

Use of force by states

concepts and deliberations on the Syrian crisis

Report

Author(s):

Sengupta, Shreyan

Publication date:

2013

Permanent link:

<https://doi.org/10.3929/ethz-a-009979073>

Rights / license:

[In Copyright - Non-Commercial Use Permitted](#)

USE OF FORCE BY STATES: CONCEPTS AND DELIBERATIONS ON THE SYRIAN CRISIS¹

ABSTRACT:

States have often personified the human nature by resorting to one of the most primitive forms of dispute settlement methods. The author on using a doctrinal approach shall provide in this article a very precise overview of the concept of “use of force by States” along with a historical narrative of the same. Certain cases and incidents have been discussed in order to provide a working definition of the concept at hand and assist the reader to understand the said from a broader perspective. At the latter part of the article, the “Syrian Crisis” has been discussed by applying the discussed concepts and thereafter an opinion has been provided by the author.

KEYWORDS:

Humanitarian intervention, Use of Force, Self-defence, Syria, Chemical weapons, OPCW

CONTENTS

KEYWORDS:	1
INTRODUCTION	2
I. HISTORICAL DEVELOPMENT	3
II. A SHORT DISCUSSION ON ARTICLE 2(4)	4
III. WHAT IS “USE OF FORCE” IN INTERNATIONAL LAW?	5
IV. DIFFERENT FORMS OF USE OF FORCE	6
I. SELF DEFENCE	6
II. INTERVENTION	10
V. THE SYRIAN CRISIS: A DISCUSSION	14
INTERVENTION V. INTERFERENCE	15

¹ Shreyan Sengupta, BBA LLB, 3rd Year at KIIT Law School, Bhubaneswar, India. (shreyansengupta@hotmail.com)

INTRODUCTION

Use of force cannot be used by states under any circumstance. Mankind has already seen the scourge of war and the devastation it brings with itself. All member states of the United Nations are required to settle disputes by peaceful means. Any use of force is to be considered as a threat to international peace.² Wider allocation of economic wealth in developing arms and re-discovering nuclear energy allow us to glance at the glum future that awaits us. It would be skeptical of me to be of the belief that war is eminent. In the past, states have used devious instruments, diplomatic tactics and force to fulfill their needs of the “more”. Territorial Sovereignty was violated on theological beliefs, on falsely propagated ideals by leaders³. Mankind has been foolish enough to disregard the value of resources and more importantly, the value of human lives. The ordeal was to be faced by the soldiers⁴, their families and the people. With the crippling effects of war, sanity and rationality regained prominence.

The United Nations Charter was thereafter adopted by a majority number of states. It was to save *succeeding generations from the scourge of war, which twice has brought untold sorrow to mankind* the Charter was drawn to ensure peace and security in the common interest of mankind.⁵ This article shall mainly deliberate upon the topic of “use of force by states”. Whereupon, concerned cases would be referred so as to provide a pragmatic viewpoint of the law in place. The article is structured so as to comprise various chapters, Chapter I to IV shall discuss

² General Assembly Declarations on Principles of International Law Concerning Friendly Relations and Co-operations Among States in Accordance with the Charter of the United Nations, G.A. Res. 2625 (XXV)(October 24, 1970).

³ Charles Kruszewski, *International Affairs: Germany's Lebensraum*, 34(5) THE AMERICAN POLITICAL SCIENCE REVIEW, 964 (1940).

⁴ Wilfred Owen, *The Poems of Wilfred Owen, Anthem, For Doomed Youth* 1999. (The war poet who had suffered an injury as a soldier 1917 and depicted the true horrors of war through his poetry.)

⁵ U.N. Charter Text; art. 1, para 4; U.N. Charter art. 2, para 3; U.N. Charter art. 2 para 4.

about the concepts and different types of use of force which are exercised by states. Chapter V exclusively discusses about the *Syrian Crisis* in brief and contains the author's opinion in that regard.

