



The legitimacy of the Security Council in the humanitarian step in Syria

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The international humanitarian intervention in Syria portrays the protection of civilians in armed conflicts and the overall international humanitarian law, especially the concerns of the security council 'which aims to reduce human rights violations suffered by the Syrian people. The difference between the definitions is that there are multiple reasons for maintaining international peace and security or humanitarian reasons 'that is, excessive violence against civilians and subsequent arbitrary arrests 'mass killings and displacement. Supporters and opponents have different views on international humanitarian intervention.

As for the increase of the suffering of the Syrian people 'the security council is left with the problematic presence of coercion that limits the international humanitarian intervention, especially the sovereignty of the state and under the internal jurisdiction of the hand, and justifies the exclusion contained in the text of article 2/7 of the UN charter, which authorized intervention under chapter VII of the order to alleviate the suffering of the Syrian people as a result of human rights violations .

Key words: legitimacy , Security Council, humanitarian step ,Syria.



Introduction

The security council is one of the main systems of the United Nations organization. It implements the duties allot

ted to it in accordance to the covenant rules and to the rules issued in this affair.

These resolutions should involve the legal quality according to the texts of the United Nations Charter and the general rules of the international law. It is possible that the international security council violate the necessary conditions for the issuing of these resolutions ; therefore they lose their legitimacy.

The security council issued its resolution No. 731 on 21, January 1992 in the Lukerbi crisis asking Libya to cope with the American, British and French warning and to hand over two of its citizens in order to sentence them in front of the American or British judiciary.

Soon after that the security council issued its resolution No. 748 on 31 March 1992 basing to the rules of the seventh section of the Charter and accusing Libya of terrorism. It imposed many penalties ignoring the texts of the covenant and the general international law. The resolution issued by the security council should include a group of conditions in order to be correct, any violation of these conditions will make it false. The humanitarian intervention concept depends on continuous changeable balance between the international powers and the changes of the bases and practices which take place every now and then. The international humanitarian interfere before the second world war depended on the unique military interfere to protect the foreign minorities and citizens and their rights. The



situation differed after the establishment of The United Nation in 1945. Thus collective measures were taken to protect the civil rights of the country, especially after the increase of the armed struggles and the violations of the human rights. The plan of the research in the first chapter will deal with the definition of the humanitarian international law and the method of intervention in both directions the arbitrary and the current directions. Then the causes which impede the humanitarian international intervention. These involve politicians the sovereignty and the political trends of the international intervention in Syria among which the trends of the supporting and opposing trends of the intervention in Syria. Then we will shift to the second chapter in which we talk about the main reasons of the international intervention in Syria from the side of humanitarian affairs and to protect the peace of the citizens and the methods of the intervention in Syria and the laws of the covenant of the United Nations of the military conduct and the non-military one

And the ways of peace- keeping and the establishment of security zones and the formation of an international penal court. At the end the recommendations and the conclusion will be given.

Significance of the Study

Significance of the study lies in the responsibility of the security council protection against the outrageous of the human rights on the part of the Syrian Arab Republic especially in the concept of international humanitarian context and the national cases in the international community for its connection with the international peace and security.





Hypothesis of the Study

There are some exceptions and reasons which allow the security council to interfere in Syria according to the seventh section of the Charter of the United Nations.

Problem of the Study

Since the resolutions issued by the security council are of great importance on the international peace and security, it is necessary to study the legitimacy of its intervention in the Syrian crisis and the main reasons for this intervention and the obstacles confronting it.

Regarding this point many queries are shown:

- Definition of the humanitarian international law
- The reasons of the humanitarian intervention in Syria
- The way of the international humanitarian intervention in Syria

The First Chapter: The concept of the International Law and the Methods of the Humanitarian Intervention

The First Requirement : Definition of the International Humanitarian Law

It is a group of rules designed to limit the armed struggles for humanitarian reasons. It protects the persons who do not participate or who stop participating in the aggressive deeds such the injured, and the victims in the sea and the civil captives. It restrains the means of fighting including the weapons which cause hitting and suffering.

The international humanitarian law starts with the armed struggle, yet there is no common definition of expression of the armed



struggle, which can be used freely regardless whether it does not implement Geneva agreements or the additional protocol. The humanitarian international law distinguishes two armed struggles as regards the saving of protection to the victims : the international and the international armed struggles.

