

IMPLEMENTATION OF THE UNITED NATIONS' MANDATE TO ENSURE ADEQUATE SAFETY AND SECURITY MEASURES FOR WOMEN AND CHILDREN DURING THE SYRIAN CIVIL WAR (2011-2015)

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DEDICATION AND ACKNOWLEDGEMENTS

I would like to dedicate this dissertation to my husband and two daughters for their unwavering encouragement, patience and support during the study.

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ABSTRACT

It is generally accepted that the United Nations (UN) is primarily responsible for the maintenance of international peace and security. The UN approach to maintain peace and security is based on the principle of collective security, which covers a variety of operations. It includes peacekeeping, humanitarian assistance as well as armed combat.

A theoretical background on the functions of the UN highlighted the difference of opinions on whether the UN can function outside international laws and is authorized to intervene in the domestic situation of states. Due to an increase in intrastate conflict where governments pose a greater risk to human security in comparison with interstate conflict, which poses a risk to state security, the need for the “responsibility to protect” principle developed. In the case of intrastate conflict, intervention can only take place on the invitation of the state when it is unable to protect its own people, or by the collective decision of the UNSC, when a state is unwilling to protect its population.

The focus of the study against the theoretical background of the UN is to determine if the UN has fulfilled its mandate to protect women and children in the civil war of Syria from 2011 to 2015. The study provides a background of the civil war and the effects of the war on women and children. It furthermore shares the obligations of the UN to protect women and children in armed conflict and analyses the efforts of the UN to restore peace and security in Syria in an attempt to fulfil their mandate to protect the women and children of Syria.

The study concludes with an evaluation of the measures of security provided by the UN to protect the women and children in the Syrian civil war. It highlights the UN’s achievements, discusses its shortcomings and proposed ideal responses to protect women and children in conflict.

OPSOMMING

Dit word algemeen aanvaar dat die Verenigde Nasies (VN) primêr verantwoordelik is vir die handhawing van internasionale vrede en sekuriteit. Die VN se benadering tot die handhawing van vrede en sekuriteit berus op die beginsel van kollektiewe sekuriteit, wat 'n wye verskeidenheid aktiwiteite insluit, onder andere vredebewaring, humanitêre hulp en gewapende stryd.

Die teoretiese agtergrond rakende die funksies van die VN verklap 'n verskil in opinies oor of die VN buite internasionale reg om kan optree en of hulle by magte is om betrokke te raak by die binnelandse situasies van state. Die beginsel van die "verantwoordelikheid om te beskerm" het ontwikkel na aanleiding van die toename in intrastaat-konflik waar regerings 'n groter bedreiging inhou vir menslike sekuriteit as interstaat-konflik, wat 'n groot risiko inhou vir staatsekuriteit. In die geval van interstaat-konflik kan intervensie slegs plaasvind op uitnodiging van die staat sodra die staat self nie meer by magte is om sy eie mense te beskerm nie, of na aanleiding van 'n gesamentlike besluit van die VN se Veiligheidsraad wanneer 'n staat onwillig is om sy eie bevolking te beskerm.

Hierdie studie ondersoek of die VN sy mandaat om vroue en kinders in die burgeroorlog van Sirië vanaf 2011 tot 2015 te beskerm, nagekom het met inagneming van die teoretiese agtergrond van die VN. Die studie verskaf die agtergrond van die burgeroorlog en bespreek die gevolge van die oorlog vir vroue en kinders. Verder bespreek die studie die verpligtinge van die VN met betrekking tot die beskerming van vroue en kinders tydens gewapende konflik en analiseer dit die pogings van die VN om vrede en sekuriteit in Sirië te bring om hierdie mandaat om vroue en kinders in Sirië te beskerm na te kom.

Die studie sluit af met 'n evaluasie van die sekuriteitsmaatstawwe wat die VN ingestel het om die vroue en kinders van Sirië te beskerm tydens die burgeroorlog. Die VN se prestasies en tekortkominge word ontleed, en ideale optredes om vroue en kinders tydens konflik te beskerm word voorgestel.

KEY TERMS

Alienation

Child Soldiers

Civil War

Collective Security

Conflict

Human Rights

Human Security

Killing and Maiming

Lost Generation

Peace and Security

Resolution 1325

Responsibility to Protect (R2P)

Sexual violence

State Security

Syria

United Nations (UN)

United Nations Charter

United Nations General Assembly (UNGA)

United Nations Human Rights Council (UNHRC)

United Nations Secretary-General (UNSG)

United Nations Security Council (UNSC)

Uniting For Peace (UfP)

Women and Children's Rights

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LIST OF ACRONYMS

DFS	DEPARTMENT FIELD SUPPORT
DPKO	DEPARTMENT PEACEKEEPING OPERATIONS
DRC	DEMOCRATIC REPUBLIC OF THE CONGO
ICC	INTERNATIONAL CRIMINAL COURT
ICISS	INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY
IDP	INTERNALLY DISPLACED PERSONS
IS	ISLAMIC STATE
JIM	JOINT INVESTIGATIVE MECHANISM
LAS	LEAGUE OF ARAB STATES
NATO	NORTH ATLANTIC TREATY ORGANIZATION
NGO	NON-GOVERNMENTAL ORGANIZATION
NWU	NORTH-WEST UNIVERSITY
OCHA	OFFICE OF THE COORDINATION OF HUMAN AFFAIRS
P5	PERMANENT MEMBERS OF THE UNSC
POWC	ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS
R2P	RESPONSIBILITY TO PROTECT
UfP	UNITING FOR PEACE
UN	UNITED NATIONS
UNDP	UNITED NATIONS HUMAN DEVELOPMENT
UNGA	UNITED NATIONS GENERAL ASSEMBLY
UNHCR	UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
UNHDI	UN HUMAN DEVELOPMENT INDICATOR
UNICEF	UNITED NATIONS CHILDREN'S FUND
UNSC	UNITED NATIONS SECURITY COUNCIL
UNSG	UNITED NATIONS SECRETARY-GENERAL

CHAPTER 1: INTRODUCTION, PROBLEM STATEMENT AND METHODOLOGY

1.1 INTRODUCTION

Article 1 of the United Nations (UN) Charter, signed on 26 June 1945, states that the purpose and principles of the charter is to “maintain international peace and security, and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace” (Charter, 1945:3). Article 1 also states that international cooperation is necessary in “solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion”. Therefore, according to the Charter, the UN is mainly responsible for unifying the use of force under the UN Security Council (UNSC) and to prohibit the unilateral use of force (Charter, 1945:7).

The UN approach is based on the principle of collective security as reflected in the UN Charter and on the view that collective security is the only method for the maintenance of international peace and security. According to Chapter VII of the UN Charter, all members of the UN should contribute to the maintenance of international peace and security by means of agreements, the availability of armed forces, assistance and facilities to fulfil the mandate of the UN to maintain peace and security. Collective security covers a broad spectrum of operations, from peacekeeping and humanitarian relief in various ways to full-blown armed combat (Charter, 1945:9). According to Lopez-Jacoiste (2010:277), multilateral action cannot override human rights, which are protected within the collective security system of the UN. It is important for the UNSC to agree on a guideline when armed force may be the ultimate decision and a matter of conscience to protect human security in a conflict area.

Although Chapter VII of the Charter allows for broad interpretation, the UNSC’s actions have limitations. Some scholars argue based on Articles 25 and 103 that the UNSC can act above international law and is therefore not bound or limited by measures adopted under Chapter VII. Counter arguments are that the powers of the UNSC are based on collective political decisions and it is therefore bound by its mandate and international, humanitarian and human rights responsibilities. Furthermore, Al-Istrabadi (2014:123) highlights that nothing in the UN Charter authorizes the United Nations to intervene in the domestic situation of a member state, or allow member states to submit requests for action to use force without the proper authorization from the UNSC.

Despite the abovementioned arguments, the UN Charter codifies major principles of international relations, which include equal sovereignty of all states and the prohibition of force in international relations in any matter inconsistent with the purpose of the UN. To summarize, the purpose of the United Nations is twofold – first to prohibit unilateral use of force by states, except for self-defence, and secondly to centralize the use of force under the UNSC. Member states have agreed, according to Article 24 in Chapter V of the UN Charter, that the UNSC has the primary, but exclusive responsibility to maintain international peace and security. In cases such as Syria, when some of the permanent members veto a draft resolution and creates a deadlocked UNSC, the “Uniting for Peace” Resolution 377 adopted in 1950, makes provision for the United Nations General Assembly (UNGA) to consider the matter and to call an “emergency special session” (Johnson, 2014:1).

The former UN Secretary-General, Kofi Annan, indicated that the emphasis of state security shifted from purely protecting state borders to prevent external attacks, to including the security and protection of communities, tribes and individuals from violence and attacks within the state borders. It is clear that the new paradigm of state security expanded to include the protection of a country’s own people against its own people or government. This phenomenon is known as human security and is expressed in the UN Human Development Report of 1994 (Mack, 2002:4).

1.1.1 Threats to ‘human security’

Human security can be defined in two ways - either narrowly or within a broader context. According to Mack (2002:4), in each of the contexts, the individual becomes the “referent object” of security, but the threat to the individual differs in nature. In the narrower context, security refers to the prevention of violence to individuals. However, the broader definition of human security includes other forms of harm that pose a threat to individuals like natural disasters, hunger, environmental changes, poverty, terrorism and privation (Annan, 2000:43). Various scholars and governments promote the broadening of the definition of human security due to an increased focus on human rights after the end of the Cold War in the early 1990’s and the connection between human rights and human security; the increase in humanitarian intervention to prevent genocide and other serious human rights abuses; the shift from interstate to intrastate wars; and lastly the increase in attention to the relationship between insecurity, development and governance (Mack, 2002:4).

During the last century, more people died because of intrastate than interstate conflict. Governments have come to pose serious threats to human security in the name of national security. Therefore, the biggest threat to the narrowed definition of human security is intrastate and violent crime violations (Mack, 2002:5). The broad definition of human security entails a broader

perspective of threats against the referent object of security, the individual. Threats posed to humans include the denial of basic needs that creates human insecurity fuelled by hunger, poverty, disease and pollution. It makes sense from the viewpoint of security managers or securocrats to prefer the emphasis on the broad definition of human security to strengthen arguments for the security budget of a state to be increased while decreasing defence budgets (Mack, 2002:6).

Gill Loescher (2002:12) highlights that forced refugee movements, because of intra- or interstate conflict, affect international peace and security. Therefore, when refugees become a threat to international peace and security, Chapter VII of the UN Charter legitimizes the UNSC to take action without being limited by humanitarian considerations. States that force their citizens to flee because of humanitarian abuses internationalize their domestic affairs and allow clear validation for international intervention. Threats that develop from internal acts differ from threats created by interstate violations. Internal threats prompting mass refugee movements are regarded as a threat to interstate peace and the security of the neighbouring states. When neighbouring states have to deal with forced refugees and human rights abuses, the conditions that refugees find themselves in are no longer an internal matter. Such situations also allow interveners to exploit the refugee situation for personal gain unconnected to the circumstances at hand. Therefore, the apparent answer to prevent exploitation by one state would require multilateral intervention. To this end, the UNSC guides actions with regard to the protection of civilians in dire need due to armed conflict. This may include measures to protect such populations in the mandates of peacekeeping missions (OCHA, 2014:9).

Refugee movements are used as a barometer for internal disorder and human rights violations and to measure humanitarian standards. According to Loescher (2002:5), refugee movements provide a very distinct link between humanitarian and international security concerns. This concern places the UNSC under pressure to authorize interventions based on Chapter VII of the UN Charter. Chapter VII allows the use of force by member states to enforce resolutions to end actions that endanger peace, breaches to peace and acts of aggression. However, despite changes in international attitudes to humanitarian rights and refugee disasters, states provide assistance based on self-interest and veto resolutions for the protection of own interests (UNSC, 2015a:4). History shows that where the UN failed to intervene, it was mainly due to member states that failed to support the efforts proposed by the UNSC. Furthermore, member states are not always of the opinion that the use of force would be the answer to the problem or would be successful.

1.1.2 The Responsibility to Protect-Principle

Loescher (2002:6) highlights that notwithstanding the obligation to address refugee movements and emphasis on human security, the norm for states to retain their sovereignty and say in such matters, remains powerful. Also, veto powers enjoyed by the permanent members of the UNSC can restrain intervention, even when the humanitarian situation demands intervention. It is not difficult to assume that if the connection between security, refugee movements and human rights are ignored, a breeding ground for political extremism and terrorism could be created, which may lead to new threats to international peace and security. The UNSC acknowledged during a conference in 2010 on implementing the “responsibility to protect” (R2P) that the prevention of mass humanitarian disasters demands a system-wide United Nations effort. More importantly, the sovereignty of states would not exclusively protect them against foreign interference, especially if states do not take responsibility for the protection of their people. The R2P introduced by the UN in 2005 and implemented in 2009 (A/RES/63/308) is based on three pillars. Firstly, the relevant state has the primary responsibility to protect populations against crimes of war, humanity, genocide or ethnic cleansing. Secondly, the international community has to assist states in honouring their responsibilities, and thirdly, when states fail to protect their own population, the international community has a responsibility to use diplomatic, humanitarian or different means available to protect populations (Charter, 1945:9). An existing example of the abovementioned discussion is the current humanitarian crisis in the Islamic State of Syria. However, Bartlett (2015:1) reflected in her interview with the Syrian Ambassador to the United Nations that Syria is of the opinion that it is in full harmony with the UN Charter.

1.1.3 The Civil war in Syria

Williams (2008:108) highlights that in contrast with the past when women in conflict were omitted from any study, today scholars, international and multilateral organizations direct empirical studies on women and children as an increased target of physical and sexual violence. Women and children are not only exploited by acts of war, but also by the people who are responsible for their protection – aid workers and/or uniform personnel. The civil war in Syria is a perfect example of the increased acts of violence directed towards women and children.

The civil war in Syria started in March 2011 as an overspill of the Arab Spring that started in Tunisia. The war is fought between the Syrian government (comprised mainly of Alawites, which is a Shia-origin Islamic minority grouping) and predominantly Sunni-orientated rebels. The government is supported politically, financially and militarily by Russia, Iran and to a lesser extent China. The rebellion is comprised of several groups, including the Free Syrian Army. Various

opposition extremist Islamist groups (local and foreign Jihadists) also operate in Syria, including the Islamic State (IS) (Kelly, 2013:1). Charles and Denman (2013:96) state that the United Nations assessed the humanitarian crisis in Syria to be the worst of the 21st century with approximately 240,000 people killed between March 2011 and 2015. During the same period more than 4 million people migrated and 95% of Syrian refugees are hosted in just five countries – Turkey, Jordan, Lebanon, Iraq and Egypt (UNHCR, 2015:1). The European summer of 2015 was characterized by huge refugee movements. The UN Refugee Agency reported that the number of Syrians applied for asylum in Europe reached 512 909 by September 2015. Although the number continues to increase, it remains low at 10% in comparison with Syria's neighbours. Germany and Serbia are hosting 46%, Sweden, Hungary, Austria and the Netherlands 38% while a further 16% are taken care of by other countries in the European Union (UNHCR, 2015:1).

According to Amnesty International, by 2015 50% of the Syrian population had been displaced. Brunais (2014:1) reveals that more than half of the refugees are children. In total, 6.5 million children have been affected by the conflict in Syria. Brunais (2014:1) further indicates that the largest demographic group affected by the Syrian conflict is young people between the ages of 15 and 24. These young people experience daily insecurity about their future, feel great sadness and have been deprived of education. Furthermore, frustration and anger about their circumstances make them susceptible for joining armed or terrorist groups. Other complications include child labour and child marriages. The children of Syria are watching their past and future disappearing into the destruction brought about by the conflict. As long as a solution for the crisis is protracted, past progress is made undone, while a lost generation is growing. According to UNICEF(2015a:1), the United Nations Convention on the Rights of the Child was inspired by the injuries imposed on children as a result of conflict – death, maiming, gender-based violence and psychological suffering. During situations such as that experienced in Syria, all areas of child development become affected and it has an accumulative effect on the mental, physical and social development of children. The Marchel Report (1996:40) indicated that biographical, psychological, personality and cultural factors linked to the exposure and duration of traumatic events will have long-lasting effects on the development of children. Related to the impact of conflict on children is the effect it has on the families and the communities of these children. If the immediate support system is affected, the child's wellbeing and development is affected too (UNICEF, 2014). Not surprisingly, according to the March 2014 UNHCR Progress Report (2014:1), women who are single heads of households reported experiencing incidents related to sexual and gender-based violence either in Syria or during their flight to another country. Matterson *et al.* (2014:4) determined in their research that women reported multiple types of violence and admitted to beating their own children more than usual.

It is unknown how much longer the civil war in Syria will last. Factors influencing the duration of the war are the involvement of foreign powers both on the government and rebel sides. The outcome of the Syrian civil war may be unknown, but what is known are the shocking and on-going effects the conflict has on women and children in Syria and the region. Furthermore, the situation will worsen in the short term if the UN does not deliver on its mandate to maintain international peace and security (Red24, 2013:1).

1.2 PROBLEM STATEMENT

The United Nations is the primary entity that maintains international peace and security based on a model of collective security as prescribed in its Charter. The principles of collective security include both human and state security (Charter, 1945:3). From the time the civil war broke out in Syria in 2011 up until August 2015, more than 240 000 people have died, many of whom were women and children. Millions of people have fled from the conflict and become displaced in their own countries or have become refugees in neighbouring countries. These numbers change daily and it is expected to rise as the conflict continues (Amnesty International, 2014:1). It is a matter of historical fact that the United Nations was slow to respond to the crisis. Webb (2014:471) illustrates this point by highlighting three statements already made in 2013.

The first comments were made by the Argentine president, who referred to the veto power of the permanent council members of the UNSC (P5) as an old instrument used in a new world. Secondly, in 2013 Australia, as the Chair of the UNSC, spoke about the stalemate of the UNSC about Syria, and thirdly, the Kingdom of Saudi Arabia declined their non-permanent seat at the UNSC because of the inability to address the situation in the Middle East and specifically Syria (2014:471). The focal points of these statements referred to United Nations' position with regard to state security, while the agreement that was signed on 22 September 2014 between the United Nations and the Arab League, stating that world leaders are obliged to uphold and protect children's human rights, reflected a human security approach (Eliasson, 2014:1). The slow response on the side of the United Nations, had implications on the living conditions of women and children during the Syrian conflict. Based on this background, the study aims to analyse the effects of the conflict in Syria on women and children and to clarify the United Nations' role to protect vulnerable people and populations through the principles of human security.

1.3 RESEARCH QUESTIONS

The primary research question of the study is: *“Did the United Nations provide adequate measures of security especially for women and children during the Syrian civil war from 2011 to 2015?”* In

order to address the primary research question, the following specific research questions form the focus of the investigation:

- i What are the principles of collective security involved in investigating and determining the manner in which the United Nations ensures both state and human security as provided for in the Charter of the United Nations?
- ii What were the effects of the Syrian civil war on women and children for the period between 2011 and 2015?
- iii What were the shortcomings of the United Nations' response in its effort to support and secure women and children during the civil war?
- iv What can be regarded as the ideal security response of the United Nations in cases of civil war to ensure that women and children are adequately protected as required by its mandate?

1.4 RESEARCH OBJECTIVES

Taking the primary research question and the specific research questions into account, the following objectives are addressed:

- i To analyse the principles of collective security in order to investigate and determine the manner in which the United Nations ensures both state and human security as provided for in the Charter of the United Nations;
- ii To analyse the effects of the Syrian civil war on women and children for the period between 2011 and 2015;
- iii To establish the UN's responses in Syria and to identify any shortcomings in the United Nation's effort to support and secure women and children during the civil war in Syria;
- iv To determine what the ideal security response of the United Nations in cases of civil war should be to ensure that women and children are adequately protected as required by its mandate.

1.5 CONTEXTUALIZATION OF OBJECTIVES

On 25 November 2014, the UN Secretary-General (UNSG) stated during the UN International Day to End Violence against Women and Girls, that the violence against women and children had become a global pandemic that has affected development, terminated lives and ruptured communities. The UNSG believes that "violence against women and girls was the most extreme example of oppression in any form worldwide" (UN News Centre, 2014:1). In addition, MacFarlane (2006:234) states that already in 1990 and 1992 the UNSC took a decision to promote the

protection of children and women's issues. The UN is the primary entity to provide international peace and security through providing human and state security measures. This is stipulated in Article 24 of the UN Charter and this lays the foundation for the UNSC to act in the face of threats to international peace and security (Charter, 1945:7). Therefore the focus of the study is to determine whether or not the UN provided adequate protection and security to the women and children during the Syrian civil war as mandated by the UN Charter, the R2P principle and the responsibilities bestowed on the UNSC. It will further evaluate the implementation of Resolution 1325 (UNSC, 2000:1), which identifies women and children as those most negatively affected by armed conflict.

1.6 CENTRAL THEORETICAL STATEMENT

Collective security refers, in theory, to the protection of members belonging to the same system against an attack from within the system. The core of the UN collective security system is based on a normative foundation that disallows the use of force and a constitutional foundation that confer the Security Council with the primary function to take collective decisions for the maintenance of international peace and security (Nasu, 2012:101). In the classical model of collective security the focus was on rogue governments guilty of aggression against weak neighbours. Since the end of the Cold War and the eviction of Iraq from Kuwait in 1991 when the United Nations endorsed actions against Iraq, new prospects for international cooperation to secure peace were ushered in (Butfoy, 1993:1).

The UN Charter includes a system of collective security that is designed to meet an international crisis resulting from war or aggression or a threat of war or aggression in any part of the international system. Collective security is a device of crisis management, which postulates a commitment on the part of all the nations to collectively meet an aggression that may be committed by any state against another (state security). Aggression is viewed as a breach of international peace and security and collective security stands for collective action by all the nations in defence of peace (Dinesh International Politics, 2015:1).

However, the incorporation of human security into the collective security system of the United Nations is challenged by the normative and institutional foundations on an operational, jurisdictional and normative level. On a normative level, the question remains if it is appropriate for the Security Council to take collective action on human security issues. On a jurisdictional level, the Security Council has to act within its competence, which is delimited by the provisions of the Charter. The interpretation of the provisions of the Charter determines the extent to which human security falls within the Security Council's institutional mandate and competence (Nasu, 2012:101).

The approval of military action to protect civilians in Libya in 2011 was based on the responsibility to protect (RtP) principle, which is rooted in human security. Therefore, the difficulty to reach an agreement as to the appropriate response for the conflict in Syria is based on the perceived danger that the human security agenda can be high jacked for political interests (Nasu, 2012:113).

1.7 RESEARCH METHODOLOGY

At its most fundamental level, the purpose of research may be basic or applied. Basic research or theoretical research is conducted to increase the general storehouse of knowledge and is concerned with coming up with theories about what things are and why events happen the way they do (McNabb, 2004:13). More particularly, research methodology describes the collection of methods and tools needed for the methodical and accurate completion of the research design (Wolman & Kruger, 2005:23).

This study, based on collective security and the response of the UN to the civil war in Syria, is a descriptive study with the purpose to describe the characteristics of the case being studied. The aim was to reach theoretical saturation in understanding the UN's efforts (successes and failures), by applying adequate security measure to protect, women and children during the civil war from 2011-2015 (Patton, 2002:490). The primary data-collecting technique was a non-empirical approach and involved the perusal of published public works, in print as well as in electronic format. Essentially, the civil war in Syria was used as a case study to determine whether the UN introduced adopted resolutions to protect women and children affected by conflict.

1.7.1 Literature study

The concept of security remains fascinating and we are daily bombarded via different communication mediums about its importance. Security matters and undeniably means different things to different people. On an abstract level, according to Williams (2008:1) the definition of security encompasses "the alleviation of threats to cherish values".

It is generally accepted that it is the primary responsibility of the United Nations (UN) to maintain international safety and security as prescribed in Charter 1 of the Charter (1945:3). The UN based its approach to maintain international safety and security on the principle of collective security as prescribed by Chapter V of the Charter (1945:6). Collective security encompasses multilateral action covered under Chapter VII and VIII of the Charter (1945:9).

The level of application of Chapters I, V, VII and VIII by the UN in Syria was studied to determine if the United Nations fulfilled its mandate to ensure adequate protection for women and children

during the civil war 2011 – 2015. The literature study determined what the obligations of the United Nations were and its responses to protect women and children. The study started with the theoretical foundation of security in general and continued to study collective security as the basis for the United Nations' mandate to maintain international peace and security within the context of state and human security. An understanding of the background to the civil war was necessary to clarify the United Nations' responses and to identify possible shortcomings by the United Nations in providing adequate security measures for the protection of women and children during the Syrian conflict.

Collective security as a topic was discussed since 1945. However, with the changing of the security environment, the link between collective, human and state security within the UN environment was also studied. The following books, journals and scientific articles provided a wealth of researched information on the topics:

- UN Charter (1945) was used as the starting point of the study;
- The Oxford Handbook on the United Nations served as a guide for the theoretical underbuilt to the study;
- Wolter, D. 2007. A United Nations for the 21st Century: from reaction to prevention and Butfooy, A. 1993. Collective Security: theory, problems and reformulations were used to study collective security while;
- Macfarlane and Khong. 2006. Human Security and the UN: a critical history; Johns, L. 2014. A critical evaluation of the concept of human security; Alkire, S. 2003. A conceptual framework for human security: Working paper 2. Centre for Research on Inequality, Human Security and Ethnicity were used to further analyse and discuss collective security and the relationship amongst collective, state and human security. These sources coupled with Paris, R. 2001 and Troeller, G. 2005. The United Nations and Human Security discussed the factors (broader definition of human security) that stimulated refugee movements (deepening definition of human security) and how to prevent it. Troeller set a standard for human security that could be accepted as adequate to protect people in conflict situations.
- Various electronic sources and databases at the Dag Hammarskjold Library at the United Nations in New York and the Ferdinand Postma Library at the North-West University were utilized. These data bases included: Armed Conflict Database (IISS); Jane's Defence News; JSTOR; Nexus; EBSCOHOST; ONCHR; Progress; Stratfor; Refworld and Taylor & Francis Online.
- The UN Official Doc System (ODS) was very valuable to obtain all the statements and resolutions with regard to the security situation in Syria and decisions taken on the protection of women and children in conflict and specifically in Syria.

