General Assembly holds groundbreaking session on human rights in Syria

15.02.2012

As the crisis in Syria entered its twelfth month, Member States gathered at UN headquarters in New York on Monday for a meeting of the General Assembly plenary to consider the deteriorating human rights situation. This is the first time the General Assembly has responded to a country specific situation outside the Third Committee[1] since the creation of the Human Rights Council.

The meeting was convened by the President of the General Assembly (PGA) at the request of several Member States, given recent developments in Syria. The meeting was formally called to consider the Report of the Human Rights Council from its 18th special session, which was held on 2 December 2011 to discuss the situation of human rights in Syria in light of the report of the Commission of Inquiry presented on 28 November 2011[2]. The PGA also invited the UN High Commissioner for Human Rights, Ms. Navi Pillay, to provide a briefing on the latest developments in Syria.

The meeting came one week after a Security Council resolution aimed at endorsing an Arab League plan to end the violence and start talks was vetoed by Russia and China. The Security Council resolution would have supported an Arab League plan calling on President Bashar al-Assad to delegate power to the vice president, who would oversee the political transition process and formation of a national unity government, which in turn would work towards elections within a specified timeframe.

Syria tried in vain to block the meeting at the outset, challenging the decision of the PGA to convene it. Citing General Assembly resolution 65/281, Syria argued that the practice of the General Assembly is for the Third Committee and the plenary of the General Assembly to consider annual reports of the Human Rights Council covering the period from 1 October to 30 September under the agenda item “Report of the Human Rights Council”. According to this practice, the Report of the Human Rights Council at its 18th special session would only have been considered in the fall of 2012 together with the rest of the Human Rights Council’s work from 1 October 2011 – 30 September 2012.

The representative from Syria was supported by Iran and the Democratic People’s Republic of Korea (DPRK) as he repeatedly challenged the PGA on his decision to convene the meeting. Syria requested that an opinion be sought from the UN Office of Legal Affairs on the legality of the meeting before proceeding. The PGA tried to frame Syria’s intervention as an objection to the ruling of the PGA to continue the meeting, stating that a vote would be taken. However, Syria reiterated that it was not objecting to any ruling and that a vote would be a challenge to the substance of a GA resolution, in this case 65/281 — an ‘unprecedented scandal’ in the history of the UN. Iran argued that ‘normal procedures’ should have been used, and that a request for an extraordinary meeting of this nature should have gone through consultations with Member States or the General Assembly’s General Committee. However, the PGA stood firm, repeatedly asking Member States whether they wished to decide to consider the report, and clarifying each time that it would be without setting a precedent.

Eventually Syria yielded and Ms Pillay took the floor, expressing ‘outrage’ at the serious human rights violations, noting that these have sharply escalated since the General Assembly passed a resolution on the situation of human rights in Syria on 19 December 2011. She voiced her frustration at the inability of the international community to take action, remiding Member States that the people of Syria were now looking to the General Assembly to speak with one voice to support them. She stated her distress that ‘the continued ruthless repression and deliberate stirring of sectarian tensions might soon plunge Syria into civil war’. She also noted that crimes against humanity ‘are likely to have been committed in Syria’, stating that she has encouraged the Security Council to refer the situation to the International Criminal Court.

Thirty-four states or regional organizations took the floor during the day long debate that ensued[4]. Several interventions echoed Ms Pillay’s frustration at the inability of the international community to act, noting that the current impasse in the Security Council seems to have emboldened the Syrian regime in recent weeks.
Egypt, speaking on behalf of the Arab group, stated its intention to table a General Assembly resolution on the situation in Syria in the coming days. The draft resolution condemns the escalating violence, endorses the Arab League’s proposal for a political transition, and asks the Secretary General to appoint a special envoy on Syria. It is anticipated that the resolution will be adopted on 16 February 2012. Several states voiced support for the resolution in their statements, including Libya, Saudi Arabia, UK, Germany, Norway, Australia, France, Canada, and Lichtenstein. France, Germany and Canada in particular welcomed the appointment of a special envoy.