In case of an international armed struggle, the rules of the international humanitarian law will be valid according to the fourth agreement of Geneva and the first additional protocol.

Item 51 from the article 2 from the first additional protocol says: non prevention on the civilians themselves and the persons the deeds of violence or threatening to use violence basically directed towards attacks putting into consideration the concept of terrorism.

Item (A) from the article 84 and 147 from the fourth Geneva agreement leads to the first additional protocol which mentions all the human violations such as killing of the civilians and the dangerous hitting are great violations of the agreement, and finally a dangerous violation to the Geneva and the protocol which may form war crimes. If the doers of such crimes are sinners they should be sentenced in front of national or international penalty courts according to the judicial specialization of Rome basic system. This item is applied on the armed struggles from the article 2. Item No.2 says

When there is an armed struggle between the governmental authorities and the armed groups in the territory without mentioning controlling the lands of the state⁽¹⁾.

In order to limit a precise role of the security council in the humanitarian intervention in Syria, it is found necessary to suggest



a concept of the humanitarian intervention and its legality together with the obstacles.

The Second Requirement: The International Humanitarian Intervention

The concept of the international humanitarian intervention raises many discussions among the international law jurists. In order to face these two trends, the first one concentrates on the use of power, while the second concentrates on the international humanitarian intervention which is not restricted to the armed forces, but out of the realm of economic, diplomatic and military use.

A- The Arbitrary Trend:

This is a narrow trend which limits the meaning of the international humanitarian intervention in the use of force on the part of a state, because Brown Lay defines it (a threat and use of the armed forces from a state or a community to protect the human rights)(1). Mohammed Al-Gunaimi defines it as (the surrender of one state to another in an authoritative way so as to keep or change the current affairs)(2). Othman Arrawandoozi defines it as (this one of the forms of intervention which uses compulsory measures against his country to stop the violations of the human rights (3).

B -The Current Trend:

This trend conspires the humanitarian intervention as a deed whose aim is to protect the human economic, political, and military rights, and not restricted to the use of force or the threat to use it. This intervention is done by an international organization which owns the authority and whose resolutions are obligatory which violates the human laws related to a country whose citizens are governed by other states (4). Even though this measure leads



to the violation of the regional sovereignty state ⁽⁵⁾. Hussam Al-Hindawi considers this intervention as (the use of political, economic and military force measure on another country affected by this violation of the human rights ⁽⁶⁾).

The Third Requirement : Reasons Leading to Oppose the International Humanitarian Intervention

The intervention of the security council in the Syrian armed struggle is not an easy mission, including the rules of the general law such as the covenant of the United Nations and the other international agreements such as sovereignty. The inner specialization opponents :

1. The opponents of the politicians

Due to the differences of the interests of the big countries, the political opponents is one of the largest which limit the duty of the security council in the intervention of the Syrian struggle. These political opponents include:

A- The veto, the big countries have the right to refute any resolution. The security council is still paralyzed and unable issue international resolutions which are compulsory as far as the Syrian cause is concerned, because Russia and China used the veto.

B- The dualism in the norm, the norm followed by the security council is based on the interests of the state, the results are to be shouldered by the other countries, especially the Syrian people i.e., the desires of the prime countries⁽⁷⁾.

2 . Sovereignty of the Country

The concept of sovereignty is the essence of the traditional structure in international relations and the basis for states to exercise their



relations in accordance with international law. In recent years, the world has witnessed several major changes that had a profound impact on the formation of current international relations, and led to a qualitative deterioration in the status of sovereignty in international law against new principles on the international scen⁽⁸⁾.

The concept of sovereignty is relatively new in its contemporary concept, as it has witnessed a historical background. At that time, it was common for kings or rulers to have only sovereign rights, which were then passed on to priests. This was in support of the Pope's ambition to seize power and then he moved to France and formulated the theory of sovereignty around the fifteenth century.

And in the struggle between the French monarchy in the Middle Ages, to confront the Emperor and the Pope to achieve external independence, and to achieve the supreme internal rule of the feudal lords.

The Charter of the United Nations stipulates the principle of sovereign equality, that is, every state is equal in enjoying rights and fulfilling obligations with other member states, regardless of its origin, the size of the government and the form of government, but the five major powers retain and accordingly, the power is inconsistent with the principle of equal sovereignty, In modern customs, the term sovereignty has been replaced by the term national independence.