- The following journals were also pivotal to the study: Australian Journal of International Affairs; Journal of conflict & security law; Human security in the new millennium. Work in progress; Paris, R. 2001. Human Security: Paradigm Shift or Hot Air? International Security 26(2), provided a matrix to explain the sources of security threats and the effect it had on the broadening and deepening of the human security definition.

Essential to human security and the protection of women and children in situations of insecurity is the application of the R2P principle. The ICISS Report. 2001; The Millennium Declaration of 2000; the High-level Panel on Threats, Challenges and Change Report of 2004; the report by Kofi Annan, 2005. In Larger Freedom: towards development, security and human rights for all; the World Summit Outcome document. 2005, and the presentation of the “implementing the R2P to the 63rd UNGA in 2009, set the stage for the broadening of the human security concept and the implementation of the R2P proposal.

As a result of the aforementioned discussions, the study would determine the preference of the UN for human or state security in the Syrian context. Different viewpoints on the issue were provided by:

- The responsibility to protect and Syria;
- ICISS Report. 2001;
- The ICRtoP. 2015. The responsibility to protect and Syria;
- Weaver & Tran. 2011. Libya, Syria and Middle East unrest;
- Doyle, C. 2012. Kofi Annan’s resignation is no surprise, his Syria peace plan undermined;
- Hampson & Penny. 2007. Human Security;
- Henderson, C. 2014. Authority without accountability? The UN Security Council’s authorization method and institutional mechanisms of accountability. Journal of conflict & security law 19(3);
- Carswell, A.J. 2103. Unblocking the Security Council: The Uniting for Peace Resolution. Journal of conflict & security law, 18(3).

Research and discussions by the abovementioned scholars exposed the “abuse” of the veto by the P5 of the UNSC and the ineffectiveness of the “Uniting for Peace” resolution as an equaliser. As a result the UNSC found itself in a deadlock on the situation in Syria while the continuing civil war had devastating consequences for the women and children in this war-torn country. To study the impact of the civil war on women and children, the six grave violations against women and children identified by the UNSC in 2005 (UN: Children in Armed Conflict. 2005/2013) was used as a legal standard to measure the level of violations committed against women and children in the Syrian

conflict. The Marchel, G. 1996. Promotion of the protection of the rights of children: impact of armed conflict on children, provided complimentary background on the grave violations. The studies by:

- Lehmann et al. 2014. Are we listening? Acting on our commitments to women and girls affected by the Syrian conflict;
- Routier, M. 2014 Detention of Syrian Women: weapon of social destruction and
- Lissan, S. Protecting the Children and youth of Syria: human security threats and their consequences, researched the psychological and impact of social alienation and identified the possible development of a lost generation.

Reports, updates and assessments confirming the violations against women and children during the mentioned period were published by the UN News Centre; UNICEF; UNHRC; OHCHR; UN Human Rights Council; The Office of the Special Advisor on Gender Issues and Advancement of Women; UN Peacekeeping Operations; UN Women; UNGA; UNRWA; UNSC; the Global Protection Cluster; Human Rights Watch; Jane's Intelligence Weekly; Journal of international women's studies 14(5); Institute for Security Studies; MercyCorps and Syrian Deeply. Statistics were provided by the Syrian Centre for Policy Research; the World Health Organization and ACAPS. Daily updates were published by BBC, Al Jazeera, Sputnik and other media houses.

Together with media updates, reports and studies were published on the background on the civil war 2011-2015 by: Cornell University. 2015. Arab Spring: A research & study guide; Dagher, S. 2015. Syria's Alawites: the people behind Assad; Kelly. M.B. 2013. The madness of the Syria Proxy War in one chart; MercyCorps. 2013; Laub, K. 2015 on refugee movements and Gladstone & Ghannam. 2015. Syria deaths hit new high in 2014 on casualties. In addition to all the coverage by the UN News Centre and independent media, statements by the UN Secretary-General; UN Special Representative for the Secretary-General on Sexual Violence in Conflict; UN Special Representative for the Secretary General for Children and Armed Conflict and Under-Secretary-General for Humanitarian Affairs and Emergency Relief, published UN Syrian field investigation findings. These findings by task teams of the United Nations served as self-evaluation of the implementation of security measures.

The United Nations' obligation for the protection of women and children is based on the 1974 Declaration on the Protection of Women and Children in Emergency and Armed Conflict (UNGA. A/RES/29/3318); UNSC. S/RES/1325, 1820, 1888, 1889, 1960, 2106, 2122 and Beijing Declaration and Platform for Action at the Fourth World Conference on Women. The mandate of Peacekeeping Operations was expanded by the UNSC with the R2P children in conflict stipulated

in ten resolutions between 1991 and 2014. The United Nations' responses in Syria were evaluated against the efforts undertaken by the UNSC, the Office of the Secretary-General, the General Assembly, the Human Rights Council and specialised functions delivered by UN entities. Despite various resolutions that were adopted by the different UN bodies, the vetoing of four UNSC draft resolutions by Russia and China between 2011 and 2014 overshadowed the work of the United Nations in Syria. Webb, P. 2014. Deadlock or restrain? The Security Council veto and the use of force in Syria; Adams, S. 2015. Failure to protect: Syria and the UNSC; Arnor, A. 2012. Vetoing Syria: A problematization of the Syrian crisis through the right of veto; McGreal, C. 2015 on UNSC failing Syrian and Russia and China's national interests in blocking proposals to end the conflict; Okhovat. S. 2011. The United Nations Security Council: its veto power and its reform; Nichols & Charbonneau. 2014. Russia, China veto UN bid to refer Syria to international court explained why the United Nations could not deliver on their mandate to ensure adequate safety and security measures for women and children. Al-Istrabadi, F. 2014. The limits of legality: assessing recent international interventions in civil conflicts in the Middle East pointed out that the United Nations did not have a mandate to intervene in the domestic affairs of Syria. It brought the issue of human versus state security again to the forefront.

With this in mind the study concluded by evaluating the United Nations' implementation of a multi-layer security approach based on the principles of collective security as prescribed by the UN Charter to protect women and children in the on-going civil war. For this purpose seventy-five United Nations documents were studied. To answer the question - did the United Nations manage to balance human rights and human security against the sovereignty of Syria (state security), growing refugee, casualty statistics and statements by the Secretary-General and Special Representatives of the Secretary-General serve as proof that the United Nations failed in its effectiveness to do so. Non-implementation or violation of resolutions on women, peace and security in Syria proved that the United Nations was unsuccessful to meet the minimum security standard (preventing forced population movements, set by Troeller) to provide adequate security measures to protect the women and children of Syria. The on-going, therefore changing nature, of the civil war in Syria continuously generated articles, press releases and daily media coverage on the topic. The mass coverage of the topic created a challenge. On the other hand, the topic was covered from all possible angles, and statistics from UN field investigations assisted in drawing a conclusion that the United Nations, despite all the efforts attempted to implement adequate security measures for the protection of women and children did not succeed in their mandate. Ample UN documentation and statements supported the conclusion.

1.8 ETHICS

Orb *et al.* (2001:93) indicate that qualitative research is focused on people in their natural environment and therefore ethical problems are subtle and different from quantitative research. This study is, however, a theoretical study and ethical ramifications are therefore minimal. The researcher nevertheless still adhered to ethical guidelines and will do so when the results of the study are made available to the public. This includes that the researcher made sure that the results are based on a scientific enquiry and protocol. She also made sure that the research is designed, reviewed and undertaken in such a way that the results ensure integrity, quality and transparency.

1.9 SIGNIFICANCE OF THE STUDY

The specific study is conducted to clarify if the UN fulfilled their mandate to maintain international peace and security when it comes to human security in Syria, with specific reference to the protection of women and children against war crimes. Furthermore, the research was conducted to meet the academic requirements of the NWU for successful completion of the Master's Programme in Development and Management Studies.

1.10 CHAPTER LAYOUT

Chapter 1: Introduction, orientation and problem statement

Chapter 1 presents an overview and introduction to the study and the research problem. The chapter makes provision for a background description of the research topic and an overview of the methodology, research design that will be utilized during the research process.

Chapter 2: How the United Nations ensures both human and state security through their mandate and its charter

The principles of collective security are analysed to investigate and determine the manner in which the UN ensures both state and human security as provided for in the Charter of the United Nations. The manner in which the UN ensures human and state security through their mandate is discussed. The chapter provided an overview of the UN's responsibility to maintain and protect state security versus human security, by means of the 'R2P' principle is provided.

Chapter 3: The effects of the civil war in Syria on Syrian women and children: 2011-2015

This chapter analyses the effects of the Syrian civil war on women and children for the period between 2011 and 2015. This is done at the hand of the information presented in Chapter 2.

Chapter 4: The United Nations' Responses In Syria: 2011-2015

An analysis of the UN's responses in Syria is conducted to identify any shortcomings in the United Nation's effort to support and secure women and children during the civil war in Syria.

Chapter 5: The Measures of Security Provided By the UN to Protect Women and Children in the Syrian Civil War From 2011-2015

In conclusion, Chapter 5 analyses if the United Nations provided adequate security measures to protect women and children to determine what can be regarded as ideal security responses by the United Nations to ensure that women and children are adequately protected as required by the UN mandate.

CHAPTER 2: HOW THE UNITED NATIONS ENSURES BOTH HUMAN AND STATE SECURITY THROUGH THEIR MANDATE AND ITS CHARTER

2.1 INTRODUCTION

The chapter describes the application of human and state security within the framework of the UN Charter and arguments are provided for whether one of the concepts enjoys preference over the other. The application of the R2P principle in the case of the Syria civil war is studied to determine if any weaknesses in the UN system exist with regard to its application. According to Article 1 of the Charter, the primary responsibility of the UN is to maintain international peace and security (Charter, 1945:3). As a multilateral organization, the United Nations is based on the principle of collective security as the only method for the maintenance of peace and security (Lopez-Jacoiste, 2010:277). Furthermore, the intrinsic nature of conflict has changed from interstate to intrastate in a globalized world. This has resulted in the traditional definition of conflict that emphasized state security to also include human security. The emphasis on state security only has therefore shifted to also include the protection of people (ICISS, 2001:15). The protection of people, however, remains the primary responsibility of the state. In the event that the state is unable or unwilling to protect its people, the responsibility shifts to the international community (ICISS, 2001:XI).

The application of human security allows for multiple interpretations and abuses by member states. The International Commission on Intervention and State Sovereignty (ICISS) report R2P outlined the thresholds at which this concept can be authorized to take preference over state sovereignty and security. However, this concept was not without controversy and its application through Resolution 1973 (2011) divided the UNSC (ICISS, 2001:15). The next section discusses the primary function of the UN as mandated in the UN Charter to maintain international peace and security.

2.2. THE FUNCTION OF THE UNITED NATIONS TO MAINTAIN INTERNATIONAL PEACE AND SECURITY

Article 1 of the UN Charter, signed on 26 June 1945, states its purpose and principles as to “maintain international peace and security, and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace.” The same article in Chapter 1 continues to recommend the achievement of “international cooperation in solving problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for

fundamental freedoms for all without distinction as to race, sex, language or religion". Therefore, the Charter clearly states that the UN is mainly responsible for unifying the use of force under the UNSC and to prohibit the unilateral use of force by member states. The responsibility to use force is conferred to the UNSC as their primary function by Article 24 (Charter, 1945:7).

2.2.1 Collective security: The basis for the maintenance of international peace and security

The UN system is based on the principle of collective security, reflected in the UN Charter, as the only method for the maintenance of international peace and security. According to Chapter VII of the UN Charter (Charter, 1945:9), all members of the United Nations must contribute to the maintenance of international peace and security by means of agreements, the availability of armed forces, assistance and provision of facilities to fulfil the mandate of the United Nations to maintain peace and security. Collective security covers a broad spectrum of operations: from peacekeeping and humanitarian relief in various ways, to full-blown armed combat (Charter, 1945:9). The UN collective system is built on a normative foundation that prohibits the use of force, and an institutional foundation that dedicates the UNSC as the primary organ of the UN for decision taking with regard to the international maintenance of peace and security. The two foundations create jurisdictional, normative and operational challenges of the incorporation of human security in the collective security system of the UN (Nasu, 2013:101).

The UN Charter binds all of its 193 member states by international law to comply with its provisions as stated in Article 24 with the purpose of maintaining international peace and security. Williams (2008:234) is of the opinion that all aspects of life involve insecurities and that security threats do not always originate from external sources and cannot always be addressed in the context of state security. For example, in the last two decades more wars started because of internal conflicts based on inequalities, competition for resources, economic and political transitions and ineffective or corrupt governance (Mack, 2002:4). In the abovementioned context Mack (2002:4) explained that the application of state security alone, as per definition, couldn't ensure international peace and security as described by Chapter 1 of the UN Charter. According to MacFarlane and Khong (2007:86) the Charter's emphasis on international peace and security among states influenced the promotion of individual security or state-centric security. Article 2.1 of the UN Charter clarifies that all states are equally sovereign, while Article 2.4 prohibits force against or among states. Only by agreement of the UNSC, intervention mandated by Chapter VII of the Charter would allow response to threats of international peace and security. Article 2.7 was included in the Charter to limit the UN's capacity to intervene in the domestic jurisdiction of states to protect the economic and social rights of states. Developing countries further entrenched the principle of non-

intervention at the UNGA. Prevention of intervention was also adopted at regional organizations. However, this watertight norm-setting of non-intervention by the UNGA and regional organizations limited the possibility of international action to protect or prevent the suffering of individuals that fell within the jurisdiction of a state. In conclusion, the UNSC is not as receptive anymore for states' claims of sovereignty when signs of human rights abuses of its own population or that of territories under its control occurs.

The right to sovereignty automatically provides states with a right to self-defence. This right is based on the principle of collective security, expanded to include the global community's right to prevent war. However, the principle of collective security reveals substantial gaps as states define their cultural and strategic partners and enemies. Furthermore, states resist applying any form of force against a state with a nuclear or biological capacity and/or with chemical weapons of mass destruction. Any form of force would be more disruptive to international peace and security (MacFarlane & Khong, 2007:86).

Another factor influencing collective security is the economic effect it has on both the offender and the protector. The institution of sanctions against a state may hamper existing trade relations between the offender and the protector. Furthermore, collective security is based on the principle that all states are equally important or equally sovereign (Nijman, 2013:1; Weis & Daws, 2007:8). History has proven that it is difficult to organize and enforce collective security, because states with an economic interest will be reluctant to agree to economic or military enforcements. The principle of collective security relies on organization, commitment and consensus that a threat to international peace and security exists. Once consensus has been reached, the method of enforcement, either economic or military or both must be agreed upon by the member states. Member states should commit to the decision and should be willing to sacrifice their national interests. Lastly, the organization and coordination of force should be agreed. The permanent members received veto powers in 1945 to prevent enforcement and the start of a major war (Weiss *et al.*, 2007:4-8). For the United Nations to provide collective security that incorporates the application of force, it should be subcontracted to a "coalition of allies" under the leadership of one of the permanent members (Mingst & Karns, 2007:122).

Changes in threats necessitated the UN to adopt new methods to protect state and civilian security. Operationalization of human security in the UN led to the establishment of a UN Trust Fund for Human Security in 1999. The fund became operational in 2005 and in the first two years it funded 133 projects in 104 countries (Wolter, 2007:81, Nasu, 2012:95). Human security is currently firmly rooted in the policies of international affairs. The United Nations has advanced three broad conceptions of human security: basic human rights; physical protection against threats

caused by conflict and lastly, protection against threats, threatening basic survival. Some scholars (Nasu, 2013; Stahn, 2014; Mingst & Karns, 2007) are of the opinion that human security is adequately addressed through state security, human development and human rights initiatives. A description and a comparison of the concepts state and human security and the interaction between human security and human rights will clarify how the UN applies the concepts in a globalized world (Hampson & Penny, 2007:539). The UN Charter is clear that state security includes the protection of their population. Only in the event that a state is unable or unwilling to protect its people, it becomes a case of human security (MacFarlane & Khong, 2007:179). Threats to and the difference between state and human security and its application in the United Nations collective system is discussed next.

2.3. STATE VERSUS HUMAN SECURITY IN A COLLECTIVE SECURITY SYSTEM

2.3.1 Security

Security involves a referent object, meaning something to secure. Traditionally in international relations, the referent object of security referred to the protection of the state. Since the end of the Cold War, a transformation in the threat to peace and security emerged. Non-state threats, like civil war, transnational crime, diseases or the proliferation of small arms characterised by the changing nature of world politics, globalization and weakening of state structures, shifted the referent object of security from state to humans and from military to non-military issues. A common feature of these contemporary or non-state security threats is that they target societies or individuals (Krahmann, 2005:7; Troeller, 2001:65; Paris, 2001:98).

Threats to security are defined by Krahmann (2005:4) “as an event with potentially negative consequences for the survival or welfare of a state, a society or an individual.” Williams (2008:6) associated security with “the alleviation of threats to cherished values.” Williams (2008:7) further explained that security can be twofold: first it is related to survival and fundamentally synonymous with the increase of power. Secondly that security flows from power and is rather based on a relationship between different actors. Relationships can either be interpreted negatively (security represents the absence of threats) or positively where security makes things possible. Coupled with the rise of non-state threats are non-state actors who can be grouped into private actors and intergovernmental or multilateral organisations represented by sovereign nation-states. Non-state actors play an important role to address contemporary security threats because they draw on multilateral cooperation, operate across borders and do not serve the interest of a single nation (Krahmann, 2005:9).

Troeller (2001:65) is of the opinion that the minimum standard for human security would be to protect an individual against gross human rights violations and at the very least people should be secured from forced displacement as a result of conflict or discrimination. He emphasized that with the political will human security can be promoted. It is against this background that adequate security measures (provided by the United Nations to protect women and children in conflict) can be defined as the minimum standard of security provided to protect human rights of a society in preventing involuntary population displacement. A discussion of human and state security and its application in the United Nations' collective system is discussed next with the purpose to determine if it is possible for the United Nations to balance state with human security.

2.3.2 State security

State security is a description of the perspective of international security since the Peace of Westphalia and the rise of the nation or systems of states. The system of states has its origin at the 1648 Peace of Westphalia. Statehood refers to territory, the people and the government (authority). The contemporary world order is based on sovereignty sustained by Article 2.1 of the ICISS (2001:28) report. Sovereignty provides autonomy, legality and equality (despite size, power or wealth) to states in international law. It furthermore provides governments of states with the power to act on behalf of the society. The most important principle of sovereignty is non-interference (Thakur, 2007:389). Therefore, it is the primary function of the state to protect its people.

Weiss and Daws (2007:7-9) in their reflection on state security indicate that the UN was responsible for both the rise and fall of state sovereignty, which can be explained by means of the following factors: Firstly, the "end of geography" after the rise of technology and communication and an increase in interconnectivity across the globe on the levels of human, financial and cultural movements without the need of a passport. Globalization therefore is responsible for creating pros and cons for some states, which include risks and opportunities. Socio-economic development over the globe did not occur symmetrically, which created adverse effects for poorer countries. Because of this phenomenon, some states are perceived as more or less "sovereign" than others. A second factor was the inclusion of human rights in the definition of sovereignty. This paradox creates tension between the respect for the authority of a state, as described in the UN Charter, and its obligations towards human rights. Already in 1992, the UN Secretary General, Boutros-Ghali summarized the situation as follows: "the time for absolute and exclusive sovereignty has passed: its theory never matched reality." This became clear with the willingness of the UNSC to override sovereignty by using military force for the protection of human rights. Therefore, sovereignty became conditional rather than supreme. Article 2 (1) of the UN Charter is clear that all

states on the principle of sovereignty are equal, but in practice this is not the case. To summarize, borders are still as important today as it was in 1945, but the inviolability of sovereignty seems to be considerably less (Weiss & Daws, 2007:9).

According to the principle of state security, the state is the citizen and it obviously carries dangers to individual and group security (MacFarlane & Khong, 2007:47). During the Westphalia system, the role of the state fluctuated with regard to protection of individuals in their territories. Secondly, with the development of states and increases in economic and military power, the state's entitlement to sovereignty increased. The nation-state dominates the security of the state and took R2P as its citizens. The state justified its position with reference to the protection of individuals and communities. However, the critique of state security can be linked to the rise of human rights as the consciousness increased about states' inability or unwillingness to protect its citizens. Different attempts by means of the Geneva Conventions and the Declaration of Human Rights can be interpreted as attempts to gain control of human rights from the state. The rise in consciousness about human rights does not mean that human rights would take the place of state sovereignty in domestic or international politics (MacFarlane & Khong, 2007:93-95).

The Commission on Global Governance in 1995 stated, "Sovereignty can no longer be used to shield gross violations of the security of people from international action." After failures to protect citizens against gross violations in Iraq, Bosnia and Rwanda, the uniqueness of the situation was underlined and the sovereignty of the states reaffirmed. However, UN intervention in the civil war in Sudan and the Democratic Republic of the Congo (DRC) were justified on human security grounds and the protection of civilians. Before the adoption of Resolution 1973 in 2011, it seemed that a shift in the UNSC's decision making moved to people away from the interest of the state. Furthermore, for the P5 to agree to this shift, they had to have perceived the need to qualify sovereignty within the context of human security (Macfarlane & Khong, 2006:170-172). The former UN Secretary General, Kofi Annan, indicated that the emphasis of state security shifted from purely protecting state borders to preventing external attacks, to including the security and protection of communities, tribes and individuals from violence and attacks within the state borders. It is clear that the new paradigm of state security expanded to include the protection of a country's people against its own people. This phenomenon is known as human security (Mack, 2002:4) and is examined next.

2.3.3 Human security

The UN has traditionally accepted that threats to states emanated externally, and therefore security issues were examined within the context of state security, which includes the physical

protection of the state and its boundaries, people, institutions and values against mainly military attacks (Williams, 2008:234). Due to globalization and since the signing of the UN Charter in 1945, the traditional focus of security become much broader and the scope was expanded to include issues like the economy, environment, culture, health and gender. The expansion was necessary to include regional and global issues, groups and the individual. Therefore the implementation of human security is defined by the interpretation of the UNSC members within the limits of the UN Charter. If the UNSC would interpret human security within the limitations of the UN Charter, the extent of the action that should be taken stays in question, and this creates a normative dilemma. It can be debated that human security falls within the definition of the UN's normative foundation and therefore can be accommodated in peacekeeping operations and humanitarian intervention.

However, when determining what constitutes a threat to peace, human rights violations and acts of terrorism answered the question. These actions can be interpreted within the broader context of the human security definition and hence require collective action predominantly in light of the R2P principle (Nasu, 2013:15). Stahn (2014:30) underlines the fact that the R2P principle was adopted because of failures of humanitarian intervention. The purpose of the R2P principle is to strengthen collective security and not to undermine it. According to Nasu (2013:101), collective security allows for collective decision making in the UNSC based on the UN Charter. The UN Charter limits decisions on security mainly to military action. Furthermore, the UN collective system is highly political and actions to address human security issues could not be guaranteed. When the political will exists, concerns arise as to how to address human security issues within the broader context of the definition and within the limits of the UN Charter (Nasu, 2013:104). It is important to note that consideration should be given to whether collective action can be applied to human security issues.

Sovereignty is being redefined by globalization and international cooperation. With emphasis on the rights of individuals, the state became the provider of the people and not vice versa. The UN Charter is clear that the sovereignty of states cannot prevent the responses to aggression and threats to international peace and security. The sovereignty of states includes the responsibility of a state to protect its people – therefore not even sovereignty can shield crimes against humanity (Mingst & Karns, 2007:125). Wolter (2007:69) strengthens the argument of Mingst and Karns by highlighting those new transnational threats, human rights abuses and lack of government services make states more accountable to the international community with respect to how it treats its people for the sole purpose of preventing internal conflict. In this regard, and in light of the changing political environment since the post-Cold War, globalization and technological advances, new threats emerged while the safeguards to address these threats did not exist. The emergence of human security was therefore the merging of different factors, the failure of substantial state

building and the rise in democratization in human rights norms – an area where both human development and security could be addressed (Wolter, 2007:69).

Human security emerged as a standard for global insecurity when the traditional form of state security was challenged and the focus of security shifted from the protection of the state to the protection of the individual as the referent object. The first action to place emphasis on the human being and not the state occurred already in 1946. However, it was only in 1994 that Mahbub ul Haq with the UN Human Development (UNHD) Report initiated a conceptual change with regard to security and the concept of human security was articulated (UNDP, 1994:22). Nonetheless, human security does not have a single definition. The simplest definition would be to define it as the “absence of insecurity and threats” (Tadjbakhsh, 2005:5). However, the concept was defined in two ways, either narrowly, or within a broader understanding. According to Mack (2002:4), in each of the contexts, the individual becomes the “referent object” of security, but the threat to the individual differs in nature. In the narrower context, security refers to the prevention of violence to individuals. However, the broader definition of human security includes other forms of harm that pose a threat to individuals like natural disasters, hunger, environmental changes, poverty, terrorism and privation (Annan, 2000:43). Various scholars and governments promote the broadening of the definition of human security due to an increased focus on human rights after the end of the Cold War in the early 1990’s and the connection between human rights and human security; the increase in humanitarian intervention to prevent genocide and other serious human rights abuses; the shift from interstate to intrastate wars; and lastly the increase in attention to the relationship between insecurity, development and governance (Mack, 2002:4). Governments have come to pose serious threats to human security in the name of state security. Therefore, the biggest threat to the narrowed definition of human security is intrastate and violent crime violations (Mack, 2002:5). The 1994 UNDP initiative highlighted that human security is of a global concern; that the different components of human security are interdependent; that early prevention is more constructive than later intervention; and lastly, to instil the emphasis of the human in human security. Therefore, human security combines the human element of security, human rights and human development (Wolter, 2007:79). The intention of human security is therefore to broaden the scope of security to include threats of non-military nature, like mass refugee movements, terrorism, diseases, overpopulation and nuclear catastrophe as well to deepen the field by including the security of individuals and groups that were omitted in the traditional sense of security and to bridge the freedom from fear and freedom from want (Paris, 2001:98).

