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The U.N. Security Council and the Crisis in Syria

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Introduction

As the crisis in Syria has transformed over the course of a year from isolated peaceful protests into large-scale demonstrations and the creation of the Free Syrian Army, President Bashar al-Assad's regime has escalated its response from arrests of political activists to torture and killings on a massive

scale.^[1] All the while, the U.N. Security Council has struggled to respond. This *Insight* provides an account of the Council's activities and explores the potential implications.

The Security Council's Response to the Crisis

When the Syrian government began its crackdown against protesters in March 2011, the Security Council was preoccupied with events in Libya, where increasing violence against protesters led first to the Council's imposition of targeted sanctions and the referral of the situation to the International Criminal Court ("ICC"), followed by an authorization for the use of military force.^[2] In contrast to the decisive and unified action on Libya, the Council's activities with respect to Syria have been faltering and divisive.

The Security Council first discussed the events in Syria during a meeting on Israeli-Palestinian negotiations in April 2011. The United States, United Kingdom, France, and Germany expressed concern about violence against the demonstrators, while the representative of Russia "deem[ed] unacceptable any external interference in Syrian affairs."^[3] Later the same week, the Council held its first session devoted exclusively to Syria. Following a briefing by Under-Secretary-General for Political Affairs Lynn Pascoe that starkly described the deteriorating situation in Syria, delegates spoke out in greater number and with deeper urgency than during the previous meeting.^[4] U.S. Permanent Representative Susan Rice, for example, stated that the United States "condemns in the strongest possible terms the abhorrent violence used by the Government of Syria,"^[5] in contrast to the "deep[] concern[]" expressed earlier in the week.^[6] South Africa, Germany, Brazil, and Bosnia added themselves to the voices condemning and urging an end to the

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violence.[7] and Russia, China, and India expressed their “concern” at the events taking place in Syria. Nonetheless, the Russia representative asserted that “the current situation in Syria . . . does not present a threat to international peace and security.”[8] At that time, the United States and European countries were circulating a draft Security Council press statement calling on Syria’s government to cease its use of force against the demonstrators, but it failed to gain the support of all Council members.[9] In the subsequent months, the United Kingdom and France also aimed to gather support for a resolution condemning the Syrian government’s violent response, but because of anticipated resistance from Russia and China, the draft never was put to a vote.[10]

It was not until August, when the Security Council adopted a Presidential Statement, that the impasse was broken. The Statement, the Council’s first collective act since the violence in Syria began, consisted of four main points. First, it voiced the Security Council’s position on the events in Syria, expressing “grave concern over the deteriorating situation” and condemning the “widespread” human rights violations. Second, the Council called for an immediate end to the violence and unimpeded access for humanitarian workers and stated that “[t]hose responsible for the violence should be held accountable,” without noting how that accountability process should take place. Third, the Council indicated its restraint, reaffirming its “strong commitment to the sovereignty, independence, and territorial integrity of Syria” and emphasizing the importance of a Syrian-led political process. Finally, the statement expressed the Council’s intention to remain involved in the situation, requesting the Secretary-General to provide an update within one week.[11]

The Presidential Statement would mark the high point of agreement in the Council on Syria for the year.[12] In October, France, Portugal, and the United Kingdom tabled a draft resolution that repeated many of the points in the Presidential Statement, though in stronger terms.[13] The resolution initially had imposed sanctions as well, but it was watered down during negotiations preceding the vote so that it ultimately warned only of the Council’s “intention . . . to consider its options,” including measures under Article 41 of the U.N. Charter, thus hinting at the prospect of sanctions in the future.[14] Even despite these revisions, the resolution still was struck down by vetoes from both Russia and China.[15]

