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RESEARCH ARTICLE

THE CONCEPT OF RESPONSIBILITY TO PROTECT IN INTERNATIONAL HUMAN RIGHTS AND THE SYRIAN CRISIS.

Ali Mohammaddoust¹ and Zahra Khodaiari².

1. Ph.D. student of General International Law, Allameh Tabatabai University, Islamic Republic of Iran.
2. Human Rights Student, Shahid Beheshti University, Islamic Republic of Iran.

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Abstract

Responsibility to protect or "R to P" refers to the "principle of responsibility to protect", and on the basis of which the government is not a privilege, but a "responsibility" that leaders should have towards the people. Each government has a duty to protect its people against mass murder, war crimes, racial or ethnic cleansing, and crimes against humanity. This responsibility requires the prevention of such crimes through appropriate and necessary means. Accordingly, a government should not wage war and slaughter against its own people and justify this oppression with "sovereignty" and principles such as "non-interference" and "equality of states". If the government fails to take responsibility for it and resort to the hot and cold war against its own people, and it brings forth wars and massacres, the international community has the right to interfere in that country. This interference is not from the beginning of a violent and armed struggle. The international community can deal with the government at the beginning of the law and put political and economic constraints on it to stop harassing its own people, but this interference can also be drawn into a military confrontation, an interference that needs to change the situation in its own perspective. And he will end the war and massacre. Meanwhile, this military intervention should be inevitably inevitable. That is, diplomatic methods do not answer. Another point is that this intervention does not necessarily take into account the fall of the anti-people government from the outset, and the overthrow of the perpetrated government (even if it is not announced) is not its predetermined objective. In this paper, the authors are seeking to investigate the Syrian crisis and be responsible for the protecting international organizations in the crisis, and this raises the question of whether international organizations in the process of protecting responsibility have managed to control the Syrian crisis.

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Introduction:-

Along with all the advancements and successes that mankind has gained in various branches of science especially in recent centuries, and every country, by its own means, is trying to make a greater contribution to this success, another area that often Countries and the international community as a whole try to prove themselves to be

Corresponding Author:- Ali Mohammaddoust.

Address:- Ph.D. student of General International Law, Allameh Tabatabai University, Islamic Republic of Iran.

successful, issues of global security include human rights and humanitarian law. After more than half a century of the United Nations, in the era that we call the age of technology and communication, there are still many people who, due to civil wars and tribes, poverty and hunger, drought, lack of health or even the elementary living conditions are lost. In fact, at the current stage, the response of the international community to the humanitarian disaster is reactive and passive. Still, there is a vacuum in the existence of a specific mechanism that can draw the line of a rational, yet reasonably, credible and effective response to humanitarian crises.

On the other hand, traditional perceptions of concepts such as sovereignty will lead to the assumption that their dictator rulers are immune from any external interference, and thereby spread their oppression over their sovereignty without the slightest concern. The response of the international community and, on the other hand, any reaction may also be encountered by other countries that react quickly to the fear of the intervention of powerful countries. Meanwhile, when the foreign intervention takes on a military form, these reactions will be even more urgent. NATO's intervention in Kosovo in 1999 brought the challenge to its highest, leading the UN General Assembly in that year and United Nations Secretary-General in 2000 to ask the international community to make a once and for all a solution to find this challenge. In response to this request from the International Commission on Intervention, "the Canadian government established a commission in 2000 called the International Commission on Intervention and State Governance. The task of the commission was to address all the questions, including legal, ethical, operational and political issues, and to present a report to find common ground for solving this challenge. The commission's report is published in December and, after being admitted to the summit in September 2005, is of greater interest to the international community and has led to a lot of discussion in various circles among countries, international organizations, civil society organizations, and civil society organizations. It is due to international law. The Security Council has also referred to this doctrine as an institution that plays a pivotal role in the implementation of this theory, one of the last cases related to the Syrian crisis. But the nature of the responsibility and protect of the international community and the Security Council in relation to this doctrine, and how can we, at times of inefficiency, provide a new, yet precise, and planned solution for the appropriate replacement for the concept of the challenge Awareness of humanitarian intervention. Of course, the responsibility to protect, a completely different concept is humanitarian intervention. The set of measures to be taken under this doctrine includes three dimensions of the responsibility for prevention, responsibility for the response and the responsibility for rebuilding, and the most important responsibility dimension is the same prevention responsibility. Even at the reaction stage, a series of measures, including political and economic measures, etc., is envisaged, and the permit for military intervention is only given in extreme cases as the last resort and, if there are certain criteria, provided by the Security Council.

