



ODUMUNC 2015 Issue Brief for the Security Council



Protecting Civilians in Regions of War: Syria and Iraq

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Introduction

The civil war that broke out in Syria in March 2011 has continued forever since with effects on civilian unprecedented since World War Two. There currently are more international refugees and internally displaced persons (IDPs) since any time since 1945. In the summer of 2014 the war in Syria spread into Iraq when the Islamic State (IS, formerly known as Islamic State of Iraq and the Levant, ISIL or ISIS) invaded Iraq and seized control of much of the country's Sunni-majority territory. The refugee surge is a major challenge for all countries in the region, bringing huge populations with great needs and enormous potential for long-term disruption. Countries already host to large populations of Palestinian refugees like Jordan and Lebanon are especially vulnerable.¹

IS expansion greatly worsened the region's humanitarian problems, as millions of Iraqis joined the stream of refugee into Turkey and other parts of Iraq.² With IS in control of much of northern Iraq, ethnic minorities in the region have been especially exposed to attacks and violations approaching genocidal intensity. Especially vulnerable are non-Sunnis in the region: Christians, Shi'ites and Yazidis. One of the most dire moments in the IS invasion of Iraq came when a several thousand Yazidis fled to Mount Sinjar in Iraq, where they were attacked by IS.



IS execution in Iraq

Syrian refugees in the region—people with official status as international refugees, having crossed an international border—now number over 3 million, out of a pre-war population of 22.3 million. They live in camps mostly in Iraq, Jordan, Lebanon and Turkey. Another 6.5 million Syrians are internally

¹ Mario Abou Zeid, 'A Time Bomb in Lebanon: The Syrian Refugee Crisis', *Carnegie Endowment for International Peace*, 6 October 2014

http://carnegieendowment.org/syriaincrisis/?fa=56857&mkt_tok=3RkMMJWWfF9wsRonsq3IZKXonjHpfsX54%2BoqWK%2Bg38431UFwdcjKpmjr1YIISsd0aPyQAgobGp5I5FEIQ7XYTLB2t60MWA%3D%3D

² "Surge of refugees: flight of the dispossessed", *The Economist*, 21 June 2014; "UN reports sharp increase in refugees", *New York Times*, 19 June 2014

displaced people (IDPs); they have not crossed international borders and are not eligible for much international help. They live with friends, relatives, in camps or slums within Syria.³

As of August 2014, an estimated 1.8 million Iraqis had been displaced as well. An estimated one million are internally displaced in areas under IS or Iraqi government control. Another 800,000 have found some form of refuge in Iraq's Kurdistan region.⁴

Both the Syrian government and IS have been responsible for further humanitarian attacks. The Syrian government was widely suspected of using chemical weapons (mustard gas) against civilian areas of Damascus held by rebel groups.⁵ IS is believed to have used chlorine gas. IS is responsible for the deaths of at least 5,500 people in Iraq since June, the United Nations reported, including hundreds of minority Yazidis slaughtered en masse. The report takes particular note of the extremists' campaign of physical and sexual violence against women and children, with accounts of women being captured and sold as sex slaves to Islamic State recruits, and children being used as soldiers.⁶

Those deaths represent more than half of the 9,343 civilians killed in Iraq from January through September, the United Nations said in a report by its Iraq mission and its Geneva human rights office, emphasizing that its figures were "absolute minimums." In addition to the killing of civilians, Islamic State gunmen have claimed responsibility for killing 1,500 soldiers and security forces at a military base captured in June, the United Nations said. The total casualty count for the year so far, including wounded, is at least 26,000.⁷

The militants have treated women particularly harshly, attacking and killing female doctors, lawyers and other professionals, the United Nations said. In early August, militants "herded" 450 to 500 women into the town of Tal Afar and later sent about 150 of them to Syria, where the Islamic State has a stronghold, to be given as a reward to Islamic State fighters or to be sold as sex slaves, the report said.⁸

³ "Syrian refugees: a snapshot of the crisis - in the Middle East and Europe", *Migration Policy Centre*, October 2014

⁴ *Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014* (Baghdad: UN High Commissioner for Human Rights, October 2014).

http://www.ohchr.org/documents/countries/iq/unami_ohchr_poc_report_final_6july_10september2014.pdf

⁵ "Secretary-General's press encounter on Syria chemical weapons", *United Nations News Centre*, 29 April 2013; "SG on Syria chemical weapons investigation", *United Nations News Centre*, 17 April 2013; "UN chief: Syria has not allowed investigation", *Washington Post*, 17 April 2013. "Russia slams expansion of Syria chemical arms probe", *Reuters*, 6 April 2013.

