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A Resolution Without Enforcement: False Hope Or Improved Access?

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Fokus

Resolution 2139, a glimmer of hope for the humanitarian access in Syria and a symbol of improved cooperation from the Security Council given that Russia and China did not veto the resolution. Nevertheless, questions remain on if it is enough to improve the status of the Syrian people without sanctions there is no enforcement. Is this a feasible solution to a vastly deteriorating humanitarian situation?

Security Council, 2014. Resolution 2139 (2014).
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139(2014))

Security Council, 2013. Statement by the President of the Security Council S/PRST/2013/15.
http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2013/15

OCHA, 2014. Syria Humanitarian Bulletin No. 043.
<http://reliefweb.int/report/syrian-arab-republic/humanitarian-bulletin-syria-issue-43-13-26-february-2014-en-ar>

Syria, a non-international armed conflict (NIAC), 100,000 people dead and the biggest humanitarian crisis the world is currently facing. There is 9.3 million people in need of assistance including an alarming number of refugees and internally displaced people. The crisis has had a destabilizing impact throughout the Middle East. Further, the complexities of the conflict, stemming from the increasing amounts of actors, have led to an abundance of barriers to humanitarian access.

The Syrian state is party to the Geneva Conventions in particular the state is bound by Common Article 3, which is directly related to a NIAC defining the responsibility of all belligerent parties to the conflict. This includes the humane treatment of persons taking no active part in the hostilities. Not only has the Syrian state not abided by the conditions laid out in Common Article 3, the government has been unwilling to facilitate the provision of humanitarian aid. Adding to the difficulties is that the Syrian government is not party to Additional Protocol II thus, the obligation to actually provide humanitarian assistance is limited making it even more complex for humanitarian organizations seeking consent from the government to deliver assistance.

Despite three previous attempts from the Security Council to achieve a resolution on humanitarian assistance and enforce a stop on the continuous breaches of International Humanitarian Law (IHL), China and Russia vetoed prior draft resolutions. After political and legal stalemate with an inability to reach an effective agreement which would lead to practical solutions to the crisis, a glimmer of hope from the UN Security Council was given on 22 February 2014. Unanimously voted, the new Resolution 2139 has several aims, most of which are significantly for the first time humanitarian based. Within the resolution there are several objectives set out, which have been reiterated many times before by the international community, this entails the ending of all current types of violence and that all parties must comply to IHL and Human Rights Law. Nevertheless, the emphasis of this resolution and perhaps how it may have set a new precedence for future conflicts, is that there exists a clear aim to strengthen humanitarian access as a principal obligation of all parties to the conflict. Given the current context of besieged towns and the use of starvation as a method of warfare, the resolution demands the sieges to be lifted, "that all parties allow the delivery of humanitarian assistance, including medical assistance, cease depriving civilians of food and medicine indispensable to their survival, and enable the rapid, safe and unhindered evacuation of all civilians who wish to leave". In addition, the resolution demands cross border access in order to reach the most vulnerable.

Ban Ki-Moon explicitly stated that this resolution is founded on a part of IHL which actors should already be bound to on the ground in Syria. Consequently, there is a dilemma of creating a resolution simply because current actors are unwilling to comply with IHL.

With regards to the resolution, there is a monitoring mechanism in place: every thirty days the Secretary General will report on implementation. However, what must be noted is that under the demands of Russia, sanctions that were previously a part of the resolution were removed, meaning there are no explicit consequences for non-compliance. It should not be forgotten that the resolution is an intermediary tool acting on current humanitarian imperatives. The UN has repeatedly called on all parties to return to what was laid out in the Geneva Communiqué and the Presidential Statement (S/PRST/2013/15) and find a definitive political solution to the conflict.

In the end, there are many questions surrounding the resolution, the primary issue as aforementioned is the enforcement. Without any consequences written into the resolution, it is hard to conceive how implementation will be ensured. After all without verifiable implementation, humanitarian access will never be achieved in Syria. On the other hand, moving the resolution under Chapter VII can never be ruled out and therefore this resolution is a step in the right direction for the Syrian people. However political will and a united international community are necessary for any future action under Chapter VII.

Verantwortung

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