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United Nations & Syria: A Muddled Affair amidst a Refugee Crisis and a Pandemic

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ABSTRACT

Syria, a region plagued by an armed conflict, has over the last decade witnessed a rise in the number of human rights violations, dreadful use of chemical weapons, dominance of ISIS, hordes of migrants, and a desolation of refugees. To add on to the prevailing condition, the scourge of a pandemic has now made its way into this helpless state. After the Second World War, the United Nations emerged as the guardian angel which attempts to mitigate global crisis and propagate principles of peace and prosperity. The situation of Syria, is unfortunately taking a regressive step in mankind's progress towards peace and prosperity. The United Nations has constantly strived to resolve the situation in the region. The authors in this paper aim to understand the complexities of the migration crisis and its relation with the current international socio-economic and political scenario. The authors also aim to throw light on the role of the UN in improving the plight of the region and identify what more can be done for our brethren species in the light of the Pandemic.

I. PROLOGUE

“Violence is a disease, a disease that corrupts all who use it regardless of the cause”

-Chris Hedges

Syria and its civil war have been at the forefront of international discussions as a humanitarian blunder. The devolution from a peaceful protest against an autocratic leader to a violent armed rebellion, engulfing within it several other countries across the globe is the heart wrenching story of a region gone bad. The Civil war is being fought on various fronts such as people against the government, Hezbollah pitted against rebel groups and proxy war fought between the competing super powers in their quest for global domination. As of March 2020, the war has claimed an estimate of 4,00,000 casualties, and has displaced more than half of the country's population to seek refuge or become migrants. The war also opened the doors for the

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re-emergence of ISIS, a threat which was considered neutralized.³

The Syrian Civil war has turned from an uprising to a refugee crisis. Over the course of the war, The United Nations has identified 13.1 million persons displaced or requiring humanitarian assistance⁴. The issue gets more complex as the displaced people create an economic and social strain on Syria's neighboring countries.⁵ The advent of the Novel Covid-19 pandemic worsens the situation in Syria, as the land is already vulnerable to the prevailing civil war⁶ and the deteriorating condition of human rights. The country is in no position to resist the pandemic, thereby putting the Syrian population at a high risk. The socio-economic and political implications of the influx of refugees during the ongoing Covid-19 pandemic is of deep concern. The pandemic, instead of uniting and bringing together the local, regional and international bodies for a common purpose, has only obstructed an effective mechanism implemented against the crisis. The most tragic victims of the crisis are children⁷ and there is a risk that the crisis will result in a lost generation of Syrians⁸.

II. WHY SYRIA MATTERS?

The conflict in Syria, has crossed a decade now, a domestic uprising against an autocratic leader has now turned into a full-blown armed conflict, affecting millions of lives. Over the course of the war, the Syrian crisis has evolved, making the issue more complex every passing day. This has affected the International organizations which are making an effort to reduce the damage already done and is yet to occur⁹.

Syria is now a breeding ground for terrorist organizations committed to attacking the ‘west’ which makes the western countries take interest in the conflict. It is also the front line for Iranian power projection and the main stage for Russian comeback into the Region. Each of these actors are now in the race to influence and exploit the situation in Syria. Meanwhile, there

³Gayle Tzemach Lemmon, *ISIS is using corona virus to rebuild its terrorism network in Iraq and Syria*, NBC NEWS (May 28, 2020, 11:21 PM), <https://www.nbcnews.com/think/opinion/isis-using-coronavirus-rebuild-its-terrorism-network-iraq-syria-ncna1215941>.

⁴ UNHCR India, *Syria Emergency*, UNHCR (Apr. 19, 2018), <https://www.unhcr.org/syria-emergency.html>.

⁵ Ben Connable, *From Negative To Positive Stability: How The Syrian Refugee Crisis Can Improve Jordan’s Outlook*, JSTOR (July 2015), <https://www.jstor.org/stable/pdf/10.7249/j.ctt19w72rx.6.pdf?refreqid=excelsior%3A6cb9db190757ce88d0c2e0c3f7ced2c4>.