Johns (2014:3) states that the holistic nature of human security is its greatest strength, because of the natural link between security and development. The concept further has “unifying and organizing elements” that promote multi-party cooperation in the field of security, previously

prevented by the traditional definition of state security. The “inter-connection between the diverse aspects of insecurity” forces collaboration between international organizations in the fields of security, development and human rights. The broadness of the definition allows for coalitions to attend to issues neglected in the international realm. This is done by means of elevation of certain topics to higher political levels or by greater funding of programmes. The banning of landmines is a product of the Ottawa Treaty, an example of an issue previously independent of development and security. It links the security of “those over there” to us “over here”. The link between human insecurity and international insecurity has been strengthened.

The application of human security is based on an assessment of human insecurities. It is people-centred, comprehensive, and context-specific and can be preventative. The advancement of human security gives concrete results, which help with the identification of the root causes behind the threats and identifies priorities based on the needs. A combination of actions supports all parties involved in support of human security. Human security is based on a dual policy framework of protection and empowerment (Hampson & Penny, 2007:553). It integrates responses of all actors to prevent duplication and advancing targeted and cost-effective responses. Human security is best projected through proactive and preventative measures to further prevent the development of broader insecurities. Governments have the primary role to protect their populations. Threats that go beyond the scope of what some governments can handle illustrate a need for greater collaboration amongst governments and shifted the focus to the importance of the role that regional and sub-regional organizations have to play in the protection of humans (UN Human Security Unit, 2014:1). An added value of the application of human security is that it focuses on cross-cutting threats and the advancement of human security is fundamental to state security. It is an approach that complements state security, enhances human rights and promotes human development. Human security addresses threats in a multi-dimensional way to reduce the development of bigger crises by analysing the causes of threats and its impact on humans. It identifies the actual needs and vulnerabilities of those affected (UN Human Security Unit, 2014:1). The UN has the mandate to address security and plays an instrumental role in the application of human security. Essential to human security is the protection of the most vulnerable people in situations of insecurity. As a result, the R2P principle was adopted, as explored below.

2.3.3.1 Responsibility to Protect principle

The International Commission on Intervention and State Sovereignty (ICISS, 2001:17) has come to argue that the security challenges of the 21st Century are fundamentally different than those faced by the UN in 1945. As new challenges emerged, so have expectations for intervention. A trend in contemporary conflict is increased violence directed at civilians with the purpose of permanent

displacement. These actions are directed at the deliberate use of sex as a tactic of war or inconsistent actions or campaigns of terror by governments or rebel groups with undeserved distress on the part of civilian populations. Human security is inseparable from international security and it leaves the international community with a dilemma if it does not engage. As a signatory, member states accepted the UN Charter and its responsibilities voluntarily. UN membership does not dilute state sovereignty, but the focus moves from “sovereignty as control to sovereignty as responsibility in both internal functions and external duties” (ICISS Report, 2001:29). States whose citizens are threatened have the R2P. However, when states are unwilling or unable to exercise their R2P, its right as a legitimate state and to non-interference is temporarily forfeited. Weiss *et al.* (2007:109) added a further characteristic to the Westphalian system, namely respect for humans.

In support of the R2P principle the Millennium Declaration of 2000 set the goals of accomplishing “freedom from fear” and “freedom from want” for all people. This declaration includes any form of any threat to the human race. Since the principle was in contravention with state sovereignty, “humanitarian intervention” gradually developed into the R2P. The evolution of the concept was documented in five reports of which the first was the R2P published by the International Commission of Intervention and State Sovereignty in 2001. As mentioned before, the core of the report could be summarised as follows:

“Sovereign states have a R2P their own citizens from avoidable catastrophe, from mass murder and rape and starvation. However, if they are unwilling or unable to do so, that responsibility must be taken care of by the boarder community of states.”

The second report was submitted by the “High-level Panel on Threats, Challenges and Change” in 2004, called “A More Secure World: Our Shared Responsibility” (Xing, 2012:9). The report expanded the definition of human security to include poverty, contagious diseases and environmental changes on top of the traditional threats of conflict and civil war, genocide, nuclear threats, terrorism and organized transnational crimes (Mingst & Karns, 2007:211). The third report submitted by Secretary-General Kofi Annan to the 59th UNGA in 2005 was titled “In Larger Freedom: towards development, security and human rights for all”. The Secretary-General proposed:

“if national authorities are unable or unwilling to protect their citizens, then the responsibility shifts to the international community to use diplomatic, humanitarian and other methods to help protect the human rights and well-being of civilian populations. When such methods appear insufficient,

the UNSC may out of necessity take action under the Charter, including enforcement action, if so required.”

The fourth report was the “World Summit Outcome document” adopted by the UNGA in 2005. This report declared:

“we are prepared to take collective action in a timely and decisive manner, through the UNSC in accordance with the UN Charter, including Chapter VII on a case-by-case basis and in cooperation with the relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”

UN Secretary General Ban Ki-moon presented the fifth report, “Implementing the R2P”, to the 63rd UN General Assembly in 2009. This report is based on the three pillars of the concept, namely the protection responsibilities of the state; international assistance and capacity-building and timely and decisive response. The UN Secretary-General suggested that the “time has come to implement the proposal of the R2P” (Xing, 2012:10).

The R2P principle of the United Nations was proposed after the international community miserably failed to address the humanitarian catastrophes in Rwanda and Kosovo in the 1990s. The principle was meant to allow for the intervention into the domestic affairs of a state in order to prevent humanitarian disasters. The development of international human rights norms has influenced the broader concept of human security to ensure the safety of people. The principle means more than protecting people from war or armed violence and has serious implications for the UN, because a human security methodology incorporates security, social and economic perspectives as prescribed by the Charter in Chapter 1 (UN Office on Prevention Genocide, 2014:3).

Hilpold (2012:75-76) argues if the sequence of the R2P principle is possible, prevention takes preference. Prevention is expensive and it is difficult to raise funds for a potential situation of abuse. Furthermore, it is not clear if the regional or international level should be responsible for preventative measures. The same argument is valid for the responsibility to rebuild. On the other hand peace-building activities by the UN date back several decades and are used in post-war societies with the purpose to prevent a relapse into violence. Despite the difficulties experienced with regard to the R2P principle, it has enhanced awareness of the complexity to intervene and the necessity to adopt a multilayer approach to really make a difference in the field. This approach bore fruit in 2011 when a no-fly zone was declared over Libya to protect the Libyan civil population. As this operation was declared a success, even only on paper, the R2P principle seems to be here to stay. In contrast with Hilpold (2012:75-76), Webb (2014:478) is of the opinion that Resolution

1973 (2011) on taking collective action in Libya based on the R2P principle was the first true test. Russia and China, who abstained from the resolution, afterwards indicated that they feel “duped” and that the resolution was transformed into regime change. Nasu (2013:127) is of the opinion that the UNSC's decision to opt for military force to protect the civilians in Libya, divided the UNSC.

Despite all the good intentions with the R2P principle, it was not spared from controversial remarks. Paris (2001:88) and Johns (2015:4-6) remarked that the most prominent criticism against human security is that it lacks a precise definition. The broadness of the concept makes it almost meaningless. Human security encompasses all threats from the environment to poverty. In an attempt to prioritize all insecurities, in the end nothing receives preference. This creates a practical dilemma for policy makers responsible for the allocation of scarce resources. A further stumbling block of linking security with development means that “those who have” can and “those who don’t” can’t promote development and ensure security for their populations. Concurrently, not everything is worthy of equal resource allocation. The threat posed by terrorism would receive priority over threats from the environment. Supporting the same argument, Johns highlights that human security has a weakening effect on a developing state’s sovereignty. If sovereignty means responsibility, and governments can’t protect their populations from the threats included in the broader human security definition, “those over there” become a threat to “us over here”, which essentially is a threat to international security. Furthermore, the fear of many countries was verbalized by the late President Hugo Chavez of Venezuela, who mentioned that the powerful states in the West can justify their infringement on others’ sovereignty. It was also mentioned that the R2P was ruined and weakened by the intervention of the US and its allies in Iraq. More concerns were highlighted. The interpretation of “avoidable catastrophe” and individual states being unwilling or unable to protect their populations allows for different interpretations and are open to subjective assessment. Xing (2012:10) further highlights that the R2P report defined six thresholds under which circumstances force may be authorized. They are: “just cause; legitimate authority; right intention; final resort; proportional means and reasonable prospect.” In summary, according to Xing, (2012:10) the R2P principle is open for interpretation because of its vague definition and subsequent application. Despite the thresholds introduced to prevent abuse, the concept was tested in the case of Libya by means of Resolution 1973, and afterwards interpreted by some states as something that was used as a “smokescreen for intervention or regime change” (Dunne & Bellamy, 2013:5).

The R2P principle is the end result of discussions amongst international lawyers and politicians about humanitarian interventions in Kosovo and the miserable action by the international community in Somalia, Rwanda and Bosnia. Little was achieved to reach an agreement as to how and when to intervene when the need for prevention of crimes against humanity develops. It was

only after the launch of the International Commission on Intervention and State Sovereignty in September 2000 by the Canadian Government that the broader concept of human security, including the protection of human rights and freedoms, were accepted. The responsibility to prevent the root causes of conflict is the most important aspect of the R2P. Prevention of conflict exposes the underlying concept “freedom from fear”, while human security in the broader context caters for the effective prevention of “freedom from want” (Wolter, 2007:83, 95). How to react to the R2P principle without weakening state sovereignty creates serious considerations. The Commission convincingly decided that sovereignty and intervention could be settled once all less coercive preventative measures had been tried and all principles for force application had been honoured. Equally important are the strengthening of sovereignty and to improve the ability of the international community to react when states are unable or unwilling to protect their citizens. The principle of non-interference in the internal affairs of sovereign states is based on the idea that states are willing and has the ability to secure their own citizens. The Commission developed the concept of sovereignty as responsibility and when states are not able or willing to protect their citizens; international intervention to protect the people of that state cannot be regarded as mingling in the internal affairs of the state. It will be only in extreme cases that the R2P principle will justify military intervention (Wolter, 2007:97; Hampson & Penny, 2007:548; Hilpold, 2012:66).

Despite all the work on the ICISS concept, support for the development of the principle as a legal norm and the criteria for application were not clarified. However, the pillars of the R2P principle are: responsibility to prevent, to protect and to rebuild could become important elements of peace building (Wolter, 2007:321). Hilpold (2012:68) states that the terms of the R2P principle is an extremely ambitious approach, because the international community should be well structured to prevent human rights abuses, to act immediately in case of need and to rebuild the infrastructure where it was destroyed in case of conflict. Facing accusations of inactivity to gross human rights violations in the past, the UN tries with the R2P principle to tackle international and potentially universal challenges in a structured intervention system based on the assumption on the preparedness of the State Community to apply it.

According to Wolter (2007:81), Japan studied in 2005 the relationship between human security and the R2P and concluded the study by explaining that both concepts pursue the same object, but from different perspectives. The R2P principle focuses on humanitarian crises such as crimes against humanity and genocide while human security focuses on the earlier stage of prevention of the occurrence of such crises through the protection of people. The concept of human security serves as basis for conflict analysis and the interpretation and forecast of causes of conflict (Wolter, 2007:81; Macfarlane & Khong, 2006:159). Although the R2P principle found recognition at

the World Summit in 2005, up to this day the challenge is still to give substance to this concept (Hilpold, 2013:69).

Newman and Aloyo (2015:20) are of the opinion that on the 10th anniversary of the R2P in 2015 the concept should be strengthened and if necessary reassessed because it has become too controversial. Reasons for their argument are the selectivity of its application, its connotation with the West and lastly that unaccountable force can be used in the name of the R2P principle. These controversies were exposed during UNGA debates (Newman & Aloyo, 2015:20). To clarify the implementation of the R2P principle, scholars have drawn a comparison between the different agendas of state and human security.

2.3.3.2. Comparison between state and human security

As was described by different scholars above, human security is an approach that complements state security, enhances human rights and promotes human development. On the other hand, state security focuses primarily on the development and protection of the state. Table 2.1 compares the two agendas based on the referent object, purpose and scope, the institutions affected and the instruments used for application, global ties and the outcome of analysis.

Table 2.1: *Comparison between state and human security*

Construct	State security	Human security
Referent Object	The state Focus: All interests are subordinated to state State security protects a state's boundaries, people, institutions State security promotes the ideology of a state like democracy, socialism or communism	People-centred Focus: Protection of individuals Dimensions entail the well-being of individuals and response to ordinary people's needs in dealing with sources of threats to live free from fear, want and in dignity
Purpose and Scope	Purpose is to defend states from external attacks Is about states' ability to prevent or stop attacks It makes use of deterrence strategies to maintain the integrity of the state and protected the territory from external threats	The purpose is to protect people against threats contained in the broad definition of human security: economic security; food security; health security; environmental security; personal security; community security; political security for the individual with the purpose to prevent, protect and develop.
Institutions	The state is the only actor and all decision making is centralized in the government.	Because of the broader scope various parties are involved – the local government, regional security structures, international organizations, non-governmental organizations and local communities.
Instruments Used	It is based on military power to protect the sovereignty of the state – in the form of weapons races, alliances and strategic boundaries.	Various methods and solutions are used to satisfy the scope and purpose of the broad definition of security.
Global Ties	Relationship with global security is lesser	Has a greater relationship to global security
Analysis	Focus of threat assessments is political, military, on terrorism, weapons of mass destruction (WMD) and the use of chemical weapons.	Threat assessments includes political, economic, health and environmental issues with effects on the security of humans

Sources: (Alkire, 2003:8; 3P Human Security, 2010:1)

Alkire (2003:6) points out that practitioners of defence, strategic, intelligence and international relations undertake measures towards state security. State security mobilizes foreign policy, military expenditure and defence and international legal frameworks. According to Alkire (2003:31), the UN's existing mandate and mechanisms rely strongly on state security expectations. Furthermore, grave threats to state security increase the cooperation between parties that would otherwise have disagreed; evoke expert responses and release funds that will strengthen human security at a national level. State security mechanisms are associated with effective response units and advanced research and investigation units. Such expertise is also needed for human security, because human security can be seen as a timely extension of state security. On the other hand, Alkire (2003:31) indicates that human security dilutes the analytical power of security studies. Although it offers more cooperation amongst the security fields, it may be impossible to achieve on an international level. Another key difference is the protection of the populations under discussion. States display a different responsibility towards their own populations than towards international populations. The protection of non-nation state populations' would actually contribute to the strengthening of the nation-state – because prevention is less costly than protection against violence by non-state actors like terrorists. A stable region would contribute to the security of the nation-state. This argument highlighted another distinction between state and human security: all nations would maximize state power (strengthen the nation-state) with the aim to promote their foreign policy. Human security on the other hand is satisfied as long as humans are protected and can prosper within a safe environment (Alkire, 2003:7). The mentioned difference highlights the competitive nature of the two agendas. A state in competition with another will not support the human development aspect of human security, it will rather try to reduce the economic development of the other state.

2.3.3.3 The link between human security and human rights

Hampson and Penny (2007:539) indicate that human security, with the assistance of the UN, today is rooted in policy of international affairs as well as in academic and political circles. Human security emphasizes that despite the various differences of humans based on language, religion, culture and political orientation, everybody shares the same fundamental desires that are more than mere survival. The UN advanced the broad conceptions of human security, namely basic human rights, the protection of individuals on physical, political and legal levels better known as “freedom from want” and “freedom from fear”. Emphasis on these two concrete aspects of the definition of human security, namely “safety from chronic threats such as hunger, disease and repression and protection from sudden hurtful disruptions in the patterns of daily life” were adopted by a number of member states in their foreign policy.

Human rights are engrained in international relations and foreign policy and mobilize the international legal framework, UN conventions, human rights organizations and legal instruments (Alkire, 2003:38). The UNGA adopted the Universal Declaration of Human Rights in 1948. Human rights and human security by nature intertwine. While human rights produced a universal set of fundamental rights, human security addresses a concrete set of rights and freedoms that is unacceptable to ignore. It addresses the most basic of human rights (Alkire, 2003:38). Both agendas support the “freedom from fear” and “freedom from want” principles. However, human rights have a limited effect, because there is no international body that can enforce human rights obligations on all member states. Human security addresses human rights threats individually or in smaller groupings. The biggest difference between the two concepts lies in the mechanisms used for implementation of human security. Human rights will use a legal path, while human security will make use of the same punitive measures used for violations of state security, namely economic, political or military intervention authorized by the UNSC under Chapter VII of the Charter. Notwithstanding the differences a gain for human security is a gain for human rights and vice versa (Alkire, 2003:40).

2.4. THE SPECIFIC VIEW OF PEACE AND SECURITY BY THE UNITED NATIONS

The UN Charter balanced human rights and human security against the sovereignty of the state. According to the UN Charter, because all states are equal sovereign as members of the United Nations, they shall fulfil their duties with regard to the promotion of human rights (Charter, 1945:3). The violation of human rights leads to human suffering and threats to international peace and security as it allows for UNSC intervention. The UN Charter’s first article acknowledged the “solving of international problems of an economic, social, cultural and humanitarian character” as one of the basic principles of the UN (MacFarlane & Khong, 2007:65-66). Hilpold (2012:65) is of the opinion that the omission of the protection of human rights in the UN Charter cannot be filled with humanitarian intervention. Humanitarian intervention is an emergency approach with the possibility to contravene international order. The answer is to provide relief on the basis of international law and not to circumvent international law to counter threat to human life. As was stated in Section 2.2 of this chapter, The UNSC is primarily responsible for international peace and security according to the UN Charter. Its view on the situation in Syria provides insight into the manner in which human and state security receives attention.

The continuation of the civil war and human suffering in Syria is a result of the interpretation of the R2P principle for purposes other than “solving of international problems with a humanitarian character”. The sovereignty of Libya was violated in 2011 as an emergency approach to counter threats to the people of Libya. Since the R2P principle can only be invoked by UNSC approval and the consent of the P5, like in the case of Libya, the permanent members will decide which country

will be allowed to maintain its sovereignty and which not. Irrespective of the actions of Russia and China to preserve the sovereignty of Syria, the UNSC still has a responsibility under the UN Charter to protect the people of Syria against human rights violations and suffering. The UNSC's efforts to restore peace and security in Syria are discussed in Chapter 4.

2.5 THE UN: PREFERENCE FOR HUMAN OR STATE SECURITY?

The core of the United Nations is the maintenance of international peace and security, which is based on the principle of equal sovereignty as described by the UN Charter. The most important principle of sovereignty is non-interference (Thakur, 2007:389). Therefore, it is the primary function of the state to protect its own people. Francis Deng, Special Representative for displaced persons, links sovereignty to responsibility. States whose citizens are threatened have the R2P. However, when states are unwilling or unable to exercise their R2P, its right as a legitimate state to non-interference is temporarily forfeited. This argument led to the development of the R2P report in 2001. This report formed the basis for the interpretation of state and human security by the UNSC and the UNGA respectively. Because of the wide definition of human security and in order to counter the misapplication of the definition for unilateralism, the UN has the sole authorization to organize multilateral or collective initiatives. The fear that the human security approach on behalf of the "people" will be used as intervention in the domestic affairs of other states was alleviated and clarified by the thresholds built into the mentioned ICISS report (ICISS, 2001:63).

With respect to the threshold "legitimate authority", the report emphasized that interventions according to the R2P based on a human security approach, must be authorized by the UNSC. UNSC approval makes it a UN Charter based sanction. Despite the consents built into the report to prevent abuse of the human security definition, it has been neglected with serious effects in the case of Resolution 1973 on Libya. The North Atlantic Treaty Organization (NATO) became involved in Libya and the "no-fly zone" gave NATO a free hand to attack government forces and the "cease-fire" into assisting anti-government troops. Both actions went beyond the authorization of Resolution 1973 in 2011 (Thakur, 2013:61). Since the upheaval on 15 February 2011, Libya remained unstable. Furthermore, the toppling of the Iraqi regime without UNSC approval caused the collapse of the Iraqi state institutions and the rebuilding of Iraq is slow and ineffective (Xing, 2012:6). Human disasters after military intervention seem to be worse than pre-intervention. Deviation from the original intention of the R2P concept was provided by China as the sole reason for the veto of the resolutions on Syria (Xing, 2012:6). In the case of the Syrian crisis the United Nations was criticized for its late responses (ICRtoP, 2014:4). The conflict started on 11 March 2011 and as soon as 27 April 2011, the UN was informed about crimes against humanity perpetrated by the Syrian Government. Reports came in of the use of artillery fire against civilians, door-to-door arrest campaigns, raids against hospitals and schools and the closing of social media

communication (Weaver & Tran, 2011:1). Evidence of mass atrocities was overwhelming and was supported by the reports of the independent International Commission of Inquiry on the situation in Syria.

Chapter VIII of the UN Charter allows for regional organizations to take action on the basis that regional peace and security are threatened and that the actions taken do not violate the purposes and principles of the Charter (Charter, 1945:11). The League of Nations (LAS) tried twice to mediate in the Syrian civil war. In the first attempt on 2 November 2011, an agreement was reached with the Syrian government to halt violent crackdowns, to release political prisoners and to start discussions with the opposition within two weeks. The LAS suspended Syria's membership to the league because of a breach of the agreement on 16 November 2011 (Aljazeera, 2011:1). The second peace plan was signed between the LAS and the Syrian government on 19 December 2011 and again called for the withdrawal of all forces from the streets, release of political prisoners, admittance of Arab League monitors to Syria and for the start of the talks between the government and the insurgents. On 28 January 2012 the LAS suspended its monitoring mission in Syria, after the second peace plan failed and the President of Syria turned down a third Arab League plan to stop the violence (Samir & Solomon, 2012:1). Section 4.3.1.1 discussed Draft Resolution S/2012/77, based on the LAS plan and the reasons for its veto by Russia and China. Not only did the League of Arab States proposed initiatives, but also the three Special UN Envoys as discussed in Section 4.3.2.

In February 2012 the UN Secretary-General took the step to appoint a Special Envoy, Kofi Annan. Special Envoy Annan explained his resignation in September 2012 due to a lack of unity in the United Nations as the biggest obstacle to finding a solution for Syria. It exposed the weakness of the United Nations to address the crisis. The appointment and soon resignation of the second Special Envoy, Lakhar Brahimi, confirmed the seriously divided UNSC and lack of the UN to find a solution for the crisis (Doyle, 2012:1). The appointment of the current Special Envoy, Staffan de Mistura, and his plan of consultations on four thematic working groups still have to deliver visible results towards a political solution. Special advisors on the "Prevention of Genocide and on the R2P" highlighted the systematic attacks by the Syrian government on civilians in a series of public statements. It was only after their fifth statement (June 2012) that the Annan-peace plan was announced. The Special Advisor requested that all tools under the UN Charter should be considered (ceasefire and timely provision of humanitarian support), as well as a referral to the International Criminal Court (ICC). In 2013, the Special Advisor on the "Prevention on Genocide" warned that the political and religious rhetoric used could inflate the violence in Syria. In March 2014, the Special Advisor voiced his concern at the Human Rights Council that the international community has failed its duty to prevent and to protect the people of Syria (ICRtoP, 2014:4).

Action by the different UN Agencies confirmed the UN's sturdy commitment to the crisis in Syria. The Human Rights Council and the Office of the High Commissioner for Human Rights mandated a commission of inquiry to investigate human rights violations and reported "massive evidence of very serious crimes including crimes against humanity and war crimes which were authorized at the highest level of state, including the head of state" (ICRtoP, 2014:4). The UNGA is the main policy-making organ of the United Nations. They adopted several resolutions and requested all parties to compliment the efforts to a peaceful resolution in an attempt to force the UNSC to act. The UN Secretary-General, Ban Ki-moon, requested on 22 January 2013 that, "We must intensify our efforts to end the violence through diplomacy, overcoming the divisions within Syria, the region and the UNSC" (UN News Centre, 2013:1). The UN Charter gives the UNSC the main responsibility for the maintenance of peace and security. Despite significant pressure since 2011 from various parties to refer the crisis in Syria to the ICC, a resolution in 2014 requesting the UNSC authorization for the request was vetoed. As indicated in Section 4.1.1, the UNSC is divided on a method to settle the crisis in Syria.

Human and state security is dependent on each other. Human security requires a stable state with strong institutions. Since the adoption of the Universal Declaration of Human Rights in 1948, many human rights principles found their way into international law. The UNGA by means of its different committees and subsidiary bodies remain powerful in their support for human security. Although resolutions taken by UNGA do not have binding powers, the instrument of "shaming" is aimed at influencing the human rights policies of governments. Shaming is used to reflect public opinion on international policies and practices within states detriment to human rights and human security. The UNSC, by means of the Chapter VII authority, override sovereignty to invoke sanctions on states violating human rights. This is a clear indication of the UNSC's preference for human security (Hampson & Penny, 2007:544).

Henderson (2014:502) explains that the UNSC is created by means of a treaty and accountable to the United Nations member states. Article 24 of the Charter states that UN member states "confer on the UNSC" the primary responsibility for the maintenance of international peace and security, and that the UNSC acts on behalf of the member states. Henderson is of the opinion that "acts on behalf", means accountable to the UN member states. The UNGA represents all the member states and could hold the UNSC accountable for its fulfilment of its responsibilities. The UNGA may discuss "any questions relating to the maintenance of international peace and security" brought before it. The UNGA can also express its dissatisfaction with the UNSC's decisions. This was proved by the UNGA in a step taken in 2012 when a large majority of the UNGA adopted a resolution expressing its discontent about the UNSC's failure to take action in Syria (Carswell, 2013:455). Furthermore, the UNGA is also empowered to "make recommendations" to the members of the UN and to the UNSC with regard to powers and functions of any of the organs as

provided within the UN Charter. This provision also led to the adoption of the “Uniting for Peace” (UfP) resolution in 1950.