⁶ '5,500 Iraqis Killed Since Islamic State Began Its Military Drive, U.N. Says', *New York Times*, 2 October 2014.

<http://www.nytimes.com/2014/10/03/world/middleeast/un-reports-at-least-26000-civilian-casualties-in-iraq-conflict-this-year.html>

⁷ *Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014* (Baghdad: UN High Commissioner for Human Rights, October 2014).

http://www.ohchr.org/documents/countries/iq/unami_ohchr_poc_report_final_6july_10september2014.pdf

⁸ 'Staggering array of gross human rights abuses in Iraq – UN report', UN News Centre, 2 October 2014.

<http://www.un.org/apps/news/story.asp?NewsID=48980#.VEpXz6PD-po>



Children mourned by their mother's body in Aleppo after an attack by forces loyal to Syria's government. Hosam Katan/Reuters

Background: the Fourth Geneva Convention and civilians in war

The expectation that civilians in areas of armed conflict will be treated with humanitarian respect and care is based on a key document in international law, *The Geneva Convention relative to the Protection of Civilian Persons in Time of War*, commonly usually known as the Fourth Geneva Convention is the last of the Geneva Conventions. This is the legal basis for international action and for international legislations, such as resolutions of the United Nations.

It was adopted in August 1949 in response to the outrages and atrocities of World War One and Two, to insure that civilians are protected even in time of war. States party to the Fourth Geneva Convention agree to protect civilians in war zones. Currently 196 countries are party to the Fourth Geneva Convention, more than the 193 countries that belong to the United Nations.

Article 3 of the Fourth Geneva Convention states in any region of conflict, even if not an international conflict, the states parties must ensure minimal protections for all civilians and non-combatants, including prisoners of war. They agree never to:

- Commit violence against a civilian or non-combatant, in particular murder, mutilation, cruel treatment or torture;
- States agree never to take hostages;
- States agree not to commit outrages upon dignity, in particular humiliating and degrading treatment; and
- States agree not to pass sentences or conduct executions without previous judgment by a regularly constituted court, affording all accused the judicial guarantees 'recognized as indispensable by civilized peoples'.

The Fourth Geneva Convention was greatly weakened following the 2001 American-led invasion of Afghanistan, which was followed by widespread imprisonment of suspects, the capture and removal of suspects to secret interrogation centers, and the establishment of a special prison and interrogation center in Guantanamo Bay, Cuba, which American officials maintain is outside the protection of international

law. The Guantanamo Bay prison remains operational, and is often cited by hostage-takers and advocates of torture around the world as evidence of the legitimacy of their own actions.

Further complicating its role in many current conflicts is the role of non-state actors (NSAs) like the Islamic State and al-Nusra Front. In guerrilla war, insurgency or terrorist campaigns, one side usually is not a state. Since they are not eligible to join the Geneva Conventions, the restrictions of international law do not apply to them. And those restrictions usually are not enforceable on them.



Jordan's Zaatari refugee camp is home to 160,000 refugees from the Syrian civil war

Country Positions

- *China's* foreign policy is dominated by commitment to the principle of non-interference in the domestic affairs of others. China usually opposes anything that would weaken barriers to interference in anyone's domestic affairs. China strongly supports humanitarian help for international refugees. It also has joined international action to stop money and supporters from reaching Islamist groups.
- *European Union (EU)* countries are strong supporters of humanitarian assistance, but divided on military intervention. While the EU has called for the removal of Syrian president Bashar al-Assad, the member states are hesitant about supporting Syrian rebel groups, which seem disorganized and unreliable, or Islamist and dangerous to religious minorities. EU countries have led efforts to block financial assistance and potential jihadists trying to reach Islamist groups. Some, led by Germany, have begun military assistance to the Iraqi government and Kurdish groups. France has approved air strikes. Others are much more cautious.
- *Middle East* governments are sharply divided on the war in Iraq and Syria. All support humanitarian assistance. Sunni activists, led by Qatar, actively support fellow-Sunni groups like the IS. Others are hesitant, including Saudi Arabia. Only Iran and Hezbollah in Lebanon strongly supports the government of Syria. Only Iran strongly supports the Shi'ite-dominated government of Iraq.

