying this issue is essential due to its international and regional significance and examining its positive and negative effects amid the interference of international interests in the region.

The Syrian crisis serves as a vivid example of intervention in all its forms, as international powers have exchanged roles in intervention based on several legal bases to protect their positions and justify their activities. The inability of the parties to find a peaceful solution to the crisis was exacerbated by the prolonged duration of the conflict, exceeding ten years, amidst regional and international changes, including the war in Ukraine, which negatively impacted the peaceful settlement in Syria.

To address this issue, we pose the following problem: To what extent can it be said that humanitarian international intervention in Syria was legitimate? And did it achieve its objectives or not?

To answer this problem, we propose the following plan:

Axis One: Legitimacy of international humanitarian intervention by regional and international organizations in Syria.

Axis Two: Legitimacy of military intervention for humanitarian purposes in Syria.

Axis One: Humanitarian Intervention by International Organizations in Syria

Causes of the Syrian Crisis:

The Syrian crisis began in March 2011 through initiatives on social media calling for political, social, and economic reforms. In response to these demands, groups of young people in Syrian cities, notably Daraa, took to the streets carrying slogans related to freedom and dignity. These youth gatherings were portrayed on television stations as the start of the Syrian revolution against the Syrian regime.

¹Mohammed Fahd Al-Shalalda. International Humanitarian Law. Manshurat Al Ma'arif, Alexandria, Egypt, 2005, p. 56.

²Walid Douzi. "Humanitarian Intervention Between the Necessity of Intervention and Double Standards" (Published Article). Journal of Law and Development, Volume 02, Issue 02, December 2020, p. 04.

As these protests evolved in these cities, some demonstrators clashed with security forces, resulting in casualties among both protesters and security forces. The confrontations expanded to include other cities, including Latakia, Daraa, Homs, and Baniyas. These events caused a great tragedy for civilians, leading to urgent calls for humanitarian intervention³.

The Syrian authorities' stance on the events

The Syrian regime led by President Bashar al-Assad is considered an extension of the regime of Hafez al-Assad, his father, who came to power in 1971 until his death in 2000, succeeded by his son Bashar al-Assad through a referendum. This rule lasted for many years, applying the rules and systems of the Syrian Arab Socialist Ba'ath Party.

Since the beginning of these protests, the Syrian regime has attempted to contain them, but it failed due to directed media campaigns aimed at directing protesters and international public opinion towards the necessity of radical change in Syria, especially regime change and overthrowing President Bashar al-Assad. The conflict evolved into the emergence of armed factions in the mentioned cities, leading to civilian casualties and the imposition of exceptional measures by the Syrian army, which began losing control of many areas after the formation of armed groups supported from abroad, which took control of these areas and imposed a new system in them.

The Arab League's stance on the Syrian crisis

Since the outbreak of the conflict in Syria, the Arab League has taken a series of measures,⁴ mostly against the Syrian government, holding it responsible for the crisis due to its failure to take necessary actions to resolve it. Notably, these measures demanded political reforms, as requested by demonstrators in major cities, especially Daraa. Here are some of the decisions and actions taken by the Arab League:

Resolution No. 7438 issued on 12/11/2011, which included several measures, among them:

- Suspending the participation of Syrian government delegations in the meetings of the League's Council and all its affiliated agencies and organizations starting from 16/11/2011 until they commit to fulfilling their obligations agreed upon and approved by the Council on 02/11/2011.

³Ibrahim Assaïdi. "NATO and the Calculations of Military Intervention in Syria" (Published Study). Al Jazeera Center for Studies, 2013, p. 02.