There are two aspects of sovereignty: External appearance: It manages relations with other countries according to the internal rules of the country to manage its foreign affairs, determine relations with other countries, the freedom to sign contracts with them, and the right to declare war or maintain neutrality. External sovereignty



is synonymous with political independence, according to this independent country, sovereign states are not subject to any foreign state. All sovereign states enjoy equality, and therefore the organization of diplomatic relations is based on independence⁽⁹⁾.

As for the internal appearance: He will extend his authority over all subjects by extending his authority within his territory and his mission, and applying his regulations to all subjects. For them, this is a privilege and does not limit or limit the power or sovereignty of the state, it must be redeemable, and within the country there should be no power more powerful than that of the country. With regard to sovereignty, the state is divided into two parts: Section One: Fully sovereign states are not subject to the supervision or control of other states in internal or external affairs, are not subject to their jurisdiction, and are free to draft or amend their constitutions. The second section: A state that lacks sovereignty cannot enjoy the basic authority of the state because it is subordinate to another state or to an international institution that has certain capabilities, such as a country that is subject to protection, authorization or guardianship, such as a colonial state, and this independence or dependence does not affect the actual existence of the country, it is It is not a permanent division, but it will change according to the changing circumstances of each country⁽¹⁰⁾.

The issue of Syria's sovereignty began with the establishment of the Syrian state and its independence from the Ottoman Empire in 1918. France came and occupied it until 1946 within the framework of the trusteeship decision and the Sykes/Picot Agreement, according to which the Levant was divided among the colonial countries.

During the French period, the French/Turkish negotiations took place, according to which it was agreed to hold a referendum in the



"Iskenderun district", which resulted in the brigade being annexed to Turkey. The file of the brigade remained a thorny issue in Syrian-Turkish relations until Hafez al-Assad relinquished it within the Adana Agreement, which considered border disputes over, and during the term of President Bashar al-Assad in 2009, a joint strategic cooperation council was formed that ended the entire issue⁽¹¹⁾.

Syria was a founding member of the United Nations, and remained within the borders in which it became independent from France until the 1967 aggression, and Israel occupied the Golan Heights during the era of President Nureddin al-Atassi, when Assad the father was Minister of Defense⁽¹²⁾.

Accordingly, the characteristic by which the state is described, which has become called sovereignty, has become one of the essential characteristics of the modern state and one of the basic characteristics of authority in the state that distinguishes it from other other political groups for defense. And its susceptibility to occupation becomes simply coveted by the ambitions of powerful states.

3. Reasons Related to Fund

In order to have a role in Syria, whether a direct military intervention or peace-keeping operation the security council needs to be funded⁽¹³⁾.

- The failure of the prime states to fulfill the monetary obligations of the United Nations will force it to take resolutions and decisions which cope with its political interests.



- Since the regional organization is incapable of solving the matters independently, the organization participates continuously in the struggles. Moreover the ethnic struggles in the world are increasing enormously.
- The prime forces insist on dealing with the small as well as the big crises to the United Nations on purpose to waken the role of the regional organizations to secure its supremacy and control on the decision over the international events.

The Fourth Requirement : The Political Trends in the International Intervention in Syria

The intervention legitimacy is based on lawful and artful bases which give the security council the intervention legitimacy to interfere in the affairs of the state in certain circumstances.‘ this attracts the attention of the people, and the divergence in the points of view between the supporters and the opponents as:

1. The Trend Supporting the International Humanitarian Intervention in Syria

This trend sees that the intervention is legal right to protect the human rights from the collective annihilation and the crimes against humanity. The intervention of the security council in Syria is a revival to the intervention which was dominant since the half of the nineteenth century, the idea of the cold war vanished then it reappeared in the early nineties of the twentieth century together with an increase in the armed struggles due to racial and nationalistic factors under the severe violations to the human rights.

This trend does not believe that the national sovereignty is sacred, it should be formed according to the international development in Syria. The supporters of this trend confirm the humanitarian



intervention in Syria, due to many lawful reasons prescribed in the Charter of the United Nations as in the following:

A . article 55 from the Charter of the United Nations stipulates (the desire to create to create stability circumstances and welfare to establish peaceful, and friendly relations... the United Nations will work to respect human rights and the basic freedom for all and the proliferation of them all over the world.

