

Syria and our failure to protect civilians

A briefing around the statement by UK church leaders on the conflict in Syria – 20 October 2016

On 20 October 2016 Church leaders from the Baptist Union of Great Britain, the Church in Wales, the Church of Scotland, the Methodist Church, the Quakers and the United Reformed Church issued a statement in relation to the bombing of Aleppo, Syria.¹ The statement comes one month after the United Nations Secretary General addressed the UN General Assembly with the following words “Powerful patrons feeding the war machine had blood on their hands, and present in the hall today were representatives of Governments that had ignored, facilitated, funded, participated in or even planned and carried out atrocities inflicted by all sides of the Syrian conflict — against Syrian civilians”.²

This briefing seeks to provide a background to the continuing crisis in Syria and examines some wider ethical issues around the protection of civilians in conflict. It is offered by the Joint Public Issues Team for information and discussion.

The Baptist Union of Great Britain, Church of Scotland, Methodist Church and United Reformed Church have previously commented on the situation in Syria in 2013 and 2015 and stood in opposition to UK military intervention. These four churches have urged the UK government to use all diplomatic means available to reduce the cycle of violence and have called for unimpeded humanitarian access to affected populations.

1. The political context

The United States and Russia largely have opposing political objectives in Syria. US relationships with Turkey, Saudi Arabia and Qatar, and enduring enmity towards an Assad-led Baath party allied to Iran, contrast starkly with Russian interests in the region, including its military bases at Tarsus and Latakia. Our churches noted that these opposing interests were evident in the Security Council resolution of November 2015 which the UK Government hailed as providing legitimacy for UK military intervention. The lack of clarity over US/UK coalition objectives or the value of a UK military contribution to resolution of the conflict were factors that caused our Churches to oppose UK military intervention in Syria.³

The principles of the September 2016 ceasefire provided a rare point of agreement between Russia and the United States on a possible approach to bringing an end to the violence between the mainstream opposition and forces allied to the Government of Syria. Since then a majority of the ‘moderate’ opposition have objected to a crucial point of agreement: the severing of links with Jabhat Fateh al-Sham (formerly Jabhat al-Nusra, identified by the UN as a terrorist organisation).⁴

Now that this ceasefire has broken down the permanent five members of the Security Council have for the present given up on negotiating a way forward within the Security Council. On 8 October 2016, France and Russia placed competing resolutions before the UN Security Council in the knowledge that both would be defeated. Currently the proximity of United States presidential election discourages any fresh initiative on the part of the US (such as tougher sanctions against Syria or Russia).

¹ <http://www.jointpublicissues.org.uk/countries-of-concern/>

² HE Ban Ki Moon, Secretary General to the UN, General Assembly address 20 September 2016

³ Joint Statement on Syria; The Baptist Union of Great Britain, Church of Scotland, Methodist Church and United Reformed Church; <http://www.jointpublicissues.org.uk/joint-statement-on-syria/>

⁴ <https://www.opendemocracy.net/david-morrison/what-russia-and-rest-of-us-are-doing-in-syria>

2. The wider military risks

Following the collapse of the ceasefire in Aleppo there is a renewed confidence on the part of the Syria and Russia in a Syrian Government victory in Aleppo. This would most likely lead to Syrian Government control of most of western Syria.

However the Turkish air force remain involved in bombing north of Aleppo and US Special Forces have been, and may well still be, embedded on the ground in the same region. This brings a very tangible risk of Russian strikes on NATO forces or vice versa. The risk of a Russia/NATO confrontation is as great if not greater than it was at the time of the Cuban missile crisis in 1962. Diplomatic efforts must be pursued by the US and Russia to avoid actions that would heighten the risk of combat between Russia and Turkey, the US or the UK.

3. Humanitarian context

Over 400,000 people are thought to have died in the war in Syria over the last five years. The Syrian Network for Human Rights reports the killing of 6,567 civilians in the first 6 months of 2016.⁵ On 6 October UN Syrian Envoy, Staffan de Mistura, warned that “in a maximum of two months... the city of eastern Aleppo at this rate may be totally destroyed. Thousands of Syrian civilians, not terrorists, will be killed and many of them wounded.”

Medicines Sans Frontieres (MSF) state that there have been 23 recorded attacks on Aleppo’s 8 hospitals since the end of July. Seeking medical care has become a danger in itself.⁶ On 19 September an aid convoy was struck, destroying 18 of 31 trucks in the convoy and killing 18 people including humanitarian workers. Responsibility for the attack is contested. The UN Secretary General’s inquiry must determine those responsible for ordering and executing this attack. The ceasefire negotiated by John Kerry and Sergey Lavrov on 10 September was intended to provide humanitarian access to the people of Aleppo. Since this ceasefire collapsed and eastern Aleppo has been cut off from assistance, the number of people living in besieged areas has grown from 586,200 to 861,200.

The region has seen over 4 million people flee as refugees to neighbouring countries while an even greater number have been displaced in Government-held regions of the country. These internally displaced are supported by the Government of Syria which seeks to provide for basic needs although the Syrian economy has been ravaged by the war and crippling economic sanctions.

