

Using the UN General Assembly to Justify War and “Regime Change” in Syria

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Global Research, February 19, 2012

19 February 2012

Theme: [United Nations](#), [US NATO War Agenda](#)

Part I -The Monday meeting

Why did the current president of the UN General Assembly (GA), Ambassador Nassir Abdulaziz al-Nasser of Qatar, call a special meeting of the General Assembly on February 13, a meeting, as several nations noted, outside the regular procedures of the General Assembly?

The notice for the GA meeting was unusually short, as UN members were only notified on the Thursday night before for a meeting the following Monday morning. So it was not surprising that there were a number of complaints that in addition to procedural violations, normal consultation channels for calling a GA meeting had not been followed.

As the meeting unfolded on Monday, several delegations provided explanations of the customary procedures that had been violated, suggesting that the President of the GA was using his office to manipulate a procedure at the UN to further the political goals of his nation. Also, several of those speaking at the GA on Monday referred to the precedent this was setting for GA meetings in the future. Such a precedent would make it more likely that future Presidents of the GA will call meetings contrary to GA procedures when the person in the presidency has a political purpose.

The meeting went on all day on Monday with several speaking for and against the GA President’s purpose for the meeting to condemn Syria for its clampdown on allegedly “peaceful protest.” Several of those speaking made clear their view that the violent acts of armed opposition and foreign forces who are acting in Syria cannot be considered acts of “peaceful protest”.

Several who spoke referred to the Arab League Observer Mission Report which had verified the presence of armed groups and the Syrian Free Army, and that these armed insurgents were responsible for violent actions against the Syrian government and civilians.

The proposal of the Observer Mission to continue for another month and to work toward a political solution had been quickly dismissed by the Qatar Presidency of the Arab League, just as now the Qatar President of the GA failed to mention the important contribution of the Observer Mission to the understanding of what is happening in Syria. (1)

In his statement to the GA on Monday, the Russian Ambassador, Vitaly Churkin, explained that his nation “regretted the ending of the Observer Mission” and took note of this fact.

Similarly others speaking referred to the importance of this mission.

One of the most comprehensive statements of what is happening both in Syria and at the United Nations was presented by Ambassador Maria Rubiales de Chamorro of Nicaragua on Monday. (2) Her statement deserves serious attention. Following is a summary of her presentation.

The Nicaraguan Ambassador explained that at a Summit meeting of ALBA in early February, an analysis of the situation in Syria was discussed and a condemnation was issued of the policy of the interference in the domestic affairs of Syria, as well as the effort to destabilize Syria.

Also ALBA condemned what it called “armed violence by irregular groups supported by foreign powers against the Syrian people.”

Calling for a return to calm in Syria and support for peaceful reform and national dialogue, she referred to the steps being taken by the government of Syria to arrive at a political solution to the conflict.

But what is interfering with such efforts, she explained, is the fact that the “same script that the forces of NATO and their allies implemented in Libya” is now being applied to Syria.

Ambassador Rubiales de Chamorro pointed to the actions of NATO and its allies against Libya where “these same actors carried out the same practices and policies”.

The “play” in process against Syria that she described, included several acts. She listed these acts as:

- 1)Provocation
- 2)Arming of Terrorists
- 3)Military Intervention
- 4)Destruction of the Country
- 5)Juicy Contracts for the Reconstruction of that country that they themselves have destroyed

The Ambassador called on other members of the UN to make clear that “we do not share the hypocritical view of life that is now being labeled R2P.” (Responsibility to Protect)

R2P, she said, “cannot be allowed to become a devious argument to justify foreign intervention in the domestic affairs of states.”

She explained that the Arab League Observer Mission Report had documented that Syria had complied with the protocol setting up the mission and the Arab Plan of Action.(3)

The Syrian government withdrew members of the military from the streets. It released thousands of detainees who had not been involved in acts of violence. It facilitated the work of the foreign media. But yet the very report documenting these conclusions is “now being swept under the carpet,” she noted.

Similarly, the Nicaraguan Ambassador expressed her nation’s appreciation for the initiative of the Russian Federation to offer to mediate a diplomatic, political and peaceful solution to the crisis. She conveyed the full support from her President, Daniel Ortega, to Russia and China for the work they had done in the Security Council in favor of negotiations and a peaceful resolution of the conflict and against instigating a war against Syria.