Omar Saad Allah. "International Law for the Resolution of International Disputes" (Book). Dar Huma, Algeria, 2nd edition, 2010, p. 209.⁴

Legitimacy of International Intervention in the Syrian Crisis

- Commitment to refrain from using force against civilians in cooperation with relevant Arab organizations, and in case of non-compliance with these measures, the Secretary-General notifies relevant international organizations, including the United Nations.
- Calling on the Syrian army to respect human rights and refrain from violence against civilians.
- Imposing economic and political sanctions against the Syrian government.
- Withdrawing Arab embassies from the Syrian capital while preserving the right of all Arab countries to comply with these measures.
- Inviting the Syrian opposition to a meeting at the League's headquarters to agree on a unified vision aimed at stopping the conflict.
- Holding a ministerial meeting with the Syrian opposition⁵.

It is noteworthy that the role of the Arab League did not contribute to resolving the crisis or reducing tension between the parties, especially after dialogue channels within the League were blocked following the suspension of Syria's membership. The Syrian government accused the Arab League of bias towards the opposition, making it a party to the conflict alongside it. This negatively affected the League's role from the beginning, as the sanctions imposed by the Syrian government, which did not consider dialogue channels, led to the suspension of Syria's membership in the League, which was unjustified according to the League's charter, giving this decision an illegitimate and biased nature in resolving the conflict. This exacerbated the situation and increased conflict, especially with the intervention of international parties that supported the armed opposition and allowed foreigners to enter Syrian territory and fight alongside the opposition, giving the Syrian government the opportunity to seek assistance from friendly countries such as Iran and Russia⁶.

Intervention by the United Nations:

Since the onset of the Syrian crisis, the United Nations has emphasized the importance of respecting the right to peaceful assembly, avoiding violence, and respecting the Syrians' right to express their opinions. Western countries, led by the United States of America, the European Union, Israel, and some European countries, have supported this stance. Meanwhile, the Syrian regime rejected these positions, considering them as interference in internal affairs, leading to the internationalization of the issue and its presentation to the United Nations in a serious manner, following the stages outlined below⁷:

⁵Decision No. 7436 – D. G. A. M. - 02/11/2011.

⁶Council of the League of Arab States, Extraordinary Session Approving the Arab Initiative, 27/08/2011.

⁷Nizar Ayoub. "Humanitarian Intervention in Syria and the Responsibility to Protect" (Study). Harman Center for Contemporary Studies, Turkey, 2017, p. 04.

- **At the level of the United Nations General Assembly:**

The General Assembly issued its resolution regarding the Syrian crisis on 16/02/2012 under Resolution No. 253/66. This resolution considered the situation in Syria deteriorating, citing human rights violations by the Syrian regime through the use of force against protesters. It praised the role of neighboring countries in achieving peace and emphasized the need to avoid violent means, indicating the support of some countries for the opposition by backing and arming it against the Syrian regime.

The resolution also supported positions aiming to peacefully resolve the Syrian crisis while maintaining territorial integrity and the sovereignty of the Syrian state. It highlighted the methods used in the conflict, including excessive use of force, enforced disappearances, mass executions, excessive torture, and repeated attacks on civilians by parties to the conflict. The Syrian government was urged to follow the plan presented by the Arab League in 2011, which includes ending violence, releasing detainees, lifting the siege on Syrian cities, guaranteeing freedom for Syrians to demonstrate, and allowing Arab League institutions and international media to freely move within Syrian cities⁸.

- **At the level of the United Nations Security Council:**

The United Nations Security Council issued a series of resolutions on the Syrian crisis as follows:

- Resolution No. 2043 issued on 21/04/2012 expressed concern about the conflict in Syria between the opposition and the Syrian army. It requested that parties refrain from excessive violence that harms civilians and significantly affects their human rights and livelihoods. The resolution also recognized the positive role of neighboring countries in assisting refugees due to the deteriorating conditions within Syrian territory. It called for respect for Syrian sovereignty and territorial integrity. Additionally, the resolution called upon the Secretary-General to dispatch a monitoring mission to Syrian territory, consisting of military observers and civilian elements, to monitor the situation and facilitate the cessation of hostilities⁹.