I. HISTORICAL DEVELOPMENT

Before 1945, the phrase "use of force" was synonymous with the term "war". It was a time when natural law thinkers believed that the exercise of force for avenging earlier atrocities and punishing earlier wrong was to be connoted as "just war".⁶ Such concepts had theological origins⁷ where such wars were fought in order to protect the sanctity and ensure the protection of religious beliefs of individuals. The frailty of such religious vengeance began to show and hence was slowly replaced by the newfound idea of the state. A strong belief existed that the power of the sovereign state held no boundaries. The aftermath of such an extreme belief was the First World War.

After the dismal failure of the League of Nations, the Second World War claimed peace and there was a dire need of a plausible solution. The United Nations Charter was what could be seen as a viable option where independent states would become members so as to ensure that such use of force as seen before did not take place in the future. It is impossible to have a dispute free world. It was then decided that all member states would refrain from threatening or using force against any other state⁸ and use peaceful means to settle the dispute, thereby protecting

⁶DUNNING, WILLIAM ARCHIBALD, A HISTORY OF POLITICAL THEORIES: FROM LUTHER TO MONTESQUIEU (2006)., (Grotius, writing in 1625, asked "whether a war for the subjects of another be just, for the purpose of defending them from injuries inflicted by their ruler," and answered that it is just if "a tyrant ... practices atrocities towards his subjects which no just man can approve.").

⁷ REBECCA M.M. WALLACE & OLGA MARTIN-ORTEGA, INTERNATIONAL LAW 290 (2009).

⁸ Supra note 4 at art. 2, ¶4.

international peace and security.⁹ The state practice of use of force has undergone tremendous alteration from “just” use of force to the banning of war.¹⁰

II. A SHORT DISCUSSION ON ARTICLE 2(4)

Article 2(4) of the United Nations Charter has a *character of jus cogens*¹¹ which covers a very wide ambit thereby prohibiting threat and use of force. As far as the article is concerned, *the legal regime envisaged by the UN Charter are concerned, the prohibition is one aimed at outlawing armed forces and “gunboat diplomacy” in relation between States.*¹² The article however permits the use of force for some exceptional situations. In cases where a state acts in self-defence in as provided under Article 51 of the UN Charter, where a competent United Nations Organ takes measures or when collective measure is undertaken by states under the guidance of the United Nations.

Article 2(4) of the UN Charter contains in itself another provision where ‘threat of use of force’ has also been prohibited. Apart from a few juristic works¹³, there have been fewer deliberations in the said area. The reason is that, much state practice has not taken place where states have acted out upon another state on a mere threat of force. Large scale armament has often led to believe that states are preparing to engage in the use of force. Can such situations be construed as threat of use of force? In practice, it is very difficult to distinguish between offensive and defensive preparations¹⁴. States usually have been quite diplomatic in invoking Article 2(4) of the Charter. Such shades of threat of force have often acted in benefit by speeding up peaceful

⁹ Supra note 4 at art. 2. ¶3.

¹⁰ Oscar Schachter, *The Right of States to use Armed Force*, 82 MICH. L. REV. 1620 (1984).

¹¹ WALLACE & ORTEGA, *supra* note 6 at 291.

¹² WALLACE & ORTEGA, *supra* note 6 at 294.

¹³ See, works by Sadurska, Schachter, Asrat.

¹⁴ 1 THE CHARTER OF THE UNITED NATIONS: A COMMENTARY, 124 ¶ 38 (Bruno Simma et al. eds. 2nd ed. 2010).

settlement of disputes.¹⁵ States generally resort to war in the most extreme of situations and such threat of force often acted in the benefit of both the states.

III. WHAT IS “USE OF FORCE” IN INTERNATIONAL LAW?

The term “force” in general may be given a wide interpretation so as to include political, economic¹⁶, psychological coercion¹⁷. But the Article 2(4) of the UN Charter has been interpreted in a very limited manner to only cover only the use of “armed forces”¹⁸. Nevertheless, states at times engage in activities which may be considered as illegal or on violation of customary international law. Releasing large quantities of water downstream or diverting a river thereby adversely affecting the riparian rights of another state, cross-frontier expulsion of populations¹⁹ are certain instances where states use physical force to undermine the rights of another state. As we find no conclusive international treaty in this regard, we are left to interpret customary international law and take aid from the opinion of eminent jurists who are of the view that such physical non-military instances of force need not be covered under to scope of Article 2(4) of the United Nations Charter.²⁰

Thus in order to make an aggressor state liable for instances of use of physical or indirect force²¹, then the act or omission on the part of the state must be interpreted to make it look like it was a instance of colorable use of military-force thereby requiring the use of the self-defence mechanism as enshrined in Article 2(4) of the UN Charter.