An overwhelming majority in the UN General Assembly adopted the UfP resolution. Under the “Uniting for Peace” resolution an emergency special session of the UN General Assembly shall be called due to a lack of unanimity of the permanent members of the UNSC and their failure to exercise the primary responsibility of the UNSC to maintain international peace and security where there appears to be threat to peace, a breach to peace or an act of aggression. However, the termination of the abovementioned is strictly reserved according to the Charter, for the UNSC. A special meeting can be called by the UNSC without any veto or by the majority members of the UN General Assembly. After an emergency session the UN General Assembly shall consider the matter immediately to make appropriate recommendations for collective action. It must be taking into account that the UN General Assembly would not “make an article 39” determination “triggering binding Chapter VII powers”, which is reserved for the UNSC. The UN General Assembly can make a recommendation for the use of force to maintain or restore international peace and security. As noted the UNSC is responsible for which action should be taken. It is important to highlight that the UN General Assembly may recommend measures including force only in the case of “breach of the peace or act of aggression” and not merely a threat to peace. With regard to the deadlock on Syria, the “Uniting for Peace” would only be invoked if the civil conflict in Syria can be defined as a “breach of peace” (Henderson, 2014: 506).

Carwell (2013:455) expresses the opinion that despite the member states’ majority resolution about the situation in Syria, the United Nations’ system of collective security was frozen by the vetoes of two permanent members. The fact that over 200 vetoes have been cast since the passing of the Uniting for Peace Resolution while only ten emergency sessions were called, demonstrates that the veto does indeed have a legitimate role within the UNSC. The UNSC last referred the Palestine matter to the UNGA in 1982 and the “Uniting for Peace” has virtually disappeared from the UN radar. As United Nations members today have to choose between human security on the one hand and sovereignty on the other, it became a concern that the UNSC is not representative of the global balance of power. The UN General Assembly represents all members states and has a moral authority, particularly where issues under discussion has a direct impact on sovereignty. Frustration by member states with the unequal power exercised by UNSC members would not be decreased by a more powerful UN General Assembly. The powerful veto was the product of an international compromise. Therefore, by assigning a role to the UN General Assembly that would give it a superior position to the UNSC by means of the “Uniting for Peace” resolution would over-reach the UN General Assembly’s constitutional authority. Carswell explains that the veto maintains its legitimate status, but is not unlimited. A majority of nine members of the UNSC has the ability to register legal abuse of that right to the UN General Assembly, which could,

by two-thirds majority, recommend measures including force instead. This two-tier system could be used to unblock the UNSC, but on the other hand prevent the UN General Assembly from taking over the UNSC's primary role. This step would provide the UN with exceptional institutional relevance and would have tangible effects on the maintenance of international peace and security. This could be a small but significant step closer to international rule of law and to more serious discussion on the UNSCs reform (Carswell, 2013:477-479).

However, before any intervention by the international community could take place, precautionary principles had to be satisfied: first should be that the intention is to halt human suffering; second that military intervention should be the last option and lastly that the intervention should be in proportion to the action. The ICISS's report in 2001 requested the P5 not to use their veto powers if their vital interest is not at stake and proposed a "code of conduct". In the event of the UNSC rejecting a proposal, the "Uniting for Peace" principle by means of the General Assembly under Chapter VIII should come into play. If the UN does not fulfil its R2P, states might use other means to reduce the threat, which would question the credibility of the UN (Macfarlane & Khong, 2006:179). Webb (2014:481) indicates that the UN Charter with reference to the UNSC has been amended only once in 1963 when the number of non-permanent members was increased from six to ten. Despite various attempts over the past thirty years and a strong statement by Saudi Arabia in 2013 when it declined its seat as a non-member, UNSC reforms do not look promising. According to Chapter XVIII, Article 108, two-thirds of the General Assembly and all P5 members have to agree and two-thirds of member states have to ratify the amendment. As Webb indicated – "it would probably easier to suspend the United Nations than to reform the UNSC".

2.6. CONCLUSION

After seventy years, the UNSC still has the primary responsibility to maintain international peace and security. The definition of security evolved and the focus shifted from pure state security to include the broad definition of human security. However, according to the definition of state security, the protection of populations remains the responsibility of the state. The sovereignty of the state prevents any intervention in the domestic affairs of a state. Although this may be true, the application of human security allows for the protection of people by the international community in the event that a state is not able or willing to protect its population. The UN Charter is clear that sovereignty of states cannot prevent responses to aggression and threats to international peace and security. The willingness of the United Nations to override sovereignty for the protection of human rights, made sovereignty conditional rather than supreme.

Human security was immersed as a standard for global insecurity. Although the concept had its origin in 1946, it was only documented in 1994 in the Human Development Report. The report

enlarged the definition of human security to include economic, food, health, environmental, personal, community and political security. The 1994 UNDP initiative distinguished that human security is of a global concern, the components interdependent and that prevention is more constructive than protection. Critics are of the opinion that the definition of human security is so broad that anything can be defined as a threat to humans.

The differences between the two concepts, state and human security, highlight that they are interdependent and that a stable state ensures human security and vice versa. Coherence between human security and human rights confirmed that they are human-centred, although they differ in time frame of investment. The UN Charter balances human security against the sovereignty of the state. The core of the Charter is to “bring about settlements of international disputes by peaceful means; to take collective measures for the suppression of acts of aggression and to remove threats to peace.” Articles 4 and 7 of Chapter II of the Charter specify that members shall refrain from threat or use of force against the territorial integrity of political independence of any state. Chapter VII of the Charter determines that the UNSC shall determine the existence of any threat to the peace, breach of peace, or acts of aggression. The adoption of Resolution 2165 and 2191 by the UNSC for the delivery of cross-border aid showed that the UNSC can “on a case-by-case” basis determine if the application of state or human security is applicable. Despite various vetoes, the approval of resolutions on the delivery of humanitarian aid may be an indication that, in the case of Syria, human security enjoyed preference above state sovereignty.

CHAPTER 3: THE EFFECTS OF THE CIVIL WAR IN SYRIA ON WOMEN AND CHILDREN

“We want a society where people are more important than things, where children are precious; a world where people can be more human, caring and gentle” (Tutu, 1995).

3.1 INTRODUCTION

Women and children have become the focus of empirical studies by scholars and multilateral and international organizations because they are increasingly becoming a target of physical and sexual violence during conflict (Williams, 2008:108). Women and children are not only exploited by acts of war, but also by those responsible for their protection, which include aid workers and/or uniformed personnel. Women and girls that are affected by conflict must be regarded, as more than victims of brutality, they are agents of change who, if given the opportunity, can transform their societies. Syrian women and girls deserve more than rhetoric – they deserve action (Lehmann *et al*, 2014:1). 2015 is a commemoration of the 15th anniversary of the UNSC Resolution 1325, which recognizes both the unique impact of war on women and their pivotal role in conflict management and sustainable peace, while the year marks the 20th anniversary of the Beijing Platform for Action, which produced the “most progressive blueprint ever for advancing women’s rights” (ISS, 2015:1). Despite Resolution 1325 and the Beijing Platform, Chapter 3 departs from the recognition that there has been an increase in gross violations against women and children over the past fifteen years.

Over the past fifty years more people have died because of intrastate than interstate conflict (Bhatia, 2003:31). Intrastate conflict, also known as civil war, refers to conflict between a government and a non-state group within the state’s territory, while interstate conflict is fought between two or more states (Human Security Report Project, 2010,1). Governments have come to pose serious threats to human security in the name of national security. Therefore, as was pointed out in Section 2.3.2 in Chapter 2, the biggest threat to the narrowed definition of human security is intrastate and violent crime violations (Mack, 2002:5). Furthermore, the same section discussed the broad definition of human security, which entails a broader perspective of threats against the referent object of security, which is the individual. Threats posed to humans include the denial of basic needs, which creates human insecurity and which is fuelled by hunger, poverty and disease. In the case of the Syrian Civil War, intrastate violence is the biggest life threat to the Syrian population and it has further implications for the delivery of social services to parts of the population not under control of the government.

The chapter starts with a short back background to the Syrian Civil War, followed by an analysis of the effects of the civil war in the Arab Republic of Syria on women and children by providing some

background and statistics about the war. It furthermore explores the six most grave violations as highlighted by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (UN, 2015:9), namely the killing and maiming of women and children, sexual violence against mainly women and girls, attacks on schools and hospitals, abductions, denial of humanitarian access, and lastly the recruitment of children into the war. The psychological and social impact of alienation together with the development of a lost generation is also addressed. For purposes of this dissertation, the Convention on the Rights of the Child defines the age of a 'child' as someone younger and up to 18 years of age. However, the UN for statistical purposes defines 'youth' as people between the ages of 15 and 24 (UN Department of Economic and Social Affairs, 2013:1).

3.2 BACKGROUND TO THE CIVIL WAR IN SYRIA (2011-2015)

The civil war in Syria started in March 2011 as an overspill from the Arab Spring that started in December 2010 and January 2011 in Tunisia. The civil war started in Syria when 14 school children in the city of Dar'a spray-painted anti-government slogans. When the Syrian Government proceeded to arrest the children, the community reacted with demonstrations and an uprising against the government (BBC, 2012a:1). By the time of writing (September 2015) the civil war in Syria remained on-going. Many parties are involved and the conflict became quite complex as is seen in the next section.

3.2.1 Parties to the conflict

On 18 March 2011, protestors peacefully marched through the city of Dar'a in Syria demanding reforms, the ousting of President Bashar al-Assad, allowance of political parties, equal rights for Kurds, and broad political freedoms, such as freedom of the press, speech and assembly (Arab Spring, 2015:1). The Syrian government responded with strong military action to the unrest and shot four people. The next day at the funeral of the victims, government forces shot and killed another person, which stimulated the spread of the protest actions to other parts of Syria, including Baniyas, Homs, Hama and the suburbs of Damascus (BBC, 2012:1). On 21 April 2011, the Syrian government formally recalled an emergency law instituted in 1963. This action allowed the Syrian government to suspend constitutional rights. During the same month the government started with a series of 'suppressions' in the turbulent areas (Cornell University, 2015:1).

By 2015, the war was fought between the Syrian Ba'athist government, followers of the minority Alawite sect, a school of Shia Islam and a coalition of Sunni rebels (Dagher, 2015:1). The Syrian government is supported on the military front by Russia, Iran and Iraq. Iran, with the help of Iraq, is sending supply flights and troops from the Iranian Revolutionary Guards and its Lebanese proxy, Hezbollah. Furthermore, Iran is training Shia militias from Syria and Iraq and is taking control of the

forces on the ground in Syria. Russia, on the other hand, has stepped up their support for the Syrian Government since September 2015 with the supply of advanced military hardware and fighter jets. The Russian military operation took place from the Latakia airport (Lister, 2015:1). The opposition to the Syrian government consists of the Free Syrian Army (FSA), the Kurdish National Council (KNC) and the Syrian National Coalition (SNC), backed by Western countries (Kelly, 2013:1). The SNC seems to be the only viable opposition, but it does not have a big support base and is not recognized by the Syrian government as legitimate. The formation of the Jaish al-Islam (Army of Islam) further weakened the coalition. Gulf States such as Saudi Arabia, Qatar and Kuwait support the Army of Islam. These states are mainly Sunni-orientated. Britain, France and the United States of America also provide military and logistical support to the opposition (Greaves, 2013:1). A third party known as Daesh or the Islamic State of Iraq and al-Sham (ISIS) proceeded by al-Qaeda are fighting Kurdish fighters near the Turkish border. Daesh receives support from non-state groups or organizations of Muslim orientation from across the world (Kelly, 2013:1). Diagram 3.1 presents the parties in the multifaceted civil war and as a result the compounding refugee situation as presented in Diagram 3.2. The refugee situation is expounded in more detail in the following section.

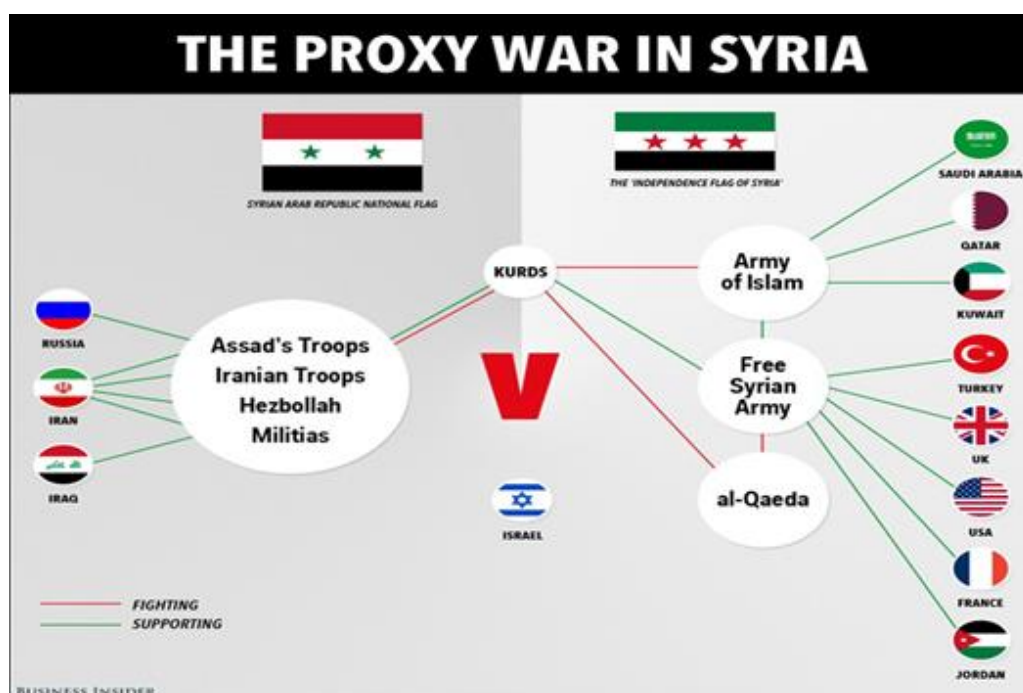


Diagram 3.1: The Proxy War in Syria (Kelly, 2013)

3.2.2 General displacement of the population and refugees

The growth in refugee statistics has been exponential since the start of the conflict. By 2012, one year since the start of the conflict, 100 000 Syrian refugees were registered. This number increased to 800 000 by April 2013. Between April and August 2013, the number of refugees doubled to 1.6 million (MercyCorps, 2015:3). By 2015, 4 180 631 Syrians refugees were registered (UNHRC, 2015:1). The UN predicted that the Syrian refugees could number 4.27 million by the end of 2015 (see diagram 3.2). The Syrian exodus is the worst since the Rwandan genocide in 1994 (MercyCorps, 2015a:1). The UN assessed the resulting humanitarian crisis in Syria to be the worst of the 21st century (Charles & Denman, 2013:96). Diagram 3.2 illustrates that in 2014, 95% of the more than 4 million Syrian refugees were hosted in only five countries, namely Turkey, Jordan, Lebanon, Iraq and Egypt (Amnesty International, 2014:1). By 2015, the Syrian refugees were the world's largest refugee population (UNHCR, 2015a:1). Amnesty International (2015:1) states that by September 2015, more than 50% of Syria's population had been displaced. This number increased due to the rising levels fighting and violence since the beginning of October 2015. According to the Office of the Coordination of Humanitarian Affairs (OCHA) 120 000 people more people have been displaced in northern Syria due to aerial bombardments and ground offensives (UN News, 2015:1).

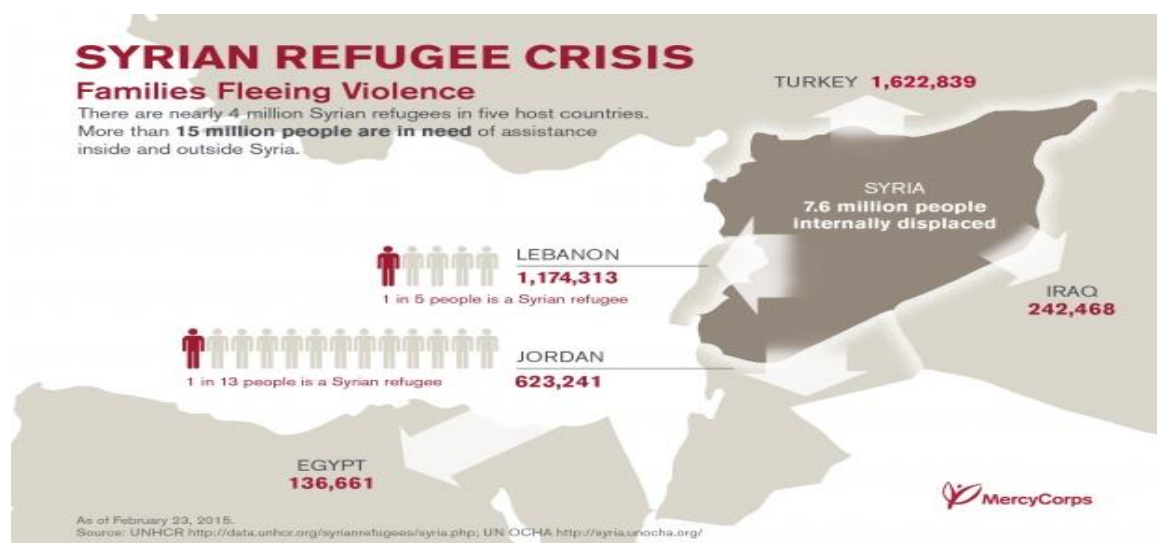


Diagram 3.2: Syrian Refugee Crisis (MercyCorps, 2015)

The condition of the refugees in the host exile countries, with specific reference to the Zaatari Refugee Camp in Jordan, has deteriorated to such an extent after drastic aid cuts, that the increasing number of Syrians returning to their war-torn homeland or migrate to Europe indicates that the circumstances in the host countries have become intolerable (Laub, 2015:1). According to the UN Refugee Agency in Jordan, the return of refugees, mainly women and children, 'signals a failure of the international protection regime' (Laub, 2015:1). A feeling of betrayal by the

international community drives the return of the refugees to Syria. Cash and food support was cut in recent months, which contributed to the desperation of the refugees. The UN Refugee Agency experienced a 50% or US\$500 million shortfall for the Syrian crisis in 2015 (Laub, 2015:1).

3.2.3 Casualties sustained in the Syrian Civil War

More than 240 381 people have been killed between the start of the conflict in March 2011 and August 2015 (Al Jazeera, 2015:1). Table 3.1 lists the annual increase in casualties for the period March 2011 to January 2015 as was documented by the Syrian Observatory for Human Rights (Gladstone & Ghannam, 2015:1). The table emphasizes that the biggest number of deaths occurred in the years 2013 and 2014. A total number of 149 468 people died in the mentioned period.

Table 3.1: *Casualties: 11/03/2011- 01/01/2015*

Period	2011-2012	2012-2013	2013-2014	2014-2015	2015-current	TOTAL
Deaths	7,841	49,294	73,447	76,021	33,778	206,603

(Gladstone & Ghannam, 2015:1)

Diagram 3.3 provides a breakdown of the total number of deaths of civilians and the different groups involved in the conflict. The biggest loss of life occurred amongst the civilians, followed by 50 570 army soldiers and 38 943 local rebel fighters. Of the 71 781 civilians that died, 11 964 were children (Al Jazeera, 2015). To summarize Diagram 3.3, the number of fighters that died in their fight for the Syrian government added up to 88 616, while 75 889 fighters who fought against the Syrian government lost their lives. The Syrian government's subsequent conscription (September 2015) to replenish the shrinking military force only led to an increase in refugee numbers (UNSC 2015:1). A discussion of the effects of the civil war and its impact on women and children continues in section 3.3.

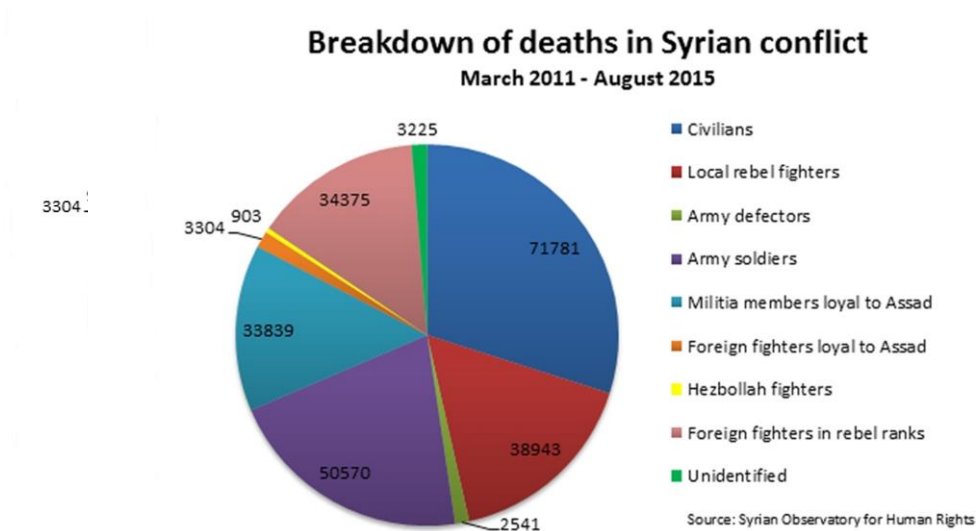


Diagram 3.3: Breakdown of deaths in Syrian Conflict (Al Jazeera, 2015)

3.3 THE EFFECTS OF THE CIVIL WAR ON WOMEN AND CHILDREN

The following section describes the impact of the Syrian civil war on women and children with specific reference to the six grave violations identified by the UNSC that are most detrimental to women and children during conflict. The section furthermore focuses on the psychological and social effects of alienation on women and children and on the development of a lost generation.

3.3.1 The impact of the civil war on children and young people

Syria had a population of 21.9 million people in 2011. Forty-two per cent (42%) were under the age of 18 and formed part of the critical group ‘vulnerable persons’ (Global Protection Cluster, 2014:2). Brunais (2014:1) indicates that the largest demographic group amongst the Syrian refugees that were affected by the Syrian conflict was people between the ages of 15 and 24. In 2014, 5.5 million children had been affected by the conflict already – either displaced inside Syria or living as refugees in other countries. The children and young people experienced daily insecurities about their future, fuelled also by the fact that they had been deprived of educational opportunities. Syria’s education system was the envy of the region with a literacy rate of 90%. As a result of the civil war as many as 2.6 million children were out of school (UNICEFUSA, 2014:1). The main threats to the physical safety of the children and young people inside Syria included violence, explosive remnants of war, random kidnapping and torture in detention facilities. The picture outside the borders of Syria looked even bleaker. A combination of displacement, economic destitution and possible separation from their parents put children at a higher risk of exploitation,

violence and trafficking (Global Protection Cluster, 2014:2). Furthermore, frustration and anger about the circumstances make boys and young men susceptible to joining armed or terrorist groups or forced them into child labour. Girls and young women on the other hand face difficulties such as forced child labour or child marriages. The scale of Syrian refugee children working fluctuates over the different host countries. In Jordan close to 50% of the children are working in comparison to 75% in Iraq. Up to 84% of employers in Jordan confessed that they make use of child labour, while they did not employ children before the conflict. The ages in years of the Syrian refugee children working differ from Jordan (12), Turkey (8), Lebanon (6) and inside Syria (9 years). In Lebanon, Syrian children as young as ten were forced into bonded labour, while 75% of street-based children are Syrian refugees (UNICEF, 2015:14). The children of Syria are watching their future disappearing with every day that the conflict continues. As long as a solution for the crisis is lacking, past progress remains undone, while the possibility of a lost generation continues to grow. Four years without education will create an irreversible loss of skills (UNICEFUSA, 2014:3; Brunais, 2014:2). Lassan (2014:1) confirms with his research that the longer the conflict continues the greater the possibility for a “lost generation” because of the violence, lack of opportunities and displacement of civilians.

According to UNICEF (2015a:1), the United Nations Convention on the Rights of the Child were inspired by the injuries imposed on children as a result of conflict – death, maiming, gender-based violence and psychological suffering. During situations such as these experienced in Syria, all areas of child development have become affected and there is an accumulative effect on the mental, physical and social development of children and young people. The Marchel Report (1996:40) indicates that biographical, psychological, personality and cultural factors linked to the exposure and duration of traumatic events will have long-lasting effects on the development of children. Related to the impact of conflict on children is the effect it has on the families and communities of these children. If the immediate support system is affected, the child’s wellbeing and development is affected too the age and gender of children affect their ability to access services within Syria. Girls have less access than boys of the same age, while unaccompanied or separated children in the care of older people experience a particular disadvantage in comparison to other refugee children to access services (Global Protection Cluster, 2014:2). The up rise was ignited by the youth who ultimately paid a heavy price for it (Lassan, 2014:1). The discussion now turns the attention to the effects of the war on women.

3.3.2 The impact of the civil war on women

The Syrian conflict has seen the “gradual instrumentalisation of women as weapons of war and terror” (Routier, 2014:1). The violations imposed on women physically and psychologically have a spill over effect on families and erode the social fabric of the country. There is little hope for the

country to return to normalcy. As discussed by Mack (2002:5) in Section 2.3.2 of Chapter 2, the biggest threat to human security is intrastate and violent crime violations and in the case of Syria, it can be argued that it is committed by the government in the name of state security. The civil war forced new roles and responsibilities onto women as a result of the economic and gender impact. The depth of women's suffering in Syria increased due to the collapse of traditional forms of income and the local currency resulted in a war economy with additional burdens on women. More power is given to arms and force, which is only available to men and which leaves women marginalized, disempowered and without protection (Alodaat, 2015:1). Not surprisingly, according to the UNHCR (2014:1), women as the heads of households are given the primary responsibility to take care of large numbers of children, orphans and the elderly while their rights to work, education and movement has been limited. Syria is an example of the feminization of poverty. The Global Protection Cluster (2014:2) found in their research that females head a minimum of one in five Syrian refugee households. In Jordan 18%, in Lebanon 20 to 25% while in Turkey most households are female-headed. The increasing number of female household heads is changing the traditional and social roles of the Syrian community. Women are taking on the traditional role as economic providers in a previously strong male-orientated society. Not only do these women lack an income, but they also experience a lack of access to productive resources and biases in law and practice (Global Protection Cluster, 2014:6).