The review of responsibility to protect so far:-

The concept of "international human rights" since 1945 has revolutionized international law. This revolution challenged many of the international order of law before 1945. Indeed, international human rights have grown to protect the interests of individuals and groups, minorities and the majority of people. Responsibility to Protect Responsibility to protect One of the forms of UN humanitarian protection is the protection of individuals from certain countries against genocide, crimes against humanity, war crimes and ethnic cleansing. This is a unique responsibility of the sovereignty, equality of states and Non-intervention. The responsibility implies that the government is essentially a responsibility, not a single point; on this basis, governments have no right to kill and persecute their citizens. If the government does so, the international community, through the international institutions (the Security Council), has the right to interfere and protecting the people of that country. Based on the doctrine of the responsibility of each government, it is committed to protecting its citizens against acts and human rights violations. Given that any responsibility is the result of a breach of a commitment, the responsibility to protect is provided in the event of a persistent, systematic and widespread violation of human rights and, of course, humanitarian law. Under the PSYOP, each state has the responsibility to protect its population against genocide, war crimes, racial cleansing, and crimes against humanity. The international community is also responsible for the use of diplomatic, humanitarian and other peaceful means, and when the national authorities clearly fail to protect their populations against such crimes, this responsibility is transferred to the international community. This responsibility may be due to contractual, customary, or customary obligations (Badescu, 2011: 31).

Humanitarian intervention requires the assumption of responsibility to protect and the assumption of responsibility to protect depends on gross, continuous, and systematic human rights violations. Acquiring the responsibility to protect is detrimental to the sovereignty of the state because it challenges state sovereignty. The challenge is that

human rights today do not fall within the jurisdiction of States. Responsibility to protect includes three specific responsibilities: Responsibility for prevention, Responsibility and Responsibility for Reconstruction.

Responsibility for Prevention: Regarding the root causes and direct factors, internal disputes and other human-made crises that put people at risk,

Responsibility Responsiveness: In response to situations where there is a pressing need for action that can include repressive measures such as sanctions and international trials, and in cases of acute military intervention,

Responsibility for rebuilding: Providing adequate assistance, especially after a military intervention, to improve, rebuild, reconcile and confront the contention reasons that the intervention has stopped.

The principle of responsibility to protect the 1994 genocide era in Rwanda was considered by the United Nations and UN Secretary General Kofi Annan was greatly committed to its implementation, and eventually passed by the United Nations Security Council in 2006 (Welsh 2009: 19).