Several states drew analogies to the situation in Libya. Libya likened Assad to Gaddafi, stating that the international community must take measures to protect civilians by operationalizing the Responsibility to Protect. In contrast, Cuba and Nicaragua both expressed the view that the situation in Libya had set a dangerous precedent in which the protection of civilians was used as a pretext for regime change.

Russia, China, Venezuela, Cuba, DPRK, Iran, Nicaragua, and Belarus spoke out against the initiative in the General Assembly, doubting the impartiality of information on Syria, repeating familiar objections to foreign intervention in domestic affairs, and underlining that respect for the UN Charter principles of sovereignty, unity and territorial integrity was paramount.

India condemned “all violence, irrespective of the perpetrators”. India underlined that the main role of the international community is to facilitate engagement of the Syrian government with all sections of society for an inclusive political process that takes into account the legitimate aspirations of all Syrians, and ensures respect for sovereignty, unity and territorial integrity. Though India expressed support for the efforts of the Arab League for a peaceful resolution of the crisis, no mention was made of further action by any UN bodies or mechanisms. Brazil on the other hand offered a more nuanced stance. While clear that the ‘future of Syria is obviously in the hands of the Syrians’, Brazil noted the need for the UN to send a clear and unified message of condemnation of human rights violations while supporting the Arab League’s efforts, and expressed support for greater involvement of the UN in cooperation with the Arab League.

Looking ahead, the General Assembly is expected to vote on a resolution on the situation in Syria on 16 February 2012. It is not clear if or when the Security Council will take up the issue again despite calls from several states that it remain on the agenda. Germany in particular continues to advocate for a Security Council-mandated Commission of Inquiry. Switzerland, Lichtenstein and Norway called for the situation to be referred to the International Criminal Court. In that respect, Lichtenstein stated that the General Assembly should recommend that the Security Council do so.

Only two states mentioned an earlier Arab League proposal for a joint Arab-UN peacekeeping mission to Syria. Russia said it would be studying that proposal in the coming days, stating that peace and the consent of the host country were two pre-conditions. Indonesia voiced its support for the establishment of a peacekeeping force, also noting that peace was required in Syria first.

In the meantime, the situation in Syria is expected to be a focus of the 19th session of the Human Rights Council, beginning 27 February in Geneva, during which the Commission of Inquiry will present a further report. Finally, several states welcomed the Arab League initiative to create a ‘Friends of Syria’ Group that will meet for the first time in Tunis on 24 February 2012.

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[1] The General Assembly allocates to its Social, Humanitarian and Cultural Affairs Committee, commonly referred to as the "Third Committee", agenda items relating to a range of social, humanitarian affairs and human rights issues. The Third Committee meets every year from early October through late November.

[2] The request for the special session, submitted by the European Union (the EU), was signed by 28 member States of the Council, including fellow Arab States Qatar, Kuwait, Libya, Jordan, and Saudi Arabia, and 40 observer States. This was the third Special Session of the Human Rights Council on Syria in 2011. The first was held on 29 April and the second on 22 and 23 August. The Commission of Inquiry was established by the second Special Session and concluded that evidence indicated that gross violations of human rights had been...
committed by Syrian military and security forces since the beginning of the protests in March 2011.

[3] Russia also spoke in favour of Syria later about this procedural issue.

[4] (statements are hyperlinked where available) Egypt, Libya, Saudi Arabia, Tunisia, European Union, France, Japan, USA, Switzerland, United Kingdom, Canada, Germany, Brazil, Mexico, Norway, Australia, Portugal, Chile, Lichtenstein, Indonesia, Italy, Israel, New Zealand, India, Turkey, Russia, China, Venezuela, Cuba, Democratic People’s Republic of Korea, Iran, Nicaragua, Belarus, and Syria.

[5] Also referred to as ‘R2P’, this concept relates to the obligation of States toward their populations and toward all populations at risk of genocide and other large-scale atrocities. It was endorsed by the General Assembly in the 2005 World Summit Outcome Document (paragraphs 138 and 139), and reaffirmed in September 2009 in a consensus resolution (63/308). The resolution was the outcome of a three-day debate in the GA debate that was convened to discuss the January 2009 report of the UN Secretary-General: ‘Implementing the Responsibility to Protect.’