Human Rights Watch (2014:1) indicates that women have been physically and sexually abused, arrested, detained, harassed and tortured by government forces, pro-government militias or armed groups opposed to the Syrian government. The lives of women, girls and their families are being put at great risk because of extreme restrictions on access and mobility in high conflict areas in Syria. Matterson *et al.* (2014:4) determined in their research that women experience multiple types of violence and as a result transfer their aggression to their children and beat them more than usual. Women are exposed to the brutality of the Syrian war and have to face various violations. The UNSC identified the six most serious categories of violations against women and children, which are addressed in the next section.

3.4 SIX GRAVE VIOLATIONS AGAINST WOMEN AND CHILDREN OF SYRIA

The UNSC identified the six grave violations committed against children in times of armed conflict (UN: Children and Armed Conflict, 2005:1). The legal framework for these violations is based on customary rule or international law, which includes international humanitarian law, international human rights law and international criminal law (UN SRSG, 2013:10). The full spectrum of children's rights – including economic, social, cultural, civil and political rights must be protected because children can't defend themselves against violations. The United Nations by means of the adoption of resolutions by the UNSC aims to effectively address the most serious violations during

armed conflict. The following violations are described as 'grave violations' under the legal framework of the UN (UN: Children and Armed Conflict, 2013:10).

3.4.1 Killing and maiming

The civil war in Syria is of an urban nature and battles take place in residential areas and cities experience aerial bombardments. The use of explosive weapons is responsible for the killing and maiming of children in cities while landmines are used near the Turkish border (Southern Idlib region) to block refugees and supplies for the rebels (Global Protection Cluster, 2013:6). According to the UNGA report (2013b:3), at the end of 2013, it was estimated that more than 10 000 children had been killed, and the killing and maiming of children continued to increase during 2013. It cannot be determined with certainty whether the opposition or the government forces were responsible for the biggest numbers of killings and maiming, but the use of barrel bombs in December 2013 left hundreds of children either dead or injured. The BBC (2013:1) reported that barrel bombs were dropped from Syrian aircraft in the Province of Aleppo, killing 517 people. One hundred and fifty-one (151) children and 46 women were killed in the attack. According to the UNSC (2014:4), perpetrators of violations on the government side include armed forces from the Intelligence, Military, Air Force, National Security Bureau, Political Security Bureau, Political Security Directorate and the General Intelligence Directorate, as well as government-associated militias and armed groups (UNGA, 2014:31).

A notable example is the attacks on 25 May 2012 in Houla, where 108 people were killed, of which 34 were women and 49 children, allegedly by pro-government Shabiha militiamen, confirming government violations against its own citizens (Jane's Intelligence Weekly, 2012:1). A UN investigation established that the victims were shot at short range or their throats slid (UNHRC, 2012b:10). However, the Syrian Government condemned the attack as a "terrorist act" (Jane's Intelligence Weekly, 2012:1). Almost exactly four-and-a-half years since the start of the conflict until August 2015, 240 381 people had been killed in the Syrian civil war. Section 3.2.3 provides a breakdown of the deaths (Al Jazeera, 2015:1).

Westcott (2015:1) indicates that the life expectancy of Syrians dropped from an average of 79.5 years prior to the-war in 2011 to 55.7 years in 2014. This is a 30% decrease in life expectancy. Contributing to the figure is the 15% refugee emigration. The death rate among the youth (as per UN definition: 15-24 years of age) has increased which, before 2011, had a low probability. Contributing to this is the destruction of health care facilities, lack of certain vaccines such as those for tuberculosis and polio, and an increase in the poverty rate. Furthermore, statistics has shown that 6% of Syria's population (840 000 people) had been killed or maimed since the start of the war (Westcott, 2015:1).

3.4.2 Sexual violence

The UNSC (2015:2) defines the term “conflict-related sexual violence” as actions including rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization or other forms of sexual violence committed against women, girls, men or boys with a direct or indirect link to conflict.” In Syria sexual violence is committed strategically, systematically and with a high degree of sophistication by the different parties involved (Bangura, 2015:1). The four years of conflict has altered the lives of Syrian women forever (UNHRC, 2015b:47).

In Syria, women and girls are at risk at any point of the day and along every step of the way. Girls in conflict areas are at a high risk due to the ideological opposition of extremist groups to education (UNSC, 2014b:9). Sexual violence is used as a form of harassment to forcibly displace populations, which increases vulnerability and the possibility of sexual abuse. Some of the armed groups in Syria targeted individuals on the basis of their sexual orientation as a form of social control. Furthermore, women are commonly exposed to exploitation during house searches, at checkpoints, hostage taking and in detention. Threats of sexual violence were also used as ill treatment in detention settings (UNSC, 2015c:2; UN SRSG: Sexual Violence in Conflict, 2015:1).

UNICEF (2011:1) reported during 2014, by means of the Monitoring and Reporting Mechanism on grave violations of children’s rights in situations of armed conflict documented that sexual violence committed by state, pro-government, opposition and terrorist groups are still under-reported. Fears for stigmatization, reprisals, risks and trauma were some of the reasons why incidents of sexual violence during conflict remained unreported. However, according to The Monitoring and Reporting Mechanism (UNICEF, 2014b:1) key tendencies of the phenomenon include early and forced marriages of girls to Daesh (also known as ISIS, Islamic State of Iraq and Syria) foreign fighters. Young girls are targeted and by means of monetary compensation to the parents, threats of violence and/or torture of parents are married to the fighters. Forced, temporarily or early marriages is part of the Jihad. Another tendency is the sale and transfer of women and girls amongst fighters or groups as part of political economy of the conflict. Daesh uses sexual violence and the brutalization of women as a method, objective and tactic of terrorism to advance their ideology and operations (UN A/HRC/28/69, 2015:49). Lehmann and Bain (2014:11) report that in addition to the trauma of a forced and or early marriage, pregnancy is one of the leading causes of death among girls between the ages 15 to 19 years. These ‘child-wives’ are often divorced when they become pregnant or when their husbands move to a different location. Back in Syria, these pregnant women are subsequently abandoned or only granted a divorce upon re-marrying another fighter.

Another tendency is the enslavement and trafficking of women for sexual purposes. The United Nations reported that Yazidi girls are captured in Iraq and moved to Ragga (a Daesh-held area in Syria) where they are sold and used as sex slaves (UN A/HRC/28/69, 2015:49). Sexual violence (including torture) by government or pro-government forces includes children in detention. Doctors report the trend to the United Nations after girls started seeking abortions. Lissan (2014:6) indicates that rape, including gang rape of children, has been reported in government detention centres. As such, sexual violence is used to “humiliate, harm, and force confessions or pressure relatives to surrender.” Opposition groups also commit sexual violence. Before mid-2014 the United Nations received very few reports of sexual violence by armed opposition troops (MRM, 2014:1-2). However, thereafter (UNSC, 2015:18), Daesh abducted hundreds of women in Northern Iraq who were then “sold” on markets in Syria as sex slaves. Information of forced marriages to foreign fighters in Daesh controlled areas has become more common (UN A/HRC/28/69, 2015:49). Syrian women and children are neither safe in Internally Displaced People (IDP) camps nor in neighbouring countries. Actions to protect women and girls include child marriages, removal from schools, and physical captivity. Also, reports of commercial sex and increased levels of sexual harassment were received from Syrian refugees in and around camps in the Kurdish region of Syria.

Despite the reports of sexual violence against boys and girls in government detention facilities, girls and women reported that they were exposed to repeat sexual harassment at Government checkpoints (UNSC, 2014b:9). Furthermore, groups of young women and girls were reportedly abducted at government checkpoints or in transport. Although they were released to return to their villages, they were exposed as rape victims only to subject them to the rejection of their families or even ‘honour-killings’. The United Nations reports that boys and their fathers were gang-raped. Another United Nations report describes the incident of a girl that was gang raped and then killed by her own family because she “lost her sanity” after the incident (UNGA, 2014:31). Within Syria, rape and sexual violence are cited as the primary reason for Syrian families to flee their country (Global Protection Cluster, 2014:6). Unfortunately within the coping mechanisms of conflict, women and children are exposed to more risk of sexual violence, whether in forced displacements, early marriages as means of survival or when reporting crimes to security officials (UNSC, 2015:5). In refugee settings outside Syria, economic hardship combined with the depletion of savings and limited economic opportunities forces some women to resort to survival sex as an economic coping mechanism (Global Protection Cluster, 2014:6).

Kellezi and Reicher (2014:491) concluded that women suffer more than men in war or conflict. Rape as a tactic of war not only affects women, but also the men in the community. The significance of rape in traditional communities signifies womanhood, motherhood and sexual purity. The stress women experience because of rape is a reflection of a breach of the family

honour, more than the assault to the woman herself. Dishonouring family norms excludes women from the community, in public and the family in private. The endeavour of rape as a tactic of war lies in the fact that it constitutes a double insight - first, violation of the person itself and secondly exclusion by the family of the person (Global Protection Cluster, 2013:12). Women forced to leave their families and communities become more financially vulnerable and end up in more dangerous circumstances. This is some of the reasons why rape is very much under-reported. On the other hand, a man personalizes the rape of a woman in his family as his failure to protect the family.

To counter sexual violence and the humiliation attached to it, parents agree to early marriages of their daughters. Under these circumstances, the legal age for marriage for girls could be brought down with the approval of a judge from 17 to 13 years of age (Global Protection Cluster, 2013:9). Syrian brides have become cheap. Dowries became as little as a tent. Newly married girls faced a multitude of challenges after the marriage, from physical to emotional abuse, difficulty in conceiving or health problems associated with adolescence (Lehmann & Bain, 2014:12). The lack of access to reproductive health services in Syria is a critical problem when combined with child marriages. Complications during pregnancy and mortality are serious risks for young women and girls under the age of 19 (Global Protection Cluster, 2014:4). The UNGA, a non-governmental organization (NGO) (2013:3) reported that except for the physical and psychological effects of sexual violence, it could also have other severe impacts. Reports revealed that in 20% of the cases reported, it led to a woman's death, in 10% of cases to anxiety or depression, and in 5% of cases to pregnancies. Despite an increased need for medical assistance, medical facilities and schools are under constant attack. Attacks on these facilities are discussed next.

3.4.3 Attacks on schools or hospitals

The school environment has stopped being a protected place as schools became targets for military actions and are occupied for military purposes (Global Protection Cluster, 2013:12). The Syrian Centre for Policy Research Report (2105:9) indicates that the attacks on schools are contributing to the fact that the Syrian education system is in a state of collapse with 50.8% of children not attending school during the period of 2014 to 2015. It also stressed that almost half of all children had lost at least three years of schooling. Not only did the quality of education deteriorate, but inequality in education opportunities also increased. The war has a negative impact on the whole education infrastructure and by the end of 2014, 600 schools had been completely destroyed while a further 2 391 schools had been damaged. By the end of 2014, 25% of schools did not function, including the 608 schools that were used as shelters.

The quality of education at functional schools was also affected because of the loss of transport, power, heating, study material and equipment (UNSC, 2014b:10). Shelling or bombardments

contributed to the decrease in the quality of education. Loss of life, injury, kidnappings and/or arrests of teachers further destabilized the education system (UNGA Report, 2014:31). Many armed groups were involved in the conflict and used children as part of their operations. In the case of attacks by Daesh, the group forced their curricula and ideology on the school system with different languages, values, historic narratives and social content. The social environment in Syria during the Civil War is dominated by fear that affects the social tolerance of one another and leads to the promotion of violence. The increased risk to the security of girls motivated parents to withdraw their daughters from school in an attempt to safeguard them from sexual exploitation or kidnappings (UNSC, 2014b:11). Furthermore, school opportunities got lost in the midst of the increasing rate of unemployment and poverty, as many children are forced to work to try and contribute to the family income. According to the UN Human Development Indicator (HDI), the ranking of Syria in the education index dropped from 124th place to 168th place out of 187 countries in 2014 (Syrian Centre for Policy Research, 2015:53).

The Syrian Centre for Policy Research (2015:1) reports that, by mid-2014, 21% of health care facilities were only partially functional while 18% were not functional at all. Life expectancy has declined by 20 years since the start of the Civil War, and would continue to decline even after the war, in part due to the weakening of the health care system and condition of the health care facilities. Westcott (2015:1) claims that 610 doctors have died over the past four (4) years. The report indicates that 139 doctors have been tortured or executed. In 2014, one medical worker was killed every day and one hospital was attacked every 4 days (Westcott, 2015:1). According to the report of the Syrian Centre for Policy Research based on information of the World Health Organization (SCPR, 2015:52), there was a serious lack of health workers in all the medical fields, which has a serious impact on the survival and disability rates. Hospitals are unable to cope with the demand for surgery due to injuries. Furthermore, 1 480 women give birth on a daily basis in unhygienic conditions (ACAPS, 2015:9). The medical condition of people is further influenced due to the economic deprivation, lack of food and malnutrition, not only in Syria, but also under the refugees in the host countries. The combination of malnutrition and mineral deficiencies, also known as “hidden hunger” has led to fears of “irretrievable nutritional damage” among children and pregnant or breast feeding women. The babies of malnourished mothers are born pre-mature and are normally underweight.

Sami *et al.* (2013:1179) determined in their research that up to seven million women in Syria need access to reproductive health services. Women play an important role in post-conflict reconstruction and their basic needs should be met to be able to contribute to the recovery process. In Syria, women form about 78% of the displaced population. This put women and girls at a higher risk for gender-based violence, deteriorating mental health, and maternal and new-born complications. More women become the heads of households, which places further liabilities on

women (UNHRC, 2014:9). Due to diminishing health services, women would face stress-related illnesses with long-term consequences. Vaccinations have dropped to 52% while stock of basic medicine is low. Shortages in medicine make children more susceptible to diseases like measles and polio that have been absent for many years. The provision of safe drinking water declined by 42% which is a further exacerbating factor which impacted on the already weakened medical system (Harbi, 2014:2). Equally important, the provision of syndrome-based and antiretroviral drugs should be maintained and the importance of reproductive health requirements in Syria should be highlighted (Sami *et al.*, 2013:1179).

3.4.4 Abductions

Since 2013, abductions have added a new dimension to the civil war in Syria. Amnesty International (Al Jazeera, 2013:1) has indicated that abductions are a daily occurrence in Syria, but it is difficult to determine who is responsible. Different groups kidnap people for different reasons. Syria's security forces are responsible for tens of thousands of people who fall victim to "arbitrary arrest, unlawful detention or enforced disappearances". (Amnesty International, 2014:1) Rebel groups have been accused of abducting civilians and journalists. Daesh and Jabhat al-Nusra set up mobile checkpoints throughout the country and kidnap people randomly. Criminal gangs use the lawlessness to kidnap people in return for ransom. According to an anonymous Security Advisor in Syria, kidnappings in Syria are based on a combination of commercial and ideological motivations (Al Jazeera, 2013:1). Families reported that armed groups took children captive from schools, hospitals and checkpoints. Schools are often the target of attacks from both the government and armed groups to satisfy military purposes (Lassan, 2014:5).

The Independent International Commission of Inquiry on Syria (UNHRC A/HRC/30/48, 2015b:6) explains that "enforced disappearances" is part of a campaign of terror against civilians. At the beginning of the conflict, young men showing anti-government intentions were arrested, but as the uprising continued the detention of women partaking in peaceful protest, activists, dissidents, journalists and aid workers became the focus of the government. State media denounced the arrested women as "terrorists", "saboteurs" or even "sex slaves" for "terrorist groups" (Routier, 2014:2). The UNGA Report (2013b:2) indicates that women who had been detained by Syrian authorities were detained without access to legal assistance or to family support. These constituted violations of both domestic and international law. In the Central Prison in Damascus, women were held in dark overcrowded cells regardless of their age and health conditions. In the secret underground detention centres, like the military intelligence Branch 215, physical and psychological torture, sexual harassment and abuse are common. Opposition groups resorted to the abduction of women to acquire bargaining power in negotiations with the Syrian government while the detention of women by the government became a "tactic of collective punishment with

the aim of destroying the identity of the victims, intimidating them and tearing apart the social fabric of their communities” (Routier, 2014:2; Human Rights Watch, 2014:1). These actions by the Syrian government are opposing the aim of the UN to ensure human security by means of basic human rights and the protection of people on all levels of life as was discussed in Section 2.3.2.3 in Chapter 2. Coupled with abductions is the restriction of the distribution of humanitarian support to conflict stricken areas. As the conflict continues, the distribution of humanitarian support became increasingly difficult. It resulted in the deaths of civilians, including children. Denial of humanitarian access to conflict stricken areas is discussed next.

3.4.5 Denial of humanitarian access

The on-going civil war and deteriorating socio-economic situation in Syria increased the need for humanitarian assistance. Research by the Syrian Centre for Policy Research (2015:8) reports that Syria’s unemployment rate increased from 14.9% in 2011 to 57.7% by the end of 2014. This reflects that 2.96 million people lost their jobs with a further impact on 12.22 million dependents, mostly women and children. Two thirds of the populations live in extreme poverty, unable to secure basic items for survival (SCPR, 2018:10). As the conditions worsened with the continuation of the war, a further 30% of the population dropped into poor living conditions facing hunger, malnutrition and starvation. As a result, the Syrian population decreased from 20.87 million in 2010 to 17.65 million in 2014. Fifty-two per cent (52%) of the population was displaced due to unsafe living conditions. The report (SCPR, 2018:12) also highlights the fact that health concerns increased due to malnutrition, shortages and limited access to water, food, sanitation and basic medical assistance. Deprivation is exposing the civilian population to higher levels of helplessness with increased levels of infectious diseases.

Denial of humanitarian support has, however, become a tactic of war. According to the UNSC Report S/2015/48 (2015:1), the humanitarian situation in Syria is deteriorating, and as discussed in Section 3.2.2, 12.2 million people are in need. Despite the achievements of humanitarian deliveries and the adoption of UNSC Resolutions S/RES/2139 (2015b:1) and S/RES/2191 (2015b:1) the government uses various administrative methods to block aid delivery. Resolution 2139 demanded that all parties, in particular the Syrian authorities, “allow humanitarian access in Syria across conflict lines, in besieged areas and across borders and expressed the intent to take further steps in the case of non-compliance.” Resolution 2191 provided renewed authorization for cross-border humanitarian access until 10 January 2016. Furthermore, medical neutrality is not observed and the government withheld approval for medical aid deliveries, attacking medical facilities and killing medical aid personnel in an attempt to prevent deliveries. The UNSC Report for February 2015 (2015f:1) indicates that armed opposition and terrorist groups do not allow aid deliveries in the opposition’s territory, which has left 12 million people deprived (UNSC Report S/2015/48,

2015b:9). Without a political solution, the humanitarian situation in Syria would not de-escalate. In all probability, this trend would encourage the Syrian youth to join armed groups. This trend is discussed next.

3.4.6 Recruitment of child soldiers

The Syrian society became increasingly more militarized, which affected the lives of many children. Children were directly exposed to violence and the abuse of the actors involved in the conflict (UNGA Report, 2014:30). According to the same report during 2013, several armed groups recruited and used children for various tasks from logistics to securing checkpoints to combat. Children of refugees in neighbouring countries are amongst those being recruited. One third of the Syrian refugee children in Iraq have been approached by armed groups (UNICEF, 2015:14). Daesh recruits children as young as eight and they are presented with arms and jihadist indoctrination training (UNGA Report, 2014:30).

In 2015, the recruitment and use of children in combat in Syria was confirmed as a fact. The United Nations verified 2 107 cases of grave violations conducted by all parties against children. According to the report, Daesh specifically targets children. The United Nations could confirm that opposition groups recruited 271 boys and 7 girls. In 77% of the cases the children were used in combat. The ages of the children varied between 14 and 17 years and they were paid salaries of up to US\$400.00 per month. Evidence exists of children being recruited as suicide bombers and to participate in extreme violence, like the beheading of government force soldiers (UNSC A/69/926-S/2015/409, 2015:1). With regard to the recruitment of children by government, no confirmation has been received. However, the UNSC report (A/69/926-S/2015/409, 2015d:1) mentions that various pro-government groups recruit children in small numbers. Reports indicate that children are used as human shields and forced labour. In November 2014, children were amongst the civilians who were forced at gunpoint to be in front of government tanks to secure the Dar'a-Damascus Highway. A UNSC Report (2014b:4) reports that children were victims of torture in government detention centres. The physical impact of the six gravest violations committed against women and children in Syria contributed to more human insecurity which is directly opposing the intention of human security to instil the importance of humans in human security. Equally important to the physical impact of the gravest violations is the psychological impact it has on women and children, which is examined next.

3.5 THE PSYCHOLOGICAL IMPACT ON WOMEN AND CHILDREN

Life as a refugee creates a number of psychological challenges. The new foreign environment, unemployment, exposure to sexual and gender-based violence, torture, loss and grief are only a few of the reasons provided for the trauma refugees experience. In Turkey alone, half of the

refugee population indicated that they are in need of psychological assistance (Global Protection Cluster, 2014:8). The UN Special Representative for the Secretary-General's report on Sexual Violence in Conflict (UN SRSG, 2015:2) indicates that Daesh uses sexual violence as a tactic of war and it includes promises of access to women and girls as a recruitment tool for male fighters. These promises resulted in the sale of women and girls on slave markets and abductions to claim ransoms from their families. According to Bangura (2015:1), Daesh has compiled a price list for women and girls. The younger girls fetch higher prices than older women. According to the price list, children between the ages of one to nine were normally sold for \$165 and adolescent girls for about \$124. In one instance, one woman was sold to six different men. Some women were so traumatized that they committed suicide (Bangura, 2015:1).

Common tactics used by Daesh against women in conflict are: the transfer and trafficking of women and girls amongst fighters and groups; the use of sexual violence to displace communities; the use and threat of sexual violence in debriefing sessions; controlling women's reproductive capabilities; demolishing social and family structures with the aim to establish a new "caliphate"; to discipline, dishonour or discourage rebels and lastly to instil their radical ideology (UN SRSG, 2015:2). Lehman and Bain (2014:2) report that the public harassment experienced by women on the street forced them to stay at home, which creates a feeling of isolation and imprisonment. Divorced women are reported to be more vulnerable. Humanitarian workers, employers or men in positions of power also target women, either in the political, economic or religious environments. Contributing to their psychological burden is the domestic violence they are subjected to when their husbands learn about their sexual harassment (Lehman & Bain, 2014:2).

Female Syrian refugees face an increase in domestic violence because of the family's refugee status. Factors contributing to domestic violence are economic difficulties; mental stress; large families that share cramped housing and the boredom of the youth (Global Protection Cluster, 2014:6). The psychological impact of domestic violence impacts on all levels of a woman or adolescent's life. Women tolerate the abuse as a form of stress release for their traumatized refugee husbands. Women in return cope with the domestic situation by disciplining their children. Interviews by Lehman and Bain uncovered that mothers beat their children more because their personalities have changed since they became refugees (Lehman & Bain, 2014:8). As a result, the most vulnerable (the children) were the receivers of the frustrations experienced by their parents.

UNICEF (2014:3) reports that children have lost the support structures that should have kept them safe. At the end of 2013, more than 8 000 Syrian children left the country without their parents. One third of the children in the Za'atai camp in Jordan exercises self-harm or displays aggressive behaviour. As indicated in section 3.3.1, unaccompanied children experience more difficulties in comparison with other refugee children, especially when in the care of unregistered older persons.

These challenges have a negative impact on the wellbeing of both the children and the care takers (Global Protection Cluster, 2014:3).

The effects of the psychological, physical and economical exposure experienced by women and children are not always visible. James *et al.* (2013:42) determined in their assessment of the psychological wellbeing of the 8000 Syrian refugees that was tested in Jordan, that feelings of fear (15.1%), anger (28.4%), lack of interest in activities, and problems with basic functioning (18.8%) coupled with hopelessness (26.3%) existed. Parents voiced their biggest concern, the little hope they have for their children's futures (James *et al.*, 2013:42). The on-going Syrian war and increased interruptions, distress and displacement disadvantaged Syrian refugee children who could not maintain the educational continuity that their peers experienced in Syria. These factors obstruct their development, but also affect their collective wellbeing.

Lassan (2014:4) highlights that an important factor of the Syrian civil war is the mental health of children. The civil war of the past four years and refugee circumstances impact severely on the psyche of the children and has left deep emotional scars that are undermining the "capacity of tomorrow's teachers, leaders and parents" (UNICEFUSA, 2014:3). If this problem is not treated, there is the possibility of losing an entire generation to violence, aggression, depression or militarization. "The world will be dealing with the millions of angry, traumatized adults they inevitable will become" (Lassan, 2014:4). The abovementioned consequences of war have a de-humanising effect on the people in Syria and therefore it can be argued that the political purpose of war is, to de-humanise the opponent. The risk of losing a generation increases daily as long as the situation in Syria continues. Clearly there were indications of a 'lost generation', as is discussed next.

3.6 A LOST GENERATION

Millions of Syrian children have been affected by the continuing conflict. They face many life-threatening events like violence, lack of safe water and inadequate nutrition. Beyond the immediate threats to the wellbeing of the Syrian children lie the threats to education, protection and that of the entire region. They are called a "lost generation" (UNICEF, 2014:1-8). In Syria 50% of the children, mainly in government controlled areas, continued with schooling as normal. As explained in Section 3.3.3, one in five schools has been destroyed or is occupied for diverse functions. Access to education in the urban semi-urban and rural areas is inadequate. The schools in the main host countries of Lebanon, Jordan, Iraq and Turkey reached overfull occupancy in an attempt to accommodate the 1.2 million Syrian refugee children (UNICEF, 2014:2). Between 75-90% of school-aged children and youth in non-camp settings are not receiving formal education due to logistical difficulties. Seventy-six per cent (76%) of the mentioned group attended school in

Syria. During 2012-2013 60% of primary school-aged children in refugee camps versus 14% outside refugee camps in Turkey attended school. In Lebanon, merely 20% of refugee children attend formal school programmes. These statistics stand in stark contrast with the 93% for primary and 67% for secondary school enrolment prior to the start of the civil war in Syria (Global Protection Cluster, 2014:4). Furthermore, the host nations are struggling with resources to provide for the refugees (UNICEF, 2014:2).