B . The Self- defense Principle, which one of the principles excepted from the non-acceptance of the use power or the threat to use power stipulated in the article 51 from the charter of the United Nations (nothing in this covenant weakens the individual. The natural right for the state or a group to defend itself, if the armed forces attack any of the members of the United States, the security council will take the necessary steps to keep the peace and security ⁽¹⁴⁾. Some of the international jurists think that the defence right does not include aggression but the defence on human rights. This violates the national sovereignty⁽¹⁵⁾.

C . The exception mentioned in the text of the article 7/2 from the Charter of the United

Nations which stipulates (this principle will not violate the application of the measures of suppress mentioned in section seven. The supporters of this trend see that the above item allow the security council to interfere in Syria when a violation occurs as far as the goals or the principles of the United Nations especially related to the human rights and peace and security are concerned.⁽¹⁶⁾. It is not possible in this case to compare article 7/7 from the Charter which rejects the human intervention idea if the human causes require that, because the idea of legal trusteeship is flexible and



changeable (17). Thus 7/2 is a dangerous exception to the measures principle and it is an exception which is related

To the suppress procedure s mentioned in the seventh section which allows the use of power according to the articles 41-42 from the Charter of the United Nations.

These proofs are not enough to decide the legitimacy of the humanitarian intervention. Instead certain measures should be taken for the purpose of legitimacy of the intervention(18):

- Unlawful and non-human measures should be taken which violate the human right dangerously.
- Violations of the human rights issued by the government of a state which require intervention, because the cases implanted by the individuals or groups do not lead to dangerous violations for the human rights.
- The intervening party is an international organization will provide a wide space which has an international authority.
- The real intention, i.e., the main cause of the intervention is to protect the civilians from the government.
- The intervention is necessary and suitable to the human destruction and the military choices will be the last resort after taking all the steps.

2. The Opponent Trend of the International Humanitarian Intervention

This trend is contradictory to the humanitarian intervention. Believing that it is a concealed aggression against an independent state and a violation to sovereignty and the unity of its territories. It also violates the international peace and security stipulated in its Charter and it violates the friendly relations offered by the United



Nations. Exceptions will lead to getting rid of power in the international relations⁽¹⁹⁾. The security council may warn the state from the violations of the human rights and asks for stopping such violations and defending it on the party of the proponents of this trend.

-All the covenants international treaties and the rules of the international law should not oppose the international relations ⁽²⁰⁾.

-The Charter of the United Nations concentrates on the humanitarian intervention because it is an inner specialization mentioned in article 7 (nothing in the covenant justifies the interfere of the United Nations in the matters which are fundamentals of the inner authority of the state)⁽²¹⁾.

Thus we can say that the legitimacy of the intervention of the security council is an exceptional in order not to interfere in the inner specialization. The security council swerved from its obligations during the cold war, therefore it overlooked the article 2/7 from the Charter.

The Second Chapter: The Main Reasons for the International Intervention in Syria and the Methods of the International Intervention in It

The First Requirement Reasons of the International Intervention in Syria

The justification points to lawful texts or the exceptions stipulated in the covenant of the United Nations which can be used as an excuse for the intervention in the state, if the previous intervention was restricted on the keeping of peace and security. Thus the security council has to interfere in the inner affairs of Syria. There are various reasons:



First: The Humanitarian Affairs

Despite that the covenant of the United Nations emphasize the sovereignty of the state and all related to the inner juristic trusteeship, yet there is still certain exceptions for humanitarian reasons or it violates the basic rights of the country⁽²²⁾, this Defence is one of the important defences of the security council for intervention if the state treats people severely, and it deprives them from their rights and shakes the humanity conscience ⁽²³⁾.

Some justify this intervention as the continuation to trespass the ethical norms and the people become victims of the oppression of the ruler⁽²⁴⁾. From this view the responsibility lies on the security council because it has wide privileges to prevent the body violations as the resolution 100 issued by the session 45 for the General Assembly of the United Nations in 1990 which stipulates (the losses of people and the possessions and the collective displacement for the population) it forms a threat to humans degrading his dignity)⁽²⁴⁾.

With the breaking out of the Syrian revolution in March 2011 calling for the basic rights, the Syrian government tried to suppress the revolution in non-humanistic methods which represent violence against the demonstrators which led to killing and arresting the innocent as the report of the council on 29 April 2011 showed ⁽²⁵⁾.