¹⁵ *Id.*

¹⁶ Friendly Relations Declaration, G.A. Res. 26525 (XXV) (24th October, 1970); Simma, *supra* note 13 at 118.

¹⁷ WALLACE & ORTEGA, *supra* note 6 at 290.

¹⁸ VERDROSS, A. & SIMMA, B *UNIVERSELLES VOLKERRECHT* 476 (3rd ed. 1984); Kelsen, *PRINCIPLES OF INTERNATIONAL LAW* (2nd ed. 1996), 86.

¹⁹ Simma, *supra* note 13, at 118.

²⁰ 6 U.N.C.I.O., Documents 335; Simma, *supra* note 13 at 119; DAVID HARRIS, *CASES AND MATERIALS ON INTERNATIONAL LAW*, 746 (7th ed. 2010).

²¹ Simma, *supra* note 13 at 118.

IV. DIFFERENT FORMS OF USE OF FORCE

i. SELF DEFENCE

Customary international law suggests that all cases where there was an exercise of force by a state upon another and where the states were at peace then the act of the aggressor is said to be unlawful. But in cases where a situation of an overwhelming nature arises or an instance where there is no viable alternative left and the party had no moment of deliberation, only then could force be used by the state as means of self-defence.²² A classic example of such use of force by state could be seen in the *Caroline* case²³.

The incident was the result of the Canadian Rebellion of 1837 where Canadian rebel forces were able to draw support of American nations from Buffalo in the United States. These new-found forces established themselves in the Canadian Waters and thereby engaged British ships. On the night of December 29th, the British troops seized *Caroline* which was harbored in the American port of Schlosser. Thereafter the troops under orders from the monarch set the vessel on fire and sent it across the Niagara Falls resulting in the death of two US nationals. Thereafter McLeod, a British citizen was arrested in the United States and charged with murder and arson. The legality of the acts were discussed in-length by correspondence between 1891-1892 where the Great Britain aimed to get their national released.²⁴ It is common belief that that there could be certain grounds under which force could be exercised by states. Where the aggressor could prove either

²² 30 B.F.S.P. 195.

²³ 29 B.F.S.P. 1137 – 1138.

²⁴ Harris, *supra* note 19 at 746.

of the circumstances had existed as a result of which force was exercised, then it would be construed to be use of force for self-defence.²⁵

- a) Instant
- b) Overwhelming
- c) Immediate
- d) There was no viable alternative action which could be taken.

The case was a classic example of *anticipatory self-defence*. Since the British Government could apprehend future attacks, therefore such act on the part of the British Government was said to be a valid use of force for self-defence.

The present consensus in this regard can be found in Article 51 of the UN Charter. A state's inherent right to use self-defence under customary law is an exception to the prohibition of the use of force as enshrined in Article 2(4) of the UN Charter.²⁶ Article 51 has its origins in the Dumbarton Oaks texts, which were finalized by the Committee. Threadbare analysis of the article provides a interpretation that state have limited monopoly powers in all cases of self-defence. In order to check the acts of States, procedural limitations have been provided in the Charter which has proved to be a hard law in many instances. Principles²⁷ form a guide in cases of dispute, where there is no valid treaty provision.

In 1981, there was an intense political friction between the United States of America and Nicaragua. The United States under the guidance of President Ronald Regan terminated economic ties with the government of Nicaragua as their acts had been tainted by mala fides as

²⁵ 29 B.F.S.P. 1137 – 1138; B.F.S.P. 195 – 196; Military and Paramilitary Activities in and Against Nicaragua (Nicar. V. U.S.), 1986 I.C.J. 14 (June 27).; Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Rep. 226, ¶ 41 (1996).; Iran v. United States, I.C.J. Rep. 161 ¶ 43 and 73-77.(2003).

²⁶ Harris, *supra* note 19, at 727.