Syria Deeply (2014:1), as described in Section 3.3, highlights the main obstacles to education faced by refugee children. These are curriculum and language barriers, crowded personal space at home, exposure to trauma and depression and the effects on concentration, and children who lost more than two years of school who do not want to return to formal education. Children are financially co-responsible for the family because of a lack of support programmes. Infrastructural problems experienced like a shortage of school accommodation, lack of formal documentation and the accreditation of Syrian teachers in the host refugee countries are contributing factors to the already complicated education challenges. Furthermore, the mentioned factors are contributing to substandard or no education (Syria Deeply, 2014:1).

Threats to the safety of the vulnerable children put them at greater risk to end up as child labourers, child soldiers or in early marriages. The CEO of SOS Children reports that 3.5 million Syrian children have been exposed to trauma (have witnessed the death of family and friends) during the four years of conflict. Children have also experienced torture, have been injured, displaced or deprived from a family life or their rights to education, safety and a future (Pichler, 2015:1). The abovementioned conditions and their effects will hold Syrian refugee children back in future. It will hamper their participation in decision making at various levels (Global Protection Cluster, 2014:4). The Syrian refugee crisis and its effects on children as described in Section 3.1 poses a threat to the entire region, whose resources are stretched to the maximum already. Opportunities are scarce and few chances exist for young people to make their voices heard. The longer the civil war in Syria continues, the more possibilities for healing and reconciliation becomes a challenge (UNICEF, 2014:2). The United Nations is of the opinion that the only way to prevent the development of a “lost generation” is to create a safe environment to protect the children from violence, all forms of abuse and exploitation and thorough education. Psychological support will promote their resilience and heal their emotional scars. Without hope of recovery, the entire generation could be lost with long-term implications for the entire region. This can only be prevented by means of a solution to end the conflict in Syria (UNICEF, 2014:3). One of the consequences of a “lost generation” is alienation. This concept and its social impact on the future of Syria are discussed next.

3.7 THE SOCIAL IMPACT OF ALIENATION

The Syrian Centre for Policy Research (2015:50-59) describes alienation as the breach that develops between people and their institutions to the extent that the people become detached from their policies and relations. Therefore people become incapable of participation in the socio-economic and political environment in which they live. Alienation also affects relations in-group and between group context. Alienation is found in extreme forms of terror that motivate people to act beyond normally acceptable social and ethical boundaries. According to the Syrian Centre for Policy Research (2015:50), before the war, parts of the Syrian society benefitted from the hegemony of political, economic and social (religious and cultural) institutions. This was evident in the economic deprivation, poor productivity, high poverty rates and inequality of income and living standards. On a social level, the existence of independent institutions serving the public interest based on a culture of fear was the norm of the day. This relates to the decline of trust in the government. On a political level, people have become alienated from the oppression of government institutions and therefore focus on traditional institutions based on religion or the family. The current situation in Syria has led to the adaption of people by accepting norms of the oppressors or alternatively by emigrating in search of a situation suited for their belief system. However, the aforementioned conditions exposed them to blackmail, submission and further deprivation. As described in Section 2.2, it left 50% of Syria's population bewildered, in despair and hopeless (R2P10, 2015:3).

For the women and children who choose to stay in Syria, the overall impact of the war has a devastating effect. The fourth year of the conflict, 2014, was documented as the deadliest (76 021 deaths) due to the increased use of explosive weapons. It is important to mention that survivors of explosive weapons suffer from long-term psychological harm and disabilities. It created greater social and economic exclusion in a society where women already have less access and limited freedom (R2P10, 2015:2). In addition to the indiscriminate attacks on women and children, extremist groups also placed religious restrictions on women and girls. Restrictions include strict dress codes and limited public engagement (Syrian Centre for Policy Research, 2015:50-59).

Lehmann and Bain (2014:12; R2P10, 2015:2) have determined that before the conflict, Syria had strong social and cultural networks that served as safety nets. These networks were purposefully ruptured and an increase in violations in community security and affected not only women and children, but also led to sectarianism based on geography. Civilians are targeted based on their religious or ethnic background or are associated with the opposition due to their geographical location. The influx of foreign fighters and extremist groups further strengthens the sectarian divide and their fear for sexual violence, as described in Section 3.3.2, drove Syrian women to neighbouring countries (Lehmann & Bain, 2014:12). Palestine refugees and migrant workers in

Syria were severely affected by the civil war and are amongst the most alienated groups. They experienced limited economic opportunities and support networks already before the start of the civil war. Migrant workers, of whom many were unaccompanied women working for Syrian families, are stranded (Global Protection Cluster, 2014:7). Their foreign status imposed already a level of alienation before the start of the civil war.

A contribution to displacement, security constraints and disruptions in the registration system leave single Syrian refugee mothers facing an uphill battle with the registration of their new-born babies in some of the host refugee countries. The UN Refugee Agency (2014:1) reported that more than 50,000 of Syrian babies were born in exile. According to Syrian law, a child can only receive a nationality from his father. With the continuance of the Civil War, many children are left fatherless with an increased the risk of statelessness for Syrian babies. More than 36 000 (70%) of Syrian babies were born in Lebanon without the critical documentation of either identity or citizenship and were therefore classified as stateless (Al Rifai, 2015:2-4; Global Protection Cluster, 2014:3).

Stateless Syrian refugee children are prevented from access to public services such as education, health care, and the ability to travel, marry or to legally work in the host country. Parents of these children find it difficult to register the children in Lebanon because of a lack of their own personal documentation, proof of financial means, housing commitments or a notarized pledge not to work. Parents may even face a more harsh reality in future, when it will be possible to return to Syria and their stateless children will not be able to accompany them across the border. Contrary to Lebanon, Jordan on the other hand adopted a more flexible approach and allows refugees to register the new-borns in their country. The Jordanian Government established civil registry departments in the two main refugee camps to ease the registration process (UNCHR, 2014:1).

3.8 CONCLUSION

It is ironic that the youth of Syria who voiced their unhappiness with a bleak future under the government of the Arab Republic of Syria in March 2011, four years later, and with no end in sight, are entering today a much bleaker or rather darker future with little hope of peace and prosperity. The once peaceful Syrian community, host for many refugees, is today alienated and divided either by region or religion. "Conflict-related sexual violence" is systematically committed and with a high degree of sophistication to create fear, displacement and a greater degree of vulnerability by both government and armed forces. The United Nations listed six grave violations against women and children. First the killing and maiming of innocent civilians has added up to more than 11 000 children that have been killed in the time frame 2011 - 2015. The rights of children to "develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity" have been completely violated. Schools and health facilities

have either been destroyed or are being used for alternative functions by government and armed groups. More than 50% of school going children do not attend school on a permanent basis either because of economic deprivation or their refugee status. Furthermore, the lack of medical services and of a healthy society shortened the life span of Syrians with 20 years during the period under review. The violations against women and children have serious psychological implications for the people involved, their families and the community. Opportunities lost, at all spheres of life, create a breeding ground for a lost generation with no signs of a peaceful future in sight. The conflict and civil war lead to alienation between the community and the government. Existing social and support structures were raptured and the community was forced into migration and displacement or the acceptance of a brutal regime. As a result many Syrian babies born with refugee status face a future of statelessness, deprived of access to schools and medical facilities because of a lack of identification and citizenship. Chapter 4 will focus on the obligations of the UN to protect women and children in time of civil war.

CHAPTER 4: THE UNITED NATIONS' OBLIGATIONS TO PROTECT WOMEN AND CHILDREN AND ITS RESPONSES IN SYRIA

4.1 INTRODUCTION

This chapter stipulates what the UN's obligations for the protection of women and children in conflict are. It analyses the UN's efforts to implement their mandate to protect women and children in Syria against the resolutions adopted for their protection. Actions taken by the UNSC, the Office of the Secretary-General, UNGA, the Human Rights Council and other UN entities are discussed. The chapter concludes with identification and discussion on the shortcomings the UN has displayed with regard to their responses in Syria to protect women and children.

4.2 THE UNITED NATIONS' OBLIGATIONS FOR THE PROTECTION OF WOMEN AND CHILDREN IN TIMES OF CIVIL WAR

The international community expressed its deepest concern by means of UN declarations and resolutions over the suffering of women and children during armed conflict and brought it to the attention of all member states that special protection should be provided to women and children during emergency and armed conflict. One of many resolutions, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, A/RES/29/3318 (UNGA, 1974:1) adopted in 1974, call for the strict observance of the declaration by all member states to protect women and children in attacks and bombings, in the use of chemical and bacteriological weapons, against inhumane treatment and against deprivation of shelter, food, medical aid as prescribed by international law (UNGA, 1974:1).

Despite the adoption of Resolution 3318, sexual violations during armed conflict continued and women experience war in multifaceted ways. Gender-based violations are used for various reasons as was discussed in Section 3.3. The UNSC adopted various resolutions on Women, Peace and Security to address the destructive impact of conflict on women. Twenty-six years after the adoption of Resolution 3318, in 2000, the UNSC adopted the landmark resolution S/RES/1325 on women and peace and security. Resolution 1325 reaffirmed the 1995 Beijing Declaration and Platform for Action at the Fourth World Conference on Women. The resolution states that “violations of human rights in situations of armed conflict and military occupation are violations of the fundamental principles of international human rights and humanitarian law as embodied in international human rights in situations of armed conflict and military occupation law as embodied in international human rights instruments in the Geneva Conventions of 1949 and Additional Protocols thereto” (UNSC, 2000:1). Resolution 1325 has four pillars to support the goals of the resolution, namely participation, protection, prevention and relief and recovery (OSAGI, 2000:1). In

a review of the implementation of Resolution 1325, the blueprint for women, peace and security in 2010, it was determined that the implementation was irregular, that there are no mechanisms for ratification and it does not have any power of enforcement and that there was no lead agency within the UN tasked with the implementing of the resolution (Willet, 2010:142).

In an effort to reinforce Resolution 1325, the UNSC adopted Resolution 1820 (2008), recognizing the impact of sexual violence as a tactic of war during periods of conflict. The resolution constitutes “sexual violence as a war crime and demands parties to armed conflict to immediately take appropriate measures to protect civilians from sexual violence”. This resolution notes that any form of sexual violence during conflict can constitute war crimes or crimes against humanity and calls on member states to execute their obligations in the prosecution of violators. In 2009 Resolution 1888 was adopted in support of Resolution 1820. It approves the appointment of a Special Representative of the Secretary-General on Sexual Violence in Conflict. Resolution 2122 was adopted in 2013 to address the gaps in the implementation of the women, peace and security agenda. In 2015 the results of a Global Study on the implementation of Resolution 1325 identifies the following aims: “1) making women’s participation and leadership part of the core of peace and security efforts; 2) protecting the human rights of girls and women during and after conflict, especially in the context of emergency threats; 3) ensuring gender responsive planning and accountability; 4) strengthening the UN’s gender architect and expertise; and 5) financing the women, peace and security agenda” (UN News Centre, 2015d:1). Despite the adoption of seven resolutions (1325, 1820, 1888, 1889, 1960, 2106, 2122) condemning sexual violence during conflict and calls to all parties to address violence with immediate effect, sexual violence continues to occur and has become systematic with increased levels of brutality (UN Peacekeeping Operations, 2015c:1). In remembrance of the plight of women across the world, the UN has since 1975 observed 8 March annually as International Women’s Day. With all the focus on the worsening conditions for women and children during the Syrian Civil War, a new UNSC Resolution 2242 adopted on 13 October 2015, recognizes the greater necessity for the integration of the security of women in the work of the UNSC. The Security Council will in future dedicate country-based consultations to the topic of women, peace and security and ensure greater attention to gender and the rights of the women in Security Council Missions. The importance of gender equality grounded in human rights in any reform is strongly advocated. Equally important and confirmed by evidence, is that the inclusion of women to ensure sustainable peace and to enhance the restoration of the economy after conflict is a necessity (UN News Centre, 2015d:1).

Together with women, child protection is at the heart of the UN because of the disproportionate effect conflict has on children as was discussed in Chapter 3 Section 3.1. UN Peacekeeping Operations (DPKO) was mandated in 2001 with the R2P children in conflict. Peacekeeping operations helped release thousands of child soldiers and played a cardinal role in legislation

reform. Since 1991 to 2014 ten UNSC resolutions have been adopted to manage the work of peacekeeping operations to protect children. Their mandate was stipulated on the following resolutions: S/RES/2143 (2014); S/RES/2068 (2012); S/RES/1882 (2009); S/RES/1618 (2005); S/RES/1539 (2004); S/RES/1460 (2003); S/RES/1379 (2001) S/RES/1998 (2001); S/RES/1314 (2002) and S/RES/1261 (1999) (UN Peacekeeping Operations, 2015a:1). Two policy documents have also been released on the protection of children. They were “DPKO/DFS Policy on mainstreaming the protection, rights and wellbeing of children affected by armed conflict within UN Peacekeeping Operations” in 2009 and “DPKO/DFS Policy on the Protection of Child Labour in UN Peacekeeping Operations” in 2011. UN Military, UN Police and Child Protection Advisers assist DPKO with the child protection mandate. The main function of Child Protection Advisers is to end the grave violations against children and to establish a dialogue with the offenders. Furthermore, the UN dedicated 20 November of each year as Universal Children’s Day to remember the plight of children growing up in conflict across the world. Just another attempt by the UN to change the attitude towards the suffering children have to endure during conflict (UN Peace Keeping Operations, 2015a:1).

The UN lamented 2014 as one of the worst years for children affected by conflict. It indicated that the UN has “a moral imperative and legal obligation” and that national interest should never jeopardize the protection of children. Children became the focus of abduction to target specific ethnic communities or religious groups. The Special Representative for Children and Armed Conflict briefed the UNSC and expressed the “appalling impact” of war on the welfare of children because of conflict-related extremist violence, sexual exploitation and deprivation of freedom (UN News Centre, 2015c:1). Due to the increase in grave violations committed against children the UNSC on 18 June 2015 adopted Resolution 2225 (2015), requesting the UNSC to list the parties “that engage in patterns of abduction of children in situations of armed conflict” together with the 58 groups responsible for violations of sexual abuse, killing and maiming and targeting of schools and hospitals in 23 conflict zones. The resolution urged the “immediate, safe and unconditional release” of all abducted children (UNSC, 2015e:1).

On 24 July 2015 on the 10th anniversary of Resolution 1612, which established a monitoring and reporting mechanism on the use of child soldiers in 2005, the UN said that the resolution was passed to ensure better protection for children in conflict (UN Daily News, 2015:1). Despite the enormous efforts worldwide to apply the resolution, the circumstances of children involved in conflict have deteriorated even more. Today still millions of children are deliberately abducted, killed or maimed; their schools and homes destroyed and basic needs are withheld. Furthermore, thousands are forced to join the military or armed groups. According to reports from Syria, children have been forced to partake or witness the brutality of war – all attempts to make them believe violence is normal (UN News, 2015b:1). Considering all the resolutions and policy documents

adopted by the UN to protect women and children in conflict as background, Section 5 focuses on the shortcomings of the implementation of the discussed documentation during the Civil War in Syria.

4.3 THE UNITED NATIONS' RESPONSES IN SYRIA

The work of the United Nations in Syria is overshadowed by the negative publicity of the vetoes casted by Russia and China. Section 4.3 will focus on all the efforts undertaken by the UNSC, the Office of the Secretary General, the UN General Assembly (UNGA), the Human Rights Council and other UN entities involved to relieve the struggle for the Syrian people. Lastly the chapter focuses on the shortcomings of the United Nations to protect the women and children during the conflict.

4.3.1 The UN Security Council's efforts to maintain peace and security in Syria

The Charter is the basis for maintaining international peace and security. Chapter 1 of the Charter contains the purpose of the existence of the UN and the seven principles it is based on. The heart of the United Nations is: "to bring about settlement of international disputes by peaceful means; to take collective measures for the suppression of acts of aggression and to remove threats to peace. The principles applicable are equal sovereignty for all states, mutual non-use of military force and non-interference in the domestic affairs of other states. Article 4 in Chapter II specifies, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purpose of the United Nations". Article 7 of the same chapter specifies, "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essential within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the Chapter VII." These two articles clearly state that intervention in the domestic affairs of a state can only be authorized under Chapter VII of the Charter (Xing, 2012:2).

Chapter VII states that the UNSC "shall determine the existence of any threat to the peace, breach of peace, or acts of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security." Therefore the United Nations can use force to restore international peace and security. Xing (2012:2) argues that despite the loss of life, the situation in Syria is of a domestic nature because it does not have disputes with its neighbouring states or any other state. In the event of Syria, the situation does not require a Chapter VII decision, but rather a Chapter V decision. Chapter V Article 24 focuses on "maintaining international peace and security." Chapter VI states that the UNSC may call upon "all parties" involved in international disputes to settle their disputes by peaceful means, and may investigate any situation which may lead to international friction or

give rise to a dispute “in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security” (Xing, 2012:2).

4.3.1.1 Resolutions vetoed by the UN Security Council

The security situation in Syria renewed the discussion about the use of the veto power and the stalemate that rendered the UNSC passive in the light of gross atrocities committed by both the government and rebel forces (Webb, 2014:471). Four draft resolutions submitted to the UNSC were vetoed by Russia and China between 2011 and 2014. The draft resolutions and explanations for the vetoes were as follows:

- On 4 October 2011, Draft Resolution S/2011/612 was vetoed. The draft appealed to Chapter VII of the Charter to “demand an immediate end to all violence and urged all sides to reject violence and extremism”. It further demanded the “Syrian authorities to cease violations of human rights; allow full exercise of human rights and fundamental freedoms by entire populations; to cease the use of force against civilians; to alleviate the humanitarian situation in crisis areas and to allow the safe return of those who had fled their homes.” The resolution further stressed that the only solution “is through an inclusive and Syrian-led political process with the aim of effectively addressing the legitimate aspirations and concerns of the population in an environment free from any sort of violence, fear and intimidation” (UNSC S/2011/612, 2011:1).
- On 4 February 2012, Draft Resolution S/2012/77 was vetoed by China and Russia. The draft called on Chapter VII of the Charter to demand that the Syrian government and armed opposition groups immediately put an end to all human rights violations and attacks against those exercising their rights to freedom of expression, peaceful assembly and association, protection of its population, to fully comply with its obligations under applicable international law. It further demanded that the Syrian Government implement, “without delay” the plan set out by the League of Arab States on 22 January. The plan focused on the withdrawal of Syrian troops from cities and towns and would have called for “an inclusive Syrian led political process conducted in an environment free from fear, violence, intimidation and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of the Syrian people.” Russia explained that the draft resolution would have sent an “unbalanced” message to the people in Syria. Russian was also of the opinion that no proposal was tabled to stop attacks by armed groups or their association with extremists. Russia further mentioned that some members of the international community are only promoting regime change in Syria. The P3 expressed their disappointment with the veto and the message sent to the victims of violence in Syria. It further highlighted that the veto

was cast in light of the “obviously false belief” that the aim of the draft resolution was military intervention (UNSC S/2012/77, 2012a:1).

- On 19 July 2012, Draft Resolution S/2012/538 was vetoed by Russia and China. The draft resolution demanded in terms of Chapter VII of the Charter the implementation of the Joint Special Envoy for the United Nations and the League of Arab States, Kofi Annan's, six-point proposal as annexed to Resolution 2042 (2012). The proposal aims to stop all violence and human right violations immediately, to secure humanitarian access and to facilitate a Syrian-led political transition leading to a democratic plural political system. The draft would have renewed the mandate of UNSMIS for 45 days and emphasized the valuable role the mission could have played, and threatened sanctions on Syria. The draft would have demanded “verifiable compliance – within 10 days of adoption – with its demands in previous resolutions that Syrian authorities pull back military concentrations from population centres and cease the use of heavy weaponry against them”. Russia defended the veto by saying that the text of the draft resolution opened a door to military intervention and that the text was directed against the government of Syria despite atrocities committed by other parties (UNSC S/2012/538, 2012b:1).
- On 22 May 2014, Draft Resolution S/2014/348 was vetoed by China and Russia (UNSC S/2014/348, 2014a:1). The draft used Chapter VII of the Charter to refer the situation in Syria to the Prosecutor of the International Criminal Court (ICC) based on the “widespread violations of human rights and international humanitarian law by the Syrian authorities and pro-government militias, as well as non-State armed groups in the on-going conflict in Syria since March 2011.” China, as a non-signatory to the Rome Statute, believes that referrals to the ICC should be conducted based on “respect for the State judicial sovereignty and the principle of complementarity” (Statement by China, 2014:1).

The vetoes by Russia and China drew the attention of the international community. The Russian perspective can be explained against the background of the protection of an investment of more than \$20 billion and the protection of one of their military bases. Furthermore, Russia exports military equipment to Syria. China, on the other hand, does not have much of an economic interest in Syria. The China-Syria trade is worth \$2.4 billion per annum. Xing (2012:1) explains that China's position on the veto in Syria was purely based on the violation of the principles of the Charter and China's policy of “non-interference” in domestic conflicts. However, the perception exists at the UN that China vetoed in cooperation with Russia (Adams, 2015:16). Arnör (2012:26) rationalizes the Russian vetoes based on the Russian military base at Tartus. If the Syrian opposition would increase in strength, it could have serious implications for Russia's only stronghold in the Middle East. Secondly, Russia affirms its position as a permanent member on the UNSC and that the P3 cannot act in Syria without their support. Lastly, Arnör (2012:26) indicates that permission to intervene in Syria could be considered by Russia and China as authorization to intervene in

Chechnya and Tibet – two matters considered as very sensitive and an intervention by the international community would be seen as unacceptable. Arnör (2012:26) highlights that the right to veto are used by the P5 to serve personal interest and that of their allies. Criticism of Russia and China's use of the veto in the case of Syria is frustrating the international community, but the use of the veto for political interest is longstanding. The United States is a perfect example of the use of the veto right with regard to the Israel-Palestine conflict more times than the rest of the other permanent members collectively (McGreal, 2015b:2).

The fact is that it is within the legal mandate of the P5 to veto any proposals related to Syria, and the UNSC does not have any legal international responsibility to prevent the acts committed in Syria. The Syria situation demonstrates the negative effect of the veto power on human security. Statements by Argentina, Australia and Saudi Arabia strengthened the growing sense that the veto is out-dated and incompatible with the UNSC's primary responsibility to maintain international peace and security as prescribed by the Charter (Okhovat, 2011:12). Since 1946 the veto has been exercised more than 200 times. In 2014 the last veto on Syria was cast. However, it was the first referral to the International Criminal Court (ICC) about the situation in Syria. Russia and China vetoed the proposal despite widespread support for it (Nichols & Charbonneau, 2014:1). Webb (2014:477) questions whether the UNSC has a legal obligation to act on the situation in Syria. With regard to the R2P principle, he argues that the 2005 World Summit Outcome Document did not put any obligation on the UNSC to take action. In 2012 the Secretary General confirmed that the R2P does not impose any obligation on the UNSC to act. The Charter rather allows the UNSC "a wide degree of latitude to determine the most appropriate course of action", which includes the possibility of no action because of a veto vote.

Despite the fact that Webb (2014:477) is of the opinion that the UNSC has no obligation to act on the situation in Syria, the UN had no choice than to embrace the application of human security in their decision taking. Canada proposes that the strengthening of human security will increase the legitimacy and stability of states. States rely on one another for their safety, therefore the "security of people in one part of the world depends on the security of people everywhere." This evolution within the United Nations and its organs led to an increase in international acceptance of the obligation to protect civilians in conflict-related circumstances (MacFarlane & Khong, 2006:170-172; Hilport, 2012:55). However, the reality of the United Nation's effectiveness lies in the consensus amongst its permanent members. With regard to Syria, Russia and China wants to prevent western intervention while the United States and European powers do not want to be drawn in by the conflict. With the mentioned divisions in play, the violence in Syria continues at a huge humanitarian cost (Doyle, 2012:1).

4.3.1.2 Resolutions adopted by the UN Security Council

In contrast with the four vetoed draft resolutions that overshadowed the work of the UNSC, other resolutions were adopted that do not imply military interventions. They are as follows:

- On 22 January 2012 the Arab League proposed an initiative to achieve the peaceful resolution of the crisis. Despite the adoption of the resolution, the Arab League could not ensure any changes to the conflict in Syria (UNSC S/2012/77, 2012a:1).
- On 14 April 2012 Resolution 2042 (2012) was adopted, supporting the Joint Special Envoy for the League of Arab States. Kofi Anan presented a six point peace plan that included that both Syrian parties should work with the Envoy, a ceasefire and access to and time provision for humanitarian assistance. The Syrian Government committed to implement the peace plan on 25 March 2012. Unfortunately the deal failed and the cease-fire that was agreed upon on 12 April was already violated on 1 May (UNSC S/RES/2042, 2012c:1).
- On 21 April 2012 Resolution 2043 was adopted. It calls upon the Syrian Government to implement visible changes as agreed to in Resolution 2042. The resolution also established a 90-day United Nations Mission in Syria (UNSMIS) comprising of 300 unarmed military observers (UNSC S/RES/2043, 2012d:1).
- On 20 July 2012 Resolution 2059 was adopted to renew UNSMIS for another 30 days (UNSC S/RES/2059, 2012e:1).
- On 27 September 2013, Resolution 2118 was adopted to “determine(s) that the use of chemical weapons in the Syrian Arab Republic constitutes a threat to international peace and security.” The resolution was based on the report (S/2013/553) and contained the Framework for the Elimination of Syrian Chemical Weapons as agreed upon by the United States and the Russian Federation on 14 September 2013 (UNSC S/RES/2118, 2013:1).
- On 22 February 2014, Resolution 2139 allowed the delivery of UN humanitarian assistance across conflict lines and across borders (UNSC S/RES/2139, 2014c:1).
- On 14 July 2014, Resolution 2165 established a monitoring mechanism under the UNSG to monitor the delivery and notification of deliveries to the Syrian Government. Due to the fact that arbitrary consent was withheld for the opening of borders, it is a violation of international humanitarian law and in non-compliance with Resolution 2139 (UNSC S/2165, 2014d:1).
- On 18 December 2014, Resolution 2192 was adopted to renew the mandate of the UN Disengagement Observer Force until 30 June 2015 (UNSC S/RES/2192, 2014e:1).