Violence and the excessive use of power increased and the violations of the human rights increased in savage methods as the resolution 176 issued by the General Assembly of the United Nations in its sixty sixth session 2011. The resolution condemned severely the (continuous violations of the human rights in Syria, such as executions and the excessive use of power against the demonstrators and detaining them or concealment, torturing them



even the children and considered the behavior of the Syrian government crimes against humanity⁽²⁶⁾.

The General Assembly of the United Nations asked in its resolution 253 on February 2012 the Syrian government to⁽²⁸⁾ :

A. Stop all the forms of violence and protect the dwellers.

B. Setting free all the detained people severely arrested.

C. Withdrawal of all Syrian military forces from towns and restore them to their camps.

With the continuation of Syrian government on the violation of the human rights in unnatural ways and the escalation of violence, these behaviors on the part of the Syrian government crimes against humanity. Of these⁽²⁷⁾ are:

1. The aggression on the civilians in all the towns and villages all over the country including the random shelling and killing of the civilians.

2. The destruction of the hospitals and medical dispensaries to prevent the humanitarian aids.

3. Wide violations of the human rights and the basic freedoms, such as the execution and the use of the excessive power.

For all these reasons and the tragic situation, the security council failed to stop the Syrian government from doing all these deeds. In the humanitarian intervention, a clear resolution was taken which allowed all Resolution of the General Assembly No. 253 taken in the 66th session in 2012.

All the parties to stop such deeds because of Russian and Chinese veto and the non –conformity in the council.



Second: Keeping the Security and Peace of the citizens

Humanity passed through a tragic suffering in the twentieth century due to the world war II. For this reason the United Nations asserted on the necessity of the peace and security. It warned from the consequences of the war. It adopted joint measures to keep peace and security (28).

It is to be mentioned that the traditional current believes that threats depends on the aggression, and it fell under the seventh section, the modern trend which appeared after the cold war sees it as a violation to the human rights, for though the inner struggles are big and of long term, the threat of violence threatens the international peace (29).

In the Syrian crisis the security council discovered that it is not possible to issue clear resolutions as the British ambassador Mark Lear Grant confirmed in the meeting of the security council (the security council is incapable in the Syrian crisis because of the veto of Russia and China in three different situations)(30).

The Second Requirement : Factors of the International Intervention in Syria

The security council in Syria aims to keep the international peace and security, therefore it should take a number of measures to stop the threat of the peace and security. Many factors are considered such as:

1. Delimit the degree of the violation of the human rights which are faced by the individual in the state according to the council of human rights.



2. Delimit the moral and materialistic possibilities and the way of implementation.

3. The security council issues an international resolution allows the humanitarian intervention according to the authority granted to it according to the Charter of the United Nations and by the appropriate methods so as to go forward in taking its role to keep the international peace and security.

The security council has the right to interfere and use some of the media to cover the behavior of the Syrian government depending on the submitted report from the human rights council. These media include the following:

First: The Laws which Are Stipulated by the Charter of the United Nations

The security council should interfere in Syria according to the seventh section –article 39 of the Charter of the United Nations (the security council decides on the measures for the articles 4i and 42 to keep the international peace and security) including :

1. The Military Means:

The security council uses this method in case of the failure of the other methods. It is considered as one of the most dangerous methods. Its use depends on the article 42 of the Charter of the United Nations it is possible to use the measures required such as the land, the sea, and the army to keep the peace and security.

International law recognizes only one right to “interfere” in the internal affairs of a state. This right is enshrined in Chapter VII of the Charter of the United Nations. Thus this right is entrusted to the United Nations Security Council when the behavior of a State is



construed as a threat to international peace and security. In such a case, the council can take a series of measures, including the imposition of diplomatic or economic sanctions. The Council also authorizes the use of force and may decide the need for international military intervention to stop the activities of the state concerned⁽³¹⁾.

On several occasions, the Council has addressed humanitarian considerations when conducting military operations or peacekeeping operations. However, peacekeeping operations are committed to broad requirements related to maintaining or restoring international peace and security, according to which humanitarian considerations remain a secondary matter.

Thus, it is essential not to confuse “humanitarian intervention” advocated by states or the United Nations with humanitarian actions undertaken by impartial humanitarian organizations in conflict situations.