Looming over the Council’s discussions of the resolution was ill will concerning Libya; governments that supported the no-fly zone believed they were misled into endorsing a far more expansive authorization of force to support the anti-Qaddafi rebels. In his explanation of vote, Russian Permanent Representative Vitaly Churkin described a clash between the resolution’s sponsors’ “philosophy of confrontation” and a logic of respect for sovereignty and nonintervention expressed by Russia and China, as well as Brazil, India, and South Africa, which abstained on the resolution.[16] Although the resolution did not suggest military confrontation, it was on the minds of the states opposing the resolution; Russia had tried and failed to secure an explicit statement in the draft on the non-acceptability of military intervention. Based on the events in Libya, Churkin said, the “alarming” omission of the suggested language “can only put us on our guard.”[17] Russia was troubled also by the possibility that *any* resolution initiating Security Council involvement in the situation in Syria could be interpreted liberally, just as NATO’s enforcement of the no-fly zone in Libya “morphed into the bombing of oil refineries, television stations and other civilian sites.”[18] The Chinese representative did not refer to the ghost of Libya, but instead, in a statement milder in tone than that of Russia, emphasized the principle of noninterference in the internal affairs of states and noted China’s belief the threat of sanctions would not help to resolve the situation in Syria.[19] This position was echoed by the representative of India,

Security Council 6711st Meeting

October Draft Resolution

ORGANIZATIONS OF NOTE

United Nations

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while Brazil more generally called for constructive engagement to resolve the crisis.[20]

The states that supported the resolution expressed their regret at the Council's failure to act and announced their intention to work through other channels to end the violence, bring those responsible to justice, and initiate some inclusive political process in Syria. U.S. Permanent Representative Susan Rice declared that the United States was "outraged"—but even this statement was measured, directing itself at the Council's collective failure, not at the obstruction by Russia and China.[21] In line with typical Council decorum, no state mentioned Russia and China by name when expressing disappointment at the resolution's demise.

This was in stark contrast to the anger voiced in February 2012 when the Council next attempted, and failed, to adopt a resolution to take action on Syria. The effort came on the heels of a new Arab League peace plan, which was discussed at the Council's January 31 meeting.[22] By that time, Morocco had put forward a resolution stating that the Council "[f]ully supports" the League's proposal; in the same paragraph, it specifically noted the Arab League's goals of forming a new national unity government, requiring that Assad step down and grant full authority to his deputy, and holding free elections under Arab and international supervision.[23] These three points generated significant controversy and secured Russia's opposition. By the time the draft reached the floor of the Council, they had been removed, and the resolution being voted upon expressed only the Council's "full[] support[]" of the Arab League proposal without identifying the specific elements of the plan. In addition, the final draft was amended to specify that the political process should be "Syrian-led." [24]

Nonetheless, the resolution again fell victim to Russian and Chinese vetoes. In contrast to the October resolution, however, there were no abstentions; the remaining thirteen states voted in support of the resolution, thus disproving theories that the support of India and South Africa might persuade Russia to at least abstain.[25] Similar to its position on the October resolution, China again voiced concerns that the approach outlined in the resolution would complicate the situation in Syria rather than resolve it.[26] The Russian representative, more forcefully expressing opposition to the resolution, attacked the resolution's demand for "regime change" and the sponsors' refusal to include amendments that would call on the Syrian opposition to distance itself from violent extremist groups and to cease attacks on state institutions.[27] The language of the original resolution and its endorsement of the Arab League proposal appeared to taint the final version; delegates' hope that the deletion of the specific language would achieve consensus clearly was overly optimistic.

The statements made following the vote revealed deep disappointment and anger. In a rare citation of the names of states choosing to veto, the U.K. representative declared, "The United Kingdom is appalled by the decision of Russia and China to veto an otherwise consensus resolution." [28] Ambassador Rice stated that the United States was "disgusted." [29] The representative of Portugal described the vote as "[n]ot only . . . extremely disappointing," but also "simply unacceptable." [30] Such reactions were heard outside the Council as well. U.N. High Commissioner for Human Rights Navi Pillay, for example, characterized the failure of the Council as a green light to the Assad regime, stating that it "appears to have fueled the Syrian Government's readiness to massacre its own people in an effort to crush dissent." [31]

Since the vote in February, the Council has continued to hold meetings and has informally

considered a new draft resolution.^[32] Disputes remain over the Council's support for "regime change," and the Arab League has separately held meetings with Russian Foreign Minister Sergei Lavrov. In recent weeks, the Council has managed to reach agreement only on a press statement, which expressed "deep disappointment" that the Syrian Government refused to grant authorization for a visit by the U.N. Under-Secretary General for Humanitarian Affairs.^[33] Outside of this consensus, however, the Council remains hamstrung by Russian and Chinese opposition.