The examples of humanitarian intervention were based on the responsibility to protect the Balkans and the slaughter of Srebrenica during Milosevic and the Libyan events during which NATO was involved in the advocacy of the Security Council in those countries. Of course, UN involvement in these cases is not necessarily murderous (military), but it can be legal and punitive at first. It is responsible for protecting the controversial principles of the international system, and its critics believe that the Security Council is selective in this regard and takes into account the interests of large powers, for example, does not respond to the killing of Palestinian and Bahraini people. Following the successive failures in the implementation of the principles of humanitarian intervention in practice, Kofi Annan, at the 1999 General Assembly speech, followed by the General Assembly in its 2000 Millennium Report, poses a major challenge to the heads of state "I acknowledge and admit that the principles of governance and non-intervention are essential to these small and poor countries," he said. "But I raise this question to critics: If humanitarian intervention is in fact an unacceptable invasion of sovereignty, then how should one deal with the events of Rwanda and Srebrenica, the gross violation Human rights to all ethical rules of our common humanity damage, reacted. Humanitarian intervention is a sensitive issue with political problems and it is not a simple answer, but no legal principle, even rule, can be a shield of crimes against humanity (Rezaei et al., 1394: 198-202). In cases where such crimes occur and peaceful measures have been completed to end it, the Security Council has a moral duty to act on behalf of the international community. The speech prompted Canada to launch the International Commission on Intervention and Rule of Law for a new normative plan of humanitarian intervention and the creation of a bridge between the idea of the sovereignty of nations and the idea of the right to humanitarian intervention, the killing and harassment of humanitarian interventions with the creation of The term "responsibility" for protecting and replacing humanitarian interventions was published in a 90-page report. The Commission, for the sake of humanitarian intervention, has three main points to consider: first, the term "right" is essentially based on the privileges of the interventionist government, while respecting humanitarian interventions to protect human beings whose basic rights is widely violated, secondly, first and foremost, the responsibility for first-come, first and foremost protect is for all host governments, and there is essentially no interference that follows; thirdly, the responsibility is not exclusive to interventions, but rather before The stage, including the responsibility for prevention and afterwards, also includes the responsibility for reconstruction. The UN Secretary-General, in 2003, He has appointed lawyers and politicians with various thoughts as a high-level body to provide them with practical and explicit suggestions for effective collective action on threats and challenges that exist against peace. The findings of this panel were released in 2004 in a report entitled "A Safer World: Our Common Responsibility." The High Representative refers to the theory of protect responsibility separately, in two parts of its report. First, under the heading "Governance and Responsibility", the concept of " responsibility to protect " is referred to as the instrument for strengthening the collective security system, and then for the second time, under the heading "Chapter VII of the United Nations Charter, threats Inner and responsibility to protect", the norm of the sponsorship is confirmed (Hannon and Russel, 2013: 5-6).

At the 60th anniversary of the founding of the United Nations, in 2005, the world summit was one of the largest conferences in the field of international law and international law, in which around 170 countries gathered in order to reach consensus. Various legal and political issues, including the theory of responsibility to protect, were shared. The final document of the meeting, in paragraphs 138 to 140, fully supports the issue of responsibility, and strives to provide an international consensus, while providing a basis for previous reports, by modifying the previous views.

Obtained support for the responsibility. The final document puts forward four main responsibilities to protect: First, all countries have acknowledged that they have a responsibility to protect their citizens against desertification, war crimes, ethnic cleansing and crimes against humanity. Second, countries have agreed to assist in providing assistance to build capacity that countries need to meet their mandate. Third, in a situation where the host country failed to manifestly carry out its responsibilities, countries agreed to use all peaceful means to protect the vulnerable population. Fourth, these measures (peaceful measures) must be failed or inappropriate in order for the Security Council to be prepared to use all necessary means, including the use of a coercive regime. After the Security Council, implicitly using the concepts of "protecting civilians" or "compromising international peace and security", used the implications of the theory of responsibility to protect between 2001 and 2006. In 2006, after the publication of the final document of the World Summit on the United Nations, Resolution 1674 was approved by the Security Council. The resolution explicitly reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document 2005 on the responsibility to protect people against genocide, war crimes, ethnic cleansing and crimes against humanity. In 2006, the Security Council again referred to paragraphs 138 and 139 of the final document of the Summit in Resolution 1706, on Darfur's situation in Sudan. The Secretary-General of the United Nations, in February 2008, elected Professor Edward Locke to the newly appointed "Special Adviser to the Secretary-General on the theory of responsibility to protect", and instructed him to develop the concept of this theory and create a consensus around it at the level of International. In line with this task, the Secretary-General of the United Nations issued a report at the beginning of 2009, under the guidance of Professor Locke, entitled "Implementation of Responsibility to Protect". In this report, he describes the structure of the responsibilities of countries and the international community regarding the responsibility to protect, in accordance with the 2005 World Summit Document. In his statement of the area of responsibility to protect, he does not consider it to be a confusing factor for the sovereignty, but rather a reaffirmation of the principle of the sovereignty of the countries. He also considers prevention to be the main pillar in protection (Murray, 2014: 3-5).