⁶ Lucy Rogers, *Syria: The story of the Conflict*, BBC (Mar 11, 2016) <https://www.bbc.com/news/world-middle-east-26116868>.

⁷ *Syrian dad determined to keep refugee kids learning*, MERCYCORPS(Sept 13, 2016) <https://www.mercycorps.org/blog/syrian-father-teacher>.

⁸ Michael Singh & others, *Assessment Of The Current Situation In Syria*, JSTOR (Sept 1, 2019) <https://www.jstor.org/stable/resrep20255.6>.

⁹ Rosan Smits and others, *Cultivating Conflict And Violence?: A Conflict Perspective On The EU Approach To The Syrian Refugee Crisis*, JSTOR (Aug 1, 2016), <http://www.jstor.org/stable/resrep05288>.

are massive refugee outflows from Syria fleeing the Regime's brutality or ISIS depravity making the economy of Syria and its neighbors fragile and deepening the Refugee crisis in Europe as a whole. More than half of Syria's population of 21 million are now either registered as refugees or internally displaced. Syrian refugees have strained their host communities in the neighboring countries especially Turkey, Lebanon, Jordan¹⁰ and Iraq¹¹. The increasing tensions have led many Jordanian's to question whether the Syrian refugees entail serious consequences to the government of Jordan itself.¹² The European countries are also hosting roughly 1 million Syrian refugees¹³. In 2019, 6,76,300 Syrian refugees applied for asylum in 27 member states of the European Union, up by 11.2% compared with 2018. This was the first time the number of asylum applications increased year to year since 2015¹⁴. The issue of refugees has impacted political affairs of Europe and the world in general.

Syrian refugees face barriers to services, employment, and conditions in their host countries that are becoming increasingly inhospitable. Few of these refugees do not want to return to Syria unless conditions there improve remarkably. Anti-refugee rhetoric and policies may soon reach a boiling point which is detrimental to the region and its residents. Donor governments have fallen short of providing sufficient aid to refugee-hosting countries shouldering the burden. Forced or premature refugee returns to Syria will fuel more violence in Syria which may spill over into neighboring countries.

Maintaining the status quo is getting unsustainable for Syria's neighbors. Their Governments are struggling to provide services during a time of economic slowdown and resource strains due to the Covid-19 pandemic. "*We cannot afford to let refugees, and their hosts, slip deeper into poverty and despair, with consequences that will reverberate, that are reverberating already, across the region and beyond*", said The UN High Commissioner for refugees, Filippo Grandi while addressing the Brussels IV conference on supporting the future of Syria and the region.¹⁵

¹⁰ Mona Christophersen, *Securing Education For Syrian Refugees In Jordan*, INTERNATIONAL PEACE INSTITUTE (Dec. 2015), <https://www.ipinst.org/wp-content/uploads/2015/12/IPI-Rpt-Syrian-Refugee-Youth-Final1.pdf>.

¹¹ Elizabeth Ferris and Kemal Kirisci, *Syrian Refugees: Challenges To Host Countries And The International Community*, JSTOR (2016), <https://www.jstor.org/stable/10.7864/j.ctt1c2cqws>.

¹² BEN CONNABLE, *supra* note 3.

¹³ *Aid and Asylum Map*, SYRIAN REFUGEES (2016), <http://syrianrefugees.eu/>.

¹⁴ *Asylum Statistics*, EUROSTAT (Apr, 2020), https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Number_of_asylum_applicants:_increase_in_2019.

¹⁵ EEAS, Press Team, *Syria: IV Brussels Conference on Supporting the Future of Syria and the Region*, EUROPEAN UNION EXTERNAL ACTION (Mar. 6, 2020, 5:40 PM) https://eeas.europa.eu/headquarters/headquarters-homepage/75709/syria-iv-brussels-conference-supporting-future-syria-and-region_en.