²⁷Ian Brownlie, *The Use of Force in Self-Defence*, in 1INTERNATIONAL LAW: CRITICAL CONCEPTS IN LAW, 96 (Joseph Weiler & Alan T. Nissel); *See*, Caroline Case, 29 B.F.S.P. 1137 – 1138; B.F.S.P. 195 – 196.

they had aided guerrilla forces in an attempt to overthrow the then El Salvador Government and allowing unrestricted passage of USSR arms to pass through its ports. Such acts on the part of the part of Nicaragua had adversely affected the United States of America; thereby the United States terminated relations with the then current Nicaraguan government. On the contrary, Nicaragua claimed that the United States had also acted against customary international law when they had installed mines in territorial and internal waters of Nicaragua which had caused damage to foreign merchant ships, oil installations and Nicaraguan ports. Apart from violation of customary international law violations, the United states had breached the 1956 US-Nicarigua Treaty of Friendship, Commerce and Navigation.²⁸ The International Court of Justice (ICJ) was of the view that all states are obligated to value and abide by the customary international practice, even though there might not be valid treaties or the concerned state might not even be a party to the UN Charter. In all cases the states were to respect the territorial integrity and sovereignty of other states, only Article 51 provided an procedural exception to the general rule that states have to report to the UN Security Council the moment such use of force has taken place. The ICJ was of the view that Article 51 did not bring about any innovation to the customary international law.²⁹

It held that the said instance was not a valid case for exercising force for self-defence Thereafter the Court decided that the United States had infringed Nicaragua's sovereignty and freedom of maritime commerce and international humanitarian law.³⁰

Some jurists believe that right of self-preservation was one of the *droit absolutus des états* while some believe that right to self-defence and the right to self-preservation are derived from the

²⁸ Harris,*supra* note 19 at 748.

²⁹ The Max Planck Encyclopedia of Public International Law 105 (Rudiger Wolfrum et al. eds., 1st ed. 2012).

³⁰ Military and Paramilitary Activities in and Against Nicaragua (Nicar. V. U.S.), 1986 I.C.J. 14 (June 27).

fundamental right of existence³¹. Therefore it can be said that such intrinsic rights of states are to be protected but with moderations. Article 51 of the UN Charter allows such use of force, but with procedural checks. But a critical viewpoint to all the above mentioned would be that the article is just another intense idealistic aspiration which is ever fading, ebbing and flowing with the needs of the powerful states. The legal rules have just become means to validate and rationalize acts of aggression by states. During the 1920-45, there was intense confusion in understanding the right of self-defence, necessity and self-preservation. This era saw the adoption of the Kellogg-Briand Pact or the General Treaty for Renunciation of War, on 27th August, 1928³² to which sixty-three states became parties. States renounced war as a matter of national policy in their relations with one another, while on the other hand made provisions for lawful use of force³³. This treaty was a realistic and comprehensive legal regime which was an actual precursor to the United Nations Charter.³⁴ Similar instances can be seen with treaties creating prior *casus belli*³⁵, allowing the use of force as a countermeasure to ‘provocation’³⁶, taking action in the basis of Article 16 of the Covenant³⁷ and justifying self defence under the masthead of ‘collective defence’³⁸ thereby allowing use of force as a right of legitimate defence.³⁹

The prevailing viewpoint in regard to the use of force for self-defence is that, a state has inherent power to use force but with reasonable checks and balances. On 24th October, 1945 when the United Nations Charter was formulated, Article 2 established the general rule that all members

³¹C.F. FENWICK, INTERNATIONAL LAW 146 (2nd ed., 1934).

³² IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 731 (7th ed. 2008)

³³ *Id.*

³⁴ *Id.*

³⁵ Treaty of Mutual Guarantee, Oct. 16th, 1925.

³⁶ Treaty of Mutual Assistance, May 2nd, 1935; Additional Treaty to the Treaty of Friendship, 1930; Pact of Mutual Understanding, 1933.

³⁷ Brownlie, *supra* note 31 at 75.

³⁸ *Supra* note 29.; *Oil Platforms* Case, *supra* note 24; *Supra* note 28 at 111; U.N. Charter art. 51.

