

# notes

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## SYRIA: IN FRONT OF A HORRIFIED AND PASSIVE WORLD

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**W**hat today is happening in Syria is confirming all the shortcomings and inadequacies of the so-called international community. The count of civilian victims is rising by the hour, the war is destroying both human beings and cultural heritage, while the population is torn asunder in a way that makes us doubt of the possibility of a future political healing and a recovered coexistence among citizens.

Everyone in the world deploras, no one acts. The world just looks on, passive.

### **If no Interference and no Protection, which sovereignty?**

In the past a lot has been said, and written, about the "right of interference", as well as about its soft version, "the responsibility to protect", and recent history has seen numerous military interventions that have been defined as "humanitarian".

The problem, on the other hand, is defining the conditions and the consequences

of such interventions. What we have seen so far justifies both theoretical and practical doubts.

It is a fact that lately the classical concept of sovereignty has been deeply revised – and for good reasons. Sovereignty plays an essential function as a regulatory principle of international relations, but in no way can it be considered as absolute. It is a principle that is supposed, in theory, to protect weaker countries against stronger ones, and abandoning it is conceivable only if we accept an imperial, or at least oligarchic, logic: the logic of an international system in which one recognizes that "some are more equal than the others". On the other hand, sovereignty has been conceived in a totalitarian, ideological fashion, and has become "sovereignism". Rulers have derived from this ideological interpretation of sovereignty a corollary: the citizens (but in this case it would be more correct to say the subjects) are mine, and I can do with them whatever I wish.

It would be reasonable, instead, to ask why sovereignty

**In front of the massacres of civilians it looks (and it is) indecent not to do something. Yet it is not clear which legal mechanisms and which political conditions will allow an efficient humanitarian intervention.**

**If it is true that state sovereignty cannot be absolute, the problem is to sort out not so much its limits, but who –according to the current international law- can authorise a military intervention.**

**The Libyan case conditions Syria: an intervention based on humanitarian considerations (the protection of Libyan civilians from Khadafy's regime repression) was swiftly transformed into the backing of one side in a civil war, the final goal being regime change.**

**To lose the Syrian allied will be a failure for Iran, who would see its connexion with Lebanese Hezbollah disrupted and will be left without its most deterrent weapon against a possible Israeli or American raid.**

**The impossibility of shifting the balance of power in favour of one of the sides in conflict means that only a negotiated compromise could end the current bloodbath and destruction. And yet, is any of the sides willing to accept less than absolute victory?**

has been put at the very foundation of relations among nation-states. As a rule, norms do not possess only an individual dimension (insofar as they attribute rights, entitlements, spaces of self-determination) but also a systemic one. In this sense it is not conceivable that sovereignty be understood only as respect of an individual space within which states operate without any external judgment or interference (a space that Isaiah Berlin has defined as “negative liberty”). Nor is it acceptable that as a consequence the international community has no say on how such sovereignty is actually practiced. It is worthy mentioning here Article 36 of the Italian Constitution, which states that private enterprise is free, but adds that “it cannot unfold in contradiction with social utility, or in a fashion that is harmful to human safety, liberty, dignity.” It seems that humanity has gradually come to embrace (in particular after the horrors of two world wars and of the totalitarisms of the XX century) a concept that could be similarly phrased as follows: “State sovereignty is a basic principle of international relations, but it cannot justify harming human safety, liberty, dignity.”

Actually, this is only a partial novelty, since also in the past there have been cases in which, in the presence of atrocities against innocent people, sovereignty was not considered absolute, and thus an obstacle to external intervention. On the other hand it has to be said that this happened *de facto*, and was also

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recognized *de jure* by international law, in a colonial context and on the basis of a fundamental discrimination: intervention was considered legitimate if the perpetrator did not belong to (Christian) “civilization”. Thus in the XIX century were justified military expeditions aimed at stopping (Ottoman) massacres of innocent (Christian) populations in the Levant and, in more recent times, the sending – by France, Belgium etc. – of soldiers to African countries in the throes of anarchy and where the lives of the citizens of the intervening countries, but also of other “civilized countries”, were in danger.