- *The Non-Aligned Movement* (NAM), the 120 UN member states of the NAM—mostly former European colonial territories—are divided on the war in Iraq and Syria. They see the conflicts through the lens of their own internal divisions, such as Nigeria and Pakistan, and are hesitant to allow a strong international action because it could have domestic consequences for factions in their own societies. All NAM states support humanitarian aid, but most oppose humanitarian intervention and ideas like a Responsibility to Protect, which they fear could be used someday against them. There are exceptions, especially Latin American countries and some African leaders like South Africa, which are more committed to aggressive humanitarianism.
- *Russia* is the principle supporter of the Syrian government, which it views as the only legitimate government in the country, and supports its efforts to defeat rebel groups. It regards support for rebels as illegitimate interference in Syrian's domestic affairs, a position that became more complex after Russia began supporting Ukrainian separatists in early 2014.
- *The United States* leads calls for aggressive military action. Important voices in the United States advocate liberal support for cooperative non-state groups, especially secular or moderate Islamist groups in Syria and the Shi'ite-dominated government of Iraq. In August 2014 the United States began aerial bombing against groups like IS. The United States also has sent 1600 soldiers to Iraq to facilitate military training and aerial support of government military forces. Military aid remains controversial; some has gone straight to IS.

Alternatives for further UN action

The United Nations has been heavily engaged in the conflict and humanitarian problems surrounding Iraq and Syria. Strong and often path breaking precedents have been set. Many member states believe the best course is to reaffirm the steps taken already and acknowledge the limits on what the UN can do. Others note many options remain untried. Major options before the international community include:

- *Fact-finding*: by preserving its independence, the UN can perform an invaluable role establishing what is actual happening on Iraqi and Syrian battlefields and to civilians. This requires equal treatment of all sides and limits later freedom of action. Fact finding requires the cooperation or acceptance of governments like the Syrian government and armed groups like IS. There is a tension between the pressure on the UN to intervene aggressively and its need to find out what is actually happening.
The UN observer mission in Syria is based on UN Security Council Resolution 2043, adopted unanimously on 21 April 2012.⁹ Reaffirming and expanding this mission is something virtually all states could agree on. States that are cautious about intervention in Iraq or Syria will tend to think this a sufficient response. Others will see it as merely a starting point for further action.
- *Extending Geneva Convention-type commitments to non-state actors (NSAs)*. States protect their unique sovereign authority and usually refuse to share it with NSAs, who they usually regard as challengers. But non-governmental organizations (NGOs) have successfully negotiated with armed groups, many of which have signed non-binding agreement to restrict their war-making and protect non-combatants and civilians. A prominent example is the Geneva-based NGO,

⁹ 'Security Council Establishes UN Supervision Mission in Syria, with 300 Observers to Monitor Cessation of Violence, Implementation of Special Envoy's Plan', *United Nations News Centre*, 21 April 2012. <http://www.un.org/press/en/2012/sc10618.doc.htm>

Geneva Call, which has negotiated with more than 90 armed groups and signed agreements with 47.¹⁰ Its successes include Iranian, Iraqi and Turkish-based Kurdish groups. With greater official support, similar initiatives might be extended to groups like IS, especially with strong advocacy by sympathetic government in the Middle East like Qatar or Saudi Arabia.