³⁹*The Peace Pact of Paris*, Hunter Miller, 203 (1928).

were to settle their disputes peacefully without resorting to the threat or use of force. Article 51 of the same UN Charter forms the exception to the general rule⁴⁰. During the hearing of *Nicarigua* case it was decided that the right of self-defence was merely formalized into a hard law with the adoption of the charter, it was a pre-existing customary law.⁴¹ The court was also of the opinion that any use of force of *anticipatory self-defence* was unlawful⁴². However, if there was instant or overwhelming or an immediate threat of use of force⁴³ upon the territory or territorial waters of the state, only then could force be used as an instrument for anticipatory self-defence⁴⁴, as a response to an armed attack⁴⁵ where the force to be used as a countermeasure had to be necessary and proportionate. On exercise of force the concerned state would have to be immediately reported to the UN Security Council about the same and once the UN Security Council had begun taking necessary measures, the concerned state must stop the use of force.⁴⁶ Some jurists believe that the term collective-self defence as recognized under Article 51 of the UN Charter is a *misnomer*.⁴⁷ However the present established judicial dictum in regarding the use of force for collective self-defence is that the concerned state should declare itself as a victim of a wrongful act of armed attack and thereby request assistance.⁴⁸

ii. INTERVENTION

Territorial sovereignty is the existence of certain full rights over a particular *territory*⁴⁹. Such territorial sovereignty encompasses full rights over the landmass, subsoil, the water enclosed

⁴⁰ <http://www.un.org/en/documents/charter/chapter7.shtml>. (Last visited on 17th Sep., 2013.)

⁴¹ ICJ Reports (1986), 94, ¶. 176.

⁴² Supra note 26 at 123; Supra note 29.

⁴³ Supra 24.

⁴⁴ See, U.N. Charter art. 51; See, *Coraline Case*, 29 B.F.S.P. 1137 – 1138; B.F.S.P. 195 – 196.

⁴⁵ G.A Res. 3314 (XXIX) (14th December, 1974).

⁴⁶ Supra note 28 at 105.

⁴⁷ WALLACE & ORTEGA, *supra* note 6 at 304.

⁴⁸ Supra note 29.

⁴⁹ 1(2) OPPENHEIM'S INTERNATIONAL LAW 563 (Robert Jennings and Sir Arthur Watts et al. eds., 9th ed. 1992).

therein, land under the water and an extent from the seacoast⁵⁰. Intervention has its origins in customary international law of respecting the territorial sovereignty of states.⁵¹ The general principle of law suggests that states have complete rights and duties over a particular geographical extent. Within such territorial boundaries, the command of the sovereign⁵² shall be supreme.

Article 2(4) of the UN Charter stipulates that refraining to use force or threat of force against the territorial integrity or political independence of states does not restrict the possibility for the use of force⁵³. There isn't any state practice or *opinio juris* which could be construed to have illegitimised the use of force in cases of humanitarian intervention.⁵⁴ Such form of intervention is *the use of force by one State in the territory of another to protect persons who are in imminent danger of death or grave injury when the state in whose territory they are is unwilling or unable to protect them.*⁵⁵ Humanitarian intervention is distinct from intervention. It engages acts to as to promote altruistic interests by protecting human rights.⁵⁶ If the United Nations are of the opinion that there exists a threat to or a breach of peace by acts of aggression then the UN would permit the intervention of other states as provided under Chapter VII of the United Nations Charter.

Several instances of such of successful humanitarian intervention would be the Belgian-United states rescue operation, Israel freeing the hostages at Entebbe in 1976.⁵⁷ Instances have previously arisen where use of customary international law which played a crucial role when

⁵⁰ WALLACE & ORTEGA, *supra* note 6 at 101.

⁵¹ MALCOLM N. SHAW, INTERNATIONAL LAW 1148 (6th ed. 2011).

⁵² P.J. FITZGERALD, SALMOND ON JURISPRUDENCE 25 – 35 (12th ed. 2012).

⁵³ Simma, *supra* note 13, at 123.

⁵⁴ Simma, *supra* note 13, at 131.

⁵⁵ 3 Cardozo J. Int'l & Comp. L. 1 (1995).