### Legitimacy and Weaknesses of the International System

Today it is widely accepted that the legitimacy of an intervention aimed at the protection of human lives cannot be limited to such a colonialist mode, and that the principle is universally applicable.

But is it really so? Doubts are more than justified. In the first place the question arises: who decides that we are in the presence of events that justify an intervention? And where, apart from a subjective moral urge, do the political justification and the normative legitimacy for intervention come from?

If we look at the UN system, we see that interference in the internal affairs of a member state is prohibited by Art.2 (7) of the Charter, which speaks of inviolable “domestic jurisdiction”. In

the second catch of the same article, however, a momentous exception is introduced: the article says that in the presence of “a threat to international peace and security” the matter shifts to Chapter VII of the same Charter, which lists legitimate enforcement measures up to the use of military force.

But who decides when it is time to enter into Chapter VII? The Security Council, a body where the five permanent members dispose of the right of veto. This means that if US, France, UK, Russia and China do not approve it, there can be no legitimate enforcement action according to the UN Charter. Who could then imagine – not only in practical but also in legal terms – an intervention, say, against Russia for the repression in Chechnya or against China because of Tibet? And this extends also to countries that are protected by one of the Permanent Five.

Here we have the first explanation of why until now there has been no humanitarian intervention in Syria: Russia and China, permanent members of the Security Council, are against it and will not join the other members of the Security Council in approving such an intervention.

It is true that in the past there have been cases of interventions that were not authorized by the Security Council: NATO intervention against Serbia over Kosovo and US intervention against Iraq. On the other hand both cases have been highly controversial, especially as far as the Iraq war is concerned, given it was motivated by Washington on the basis of premises that were later revealed as unfounded.

### The Libyan Precedent

In the case of Syria there is another reason for the difficulty of reaching a consensus on intervention: the Libyan precedent. In international relations it is often the case that countries decide to act in connection with a given crisis on the basis of the lessons they derive from a previous one. In this case we have a rather recent crisis, that of Libya. Europeans and Americans, together in NATO, decided – after years of normal and in some cases cordial relations with Khadafy – to intervene for humanitarian reasons against the Libyan regime when, reacting to popular protests, it unleashed repression and threatened massive, collective, bloody reprisals against opponents. In claiming not only the right, but also the duty to intervene, both Europeans and Americans mentioned, with evident exaggeration, the danger of an imminent genocide.

The problem, however, goes deeper than the mere issue of the definition of the nature and extent of repression, and relates also to the nature of the opposition to the regime. If it is true that at the beginning the regime unleashed a brutal (albeit not “genocidal”) repression of a peaceful protest, it is also true that when the NATO intervention was decided, and especially when it was implemented, what we were witnessing was a true civil war, with two armed sides confronting one another. To which extent are we justified in defining, and in legitimating, as humanitarian intervention what was actually the sup-

port given to one of the sides in a civil war – a support that has as an objective regime change and the fall of a dictator?

Are we not facing the same situation in Syria? If we were to intervene today, and not when Assad unleashed his repression against a peaceful protest, we would intervene in support of one side in a civil war. But how could such a support be justified on the basis of the UN Charter, or even international law?

Countries, however, do not decide to intervene or not to intervene on the basis of the law, which is referred to only to justify the pursuit of political, economic and strategic interests.

One may concede that Russia and China have both the UN Charter and international law on their side, but the reason for their stand is political and not legalistic. In the first place, Moscow and Beijing are belatedly reacting after having realized that in the case of Libya they have let themselves be drawn into a “mission creep” which entailed a shift from a humanitarian focus (proclaimed in the Security Council resolutions that they acceded to) to the support of anti-Khadafy insurgents. NATO planes that on principle were only supposed to prevent regime aircraft from bombing civilians were quickly turned into the air force of the insurgents and were even instrumental, with an attack on a motorcade in which Khadafy tried to escape the country, in the capture and death of the dictator.

For both Russia and China, moreover, there is now also the concern not to allow the US (and its European partners) to decide unilaterally about the recourse to military force in any part of the world, some day possibly even in areas that they consider vital, without considering their strategic interests.