- Resolution No. 2118 issued on 27/09/2013 noted that the Syrian government had joined the Chemical Weapons Convention¹⁰ on 01/09/2013. The resolution established a special mission to investigate the use of chemical weapons in combat between the warring parties. It welcomed the Syrian government's commitment to relinquish and destroy chemical weapons according to the

⁸Nizar Ayoub. Ibid, p. 06.

⁹Nizar Ayoub. Ibid, p. 05.

¹⁰Lakhier Tayeb. "Basic Guarantees for the Protection of Civilians in Armed Conflicts" (Published Article). Al Mee'ar Journal, Volume 03, Issue 06, December 2012, p. 225..

Legitimacy of International Intervention in the Syrian Crisis

agreement between Russia and the United States, while subjecting the Syrian government to investigation. The resolution also emphasized the necessary political solutions by Syrian political leadership and warned against the use of chemical weapons and their danger to civilians as a violation of international law.

- Resolution No. 2139 issued on 22/02/2014 emphasized the need to respect Syrian sovereignty, territorial integrity, and unity. It condemned the increasing and unjustifiable violence, which led to the deaths of over 150,000 people, the displacement of more than 6 million people, and the difficult living conditions of over 4 million people. The resolution considered human rights violations, killings, displacement, and torture as serious acts warranting judicial action, in addition to the difficulty in delivering humanitarian aid and the siege imposed on many areas, forcing residents to leave their cities and villages under difficult circumstances¹¹.

It is notable that the Security Council's interventions through these resolutions focused on the following:

- Respect for Syrian sovereignty,
- Respect for human rights¹²,
- Rejection of violence from all parties,
- Did not differentiate between the warring parties, as the Syrian army considered armed groups as terrorist organizations, while Security Council resolutions did not classify them as such.

Therefore, these resolutions did not contribute to solving the Syrian crisis but rather exacerbated the situation and paved the way for international military intervention.

THE SECOND AXIS: THE LEGALITY OF INTERNATIONAL MILITARY INTERVENTION IN SYRIA¹³.

Attempts by the Arab League and the United Nations to resolve the conflict within Syria and halt the war between the Syrian army and internationally-supported opposition forces have failed. This paved the way for military intervention by parties that controlled the threads of the conflict from afar. Three international parties intervened militarily: Russia and Iran supported the Syrian army, Turkey supported a portion of the opposition, and Western and Arab countries, represented by the United States, supported another part of the opposition and fought against ISIS¹⁴.

¹¹Report issued by the Secretary-General on 11/11/2015, Document No. S/2015/862.

¹²Walid Sharit. "Protection of Civilians in Armed Conflicts between the Provisions of International Humanitarian Law and the Teachings of Islamic Jurisprudence" (Published Article). Heritage Journal, Issue 09, 2013, p. 92.

¹³Decision of the Human Rights Council issued on 04 June 2013, Document No. A/HRC/23/58, p. 02.

¹⁴Nizar Ayoub. Ibid, p. 05.

The Legitimacy of Turkish Intervention in Syria:

Turkey has played a significant role since the beginning of the conflict in Syria, considering its status as a neighboring country to Syria from the north, spanning a distance of approximately 909 kilometers from the west of the Mediterranean Sea to the Iraqi border. This proximity has directly affected Turkey due to the influx of refugees and military clashes along the border.

Intervention to Protect Syrian Refugees:

Since the onset of the Syrian crisis, the displacement to Syrian territories began, especially after the resolutions issued by the United Nations Security Council, which obligated neighboring countries to assist Syrian civilians fleeing the internal conflict. Turkey has received more than 3 million registered refugees within its territory, making it one of the countries that have received the highest number of Syrian refugees. Turkey has cooperated with the United Nations High Commissioner for Refugees and some European countries to accommodate these refugees, providing them with medical assistance. These refugees are located in Turkish cities and camps established by Turkish authorities in collaboration with non-governmental organizations and the United Nations¹⁵.