Despite the fact that several other nations had spoken at Monday's meeting against the imposition of a regime change program by the Arab League for Syria, when the GA President ended Monday's meeting, he only summed up the sentiments of those supporting the Arab League program.

The impact of these abuses of UN GA precedents and procedures is that not only the people and government of Syria, but also the very integrity of the UN system itself, are being undermined and jeopardized. The actions of the subsequent meeting that followed on Thursday demonstrated this abuse ever more clearly.

Part II - The Thursday Meeting

At the Monday GA meeting, Bashar al-Jafari, the Syrian Ambassador effectively challenged not only the substance of the meeting, but also the abuse of the precedent under which it was called. The meeting had allegedly been called for the GA to discuss a Human Rights Report issued by the Human Rights Council in December of 2011. The Syrian Ambassador pointed out that this was an inappropriate activity as the GA Resolution governing how Human Rights reports from the Human Rights Council were brought to the GA was violated.

The procedure established in Resolution A/Res/65/281 (20 July 2011) was that the Human Rights Council Report to the GA was to be presented in the 3rd Committee of the GA and subsequently in the GA. The Report would cover the period of the prior year from October 1 to September 30 of the current year.(4) The presentation of a December 2011 Human Rights Council Report to a GA Plenary meeting in February 2012 was violating the mandate set in the GA Resolution. Hence holding the GA meeting on Monday, February 13 in violation of the procedures contained in A/Res/65/281 was an illegal activity by the GA President. The Syrian Ambassador had asked that the Monday meeting be suspended to await an impartial decision by the UN Secretariat Legal Council on the actions being taken by the GA President.

The GA President refused to accommodate this request and just continued with his plan for the Monday meeting.

When the Thursday meeting was held, however, in recognition of the correctness of the Syrian Ambassador's legal objection, the GA Agenda designation for the meeting was changed. The new Agenda designation was under the GA agenda item 34, "Prevention of Armed Conflict".

Such maneuvers help to demonstrate that the very holding of the GA meeting itself was not in line with the procedures or provisions for General Assembly activity.

If the GA is acting outside of its processes and procedures, then the stage is set for it to go on to endorse a resolution contrary to the Charter of the UN.

The Charter of the UN clearly states that if the Security Council is exercising the functions it is assigned with regard to any dispute, the General Assembly cannot "make any recommendation with regard to that dispute or situation unless the Security Council so requests."(Chapter II, Article 12(1))

Yet practically the same resolution that was vetoed at the Security Council on February 4, was brought to the GA for a vote on February 16. The Russian Federation asked to amend the resolution with the amendments it had proposed in the Security Council so that the

resolution would conform to the requirements of the UN Charter.

These amendments included a provision to not only require that Syrian government military and armed forces withdraw from cities and towns, but that this happen “in conjunction with the end of attacks by armed groups against state institutions and quarters of cities and towns.”

Another provision of the Russian amendments was to replace the requirement of meeting a time table set by the Arab League with the provision that the process would “take into account” the time table set by the Arab League, adding that this would be done “without prejudging the outcome.”

Such amendments could help to prevent the Arab League process from becoming a process in support of the armed insurgents against the Syrian government, and hence a mechanism for regime change, in violation of the obligations of the Charter to respect the sovereignty, and the territorial integrity of Syria. The sponsors of the GA Resolution refused to consider the Russian Federation’s requested amendments.

At the GA meeting on Thursday to consider the resolution against Syria under the Agenda item “Prevention of Armed Conflict”, the representatives of several nations spoke against the resolution, objecting to the fact that it did not take into account that there is an armed insurgency operating against the Syrian government and people.

Instead of the resolution recognizing this problem, as the Arab League Observer’s Mission had recommended, the GA Resolution supported the armed insurgency by requiring the Syrian government to cease military action against that insurgency, but not providing any other means to prevent the actions of the insurgents against the government or people of Syria.

Speaking against the GA Resolution, the Venezuelan Ambassador, Jorge Valero explained (5):

“The Draft resolution denies the Syrian State its right to protect its population and to ensure internal peace and security. The draft asks it to give up the privileges granted to it by the Constitution for ensuring the country’s stability. The draft does not call for – as proposed in the amendment submitted by the Russian Federation, and I quote, it does not call for – ‘all sections of the Syrian opposition to dissociate themselves from armed groups engaged in acts of violence’ nor does it, and I continue to quote from the Russian amendment, nor does it ‘urge Member States and all those in a position to do so to use their influence to prevent continued violence by such groups’.”