- On 6 March 2015, Resolution 2209 was adopted “condemning the use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic” (UNSC S/RES/2209, 2015h:1).
- On 7 August 2015, Resolution 2235 was adopted noting that the use of toxic chemicals in the Syrian Arab Republic was in contravention of Resolution 2209 adopted on 6 March 2015. The resolution reaffirms “that the use of chemical weapons constitutes a serious violation of international law, and stressing again that those individuals responsible for any use of chemical weapons must be held accountable” (UNSC S/RES/2235, 2015i:1).

Notwithstanding the actions taken by the UNSC, the Office of the Secretary appointed Special Envoys to manage the crisis in Syria to try and find solutions for the conflict. The appointment of the special envoys and reasons for their resignation are discussed next.

4.3.2 Office of the Secretary General’s focus on peace and security in Syria

On 24 February 2012 Kofi Annan was appointed (A/RES/66/253) as the joined UN-Arab League Special Envoy to Syria. His six-point plan, known as the Geneva Communiqué, was communicated to the Security Council by the UN Secretary-General (S/2012/522, 2012:1). On 2 August 2012 Annan announced his resignation with the following departing message: “As an envoy, I can’t want peace more than the protagonists, more than the Security Council or the international community, for that matter”. The observer mission was slow to deploy and too small. The international community wants to manage the conflict, not to solve it. The United Nations’ effectiveness relies on the consensus of the P5, which in the case of Syria is deeply divided. Doyle forecasted that when there is not much left over to fight for, “many will look back and wonder at the human and physical cost of not having supported the Annan Mission” (Doyle, 2012:1).

On 17 August 2012, UN Special Envoy, Lakhar Brahimi, was appointed. He presided over two rounds of peace talks in Geneva between the Syrian government and the opposition, but neither delivered any outcomes (Black, 2014:1). The latest attempt from the UN was the appointment of UN Special Envoy Staffan de Mistura on 10 July 2014. In July 2015, Special Envoy de Mistura confirmed that the conditions laid out in the Geneva Communiqué of 30 June 2012 to reach a political agreement in Syria would require consultations. On 29 July 2015, de Mistura presented his Syrian plan of four working groups that would be represented by the Syrian government and the opposition. The groups would focus on “safety and protection (including the ending of the blockage to allow medical aid); political and constitutional issues (the establishment of an interim government and elections); military and security issues (including the fight against terrorism and a cease-fire) and public institutions and development (reconstruction of the country)”. The plan was

endorsed by the UNSC on 17 August 2015 (Aziz, 2015:1). Independent of the failures to adopt resolutions by the UNSC and visible improvements on the ground in Syria by the Special Envoys, the General Assembly continues to put pressure on the international community to assist with the crisis in Syria. The General Assembly had multiple meetings and produced various documents on Syria. The focus of the General Assembly on Syria is discussed next.

4.3.3 The General Assembly's (GA) focus on peace and security in Syria

The General Assembly comprises of all member states and is the main deliberative, policy-making organ of the United Nations. It allows for multilateral discussions on the full spectrum of international issues. The following actions were taken and documents produced in an attempt to stop the conflict in Syria:

- On 19 December 2011 the General Assembly adopted texts “condemning grave, systematic human rights violations in Syria (UNGA GA11198, 2011:1);
- On 10 February 2012 the United Nations discussed the latest issues in Syria (UN News Centre, 2012:1);
- On 13 February 2012 a top UN Human Rights Official, in a briefing to the General Assembly, requested states to “act now” to stop violence in Syria (UN Document GA/11206, 2012c:1);
- On 16 February 2012 the General Assembly adopted Resolution A/RES/66/253, condemning “widespread and systematic human rights violations by Syrian authorities” (UNGA GA11207, 2012d:1);
- On 3 August 2012 the General Assembly adopted Resolution A/RES/253B (2012:1) and demanded that “all in Syria ‘immediately and visibly’ commit to ending violence” and adopted A/66/889 on 21 August for the implementation of Resolution 66/253 (UNGA A/RES/66/253 B, 2012e:1);
- On 20 December 2012 the General Assembly condemned the widespread human rights violations and adopted Resolution A/RES/67/183 on the situation of human rights in the Syrian Arab Republic (UNGA A/RES/67/183, 2012f:1);
- On 4 June 2013 the General Assembly adopted text condemning the violence in Syria and Resolution A/RES/67/262 (2013:1) on the situation in the Syrian Arab Republic (UNGA A/RES/67/262, 2013c:1);
- On 16 September 2013 UNSMIS gave feedback on the investigation of allegations of the use of chemical weapons in the Syrian Arab Republic on 21 August 2013 (UNGA A/67/997-S/2013/553, 2013d:1);

- On 18 December 2014 the General Assembly sent a “strong message towards ending impunity, renewing efforts to protect human rights” and adopted Resolution A/RES/69/189 on the situation on human rights in the Syrian Republic (UNGA A/RES/69/189, 2014:1).

In conjunction with the General Assembly, the Human Rights Council is deeply involved in the situation in Syria and performed various functions as becomes evident from the section below.

4.3.4 Human Rights Council’s (HRC) focus on the humanitarian situation in Syria

The mandate of the Human Rights Council is to prevent and address violations of human rights and to respond to emergencies like in the case of Syria. The role of the Human Rights Council in Syria is highlighted next.

- The Human Rights Council held Special Sessions on the “Situation of human rights in the Syrian Arab Republic”. The following sessions addressed the situation in Syria: 16th session (29/04/2011); 17th session (22/08/2011); 18th session (02/12/2011) and 19th session on 1 June 2012 (UN Human Rights Council, 2012:1b);
- On 12 September 2011 the President of the Human Rights Council appointed an International Commission of Inquiry to investigate the human rights violations in Syria. Interactive dialogues between the Human Rights Council and the Commission took place on 17/09/2012; 11/03/2013; 29/05/2013; 17/06/2014; 27/08/2014; 16/09/2014 and 17/03/2015. The Commission of Inquiry prepared various reports of their work after the meetings (UN Human Rights Council, 2015:1b);
- On 28 February – 1 March 2012 an urgent debate took place and the human rights and humanitarian situation in Syria were discussed (UN Human Rights Council, 2012:1a);
- Resolutions A/RES/27/16 (25/09/2015) and A/RES/26/23 (27/06/2014) on the “escalating grave violations and deteriorating humanitarian situation in Syria” were adopted (UN Human Rights Council, 2015:1 a);
- The UNHCR and UNICEF conducted a “Child Protection Syria Crisis Regional Interagency Workshop” in May 2015 to address the challenges related to the protection of the Syrian refugee children. The workshop outcomes recommended the “Strengthening of National Formal Child Protection Systems”; “Specialised Child Protection Services”; “Community-Based Child Protection and Psychological Support” and “Advocacy and knowledge management”. Promising field practices, challenges and recommendations with regard to children in Jordan, Iraq, Lebanon, Egypt and Turkey were presented (UNICEF-UNHCR. 2015:4).

Notwithstanding the work of the UNSC, the General Assembly and the Human Rights Council, other UN entities were committed to relieve the situation during the crisis in Syria. These entities delivered specialist functions to support the work of the General Assembly. These entities receive attention next.

4.3.5 Other UN entities involved in the crisis in Syria

Different UN entities that are delivering or delivered services to relieve or investigate the situation in Syria between 2011 and 2015 are the:

- The Organization for the Prohibition of Chemical Weapons (OPCW-UN) Joint Mission. The Mission drew to a close on 1 October 2014 (OPCW-UN, 2014:1);
- The United Nations Supervision Mission on Syria (UNSMIS). The mission was ended and replaced by a liaison office (UNSMIS, 2012:1);
- The United Nations Department of Political Affairs with a focus on Syria (BBC, 2012b:1);
- The United Nations Office for Disarmament Affairs (UNODA, 2015:1);
- The Office of the United Nations High Commissioner for Human Rights on the Syrian Arab Republic. The office is responsible for statistical analysis and documentation on the situation in Syria (OHCHR, 2015:1);
- The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (UN SRSG, 2015:1);
- The United Nations Children's Fund (UNICEF) with a focus on the Syrian Arab Republic (UNICEF, 2015:1);
- The United Nations Development Programme (UNDP) responsible for responding to the crisis in Syria (UNDP, 2015:1);
- The United Nations High Commissioner for Refugees responsible for the Syrian Arab Republic (UNHCR, 2015b:1);
- The United Nations Office for the Coordination of Humanitarian Affairs. This entity was responsible for arranging the three international pledging conferences on Syria (OCHA, 2015:1);
- The United Nations Population Fund with a focus on the crisis in the Syria Arab Republic (UNFPA, 2015:1);
- The United Nations Relief and Works Agency for Palestine Refugees in the Near East focussing on emergencies in Syria (UNRWA, 2015:1);
- The UN Women is an entity responsible for Gender Equality and the Empowerment of Women (UN Women, 2014:1).

The different UN agencies are responsible for building, maintaining and delivering support to the refugee camps hosting the Syrian refugees in neighbouring countries as discussed in Section 3.2.2. Jordan hosted 629 627 Syrian refugees and 20% of the refugees are hosted in two (2) camps (UNHCR, 2015b:1). In Turkey 2 072 290 Syrian Refugees are staying in 22 camps and another 2 camps are under construction (UNHCR, 2015c:1). The 128 019 Syrian refugees in Egypt are not hosted in camps. In Lebanon the 1 078 338 Syrian refugees are hosted in the local communities and not in camps. Iraq hosted 245 585 Syrian refugees, of which 228 000 lived in 11 camps (UNHCR, 2015b:1).

The UN by means of the UNSC did not succeed in finding common ground for a political solution for the crisis in Syria based on the sovereignty of the state, but as confirmed above, other United Nations entities are committed to assist with limited budgets. With the deadlock in the UNSC on the one hand and the humanitarian support delivered by the General Assembly on the other, is it difficult to determine if the United Nations exhibited a preference for either state or human security as was concluded in Chapter 2. The UN's obligations for the protection of women and children were discussed in section 4.2 and supported by the actions taken by the UN as discussed in Section 4.3. Despite all the support provided, shortcomings were identified in the UN's response to protect women and children in the Syrian civil war, which are discussed next.

4.4 SHORTCOMINGS IN THE UNITED NATIONS; EFFORTS TO PROTECT WOMEN AND CHILDREN DURING THE CIVIL WAR IN SYRIA

On 30 July 2015, the UN Secretary General (UNSG) said, “the slaughter in Syria is a shameful symbol of the international community’s division and failure amid signs that the international organization has lost its sense of purpose”. The UN Secretary General expressed his disappointment that resolutions were adopted that have not been implemented and that the aims of the UN Charter were not achieved in the geopolitical scene. Despite the purpose of the UN to maintain international peace and security in the 21st century, the crisis in the Middle East “has left the UN appearing impotent as an arbiter of global events” (Sputnik News, 2015:1).

On 8 September 2014 the UNSC heard in an all-day debate on children in conflict that “you have the reports, you know the criminals, but acknowledgement is not enough, you must take action for the nightmares to stop.” During the meeting speakers urged the UNSC to take “accelerated action to prevent and ensure accountability for the killing, recruiting and other abuses of children”. Despite of all the efforts of the UN to create more awareness and ending the ongoing devastating plight of children in conflict, new crises such as actions by Daesh in Syria, “overshadowed gains made by international initiatives” (UNSC, 2014b:1). In a joined statement by five UN Humanitarian Agencies on 23 April 2014, on the humanitarian situation in Syria, the UN admitted, “thus far,

diplomatic efforts designed to end years of suffering have failed” (UNHCR, 2014b:1). According to ICRtoP (2014:4) the biggest criticism against the UN in the handling of the civil war in Syria is their delayed response. The conflict started on 11 March 2011 and already on 27 April 2011, the UN was informed about “crimes against humanity” perpetrated by the Syrian Government. The Independent International Commission of Inquiry confirmed the mass atrocities. Only in February 2012 did the UNSG appoint a Special Envoy and after the failure of his proposed six-point peace plan, the UN Supervision Mission in Syria (UNSMIS) of 300 observers was approved. UNSMIS was suspended in August 2012 when its presence could not decrease the violence (ICRtoP, 2014:4).

A/RES/29/3318, adopted in 1974, called for the strict observance of the resolution by all member states to protect women and children in attacks and bombings and from the use of chemical and bacteriological weapons. However, in 2013 a UN investigation confirmed that on 21 August 2013 a chemical weapon attack in areas of Damascus killed approximately 1 400 people. After this attack, a joint UN Organization for the Prohibition of Chemical Weapons (OPCW) Mission was established (Resolution 2118), with the responsibility to destroy Syria’s chemical weapons between October 2013 and June 2014. The Mission officially ended on 30 September 2014 (R2P Monitor, 2015:2). The adoption of Resolution 2118 and the implementation of the programme to destroy Syria’s chemical weapons is an example of a speedy, effective UNSC when the P5 is in agreement (McGreal, 2015:1). However, in spite of the mission’s work, between April and August 2014 new evidence of the use of chlorine gas, traces of sarin and ricin were found at three Syrian military institutions. The Syrian government also agreed not to attack Yarmouk, a Palestinian refugee neighbourhood in Damascus, but the government continued to bombard the area with chemical weapons. This is a direct contravention of the two UNSC resolutions, Resolution 1540 (2004) and 2118 (2013) and the Chemical Convention of 2013 (R2P Monitor, 2015:2). In 2015 the UNSC was informed of chlorine gas attacks in March of the same year in Sarmin that left three children and three other people dead. Evidence was received from doctors in Syria of many chlorine gas attacks in Idlib Province. Their evidence supported the March attacks (AFP, 2015:1). On 6 March 2015, Resolution 2209 was adopted, following the confirmation of a fact-finding mission by the Organization for the Prohibition of Chemical Weapons (OPCW) on the use of chlorine gas as a weapon in Syria. The contravention of Resolution 2118 (2013), Resolution 2009 (2015) allows for measures to be taken under Chapter VII of the UN Charter. On 7 August 2015, Resolution 2235 was adopted to establish an OPCW-United Nations Joint Investigative Mechanism (JIM) to identify perpetrators, sponsors and organizers responsible for the use of chlorine gas or toxic chemicals in Syria. The Joint Investigation Mechanism was established for a time frame of one year and a possibility of extension. Resolution 2235 “reaffirms its decision in response to violations of Resolution 2118 to impose measures under Chapter VII of the UN Charter” (Peoples Mojahedin Organization of Iran, 2015:1). Despite clear evidence on the lack of implementation of resolutions

or violations thereof, the UN still has to consolidate an agreement to follow up on the violations of Resolutions 2139, 2165 and 2191. It is unlikely that UNSC members will push for follow-up measures, like a referral to the ICC or sanctions (UNSC, 2015g:12).

As indicated in Section 2.3.2 of Chapter 2 and Section 3.2.2 of Chapter 3, the Syrian Civil War will be remembered for its humanitarian crisis. Humanitarian assistance and life-saving programmes has supported millions of people, including women and children. However, the support programmes can't keep up with the rapid deterioration and dire need of the situation. The UN approved a plan of \$2.9 billion for 2015 to support the 7.6 million Syrians that are internally displaced and the 3.8 million that are refugees in other countries. In an attempt to elevate the suffering in Syria a Third International Humanitarian Pledging Conference for Syria took place on 31 March 2015 in Kuwait City. A total of \$3.8 billion USD was pledged for the Syrian crisis. The pledged amount will fund 30% of the requirements for 2015 (Financial Tracking Service, 2015:1).

In cases of unity the UNSC passed resolutions on Syria of which the most prominent was Resolution 2118 (2013), which kept Syria from "using, developing, stockpiling and transferring chemical weapons". A contravention of the resolution by the Syrian government would allow the UNSC to consider penalties under Chapter VII of the Charter. Another was the passing of Resolutions 2139, 2165 and 2191 in 2014, allowing the delivery of humanitarian aid across borders of neighbouring countries and "withholding consent for the opening of all relevant border crossings" would be a transgression of humanitarian and international law. The Syrian government expressed that the delivery of aid without consent will be interpreted as an "attack". However, with the passing of Resolutions 2165 and 2191, the UNSC give the delivery of aid (human security) preference to state sovereignty of Syria only in this particular case. The UN Human Rights Council mandated on 20 February 2015 a Commission of Inquiry (CoI), which indicated that the Syrian Government "manifestly failed to protect its citizens from mass atrocities" against war crimes "committed on a massive scale" (R2P Monitor, 2015:2). All parties in Syria, both state and non-state actors, have an obligation under International Humanitarian Law to prevent and punish such crimes (UN SRSG, 2015:1).

Loescher (2002:12) highlights that forced refugee movements, because of intra- or interstate conflict, affect international peace and security. Therefore, when refugees become a threat to international peace and security, Chapter VII of the UN Charter legitimizes the UNSC to take action without being limited by humanitarian considerations. States that force their citizens to flee because of humanitarian abuses internationalize their domestic affairs and allow clear validation for international intervention. Threats that develop from internal acts differ from threats created by interstate violations (Loescher, 2002:12). Internal threats prompting mass refugee movements are regarded as a threat to interstate peace and the security of the neighbouring states. When

neighbouring states have to deal with forced refugees and human rights abuses, the conditions that refugees find themselves in are no longer an internal matter. Such situations also allow interveners to exploit the refugee situation for their own gain unconnected to the circumstances at hand. Therefore, the apparent answer to prevent exploitation by one state would require multilateral intervention. To this end, the UNSC should guide actions with regard to the protection of civilians in dire need due to armed conflict (OCHA, 2014:9; Loescher, 2002:12). The lack of unanimity within the UNSC in 2015 and with no political solution in sight, Europe and Syria's neighbours bear the brunt and struggle to cope with the refugee numbers. Some of the Syrian refugees in the neighbouring countries, specifically Lebanon, are forced to move on because of the unsustainable conditions (UNSC, 2015g:1).

However, despite the adoption of UNSC Resolution 2139 (2014), which called on all parties, specifically the Syrian government to allow unhindered humanitarian access for UN agencies to deliver aid, the Syrian Government continued airstrikes, including barrel bombs that were launched on civilian populations (R2P Monitor, 2015:2). The attacks continued despite the fact that the Syrian Government accepted the Syrian Response Plan for 2015 to lower the suffering of the Syrian People (Nichols, 2015:1). The Office of the Coordination of Humanitarian Affairs on 16 September 2015 reported to the UNSC that its demands were disregarded and that human suffering increased. The violations of international humanitarian and human rights laws and the deliberate attacks on hospitals, medical facilities and schools contribute to an increase in violence (O'Brien, 2015:1).

On the political front, various efforts (international, regional and national) to negotiate peace proved to be ineffective despite special measures such as the appointments of Special Envoys and the appointment of the United Nations Supervision Mission in Syria (UNSMIS) together with the division in the UNSC a political solution could not be reached (UNSMIS, 2012:1). Despite the good intentions of the UN to search for a workable peace plan for Syria, the Syrian Coalition Political Committee on 3 October 2015 rejected the de Mistura "Working Group Proposal" if the Syrian Government forms part of the process. Furthermore, the coalition indicated that after four years of civil war without any political solution, they have lost their confidence in the international community. The coalition also indicated that the "working group initiative" ignored the majority of the UNSC resolutions, namely Resolutions 2118, 2165 and 2139 (Lee, 2015:1).

At a national level, the Syrian government in 2013 criminalized the recruitment and use of children by armed groups and announced the establishment of an Inter-Ministerial Committee on Children and Armed Conflict. Due to the Syrian crisis, this legal protection for children was disregarded by armed groups on all sides (UN SRSG for Children in Armed Conflict, 2015:11). Furthermore, appeals by the UN to stop the violence in Syria since 2012 has gone unanswered and as the war

intensified and the humanitarian situation deteriorated, UN agencies are struggling to deal with the humanitarian crisis. For the UN to be able to help more, the parties involved in the conflict and influential parties should do more to protect the women and children in the Syrian conflict (UNHCR, 2014a:1). In June 2014, the International Protocol on Documentation and Investigation of Sexual Violence in Conflict was launched where several states made new promises to the fight against sexual violence (UNSC, 2015a:4). With new international momentum given to investigation and sentencing of perpetrators, France drafted a resolution (S/RES/2235) which was vetoed by Russia and China on 22 May 2014 (UNSC Report, 2014a:1).

The UN Special Representative of the Secretary General (2015:1) is of the opinion that violence in Syria escalated due to a lack of disrespect for international law, humanitarian and human rights laws and disagreements between the P5 in the UNSC. Furthermore, the violence and conflict combined with the socio-economic insufficiency and unmet demands for greater political presence created a fertile ground for radicalization and religious extremism. The continuing conflict is dividing communities who lived in peace for generations – irrespective of their religious and ethnic differences (UN SRSG, 2015:1). The Syrian government continues attacks on armed rebel and civilian territories who they believe are supporting the rebels, irrespective of the consequences of the civilians being trapped or displaced. On the other hand, Daesh and other armed groups pose serious threats to civilians and minority religious communities. The Arms Trade Treaty, adopted by the GA in 2013, was a significant move away from preventing armed groups from acquiring arms and ammunition and protecting children in conflict (UNGA, 2014:4). Political influence from external parties in an attempt to negotiate with the Syrian government or the fractured radicalized opposition remains weak (R2P Monitor, 2015:3).

Lassan (2015:6-7) highlights that threats to the political security of children in Syria are threats to human rights. The rights of children to “develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity” are currently completely violated. Children’s rights to a nationality are also violated as many children are born as refugees without identification documentation, which would further deprive them of access to education and health care or even separate them from their parents. With the adoption of UNSC Resolutions 2139 and 2165 and 2191 in 2014 which allow the UN to deliver much-needed support across borders without the permission of the Syrian Government, the UNSC finally united and brought hope to the millions of Syrians in dire need, either in their own country or in the neighbouring refugee host countries. However, the resolutions and the hope they provided was short lived. The resolutions were ignored or undermined by the parties involved in the conflict or member states. The adoption of Resolution 2139 provided a framework to end the suffering and the parties involved in the conflict have the obligation to implement it. But, although the UNSC has the authority to demand the implementation, the P5 has the diplomatic and financial influence to

make it happen. Without their cooperation, Resolution 2139 remains just another document. Since the adoption of Resolution 2139, just in 2014 more than 76 000 people were killed, and the refugee numbers rose to 2.7 million and the people in need of humanitarian assistance increased by 31%. These numbers include 1.33 million more children in need. Due to the lack of enforcement of Resolution 2139, the use of explosive weapons responsible for 53% of civilian deaths increased (Hartberg *et al.*, 2015:4-5).

An open debate on Women, Peace and Security took place during October 2015 to review the implementation of Resolution 1325. Resolution 2242 was adopted to emphasize the need for integration of the agendas of Resolution 1325 and that of the Security Council. It identified obstacles that prevented the full implementation of the resolution already adopted 15 years ago (UN News Centre, 2015:1). In the meanwhile the adoption of Resolution 2122 (2013) addressed gaps in the Women, Peace and Security agenda. The UNSG's report on Women, Peace and Security dated 17 September 2015 found that the nature of warfare has changed, which is leading to record numbers of deaths and displacements. In the mist of the organized violence, women and children face more challenges in having their needs address or their voices heard (UNSC, 2015b:1). In conclusion, the divisions between the P5 members of the UNSC and the militarization of the conflict since August 2015 have left little space for the UN to manoeuvre. While the UNSC attempted to address various crises at the same time, its handling of the crisis in Syria exposed its inability, lack of capacity, flexibility and unity to act rapidly and effectively on their mandate to protect women and children in the conflict in Syria (UNSC, 2015b:1).

4.5 CONCLUSION

The UN is mandated by Resolution 3318 (1974) and 1325 (2000) to focus on women and peace and security. After revision, identification of challenges, further reinforcement of the mentioned resolutions were recommended in 2015. The protection of children was included in the mandate of DPKO, the adoption of various resolutions and the appointment of Child Protection Advisors. With reference to the situation in Syria, Syria is not in contravention with international peace and security. It is a purely domestic situation and does not justify a Chapter VII decision, but rather has reference to Chapter VI of the Charter. Scholars are of the opinion that the UNSC was split by the invoking of Resolution 1973 (2011). The R2P principle was invoked in Libya and the application was interpreted beyond the actual resolution to the advantage of some of the member states. According to the UNSC, R2P principle do not have to be applied and a veto is also an action on the side of the UN. However, the Human Rights Council is of the opinion that the United Nations failed the people of Syria. Notwithstanding the negative picture, various actions on the side of the United Nations confirmed its sturdy commitment to the crisis in Syria. The civil war in Syria exposed the inability of the UN to enforce Resolutions 2139 and 2165 and 2191. While the UNSC

attempted to address various crises at the same time, its handling of the crisis in Syria exposed its lack of flexibility and unity to act rapidly and effectively on their mandate to protect women and children in the conflict in Syria. Chapter 5 assesses if the UN provided adequate measures of security to protect women and children during the civil war in Syria for the period 2011 – 2015.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS - THE MEASURES OF SECURITY PROVIDED BY THE UN TO PROTECT WOMEN AND CHILDREN IN THE SYRIAN CIVIL WAR FROM 2011 - 2015

5.1 INTRODUCTION

Chapter 5 concludes the research and aims to answer the primary question of the study: “Did the United Nations provide adequate measures of security to women and children during the Syrian civil war from 2011 to 2015?” As such it focuses on what would be regarded as an ideal response to protect women and children in situations of armed conflict. The chapter provides an overview of the measures instituted by the United Nations and evaluates the effectiveness of the measures applied to protect the women and children in the Syrian civil war. It furthermore proposes possible responses for instituting peace and security after the failure by the United Nations to maintain international peace and security and to protect women and children.