In 2009, the General Assembly of the United Nations, during its sixty-third annual meeting, continued its considerations of protect for the first time since the 2005 agreement. During the meetings that the General Assembly had anticipated for discussing the pivot of responsibility to protect, a total of 94 countries expressed their views. The first and most important topic at the General Assembly meeting was the common accord of the countries, the agreement reached at the 2005 summit. Indeed, with the exception of a limited group and a few representatives of countries and the head of the assembly, most of the delegations emphasized that the final document of the 2005 summit should no longer be reopened, and believed that the present task of the General Assembly, A discussion of new challenges and ideas in implementing what was agreed in 2005. These discussions ultimately led to the issuance of the first general assembly resolution on the responsibility of the sponsors. In this resolution, which was presented by Guatemala with the participation of 67 other countries, the General Assembly had the lyrics that, according to the 2009 report of the Secretary-General and the 2009 deliberations of the General Assembly, he paid close attention to the General Assembly, and emphasized that the General Assembly was considering its considerations of the theory of responsibility to protect is sustained. Humanitarian intervention in international law is a disputed issue in terms of theory and practice. The other (or group of governments) is aimed at preventing or ending the violations of the fundamental human rights of people other than their own citizens without the consent of the country in which military force is exercised within its territory. The concept of this definition in international law is highly controversial. Under what circumstances such interference is legally permitted? Who should acquire them, by what authority and with what degree? As much as these questions are, international law does not currently provide a solid basis for resolving these differences, in order to answer these questions or to say how it applies in specific circumstances. The most important document of international law, the UN Charter, involve certain criteria to answer the questions. However, the Charter hardly resourceful way, because it did not give a direct explanation of humanitarian intervention. Apart from this, a group may claim that this fact alone represents the absolute validity of the legal prohibition of the use of force with the motive of humanitarian issues (in the Charter's view). Indeed, the member states of the UN Security Council, which, in accordance with the Charter of the Political Pillar of the Law on the Applying for Force to the International Community, have not been able to interpret humanitarian intervention simply illegally. In line with the role that the charter attaches to the Security Council, these countries have linked their human rights record and actions to the use of force to maintain international peace and security. In addition, the transcendence of the status of international human rights after the creation of the charter makes it difficult to accept the absolute prohibition of humanitarian intervention (Hitosbi, 2009: 31-32).

Today, after a decade of the doctrine of responsibility to protect and endorsing the document of the outcome of the International Commission on Intervention and Governance at the 2005 summit, there is no longer any doubt that the

international community recognized the existence of this doctrine as a necessity. In the hope that it will be regarded as a legal requirement, and in accordance with it, it will gradually reduce the occurrence of human tragedies. The doctrine seeks to defeat the international community in response to widespread crimes that killed millions of innocent people, trying to tackle challenging issues such as governance, non-interference, and the prohibition of the use of force. While respecting all these concepts, and even reaffirming them, the international community's attention will be drawn from countries to the main victims of the conflict. It also pays attention from countries to the main victims of the conflict. Therefore, it must be acknowledged that the responsibility to protect is still at the beginning, and given the sensitivity of the area around it, it is natural that there are many challenges in the way of evolution. Today, it needs to be supported by the international community, so that tomorrow, by spreading its umbrella in all parts of the world, especially in areas that are vulnerable to the occurrence of a crisis, will prevent the reoccupation of global disasters, or at least reduce the suffering and suffering of these disasters. And stop it.