Implications

These intractable disagreements in the Security Council have served as a reminder of the organization's limits. When the Council agreed to take action on Libya last year, it seemed possible that its often-clashing members were embarking on a new period of cooperation. The Council's unanimous vote to refer the situation in Libya to the ICC was the first referral adopted with no abstentions; the decision to impose a no-fly zone in Libya marked an occasion in which veto-wielding powers expressed reservations about the resolution before them, but chose not to block it. One year later, with disputes bitterly played out both within the Council chamber and outside of it, it appears that this consensus was merely a moment of unity in the Council's approach to the Arab Spring, an outlier rather than a new normal.

The Security Council's recent activities also expose new divisions in the body. China historically has given weight to the opinion of regional stakeholders; but whereas China stated that it "attache[d] great importance" to the support of the Arab League for a no-fly zone in Libya,^[34] it has shown no deference to the body's recommendations with respect to Syria, and instead has aligned itself solely with Russia. By doing so, China has distanced itself not only from the Arab League, but also from South Africa and India, despite its traditional cooperation with the Non-Aligned Movement. This may signal a new "strategic understanding" between Moscow and Beijing, or it may relate more to China's own fears of dissidents within.^[35] Irrespective of the source, as the Council's divisions have continued, and perhaps deepened, the Arab League has emerged as a central player in efforts to resolve the crisis.

Finally, the recent history of the Security Council shows the limits of the ideal of a responsibility to protect ("R2P"). There certainly have been some glimmers of hope: The Arab League suspended Syria from membership, prohibited travel by senior officials to Arab states, and froze Syria's assets; the United States and European Union have imposed diplomatic and economic sanctions; even the General Assembly adopted a resolution nearly identical to the one the Security Council rejected in February.^[36] Each of these actions resonates with the R2P objective that states should respond when governments are unwilling to protect their own populations, but they cannot compare to the force of a Security Council-backed call for sanctions or a U.N.-imposed political process. While individual states may still be guided by a sense of a responsibility toward suffering populations, in the Security Council R2P's status is tenuous. "Libya has given R2P a bad name," said India's U.N. ambassador last year.^[37] Even the relatively uncontroversial statement that governments have a responsibility to protect their own populations, which was included in Resolution 1973 on Libya, was notably absent from the Council's draft resolutions on Syria. As the principle confronts the machinery of the Security Council, there may be little hope for its survival.

Conclusion

As bloodshed continues in Syria, the Security Council's storm of activity is unlikely to abate anytime soon. Divisions in the Council have proven to be deep and destructive, but the organization continues as a focal point for negotiations over how to respond, and it continues to provide a forum for governments' declarations of their attitudes toward the protection of civilians, the proper role of the Council, and the limits of international cooperation.

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Endnotes:

[1] See U.N. SCOR, 66th Sess., 6725th mtg. at 2, U.N. Doc. S/PV.6725 (Feb. 28, 2012) (estimating 7500 deaths since March 2011).

[2] See S.C. Res. 1973, U.N. Doc. S/RES/1973 (Mar. 17, 2011); S.C. Res. 1970, U.N. Doc. S/RES/1970 (Feb. 26, 2011).

[3] U.N. SCOR, 66th Sess., 6520th mtg. at 13, 15, 21, 27, U.N. Doc. S/PV.6520 (Apr. 21, 2011) [hereinafter Security Council 6520th Meeting].

[4] See U.N. SCOR, 66th Sess., 6524th mtg. at 2, U.N. Doc. S/PV.6524 (Apr. 27, 2011) [hereinafter Security Council 6524th Meeting].

[5] *Id.* at 4.

[6] Security Council 6520th Meeting, *supra* note 3, at 13.

[7] See Security Council 6524th Meeting, *supra* note 4, at 6–10.

[8] *Id.* at 7.

[9] See Neil MacFarquhar, *Push in U.N. for Criticism of Syria Is Rejected*, N.Y. Times, Apr. 28, 2011, at A12.

[10] See Dan Bilefsky, *New Move to Condemn Syria in U.N.*, N.Y. Times, June 9, 2011, at A10; *Syria Crisis: UN Resolution Submitted by UK and France*, BBC (June 9, 2011), <http://www.bbc.co.uk/news/world-middle-east-13706317>.

[11] See U.N. SCOR, 66th Sess., 6598th mtg. at 2, U.N. Doc. S/PV.6598 (Aug. 3, 2011).