Military Intervention to Protect Civilians in Syria:

Turkey found various justifications for its intervention in Syria, including the terrorist threats posed by ISIS, as well as combating extremist Kurdish groups¹⁶ that found safe havens in Syria. Turkey launched Operation Euphrates Shield on August 24, 2016, based on Article 51 of the United Nations Charter, which refers to legitimate self-defense. Subsequently, it launched Operation Olive Branch, aiming to protect civilians from terrorist organizations using violence and coercion, resulting in a significant displacement of the population outside Syria. Turkey worked to establish a safe zone covering an area of 5,000 square kilometers to secure this area and protect civilians from terrorist threats, encouraging Syrians to remain in their homeland due to the inability of neighboring countries to accommodate the massive number of refugees amidst international and European divisions over the Syrian crisis. Turkey relied on Article 51 of the United Nations Charter and Resolution 2249 issued in 2015, which calls for solidarity in confronting terrorist organizations due to the real threat posed by these organizations to international peace and security. Among these organizations are Kurdish separatists who threatened to establish a state along the Turkish southern border, especially in light of the Syrian army's lack of

¹⁵Suissi Ibrahim. "Thesis on the Principle of Responsibility to Protect as a Mechanism for Protecting Civilians in Non-International Armed Conflicts" (PhD Thesis). Faculty of Law, University of Blida 2, 2019, p. 188.

¹⁶Decision of the Human Rights Council issued on 05 February 2013, Document No.

control over all its territories, facilitating the expansion of operations against Turkish territory¹⁷.

The Legitimacy of American Intervention in Syria

The United States has worked to strengthen its presence since the outbreak of the Syrian conflict, especially with the launch of operations against ISIS in 2015. The American presence is concentrated from northwestern Al-Hasakah to southeast Manbij, particularly in areas controlled by the Kurds, due to threats posed by ISIS in the region, especially against the religious minorities in Syria¹⁸.

The US authorities have acknowledged their presence for combating terrorist organizations and limiting the use of prohibited weapons, especially chemical ones. This is particularly crucial given the increasing use of toxic gases against civilians in major cities. The United States has accused the Syrian regime of using chemical substances against the opposition, resulting in casualties among both militants and civilians. The permanent representative to the United Nations stated that the objective of intervention is to combat terrorist organizations and prevent chemical weapons from reaching the Syrian regime, which the United Nations holds solely responsible for violence and violations of human rights and international humanitarian law.

The United States has carried out airstrikes and missile strikes against the Syrian army to weaken it in the face of the armed opposition and reduce its capabilities to advance towards controlled cities. The American stance of only conducting strikes, without direct intervention, is rooted in the policy of former President Barack Obama, who avoided direct wars during his presidency, unlike his predecessor, George W. Bush, who declared simultaneous wars following the events of September 11¹⁹.

Furthermore, the American president faced internal opposition opposed to military interventions due to the negative consequences and human and economic losses incurred by the United States in Iraq and Afghanistan. These wars impacted American strategy and led to involvement in prolonged wars, revealing numerous shortcomings in the areas of human rights and civilian protection, including crimes committed by its soldiers in Iraq and Afghanistan. The American

¹⁷Suleiman Shalbak. "From the Principle of Responsibility to Protect to Responsibility During Protection" (Published Article). Algerian Journal of Humanitarian Security, Volume 06, Issue 01, January 2021, p. 1024.

¹⁸Hassnaoui Khadra and Daidouni Belkacem. "Legitimacy of Intervention for the Protection of Religious Minorities in International Law" (Published Article). Judicial Ijtihad Journal, Volume 12, Issue 02, 2020, p. 922.

¹⁹Suhaim Fathi Sulaiman Abu Mustafa. "The Syrian Crisis in the Context of International Regional Balance Shifts (2011-2013)" (Master's Thesis). Al-Azhar University, 2017, p. 115.

intervention in these countries did not halt violence but instead resulted in chaos and instability in security and politics²⁰.