The concept of a “right” to humanitarian intervention was first invoked in the post-Cold War context of 1990, by UK envoys after Russia and China failed to support the establishment of a no-fly zone over Iraq. So, in addition to humanitarian missions, this was designed The principle is to circumvent the Security Council by resorting to this right. However, critics of this principle base their arguments on what is stipulated in the Charter of the United Nations, which stipulates the sovereignty of nations and their right to act freely within their own limits, as it is stated in Article Two of the Charter that “ Nothing can justify interference in specific affairs within the local control of any state.

Therefore, since both proponents and opponents of humanitarian intervention have the legal ground under the Charter of the United Nations, there is still a wide debate whether the principle of



sovereignty of nations is preferred or for humanitarian reasons, and the United Nations has been continuously involved in issues related to humanitarian intervention, with the intervention of The United Nations is involved in an increasing number of conflicts within the borders of a number of countries.

The military method is considered the most wide spread for the intervention especially after 1990. It is characterized by a huge ability towards the violations of the human rights and the quickness of result achievements.

- Some examples of humanitarian intervention
- Unified Military Unit (Somalia – 1992).
- The process of maintaining democracy (Haiti – 1994).
- UNAMIR (Rwanda, 1994).
- UNTAET (East Timor, 1999).
- The bombing of the North Atlantic Treaty Organization (NATO) for Yugoslavia (1999).
- British military intervention in the civil war in (Sierra Leone – 2000).
- The military intervention of the international coalition in Libya (2011).

Some academics have referred to these cases as humanitarian interventions, but in some cases this is merely a later classification of a group of actions that occurred as a result of a set of motives, such as the occupation of Cambodia by Vietnam for example, which was justified at the time as activity in the context of defending It was not for human rights motives, and it was not classified as a possible example of humanitarian military intervention until after a period of time had passed⁽³²⁾.



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2. The Non-Military Means

It is a method which does not require power or military action. On the contrary it includes human interfere a series of sanctions against Syria such the comprehensive economic blockade, cutting the diplomatic relations, the different transportation means as mentioned in article 41 from the Charter of the United Nations ...terminate of all the economic, marine, air, land, and electricity and the diplomatic relations(36). This method aims to prevent the Syrian government from such violations.

Second: Other Methods

Despite the fact that the security council makes it clear that it uses the political, economic, and military measures to interfere, it uses secretly the appropriate methods according to the article 40 (to prevent any deterioration in the security status. It has the right to take the temporary measures which are necessary) (33).

This requires from the security council to employ the international development according to the international legitimacy especially after the cold war. Of these methods:

**. The Establishment of Safe Zones **

The safe zone in reserved country refers to the safe recluse to get rid of the military relics and save the citizens.

In the Syrian affair the security council is asked to issue resolutions according to the seventh section and limit several governorates so



as to guarantee the arrival of the aids to them. To secure a safe zone the following conditions should be met:

- The security council issues a resolution to choose a zone geographically.
- It should not violate the national sovereignty and the safety of the lands.

2. Peace- Keeping Operations

They are the international forces of the United Nations. They are formed according to resolutions of the security council. They include the proliferation of military forces from different countries, members in the United Nations. Their mission is :

- To reach an agreement between the parts of the conflict
- They should not use force only in self defence
- They implement the peace agreements between the government and the opponents and the spread of security and stability in Syria and the achievement of the human rights ⁽³⁴⁾.

3. The Aviation Banning

In order to prevent the Syrian regime from launching the missiles and the artillery shelling on the villages and the countries all over Syria, the security council may impose a zone for banning aviation to reduce the losses in persons and possessions. The banning of aviation requires the issue of a resolution from the security council to limit the zone involved. It requires also the use of mobile patrols all the time and the possibility of destroying the fighters of Syria to secure the planes of the United Nations as it was done in Iraq 1991 and Yugoslavia in 1993.



4. The Formation of International Penalty Court:

The security council has the authority to establish an international penalty court to sentence those who are accused of crimes against humanity especially the chemical massacre and the killing of more than 1400 persons. If it is done, it goes according to the seventh section and the article 13 from the basic regulations of the international penalty court⁽³⁵⁾.