In the case of Russia there is also something more specific. Syria has long been the only Russian ally in the Middle East, and has even put at Moscow’s disposal a naval base that has a minimal strategic importance but a significant symbolic one, insofar as it confirms the presence of the Russian fleet in the Mediterranean. For this reason the most substantial obstacle to a consensus on Syria in the Security Council is Russia rather than China.

As we mentioned before, there have been cases in which the US (and its European junior partners) have unleashed military interventions without receiving an authorization by the Security Council. Why today are they not doing the same against Syria?

Here, in addition to international law and concrete interests, we have to mention a third dimension of the choice of policy options: political realism. In a way, what discourages a US intervention against Syria, in spite of the indignation and the repeated harsh condemnation of the Assad regime, is not very different from what weighs against the possibility of a US military attack on Iran. In the first place, a third war against a Muslim country would be politically disastrous, since it would un-

leash throughout the Middle East a reaction that it would be difficult to control. Sunnis, a majority within Islam, are hostile both toward Iranian shias and Syrian alawites, but an attack against Syria (or Iran) would certainly produce a strong wave of anti-Americanism.

### The Turkish factor

It would be very different if the intervention was “Muslim”. We are referring here to Turkey, a country that in a short time has shifted from correct, and also cordial, relations with the Syrian regime to open hostility, to supporting the insurgents and intercepting flight from Russia to Syria (supposedly carrying military supplies). There have even been ominous episodes such as an interchange of artillery fire across the border.

If it were to happen that the Syrian civil war is transformed into an international war this will not be after a Security Council decision, nor because of a unilateral US and European action, but as a consequence of the escalation of the confrontation between Syria and Turkey, supported by Saudi Arabia and Qatar and possibly also by NATO, given the fact that Turkey is a member of the Alliance and could invoke Article 5 of the Treaty. War, however, would not be the product of choice, of

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decision. Ankara knows very well that the Syrian armed forces have certainly not been able to defeat the insurgents, but they are not a pushover, an insignificant outfit.

The present rather provocative Turkish visibility and growing leading role in the Syrian crisis can be explained in different ways. In the first place one has to mention the fact that after the prospect of Turkey’s entry into the European Union has been thoroughly weakened, mostly because of the could shoulder of several European countries, Ankara has started looking at its regional neighbourhood as an area in which it can establish an international role adequate to its economic strength and military potential. Analysts have started writing about a “neo-Ottoman” policy, while there is no doubt that the Turkish experience, if not model, is exerting today – after the “Arab spring” - a strong attraction throughout the region.

Turkish policy toward the Syrian crisis, however, cannot be explained only in the light of Turkey’s assertiveness and its ambition to regional hegemony. There are also “defensive” aspects, and they have to do with the Kurdish question. Right now Syrian Kurds, taking advantage of the fact that the regime is busy fighting against the Sunni insurgents and cannot divide its strength, have starting setting up, in the North-east of the country, a kind of Kurdish free zone, with an embryo of autonomous administration. It is understandable that Turkey worries about the possible rise of a second “*de facto* Kurdistan” after the one that was created in the North of Iraq, since

this would mean one more step in the direction of a dynamic trend that might end up extending to Turkish territory. In other words, Turkey is convinced that it cannot afford to be indifferent to the political and strategic future of Syria. It has not decided to provoke an open military confrontation with Damascus, but it is risking a lot, and it is not certain that it will be able to measure its pressure on Syria while avoiding war.

## The Iranian Bet

The Syrian regime, on the other hand, is not only counting on the support of Russia, but also – and to a larger extent – on that of Iran. For Tehran Syria is extremely important since it is the only Arab country that it can consider as an ally, and at the same time because it represents an essential asset in its deep link with Lebanon's Hezbollah – its only real deterrent against the prospect of an Israeli or American military attack. Without being able to go through Syria, indeed, it would become impossible for Iran to supply Hezbollah which, as a consequence, would end up gradually losing its credibility as an armed force and would be obliged to convert to a merely political role.

## To which extent are we justified in defining, and in legitimating, as humanitarian intervention what was actually the support given to one of the sides in a civil war – a support that has as an objective regime change and the fall of a dictator?