The Legitimacy of Russian Intervention in Syria:

Russia relied on a set of principles, both legal and political, in its intervention, focusing on the claim made by Syrian President Bashar al-Assad to combat extremist terrorist organizations that had seized control of many Syrian cities, threatening international peace and security and causing significant harm to civilians. In fact, this intervention coincided with military assistance provided by Iran to the Syrian regime in the fight against ISIS and Jabhat al-Nusra, alongside the intervention of Hezbollah alongside the Syrian regime in the fight against terrorist organizations. This formed a tripartite front against terrorist organizations, most notably ISIS and Jabhat al-Nusra. The aim of this tripartite intervention was to defeat armed groups, such as Jabhat al-Nusra and the Free Syrian Army, which had contributed to the worsening situation and the intensification of conflict within Syrian territory, especially after the recruitment campaigns of terrorists and mercenaries from around the world, posing a significant threat to the Syrian population.

This intervention came after attempts by regional and international organizations and Turkish and American military interventions, which did not contribute to reducing the escalating violence in Syria, paving the way for the necessity of Russian military intervention to deter armed groups and make them respond to resolving the crisis through negotiations and refraining from armed violence and their major goals, represented by overthrowing the Syrian regime²¹.

Based on these principles, Russia intervened starting in September 2015 by launching airstrikes against locations of armed groups in major cities such as Aleppo, Homs, Idlib, and Hama, causing significant destruction in these cities because the armed groups had made them strongholds and concentrated all their forces in them.

These strikes contributed to the Syrian regime regaining control of these areas, especially after the agreement reached between the armed groups and the Syrian regime, which stipulated a ceasefire under the supervision of Turkey and Russia. A ceasefire agreement was signed on September 30, 2016, with the exception of internationally classified terrorist organizations, with several groups joining this agreement and others rejecting it.

²⁰ John Western S. Goldstein. "To Salvage the Principle, Abandon the Idea of Regime Change" (Published Article). The Magazine, Issue 1083, 2013, p. 52.

²¹ Decision of the Human Rights Council issued on 05 February 2013, Document No. A/HRC/22/59/, p. 42.

Legitimacy of International Intervention in the Syrian Crisis

In application of this agreement, the factions signed a comprehensive ceasefire agreement and sought to resolve the crisis through dialogue and address the issue of prisoners and lift the siege on besieged fighters.

This agreement received positive reactions from the United Nations, which welcomed the agreement through its special envoy to Syria (Staffan de Mistura), considering that this agreement could contribute to stopping violence and reducing the damage to civilians. The major powers also welcomed this agreement, with the United States urging parties to respect this agreement in order for it to contribute to a permanent ceasefire²².

Indeed, Russian intervention contributed to deterring armed groups, making their recourse to negotiations inevitable, which contributed to multiple negotiations between the guarantor parties, most notably the Astana negotiations, which involved Turkey, Russia, and Iran, and which established safe zones to protect Syrian civilians.

Although these agreements have contributed significantly to a ceasefire, the ceasefire remains fragile due to international military interventions, including Turkey and the United States, in addition to Israeli strikes targeting Syrian forces in the vicinity of the Syrian capital Damascus, as well as the ongoing friction between international forces on the ground, especially after the Russian war on Ukraine, which has contributed to growing hostility against Russian forces and their allies, as well as the suspension of negotiations related to the Iranian nuclear file and the increasing military strikes between Israel and Iran. These events will necessarily affect the situation on Syrian territory in light of the sanctions imposed on Syria, Russia, and Iran. International parties hope to resolve this conflict, especially after the urgent call for Syria's return to the Arab League during the summit to be held in Algeria in early November 2022, through the high-level consultations conducted by Algeria with Arab countries²³.