4. Failure to protect civilians in Aleppo

Russian and Syrian forces have both been involved in bombing in Aleppo. Since the collapse of the ceasefire in late September, Russia is reported to be using unguided weaponry with even more powerful explosive effect.⁷ Serious questions must be asked as to whether it is ever appropriate to use such munitions in a highly populated area. The Government of Syria argues that adequate provision has been made to enable civilians to flee the site of the conflict. The Russian Government lays the blame for civilian casualties on the rebels and their US government supporters for using the population as human shields. Neither argument can absolve these state parties from the responsibility under international law to discriminate between civilian and non-civilian targets in an area of 250,000 people of which over 100,000 are children.

While health facilities have been repeatedly bombed in Aleppo, the Governments of Syria and Russia deny that their targeting has been deliberate.

⁵ <http://sn4hr.org/blog/2016/07/01/23742/>

⁶ <http://reliefweb.int/report/syrian-arab-republic/eastern-aleppo-hospitals-damaged-23-attacks-july>

⁷ The Economist cites the use by Russia of the TOS-1A thermobaric missile system and BETAB-500 ‘bunker-busting’ bomb. *The Agony of Aleppo*, The Economist, 1 October 2016.

The opposition include Islamist rebel factions such as Jabhat Fateh al-Sham (formerly Jabhat al-Nusra) who have used suicide bombers in attacks and are alleged to have engaged in the execution of captured fighters. Jabhat Fateh al-Sham is one of the more effective fighting forces in Aleppo. There often exists a close relationship between such Islamist groups and other rebel groups supported by the United States and described as 'moderate'. As noted above, the 'moderate' opposition in Aleppo have refused to split from Jabhat Fateh al-Sham and yet still receive support from the United States.

Rebel shelling of Government-held areas is known to have caused civilian deaths. In addition it is not clear what happens to Government or Kurdish fighters if captured by rebel groups in Aleppo.

5. International Humanitarian Law on the protection of civilians in conflict

The situation in Syria is dire and the impact of the conflict on civilians severe. In this and other conflicts we have seen a repeated failure of the United Nations to achieve political consensus around necessary actions to protect civilians (for example in relation to Sudan, Iraq, Myanmar, Democratic Republic of Congo, Yemen, Libya). We might well question whether the international community today retains a corporate willingness to call to account state actors with respect to the protection of civilians in conflict.

The recurrent failure to protect civilians in complex contemporary conflicts underscores the vital need for determined political action to avoid conflict in the first place and invest in prevention. But when conflict does occur, responsibility to respect customary International Humanitarian Law (IHL) on the protection of civilians rests primarily with the warring parties. IHL must and can guide the actions of state actors. It is universally recognised that IHL requires that all parties to conflict must at all times distinguish between civilians and combatants⁸ but a re-assessment of what this means in practice is overdue. States (and in particular the Member States of the Security Council) should be challenged to clarify their interpretation of IHL with respect to direct attacks against civilian populations, discrimination of civilian and non-civilian targets, attacks against humanitarian aid convoys and health facilities and the use of forced displacement as a military strategy.

IHL can be instrumental in achieving protection even in the most challenging of circumstances. In the context of Syria, co-operation was achieved between Russia and the United States to tackle the Government of Syria on use of chemical weapons based on a common commitment to the principles of the Convention on Chemical Weapons.

The protection of civilians has been described as a core obligation of the United Nations.⁹ Our Churches take the view that, while the institutions of the United Nations appear weak at times, we nevertheless seek to imbue the United Nations with authority in conflict prevention and resolution.¹⁰ When faced with crimes against humanity, if the UN Security Council finds itself unable to agree a course of action, it is necessary for the UN General Assembly to galvanise political will. A renewed consensus on core principles¹¹ might help to achieve the necessary political will to call states to account and to prosecute non-state armed groups for gross violation of customary international law.

⁸ Customary International Humanitarian Law; (ICRC and Cambridge University Press, Vol I, 2005)

⁹ Uniting our Strengths for Peace: Politics, Partnerships and People. Report of the High-level Independent Panel on UN Peace-keeping Operations, 16 June 2015.

¹⁰ *Peacemaking: A Christian Vocation*; Chapter 5 "On the use of force"

¹¹ Building on the existing consensus achieved in the General Assembly on the Responsibility to Protect

6. Moving forward

The people of Syria cry out for a lasting ceasefire and look to the major powers involved in the conflict to bring this about. Syrian Christians and other minority groups tend to favour a pluralistic secular state that guarantees protection and rights to every person regardless of faith. They have concerns around the aspirations of Islamist groups that seek to establish an Islamic state. They are particularly fearful of leaders of Islamist groups within the opposition that have promised 'retribution' with respect to minority groups that are perceived to have had an affinity with the Baathist regime in the past.

If there is a role for the UK and European powers it might be to act as a broker for dialogue between the United States and Russia and to facilitate discussion among a wider group of regional powers to build a political basis for a lasting settlement.

Our national Churches will remain engaged in discussion with Christian partners in the region and our members will undoubtedly continue to uphold Syrians in prayer.

The Joint Public Issues Team

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The Joint Public Issues Team (JPIT) combines the expertise of the Baptist Union, the Methodist Church, the United Reformed Church and the Church of Scotland in the area of public issues. The Team aims to enable our Churches to work together in living out the gospel of Christ in the Church and in wider society.

The contents of this briefing cannot be taken as representative of the position of the signatories to the statement of 20 October or the organisations that they represent.