- *Expansion of humanitarian assistance* is something else that virtually all governments can agree on, to some extent. Humanitarian aid is based on the authority of UN Security Council Resolution 2139, passed unanimously on 22 February 2014.¹¹ This calls on all parties in the Syrian Civil War—the Syrian government and all non-state actors—to permit free access to humanitarian aid. It also created a powerful precedent, as the first time the UN agreed to authorize sending aid across a contested international border, essentially ignoring the sovereignty of a member state.¹²

Major controversies surround the failure of the Syrian government and non-state groups like IS to permit free flow of humanitarian aid. Advocates maintain that only armed intervention by outside powers can insure that civilians get the help they require. This proposal is regarded ambivalent by many Middle East governments and opposed by China and Russia.

Another controversy surrounds the scale and financing of humanitarian assistance. Some funders have reservations about working with one or more of the neighboring governments which host most of the refugees—Iran, Iraq, Jordan, Syria and Turkey. Aiding refugees in Iran and Syria is especially difficult for Western governments led by the United States which refuse to work with the governments of Iran and Syria.

- *Isolate specific non-state armed groups.* The major UN response to the rise of extremist groups in Iraq and Syria has been to demand that states act to prevent any support—people, weapons or funding—from reaching the group.¹³ UN Security Council resolution 2170 specifically targets support aimed at IS and al-Nusra Front. Critics maintain the resolution does not go far enough, and call for aggressive interdiction to prevent the flow of people, weapons and money. So far the international community wants to facilitate aid to other non-state armed groups, such as Kurdish groups based in Iraq and Iran, and Syrian secular or moderate Islamist rebels. But these distinctions are controversial and not accepted by all governments. Turkey opposes any assistance to Kurdish groups. Many Middle East governments oppose measures to restrict assistance to Islamists.
- *Peace enforcement.* Chapter Seven of the UN Charter permit peace enforcement operations—armed intervention—to support the goals of the international community, especially for dire humanitarian situations. Many governments, led by Australia and several European and Latin American states, believe the international community has a Responsibility to Protect (R2P).¹⁴ R2P has strong supporters, but many governments reject the idea of such a humanitarian

¹⁰ Geneva Call, <http://www.genevacall.org/> Non-state armed groups that have signed agreements are listed at http://en.wikipedia.org/wiki/Geneva_Call

¹¹ "Unanimously approved, Security Council resolution demands aid access in Syria", *United Nations News Centre*, 22 February 2014. <http://www.un.org/apps/news/story.asp?NewsID=47204&Cr=syria&Cr1=#.VEppDKPD-po> ; 'U.N. Orders Both Sides in Syria to Allow Humanitarian Aid', *New York Times* 22 February 2014. <http://www.nytimes.com/2014/02/23/world/middleeast/un-orders-both-sides-in-syria-to-allow-humanitarian-aid.html>

¹² 'UN Security Council Authorizes Aid Across Syria's Borders', *Voice of America*, 14 July 2014.

<http://www.voanews.com/content/un-security-council-authorizes-aid-across-syria-borders/1957381.html>

¹³ 'Security Council Adopts Resolution 2170 (2014) Condemning Gross, Widespread Abuse of Human Rights by Extremist Groups in Iraq, Syria', *UN News Centre*, 15 August 2014; 'Adopting resolution, Security Council approves sanctions against militants in Iraq, Syria', *UN News centre*, 15 August 2014.

<http://www.un.org/apps/news/story.asp?NewsID=48494#.VEpqPqPD-po>

¹⁴ International Coalition for the Responsibility to Protect. <http://www.responsibilitytoprotect.org/>

obligation. Led by the United States, they prefer to military intervention limited to the aerial bombardment or training and support for factions on the ground, although been this is not without controversy; sometimes killing the civilians it is intended to help.¹⁵ Others led by China and Russia insist that no military invention can be legitimate under international law.

- *Massive military assistance* to assure protection of civilians in Iraq and Syria has been widely debated. Possibilities include large-scale international intervention to reverse the gains of extreme groups like IS and al-Nursa Front, or to overthrow the government of Syria. The latter has been advocated most aggressively by refugee communities and important voices in Turkey, including some government officials. The scale of such an intervention would have to be decided, as would the role of foreign armies, and plans for restoring stable government in occupied territories. A resolution would have to deal with likely opposition from several Middle East states, as well as China and Russia.

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