The Syrian crisis and the principle of international protect:-

The Syrian crisis is said to be part of a series of mass demonstrations and, ultimately, military conflicts in Syria, which began on January 26, 2011, influenced by the political developments in the Middle East, called the Arab Spring. The Free Syrian Army, formed in 2011 by Syrian Army troops, has already been the official branch of al-Qaeda in Syria, but in 2016 it changed its name to the Shabi Front and separated from al-Qaeda, and the Islamic Front was a coalition of several The Salafist Islamist group is the most important opposition group in Syria. In addition, the Syrian government has had the support and presence of Iranian, Russian, Iraqi Shiite militias and Hezbollah in Lebanon. ISIS, which controls the eastern part of Syria, initially controlled about half of the country's territory, which is now missing important parts of the ISIL's realm. The number of war victims by 2015 was between 220,000 (estimated by the UN) to 310,000 (Human Rights Watch estimates). About 7 million and 600 thousand people have lost their homes. Of this, 1.7 million people were trafficked to Turkey, 1.2 million to Lebanon, 625 thousand to Jordan and 245 thousand to Iraq.

The role of the United Nations: The role of the United Nations in the Syrian crisis is divided into two parts. First, the role of the Security Council. The Security Council, in contrast to the Libyan affair, despite numerous resolutions in the context of the widespread violation of human rights and threats to international peace and security, particularly in the wake of the armed conflicts and internal armed conflicts caused by Russia and China. Any intervention or action taken at the reactionary stage for the responsibility of the sponsors and the repeated veto of the proposed resolutions substantially limits the scope and duties assigned to its permanent members under Article 24 of the Charter, from the point of view of international peace and security. Have been limited and inefficient. But the initial steps taken by the Council to issue a statement under article 39 of the Charter, which is not binding in law, is due to the use of chemical weapons in 2013, which was attributed to the Syrian army on the basis of allegations made by opposition states of Bashar al-Assad. The joint council, in resolution 2128 of 27 September 2013, "while condemning the use of these weapons in the eastern Al Ghafat region of Dafa, and emphasizing that the use of chemical weapons is a serious violation of international law. Both sides prohibited the use of this type of weapon, and, for both the conflict, weakened the regulations and even ordered the state authorities to inform the procurement and supply of chemical weapons, equipment, goods and technology or Relevant assistance from Syria outside it by nationals or prohibiting the use of ships or bombs under its flag, whether or not they originate in the territory of Syria, and in clause 21 explicitly stated that any violation would result in the adoption of the measures. In the seventh season it will be chartered. In response to urgent and severe threats, the Syrian government proclaimed its international obligations as an international obligation, and immediately the doors of the security forces open the production of such weapons to the UN inspectors, and, while swiftly acceding to the convention on the source of production, The development, maintenance, acquisition, use and use of chemical weapons and their destruction (Paris 1993), and the extension of the accession treaty, make a significant contribution to the collection, transmission and destruction of this type of weapon. On the other hand, in the same resolution in paragraphs 16 and 17, the Council will discuss diplomatic and political actions on the strict implementation of the final document of the Geneva Conference of June 30, 2012, and endorses it. Then, in the end, all parties involved will be required to take appropriate steps to protect the lives of the citizens, and it is emphasized that the authorities and the Syrian people are most responsible for the lives of the people of that country. Therefore, the deliberate violation of these fundamental rights by the Syrian government as well as the opposition groups and the inability of the central government to preserve it in parts of the territory under the control of the opposition seems to be certain. In accordance with paragraphs 1, 2, 4, and 5 of the resolution calling for a large amount of fire, political negotiations between the government and non-terrorist dissidents, the formation of a six-member coalition government and the holding of universal mandates under the auspices of the United Nations for a period of eighteen months should take

place in the form of reaction steps And reconstruction in the doctrine of responsibility to protect. Paragraph 8 emphasizes the terrorist movements, such as ISIS, Jabhat al-Nusra and al-Qaeda, and the need for effective and effective counteraction to international terrorism. In paragraphs 12 and 13, based on the extended resolution of 2165 approved in 2014, the discussion will allow for the rapid and secure access of humanitarian organizations in Syria, and pledges all parties to comply with international humanitarian law. Another important point in the reconstruction phase is paragraph 14 of the resolution that will involve all military parties in Syria and the governments in order to implement the implementation of the Protocol on the Status of Refugees by looking at the London Conference on the Syrian people held in February 2016, Invitation (Zamani and Zamanian, 2016: 640).

