

# The UN Charter and Kofi Annan's Role in the Syrian Conflict

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In line with the non-binding UN General Assembly resolution A/Res/66/253 approved at the UN on February 16, 2012, Ban Ki-moon has appointed Kofi Annan, former UN Secretary General as the joint UN-Arab League envoy to Syria.(1)

Mr. Annan came to the UN on Wednesday, February 28, to begin the assumption of his role in the Syrian situation. Speaking to journalists at a press stakeout on Wednesday evening, Ban Ki-moon presented Mr. Annan to the media. As this was the first chance for UN journalists and the public to hear from Mr. Annan about the role he envisions playing in the Syrian conflict, it was disappointing that the Spokesman for the Secretary General only allowed 3 questions from journalists at this press encounter.

Clearly Mr. Annan is no stranger to the UN charter as he served for 10 years as UN Secretary General. Yet his new appointment represents a significant dilemma with which he will need to come to grips if he is to be able to act in a manner consistent with the principles of the UN charter.

The position he has accepted is under the umbrella of two institutions, namely that of the United Nations which is supposed to adhere to the principles of the UN charter, and the Arab League which has its own mandates and political realities. Will the former UN Secretary General recognize the need to place adhering to the principles of the UN charter as the higher authority for his joint appointment? Or will he take the road of accommodating the political pressures from Arab League and UN member nations who have ignored the UN charter in their actions connected with the Syrian conflict.

Two questions I had for Mr. Annan which I was not able to ask were, [1] Were there any conditions that you put on taking this position? [2] Were you familiar with the content and conclusions of the Arab League Observer Mission Report on Syria?

With no opportunity to ask these questions, it is only possible to consider Mr. Annan's remarks to the press on Wednesday, February 29, and subsequent comments from Ban Ki-moon on Friday, March 2 to see if there is any indication of how Mr Annan might have responded to these questions.

The first question is one that Mr. Annan appeared to address in his opening statement on Wednesday evening. He said "(L)et me say one thing. If we are going to succeed, it is extremely important that we all accept there should be one process of moderation....(O)ne single unitary process, and it is when the international community speaks with one voice, that voice is powerful." (2)

Since the spokesperson did not allow sufficient time for questions, no journalist was able to ask Mr. Annan what other possible “process of moderation” he was referring to.

One journalist tried to ask Martin Nesirky, the Spokesperson for the Secretary General, the question the next day at the noon briefing. Later in the day, the same journalist tried to pose this question to the UK Ambassador who had just assumed the position of acting President of the Security Council for the month of March. There was no answer to the question from either of these parties, and no means indicated to get an answer.

The UN member nation that had publicly offered to provide a means to support dialogue among the different parties in the Syrian conflict is the Russian Federation. While the Russian Federation did not offer to mediate the conflict, it has offered to provide a venue for the different sides to the conflict to come to speak with each other as a means of encouraging dialogue to resolve the conflict. If Mr. Annan has indeed set out to limit the efforts of the Russian Federation to help support a peaceful settlement of the conflict, this would appear to be in contradiction to the need to welcome all to help resolve the problem. Recently, Deputy Foreign Minister Gatilov of the Russian Federation indicated that he invited Mr. Annan to Russia for consultations on the situation. Since Mr. Annan has promised “to consult broadly with all actors,” Mr. Annan response to the invitation will help indicate if he will fulfill his promise.

Also striking is the fact that Mr. Annan spoke about the international community “speaking with one voice” over the conflict in Syria. He is clearly aware that there is a significant conflict among the permanent members of the Security Council over what is needed to find a peaceful resolution to the conflict, or even if a peaceful resolution is possible. Two members of the Security Council are opposed to foreign intervention into the domestic affairs of Syria, in line with the obligations of the UN Charter. They also oppose the UN Security Council dictating a solution involving regime change in Syria. To do so, is also contrary to the Charter. Other permanent members of the Security Council, however, are supporters of both foreign intervention in Syria and regime change, despite the prohibitions against such actions in the UN Charter.

At a press conference with Ban Ki-moon on Friday, March 2, one journalist asked Mr Ban if Mr Annan’s mandate stemmed from the Arab League’s prescription for a political transition in Syria which required the removal of the Syrian President from the process. The Secretary General’s response was that there is a distinction between the “broader guidelines on the mandate for the Special Envoy” contained in the General Assembly resolution of February 16, and the Arab League’s position in their resolution of January 22.

Explaining this distinction, Ban told journalists(3):

“SG: The General Assembly has adopted a resolution giving a broader guideline of the mandate of the Special Envoy, and of course, as you said, the League of Arab States has adopted a resolution on 22 January, having their own position there. But I believe at this time, to have a political dialogue with Syrian authorities, he should be given broader flexibility, a broader framework. This is what we have agreed [to]. Rather than sticking to any specific points, as you mentioned in the resolution of the League of Arab States. So, it’s up to Mr. Annan’s very able diplomatic skill to draw out, first of all, and to [end] all violence and to bring about the political solution of these issues and also help create some humanitarian space. This is a broader, broader framework and

mandate, so he will have much more flexibility.”

Ban indicated that this was the mandate agreed to during a half hour three way teleconference on Thursday conversation between himself, Kofi Annan and [Nabil] El-Araby of the Arab League.