III. THE UNITED NATIONS TRYST WITH SYRIA

As the crisis in Syria goes on, the strength and weakness of the United Nations system comes to light and it showcases the limited power exerted by the system to influence governments to act. The member states declared their preparedness to take timely and decisive action, in accordance with the United Nations Charter and the relevant regional organizations, when national authorities fail to protect their populations. In paragraphs 138 and 139 of the 2005 World Summit, Heads of State and Government affirmed their Responsibility to protect (R2P) their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and accepted a collective responsibility to encourage and help each other uphold this commitment¹⁶.

R2P began as an idea put forward by the International Commission on Intervention and State Sovereignty (ICISS), an independent body established in response to the deteriorating state of affairs regarding human rights in the world¹⁷. The main concern behind implementing R2P is respecting the rules, regulations and the principles set forth by International Law, especially the underlying principles of law relating to sovereignty, peace, security, human rights and armed conflicts. It provides a framework for employing measures that prevent atrocity crimes and to protect civilians from their occurrence. The United Nations Security Council (UNSC) is the last resort when it comes to issues relating to the R2P. The United Nations General Assembly (UNGA) asked the Syrian government to stop the violence against its civilians and adhere to a political process. A little success was achieved by the implementation of the R2P¹⁸. It helped in reducing the militarized intervention in Syria. This new approach by the UN has potentially broadened and opened doors for creative and innovative action undertaken by the General Assembly¹⁹.

The UNSC has time and again demonstrated and raised their concerns regarding the crisis. Yet, it has taken certain decisions which come as a dismay to the concerned international community. It is the UNSC which has, on six separate occasions, declined to act to resolve this horrifying situation. Six times draft Resolutions on the war in Syria have been vetoed by at least one Permanent Member. Several members have proposed steps to ensure that those

¹⁶ UNGA ‘World Summit Outcome Document’, UN Doc A/RES/60/1, (2005).

¹⁷ *The Responsibility to Protect*, International Commission on Intervention and State Sovereignty (Sep. 30, 2001, 4:45 PM), <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

¹⁸ Saira Mohamed, *Syria, The United Nations, And the Responsibility to Protect*, CAMBRIDGE UNIVERSITY PRESS (Feb. 28, 2017), <https://doi.org/10.5305/procannmeetasil.106.0223>.

¹⁹ UNGA ‘International, impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011’ UN Doc A/RES/71/248, (2016).

committing international crimes during the war, could be held accountable through referral of the situation to the International Criminal Court (ICC). The use of Chemical weapons in Syria was another blow to humanity amongst several other blows. One of the shocking refusals was when the Security Council declined to pursue accountability for the use of chemical weapons²⁰.

Due to the massive violations of international humanitarian law in Syria, the UNGA introduced a resolution on 21st December 2016. The General Assembly established an International, Impartial and Independent Mechanism to assist in the Investigation and Prosecution of those responsible for the most serious crimes under International Law committed in Syria since March 2011. This is significant on three counts. First, it establishes a mechanism that increases the prospects of Justice for the victims of Syria. Second, it represents an important development in the history of international criminal justice showing how the UNGA can play a constructive role to support the efforts and ensure respect through International Cooperation. Third, it eases the criminal aspects of migration and helps in rehabilitating the residents of the region.²¹

The United Nations has taken a serious note of the situation in Syria. Almost all the organs of the UN are operating in Syria and are putting in efforts to curb the situation. The General Assembly's concern to ensure accountability for international crimes is through appropriate, fair and independent investigations and prosecutions at the domestic and International level. The General Assembly also stresses on the need to contribute to the prevention of future violations and any political processes aimed at resolving the crisis in Syria must ensure accountability²² in order to bring about peace. The UNGA resolution 71/248 intends to allow states to use their existing sovereign powers and jurisdiction to secure peace and justice, in accordance with their obligations under the UN charter. The Secretary General stated that the mechanism passed in the resolution, is mandated to collect evidence or relevant information by receiving it from other sources such as interviews, witness testimony, documents and forensic material. The world should identify the efforts taken by the UN in Syria, as there is an image showcased that these efforts are nothing but a pretext for military intervention by imperialist states²³.