(B) The role of the General Assembly: This institution with Saudi Arabia and Qatar and the coordination of other native governments have taken effective steps in the first two years of the beginning of the crisis in Syria. Since, in accordance with article 24, paragraph 1, of the Charter, the General Assembly entrusts the Security Council with the task of maintaining and maintaining international peace and security, the concept of this issue is that the responsibility of the Assembly in this regard is secondary and that the removal of this right from the Council can be possible. And in accordance with paragraph 1 of Article 12 of the Charter, the Assembly cannot give advice to the Council on any disagreement or status while the Council is in respect of any disagreement or current situation, unless the Council so requests. However, by the proposal of Qatar and Saudi Arabia, two resolutions will be issued by the General Assembly in February and August 2012, with a majority of two thirds of the members in accordance with Article 18, paragraph 2, of the Charter. Although these resolutions have recommendations, it should not be forgotten that the Syrian government has referred to the protesters about the crimes against humanity, that is to say, one of the foundations for the implementation of the doctrine of the responsibility to protect is being set up. On the other hand, in the February 2012 resolution, the General Assembly recognized the armed conflict in Syria as an armed non-international armed conflict and identified armed groups as insurgents, and accordingly included in Article 1 of the Geneva Protocol II of the 1977 Second Additional Protocol. It is worth pointing out the importance of the General Assembly's resolution of August 2012 that the resolution condemns all acts of violence, regardless of its perpetrators, and the Syrian government, because of the non-withdrawal of heavy weapons and tanks of cities and repeated violations of human rights. In May 2013, the General Assembly, in its latest resolution, set up on the initiative of the Qatari government, condemns the Syrian government's actions and identifies the armed opposition of the opposition L, it is important to note that this time and vice versa of 2012, Only 107 countries voted in favor of the resolution, and 26 countries agreed last year this time with no opinion, and the criterion for obtaining a two-thirds majority of votes was not taken in accordance with Article 18 of the Charter, which itself has a great deal of consideration, one of the reasons for which should be in actions contrary to The human rights and humanitarian law and the serious violation of the rules of international law in this regard by some armed opposition groups ISIS and Jabhat al-Nusra's (Zamani and Zamanian, 2016: 642).

Conclusion:-

Theoretical and practical problems of the Responsibility to Protect Doctrine, an examination of whether this theory is one of the principles of international law and to what extent has evolved as a norm of customary international law, the differences and similarities of humanitarian intervention and responsibility to protect, operating strategies for the concept of responsibility to protect, dual liability towards citizens of their own country outside the borders, and liability towards nationals of other countries are the major issues that advocates of protectionist theory have not yet been able to provide a satisfactory and appropriate response to it. Legal, moral and practical. The military intervention in Syria and the equipping of opposition to the government, contrary to the fundamental principles of international law, the United Nations Charter, the Declaration of Principles of International Law on friendly relations and cooperation between governments and other credible international instruments, whose teachings are now well Traditional international law has also infiltrated; therefore, the use of force, with the permission of the UN Security Council, or by reference to Article 15 of the United Nations Charter in the area of legitimate defense lacks a legal right in contemporary international law, and insistence for the need to intervene without the consent of the council lags takes the international system in the legal order before the adoption of the charter. Humanitarian intervention without Security Council authorization has many negative security, political, moral and legal implications, especially for developing and poor countries, which advocates of the theory are unable to respond to it.

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