For the United State the fall of Assad is wished not so much in itself, but for wider strategic reasons. Washington has never been radically opposed to the Syrian regime, considering it until very recently as an element of stability in the region, in particular because of its basic *modus vivendi* with Israel notwithstanding the Israeli occupation of the Golan Heights. Washington knows that, in addition to the impact on Hezbollah, the fall of the Syrian regime would entail a heavy blow for Iran, which would thus become even more isolated in the region and most of all would, after the loss of credibility of its project of an Islamic revolution, become irreversibly marginalized in the Sunni-majority Muslim world, in spite of its anti-Israeli rhetoric, as Persian and Shia.

Iran is undoubtedly helping the Syrian regime, though one should avoid certain exaggerations, such as mistakenly believing that from a military point of view Iran is more important than Russia, or that the sinister Syrian political police, the Mukhabarat, needed to learn how to repress from the Iranians. However, insofar as it is by now extremely doubtful that the Syrian regime will emerge intact from this crisis, it seems that Tehran is hedging its bets through contacts, for the moment rather discreet, with opposition forces. As it is the case for all countries, and especially for those that are aware of their own isolation and fragility, Iran has permanent interest, not permanent allies, especially since the Iranian regime wants most of all to survive, rather than exporting its revolution or destroying Israel. In this respect one can expect changes in policy, most of all since in Iran assistance to Syria, just like any sort of

help to Arabs, is highly unpopular. During the recent protests in the Tehran bazaar, caused by the devaluation of the Iranian currency vis-à-vis the dollar, people were shouting: "Take care of us, not of Syria!".

## Any way out?

If this is the situation, if these are the stands of the *dramatis personae*, what can we expect, and most of all what can we do? The tragedy is that neither the regime nor the anti-regime seem to dispose of sufficient strength to achieve the defeat of the adversary, and the price of this bloody stalemate is paid by civilians, especially because of the indiscriminate bombings by regime aircraft. But is this is so, if no one can prevail militarily, and if an external intervention is hardly conceivable (more than because of international rules, in the light of actual balance of forces and concrete national interest) will we have to wait until the country bleeds to death?

Diplomacy is often mentioned as the alternative to war, and the UN (with Kofi Annan and later with Lakhdar Brahimi) has

tried, so far without succeeding, to achieve a negotiated solution. What is missing, on the other hand, is neither diplomatic technique nor the skill of the mediators. What is lacking is the political will, the will to accept a compromise. A negotiated solution can come about only if the Syrian regimes accepts that

after this terrible repression Basher al-Assad can no longer be the President of Syria. The removal of Assad, to whom an escape into exile could be assured, might be agreed in exchange for security guarantees for the social groups that have supported the regime, and most of all for the Alawite community, which should accept the loss of power and hegemony in exchange for a guarantee of survival and acceptance as citizens of a future democratic Syria.

Insurgents, on their side, should accept something less than full victory, and be satisfied with the fall of the Assad dynasty and the opening of a free political competition which will allow to verify who has more support and thus more political clout in the country.

Right now it has to be said that the political profile of the rebels is varied and

complex, if not ambiguous, with democrats and wahabis, foreign jihadists and elements who have abandoned the Assad regime, in which they were playing political and military roles.

This uncertainty as to the composition of the insurgents is not ing them full support. We know who Assad is, but we do not really know who his enemies are.

To conclude, if it is true that we are inspired by humanitarian concerns, we should support negotiated solutions ca-

pable, at the same time, to stop the current massacre and to prevent the future massacres that could be unleashed in a revenge mode after the now still problematic, but highly possible, fall of Assad.

Without a negotiated solution this civil war is doomed to continue. Probably the regime will eventually fall, but what could follow is a “Lebanonization” of Syria, meaning the fact that, in order to protect themselves, the Alawites would withdraw to their majority areas. If this happens, the Syrian tragedy would shift from acute to endemic, destroying the chances for a true solution and for a future of well-being and democracy for the Syrian people.

But will both sides be satisfied with something less than total victory? And will the countries that matter, from the US to Iran, be willing and capable to press for a compromise solution, abandoning their most radical ambitions?