²⁰ Third report of the Organization for the prohibition of Chemical Weapons- United Nations Joint Investigative Mechanism, UN Doc. S-2016/738, (Aug. 24, 2016).

²¹ Volume No. 34, A. KLIP & G. SLUITER, NETHERLANDS YEARBOOK OF INTERNATIONAL LAW (2003).

²² Omar Sheira, *Facilitating A Political Transition In Syria*, JSTOR (Mar. 10, 2016, 7:30 PM), <https://www.jstor.org/stable/resrep07709>.

²³ Steven Mathias, *The United Nations And Syria: A Work In Progress?*, CAMBRIDGE CORE (Feb. 28, 2017,

IV. THE PANDEMIC INCURSION

In the year 2020, there is a need to increase the efforts for the region exponentially, due to the global outbreak of the novel Coronavirus which made its inroads in Syria as well. A decade of conflict has affected the healthcare system in Syria adversely and is currently on the verge of collapsing. The World Health Organization (WHO) and Ministry of Health of Syria, state that out of 111 public hospitals only 58 are functioning in Syria, with the rest either being fully or partially destroyed²⁴. Syria showcases a number of issues which are of high risk. The country's shattered healthcare system, perpetually constant violence, lack of public trust in the authorities, and a high number of individuals per household or the lack of adequate shelter²⁵ makes social distancing difficult. A large number of people are living in shelter camps, detention centers and prisons with a lack of basic necessities and an inability to isolate from the crowd. Adhering to the present hygiene norms becomes burdensome due to the inadequacy of clean water²⁶.

A UN report of 2020 stated that up to 70% of the health care workers in Syria have left as migrants or refugees²⁷. Only 64% of the Hospitals and 52% of the Primary Healthcare Centers across Syria were fully functional at the end of the last year.²⁸ The international community needs to pay attention to the menace the virus can cause in a conflict-ridden state. In response, The UN Secretary General²⁹ and the UN special envoy in Syria has called for a ceasefire³⁰ considering the ongoing pandemic.

The United Nations High Commissioner for Refugees (UNHCR) is an agency of the UN which is contributing immensely in helping the victims of the crisis. UNHCR is on the ground delivering aid and protection to Syrians. On 30th March, 2020 the UNHCR held a ministerial level meeting³¹ with the agenda of a global responsibility for easing the struggle of the Syrian

²⁴ 7:50 AM), <https://doi.org/10.5305/procannmeetasil.106.0220>.

²⁵ *2018 Public Hospitals in the Syrian Arab Republic*, WORLD HEALTH ORGANISATION, HeRAMS Annual Report (2018).

²⁶ *In crowded Lebanon, Syrian refugees are forced to shelter in unlikely places*, MERCYCORPS (Nov. 5, 2014, 6:15 PM), <https://www.mercycorps.org/blog/syrian-refugees-lebanon-shelter>.

²⁷ *Water scarcity and the Syrian Refugee crisis*, MERCYCORPS (Mar. 9, 2014, 11:13 AM), <https://www.mercycorps.org/blog/jordan-water-refugee-crisis>.

²⁸ *United Nations Office for the Coordination of Humanitarian Affairs 2020 Syria anniversary press release*, UNITED NATIONS (Jun. 5, 2020 9:30 PM), https://reliefweb.int/sites/reliefweb.int/files/resources/USG%20Lowcock%20Syria%20Anniversary%20PR_%2006032020.pdf.