5.2 THE MEASURES OF SECURITY PROVIDED BY THE UN TO PROTECT THE WOMEN AND CHILDREN IN CONFLICT

5.2.1 Measures applied

Women and children have paid a high price during the continuing civil war in Syria. They were among the civilians who were killed by the shelling and bombing, who were detained without legal assistance in terrible conditions, who were at a higher risk for sexual violations and who form the biggest percentage of the refugees. This is the picture the women and children in Syria face despite the security measures provided for by the United Nations. In the context of this study, measures provided refer to the actions taken by the United Nations in the form of resolutions. These measures and their effectiveness are discussed further.

5.2.1.1 Human security and the application of the R2P principle

The traditional concept of threats to security refers to threats that emanate from external factors and was addressed in the context of state security as was explained in Section 2.3.1 of Chapter 2. Since the signing of the UN Charter in 1945, the focus of security expanded to include issues threatening human existence. This new phenomenon was called human security and can be defined in its simplest form as the “absence of insecurity or threats to humans”. Threats to human security evolved from interstate conflict, defining threats by means of mainly military actions threatening the sovereignty of a state, to intrastate conflict that includes human rights abuses as was described in Section 2.3.2 in Chapter 2. To address intrastate threats to human security a

multi-layer approach supported by the collective security system, as mandated by the UN Charter, was needed. Human security is based on the protection and empowerment of a population by the state. This provides states with the primary role in addition to their function of state security, the R2P their own people. In cases where states are unwilling or unable to exercise the R2P principle, a state would temporally forfeit its legitimate sovereign status and the R2P will become the responsibility of the international community. Section 2.3.3.1 in Chapter 2 describes the development of the principle and its application since its recognition at the World Summit in 2005.

Human rights and human security are intertwined and are engrained in international relations and state foreign policies. While human rights produced a universal set of rights and “freedoms from want and fear”, human security addresses the most basic of human rights on individual or in group level. Human security makes use of the same punitive measures used for state security as prescribed by the UN Charter. It is important for the UN to balance human rights and human security against the sovereignty of a state. Section 2.4 of Chapter 2 addresses the UN’s specific focus on the maintenance of peace and security based on both forms of security. Article 33 of Chapter VI of the UN Charter required that any dispute with the ability to endanger international peace and security should first resort to regional organizations or seeks solutions by peaceful means. In adherence to Article 33, actions taken by the UNSC (Chapter 2 Section 4.1.2), the Office of the UN Secretary-General (Chapter 4 Section 4.3.2), the UNGA General Assembly (Chapter 4 Section 4.3.3), the Human Rights Council (Chapter 4 Section 4.3.4) and other entities (Chapter 4 Section 4.3.5) in support of the actions of the UN in Syria are discussed in the remainder of the section.

5.2.1.1.1 UN Security Council

The actions taken by UNSC to address the conflict in Syria in a peaceful manner included an initiative by the Arab League of States, the adoption of a six-point peace plan inclusive of a ceasefire and the provision for the delivery of humanitarian assistance. The Syrian government committed to the implementation of the peace plan on 25 March 2012. In support of the mentioned resolution, Resolutions 2043 and 2059 were adopted and the establishment of the United Nations Mission in Syria (UNSMIS) with 300 unarmed military observers for 90 days with an extension of 30 days, came into existence. The adoption of Resolutions 2139 and 2165 made provision for the delivery of humanitarian assistance across conflict lines and the establishment of a monitoring mechanism to monitor deliveries. As far back as 1974, the first resolution was adopted to provide protection for women and children during emergency and in armed conflict. Resolution 3318 called for the protection of women and children against the atrocities of war, namely bombing, use of chemical and bacteriological weapons, inhumane treatment and the deprivation of shelter, food and medical aid as prescribed by international law.

Section 4.3.2 in Chapter 4 documents the adoption of Resolutions 2118, 2209 and 2235 with regard to the investigation of the use of chemical weapons in Syria. A joint UN-Organization for the Prohibition of Chemical Weapons (OPCW) Mission was established after the adoption of Resolution 2118 (2013) to destroy the chemical weapons of Syria. Irrespective of the work of the UNSC, the Office of the UN General Secretary additionally focused on peace and security, which is discussed in the next section.

5.2.1.1.2 Office of the UN Secretary General

The UN Secretary General appointed three Special Envoys to dissolve the conflict in Syria in a peaceful manner. Special Envoy Kofi Annan presented the six-point peace plan before his resignation, Lakhar Brahimi presided over two rounds of peace talks before he resigned and the current Envoy, Staffan de Mistura, introduced his “Working Group Proposal”, represented by both the Syrian Government and the opposition.

5.2.1.1.3 General Assembly

From 2011 and 2014, the UNGA General Assembly adopted text, discussed, condemned, reported and adopted resolutions on the issues in Syria.

5.2.1.1.4 Human Rights Council

The focus of the Human Rights Council on Syria is to address human rights violations. This was done by means of Special Sessions, an urgent debate, adoption of resolutions on the deteriorating situation and the appointment of an International Commission of Inquiry to investigate the human rights violations.

5.2.1.1.5 Other UN Entities

Additional entities are listed in Chapter 4 Section 4.3.5 and their functions focused on destroying chemical weapons, disarmament, refugees, and funding. Important to this study is the contributions of the Office of the Special Representative on Sexual Violence in Conflict and the work of UNICEF for the children of Syria. Furthermore, a huge percentage of the refugees depend on refugee camps. Statistics about the camps are discussed in the same section.

5.2.1.1.6 Women

In October 2015, with the anniversary of the landmark Resolution 1325, which was adopted in 2000, the emphasis on the obligations of the UN with regard to the issue of women peace and security were again discussed in an open annual debate at the UNSC during October 2015. The

“Beijing Declaration and Platform for Action at the Fourth World Conference on Women” held in 2005 built on Resolution 1325. Resolution 1325 clearly states that violations against women in situations of armed conflict are violations of international human rights laws as embodied in the Geneva Convention of 1949. Resolution 1325 is regarded as the “blue print” for women, peace and security and was reinforced by Resolution 1820 in 2008. Resolution 1820 provided recognition for the impact of sexual violence as a tactic of war and noted that sexual violence during conflict can constitute war crimes or crimes against humanity. Resolution 1820 demanded all parties involved in a conflict to protect civilians from sexual violence and called on member states to execute their obligations in the prosecution of perpetrators. The appointment of a Special Representative of the Secretary-General on Sexual Violence strengthened the monitoring of the implementation of all resolutions adopted condemning sexual violence as is discussed in Section 4 of Chapter 3.

5.2.1.1.7 Children

Equally important is the protection of children in the conflict of Syria. A legal framework for the violations against children in conflict was defined in Working Paper No1 compiled in 2013 on Children and Armed Conflict. The legal framework made provision for the full protection of children’s rights at all levels – economic, social, cultural, civil and political. The paper identified the six most grave violations committed against children and are discussed in Section 4.3.3 of Chapter 4. The UNSC on 18 June 2015 adopted Resolution 2225 to list all parties that engage in “patterns of abduction” of children in conflict together with the groups already listed for violations defined by the Working Paper on Children in Armed Conflict. The resolution urged the “immediate, safe and unconditional release” of all abducted children. According the UN, Resolution 2225 was adopted to strengthen Resolution 1612 (2005) to guarantee better protection for children in armed conflict.

5.2.2 Effectiveness of the UN Security Measures

Despite the efforts of the UNSC under Chapter VI and VIII to resolve the civil war in Syria by passive means, violations against civilians escalated. Notwithstanding the actions undertaken by the different UN Agencies to protect the women and children in Syria, the Secretary General on 30 July 2015 voiced that the “slaughter” in Syria is confirmation that the UN “has lost its sense for purpose” (Sputnik News, 2015:1). A joint statement by five humanitarian agencies admitted that the diplomatic efforts to end the suffering in Syria have failed. The biggest criticism of the UN with respect to the handling of the Syrian crisis is the delayed responses. Table 3.1 in Section 3.2.3 of Chapter 3 summarizes the death toll of people who have lost their lives. 2014 was the deadliest year since the start of the conflict in 2011. Diagram 3.3 in the same section indicates that the biggest loss of lives occurred amongst the civilian population and by 2015; more than 4 million Syrian refugees were registered, as displayed in Diagram 3.2 in Section 3.2.2 of Chapter 3.

Section 3.3.1 of Chapter 3 discusses the effects of the civil war on young people and children, pointing out that the main threats to their physical security include violence, explosive remnants of war, random kidnapping and torture in detention facilities. Boys and young men become susceptible to joining armed groups or are forced into child labour. Girls on the other hand face sexual violence, child marriages or forced labour. As a result of the civil war, more than 50% or 2.8 million children do not attend school. Outside the borders of Syria, a combination of displacement, economic and social destitution and separation from their parents, expose children to a higher risk of exploitation, violence and trafficking. With the continuation of the civil war, the possibility of a lost generation increases, as was discussed in Section 3.6 of Chapter 3. Equally devastating are the effects of the civil war on women, which are discussed in the next section.

The Syrian civil war exposes the “gradual utilization of women as weapons of war and terror”. Women have been sexually abused, detained, and tortured by both governments, pro-government and anti-government forces. The complexity of the suffering of women on psychological, physical and social levels are deepened by the collapse of traditional family structures, lack of income and the new role as heads of families in a predominantly male environment. Contributing to their suffering is the violations they experienced identified by the UN as the most grave, as discussed in Section 3.4 of Chapter 3. The diminishing of the health care facilities and the collapse of the health care system put women and child brides at a greater risk to give birth in unhygienic conditions, vaccinations dropped to 52% while the provision of drinking water dropped to 42%. The lack of access to reproductive health care services is critical for specifically women under the age of 19. Furthermore, poverty, starvation and malnutrition were all contributing factors to the reduction of the Syrian population from 20.87 million in 2010 to 17.65 million in 2014, with a further 52% of the population displaced. The mentioned factors add to the decrease in life expectancy of Syrians by 30% since the start of the civil war.

As the conflict continues, denial of humanitarian assistance became a tactic of war. With 12.2 million in need, the adoption of Resolution 2139 demanded that all parties to the conflict allow the delivery of humanitarian assistance across borders and conflict lines. As was highlighted in Section 3.4.5 of Chapter 3, medical neutrality was not observed, which led to the withholding of approval for medical deliveries, attacks on medical facilities and the killing and maiming of medical personnel. In the 2015 report by the UN Special Representative on Sexual Violence in Conflict, common tactics used by Daesh on women in the Syrian civil war included the transfer and trafficking of women and girls amongst fighters, sale of females on slave markets, the use of sexual violence as a debriefing tactic and control of women’s reproductive capabilities, all with the purpose to establish a new “caliphate” supported by their radical ideology. These factors not only have serious psychological implications as described in Section 3.5 of Chapter 3, but also place religious restrictions and limited public engagement on women and girls. All elements contribute to

the social impact alienation has on the Syrian society. The alternative to alienation is immigration, where women and children face the challenges of being a refugee. As a result, the UN Refugee Agency reports that more than 50,000 Syrian babies were born in exile without citizenship and were classified as stateless. The social impact of alienation with consequences of statelessness is discussed in Section 3.7 of Chapter 3.

In conclusion, notwithstanding the actions taken by the different UN entities to protect women and children in the Syrian civil war, the UN's handling of the crisis in Syria exposed its inability, lack of flexibility and unity to act rapidly and effectively on its mandate to provide adequate measures, defined as the minimum standard for human security to protect an individual against gross human rights violations and at the very least people should be secured from forced displacement as a result of conflict or discrimination. Measured against this minimum standard, the increase in violence and killings, continued increase in refugee numbers and a decrease in humanitarian response because of an underfunded system, exposed the UN's failure to meet their obligations as was stipulated by Resolution 3318 in 1974. Table 5.1 summarizes the effectiveness of the UN, its shortcomings, improvements and what the ideal response could be. The ideal UN responses will be discussed in Section 5.3.

Table 5.1: UN Effectiveness

	UN ACTIONS	UN ACHIEVEMENTS	UN SHORTCOMINGS	UN IMPROVEMENTS
Protection of women and children	Resolution 1325 Resolution 2139 Resolution 2165	Destruction of Syrian chemical programme Commission of inquiry (CoI) Awareness programmes to the plight of women and children	Lack of monitoring on implementation of Resolution 1325 No accountability for violations of 1325 Lack of punitive measures for transgressors of resolutions Countering of violent extremism Syrian women absent from formal negotiations in Geneva talks Resolutions adopted were ignored, undermined Administrative functions to HQ hampered mandate delivery in the field No safe space for abused women and children in Syria	Stronger efforts to address root causes Global study on Resolution 1325 Integrating gender expertise within mission staffing structures Improving gender balance in UN military Establishment of mechanisms to support consistent implementation of women, peace and security agenda in UNSC Including of women in peace-building processes
Political / diplomatic / military solutions	Appointment of special envoys Geneva Talks and Communiqué (2012/2013) Resolutions 2042 / 2043 Resolutions 2139 / 2165 Resolution 2192 Resolution 2209 Resolution 2235	Geneva Communiqué OPCW-UN: Destruction of chemical programme Commission of inquiry: interactive dialogs HRC	Resolutions ignored, undermined Lack of UNSC unity Veto used for political gain 4 UNSC resolutions vetoed (612 / 77 / 538 / 348) “Working Group Proposal” ignored Resolutions 2118, 2165, 2139 Syrian opposition lost confidence in UN’ ability to maintain peace and security	Upgrade UN ability to monitor and analyse the situation in the field 6-month deadlines for all investigations “Code of conduct” for use of veto amongst UNSC members
Humanitarian response and access	Resolutions 2165 & 2191 HRC special sessions on the situation in Syria International Commission of Inquiry to investigate HR abuses in Syria Resolutions on “escalating grave violations and deteriorating humanitarian situation in Syria (2013,2014,2015)	Delivery of help across borders and over conflict lines Close cooperation with NGO’s and between UN entities	Overwhelming need Resolution preventing obstruction of humanitarian access Shortage of aid funding Conditions in refugee camps Erratic or no access to besieged areas	Make use of local humanitarian teams Punitive resolutions for blocking of aid deliveries
Funding of programmes	Resolution 2139 urged member states to support funding	Approved \$2.9 for 2015 Arranged 3 international pledging conference	Shortfall of funds Decrease in donor funding with continuation of conflict	

5.3 THE IDEAL UN RESPONSE

The UN Secretary-General report dated 17 September 2015 indicated that the nature of the warfare has changed in Syria, which led to an escalation in deaths and displacements. As a result the world has observed an increase in refugee migration into Europe during the summer of 2015. The refugee crisis of 2015 confirmed the statement by Loescher in Section 5 of Chapter 3 that forced refugee movements because of intrastate conflict becomes a threat to international peace and security. The Syrian humanitarian crisis overshadows the actions that were taken by the UN between 2011 and 2015. The next section focuses on the achievements by the UN for the period in discussion.

5.3.1 UN Achievements: 2011 -2015

With regard to the protection of women and children, certainly the biggest achievement of the UNSC was the adoption of Resolution 2118 (2013) and the establishment of the Organization for the Prohibition of Chemical Weapons (OPCW-UN) Joint Mission. The Mission concluded their work on 1 October 2014. A second Commission of Inquiry (Resolution 2235) to investigate the use of chemical weapons was appointed in 2015 after reports of the use of chlorine gas in urban areas. Resolution 2235 condemned the use of chemical weapons and stated that the individuals responsible must be held “accountable”. Women and children suffered the most from the chemical attacks (UNSC S/RES/2235, 2015:1). On a political level, the appointments of the two UN-Arab League Special Envoys to Syria are notable. Each of the Envoys contributed to discussions of the political peace process. The Geneva Communiqué, quoted by the third Special Envoy, is a product of the Action Group for Syria (2012:1), which identified the steps to implement the peace plan and a ceasefire in Syria. The third Special Envoy introduced his “all-inclusive transformative political process” that is compliant with the Geneva Communiqué and based on safety and protection; political and legal; military, security and counterterrorism and continuity of public services and reconstruction and development issues. Women and children will only be protected in a state free of fear from the violations notoriously known as war crimes.

On the humanitarian side, the UN adopted various texts, statements and resolutions to stop the grave violations against women and children. The Special Representative of the Secretary-General on Sexual Violence in Conflict managed to upgrade the implementation of Resolution 1325 to be included in all decisions taken by the UNSC. Furthermore, the delivery of aid across borders and conflict lines despite life-threatening threats for humanitarian workers continued with limited resources. Again women and children are those most affected by unemployment and poverty as a result of displacement and immigration. To fund the humanitarian projects, three international pledging conferences were arranged. The UN approved a budget of \$2.9 million in support of

humanitarian assistance for 2015. Close cooperation between the UN agencies and NGO's ensured the delivery of live supporting functions to some refugees and internally displaced Syrian people. Shortcomings within the UN structure contributed to an escalation of the crisis in Syria. Not only was there an increase in casualties as was summarized by Table 3.1 in Section 3.2.3, but the unsafe living conditions, stimulated an increase in Syrian refugee numbers during the summer of 2015. Even more pressure was mounted on the UN to deliver assistance for the people in need. These shortcomings will be discussed in the next section.

5.3.2 Shortcomings in the UN Strategy to Provide Adequate Security Measures In the Syrian Conflict: 2011 - 2015

The Secretary-General accused the UN that the "slaughter" in Syria is a "shameful symbol", UN Humanitarian Agencies stated that diplomatic efforts in Syria have failed, and at a UN Children's debate that the acknowledgement of violations against women and children is not enough. However, the biggest criticism against the UN is its delayed response. Section 4.4 of Chapter 4 highlights the shortcomings of the UN to end the civil war in Syria. The deteriorating security, economic and social situation is exploiting women and children to death, poverty, disparity, and denial of humanitarian aid and to the gross violations as discussed in Section 3.4 of Chapter 3. As a result, despite all the violations women face in Syria, social alienation is added to their plight and the children face a lost generation. The increase in mortality, displacement and refugee statistics is a stark reality that the UN failed in their mandate to provide adequate security measures to women and children in Syria. In addition, the Syrian civil war is an example of the impoverishment of women.

The Secretary-General voiced his disappointment that the aims of the UN Charter were not achieved and that the UN has lost its sense of purpose. He based his criticism on the division of the UNSC and the non-implementation of resolutions. Examples of non-implementation in Syria are violations of Resolution 2209 (use of chemical weapons); all the resolutions on women, peace and security adopted between 1974 and 2015 and the violation of Resolution 1612 (2005) condemning the use of child soldiers. These resolutions were discussed in section 4.4 of Chapter 3. The four UNSC resolutions (612, 77, 538, 348) vetoed by Russia and China between 2011 and 2014 is supportive of the negative effect of the veto on human security and the fact that the veto used for self-interest by the permanent members. The resignation of the first two UN Special Envoys exposed the lack of unity in the UNSC as the biggest obstacle to a solution in Syria. The veto of Draft Resolution 348 (2014), requested that the Syrian Government be referred to the International Criminal Court (ICC) for violations against women in the civil war by Russia and China, sent a clear message that they are protecting their ally, Syria. Russia, supported by China's actions, serves as a deterrent for any other attempts from the P3 to solve the Syrian crisis based

on a Chapter VII mandate. The reasons for the vetoes are discussed in Chapter 2 Section 4.3.1.1. The last resolution adopted by the UNSC on the security situation in Syria, Resolution 2235, noted the use of chemical weapons in Syria again. Despite taking accelerated punitive actions, the UNSC appointed a Joint Investigation Mission with a mandate of 12 months to verify the perpetrator in the use of sarin and chlorine gas since 2014. These actions exposed the long administrative processes and non-intervention on the side of the UNSC when resolution already adopted in 1974 was violated or ignored. On the humanitarian level, lack on the side of the UN to take action against parties disrespecting international humanitarian laws, the “massive” evidence of violations against humanity and commitment of war crimes, exposed the lack of political will by the UNSC to protect the people of Syria. A shortfall in funding of humanitarian programmes further stained the image of the UN to protect women and children against the consequences of the civil war in Syria. Section 5.4 proposes recommended improvements for the UN to ensure that adequate security measures would be applied to protect women and children.

5.4 RECOMMENDED IMPROVEMENTS

Since the adoption of Resolution 1325 in 2000, the UN has accomplished much to raise consciousness of the plight of women in conflict and to promote gender equality. In a review of the implementation of Resolution 1325 in 2010 it was found that the implementation was irregular and that the UN does not have mechanisms in place for its enforcement. However, the appointment of a Special Representative of the Secretary-General on Sexual Violence in Conflict in 2009 managed to emphasize the importance of the resolution with the adoption of Resolution 2122 in 2013 to address the remaining obstacles in the implementation of Resolution 1325 on the women, peace and security agenda. With the 15th anniversary of the mentioned Resolution in October 2015, Resolution 2242 was adopted to recognize the importance of the integration of Resolution 1325 in the work of the UNSC. The inclusion of women in peace agreement discussions was highlighted as a prerequisite for sustainable peace. A global study completed in 2015 on women, peace and security identified the areas of achievement of Resolution 1325. These achievements are discussed in Section 4 of Chapter 3.

On the political level, the discussion of the use of the veto amongst the permanent members will be necessary to ensure unity between the UNSC members. A united Security Council would restore the image of the United Nations as an effective body to maintain peace and security. Section 4.3.1.1 in Chapter 4 discusses the reasons for the division of the permanent members. The United Nations received criticism for their delayed responses to emergency situations. The duration of fact finding and investigation missions after reports of human rights abuses are received, should be shortened. The establishment of the OPCW-United Nations Joint Investigation Mechanism on 7 August 2015 with a mandate of 12 months to investigate the use of chemical weapons in Syria

confirms the criticism. As a result more women and children are dying. On a humanitarian level, joint missions between the United Nations, International Red Cross and Syrian Arab Red Crescent managed to deliver medical and humanitarian supplies to rural areas on 18 October 2015, previously inaccessible to UN Agencies. This delivery was made possible by the framework of the Zabadani/Fouah and Kefrayan governorate ceasefire agreement and was in line with Security Council Resolutions 2165 and 2191. Would improvements on the side of the UN create ideal conditions for actions? Possibilities for investigation are discussed in the next section.

5.5 THE IDEAL RESPONSE BY THE UN IN FUTURE TO PROTECT WOMEN AND CHILDREN IN CONFLICT

The ideal response for the UN to protect women and children is to monitor the implementation of all the resolutions adopted on women, peace and security. Resolution 2242, adopted on 13 October 2015, encouraged the inclusion of women in decision making to ensure long-term peace. Women in decision-making positions within the UN will take robust actions to combat sexual violence in combat. The protection of women in conflict will lead to well-educated women with healthier children. The UNSC exhausted all the possible means to settle the conflict in Syria at a political level. The only alternative is the re-classification of the civil war in Syria to a “breach of peace”, which would allow an emergency meeting by the General Assembly to institute the “Uniting for Peace” resolution adopted in 1950. The “Uniting for Peace” resolution may serve as an equalizer to unblock the UNSC. Conditions for the use of the “Uniting for Peace” resolution are discussed in Section 5 of Chapter 2. If the UN does not fulfil its mandate to maintain international peace and security, states may use other means to reduce the threat. Unilateral actions would undermine the credibility of the UN.

The privileged use of the veto by the permanent members for political interest initiated the process of Security Council reform. In the case of Syria, the United States of America, France and Britain perceived the veto as blocking, while Russia and China explained their decisions as balancing of power. It is unfortunate that the purpose of the veto was to prevent gross human rights violations, but in Syria it prompted an escalation in civilian deaths. A proposal for an ideal agreement could be, when a permanent member makes use of its veto privilege, that member, automatically accepts the responsibility to protect all women and children affected by the conflict in discussion. The member(s) using the veto should exhibit visible efforts to negotiate peace. If a peace agreement is not reached within 12 months, their privilege to a veto would be forfeited in further resolutions on the topic. The same principle that was applied for the R2P (human security) versus the sovereignty of a state (state security) will be applied. The remaining permanent members would maintain their right to the veto vote in the tabling of draft resolutions on the matter. In conclusion, the UN was mandated to protect women and children during conflict. With the

application of all the tools discussed but without any peace agreement in sight, it constituted a failure on the side of the UN to provide adequate security measures for the protection of women and children in the Syrian civil war.

5.6 CONCLUSION

The UN exhausted all the tools to their disposal, except for the “Uniting for Peace” resolution to protect the women and children in the Syrian war by peaceful means. However, what started as a civil war developed into a proxy war with many international state and non-state parties involved. Resolutions were violated, ignored and left without impunity by the UN. The lack of enforcement on the side of the UN created the biggest refugee crisis of the 21st century. Furthermore, the division within the UNSC prevented the Council from adopting punitive measures under Chapter VII of the Charter. It left the impression that the UN has a preference for state security by respecting the sovereignty of the Syrian Arab Republic. The casting of the veto in protection of the Syrian Government under the premises of a civil war created a threat to regional and international peace and security. As a result, the consequences of the Syrian civil war forced the neighbouring and European countries to take care of the refugee crisis. On the side of the UN, it necessitated an increase in humanitarian actions against decreasing donor funding. Notwithstanding the dark picture, the UN managed to deliver lifesaving services and aid, even to besieged areas, previously impossible. These actions were a reflection of preference of human security. Contrary to measures constituted by the UN to protect and provide assistance to the women and children in Syria, the security situation deteriorated and the mortality rate in 2014 surpassed that of all the previous years. After the failure of national and regional attempts to protect the women and children of Syria, the focus moved to the UN as the only international multilateral organisation remaining that has the mandate to maintain international peace. The actions taken by the UN, in the form of legally binding resolutions, were the products of collective efforts from member states to institute measures for the protection of the women and children during the Syrian civil war. Therefore for the UN to be able to adequately deliver on its mandate of protection against gross human rights violations and the prevention of mass refugee movements, it strongly relied on international cooperation to promote human security based on the principle of collective security as prescribed by its Charter. The UN exploited all peaceful and coercive tools to its availability to implement its mandate, but due to an absence in cooperation between and from the P-5, deferred the UN to deliver on its mandate to protect women and children in armed conflict.

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