⁵⁶ WALLACE & ORTEGA, *supra* note 6 at 300.

⁵⁷ Simma, *supra* note 13 at 131.

states acting out of goodwill, intervened in the internal matters of states.⁵⁸ The Northern Iraq crisis led to a mass scale violation the rights of Kurdish people⁵⁹. The UN adopted a resolution condemning acts of violence and genocide, thereby allowing humanitarian intervention. The rescue operation in Somalia was said to be the most importance cases of humanitarian intervention. It was one of mankind's greatest emergencies where UN troops had to distribute aid to the starving civilians. The UN adopted a resolution allowing the use of *all necessary* means to establish a secure environment⁶⁰. Thereafter, military action ensued for the safe delivery of aid by UN troops. It was the first UN Resolution which invoked the elements of Chapter VII, to explicitly authorize intervention in the internal matters of a sovereign state without any express request from the concerned state.⁶¹ The international community believes that when it comes to the competing interest of the state sovereignty and basic human rights, then the latter would receive more priority. However individual states are barred from reserving rights to engage in such intervention.⁶²

Nevertheless, such humanitarian intervention has been often criticized in many instances⁶³. It is believed that if such unrestricted power is given to states then such absolute power would be misused in the interests of the protecting states.⁶⁴ Even though the Yugoslavia incident was an essential and efficient example of humanitarian intervention, yet it received intense opposition as it had failed to give complete protection to the Muslim population by arming themselves against

⁵⁸ WALLACE & ORTEGA, *supra* note 6 at 300.

⁵⁹ S.C. Res. 688, U.N. SCOR, 46th Sess., 2982d mtg., reprinted in 30 I.L.M. 858 (1991).

⁶⁰ S.C. Res. 794, U.N. SCOR, 47th Sess., 3145th mtg. (1992).

⁶¹ WALLACE & ORTEGA, *supra* note 6 at 303;

⁶² Guidelines on Humanitarian Intervention, (2000) 71 B.Y.I.L. 646.

⁶³ See, India - Bangladesh (1971) Tanzania - Uganda (1979) incidents.

⁶⁴ A. Rougier, "La Theorie de l'intervention d'humanite," 17 RGDIP 468 (1910).

the Serbian army.⁶⁵ Eminent jurists are of the opinion that there will be numerous instances where there would be a dire need for humanitarian intervention⁶⁶, in order to ensure that the humanitarian intervention does not become a tool of colorable control of states by other states, there is a need for a narrow definition of the phrase along with the broadest judicial support.⁶⁷

“Counter-intervention” is form of intervention distinct from humanitarian intervention. Such form of intervention can be seen in state engaged in civil war. State practice shows that it is freely permissible to furnish arms, help in military training and provide combat forces at the request of a *de jure* government.⁶⁸ Does such aid act as a violation of principles of territorial sovereignty? Are such acts legally permissible by Article 2(4) of the UN Charter? In my opinion, such forms of intervention allow states to take sides in a civil strife which is impermissible. It is true, when there is gross violation of human rights; States have a duty to protect individuals from such atrocities. But presently counter-intervention has become a political instrument through which states exercise their powers to secure future interests in the concerned state. In the light of the discussion, I believe that if we measure the types of intervention on a gradient scale, then we will find that “humanitarian intervention” is the most permissible and legitimate means of exercising use of force. “Counter-intervention” is just another tool through which states intervene in an entirely internal dispute. States may justify by citing that such acts were in consonance with the principles of collective self defence as enshrined in Article 51 of the United Nations Charter. But as discussed in the previous chapter, collective self defence implies different rules and procedures which need to be adopted in order to make it a legitimate use of force.

⁶⁵LOUIS HENKIN, KOSOVO AND THE LAW OF "HUMANITARIAN INTERVENTION", 93(4) Am. J. Int'l L. 824, 824-828 (Oct. 1999).

⁶⁶ IAN BROWNLIE, HUMANITARIAN INTERVENTION, IN LAW AND CIVIL WAR IN THE MODERN WORLD, 217, 217-228 (1974).

⁶⁷ Supra note 54.

⁶⁸ Schachter, *supra* note 9.