The Conclusion

The international humanitarian intervention gets a great deal of respect from the United Nations and the security council especially after the cold war due to the increase of the violations of the human rights in a dangerous shape. This pushes the United Nations to deal with these violations of the human rights and to keep the civilians and exclude the matters which have relevance with the authority inside the state and its obligations. There are some reasons for this intervention both human and to keep the peace in accordance to the article 7/2 of the covenant of the United Nations especially after looking at the grave violations of the peace and security, taking into consideration that the resolutions are taken from the Charter of the United Nations and the rules of the international law and the perseverance of the international court of justice.

Since it is impossible to resort to the security council to correct its resolutions described as non-just, therefore we cannot be judges and opponents simultaneously. So it is felt necessary to find a referee in such resolutions to observe its legitimacy.

Since the resolutions of the security council are important in the international relations which necessities to bring them out of the administrative resolutions to resolutions of international laws.





Therefore it is felt necessary to authorize the General Assembly on its formation to review the resolutions issued by the security council. The resolution should be of the majority of two thirds. In order veto reach this result the Charter of the United Nations should be amended.

The war that the Syrian state was subjected to was not limited to financing and military support for terrorist groups, but was accompanied by an economic siege imposed on the Syrian people, and systematic political and media misinformation campaigns aimed at flipping facts, exploiting feelings and inciting emotions and instincts against the Syrian state.

Since the beginning of this terrorist war, the Syrian state has resolved to move forward in carrying out its duties to protect its citizens and defend its sovereignty, unity and territorial integrity, and has taken all necessary measures to protect civilians.

In parallel, the Syrian state encouraged national reconciliation initiatives out of its keenness to stop the bleeding of Syrian blood. And it was open to any sincere effort aimed at reaching a political solution in which the Syrians alone would decide the future of their country without outside interference, and guarantee the sovereignty and unity of Syria's land and people, and it actively engaged in all political initiatives based on these principles.

Recommendations

As for the intervention of the security council in Syria, the following recommendations are reached:

1. First and foremost we should treat the humanitarian intervention as an exception, non-intervention and used for emergent purposes.



2. The subject of the violations of the human rights springs from the inner establishments of the country.
3. The intervention in Syria should work together with seventh section of the Charter of United Nations, because the violations are bound with the threats of peace and security.
4. The Syrian government should review the existing legal and executive standards to provide as many facilities as possible and remove obstacles to the return of Syrian citizens, simplify the relevant procedures, and secure their basic necessities.
5. The Syrian government should also engage in a dialogue with the United Nations agencies working in Syria on supporting the Syrian government's efforts in the humanitarian fields.
6. The international community must confront this amount of terrorism that the Syrian people have been subjected to and the accompanying systematic political and media misinformation.

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- (15)- Dr Ahmed Abdalla Abu Al-Ula, Development of the security council, 2005, P.138.
- (16) - See the text of the article 2 item 7 from the Charter 1945.
- (17)- Dr Ahmed Abdalla Abu Al-Ula, ibid, p. 137.
- (18) Dr. Mu'amar Faisal Al-Khuli p.11.



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- (19)- Dr. Ahmed Abdalla Abu, Al-Ula, p.140.
- (20)- Dr. Ahmed Abdalla Abu, Al-Ula, p.141.
- (21)- see article 2 item 7 of the covenant 1945.
- (22) Dr. Missa'd Abdulrahman Zeydan, Al-Ula, p. 156.
- (23) Dr. Abdulkareem Alwan intervention for Humanitarian purposes, security council resolution, No.688 ,1991.
- (24) See the United Nations resolution, 100.
- (25) Human Rights Resolution in Syria 29 April 2011 .
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- (27)- Resolution of the General Assembly No. 253 taken in the 66th session in 2012.
- (28)- See text of article (1) , the Charter of the United Nations 1945 .
- (29)- Dr. Othman Ali Arrawandoozi, Al-Ula, p. 430.
- (30)- Kuwait news agency 21 October,2013.
- (32)- see the article 42 of the Charter of the United Nations,1945 .
- (32) - A. Cottey, "Beyond Humanitarian Intervention, The New Politics of Peacekeeping and Intervention," *Contemporary Politics* 2008: pp. 429,446.
- (34) - see the article 40 from the Charter of the United Nations,1945.



(35)- Mohammad Gazi Nasir Al-Jannabi, p.83.

(36)- The regulations of Rome for the penalty court 17 July, 1998.