²⁹ *Id.*

³⁰ *UN chief calls for global ceasefire to help fight COVID-19*, AL-JAZEERA (Mar. 24, 2020, 8:20 AM), <https://www.aljazeera.com/news/2020/03/chief-calls-global-ceasefire-fight-covid-19-200323190330845.html>.

³¹ *Enable 'all-out effort' to counter COVID-19 in war-ravaged Syria, urges top UN envoy*, UN NEWS (Mar. 24, 2020, 3:30 PM), <https://news.un.org/en/story/2020/03/1060112>.

³² *High level meeting on global responsibility sharing through pathways for admission of Syrian refugees*, UNHCR (Mar. 30, 2016, 5:40 PM), <https://www.unhcr.org/5694d2ab6.pdf>.

Refugees. Various implementations were suggested such as private sponsorship programs for persons in humanitarian need, special visas, medical checkups and rehabilitation programs. Also, schemes such as reunification of family, mobility of laborers and educational scholarships were also suggested. UNHCR provides Syrian families with shelter, food, medicine and other lifesaving supplies such as fuel for heating, thermal blankets and warm clothes. They provide access to healthcare services and schools so that Syrian children are not forced to miss out on their education. UNHCR has also provided financial assistance to nearly 2,00,000 refugees in Egypt, Iraq, Jordan, Lebanon and Turkey, who are hosting more than 5.5 million Syrian Refugees³².

V. SERENE SYRIA: A DISTANT DREAM

"The Earth is nothing but a speck of dust, a pale blue dot, suspended on a beam of light in an ever-expanding universe. Think of the rivers of blood spilled by all the emperors and Generals, so that in glory and triumph they can become the momentary masters of a fraction of a dot."

-Carl Sagan

The Syrian crisis has a number of facets to it. The historical, social, economic and geo-political factors are to be studied in depth to gain an understanding of the situation. Without which, it would be difficult to implement solutions so as to effectively and justifiably teardown the chaotic state of affairs. The United Nations in all its wisdom and capabilities has tried to resolve this conflict. It has been a decade full of violence, vices and victimization of the people of Syria. After a decade, the sticks of sorrow should be continuously beating the drum of consciousness in the minds of the people who can actually bring about a change.

The United Nations and its organizations working in Syria should stand unhindered as they may be susceptible to external and internal influences. The organizations should aim to take into consideration all the issues concerning the people of Syria and try to resolve them in an amicable manner. The organizations should give more representation to the local people who understand the essence of the issue and can come up with solutions which are beneficial for the conflict affected region. The benefit of having regional representation is that it inculcates a belief amongst the victims, migrants and refugees about the organization.

The United Nations and World Health Organization, need to come forward and help Syria by

³² Syrian refugees profoundly hit by COVID-19 economic downturn, UNHCR (Jun. 16, 2020, 4:22 PM), <https://www.unhcr.org/news/briefing/2020/6/5ee884fb4/syrian-refugees-profoundly-hit-covid-19-economic-downturn.html>.

distributing testing kits, personal protective equipment and other medical assistance. The norms applied for peaceful regions cannot be applicable to Syria where habitable accommodations are scarce to self-isolate. There is a need to develop a medical aid and conflict resolution mechanism to help the vulnerable.

Every crisis has an economic impact not only on a micro level, but also a macro level. The economy of Syria has been impacted on a large scale. The crisis and migrations have impacted the economies of not only neighboring countries but also of faraway host countries. An effort by the UN to persuade the international community to intervene, pump in funds and create job opportunities would go a long way in helping Syria. There is still hope, hope that people who can seriously bring about a change in the situation come together, avoid violence and try to address the issue. There is a need for finding peace for all the stakeholders involved, in the hope of putting a full stop to the migration crisis.

The conflict-ridden region of Syria, after a decade of suffering and suffocation deserves a moment of fresh breath. In such times, a helping hand from the international community would help in uplifting Syria out of this muddled affair.