[12] Although the Statement was passed by consensus, Lebanon noted that it was “dissociat[ing] itself from the statement” in light of its belief that the statement “does not help to address the current situation in Libya,” a move that appeared to reflect Lebanon’s vulnerability to the Syrian regime. *Id.* at 2–3.

[13] For example, the Presidential Statement “condemn[ed] violations of human rights, while the draft resolution “strongly condemn[ed]” them; and the Presidential Statement “call[ed] for” an immediate end to the violence, while the draft resolution “demand[ed]” it. *Compare id.* at 2, with France, Germany, Portugal and United Kingdom of Great Britain and Northern Ireland: Draft Resolution at 2, U.N. Doc. S/2011/612 (Oct. 4, 2011) [hereinafter October Draft Resolution].

[14] October Draft Resolution, *supra* note 13.

[15] See U.N. SCOR, 66th Sess., 6627th mtg. at 2, U.N. Doc. S/PV.6627 (Oct. 4, 2011).

[16] *Id.* at 3.

[17] *Id.* at 4.

[18] *Id.* at 4. South Africa also voiced its concern that the resolution was “part of a hidden agenda aimed at once again instating regime change.” *Id.* at 11.

[19] *Id.* at 5.

[20] *See id.* at 6, 12.

[21] *Id.* at 8 (“The United States is outraged that this Council has utterly failed to address an urgent moral challenge and a growing threat to regional peace and security.”).

[22] *See* U.N. SCOR, 67th Sess., 6710th mtg., U.N. Doc. S/PV.6710 (Jan. 31, 2012). At that meeting, most of the states supporting U.N. action in Syria were represented by their foreign minister rather than their U.N. representative.

[23] *See* Draft of Security Council Resolution on Libya, ¶ 7(a)–(c), N.Y. Times, Jan. 31, 2012, <http://www.nytimes.com/2012/02/01/world/middleeast/draft-of-security-council-resolution-on-syria.html?pagewanted=all>; *see also* Neil MacFarquhar, *U.N. Tentatively Backs a Plan for Syria*, N.Y. Times, Feb. 2, 2012, at A8.

[24] Bahrain, Colombia, Egypt, France, Germany, Jordan, Kuwait, Libya, Morocco, Oman, Portugal, Qatar, Saudi Arabia, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: Draft resolution, ¶ 7, U.N. Doc. S/2012/77 (Feb. 4, 2012).

[25] *See* U.N. SCOR, 67th Sess., 6711th mtg. at 2, U.N. Doc. S/PV.6711 (Feb. 4, 2012) [hereinafter Security Council 6711st Meeting]; Bill Varner, *Brazil, India, S. Africa Planning Mission to Syria on Violence*, Bloomberg (July 28, 2011), <http://www.bloomberg.com/news/2011-07-28/brazil-india-s-africa-planning-mission-to-syria-on-violence.html>. South Africa and India expressed their support for the Arab League process and also emphasized that the political process must be “led” and “owned” by the Syrian people. Security Council 6711th Meeting, *supra*, at 8, 11.

[26] Security Council 6711th Meeting, *supra* note 25, at 9.

[27] *Id.*

[28] *Id.* at 6.

[29] *Id.* at 5.

[30] *Id.* at 6.

[31] *UN Human Rights Chief Urges Action to Halt Escalating Violence in Syria*, UN News Centre (Feb. 8, 2012), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11804&LangID=E>.

[32] *See* Joe Lauria, *US and Russia Clash over Syria, as Children Are Reported Killed in Homs*, Wall St. J., Mar. 13, 2012, at A7.

[33] *See* Press Release, Security Council, Security Council Press Statement on Syria, U.N. Doc. SC/10564 (Mar. 1, 2012).

[34] U.N. SCOR, 66th Sess., 6498th mtg. at 10, U.N. Doc. S/PV.6498 (Mar. 17, 2011).

[35] *See* Minxin Pei, *Why Beijing Votes with Moscow*, Int’l Herald Trib., Feb. 8 2012, at 6.

[36] *See* G.A. Res. 66/176, U.N. Doc. A/RES/66/176 (Feb. 23, 2012).

[37] Charles Homans, *Just What Is a Just War?*, For. Pol’y, Nov. 2011, at 34, 35.