Ambassador Valero pointed out the mechanisms of the Arab League plan for Syria that are a violation of Syria’s sovereignty and territorial integrity, and pointed to how the Resolution supported the armed insurgency against the Syrian government and people. This, he explained, was but a repeat of the acts taken by the UN against Libya. Also he expressed his support for the initiatives of the Russian Federation and China, “which have prevented the Security Council from being used to violate the sovereignty of the Syrian Arab Republic.”

Several others who spoke against the draft resolution, either before or after the vote, expressed similar objections, as well as the disappointment that the Russian Federation amendments had not been accepted by the sponsors of the GA resolution.

The vote was taken. More than one quarter of the UN members either did not vote at all, or voted against or abstained. Even some of those who voted in favor of the resolution expressed their support for the Russian amendments.(6)

Speaking after the vote, the Syrian Ambassador expressed his concern not only for his nation, but also for the UN as a whole. He expressed the concern that if the UN continues to send the “erroneous message” that it is acceptable to violate the sovereignty of member states, then this will impact the UN itself morally and politically. “And we will have destroyed the large body of normative efforts for the past 60 years,” he warned.

Watching the process first at the UN Security Council with the draft resolution against Syria, and then at the GA with the draft resolution against Syria, what is surprising is that in this situation, the veto protected the Principles of the Charter at the Security Council, while at the GA, the members could not prevent the abuse of their procedures and subsequently of the Charter.

Under an agenda item for “Prevention of Armed Conflict” many members voted to support an armed insurgency against a member nation in clear violation of the Charter. One member expressed her hope that the warning given by those who opposed the resolution would not prove true. Grenada’s Ambassador said that she was voting for the resolution to provide diplomatic support to help the government and people of Syria end all the bloodshed. She said she was not voting on or for a resolution that directly or indirectly or through interpretation or reinterpretation would be used as the basis for the removal of government, military intervention or other acts against the Charter of the UN in letter or in spirit. She said that she was expressing these understandings with a prayer and a hope. She didn’t acknowledge, however, the abuse of Libya that had occurred under Security Council resolutions, or the difficulty of reversing the support for the armed insurgency in Syria that some nations would claim they had license to provide based on this GA resolution.

What was important about her statement, however, was that she demonstrated that at least she had heard the objections to the resolution. Though she voted in support of the resolution, she acknowledged that if the objections proved true, such a use of the resolution would not be in accord with why she voted in favor of it. Though she said that her vote was not intended to provide a pretext for regime change or foreign intervention in Syria, unfortunately such a vote does little to protect a fraternal member nation of the UN from abuse.

Notes

1) For background see Ronda Hauben, “Defending the UN Charter by Use of the Veto: the SC Resolution on Syria, February 11, 2012, taz.de

<http://blogs.taz.de/netizenblog/2012/02/11/defending-the-un-charter/>

2)General Assembly Meeting on February 13, 2012

<http://www.unmultimedia.org/tv/webcast/2012/02/96th-plenary-meeting-general-assembly-meeting.html>

The statement by Nicaragua starts at 42:50

3) “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

The official UN document distributed January 31 2012 at the UN contained the Observer Report as Enclosure 4 of S/2012/71

4) General Assembly Resolution A/Res/65/281

<http://documents-dds-ny.un.org/doc/UNDOC/GEN/N10/529/40/pdf/N1052940.pdf?OpenElement>

20 July 2011

5) General Assembly Meeting on February 16, 2012

<http://www.unmultimedia.org/tv/webcast/2012/02/97th-plenary-meeting-general-assembly.html>

The statement by Venezuela starts at 34:23

6) Vote totals announced on Thursday, February 16. 2012 on the Draft Resolution on Syria (A/66/L.36) “The Situation in the Syrian Arab Republic”

For 137

Against 12

Abstaining 17

Vote problems 3

Not voting 24

(Total not voting, abstaining, or voting against 53)

Total UN member nations 193

Draft resolution A/66/L.36

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/232/39/PDF/N1223239.pdf?OpenElement>

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