Conclusion:

The Syrian crisis has witnessed many events over the course of more than ten years, during which international positions have intersected. It has also seen international military interventions, mostly based on decisions issued by the United Nations Security Council aimed at countering terrorist threats, protecting Syrian civilians, and affirming the independence and territorial integrity of the

²²Mohammed Obeidi. "Human Security in the Context of the Responsibility to Protect" (PhD Thesis). Faculty of Law and Political Science, Mohammed Khidr University, Biskra, 2017, p. 244.

²³For further details, refer to the following link in Al-Quds Al-Arabi newspaper:[link](#)

Syrian state. Despite all these attempts, the situation remains unstable amid international developments. As a result of this research, we propose the following:

- National reconciliation among Syrians aimed at releasing prisoners from both sides, facilitating the return of war refugees, and dropping charges against parties involved in the events.
- Organizing comprehensive elections aimed at involving Syrians in political life.
- Restoring the role of the Syrian army in protecting Syrian territories fully and evacuating international forces from Syrian territory, assisting Syrians in returning to normal life by returning to the Arab fold.
- Contributing to the reconstruction of Syrian cities destroyed by war.
- Assisting Syrian refugees in returning to their homeland.

Bibliography List setting:

References:

1. Ibrahim Saeedi, NATO and the Calculations of Military Intervention in Syria, Al Jazeera Center for Studies, 2013.
2. Omar Saad Allah, International Law for Resolving International Disputes, Dar Humah, Algeria, 2nd Edition, 2010.
3. Muhammad Fahd Al-Shalalada, International Humanitarian Law, Dar Al-Ma'arif, Alexandria, Egypt, 2005.
4. Siham Fathi Suleiman Abu Mustafa, The Syrian Crisis in the Light of Transformations of International Regional Balances (2011-2013), Master's Thesis, Al-Azhar University, 2017.
5. Sohaib Ibrahim, PhD Thesis, The Principle of the Responsibility to Protect as a Mechanism for Protecting Civilians in Non-International Armed Conflicts, PhD Thesis in International Law, Faculty of Law, University of Blida 2, 2019.
6. Muhammad Obaidi, Human Security in the Light of the Principle of the Responsibility to Protect, PhD Thesis in International Law, Faculty of Law and Political Sciences, University of Mohamed Kheider, Biskra, 2017.
7. Belkhir Tayeb, The Basic Guarantees for Protecting Civilians During Armed Conflicts (Published Article), Al-Ma'yar Magazine, Volume 03, Number 06, December 2012.
8. HassnawiKhadhra, DidouniBelqasem, The Legitimacy of Intervention to Protect Religious Minorities in International Law (Published Article), Journal of Judicial Effort, Volume 12, Number 02, 2020.
9. Suleiman Shalbak, From the Principle of the Responsibility to Protect to Responsibility During Protection (Published Article), Algerian Journal of Human Security, Volume 06, Number 01, January 2021.

Legitimacy of International Intervention in the Syrian Crisis

10. Charif Walid, Protecting Civilians in Armed Conflicts Between the Rules of International Humanitarian Law and the Teachings of Islamic Jurisprudence (Published Article), Al-Turath Magazine, Number 09, 2013.
11. John Western Es Goldstein, To Save the Principle, the Idea of Regime Change Must Be Abandoned, (Published Article), The Journal, Issue 1083, 2013.
12. Walid Douzi, Humanitarian Intervention Between the Inevitability of Intervention and the Duality of Standards (Published Article), Law and Development Journal, Volume 02, Number 02, December 2020.
13. Report of the Secretary-General of 11/11/2015, document number S/2015/862
14. Human Rights Council Resolution of 04 June 2013, document number A/HRC/23/58.
15. Human Rights Council Resolution of 05 February 2013, document number A/HRC/22/59/.
16. Human Rights Council Resolution of 05 February 2013, document number A/HRC/22/59/.