V. THE SYRIAN CRISIS: A DISCUSSION

Syria, once was prosperous country with much to offer to the world. Fertile lands were plentiful and bountiful. Diverse was the nation, comprising mostly of Kurds, Armenians, Alawite Shia, Arab Sunnis, Druz and Christians. After it attained independence from the French it enjoyed a limited time of freedom as the country struggled to maintain peace and order. In 1958, Syria and Egypt joined the United Arab Republic (UAR). Thereafter in 1963, army officers seized powers through an coup and Hafez al-Assad was elected as the president. Thereon, Syria was ruled by Assad with an iron fist. All revolutionary activities were suppressed by Assad through the aid of the military. In 2000, we saw Bashar al-Assad succeed his father. In the initial days, his rule was less despotic than his predecessors. He adopted more diplomatic and democratic methods of government. But in the wake of 2011 the world witnessed nationwide uprisings against Bashar al-Assad's rule. Syrian security forces used tanks, gunfire to suppress anti-government protests. Syrian citizens were subjected to hostage taking⁶⁹, sexual-violence⁷⁰, torture, mass scale arrests⁷¹ to strike terror in order to stop anti-government uprising, thereby resulting in gross violation of human rights. Assad's rule has often received severe criticism from world press and international organizations as it aided various anti-Israeli insurgent groups such as the Hezbollah and Hamas.

In 2013, Assad and pro-Assad forces were accused for having used "Sarin", a chemical weapon which killed more than 300 people near Damascus. Controversy imploded when the Syrian government accused the said forces for the said acts. UN weapons inspector declared that

⁶⁹ Report on the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 23rd sessions, 4 June, 2013, A/HRC/23/58, ¶ 70-77.

⁷⁰ *Id.* at ¶ 91-95.

⁷¹ *Id.* at ¶ 64-68.

chemical weapons were used in the attack in Damascus.⁷² The Human Rights Council in its report asked the Syrian government to take responsibility by protecting its citizens.⁷³

INTERVENTION V. INTERFERENCE

The Syrian crisis reached epic proportions when chemical weapons of mass destruction (WMDs) such as “Sarin” were used to attack citizens. The fallout was tragic, children and innocent civilians were the immediate victims to such acts of terror. USA, France and Britain wanted to intervene in the matter by invoking the provisions of Chapter VII of the UN Charter which allow for the use of force through means of economic, diplomatic sanctions and military intervention as the last resort. It is possible that such means of intervention would be a reflection of the past Iraq intervention programme which the USA adopted. Russia is convinced that there is no need for the use of intervention and thereby had vetoed three UN Resolutions tried to put sanctions against the Syrian Government. With the growing international pressure and the threat of use of force, the Syrian government has agreed to become a party to the *Chemical Weapons Convention* and promised to destroy the stockpile of chemical weapons of mass destruction. Some critics are of the belief that such stance would fail miserably.

But in my opinion, I strongly believe that when a state is capable of self-governance and has agreed to honor international conventions, there is no need for an intervention by other states. Any form of unwarranted and unwanted intervention would amount to interference in the internal matters of a sovereign state. The Syrian Government has provided a detailed list of the

⁷²Report on the Alleged Use of Chemical Weapons in the Ghouta Area of Damascus, Human Rights Council, Aug. 21st, 2013, available at http://www.un.org/disarmament/content/slideshow/Secretary_General_Report_of_CW_Investigation.pdf (Last Visited on 20th Sep., 2013).

⁷³Human rights situations that require the Council’s attention - Assault on medical care in Syria, A/HRC/24/CRP.2 available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-CRP-2.doc> (Last Visited on 20th Sep., 2013).

WMDs and has promised to adhere to the *Chemical Weapons Convention*. States must ensure that the provisions of the convention are adhered to, rather than using force. The Syrian people have already been subjected to enormous amounts of acts of violence, if there is anymore use of force by states, it would only worsen their condition. Humanitarian intervention may be a valid ground for intervention, but if the Syrian government fails to honor the convention and further allows the violation of the basic human rights of the people of Syria, only then should other states intervene through the exercise of “collective self-defence”. Only then shall an intervention be legally permissible under the auspices of the United Nations Charter.