While there have been some clues to what Mr. Annan’s response would have been to the first question I would have asked, what his response might have been to the second question is more difficult to determine. The issues raised by the conclusions of the Arab League Observer Mission Report referred to the need to overtly address the problem of the armed insurgency against the Syrian government and civilians. (4)

Despite false media or opposition claims, what is going on in Syria is not that the government is attacking peaceful civilian protesters.<sup>(5)</sup> To the contrary, there is an armed insurgency, fueled by foreign intervention and support, that the Syrian government is endeavoring to defeat. To call the Syrian government to stop the action against the armed insurgency, while not providing a mechanism to protect civilians and the government from the violent actions of these armed insurgents, presents a support for the violent actions of the insurgents. Such a situation would require the Syrian government to fail to fulfill its obligation to civilians and state institutions to protect them from foreign and internal violent attacks. The Observer Mission Report recognized this problem, as have the Ambassadors of the Russia Federation, China, and several other UN members. Mr. Annan did not give any clear indication of whether or not he recognized this problem.

In his opening statement to the press, Mr. Annan did refer to the need for a peaceful resolution to the Syrian conflict, as opposed to those who openly call for regime change or foreign intervention. While Mr. Annan appears to have overtly discouraged any other efforts toward a peaceful solution to the Syrian conflict, he has only gently and obliquely referred to the fact that there are those who advocate foreign intervention and violence to determine the outcome of the Syrian conflict. While Mr. Annan has advocated “dialogue between all actors in Syria” he only obliquely noted, “I know there are people who have other ideas that dialogue may not be the way to go and one should use other means.” The rationale he offers to counter the armed insurgency is a weak one. He explains, “But I think, for the sake of the people, for the Syrian people who are caught in the middle, a peaceful solution through dialogue and a speedy one is the way to go.”

While it is early in the process, one can only wonder how Mr. Annan expects to accomplish “a peaceful solution through dialogue and a speedy one,” when one of the parties to the conflict is an armed insurgency backed by at least some NATO members and the Gulf Cooperation Council. These are UN member nations whose intervention in the domestic affairs of Syria is clearly contrary to the principles of the UN Charter. Other parties to the conflict are the Syrian government and its supporters, and the nonviolent internal opposition that is opposed to foreign intervention in the conflict. Any process that leaves out the Syrian government or dictates who that government is, is a process only aiming at dictated regime change in a sovereign UN member state and would be in clear violation of the UN Charter.

In addition to the actions of Russia and China, the fact that the mandate for Mr Annan’s mission has been broadened and focused on ending all violence and initiating a political dialogue is one of the few optimistic signs yet to emerge from the UN in its efforts to help to find a solution to the Syrian conflict. Ban Ki-moon’s statement that Kofi Annan is to have a

broader framework and much more flexibility than any particularities in the Arab League resolution is a commitment to be watched as the process undertaken by Mr Annan unfolds. Can the principles of the UN Charter begin to function as a guide for a negotiation process in Syria? Is there a means to stop the foreign intervention and encouragement and support for armed insurrection against the Syrian government and civilians? If such conditions are met, will the Syrian government be able to carry out a reform process to meet legitimate demands of opposition forces while protecting the safety and political rights of other segments of the Syrian population. These are some of the questions that the conflict in Syria and the role played by the UN raises. The good offices mission of Mr. Annan will be watched by people around the world as a test of the UN and its ability to contribute to a peaceful resolution of a conflict that has been intensified by the intervention of foreign powers.

## Notes

1)UN GA Resolution G/Res/66/253 "The Situation in the Syrian Arab Republic" Adopted February 16, 2012,

See also, Ronda Hauben, "Using the UN GA to Endorse the AL Regime Change Agenda for Syria", February 19, 2012.

<http://blogs.taz.de/netizenblog/2012/02/19/un-ga-meeting-syria/>

2)UN Secretary-General Ban Ki-moon and UAW-Arab League Joint Special Envoy for Syria, Kofi Annan on Syria-Joint Media Stakeout, February 29, 2012.

Video and transcript:

<http://www.unmultimedia.org/tv/webcast/2012/02/secretary-general-ban-ki-moon-and-kofi-annan-on-syria-media-stakeout.html>

3)Secretary General Ban Ki-moon Press Conference, March 2, 2012 Video and transcript:

<http://www.unmultimedia.org/tv/webcast/2012/03/un-secretary-general-ban-ki-moon-press-conference-2.html>

Ban Ki-moon told journalists:

"The mandate will be based on the General Assembly resolution. Yesterday, I had a trilateral teleconference involving myself, Kofi Annan and [Nabil] El-Araby of the League of Arab States for about half an hour - what the mandate and terms of reference of the Joint Special Envoy would be. We have an agreement on that. Basically, his mission and his activities will be guided by this General Assembly resolution to have a good offices role and try to have a ceasefire, an end to violence and to help [find a] political solution [to] this issue in an inclusive way."

4)"League of Arab States Observer Mission to Syria: Report of the Head of the League of Arab States Observer Mission to Syria for the period from 24 December 2011 to 18 January 2012"[http://www.columbia.edu/~hauben/Report\\_of\\_Arab\\_League\\_Observer\\_Mission.pdf](http://www.columbia.edu/~hauben/Report_of_Arab_League_Observer_Mission.pdf)

5)See for example, Sharmine Narwani, "Questioning the Syrian 'Casualty List'," Akhbar English, February 28, 2012

<http://english.al-akhbar.com/content/questioning-syrian-%E2%80%9Ccasualty-list%E2%80%9D>

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